

## **International Disability Alliance (IDA)**

Disabled Peoples' International, Down Syndrome International, Inclusion International, International Federation of Hard of Hearing People, Rehabilitation International, World Blind Union, World Federation of the Deaf, World Federation of the DeafBlind, World Network of Users and Survivors of Psychiatry, Arab Organization of Disabled People, European Disability Forum, Pacific Disability Forum, Red Latinoamericana de Organizaciones no Gubernamentales de Personas con Discapacidad y sus familias (RIADIS)

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### **IDA Submission on List of Issues for Tunisia Committee on the Rights of Persons with Disabilities 4<sup>th</sup> Session (4-8 October 2010)**

The International Disability Alliance (IDA) has prepared the following analysis and suggested questions for the compilation of the List of Issues on Tunisia.

#### **Introduction**

This analysis is done exclusively based on the State report that has been submitted by Tunisia.

This report seeks to highlight those references in the report that seem to be inconsistent with the CRPD or whether there are relevant issues not mentioned in the report.

No feedback has been sought from the Tunisian DPOs to verify if the information that seems to be consistent with the CRPD is accurate.

Finally, annexes include information about State reports presented to the Human Rights Committee (ICCPR), the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Rights to the Child (CRC) and the disability-related concluding observations by the CRC Committee.

#### **Transversal issues**

There are a good number of references to Tunisian NGOs working for persons with disabilities and DPOs (organizations run by persons with disabilities, especially membership-based organizations of persons with disabilities run by themselves), which seem to have been consulted in the production of this report. However, it is not clear which of those NGOs are genuine DPOs governed by persons with disabilities (see also comment under article 29).

While it seems that Tunisia has made many efforts to improve its legislation related to persons with disabilities, one can see still a very strong presence of the medical model approach (many references to prevention, see the definition of persons with disabilities, the article on the right to health, the predominance of doctors on the regional disability commissions). There is also a strong preference for specialized solutions (transport, school, etc..) 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 and many references are made to certain rights being subject to the consent of guardians.

#### Definition of disability and of reasonable accommodation

The definition of person with a disability is clearly a medical model definition with no reference to the barriers in society. It refers to permanent physical, mental and sensory impairment. While there are some references to persons with mental health conditions (under article 14 particularly), it is not clear whether persons with psychosocial disability fall under the definition of person with a disability. It is not clear what is the criteria for an individual to be deemed disabled and hence to receive a disability card; it is only those disability card holders who are considered in the collection of data and statistics on persons with disabilities.

The definition of reasonable accommodation confuses this concept with general accessibility.

Questions to address :

- Are all persons with a physical, sensory, intellectual or mental/psychosocial disability covered by the relevant legislation protecting the rights of persons with disabilities?
- What is the State's definition of "permanent" impairment? Does the application of the criterion of permanence in defining who is considered to be protected by the legislation result in the exclusion of certain groups of persons with disabilities, for example persons with psychosocial disabilities? Is this one explanation of why the rate of persons with disabilities in Tunisia (1.5%) is so low?
- What is the criterion on being granted a disability card?
- Is data collected with respect to persons with disabilities who have not been deemed eligible for the disability card?
- Is there a definition of reasonable accommodation incorporated in law which reflects the CRPD's definition covering necessary and appropriate modification and adjustments beyond general accessibility? For example, does the law expressly provide for reasonable accommodation in the workplace or at school, or in governmental agencies relating to the public (such as courts, law enforcement and even in prisons)?

#### Article 5: Equality and non discrimination

There is a reference to the protection against discrimination in the 2005 Law, but there is no comprehensive anti discrimination legislation, nor is there overarching prohibition of discrimination in the Tunisian Constitution.

There is no reference to the denial of reasonable accommodation as a form of discrimination

Questions to address :

- Are persons with disabilities protected from all forms of discrimination in all areas of life?
- Does protection from discrimination cover the denial of reasonable accommodation?
- Where in the law is it stated that the denial of reasonable accommodation constitutes discrimination?

#### Article 6: Women with disabilities

Not only do the statistics reflect a low percentage of persons with disabilities (1,5%), but even more surprisingly, only one third of persons with disabilities are women with disabilities.

