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**Committee on the Elimination of Discrimination
against Women****Concluding observations on the seventh periodic report of
Tunisia***

1. The Committee considered the seventh periodic report of Tunisia (CEDAW/C/TUN/7), submitted under the simplified reporting procedure, at its 1948th and 1957th meetings (see CEDAW/C/SR.1948 and 1957) held on 10 and 17 February 2023.

A. Introduction

2. The Committee appreciates the submission by the State party of its seventh periodic report, which was prepared in response to the list of issues prior to reporting (CEDAW/C/TUN/QPR/7). It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the high-level delegation of the State party, which was headed by Her Excellency Ms. Najla Bouden, Head of Government of Tunisia. The delegation also included representatives of the Ministry of Government, including the General Direction of Human Rights and the National Commission for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of National Defence, the Ministry of the Interior, the Ministry of the Family, Women, Childhood and Elderly persons, the Ministry of Health, the Ministry of Social Affairs, the Ministry of Education, the Ministry of the Vocational Training and Employment, the Ministry of Economy and Planning, the Ministry of Environment, the Ministry of Youth and Sports, the National Institute of Statistics, the Ministry of Technologies and Communication, the Ministry of Higher Education and Scientific Research, the Ministry of Agriculture, Water Resources and Fishing, the Ministry of State Property and Land Affairs, the Ministry of Infrastructure and Housing, the Ministry of Trade and Development of Exportation, the Ministry of Cultural Affairs, as well as His Excellency Mr. Sabri Bachtobji, Ambassador and Permanent Representative and other members of the Permanent Mission of Tunisia to the United Nations Office and other international organizations in Geneva.

B. Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2010 of the combined fifth and sixth periodic reports of the State party (CEDAW/C/TUN/5-6) in undertaking legislative reforms, in particular the adoption of:

* Adopted by the Committee at its eighty-fourth session (6-24 February 2023).

- (a) The new Constitution, by referendum of 25 July 2022;
 - (b) Organic Law No. 37, on the regulation of domestic work, in 2021;
 - (c) Organic Law No. 15 (2019) on the budget, which provides that all public entities must draw up budgets in accordance with goals and indicators that promote equality and equality of opportunity for men and women and non-discrimination among all groups within society;
 - (d) Organic Law No. 58, on the elimination of violence against women, in 2017, which prohibits all forms of violence against women, provides for a definition of discrimination against women in accordance with article 1 of the Convention and extends State responsibility for discrimination by public and private actors;
 - (e) Organic Law No. 61 on the Prevention and Combating of Trafficking in Persons, in 2016;
 - (f) Order No. 4030 (2014), ratifying the Code of Conduct and Ethics of Public Officials, providing that officials shall treat persons using public facilities without discrimination based on sex and other grounds, in 2014.
5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption and establishment of the following:
- (a) The National Plan on Women and Climate Change, in 2022;
 - (b) The National Observatory to Combat Violence against Women, in 2020;
 - (c) The National Strategy for Gender Mainstreaming (2016-2020);
 - (d) The National Commission mandated to harmonize human rights legislation with the Constitution and ratified international instruments, in 2019;
 - (e) The National Strategy to Combat Trafficking in Persons for 2018-2023;
 - (f) The National Plan for the Inclusion and Institutionalization of Gender, in of 20 June 2018;
 - (g) The Council of Peers for Equality and Equal Opportunities of Women and Men, by Government Decree No. 626 (2016);
 - (h) The National Commission for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights, established pursuant to Government Order No. 1593 (2015), as amended by Government Order No. 663 (2016);
 - (i) The National Authority for Combating Trafficking in Persons, in 2016;
 - (j) The Centre for Research, Documentation and Information on Women (CREDIF), of 7 August 1990.
6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional treaties:
- (a) The Optional Protocol to the Convention on the Rights of the Child on a communication procedure, in 2018;
 - (b) The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in African, in 2018;
 - (c) The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;
 - (d) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2011;
 - (e) The Convention for the Protection of All Persons from Enforced Disappearance, in 2011;

(f) The first Optional Protocol to the International Covenant on Civil and Political Rights, in 2011.

C. Sustainable Development Goals

7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of *de jure* (legal) and *de facto* (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.

