

# TUNISIA

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## 1 Population indicators

### 1.1 What is the total population of Tunisia?

According to the 2014 census, Tunisia's population is 10982754.<sup>1</sup>

### 1.2 Describe the methodology used to obtain the statistical data on the prevalence of disability in Tunisia. What criteria are used to determine who falls within the class of persons with disabilities in Tunisia?

WHO estimates show that the prevalence of disability is 16,3 per cent. This figure is derived from national census, disability survey or components from other surveys.<sup>2</sup> In 2003, the Ministry of Social Affairs, Solidarity and Tunisians Abroad conducted a comprehensive survey of disability in Tunisia. The data gathered on persons with disabilities were included in the general census, which is conducted every 10 years.<sup>3</sup>

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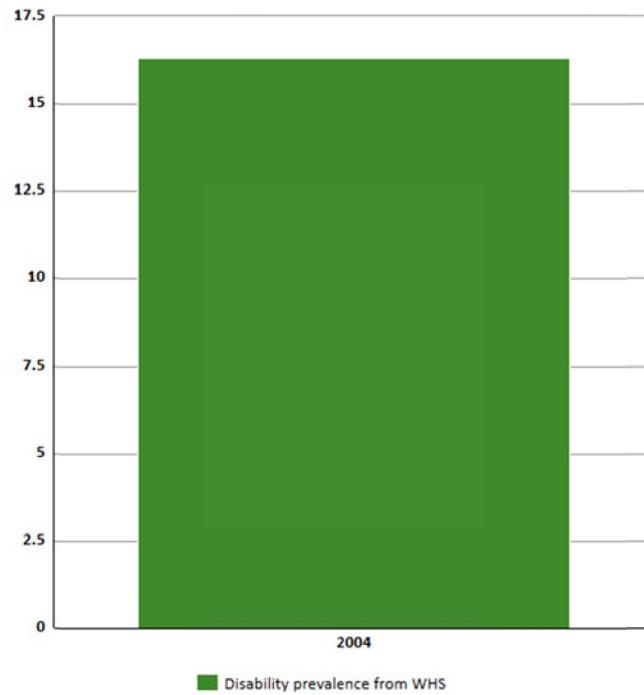
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1 'Population in Tunisia totals 10.9 million people (census)' *Agence Tunis Afrique Presse* 12 September 2014 <http://www.tap.info.tn/en/index.php/society/20974-population-in-tunisia-totals-10-9-million-people-census> (accessed 29 April 2015).

2 World Health Organization & The World Bank 'World Report on Disability' (2011) [http://whqlibdoc.who.int/publications/2011/9789240685215\\_eng.pdf?ua=1](http://whqlibdoc.who.int/publications/2011/9789240685215_eng.pdf?ua=1) (accessed 29 April 2015).

3 Committee on the Rights of Persons with Disabilities 'Implementation of the International Convention on the Rights of Persons with Disabilities: Tunisia' (14 July 2010).



Source: Knoema ‘World Report on Disability, 2014’<sup>4</sup>

Most important indicators concerning disability also indicate the prevalence of disabilities as illustrated in the table that follows:

**Distribution by type**

Type	Number	Percentage
Motor disability	63747	42,1
Mental disability	42016	27,7
Visual Disability	20130	13,3
Auditory disability	18832	12,4
Multiple disability	6698	4,4
<b>Total</b>	<b>151423</b>	<b>100</b>

Source: UNCRPD implementation report– Tunisia<sup>5</sup>

4 Knoema ‘World Report on Disability, 2014’ <http://knoema.com/WBRD2014/world-report-on-disability-2014?country=1001750-tunisia> (accessed 29 April 2015).  
 5 n 3 above.

**1.3 What is the total number and percentage of persons with disabilities in Tunisia?**

The 2014 census found that 2,3 per cent of Tunisia's population (around 252000 people) have a disability.<sup>6</sup>

**1.4 What is the total number and percentage of women with disabilities in Tunisia?**

The percentage of women with disabilities amongst members of the disabled community is 33,6 per cent and the total number is 50863 out of a total of 151423 persons with disabilities by 2003.<sup>7</sup>

**1.5 What is the total number and percentage of children with disabilities in Tunisia?**

Children and youth with disabilities count for 37 per cent of the persons with disabilities.<sup>8</sup>

**1.6 What are the most prevalent forms of disability and/or peculiarities to disability in Tunisia?**

The most prevalent forms of disability in Tunisia are:

- Motor disabilities with a prevalence of 42,1 per cent;
- Mental disabilities at 27,7 per cent;<sup>9</sup>
- Visual disability at 13,3 per cent; and
- Auditory disability 16,9 per cent respectively.<sup>10</sup>

47,8 per cent of these disabilities are due to congenital causes and 38,7 per cent are due to illnesses.<sup>11</sup>

## **2 Tunisia's international obligations**

**2.1 What is the status of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in Tunisia? Did Tunisia sign and ratify the CRPD? Provide the date(s).**

The Tunisian government signed the UN Convention on the Rights of Persons

6 UNICEF Middle East and North Africa 'A New Tunisia: An Inclusive Tunisia' 30 March 2015 [http://www.unicef.org/mena/media\\_10157.html](http://www.unicef.org/mena/media_10157.html) (accessed 29 April 2015).

7 Committee on the Rights of Persons with Disabilities 'Implementation of the Convention on the Rights of Persons with Disabilities' (10 November 2010).

8 UN Partnership to Promote the Rights of Persons with Disabilities 'Tunisia – Programme Proposal "The new Tunisia won't be built without us"' (2012).

9 As above.

10 As above.

11 As above.

with Disabilities in 2007,<sup>12</sup> and ratified it and its Optional Protocol on 2 April 2008.

**2.2 If Tunisia has signed and ratified the CRPD, when was its country report due? Which government department is responsible for submission of the report? Did Tunisia submit its report? If so, and if the report has been considered, indicate if there was a domestic effect of this reporting process. If not, what reasons does the relevant government department give for the delay?**

Tunisia's country report was due on 2 April 2010 and was submitted to the CRPD Committee on 14 July 2010. DPOs participated in the reporting process.<sup>13</sup> The first periodic report of Tunisia was prepared during its entry into the democratic transition process that began on 14 January 2012.<sup>14</sup>

Yes, Tunisia has domesticated the CRPD and the *Collectif tunisien pour la promotion des droits des personnes en situation de handicap* (CTPDPSH) (Tunisian Grouping to promote the rights of persons with disabilities) is responsible for disability issues and it has recommended that:

- The rights of persons with disabilities should be made an integral part of development programmes;
- the genuine participation of the persons with disabilities in all democratic institutions and in the devising and implementation of policies concerning them should be guaranteed;
- the definition of disability and the conditions for issuing a disability card contained in Outline Act No. 83-2005 should be revised;
- the Guardianship and Trusteeship Act [Year] should be repealed and replaced with legislation on assisted decision-taking;
- legislative provisions on the occupational integration of persons with disabilities should be revised;
- the necessary measures should be adopted to ensure the real application of its inclusive education strategy; and
- that the requisite funds should be raised to ensure that persons with disabilities can lead an independent life based on individual choice.<sup>15</sup>

12 A Koné & L Korzekwa 'Persons with disabilities in Tunisia: Legal standing and public perception' (2014) *Babel Initiative* <https://babelinitiative.files.wordpress.com/2014/04/viii-persons-with-disabilities.pdf> (accessed 29 April 2015).