Questions to address :

- Why is there such a low proportion of women with disabilities recognized in Tunisia? How is information on women with disabilities collected in practice?
- What is being done to address multiple discrimination based on disability and gender, and to advance the development and equality of opportunities of women and girls with all types of disabilities?

#### Article 7: Children with disabilities

There are no special provisions on the participation of children with disabilities and their right to express their views. There is no information on age appropriate information being made accessible for children with disabilities.

Questions to address :

- Do children with disabilities have the right to express their views on all matters concerning themselves, and are these views given serious consideration, on an equal basis with other children? Are children with disabilities provided with age- and disability-appropriate support in exercising these rights?

#### Article 8: Awareness-raising

While awareness-raising material and legislation is made available in both Arabic and French, these are not available in accessible versions including sign language(s), Braille and plain language.

Questions to address :

- What steps are being taken to ensure that the Convention, awareness-raising material and legislation related to disability and non-discrimination is made available in accessible versions including sign language(s), Braille and plain language formats?

#### Article 9: Accessibility

There is no indication of a plan to eliminate existing barriers within a reasonable timeframe.

Questions to address :

- Is there a national accessibility plan to eliminate all existing barriers within a reasonable timeframe?

#### Article 10: Right to life

There is no indication of measures of protection from medical and other practices that might lead to the death of persons with disabilities.

Questions to address :

- Is the State protecting persons with disabilities from medical and other practices that might lead to the death of persons with disabilities?
- What steps are taken to effectively investigate deaths in the home and institutions (residential institutions and hospitals) relating to persons with disabilities?

#### Article 12: Legal capacity

There is a clear lack of understanding of the implications of article 12; Tunisian law allows an individual to be deprived of their legal capacity, or for it to be restricted, and exercised by a third party. There is no information on support available to ensure that an individual can exercise their legal capacity according to their will and preferences, nor is there any mention of safeguards in place to ensure that an individual's will and preferences are respected by supporters and others.

Questions to address :

- Does current legislation foresee the possibility to restrict the legal capacity of persons with disabilities, such as the right to make personal decisions, because of their disability or because of functional diversity in decision-making abilities, sometimes referred to as “functional capacity,” “mental capacity” or “contractual capacity”? If so, what steps, if any, has the State undertaken to change this legislation and align it with the provisions of the CRPD?
- What forms of guardianship currently exist? What is a person subject to guardianship (in its various forms) prevented from doing on their own (e.g. entering into contracts, voting, marrying, making decisions about one's health, accessing a court, etc) ?
- What measures other than guardianship exist that restrict a person's right to make decisions (e.g. provisions in mental health legislation, family law, voting law, etc. that deem a person ineligible to make his or her own decisions or enter into legal acts in a specific subject matter area)?
- What if any steps are being taken to abolish these measures and ensure the recognition of the legal capacity of persons with disabilities as equal to that of others, and to provide for support to exercise that capacity, subject to the will and preferences of the individual?

#### Article 13: Access to justice

While there is a reference to sign language interpretation, the breadth of obligations resulting from article 13 is not recognized, including how court procedures are made accessible to persons with disabilities.

Questions to address :

- Can a person with a hearing disability benefit from a hearing loop and other technical equipment required for communication?
- Are there provisions in place which foresee procedural accommodations to allow for the meaningful investigation and testimony by a person with intellectual disability?
- Are alternative and augmentative communication and assistance in formulating questions in a way that is understood by the person and in ensuring the person is understood used in court?

- Are accommodations in process foreseen for people with psychosocial disabilities, subject to the person's own wishes and developed to meet particular individual needs?

#### Article 14: Deprivation of liberty

The report refers to the possibility of putting a person in a specialized institution based on the will of the person with a disability or his guardian. There is no information on what this placement procedure entails – whether it involves a judge and how a person under placement can challenge their placement.

There is no reference to the deprivation of liberty based on psychosocial disability.

The Tunisian High Committee on human rights and fundamental freedoms (national human rights institution that has not any ICC status) has been asked to monitor the situation in the specialised institutions.