D. Parliament

8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, annex VI to E/CN.6/2010/CRP.2). It invites the Assembly of the Representatives of the People, in line with its mandate, to take necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

E. Principal areas of concern and recommendations

General situation

9. The Committee notes that the State party organized the parliamentary elections, on 17 December 2022 and 29 January 2023, which resulted in the election of a new Assembly of People's Representatives in the context of a State of Exception declared on 25 July 2021. It also notes that the new Constitution provides for a new additional legislative Chamber, the National Council of Regions and Districts, which is yet to be established.

10. The Committee recommends that the State party ensure the independence of the new Assembly of People's Representatives in conformity with the principle of separation of powers, notably by repealing constitutional provisions that undermine the independence of the legislative power, such as article 68 of the Constitution, which gives legislative power to the President taking precedence over the legislative power of the Assembly of People's Representatives. It also recommends to strengthen the full and meaningful participation of women and their organizations in the process of law-making in all areas, including constitutional amendments, legislation on women's or that may affect their human rights under the Convention and other international human rights treaties.

Legal status of the Convention and reservation

11. The Committee welcomes the decision of the State party to withdraw its reservations to the Convention, in 2014. However, it notes with concern that the State party has not yet withdrawn its general declaration on compatibility with the Sharia. It is also concerned about the absence of a reference in the 2022 Constitution to the secular character of the State party. In particular, it is concerned that the Constitution may establish a hierarchy of norms and sources of law that may be contradictory to the Convention, in particular articles 2 and 16, and may be incompatible with the object and the purpose of the Convention.

12. The Committee recommends that the State party:

(a) Withdraw the general declaration to the Convention on compatibility with the Sharia. In doing so, the State party should take into consideration the practices of countries with similar cultural backgrounds and legal systems that have successfully

harmonized their national legislation with their international human rights obligations, in particular those under the Convention;

(b) Maintain the supremacy of the Convention in the domestic legal order with regard to other sources of law, including religious law.

Visibility of the Convention, the Optional Protocol and the Committee's general recommendations

13. The Committee notes the efforts of the former Ministry of Women Affairs, which provided training courses on the Convention to the National Constituent Assembly, Ministries, governmental agencies and civil society organizations. However, it notes with concern the limited visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations in the State party, in particular among public officials, the judiciary and law enforcement officers as well as among women, especially those in disadvantaged and marginalized situations.

14. The Committee recommends that the State party:

(a) Continue to provide systematic capacity-building for Parliamentarians, government officials, judges, lawyers, prosecutors, the police and other law enforcement officers on the Convention and its use in legal proceedings and as a framework for laws and policies on women's rights and gender equality;

(b) Enhance women's awareness of their rights under the Convention and the remedies available to them to claim violation of such rights, and ensure that information on the Convention and the Committee's general recommendations is provided to all women, including rural women and women belonging to disadvantaged groups.

Definition of equality and non-discrimination

15. The Committee welcomes the inclusion of the principle of non-discrimination in article 51 of the Constitution (2022), which guarantees equality of women and men, and in article 46 of Law No. 58-2017 on violence against women. However, the Committee notes with concern the absence of a comprehensive definition of discrimination against women in the legislation of the State party.

16. In line with its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, the Committee recommends that the State party adopt a comprehensive definition of discrimination against women that covers direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in accordance with articles 1 and 2 of the Convention.

Discriminatory laws

17. The Committee welcomes the establishment of the National Commission to Harmonize Human Rights Legislation with the Constitution and Ratified International Instruments which has the mandate to harmonize legislation with the Constitution and international human rights norms. However, it regrets the lack of information on the mandate of the National Commission, in particular whether it includes the review of discriminatory laws, and the absence of a clear time frame for the review of discriminatory laws, such as article 230 of the Penal Code, articles 7, 31 and 325 of the Code of Nationality, and articles 5, 23, 85 to 152 of the Personal Status Code.

18. The Committee recommends that the State party:

(a) Include the review of the conformity of national legislation with the Convention in the mandate of the National Commission to Harmonize Human Rights Legislation with the Constitution and Ratified International Instruments;

(b) Accelerate the review of discriminatory provisions in laws such as the Penal Code, the Personal Status Law and the Nationality Code, with a view to bringing them into conformity with the Convention.