13 International Disability Alliance *CRPD Reports* (2011) <http://www.internationaldisabilityalliance.org/en/crpd-reports-0> (accessed 30 April 2015).

14 UNESCO *Periodic Report Tunisia* (2012) <https://en.unesco.org/creativity/periodic-reports/2012-45> (accessed 30 April 2015).

15 J Hatchard 'Ratification of international and regional human rights instruments by African States (as at 1 November, 1992)' (1992) 36 *Journal of African Law* 186.

**2.3 While reporting under various other United Nations instruments, under the African Charter on Human and Peoples' Rights, or the African Charter on the Rights and Welfare of the Child, did Tunisia also report specifically on the rights of persons with disabilities in its most recent reports? If so, were relevant 'concluding observations' adopted? If relevant, were these observations given effect to? Was mention made of disability rights in your state's UN Universal Periodic Review (UPR)? If so, what was the effect of these observations/recommendations?**

• **UN Instruments**

Tunisia has acceded to the following international instruments:

- The International Covenant on Civil and Political Rights;
- The International Covenant on Economic, Social and Cultural Rights;
- The International Convention on the Elimination of All Forms of Racial Discrimination;
- The Convention on the Elimination of All Forms of Discrimination against Women;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and
- The Convention on the Rights of the Child.

Country reports are also presented to the Human Rights Committee (ICCPR), the Committee on the Elimination of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the CRPD Committee.

The Committees have provided feedback that should improve implementation and increased recognition of the rights of people with disabilities.<sup>16</sup>

Tunisia's most recent Periodic Report was made for the period between 1995-2006.<sup>17</sup> Tunisia made this report during the ordinary session of the African Commission on Human and Peoples' Rights (the African Commission), held from the 15-28 November 2007, in Brazzaville, Congo. In its report, Tunisia has several articles, which talk about rights.

Article 18 talks about protection of the family, of women, of the child, of the elderly and physically disabled persons.<sup>18</sup> The Report recommends that the Tunisian government:

- Put in place concrete measures to ensure that women gain access to and are represented at the high-ranking positions of the Tunisian Government;
- Incorporate into Tunisian national legislation the rights of older persons and people with disabilities;
- Take appropriate measures for the ratification of human rights instruments that Tunisia has not yet ratified/acceded to; and
- Provide information in the next Periodic Reports on the situation of human rights defenders in Tunisia, and more precisely on Non- Governmental Organisations, which are active in Tunisia.

16 International Disability Alliance 'Submission on the List of Issues for Tunisia Committee on the Rights of Persons with Disabilities 4th Session' (2010).

17 African Commission on Human and Peoples' Rights '42nd Ordinary Session: 15-28 November 2007: Congo' (2007) <http://www.achpr.org/sessions/42nd/> (accessed 30 April 2015).

18 As above.

• **Regional Instruments<sup>19</sup>**

- African Charter on Human Rights

Tunisia did submit a state report and the concluding observations recommended that the rights of people with disabilities needed to be incorporated into national legislation.<sup>20</sup>

- Organization of African Unity Convention governing specific aspects of the Refugee Problem in Africa
- Convention on the Elimination of all forms of Discrimination against Women.

Tunisia's State Report states that mothers of children with disabilities are given special considerations in maternity support and employment initiatives for people with disabilities are also discussed.<sup>21</sup> No concluding observations have been submitted.

**2.4 Was there any domestic effect on Tunisia's legal system after ratifying the international or regional instruments in 2.3 above? Does the international or regional instrument that has been ratified require Tunisia's legislature to incorporate it into the legal system before the instrument can have force in Tunisia's domestic law? Have Tunisia's courts ever considered this question? If so, cite the case(s).**

Tunisia follows a dualist approach to international law. The new Constitution states that all international treaties ratified by Tunisia, customary international law and general international law have legal force in Tunisia, and that the core international human rights treaties which Tunisia has ratified are applicable and binding in domestic law.<sup>22</sup>

Article 20 of the 2014 Constitution of the Tunisian Republic states that 'International agreements approved and ratified by the Assembly of the People's Representatives are superior to laws and inferior to the Constitution'.<sup>23</sup>

Yes, there was legal effect on Tunisia's legal system after ratifying the international and regional instruments as highlighted below:

- Participation in several regional and international conferences on the Convention and its implementation, including the regional conferences and seminars that were held in 2009 in Tripoli, Libyan Arab Jamahiriya, Rabat and Doha.<sup>24</sup>
- Tunisia adopted the section of the CRPD on the promotion and protection of the rights of persons with disabilities. It aims to ensure rights for all Tunisians and ensure equal opportunities in all areas. The law considers that the protection of the

<sup>19</sup> As above.

<sup>20</sup> African Commission on Human & Peoples' Rights 'Concluding observations and recommendations on the Consolidated Periodic Report (1995-2006) of the Republic of Tunisia' (2006) [http://www.achpr.org/files/sessions/42nd/conc-obs/4th-9th-1995-2006/achpr42\\_conc\\_staterep1\\_tunisia\\_2007\\_eng.pdf](http://www.achpr.org/files/sessions/42nd/conc-obs/4th-9th-1995-2006/achpr42_conc_staterep1_tunisia_2007_eng.pdf) (accessed 3 June 2015).

<sup>21</sup> Committee on the Elimination of Discrimination against Women 'Consideration of reports submitted by states parties under article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women: Tunisia' (2 August 2000).

<sup>22</sup> Policy Brief 'Tunisia: Protecting freedom of Expression and Freedom of Information in the New Constitution' (2012) <http://www.article19.org/data/files/medialibrary/3013/12-04-03-ANAL-tunisia.pdf> (accessed 6 May 2015).

<sup>23</sup> Constitution of the Tunisian Republic (26 January 2014) trans Jasmine Foundation [http://www.jasmine-foundation.org/doc/unofficial\\_english\\_translation\\_of\\_tunisian\\_constitution\\_final\\_ed.pdf](http://www.jasmine-foundation.org/doc/unofficial_english_translation_of_tunisian_constitution_final_ed.pdf) (accessed 3 June 2015).