Questions to address :

- Does current legislation foresee the deprivation of liberty based on disability, including psychosocial disability, either alone or in combination with other grounds, such as need for care and treatment or the likelihood of harm to self or others? If so, are steps being made to repeal or nullify this legislation?
- What is the criteria for placing a person with a disability in a specialised institution ? What is the process for challenging placement decisions ? Can resources be diverted from institutions to services provided in the person's own home, to meet individual needs ?
- Are steps being taken to ensure that placement in a specialized institution cannot be done by a guardian ?

#### Article 15: Freedom of torture or cruel, inhuman or degrading treatment or punishment

No reference to forced medical intervention amounting to ill-treatment, including that consented to on a person's behalf by their guardian. However, there is a reference to medical experimentation being permitted if consent is given by the individual or their guardian.

Questions to address :

- Are persons with disabilities included in national strategies to prevent torture, including persons who live in institutions?
- What steps are being taken to ensure the prohibition of ill-treatment resulting from unconsented medical or scientific experimentation, and what is being done to amend the law which allows medical or scientific experimentation to be conducted when consent is given on an individual's behalf by their guardian ?
- Does legislation allow for any forced intervention related to a disability, such as compulsory mental health treatment? If so, is the State planning to change this legislation in order to align it with the CRPD?

#### Article 16 : Freedom from exploitation, violence and abuse

No information on the heightened risk of persons with disabilities to violence and abuse (particularly of women and children, and persons placed into institutions).

Questions to address :

- What steps are being taken to address the heightened risk for girls and women with disabilities of being victims of violence and abuse, including that occurring in institutions and in the home environment? What remedies are available to victims against perpetrators who are state actors or private individuals? Please provide information on the number of cases opened in this regard and the number of convictions handed down specifying the penalties applied. What measures are being adopted to ensure that both services and information for victims are made accessible to women and girls with disabilities?

#### Article 17: Integrity of the person

Refers to the protection of persons with disabilities from medical experimentation which is not accepted by the person with disability or his/her guardian. It does not mention what penalties apply to perpetrators, or remedies for victims of intervention without consent. Nor does it refer generally to medical or other interventions, apart from medical experimentation, done without free and informed consent.

Questions to address :

- How is the State planning to amend legislation to abolish third party authorisation for medical and other interventions done against the will of the individual or without full free and informed consent provided by the individual concerned?
- What measures if any are in place to protect against such interventions? How effective are they?
- Is there a law prohibiting the use of restraint and forced treatment in mental health services? What protocols and training exist to ensure that persons are not subjected to restraint and forced treatment?

#### Article 19: Right to live in the community

Information about persons with disabilities being able to benefit from health and rehabilitation services in the home in order to stay in their family environment, but no specific reference to the law(s) in which this is contained, nor the criteria for benefitting from these services, such as whether it is necessary to be in a family environment or whether it is possible for a person living on their own to benefit from these services. No information about whether these services also include providing personal assistance to support day to day living and to promote one's autonomy.

Reference in paragraph 163 of the State report that either the individual or their guardian can request placement into a foster family, it is unclear whether this decision, if taken by a guardian, needs to respect the wills and preferences of the individual concerned.

Questions to address :

- In which law is it inscribed that persons with disabilities can benefit from health services and rehabilitation in the home ? What is the criteria for benefitting from these services ? Do these services extend to providing personal assistance for persons with disabilities, who so require for day-to-day living, under this law or any other law? If so, is it specified in the law that personal assistance is provided only if an individual so desires, and in a way that ensures the autonomy of persons with disabilities?

- Are persons with disabilities provided with the required support services to realize their choice of how they want to live in the community regardless of whether they choose to live with their family (if they have one) or not?
- Is a third party (guardian or family) authorised to take a decision to place a child or adult with a disability into an institution or foster family regardless of the wills and preferences of the individual concerned ? How is it guaranteed by law that the wills and preferences of a child or adult with disabilities will be followed to guide decisions concerning their living arrangements ?

#### Article 21: Access to information

While there are references to TV programmes with subtitles and sign language, there is no reference in this section to the official recognition of sign language, nor access to public information in Braille, audio or other accessible formats. No information on whether websites are compliant with the Web Accessibility Initiative standards, or whether national copyright legislation allows access to information for persons with disabilities requiring alternative formats.