Women's access to justice

19. The Committee notes that the 2022 Constitution mandates the reorganization of the judicial branch. It also notes that Organic Law No. 58-2017 provides for the right of victims of gender-based violence against women to legal guidance on the provisions governing litigation and services available. However, the Committee notes with concern that the Constitutional Court is still not operational, despite its fundamental role to ensure the rule of law, the independence of the judiciary and access to justice for all women and girls. It also notes with concern the lack of training for judges, prosecutors and lawyers on the Convention and the Optional Protocol thereto. It further notes with concern the issuance on 1 June 2022 of presidential decrees Nos. 35-2022 and 516-2022, dismissing 57 judges, including seven women, of whom two faced gender-based harassment and online smear campaigns. The Committee is further concerned at the limited access to free legal aid for women victims of gender-based violence and legal illiteracy among women belonging to disadvantaged groups. The Committee, finally, notes with concern that article 6 of Law No 52-2002 restricts access to legal aid to nationals as well as to non-nationals with a residence permit.

20. **In the light of its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Enhance the legal literacy of women and girls, including rural women and girls and disadvantaged groups of women, such as migrant women, women belong to ethnic minorities, women with disabilities, Amazigh women and older women, by ensuring that they have adequate access to information on the legal remedies available to them to claim violations of their rights;**

(b) **Ensure that women and girls have access to justice, including by means of reasonable procedural accommodations, and encourage them to report gender-based violence to the law enforcement authorities, including through affordable and, if necessary, free legal aid, not restricted by the holding a resident permit; relax the burden of proof on complainants; ensure that access to forensic evidence is affordable;**

(c) **Ensure the protection of women judges from gender-based violence, threats and harassment and ensure the prompt, independent and impartial investigation and prosecution of those responsible, including in the cases of the two women judges, who faced harassment in the context of their dismissal by decree No. 516-2022;**

(d) **Establish the Constitutional Court without delay, allocate adequate human, technical and financial resources for its effective functioning and ensure its independence, in line with the commitments made by the State party at the fourth cycle of the Universal Periodic Review¹.**

National Human Rights Institution

21. The Committee welcomes the adoption of Law No. 51 of 2018 on the establishment of the Human Rights Commission. However, it notes with concern that the Human Rights Commission has not yet been formally established and its members have not yet been appointed.

22. **The Committee recommends that the State party establish without further delay the National Human Rights Commission and provide it with a strong mandate to promote and protect women's human rights and with adequate human, technical and financial resources, and ensure its independence, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles; General Assembly resolution A/RES/74/156 of 18 December**

¹ A/HRC/52/6, paras. 145.16 and 145.23.

2019), in line with the commitments made by the State party at the fourth cycle of the Universal Periodic Review².

Non-governmental organizations

23. The Committee notes with concern restrictions on the activities of non-governmental organizations, including women human rights defenders, working on women's human rights and gender equality in the State party. It also notes with concern the adoption of Decree No. 54-2022 on cybercrime, which provides for excessive penalties for using social media to disseminate "untrue information", in particular if it concerns public officials.

24. **The Committee recommends that the State party:**

(a) **Create an enabling environment for women human rights defenders and non-governmental organization working on the promotion and protection of women's human rights;**

(b) **Suspend and review decree No. 54-2022 on cybercrime to ensure its conformity with international human rights treaties, including the Convention, with the participation of women's rights organizations and women human rights defenders.**

National machinery for the advancement of women

25. The Committee welcomes the establishment of the Council of Peers for Equality and Equal Opportunities for Women and Men and the Centre for Research, Documentation and Information on Women (CREDIF). It also notes the adoption of the National Strategy for Gender Mainstreaming (2016-2020), the National Plan for the Inclusion and Institutionalization of Gender and the National Plan on Women and Climate Change. The Committee notes with concern, however, the inadequate human, technical and financial resources allocated to these institutions and for the implementation of these policies.