<sup>24</sup> Committee on the Rights of Persons with Disabilities 'Implementation of the International Convention on the Rights of Persons with Disabilities: Initial report submitted by states parties under article 35 of the Covenant: Tunisia' 14 July 2014.

disabled is a national responsibility. It also implies the establishment of national strategies for the disabled in all areas.<sup>25</sup>

- The International Classification of Functioning (ICF) replaced the International Classification of Disability. Tunisia has adopted this new classification in dealing with cases of persons with disabilities (handing out cards for the disabled). The new approach adopted by the World Health Organization (WHO) helped change the view towards the disabled.<sup>26</sup>
- Tunisia has adopted several measures to protect the rights of persons with disabilities: Promulgating the constitution; and creating a High Council for the Disabled, chaired by the Prime Minister and comprising members of government and civil society (political parties and associations). The Council meets annually to assess the situation of persons with disabilities and make recommendations; ensuring access to medical and social services for people with disabilities; ensuring the basic training necessary for social integration; ensuring effective integration in employment, entertainment and sport; creating an institute for the advancement of persons with disabilities, which provides academic training for education specialised staff along with other missions; supporting associations; ensuring the integration of persons with disabilities in the world of new technologies; raising awareness through the media; developing scientific research partnerships with international actors and creating a national award of the President of the Republic to promote the rights of persons with disabilities.<sup>27</sup>

Tunisian courts have dealt with several cases which have led to judicial decisions that demonstrate that persons with disabilities have legal protection. For instance:<sup>28</sup>

- Appeal Court decision No 3509 of 18 May 1981. In this case, the Court found that while according to the medical certificate the appellant suffered from disturbances caused by schizophrenia, this did not impair his intellectual capacities and did not necessarily mean that he was incompetent to resort to law without a guardian.<sup>29</sup>
- Appeal Court decision No 24709 of 25 February 1992. In this case, the Court ruled to void a contract concluded by a mentally impaired person prior to his being declared legally incompetent because he was known by reputation to be mentally impaired at the time when the contract was concluded.<sup>30</sup>
- Decision No 35339 of 20 July 2005 of the President of the Court of First Instance in Tunis. In this case, the President of the Court decided not to agree to permit the person concerned to donate one of her kidneys to the National Centre for the Promotion of Organ Transplantation, although she had agreed to do so, as she had been demonstrated to be mentally impaired and her consent to donate was therefore contrary to the provisions of article 2 of Act No 2 of March 1992 concerning the harvesting and transplantation of human organs, which requires the donor to be of sound mind.<sup>31</sup>
- Decision No 45062 of 14 November 2009 issued by the Qaranbaliyah Court of First Instance. In this case, the Court decided to revoke its earlier decision to declare an individual legally incompetent and to restore his legal capacity, as the person concerned had submitted a claim citing a medical certificate showing that he was of sound mind.
- Decision No 20082 of 6 January 2011 issued by the Tunis Court of First Instance. In this case, the Court decided to reject an application to declare an individual legally incompetent as, in the Court's view, the principle was soundness of mind; an application to declare a person legally incompetent and to appoint a guardian for

25 Knoema (n 4 above).

26 As above.

27 As above.

28 Tunisia's Response to List of Issues (February, 2011) <http://disabilitycouncilinternational.org/africa-and-the-middle-East.php> (accessed 25 September 2015).

29 Constitution of the Tunisian Republic (n 23 above).

30 As above.

31 As above.

him would require evidence of a medical condition and it was insufficient merely to declare a person legally incompetent.<sup>32</sup>

**2.5 With reference to 2.4 above, has the CRPD or any other ratified international instrument been domesticated? Provide details.**

Tunisia has taken a number of measures to harmonise domestic law and policy with the Convention.

- Law No 83 of 15 August 2005 on the advancement and protection of persons with disabilities.<sup>33</sup>
- Law No 80 of 23 July 2002, supplemented by Law No 9 of 11 February 2008, which prohibits discrimination against school-age children.<sup>34</sup>
- Law No 10 of 11 February 2008, concerning vocational training, provides in article 3 that vocational training programmes, both in their substance and organisation, shall be based on the principle of equality of opportunity for all persons seeking training, and that such programmes must comply with the laws concerning persons with disabilities.<sup>35</sup>
- Under Law No 37 of 16 June 2008 concerning the Higher Committee for Human Rights and Fundamental Freedoms, and specifically article 5 thereof, the Higher Committee is authorised to make unannounced visits to children's shelters and social institutions that care for persons with special needs in order to determine compliance with domestic law on human rights and fundamental freedoms. Tunisia has also promulgated Law No 66 of 3 November 2008.<sup>36</sup>
- In response to the CRPD committee members' questions in their concluding observations about Tunisia's country report relating to the low reported number of persons with disabilities in Tunisia, particularly women with disabilities, the Government of Tunisia said its definition had departed from the 'medical model' and is currently in line with the World Health Organization (WHO) classification of persons with disabilities.<sup>37</sup>

### 3 Constitution

**3.1 Does the Constitution of Tunisia contain provisions that directly address disability? If so, list the provisions, and explain how each provision addresses disability.**

Yes, the Constitution contains provisions that address disability directly, article 48 is a stand-alone article on disability.

- **Article 48: Persons with disabilities**  
The State shall protect persons with disabilities against any form of discrimination. Every disabled citizen shall have the right to benefit, based on the nature of the disability, from all of the measures guaranteeing their full integration into society. The State must take all necessary steps to ensure this.<sup>38</sup>

32 As above.

33 Committee on the Rights of Persons with Disabilities 'Concluding observations of the Committee on the Rights of Persons with Disabilities: Tunisia' (13 May 2011).

34 As above.

35 As above.

36 As above.

37 International Service for Human Rights 'Human Rights Monitor Quarterly' (2011) [http://www.ishr.ch/sites/default/files/hrm/files/new\\_hrmq\\_issue\\_3.pdf](http://www.ishr.ch/sites/default/files/hrm/files/new_hrmq_issue_3.pdf) (accessed 30 April 2015).

38 Constitution of the Tunisian Republic, art 48 trans UNDP.



**3.2 Does the Constitution of Tunisia contain provisions that indirectly address disability? If so, list the provisions and explain how each provision indirectly addresses disability.**

Yes, the Constitution of Tunisia contains provisions that indirectly address disability as follows:

- Article 21 of Chapter 2 on the Rights and Liberties states that; All citizens, male and female alike, have equal rights and duties, and are equal before the law without any discrimination. The State guarantees to citizens individual and collective rights, and provides them with the conditions to lead a dignified life.<sup>39</sup>
- Article 22: The right to life is sacred and shall not be prejudiced except in extreme cases regulated by law.<sup>40</sup>
- Article 23: The state shall protect human dignity and physical integrity and shall prohibit psychological and physical torture. Crimes of torture are imprescriptible.<sup>41</sup>
- Article 32: The state shall guarantee the right to information and the right to access information. The state seeks to guarantee the right to access to communication.<sup>42</sup>
- Article 38: Health is a right for every person. The state shall ensure free health care for those without support and those with limited income. It shall guarantee the right to social assistance as specified by the law.<sup>43</sup>
- Article 40: Work is a right for every citizen, male or female alike. The state shall take necessary measures to ensure the availability of work on the basis of competence and fairness. All citizens, male or female shall have the right to adequate working conditions and fair pay.<sup>44</sup>
- Article 46: The state shall commit to protecting women's achieved rights and seek to support and develop them. The state shall seek to take necessary measures to eliminate violence against women.<sup>45</sup>
- Article 47: The state shall provide all forms of protection to all children according to the best interest of the child with no discrimination.<sup>46</sup>