Questions to address :

- What steps are being taken towards the official recognition of sign language?
- Do persons with disabilities have access to public information in alternative formats (including Braille, audio or other accessible formats) at no cost and in a timely manner?
- Do persons with intellectual disabilities have the right to get information in plain language?
- Are the websites of agencies offering services or information to the public compliant with the Web Accessibility Initiative (WAI) standards?
- Does national copyright legislation provide exceptions and limitations to copyright laws so that printed material is made available and accessible to persons with visual impairments ?

#### Article 22: Respect for privacy

No information on respect for privacy of persons living in institutions.

Questions to address :

- Is the privacy of persons with disabilities who live in large or small institutions or who rely on a high level of support services respected on an equal basis with the privacy of others in the general population?
- Does the legislation relating to the privacy of medical records adequately protect the right to privacy of persons with disabilities? Do persons with disabilities have a right to see and correct their medical records, including mental health records ?

#### Article 23: Family life

There is a reference to the marriage with consent by guardian

No information on the parental rights of persons with disabilities whether or not deprived of their legal capacity. No information on placement decisions of children into institutions. No information on prohibition of forced abortion or sterilization of persons with disabilities.

Questions to address :

- Are there any direct or indirect (such as the need for a health certificate) limitations faced by persons with disabilities who want to marry?
- Can persons with disabilities who are restricted or deprived of their legal capacity exercise parental rights ?
- Can persons with disabilities be deprived of their parental rights on account of their disability ?
- Are children with disabilities protected against involuntary institutionalization based on their disability? Can parents institutionalize their children? Can judges decide it is in the best interest of a child to be placed in a psychiatric or similar institution?
- Does legislation prevent any measure of forced abortion or forced sterilization imposed on women and girls with disabilities?

#### Article 24: Education

Law no 2002-80 on education and schooling does not include an express prohibition of discrimination on the basis of disability (while the law specifically prohibits discrimination on the basis of sex, social class, race or religion, see paragraph 66(a) of the State report).

There seems to be insufficient focus on inclusive education. Much of the specialized education is provided by NGOs, which seems to indicate that most of the NGOs of and for persons with disabilities act as service providers and obtain funding from the State.

It would be important to find out if education is provided to all children with intellectual disabilities, as only those with mild intellectual disability are mentioned.

Article 24 of this Act establishes that “the State shall ensure that appropriate conditions exist to permit disabled children and those unable to receive an education and training in the ordinary system to receive adequate teaching, special education and vocational rehabilitation appropriate to their specific needs”.

There is a two track system of education, that run by the Ministry of Education, and that run by the Ministry of Social Affairs. The latter covers children who cannot take part in the mainstream school system and who participate in the special education system. It is unclear how many children participate, what are the criteria for their being unable to attend mainstream school and what their disabilities are.

The Government funds associations materially and technically to run these special education centres. Unclear up to which age children attend these special schools/centres and whether the qualifications obtained in special schools/centres permit children to continue on to higher education.

Questions to address :

- What steps are being taken to streamline all educational programmes into one school system under the responsibility of the Ministry of Education, including amalgamating budgets, and to adopt policy priorities and legislation that promotes inclusion of all students into one mainstream education system?
- Up to which age can children with disabilities attend special schools/centres under the Ministry of Social Affairs? What diploma or qualifications are granted at the end of education in a special school/centre. Are children with disabilities



who have finished schooling in a special school/centre eligible to continue on to higher education?

- What is the criteria which determines whether children with disabilities can attend mainstream schools or whether they only have the option of attending a special school/centre run by the Ministry of Social Affairs? Which body makes this determination?
- How many children participate in schooling at special schools/centres? How many special schools/centres exist?

### Article 25: Health

The focus of this section is on prevention of disability and disability-related health issues and very few references are made to general access to health issues. No information on sexual and reproductive health, nor on the criteria for treatment, i.e. whether treatment is based on free and informed consent, and whether this can be provided on an individual's behalf by their guardian.

There is a reference to compulsory medical test prior to marriage, which could be discriminatory from a disability point of view.