26. **The Committee, recalling its general recommendation No. 6 (1988) on effective national machinery and publicity, as well as the guidance provided in the Beijing Declaration and Platform for Action, notably regarding the conditions necessary for the effective functioning of national machineries for the advancement of women, recommends that the State party:**

(a) **Allocate adequate human, technical and financial resources to the Council of Peers for Equality and Equal Opportunities for Women and Men and the Centre for Research, Documentation and Information on Women (CREDIF) as well as for the National Strategy for Gender Mainstreaming (2016-2020), the National Plan for the Inclusion and Institutionalization of Gender and the National Plan on Women and Climate Change;**

(b) **Allocate adequate human, technical and financial resources to the Council of Peers for Equality and Equal Opportunities for Women to enable it to coordinate efforts to promote gender equality and mainstream gender across government policies;**

(c) **Strengthen the national capacity to systematically collect data, disaggregated by sex, age, disability, ethnicity, region and socioeconomic background;**

(d) **Seek regional and international technical assistance, including from relevant United Nations entities, to strengthen the national machinery for the advancement of women.**

Temporary special measures

27. The Committee notes that article 51 of the 2022 Constitution includes the principle of parity in elected legislative bodies. It also notes that the State party has adopted special measures to promote the participation of women in the area of entrepreneurship in the digital sector (programme Fly Wheel) in the framework of the national digital strategy 2021-2023.

² A/HRC/52/6, para. 145.27 and 145.31.

However, the Committee notes with concern the limited use of temporary special measures by the State party, education, employment and health as well as in political representation.

28. In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:

(a) **Adopt temporary special measures and establish time-bound targets to accelerate the achievement of substantive equality of women and men in all areas covered by the Convention in which women are underrepresented or disadvantaged, especially at the decision-making level, and with particular attention to rural women, migrant women, women belonging to ethnic minorities, Amazigh women and women with disabilities;**

(b) **Establish mechanisms to monitor the implementation of such measures and assess their impact for achieving substantive equality of women and men, and introduce appropriate penalties for non-compliance;**

(c) **Include information on the impact of any temporary special measures adopted in its next periodic report.**

Gender-based violence against women

29. The Committee welcomes the adoption of Law No. 58-2017 on the elimination of violence against women, which contains a comprehensive definition covering moral, physical, sexual, economic and political violence, and the establishment of the National Observatory to Combat Violence against Women in 2020. It also welcomes the introduction of more responsive deadlines for the issuance of medical certificates to survivors of gender-based violence against women to enable a prompt criminal justice response; the establishment of eight shelters since 2022 for women and girls' victims of gender-based violence offering with reasonable accommodation; and the extension of the operation of the hotline to 24/7 and its support by a multidisciplinary team to receive complaints. However, the Committee notes with concern at the high incidence of gender-based violence against women, which further increased during the COVID-19 pandemic, in particular the high number of femicides. It also notes with concern that the draft law criminalizing marital rape has still not been adopted.

30. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and target 5.2 of the Sustainable Development Goals on the elimination of all forms of violence against all women and girls in the public and private spheres, the Committee recommends that the State party:

(a) **Elaborate and adopt a nation-wide strategy and related action plan to eliminate all forms of gender-based violence, based on wide consultation of women's rights organizations;**

(b) **Adopt implementing legislation for Law No. 58-2017 and allocate adequate human, technical and financial resources for its implementation and for the establishment and effective functioning of the National Observatory to Combat Violence against Women;**

(c) **Expedite the adoption of the amendment to Law No. 58-2017 to criminalize marital rape;**

(d) **Establish further shelters providing quality support services to women survivors of gender-based violence to ensure accessibility in all regions of the State party;**

(e) **Ensure that women and girls victims of gender-based violence have access to adequate medical treatment, psychosocial counselling and economic support across the State party, including by providing sufficient funding to non-governmental organizations providing such support services;**

(f) **Ensure the systematic collection of data, disaggregated by age, sex, relationship between the victim and the perpetrator on the number of investigations, prosecutions, convictions and the sentences imposed in cases of gender-based violence against women;**

(g) **Implement the recommendations of the Truth and Dignity Commission issued in May 2019 on reparations for women victims of gender-based violence.**

Trafficking in women and exploitation of prostitution

31. The Committee welcomes the establishment of the National Authority for Combating Trafficking in Persons by Law No. 61 (2016) on the Prevention and Combating of Trafficking in Persons and the adoption of the National Strategy to Combat Trafficking in Persons for 2018-2023. However, it notes with concern remaining gaps in Law No. 61 in addressing trafficking through digital means and complicity of family members and in the related protection of, who constitute the majority of trafficking victims in the State party. It also notes with concern that the courts in the State party often apply article 232 of the Penal Code on exploitation of prostitution in trafficking cases, which provides for lighter penalties than Law No. 61. It is equally concerned that women in prostitution are criminalized under the Penal Code.