## 4 Legislation

**4.1 Does Tunisia have legislation that directly addresses issues relating to disability? If so, list the legislation and explain how the legislation addresses disability.**

In response to a campaign led by experts, doctors and parents of the disabled, the Tunisian government signed an extensive set of laws and regulations governing the rights of people with disabilities in 2005.<sup>47</sup>

- Article 2 of decree number 2005-3087 of 29 November 2005 requires all Tunisian establishments employing more than 100 individuals to ensure that one per cent of their workforce is made up of disabled persons. These institutions are given tax

39 Constitution of the Tunisian Republic, art 21 trans UNDP.

40 Constitution of the Tunisian Republic, art 22 trans UNDP.

41 Constitution of the Tunisian Republic, art 23 trans UNDP.

42 Constitution of the Tunisian Republic, art 32 trans UNDP.

43 Constitution of the Tunisian Republic, art 38trans UNDP.

44 Constitution of the Tunisian Republic, art 40trans UNDP.

45 Constitution of the Tunisian Republic, art 46trans UNDP.

46 Constitution of the Tunisian Republic, art 47trans UNDP.

47 Koné & Korzekwa (n 12 above).

incentives depending on the type and severity of their employees' handicaps, with the enforcement of these quotas designated to the 'inspecteur du travail'.<sup>48</sup>

Tunisian law requires all buildings, establishments and installations to allow full accessibility to those with motor and/or sensory handicaps.<sup>49</sup>

- The new article 212 of the Penal Code penalizes anyone 'who exposes or allows the exposure of, neglects or allows the neglect with the intention of abandoning, of a child or a disabled person quite unable to protect himself, in a place full of people', by inflicting on him a sentence of three years' imprisonment and a fine of two hundred Dinars.<sup>50</sup> The sentence will be doubled if the child is exposed or neglected in a place, which is not inhabited by people.
- Article 213 (new) of the same Code adds that the perpetrator of the abandonment shall be punished with life imprisonment should the child or the disabled person die following this abandonment.<sup>51</sup>

The guarantee of the health services and social security for physically disabled persons is considered as a (national responsibility) by article 3 of the orientation law no 2005-83 of 15 August 2005, relative to the promotion and protection of disabled persons.<sup>52</sup>

- Paragraph 106 states that, according to article 3 of the orientation law no 2005-83 of 15 August 2005, relative to the promotion and the protection of the physically disabled, the guarantee of health services and social benefits for the physically disabled is considered as a (national responsibility).<sup>53</sup>
- Paragraph 107 of Tunisia's State Report on the Implementation of the International Convention on the Rights of Persons with Disabilities states that, in regard to the reforms, the state has carried out:
  - The reinforcement of the health structures in the areas of diagnosis and early screening of illnesses likely to give rise to a disability with the increase of medical examinations during the antenatal phase;
  - The organisation of public opinion sensitisation campaigns relating to the importance of the pre-nuptial medical certificate;
  - The early provision of care for disabled children by means of socio-educational structures specialised in functional re-education and rehabilitation matters,<sup>54</sup>
- Paragraph 108 of the state report focuses on law no 92-83 of 3 August 1992, which states that relative to mental health and to the conditions of hospitalisation for mental disorders requires that the hospitalisation be done with respect for individual liberties and under conditions guaranteeing human dignity.<sup>55</sup>
- Paragraph 109 of the state report continues to elaborate that, a person affected by mental disorders cannot be hospitalised without his consent except where it is impossible to obtain an informed consent or if the state of mental health of the person concerned requires urgent care or threatens his security or the security of others. The restriction of his freedom is strictly limited to the measures required by his state of health and his treatment. The person concerned should be informed, in any case, immediately on his admission or, as soon as his state permits it, of his legal situation and of all his rights. He can communicate with the public health medical inspectors or with the legal authorities, send out or receive personal mail, contact the members of his family or contact the regional mental health committee responsible for examining the situation of hospitalised persons while maintaining respect for individual freedoms and human dignity.<sup>56</sup>

48 As above.

49 As above.

50 n 3 above.

51 n 3 above.

52 n 3 above.

53 n 3 above.

54 n 3 above.

55 n 3 above.

56 n 3 above.

While it seems that Tunisia has made many efforts to improve its legislation related to persons with disabilities, one can still see a very strong presence of the medical model approach.<sup>57</sup> There is also a strong preference for specialised solutions (transport, school, and so on) and much less focus on ensuring full accessibility of mainstream services, notwithstanding a quite comprehensive accessibility strategy. There seems to be no understanding of the implications of article 12 of the CRPD and many references are made to certain rights being subject to the consent of guardians.<sup>58</sup>

**4.2 Does Tunisia have legislation that indirectly addresses issues relating to disability? If so, list the legislation and explain how the legislation addresses disability.**

- Article 4 of Tunisia's state report focuses on article 5 of the Tunisian Constitution, which sanctions the inviolability of the human being and his protection against all violations of life. The law protects the right to life by means of criminal sanctions provided for by the Criminal Code, against all those who commit an offence against human life.<sup>59</sup>

The legislator has reserved a special Code for the Child. Likewise, he has made provision in the Penal Code special provisions governing the issue of the physically disabled, the elderly and vulnerable persons.<sup>60</sup>

- Article 4 of the African Charter stipulates that (the human being is inviolable), that (every human being shall be entitled to respect for his life and the integrity of his person) and that (no one may be arbitrarily deprived of this right).<sup>61</sup>

## 5 Decisions of courts and tribunals

**5.1 Have the courts (or tribunals) in Tunisia ever decided on an issue(s) relating to disability? If so, list the cases and provide a summary for each of the cases with the facts, the decision(s) and the reasoning.**

See 2.4.

## 6 Policies and programmes

**6.1 Does Tunisia have policies or programmes that directly address disability? If so, list each policy and explain how the policy addresses disability.**

Tunisia has programmes that directly address disability, including:

<sup>57</sup> Many references to prevention, the definition of persons with disabilities, the article on the right to health, the predominance of doctors on the regional disability commissions.

<sup>58</sup> International Disability Alliance (n 16 above).

<sup>59</sup> Koné & Korzekwa (n 12 above).

<sup>60</sup> Koné & Korzekwa (n 12 above).

<sup>61</sup> n 3 above.

- The Working Group on Rights of Older Persons and People with Disabilities, which originated as a Focal Point, was established by the adoption of Resolution 118 at the 42nd Ordinary Session held in Brazzaville, Republic of Congo from 15-28 November 2007.