Questions to address :

- How are persons with disabilities protected from discrimination with respect to the compulsory medical test before marriage?
- Does the general health legislation protect persons with disabilities from discrimination in access to all health services, including in the area of sexual and reproductive health?
- Does legislation ensure that persons with disabilities receive medical treatment based on their free and informed consent and that treatment is not provided without their consent? Or can consent be substituted by a third party such as a guardian?
- Are general health services respectful of the rights of persons with disabilities, including all accessibility related issues (sign language, information in alternative formats such as Braille and plain language, accessible facilities)?
- Are doctors and other medical professionals provided with training on the rights of persons with disabilities?

### Article 27: Employment

There is a wide array of measures, but no clear protection from discrimination and no reference to reasonable accommodation.

The NGO representing persons with intellectual disability proposes the establishment of sheltered workshops, which "continue to be the best environment to integrate these persons".

Questions to address :

- Does the general employment law protect persons with disabilities from discrimination, including the denial of reasonable accommodation, and harassment in all stages of employment?
- What programmes are in place to ensure that persons with disabilities are able to choose for themselves their vocation and to receive the necessary educational support and training to that end to enter into the workplace and have wages and conditions of work equal to those of other persons?

- Is the Tunisian Government planning to promote the establishment of sheltered workshops and, if so, what steps are being taken to ensure that sheltered workshops will pay equivalent wages to similar industries in the mainstream? How will it be ensured that sheltered workshops are open to individuals according to their wills and preferences, and will not be imposed or constitute an obligatory stage for persons with disabilities wishing to enter employment? What steps will be taken to ensure that they will not replace the opportunities for persons with disabilities to enter employment in the mainstream workforce?
- Does the public sector set a good example by employing persons with disabilities in all types of employment positions?

#### Article 29: Political participation

There is an interesting reference in this section stating that two NGOs (blind and intellectual disability) foresee in their statutes the representation of persons with disabilities in their structures.

No information on whether persons with disabilities, both those deprived or restricted of their legal capacity and those who are not under such deprivation, are able to vote and associate on an equal basis with others.

Questions to address :

- Do all persons with disabilities have the right to vote, be elected, and perform public service on an equal basis with others? Are there any restrictions of these rights and duties based on disability, including through deprivation or restriction of legal capacity?
- Do persons with disabilities have the right to form and join associations on an equal basis with others, or is this right restricted in any way based on disability, including through the restriction of legal capacity?
- Does the general electoral law ensure that all electoral stations are physically accessible and that voting materials are accessible to blind persons, allowing them to cast their vote on their own?
- Does the general electoral law allow persons with disabilities, who so decide, to cast their vote supported by a person of their own choice?
- Is the State providing support for the establishment of independent associations of persons with disabilities?

#### Article 30: Participation in cultural life, recreation, leisure and sport

No information on the accessibility of museums, archeological sites, stadiums and other recreational or sporting centres both in terms of physical environment and accessible information (Braille, assistive devices, etc). No indication on whether copyright legislation allows access of information for persons with disabilities requiring alternative formats.

Questions to address :

- How are heritage and cultural sites such as museums, archeological sites, libraries, and other recreational or sporting centres made accessible to persons with disabilities both in terms of their physical environment and accessibility of information and communications (through the use of Braille, large print, plain language, visual information, audio information, assistive hearing devices such as inductive loop systems, etc)?

Article 33: National implementation and monitoring

The Tunisian High Commission of Human Rights and Fundamental Freedoms has accepted to be the independent national monitoring structure. The High Commission has no status provided by the ICC, which means that it does not meet the Paris Principles.

No information is provided on additional resources (and know-how) allocated to do this job and there is also no reference on how the High Commission will involve DPOs in its work.

Questions to address :

- What steps are being taken to ensure that monitoring of the CRPD is carried out by an independent national monitoring structure?
- What steps are being taken to ensure that the High Commission meets the requirements of the Paris Principles?
- How will persons with disabilities and DPOs be integrated into the national CRPD monitoring body?
- What steps are being taken to allocate additional resources to undertake independent monitoring of the CRPD?

