



Economic and Social Council

Distr.: General
31 March 2016
English
Original: French
Arabic, English, French and
Spanish only

Committee on Economic, Social and Cultural Rights

List of issues in relation to the third periodic report of Tunisia*

I. General information

1. Please indicate whether the rights enshrined in the International Covenant on Economic, Social and Cultural Rights have been invoked before and/or applied by national courts, either through the direct application of the Covenant, in accordance with article 20 of the Constitution, or by referring to the Covenant for guidance on the interpretation of legal norms. Please also indicate whether the Tunisian courts consider the provisions of the Constitution that correspond to rights set forth in the Covenant (arts. 37-40 and 42-48) to be enforceable by the courts.
2. Describe the measures taken to assess the impact of the State party's free trade and investment agreements on economic, social and cultural rights and the role played by the special committee of the Assembly of the Representatives of the People mentioned in article 13 of the Constitution in that regard.
3. Please specify the measures taken to ensure that the Human Rights Commission provided for in article 128 of the Constitution is established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and describe the powers that will be granted to it as regards economic, social and cultural rights.
4. Please clarify the State party's intentions regarding accession to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
5. Please indicate what role was played by the High Committee on Human Rights and Fundamental Freedoms established pursuant to Act No. 37 of 16 June 2008 in the preparation of the report (E/C.12/TUN/3, para. 16) and how civil society organizations were involved in that process (para. 1).

* Adopted by the pre-sessional working group at its fifty-seventh session (7-11 March 2016).



II. Issues relating to general provisions of the Covenant (arts. 1-5)

Article 2 (1) — Obligation to take steps to the maximum of available resources

6. Please provide information on the legislative framework and policies to combat fraud, tax evasion and corruption in implementation of articles 10, 11 and 130 of the Constitution, and report on the results achieved. Please describe the measures taken to protect whistle-blowers and anti-corruption campaigners.

7. Describe the measures taken to ensure that the terms and conditions of loans made to Tunisia do not jeopardize the effective realization of the rights Tunisia has undertaken to guarantee, including social and cultural rights. Please specify the measures taken to ensure that the exploitation of natural resources benefits the Tunisian people. In view of the lack of transparency in the management of the energy sector, please indicate what measures the State party has taken to guarantee freedom of access to information and transparency as regards the management of natural resources.

8. Please indicate what measures have been taken to regularize the informal economy, particularly so as to increase State tax revenues.

Article 2 (2) — Non-discrimination

9. Please indicate whether the State party intends to adopt a comprehensive anti-discrimination law, in accordance with article 2 (2) of the Covenant and taking into account general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights. Describe the steps taken to combat discrimination against the most disadvantaged and marginalized groups, particularly as regards access to health care, employment and education.

10. In the light of paragraph 20 of the State party report, please provide detailed, updated information on measures taken to eliminate economic and social disparities between regions, as well as on the impact of such measures. Please also specify the budget allocated to the programmes mentioned in paragraphs 175 to 179 of the report and the results obtained.

11. Specify what steps have been taken to decriminalize homosexual practices and to prevent any discrimination based on sexual orientation in the exercise of economic, social and cultural rights, including awareness campaigns aimed at preventing any de facto discrimination.

12. Please provide information on the steps taken to combat all discrimination against persons with disabilities, including changes to the system of protection, social inclusion and advancement of persons with disabilities mentioned in paragraph 11 of the report.

Article 3 — Equal rights of men and women

13. Please indicate what measures the State party intends to take to preserve the progress made in terms of equality between men and women in the light of the current pressures facing women in Tunisian society. Describe the steps taken to end discrimination against women in matters of inheritance.

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Article 6 — The right to work

14. Please provide information on the measures taken to reduce unemployment and underemployment, notably in disadvantaged regions, especially among young people and women, and to offer training that responds to the needs of the labour market, spelling out the impact of such measures. Indicate what measures have been taken to encourage young people who received grants to study abroad to return home. Please indicate what measures have been taken to protect the economic, social and cultural rights of the unemployed.

15. Please provide information on women's labour market participation rate across the various sectors of economic activity.

16. Please indicate what measures the State party has taken to improve working conditions in the informal economy and agriculture, and what has it done to assess the impact of such measures?