Resolution 143 of the 45th Ordinary Session (Banjul, The Gambia – May 2009) extended the mandate of the group by establishing a Working Group on the Rights of Older Persons and People with Disabilities, with the mandate to:

- hold comprehensive brainstorming sessions to articulate the rights of older persons and people with disabilities;
- draft a Concept Paper for consideration by the African Commission that will serve as a basis for the adoption of the Draft Protocol on Ageing and People with Disabilities;
- facilitate and expedite comparative research on the various aspects of human rights of older persons and people with disabilities on the continent, including their socio-economic rights;
- collect data on older persons and people with disabilities to ensure proper mainstreaming of their rights in the policies and development programmes of member states;
- identify good practices to be replicated in member states; and
- submit a detailed Report to the African Commission at each Ordinary Session.<sup>62</sup>

In regard to government programmes and policies, the Tunisian Constitution:

- Guarantees at least one approach to equality against disability,<sup>63</sup>
- Children with disabilities have a general right to education,<sup>64</sup>
- There is no relevant provision for protection from discrimination at work for persons with disabilities,<sup>65</sup>
- There is medium degree of integration in regard to inclusive education for children with disabilities,<sup>66</sup>
- There are no financial benefits to families with disabled children,<sup>67</sup> and
- There is no financial support to low-income families with one severely disabled child.<sup>68</sup>

## **6.2 Does Tunisia have policies and programmes that indirectly address disability? If so, list each policy and describe how the policy indirectly addresses disability.**

See section 3.2. The Constitution of the Tunisian Republic prohibits discrimination on all grounds – including disability – so all national policies and programmes prohibit this as well.

62 African Commission on Human and Peoples' Rights Working Group on Rights of Older Persons and People with Disabilities <http://www.achpr.org/mechanisms/older-disabled/> (accessed 1 May 2015).

63 World Policy Forum: Tunisia <http://worldpolicyforum.org/countries/tunisia/policies/disability> (accessed 6 May 2015).

64 n 62 above.

65 n 62 above.

66 n 62 above.

67 n 62 above.

68 n 62 above.

## 7 Disability bodies

### 7.1 Other than the ordinary courts and tribunals, does Tunisia have any official body that specifically addresses violations of the rights of people with disabilities? If so, describe the body, its functions and its powers.

Yes, Tunisia has official bodies that specifically address violations of the rights of persons with disabilities.

- The government's primary agency to investigate human rights violations and combat threats to human rights is the Ministry of Human Rights and Transitional Justice, established after the October 2011 elections.<sup>69</sup>
- The High Committee for Human Rights and Fundamental Freedoms is a government-funded agency charged with monitoring human rights.<sup>70</sup>
- The Ministry of Social Affairs is charged with protecting the rights of persons with disabilities.<sup>71</sup>

There are a good number of references to Tunisian NGOs working for persons with disabilities as well as DPOs. However, it is not clear which of these NGOs are genuine DPOs governed by persons with disabilities.<sup>72</sup>

### 7.2 Other than the ordinary courts or tribunals, does Tunisia have any official body that though not established to specifically address violations of the rights of persons with disabilities, can nonetheless do so? If so, describe the body, its functions and its powers.

Yes, the Tunisian National Human Rights Institution works with Office of the High Commissioner for Human Rights (OHCHR) amongst other civil society groups to ensure its compliance with the Paris Principles; supporting the establishment of a transitional justice mechanism in accordance with international human rights standards to monitor and investigate human rights violations and promote accountability; strengthening national protection systems and support the development and monitoring of public policies for the protection of vulnerable groups including women, youth and migrants; and ensuring increased compliance of UN human rights mechanisms and bodies (UPR, Treaty Bodies, and Special Procedures). The office has the mandate to protect and promote human rights.<sup>73</sup>

69 Tunisia Human Rights Report (2013) <http://www.state.gov/documents/organization/220590.pdf> (accessed 6 May 2015).

70 n 68 above.

71 n 68 above.

72 African Commission on Human and Peoples' Rights (n 17 above).

73 Office of the United Nations High Commissioner for Human Rights 'Report of the OHCHR Assessment Mission to Tunisia' (2011) [http://www.ohchr.org/Documents/Countries/TN/OHCHR\\_Assessment\\_Mission\\_to\\_Tunisia.pdf](http://www.ohchr.org/Documents/Countries/TN/OHCHR_Assessment_Mission_to_Tunisia.pdf) (accessed 1 May 2015).

## **8 National human rights institutions, Human Rights Commission, Ombudsman or Public Protector**

### **8.1 Does Tunisia have a Human Rights Commission, an Ombudsman or Public Protector? If so, does its remit include the promotion and protection of the rights of people with disabilities? If your answer is yes, also indicate whether the Human Rights Commission, the Ombudsman or Public Protector of Tunisia has ever addressed issues relating to the rights of persons with disabilities.**

Tunisia has an Administrative Ombudsman who has the role of receiving individual requests from citizens and from non-governmental organisations pertaining to the administrative problems encountered by the civil servants within the public service or against other officials; it is also empowered to submit proposals to the President of the Republic.<sup>74</sup> In its report, there is no mention of people with disabilities.

In Tunisia, the Supreme Council on Human Rights and Fundamental Freedoms is an autonomous body. One third is composed of representatives of Ministerial Departments and the other two thirds of independent persons. It can receive complaints and grievances from private individuals or non-governmental organisations, and can investigate claims of human rights violations, and submit proposals aimed at improving the law and the practice. It publishes an annual report on its activities and a national report on the human rights situation in the country.<sup>75</sup>

## **9 Disabled peoples organisations (DPOs) and other civil society organisations**

### **9.1 Does Tunisia have organisations that represent and advocate for the rights and welfare of persons with disabilities? If so, list each organisation and describe its activities.**

Yes, Tunisia has organisations that advocate for rights and welfare of persons with disabilities. There are, in Tunisia, 87 associations working on the rights of the disabled, with 228 regional networks, and overseeing 269 specialised centres providing a number of educational, social, health and entertainment services.<sup>76</sup> Countless activities to promote the principles embodied in the Convention were organised by associations concerned with disabilities and non-governmental organisations. Those associations and organisations made great contributions in that regard, including the promotion of the Convention at the conference organised

74 Higher Committee for Human Rights and Fundamental Freedoms in Tunisia <http://www.droitsdelhomme.org.tn/en/#> (accessed 3 June 2015).