**Annex I: Information on education of children with disabilities included in the Tunisian report to the Human Rights Committee (submitted in April 2007 and discussed in 2008)**

340. In addition, special attention has been paid to disabled children, by allowing them to continue their schooling in normal conditions or at special education institutions, in accordance with a joint agreement between the Ministries of Social Affairs, Solidarity and Tunisians Abroad; Education and Training; Public Health; and Family, Children, Seniors' and Women's Affairs. The agreement, concluded on 11 May 1994, establishes the conditions for the creation of special education teaching and training centres, along with the modalities for organizing and managing such centres.

341. In addition, Outline Act No. 2005-83 of 15 August 2005 on the promotion and protection of disabled persons was promulgated with a view to ensuring respect for the principles of equality of opportunity and non-discrimination. Article 24 of this Act establishes that "the State shall ensure that appropriate conditions exist to permit disabled children and those unable to receive an education and training in the ordinary system to receive adequate teaching, special education and vocational rehabilitation appropriate to their specific needs". A programme has been drawn up for the mainstreaming of disabled persons in ordinary schools; it is known as the "national strategy for the integration of disabled children at school". This national programme was launched in the 2003/04 school year with the involvement of the Ministries of Education and Training; Public Health; and Social Affairs, Solidarity and Tunisians Abroad. The programme, which initially covered 126 schools, has now been extended to nearly twice as many.

342. Preschooling is provided either by ordinary kindergartens or, if they are unable to do so, by specialized centres. Preparatory classes receive disabled children who are considered able to undertake schooling in the ordinary school programme. The State has made a considerable effort to equip receiving schools with the human and material resources required to ensure an accessible school environment and appropriate programme content.

343. Children who cannot be mainstreamed in ordinary schools owing to the degree of their disabilities are cared for by institutions specialized in the education, rehabilitation and vocational training of disabled people. The conditions for the creation of such establishments are set out in specifications drawn up pursuant to Act No. 2001-3 of 3 January 2001. Such centres provide comprehensive care, including medical, psychological, social, educational, academic, occupational and leisure activities for the disabled. Their activities are aimed at ensuring the intellectual, affective and physical fulfilment and development of the disabled, to the fullest extent possible. They allow the disabled to acquire a maximum of independence in everyday life, with a view to permitting their integration in society. The activities of the specialized centres that belong to associations are funded mainly through State subsidies and contributions from the social security funds.

**Annex II: Information included in the section related to article 23 of the CRC in the Tunisian report to the CRC Committee (presented in November 2008, discussed in May 2010)**

190. In its concluding observations following consideration of the second periodic report of Tunisia, “While welcoming the extensive legislation regarding children with disabilities and their rights to appropriate education, rehabilitation and training, the Committee regrets that only a small number of children with minor disabilities attend regular schools. The Committee notes the statement by the delegation that a strategy for integration and vocational training for children with disabilities, as well as a study on causes of disabilities are in the process of being completed.

The Committee urges the State party to:

- (a) Review existing policies and practices in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee’s recommendations adopted on its day of general discussion (see CRC/C/69);
- (b) Undertake greater efforts to promote community-based rehabilitation programmes and inclusive education;
- (c) Undertake greater efforts in the area of prevention by reviewing, inter alia, health programmes and policies relating to pregnancy, birth and child health; and
- (d) Seek assistance from, among others, UNICEF, WHO, and relevant NGOs” (Ibid. Para.35-36).

**1. Measures taken to step up programmes aimed at preventing disability**

191. The preceding reports presented the measures taken by the public authorities to prevent disability. Such measures included efforts to promote early detection in schools and at home through the establishment of regional rehabilitation units (URR) and a number of bodies (Institute for Disabled Persons, Institute for Health and Professional Security), as well as the introduction of a compulsory medical examination one year before starting school.

192. That effort is being maintained by the parties involved, including the Ministry of Public Health, which is continuing to invest in refresher training for staff to prepare them to take on this task with the best possible preparation (training sessions for URR staff).

193. We note the establishment in 2006 of two URRs, in Kasserine and in Kef, bringing the total number to 24 URR. During the same year the services provided by the URR were recorded and numbered in excess of 79,856.