Article 7 — The right to just and favourable conditions of work

17. Please clarify whether the minimum wage mentioned in paragraphs 11 and 80 to 84 of the report is applicable to all branches and occupations and whether the conditions relating thereto comply with general comment No. 23 (2016) on the right to just and favourable conditions of work. What difficulties does Tunisia encounter in monitoring compliance with its minimum wage legislation, particularly in the informal economy? Please also indicate what measures have been taken to increase wages in agriculture. Provide information on working conditions in the textile industry, especially for female workers. Give details of the steps taken to give effect to the conventions ratified by the State party in the areas of workplace health and safety. Please indicate whether employees and their families receive compensation for work-related accidents.

18. Please indicate what steps have been taken to combat sexual harassment in the workplace and to encourage women to report it. Are there any plans to amend article 226 of the Criminal Code so as to make it impossible for a woman who files a complaint for sexual harassment to be prosecuted for defamation?

19. In the light of paragraphs 90, 91 and 146 of the report, please indicate whether steps have been taken to introduce paternity leave, and to give fathers access to the opportunities and advantages listed in paragraph 146 of the report.

20. How is the national legislation to protect workers' rights being implemented in the economic free zones established in Bizerte and Zarzis, as called for in Act No. 92-81 of 3 August 1992 as amended?

Article 8 — Trade union rights

21. Please specify the measures taken to protect trade unionists and their offices from all forms of violence, and to ensure that the Labour Code is in line with the conventions ratified by the State party in the areas of trade union rights and working conditions. In the light of paragraph 18 of the report, please provide information on how the number of trade unions and their membership has changed over the past five years, in both the public and

the private sector, specifying the number of union members and the percentage they represent of the workforce, disaggregated by sex.

22. What limitations on the right to strike remain in force, particularly with a view to safeguarding the provision of essential public services?

Article 9 — The right to social security

23. In the light of paragraph 125 of the report, please indicate whether there are non-contributory old-age benefits, social services and other forms of assistance for all older persons who have not paid premiums. Please also state whether any measures have been taken to ensure that people who have never worked in the formal sector, or who have worked in it for only a limited period, receive a pension that allows them to enjoy an adequate standard of living. Do women who have stayed out of the labour market to take care of their family benefit from such measures?

24. In the light of paragraphs 10 and 116 of the report, please clarify whether social security covers: (a) people working in the informal economy; (b) domestic workers; and (c) homeless persons. Is there anyone at this point in time who is not covered by social security? If the answer is yes, please indicate what is being done to gradually achieve universal social security coverage.

25. Please indicate what measures have been taken to combat discrimination against women in terms of salaries and access to social security, including in the informal sector.

26. Please provide detailed information on the National Health Insurance Fund mentioned in paragraph 10 of the report, as well as figures on the proportion of the population that has no health insurance, broken down by economic sector, sex and geographical region, indicating what measures have been taken to gradually achieve universal health insurance. In the light of paragraph 74 of the report, please specify the measures taken to ensure that workers who are made redundant have health insurance more than one year after the date of redundancy.

Article 10 — Protection of the family, mothers and children

27. Please describe the steps taken to speed up the passage of the comprehensive bill on the elimination of all forms of violence against women and girls (paragraphs 153 to 155 of the report). Indicate whether any steps have been taken to repeal articles 218 and 319 of the Criminal Code, which halt all investigations if the victim withdraws her complaint. Please also indicate what measures have been taken to avoid any stigmatization of victims of violence and to ensure that no pressure is put on victims to withdraw their complaints or agree to a reconciliation procedure. Furthermore, please state what steps have been taken to protect victims from their attackers, including the use of restraining orders to keep attackers away from victims' homes, to protect victims from possible reprisals, and to protect the lawyers representing victims. Please provide the Committee with data on the outcome of cases of domestic violence brought before the courts, including on whether damages have been awarded. Please state what steps have been taken to criminalize marital rape.

28. Please indicate what steps have been taken to end the practice of entering into customary or *orfi* marriages as a way to circumvent the ban on polygamous marriages. Describe the steps taken to enforce the law that sets the minimum age for marriage at 18 years. Please also indicate what steps have been taken to repeal the provision in article 227 bis of the Criminal Code whereby, in rape cases, marriage to the victim halts the prosecution proceedings or negates the effects of a conviction, and to ensure that rape

victims receive assistance and support. Please indicate also what steps have been taken to speed up the adoption of the bill on human trafficking mentioned in paragraph 156 of the report.