75 As above.

76 As above.

in Tunis in 2009 by the Basma Association for the Promotion of the Employment of Persons with Disabilities, in cooperation with the Islamic Educational, Scientific and Cultural Organisation.<sup>77</sup> Some of the organisations are listed as follows:

Associations and organisations, which played an important role in disseminating awareness of the rights of persons with disabilities and the Convention included:<sup>78</sup>

- Handicap International in Tunisia

The first activities Handicap International initiated in Tunisia began in 1992. In 1997, a partnership between HI and the Ministry for Social Affairs and Solidarity focused on winning the support of national and local decision-makers to ensure that people with disabilities were meaningfully represented in local and national policy. It also sets up initiatives to support disabled peoples' organisations, and to build the capacity of service providers to ensure more services are accessible to people with disabilities.<sup>79</sup>

The Handicap International projects include:

- Inclusive local development to promote the social inclusion of people with disabilities;
- Promoting the meaningful participation of people with disabilities in the transition towards democracy in Tunisia;
- Self-reliance and social inclusion: Fostering greater consideration of people with disabilities in local development efforts. These projects work towards improving the accessibility of services and general environment for people with disabilities living in the towns of Menzel Bourguiba and Bizerte to make the local environment a safer and easier environment to navigate for people with reduced mobility; To ensure that the voices of people with disabilities are heard and listened to at a time of significant political transition as well as promoting the full participation of disabled people across decision making process. HI is also working with service providers as well as national and local authorities to improve policies and develop new legislation that includes disability issues. Another area of support is the participation of people with disabilities in local development initiatives;

- Handicap International Maghreb
- El Imtiaz

The oldest disability-related center in Tunis. It specialises in education for deaf children aged 3-15 who have recently received hearing aids. The center focuses on pre-school education and integration into standard schools, as well as vocational training for those who cannot be integrated; Le Centre pour les Handicaps Mentaux has students ranging from 6-30 years old, usually with rather severe mental disabilities. Its focus is on giving their students autonomy, and they provide several workshops on activities such as ceramics, sewing and woodworking with the hope that this will lead to employment;

- Centre El Walid

Run by L'Association des Parents et Amis des Handicapés Tunisiens (APAHT), has 197 students with 'medium' to 'severe handicaps'. Unlike the other centres, which are public and funded by the government, parents of the students here have to pay an admission fee. The parents therefore almost entirely fund El Walid;

<sup>77</sup> As above.

<sup>78</sup> Committee on the Rights of Persons with Disabilities (n 7 above).

<sup>79</sup> African Commission on Human and Peoples' Rights Working Group on Rights of Older Persons and People with Disabilities (n 62 above).

- La Ferme Thérapeutique pour Handicapés  
Using a hands-on approach to achieve professional and social integration, rather than integration in schools. It has 90 students, most of whom have mental disabilities, and is funded by donors and parents, in addition to the subsidies given by the Ministry of Social Affairs.<sup>80</sup>

The Ministry of Social Affairs does not directly provide special education, but rather funds NGOs and associations who act as service providers;<sup>81</sup>

- Save the Children Italy – Tunisia;
- Basma Association for the Promotion of the Employment of Persons with Disabilities;
- The National Union for the Blind;
- The Tunisian Union for the Support of Persons with Mental Disabilities;
- The Association of Persons with Motor Disabilities;
- The Tunisian Organization of Mothers;
- The Association for Home Care for Persons with Severe Disabilities;
- The Tunisian Federation of Sports for Persons with Disabilities;
- The Association of Tunisian Guardians and Friends of Persons with Disabilities;
- The Association for the Support of Persons with Hearing Loss;
- The Tunisian Association for the Welfare of the Deaf;<sup>82</sup>
- Les Anges (Ass parents handicapés lourds) ;
- ATAS (NGO for PW deaf-disability);
- AGIM (NGO for physical disability);
- Organisation Tunisienne de Défense des Droits des Personnes Handicapées (OTDDPH) ;
- The General Association for Persons with Motor Disabilities;
- The Association of Persons with Severe Disabilities Living at Home;
- The Tunisian Association for Multiple Sclerosis;
- The Tunisian Muscular Dystrophy Association;
- The Tunisian Angels Association for parents of children with severe and multiple mental disabilities; and
- Voice of the Deaf Association of Tunisia.

The Government provides ongoing support to those organisations and encourages civil society to further disseminate awareness of the Convention and portray persons with mental disabilities in a positive light

## 9.2 In the countries in Tunisia's region (North Africa) are DPOs organised/coordinated at national and/or regional level?

In the countries in Tunisia's region, DPOs are coordinated at regional and national levels.

DPOs organised at regional level are:

- **Arab Organization of Persons with Disabilities (AOPD)**  
This is an independent non-profit organisation founded in 1998 in Cairo, Egypt. It is a regional organisation composed of DPOs operating in the different Arab Countries. AOPD's main objectives are to promote the rights of people with

80 Committee on the Rights of Persons with Disabilities (n 7 above).

81 As above.

82 Committee on the Rights of Persons with Disabilities 'Implementation of the International Convention on the Rights of Persons with Disabilities: Initial report submitted by states parties under article 35 of the Covenant: Tunisia' (14 July 2010).



disabilities, to empower people with disabilities and to represent Arab people with disabilities in the world at large.<sup>83</sup>

- **Handicap International Maghreb**

The Handicap International Maghreb programme's main objectives are the structural improvement of living conditions, integration and full social participation of people with disabilities.<sup>84</sup>

### **9.3 If Tunisia has ratified the CRPD, how has it ensured the involvement of DPOs in the implementation process?**

See 9.1.

### **9.4 What types of actions have DPOs themselves taken to ensure that they are fully embedded in the process of implementation?**

With reference to 9.1, international and national based organisations have partnered with Tunisian transitional government to implement the CRPD. DPOs work with these initiatives by raising awareness about disability, and carrying out data collection on prevalence of disabilities.<sup>85</sup>

### **9.5 What, if any, are the barriers DPOs have faced in engaging with implementation?**

The following barriers have been identified:

- Education centres face serious staffing problems, both in quantitative and qualitative terms and the institutions are also out of reach for the students with disabilities.
- The lack of high quality training of staff working in specialised centres naturally affects the results they produce.<sup>86</sup>
- According to the African Commission, Non-Governmental Organisations (NGOs) do not appear to be enjoying the various legislative measures put in place by Tunisia within the context of the implementation of the provisions laid down in the African Charter.<sup>87</sup>

### **9.6 Are there specific instances that provide 'best-practice models' for ensuring proper involvement of DPOs?**

Yes, there have been instances where DPOs have been involved in activities and programs geared towards enhancing social and political participation of persons with disabilities. This has been noted variously in the text.

83 International Disability Alliance 'Our Members' <http://www.internationaldisabilityalliance.org/en/about-us/our-members> (accessed 1 May 2015).

84 Handicap International Maghreb Program – Tunisia <http://www.projet-mounassara.org/fr/qui-sommes-nous/programme-maghreb-hi.html> (accessed 25 September 2015).

85 UN Partnership to Promote the Rights of Persons with Disabilities (n 8 above).

86 Committee on the Rights of Persons with Disabilities (n 7 above).

87 African Commission on Human and Peoples' Rights (n 17 above).

**9.7 Are there any specific outcomes regarding successful implementation and/or improved recognition of the rights of persons with disabilities that resulted from the engagement of DPOs in the implementation process?**

Yes, there are specific outcomes regarding successful implementation and/or improved recognition of the rights of persons with disabilities.