32. **Recalling its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee recommends that the State party:**

(a) **Allocate adequate human, technical and financial resources to the National Authority for Combating Trafficking in Persons;**

(b) **Amend Law No. 61 (2016) to criminalize trafficking in the cyberspace and complicity of family members in trafficking in children, adolescents and women and provide training to the immigration police and other law enforcement officers strengthen the early identification and referral of children, adolescents and women victims of trafficking to the appropriate services;**

(c) **Amend the new draft Penal Code and the new draft Code of Penal procedures to provide for stricter penalties for traffickers and those who exploit women in prostitution and decriminalize women in prostitution;**

(d) **Address the demand side of prostitution and provide exit programmes and alternative income-generating opportunities for women who wish to leave prostitution.**

Participation in political and public life

33. The Committee welcomes the appointment of a women as Prime Minister of the State party. However, it notes with concern the new election modalities established by Decree 55-2022 amending the Law N. 2014-16 and removing the principle of parity, while introducing the prohibition of public funding and the need for sponsorship of women candidates. The Committee also notes with concern reports of hate speech and harassment of women in political and public life, including non-consensual online use of images and video material. It is further notes with concern the low representation of women in decision-making positions in the judiciary and in the foreign services of the State party.

34. **Recalling its general recommendation No. 23 (1997) on women in political and public life and its previous concluding observations (CEDAW/C/TUN/CO/6, para. 36), the Committee recommends that the State party:**

(a) **Introduce targeted measures, including temporary special measures, such as increased quotas and targeted campaign financing, to increase the representation of women in the National Assembly of the People, the Government, the judiciary and the foreign service, in particular at decision-making levels;**

(b) **Repeal Decree 55-2022, to restore the principle of parity and public funding of women candidates and abolish the requirement of sponsorship;**

(c) **Adopt legislation to criminalize hate speech and harassment targeting women in political and public life, prevent harassment and threats against them, including by strengthening monitoring and reporting mechanisms and holding social media companies accountable for discriminatory user-generated content, and investigate, prosecute and adequately punish those responsible;**

(d) **Build the capacity of women politicians and women candidates on campaigning, leadership and negotiation skills, and, in collaboration with the media, raise awareness among politicians, religious and community leaders and the general public about the importance of the full, independent and democratic participation by women on an equal basis with men in political and public life, including encouraging the increased participation of women voting in all elections, as a prerequisite for fully realizing the human rights of women and achieving political stability and sustainable development in the State party.**

Nationality

35. The Committee notes with concern that the maternal lineage is not considered for the attribution of nationality by birth (article 7 of the Code of Nationality), even though article 6 provides that a child born to a Tunisian father or mother is Tunisian while the law remains ambitious, stating that a Tunisian women would pass her nationality to her children abroad, but not in Tunisia. It is also concerned that a husband's loss of nationality may be extended to his wife (articles 31 and 35 of the Code of Nationality). It also notes with concern that Tunisian women do not have equal rights as Tunisian men to transfer their nationality to a foreign spouse, as the law provides that a Tunisian man automatically passes his nationality to his non-Tunisian wife or by means of a declaration, if his wife is able to retain her nationality, while the law does not specifically provide for a women to confer her nationality to her foreign husband.

36. **The Committee recommends that the State party amend the Code of Nationality to ensure that Tunisian women have equal rights as Tunisian men to transfer their nationality to their children and to a foreign spouse and that a husband loss of nationality may not be extended to his wife.**

Education

37. The Committee welcomes the increase in girls' enrolment at all levels of education, including in public institutions of higher learning, and notes the high literacy rate among adolescent girls and young women. It also notes that the State party has integrated education on sexual and reproductive health and rights into school curricula. However, the Committee notes with concern that the right to education, while guaranteed in the 2022 Constitution, is limited to citizens under the law of the State party. It also notes with concern the high dropout rates among girls due in part to the lack of public transportation in rural and remote areas and gender-based violence, including sexual abuse, against girls in the school environment. It further notes with concern the high illiteracy rate among women with disabilities.