**2. Measures taken to promote the integration of disabled children in schools and society**

**2.1 Integration of disabled children in schools**

194. Since the 2003-2004 academic year the public authorities have been developing a national strategy aimed at full or partial integration of disabled children in schools. Under the strategy, which aims to achieve full coverage by 2015, 600 children every year are to be integrated in 120 primary schools with appropriate medical, pedagogical and social back-up.

195. Full integration is for children with a mild disability who, with special help, are able to pursue their studies in completely standard conditions. Partial integration is for children with a moderate disability who are capable of making significant progress, particularly with regard to socialization, if all contributors provide greater support,

further specialist classes are established and equipment appropriate to pupils' needs is supplied.

196. Between 2003 and 2007 the national programme for the integration of disabled children into regular schools has led to the integration of 4,060 disabled children, distributed as follows:

- 3,141 pupils in the 1st cycle of basic education
- 478 pupils in the 2nd cycle of basic education
- 441 pupils in secondary education.

197. During the school year 2006-2007, the number of foundation classes rose to 82 with facilities for an additional 75 disabled children recommended by the URR.

## **2.2 Integration of disabled children into specialist educational centres**

198. Children who are profoundly disabled and are difficult to integrate in schools are steered towards specialist education centres, most of which are run by associations. The number of centres of this type is growing:

- In 2004 the number of centres reached 211, of which 107 were centres for the mentally disabled, 46 for deaf-dumb, 15 for the visually impaired, 27 for children with multiple disabilities, 14 for children with motor disabilities and 2 for the profoundly disabled.
- The number of centres rose to 246 in 2006 and to 250 in 2007.
- These centres provide specialist education and rehabilitation services in teaching, professional and emotional services with the aim of improving the children's skills and preparing them to lead independent lives.

199. Against that background, MASSTE is working to improve the operational coverage rate for districts through specialist education centres. The aim is to attain, by 2009, a coverage rate of 80 per cent, an expanded community disability network and specialist public bodies to meet the need for alternative equipment and technical assistance.

200. Moreover, there are over 5,795 disabled children (aged under 14) registered at specialist education centres.

## **2.3 Social integration of disabled children**

201. Where cultural and sporting activities are concerned it should be noted that there are 4,042 disabled children playing a disabled sport who are members of teams spread over 135 associations, of whom 125 athletes are members of the national team. Among that cohort, 70 disabled people are classed as elite sportsmen/women.

202. Disabled people enjoy equal rights of access to the information society. Therefore a large number of computer centres have been set up to provide disabled children with the skills to use computers and educational software. The E-Handicapés (E-disabled) project bears witness to the commitment to enshrine the principle of equal opportunities in practice. To that end, MASSTE has established 24 educational and social centres for disabled children, one for each governorate. The centres are fitted out to accommodate the specific needs of disabled people. The centres' role is to use simplified methods to provide educational support to disabled children who are unable to attend school from time to time.

203. In order to make administrative services more accessible to disabled people, 12 computer and communication departments have been established in various regions.

### **Annex III: Concluding observations adopted by the CRC Committee at its 2010 session**

48. The Committee commends the State party for the adoption of the orientation law of 15 August 2005 and the subsequent review of its legal framework. The Committee notes with satisfaction that since the adoption of policies by the State party to place children with disabilities in regular schools, the number of pupils with disabilities attending regular schools increased more than fourfold. It is concerned, however, that the implementation of this policy remains too slow compared to established goals and that the integration of children with disabilities in regular schools is not accompanied with sufficient sensitivity campaigns and appropriate teacher trainings.

49. The Committee recommends that the State party:

- (a) Take all necessary measures to ensure the implementation of legislation providing protection and equal access to education, professional training, employment, and social and public life for children with disabilities, in a gender-sensitive manner;
- (b) Make every effort to provide appropriate inclusive programmes and services for all children with disabilities and ensure that such services receive adequate human and financial resources;
- (c) Undertake awareness programmes to sensitize the public about the rights and needs of children with disabilities and encourage their inclusion in society;
- (d) Provide training for professional staff working with children with disabilities, such as teachers, social workers, and medical, paramedical and related personnel;
- (e) Ensure the participation of children with disabilities and their families in policy and programme planning, monitoring and evaluation; and
- (f) Take into consideration the Committee's general comment No. 9 (2006) on the rights of children with disabilities.