The Collectif tunisien pour la promotion des droits des personnes en situation de handicap (CTPDPSH) (Tunisian Grouping to promote the rights of persons with disabilities) drew attention to the fact that, although Tunisia had adopted measures to encourage the integration of persons with disabilities, even before ratification of the Convention on the Rights of Persons with Disabilities, these measures were little applied in practice. CTPDPSH also described some of the obstacles encountered by persons with disabilities when trying to gain access to buildings, public areas and means of transport, despite existing legislation; difficulties in integrating children with disabilities in the ordinary school system, and the failure to include the notion of 'reasonable accommodation' in the 2005 decree on the employment of persons with disabilities.<sup>88</sup>

CTPDPSH recommended that Tunisia should include the principle of non-discrimination with respect to persons with disabilities in the new Constitution and that the rights of persons with disabilities should be made an integral part of development programmes; that the genuine participation of the persons with disabilities in all democratic institutions and in the devising and implementation of policy concerning them should be guaranteed; that the definition of disability and the conditions for issuing a disability card contained in Outline Act No 83-2005 should be revised; that the Guardianship and Trusteeship Act should be repealed and replaced with legislation on assisted decision-making; that legislative provisions on the occupational integration of persons with disabilities should be revised; that the necessary measures should be adopted to ensure the real application of its inclusive education strategy; and that the requisite funds should be raised to ensure that persons with disabilities can lead an independent life based on individual choice.<sup>89</sup>

**9.8 Has your research shown areas for capacity building and support (particularly in relation to research) for DPOs with respect to their engagement with the implementation process?**

The concluding observations specifically note that a need for 'awareness-raising' about people with disabilities exists in Tunisia.<sup>90</sup> DPOs could assist the state party in raising awareness by providing trainings and other resources and assistance.

88 Universal Periodic Review 13th Session (21 May-4 June 2012): Disability Analysis Reports <http://www.humanrights.gov/dyn/universal-periodic-review---13th-session.html> (accessed 30 September 2015)

89 African Commission on Human and Peoples' Rights (n 17 above).

90 n 33 above.

**9.9 Are there recommendations that come out of your research as to how DPOs might be more comprehensively empowered to take a leading role in the implementation processes of international or regional instruments?**

DPOs can be empowered by:

- Assisting in data collection;
- Connecting state party bodies with people with disabilities seeking employment;
- Providing training to local, national, and regional governmental bodies; and
- Developing and implementing awareness-raising programming.

**9.10 Are there specific research institutes in the region where Tunisia is situated (North Africa) that work on the rights of persons with disabilities and that have facilitated the involvement of DPOs in the process, including in research?**

Yes, there are international and national research institutions involved with research on persons with disabilities. In the field of disability, several draft studies were launched in 2005 including research centres, laboratories, universities, ministries and associations concerned. In 2006, three studies were launched over a period of four years: improving the quality of life, identifying learning difficulties among children, and identifying biological and genetic factors causing mental retardation. Finally, in 2007, a scientific research unit responsible for the identification of deafness among newborns was created within the Institute for the Promotion of the Disabled. The following are some of the institutions:<sup>91</sup>

- Institute for the Promotion of Disabled;
- Nadi Al Bassar is a national non-governmental organisation dedicated to the prevention of blindness and restoration of sight,<sup>92</sup>
- Basma Association for the Promotion of Employment for the Disabled;<sup>93</sup> and
- Institute for the Promotion of the Handicapped.<sup>94</sup>

## 10 Government departments

**10.1 Does Tunisia have a government department or departments that is/are specifically responsible for promoting and protecting the rights and welfare of persons with disabilities? If so, describe the activities of the department(s).**

The following Ministries and National Institutions specifically work towards promoting and protecting the rights and welfare of persons with disabilities:

91 In 2003, the Ministry of Social Affairs, Solidarity and Tunisians Abroad conducted a comprehensive survey of disability in Tunisia. The data gathered on persons with disabilities were included in the general census, which is conducted every 10 years. United Nations Committee on the Rights of Persons with Disabilities (n 3 above).

92 L Schwab *Eye care in Developing Nations* (2007).

93 M Hejleh *The country and people of Tunisia* (2015) <http://www.hejleh.com/countries/tunisia.html> (accessed 1 May 2015).

94 As above.

- The Ministry of Youth, Sport and Physical Education created The Tunisian Sports Federation for the Disabled. It is responsible for sports for persons with disabilities and encompasses 153 sports clubs and associations with a membership of some 3825. As a result of the creation of this federation under the Ministry of Youth, Sport, and Physical Education, around 70 sports persons with disabilities won 21 medals, including nine gold medals, at the 2008 Beijing Paralympics.<sup>95</sup>
- Centre Essanad (National Institute for poly and mental disabled)
- Directeur Générale de l'Education Primaire, Ministère de l'Education (General Director of Primary Education, Ministry of Education)
- Ministère de l'Education (Ministry of Education)
- Ministère des Affaires de la Famille et de la Femme (Ministry of Family Affairs and Women)
- Ecole de Santé Publique (School of Public Health)
- Directeur Général de la Promotion Sociale, Ministère Affaires Sociales (Director General of Social Promotion, Social Affairs Ministry)
- Chef Service Statistiques, Ministère des Affaires Sociales (Chief Service Statistics, Ministry of Social Affairs)
- Ministère des Affaires Sociales (Ministry of Social Affairs) and
- Ministère des Droits de l'Homme (Ministry of Human Rights).<sup>96</sup>

## 11 Main human rights concerns of people with disabilities in Tunisia

### 11.1 Describe the contemporary challenges of persons with disabilities, and the legal responses thereto, and assess the adequacy of these responses to:

Intervention of panellists pointed out the following challenges as pertains to political participation:

- The common belief of voting as a highly rational and intellectual decision, and the need to eliminate deeply rooted stereotypes that currently prevent persons with intellectual disabilities from exercising their equal right to vote and be elected.<sup>97</sup>

### 11.2 Do people with disabilities have a right to participation in political life (political representation and leadership) in Tunisia?

According to a report by the World Health Organization, 13,5 per cent of Tunisia's approximately 11 million citizens over 18 years, the voting age, have a disability.

- On July 8, the Tunisian Organization for the Defense of the Rights of Persons with Disabilities (ODRPWD), and IFES' partnered in the effort to increase accessibility, and Handicap International organised a roundtable discussion about electoral participation and persons with disabilities.

<sup>95</sup> n 4 above.

<sup>96</sup> As above.

<sup>97</sup> Office of the High Commissioner for Human Rights 'Fourth annual interactive debate of the Human Rights Council on the Rights of Persons with Disabilities: Interactive debate on participation of persons with disabilities in political and public life' <http://www.ohchr.org/EN/Issues/Disability/Pages/politicalpubliclife.aspx> (accessed 1 May 2015).

- IFES Chief of Party in Tunisia Nicolas Kaczorowski spoke about measures that can be taken to facilitate the right to vote for persons with disabilities. The ODRPWD is the first Tunisian non-governmental organisation (NGO) managed by persons with disabilities that adopted a rights-based approach to advocacy.<sup>98</sup>

During the October 2011 elections in Tunisia, barriers to effective electoral participation for persons with disabilities included:

- Difficulties in accessing voter and civic information in accessible formats;
- Lack of accessibility of some voting centres; insufficient training of polling officials;
- Lack of awareness and interest of political parties in disability rights.<sup>99</sup>

### 11.3 Are people with disabilities' socio-economic rights, including the right to health, education and other social services protected and realised in Tunisia?