38. **Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party:**

(a) **Amend legislation to guarantee the right to education to all girls in the State party, irrespective of their nationality;**

(b) **Strengthen inclusive and targeted adult literacy programmes for women, prioritizing disadvantaged groups of women, including women with disabilities, older women and rural women and girls;**

(c) **Ensure that rural girls have affordable access to safe transportation to school;**

(d) **Strengthen the delivery of age-appropriate and scientifically based sexuality education for girls and boys, covering responsible sexual behaviour, modern contraception and prevention of sexually transmitted diseases, under the comprehensive sexuality education curriculum framework;**

(e) **Effectively investigate cases of gender-based violence against girls in the school environment, including sexual abuse and harassment, prosecute and adequately punish perpetrators, including teachers and school administrators, and provide victims with reparation, psycho-social counselling and rehabilitation;**

(f) **Provide mandatory training for teachers and all school administration personnel on criminal liability for and their obligation to report all acts of gender-based violence against girls.**

Employment

39. The Committee notes that article 40 of the Constitution (2022) guarantees the right to work to women; article 5 of the Labour Code prohibits gender-based discrimination in the application of employments laws; article 6 of Law No. 58-2022 requires the State party to eliminate discriminatory practices against women, particularly with regard to remuneration and social security coverage; and article 226 of the Penal Code criminalizes sexual harassment at the workplace. However, it notes with concern women's significantly lower labour force participation rate and higher unemployment rate in comparison to men, despite their high levels of education. It is also concerned that women are concentrated in traditionally female employment sectors and rural women in the agricultural sector, including as unpaid workers in family farming and low paid seasonal workers, where they have only limited access to social protection and social benefits and often work in precarious conditions. The Committee further notes with concern the significant gender pay gap, the prevalence of child labour and the lack of affordable childcare facilities in the State party.

40. **Recalling target 8.5 of the Sustainable Development Goals to, by 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value, the Committee recommends that the State party:**

(a) **Ensure the effective implementation of the provisions of Law No. 58-2022 to enforce the principle of equal pay for work of equal value, and regularly review wages in sectors where women are concentrated and adopt measures to close the gender pay gap, including through gender-neutral analytical job classification and evaluation methods and regular pay surveys;**

(b) **Increase the number of affordable childcare facilities to enable women and men to reconcile family and work responsibilities;**

(c) **Ensure the strict application of article 226 of the Penal Code and ensure that victims of sexual harassment in the workplace have access to effective, independent and confidential complaint procedures and that all complaints are effectively investigated and perpetrators prosecuted and adequately punished, and that victims receive redress and are protected from retaliation;**

(d) **Ratify the International Labour Organization (ILO) Violence and Harassment in the World of Work Convention, 2019 (No.190), the Labour Inspection (Agriculture) Convention, 1969 (No. 129).**

Women domestic workers

41. The Committee notes with concern that many women migrant domestic workers are exposed to abusive working conditions and a high risk of abuse in the State party, in particular those in an irregular situation. It also notes with concern that article 22 of Law No. 37-2021 on domestic workers requires the consent of employers to labour inspections of domestic workplaces.

42. **The Committee recommends that the State party review Law No. 37-2021 in consultation with trade unions and women's civil society organizations, to repeal the requirement of consent of employers to labour inspection of domestic workplaces and bring it into conformity with the Convention. It also recommends that the State party expedite the adoption of Law No. 20-2021 providing for labour inspections of domestic workplaces by the National Social Security Fund and allocate adequate human, technical and financial resources for its effective application. The Committee further**

recommends that the State party consider ratifying the ILO Domestic Workers Convention, 2011 (No. 189).

Health

43. The Committee notes the State party's efforts to guarantee universal health care coverage, despite limited resources, and the adoption of the National Strategy for the Advancement of Maternal and Newborn Health 2020-2024. It also notes that women aged 18 years or above have access to safe abortion services in public hospital and that the State party is conducting public awareness raising campaigns on sexual and reproductive health and rights. However, the Committee notes with concern the persistent regional disparities in women's access to affordable quality healthcare and their limited access to modern contraceptives and their increased unmet need for family planning. It also notes with concern that doctors often refuse to perform or discourage women from seeking abortion without referring them to alternative safe abortion services.

44. In line with its general recommendation No. 24 (1999) on women and health and target 3.7 of the Sustainable Development Goals to, by 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes, the Committee recommends that the State party:

(a) Increase its health expenditure to ensure women's access to affordable quality health services, including adequately equipped hospitals, in all parts of the State party;

(b) Establish a separate budget line to ensure that women and girls have affordable and, if necessary, free access to modern contraceptives, including rural women and girls, migrant women and girls and women and Amazigh women and girls;

(c) Ensure that women and girls, including those with disabilities and rural women and girls, have adequate access to sexual and reproductive health services and information, including family planning and safe abortion and post-abortion services;

(d) Ensure that the exercise of conscientious objection by health-care personnel does not pose an obstacle for women who wish to terminate a pregnancy.