29. Please give details of the budget allocated to support measures for at-risk children and young people referred to in paragraphs 131 to 135 of the report. Please also give details of the social protection and inclusion centres mentioned in paragraph 135 of the report. Indicate what measures have been taken to stop children and young people from being recruited by extremist groups. Given that paragraph 147 of the report refers to children under the age of 14 working, and that paragraph 148 refers to children under the age of 16 doing agricultural work, please indicate what steps have been taken to ensure that the minimum age of 16 set by article 53 of the Labour Code is observed without exception. Please also indicate what steps have been taken to ensure that the ban on hiring children for domestic work is actually observed.

Article 11 — The right to an adequate standard of living

30. Please indicate to what extent the programmes mentioned in paragraph 169 of the report are rights-based and subject to independent monitoring during implementation and describe the measures taken to give them force of law.

31. Please indicate what steps have been taken to guarantee access for all to potable water and adequate sanitation services. Please also specify the measures taken to put an end to the over-exploitation of groundwater aquifers, for example in Kairouan, Sidi Bouzid, Kebili and Tozeur.

32. In the light of paragraph 200 of the report, please indicate whether measures have been taken to ensure access to adequate and affordable housing.

33. Please provide information on the measures taken to improve living conditions in prisons and to stop prison overcrowding.

34. Please state what steps have been taken to finalize the asylum bill and to ensure that, pending its adoption, all refugees and asylum seekers are granted official status once they have been registered with the Office of the United Nations High Commissioner for Refugees. Please also provide information on the national strategy on migration, especially in relation to the settlement of refugees in the State party and their access to economic, social and cultural rights. In the light of paragraph 150 of the report, provide information on the steps taken to ensure that the families of asylum seekers and refugees have access to economic and social rights. Please also provide the Committee with information on how adult and child migrants in an irregular situation are dealt with and state whether any of them are still detained in assistance and orientation centres. Please also indicate whether the illegal crossing of the border is still an offence and, if so, whether there are any plans to remove this offence from the statute book.

Article 12 — The right to physical and mental health

35. Please indicate what steps have been taken to reduce the geographical disparities (between regions) and the social disparities based on socioeconomic status in terms of access to health care. Please also state what measures are in place to eliminate corruption in the health sector.

36. Please indicate what steps have been taken to implement the National Mental Health Strategy (SNAPSAM). Specify how many cases there have been of involuntary hospitalization for mental illness, as referred to in paragraph 228 of the report, and provide

information about the guarantees in place to ensure that involuntary hospitalization is a last resort and the remedies available to challenge such a decision. In the light of paragraph 230 of the report, please indicate what steps have been taken to establish specialized psychiatric services for adolescents.

37. Please provide information on the steps taken to better protect the environment and thus safeguard people's health, particularly with regard to: (a) waste management; (b) the increasingly large areas of land ravaged by fire or affected by desertification; (c) industrial pollution, and pollution of the water and soil; (d) the use of pesticides; and (e) the disappearance of local seeds. Are there plans to strengthen the legislative framework for environmental protection? If so, what kind of measures are envisaged?

38. Please provide information on the measures taken to guarantee access to contraception and to sexual and reproductive health services for all women and adolescent girls throughout the country, in line with general comment No. 22 (2016) on the right to sexual and reproductive health. Now that abortion has been legalized, please indicate what measures have been taken to guarantee access to it in all circumstances.

Articles 13 and 14 — The right to education

39. Please indicate what measures are in place to guarantee access by all to a quality education, and provide information on practical measures taken to reduce the geographical disparities (between regions) and the social disparities based on socioeconomic status. In particular, please specify the measures taken to: (a) improve the accessibility and availability of education, especially in disadvantaged regions and rural areas; (b) tackle high levels of school dropout more effectively; and (c) improve the quality of education, particularly as regards teacher training and school infrastructure, in both public and private schools. Please also provide information on access to mainstream education for children with disabilities; specify the measures taken to provide public education free of charge; and list the measures taken to increase the number of State-run schools and preschools.

40. Please describe the steps taken to protect teachers and researchers, including those working in universities, against threats and attacks from, in particular, extremist groups. Have any investigations been carried out into such attacks?

Article 15 — Cultural rights

41. Please indicate what steps have been taken to protect the State party's archaeological heritage from destruction and pillaging. Bearing in mind cases where artists have been charged with "undermining public order and public morals" under articles 121 to 123 of the Criminal Code, following protests and the destruction of cultural works by extremist groups, please indicate what steps have been taken to ensure that the authorities are completely independent. Please also indicate what measures have been taken to protect artists and culture professionals from stigmatization, verbal and physical attacks, and death threats. When such incidents are brought to the attention of the authorities, what action is taken in response?