### **Annex IV: Disability references in the Tunisian report to the CEDAW Committee and in the Reply to List of Issues (presented in May 2009, to be discussed in October 2010)**

C. New legislative developments during the period 1999-2007

30. In follow-up to the Committee's recommendation in which it "*urges the State party to continue the process of legislative reform and review relevant existing laws in consultation with women's groups*" (see Concluding Comments of the CEDAW Committee: Tunisia 2002, A/57/38, para. 191), a number of legislative measures have been taken to combat all forms of discrimination against women and to give greater substance to the rights of women. Recent measures include:

- Law No. 2002-32 of 12 March 2002 governing the social security regime for certain categories of agricultural and non-agricultural workers, including domestic employees, and instituting a social security regime for them that includes health care and old-age, disability and survivors' pensions;

- Law No. 2006-58 allowing mothers of young or handicapped children to work part-time at two-thirds pay while retaining full rights to advancement, promotion, holiday, retirement and social coverage, with a view to "prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work" (article 11.2 of the CEDAW);

A.3 Higher education

159. The enrolment rate for girls rose from 19.4 per cent in 1999/2000 to 41 per cent in 2006/2007, compared to 18.8 per cent and 29.1 per cent for boys in those years.

160. Handicapped girls currently account for: - 41.3 per cent of handicapped children in the regular education system;  
- 38 per cent of those registered in special education and training centres; and - 14.4 per cent of children receiving specialized occupational training.

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A l'évidence, tout individu ayant harcelé sexuellement une femme par des gestes, paroles ou des signes continus, et qui touche à sa pudeur, sera puni d'une année de prison et d'une amende de l'ordre de trois mille dinars. Cette peine sera en fait doublée si la victime est un enfant ou une **personne handicapée**.

Des dispositions ont été prises pour que toutes les catégories de la population accèdent à l'éducation : les enfants issus aussi bien du milieu urbain que du milieu rural, **les enfants porteurs d'handicaps**, les enfants aux besoins spécifiques.

Cette loi a été consolidée par la loi n° 2005-83 du la protection des **personnes handicapées** qui vise **personnes handicapées** et les autres personnes, ainsi que leur promotion et leur protection contre toutes formes de discrimination. Elle stipule également, que "la réhabilitation, l'éducation, l'enseignement, la formation professionnelle des **personnes handicapées** sont considérés comme une responsabilité nationale".

Par ailleurs, il importe de mettre en exergue le fait que les **filles handicapées** jouissent du même droit d'accès à l'éducation que les autres élèves. En effet, outre les établissements spécialisés qui relèvent du Ministère des Affaires Sociales et qui accueillent **les enfants portant des handicaps lourds**, l'Etat tunisien met en œuvre un programme d'intégration scolaire à l'intention **des enfants (filles et garçons) souffrant de handicaps légers** pour leur permettre de suivre une scolarité normale et favoriser ainsi leur insertion sociale.

Ce programme consiste à créer des classes intégrantes avec une formation appropriée de l'enseignant afin qu'il puisse adapter sa pédagogie au profil des apprenants. Il englobe également l'aménagement des espaces dans ces établissements, de telle sorte **que l'élève handicapé** puisse accéder à l'école, s'y déplacer et disposer librement des différents services.

En effet, l'article 3 de cette loi dispose que la formation professionnelle est fondée, dans ses contenus et dans son organisation, sur le principe d'égalité des chances entre tous les demandeurs de formation, en veillant au respect des dispositions de la législation en vigueur concernant les **personnes handicapées**.

Pour ce qui est du régime de l'exercice à mi-temps avec le bénéfice de deux-tiers du salaire au profit des mères, la loi n° 2006-58 du 28 juillet 2006 a institué un régime spécial de travail à mi-temps avec le bénéfice de deux tiers (2/3) du salaire au profit des mères ayant un ou plusieurs enfants âgés de moins de seize ans (16 ans). Les **enfants handicapés** ne sont pas concernés par cette condition d'âge limite.