Economic empowerment and social benefits

45. The Committee notes with concern that women employed in the informal economy and unpaid work as well as self-employed women in the State party do not have access to social protection and social benefits. It is also concerned that the National Assessment of the Evolution of Women Entrepreneurship identified a number of obstacles facing women entrepreneurs.

46. The Committee recommends that the State party:

(a) Extend social protection coverage to women employed in the informal economy and unpaid work as well as self-employed women;

(b) Urgently review and implement of the recommendations of the National Assessment of the Evolution of Women Entrepreneurs.

Rural women

47. The Committee notes the adoption of the National Strategy for the Economic and Social Empowerment of Women and Girls in Rural Areas (2017-2020), aiming at promoting rural women's economic and social empowerment and participation in local governance. However, it notes with concern that rural women and girls have limited access to education, formal employment, social protection, health services, adequate water and sanitation, electricity and public transport.

48. Recalling its general recommendation No. 34 (2016) on the rights of rural women and target 5.a of the Sustainable Development Goals to undertake reforms to give women equal rights to economic resources, as well as access to ownership and control

over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws, the Committee recommends that the State party:

(a) **Make the necessary budgetary allocations to ensure that rural women and girls have adequate access to education, formal employment, quality health services and basic services, such as adequate water and sanitation and electricity, and renew the National Strategy for the (b)Economic and Social Empowerment of Women and Girls in Rural Areas (2017-2020);**

(b) **Implement Law No. 51 of 2019 on safe transportation to ensure that rural women have access to safe and regular public transport;**

(c) **Affiliate all rural women to the National Social Security Fund.**

Women refugees and asylum seekers

49. The Committee notes with concern the inadequate reception arrangements for refugee and asylum-seeking women and girls, including victims of gender-based violence. It is also concerned that the requirement of valid identity documents to access formal employment excludes many refugee and asylum-seeking women from health care, social protection and basic services, and increases their risk of being trafficked and exploited.

50. **The Committee recommends that the State party:**

(a) **Ensure gender-responsive reception arrangements, including gender- and age-sensitive pre-screening procedures to ensure the early identification and referral of refugee and asylum-seeking women and girls to appropriate services;**

(b) **Recognize UNHCR refugee cards as identity documents to enable refugee and asylum-seeking women to obtain work permits, including when they are not in possession of a passport or other national identity document;**

(c) **Expand the recognition of UNHCR refugee cards and asylum seeker ID cards for admission to public hospitals and primary health care facilities, including sexual and reproductive health services;**

(d) **Ensure that refugee and asylum-seeking women and girls have access to social protection, regardless of their employment status;**

(e) **Provide adequate support services to refugee and asylum seeking women and girls who are victims of gender-based violence, including access to shelters, legal assistance and psychosocial counselling.**

Afro-descendent women migrants

51. The Committee notes the adoption of Law No. 50-2018 on the elimination of racial discrimination. However, it is concerned at reported acts of racial discrimination, including harassment in public spaces, against non-national Afro-descendant women in the State party. It also notes with concern that Afro-descendant women have limited access to sexual and reproductive health services, decent work and birth registration of their children. It is further concerned that undocumented Afro-descendant migrant women may face deportation when they access basic services.

52. **The Committee recommends that the State party ensure that civil registrars, health care and other service providers do provide services without discrimination and refrain from reporting those undocumented Afro-descendant women to the immigration authorities, in particular by facilitating birth registration procedures for children of Afro-descendent women, regardless of their migratory status.**

Amazigh women

53. The Committee notes with concern that the cultural and language of Amazigh women is disappearing among young generation, in particular as the language is not taught in schools and the Amazigh culture is not included in educational curricula. It is also concerned that, although Amazigh parents have the right to give Amazigh names to their children under the

law of the State party, civil registrars still often refuse to register Amazigh names in birth certificates.