The socio-economic rights of persons with disabilities are not fully realised in Tunisia due to high level of illiteracy which played a significant role in the lack of awareness and understanding of rights, specifically in a patriarchal society, an upbringing founded on inequality, and the hegemony of a traditional cultural establishment based on the division of roles based on gender. The high level of illiteracy in the interior of the country was due to the fact that schools are very far from villages, especially in rural areas with harsh natural environments, in addition to poor families requiring assistance in farming and household chores, which pulls girls away from school.<sup>100</sup>

A report that cut across Jordan, Palestine, Tunisia, Algeria and Lebanon, states that, the realities confronting people with disabilities (PWDs) in many Arab countries in relation to the right to work and education,<sup>101</sup> indicate an absence of a decent physical environment that meets their special needs and an absence of appropriate social awareness and specialisation to interact with them as citizens, in addition to a minimal investment of their potential in society. This reality necessitates a reconsideration of public policies approaching issues of disability in its generality, and special needs specifically. The most prominent features which help establish a foundation to invest in the potential of persons with disabilities, lies in the removal of the social and material constraints, which hinder their integration in their local communities, starting from school and ending in the workplace, both in the private and public sector.<sup>102</sup>

The articles listed below form Tunisia's Constitution address health, education and employment of persons with disabilities.

#### • Article 38: Health

Health is a right for every human being. The state shall guarantee preventative health care and treatment for every citizen and provide the means necessary to ensure the safety and quality of health services.<sup>103</sup>

98 International Foundation for Electoral Systems 'Political Participation of Persons with Disabilities Discussed in Tunis: Inclusion of Persons with Disabilities, All Inclusion and Empowerment' (17 July 2013) <http://www.ifes.org/Content/Publications/Articles/2013/Political-Participation-of-Persons-with-Disabilities-Discussed-in-Tunis.aspx> (accessed 1 May 2015).

99 As above

100 Arab Watch on Economic and Social Rights 'Right to Education Right to Work' (2012) <http://www.annd.org/english/data/publications/pdf/27.pdf> (accessed 1 May 2015).

101 As above.

102 As above.

103 The Constitution of Tunisia (2014).

The state shall ensure free health care for those without means and those with limited income. It shall guarantee the right to social assistance in accordance with the law.

• **Article 39: Education**

Education shall be mandatory up to the age of sixteen years.

The state guarantees the right to free public education at all levels and ensures provisions of the necessary resources to achieve a high quality of education, teaching, and training. It shall also work to consolidate the Arab-Muslim identity and national belonging in the young generations, and to strengthen, promote and generalise the use of the Arabic language and to openness to foreign languages, human civilisations and diffusion of the culture of human rights.

• **Article 40: Work**

Work is a right for every citizen, male and female. The state shall take the necessary measures to guarantee work on the basis of competence and fairness.

All citizens, male and female, shall have the right to decent working conditions and to a fair wage.

• **Article 47: Children**

Children are guaranteed the rights to dignity, health, care and education from their parents and the state.

The state must provide all types of protection to all children without discrimination and in accordance with their best interest.

• **Article 48: Persons with disabilities**

The state shall protect persons with disabilities from all forms of discrimination. Every disabled citizen shall have the right to benefit, according to the nature of the disability, from all measures that will ensure their full integration into society, and the state shall take all necessary measures to achieve this.

#### 11.4 Case studies of specific vulnerable groups

• **Indigenous persons**

A new Constitution of the Tunisian Republic was enacted in 2014, despite lobbying by the ethnic-linguistic Amazigh minority for linguistic rights during the year, the new Constitution retains Arabic as the state language and stipulates the promotion by the state of Arabic and the Arab-Muslim identity.<sup>104</sup>

• **People living in rural areas**

According to UNICEF, 84 per cent of the rural population had access to drinking water compared to 99 per cent of the urban population in 2008.<sup>105</sup> Moreover, 64 per cent of the rural population had access to health services compared to 96 per cent in urban areas.

104 Minority Rights Group International 'State of the World's Minorities and Indigenous People 2014 – Tunisia' (3 July 2014) <http://www.refworld.org/docid/53ba8dcd14.html> (accessed 3 June 2015).

105 Manara Network for Child Rights 'Country Profile of Tunisia' (2011) [http://www.addc.org.au/documents/resources/20110801-implementation-of-un-crc-tunisia-country-profile\\_743.pdf](http://www.addc.org.au/documents/resources/20110801-implementation-of-un-crc-tunisia-country-profile_743.pdf) (accessed 3 June 2015).

## 12 Future perspective

### 12.1 Are there any specific measures with regard to persons with disabilities being debated or considered in Tunisia at the moment?

Yes, there have been interactive debates, which seek to identify good practices in the field of participation of persons with disabilities in elections and in the conduct of public affairs. It will also contribute to raising awareness of the challenges that persons with disabilities continue to face in the exercise of their political rights, with a view to considering possible measures to strengthen the participation of persons with disabilities in the political and public life of their countries.<sup>106</sup>

Pursuant to resolution 16/15, the Human Rights Council (HRC) held its fourth interactive debate on the rights of persons with disabilities on 1 March 2012. The theme of 2012's panel was participation of persons with disabilities in political and public life. States, inter-governmental organisations (IGOs), national human rights institutions (NHRIs) and non-governmental organisations (NGOs), including organisations of persons with disabilities (DPOs), participated in the debate.<sup>107</sup>

Ms Theresia Degener, rapporteur of the Committee on the Rights of Persons with Disabilities, focused her intervention on the jurisprudence elaborated by the Committee on the issue of political participation of persons with disabilities. She noted that in its concluding observations on Tunisia and Spain, the first ones ever adopted by the Committee, the Committee had recommended that relevant legislation be reviewed to ensure that all persons with disabilities had the right to vote and participate in public life on an equal basis with others, regardless of their impairment, legal status or place of residence. Ms Degener challenged the common belief of voting as a highly rational and intellectual decision, and concluded that time had come to eliminate deeply rooted stereotypes that currently prevent persons with intellectual disabilities from exercising their equal right to vote and be elected.<sup>108</sup>

### 12.2 What legal reforms would you like to see in Tunisia? Why?

Tunisia should move towards implementing the CRPD to the fullest. Additional resources are needed by DPOs to help realise the goals of the CRPD. In addition, the gap between what the laws and the CRPD require and the reality on the ground, need to be closed so that people with disabilities in Tunisia will realise their goal as equal citizens in Tunisian society.

<sup>106</sup> HRC 19th Session Concept Note: Interactive Debate of the Rights of Persons with Disabilities.

<sup>107</sup> United Nations Human Rights: Office of the High commissioner for Human Rights: Fourth annual interactive debate of the Human Rights Council on the Rights of Persons with Disabilities <http://www.ohchr.org/EN/Issues/Disability/Pages/politicalpubliclife.aspx> (accessed 25 September 2015).

<sup>108</sup> n 107 above