54. The Committee recommends that the State party:

(a) **ensure that Amazigh women and men have access to birth certificates and civil registration of Amazigh names for their children, including by providing training to civil registrars and facilitating birth registration procedures. It also recommends that the State party ratify ILO Convention No. 169 (1989) on indigenous and tribal peoples;**

(b) **Ensure the right of Amazigh girls to gender-responsive intercultural education in school, including education in their language and on their culture.**

Women in detention

55. The Committee notes with concern that the conditions of detention in the State party are not responsive to women's needs and that the repeated announcements that executions could resume at any time may amount to torture and cruel, inhuman or degrading treatment or punishment of women on death row.

56. The Committee recommends that the State party:

(a) **Maintain the moratorium on the execution of the death penalty, consider converting all death verdicts, including those against women, into life sentences, and take the necessary steps towards the abolition of the death penalty;**

(b) **Ensure that women's conditions of detention respond are gender-responsive and in line with the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).**

Women with disabilities

57. The Committee notes with concern that women and girls with disabilities in the State party face physical and other barriers to access justice, education, employment, health and other basic services.

58. The Committee recommends that the State party remove all barriers and adopt temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to ensure that women and girls with disabilities have adequate and autonomous access to justice, accessible and inclusive education, health services, including sexual and reproductive health services, transportation and other basic services that are responsive to their needs.

Older women

59. The Committee notes with concern the lack of social protection, health care coverage and insufficient pension benefits of older women who were employed in the informal economy or engaged in unpaid work and that many older women who are separated from their families are destitute and live in the streets.

60. The Committee recommends that the State party extend social protection to older women who were employed in the informal economy or engaged in unpaid work, take child raising periods and unpaid care work or work in family businesses and agriculture into account for the calculation of pension benefits, and provide adequate housing and financial support to homeless older women.

LBTI Women

61. The Committee notes with concern that article 230 of the Penal Code criminalizes same-sex relations and that LBTI women often face social stigmatization and gender-based violence by their family members.

62. The Committee recommends that the State party immediately repeal article 230 of the Penal Code, with a view to decriminalizing same-sex relations and destigmatize

and take measures, such as awareness raising campaigns on the rights and dignity of LGBTI women and by effectively investigating complaints and prosecuting and adequately punishing perpetrators, to protect LGBTI women from gender-based violence, including within the family.

Marriage and family relations

63. The Committee welcomes the prohibition of polygamy in the Personal Status Code. However, it notes with concern that the Personal Status Code retains provisions that discriminate against women, notably in relation to inheritance rights (85 and 152), equal rights in marriage (article 23), and that article 5 of the Personal Status Code provides that the minimum legal age for marriage is 18 for females and males while providing that a judge may permit under certain circumstances a marriage with girls and boys who are less than 18 years old.

64. **The Committee recommends that the State party repeal or amend all discriminatory provisions of the Personal Status Code to ensure equal rights of women and men, in particular regarding inheritance, marriage and family relations, and raise the minimum age of marriage to 18 years for women and men, without any exception, in line with article 16 of the Convention and joint general recommendation no. 31 of the Committee/general comment No. 18 of the Committee on the rights of the Child on harmful practices (2019).**

Data collection

65. **The Committee recommends that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, geographical location and other relevant factors, and use measurable indicators to assess trends in the situation of women and progress towards the realization by women of substantive equality in all areas covered by the Convention and the gender-related targets of the Sustainable Development Goals.**

Amendment to article 20 (1) of the Convention

66. **The Committee encourages the State party to accept the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

67. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the implementation of the Convention in the context of the Beijing +25 Review to achieve substantive equality of women and men.**

Dissemination

68. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant State institutions at all levels (national, regional, local), in particular to the Government, Parliament and the judiciary, to enable their full implementation.**

Technical Assistance

69. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

Ratification of other treaties

70. The Committee notes that the adherence of the State party to the nine major international human rights instruments³ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty, the Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional protocol to the International Covenant on Economic, Social and Cultural Rights, to which is not yet a party.

Follow-up to concluding observations

71. The Committee requests the State party to provide, within two years [exceptionally one year], written information on the steps taken to implement the recommendations contained in paragraphs 20(d); 28(a), 30(e) and 64.

Preparation of the next report

72. The Committee will establish and communicate the due date of the eighth periodic report of the State party in line with a future predictable reporting calendar based on an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should cover the entire period up to the time of its submission.

73. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see [HRI/GEN/2/Rev.6](#), chap. I).

³ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political 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; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.