

**Country session: Tunisia**

**Date of session: 26 – 28 May (87<sup>th</sup> session)**

**Context**

Due to the COVID-19 pandemic and restrictions on in person meetings and travel, the CRC Committee decided to conduct online reviews during its 87<sup>th</sup> session. Luxembourg is the second country being reviewed under simplified reporting procedure by the CRC Committee.

**Background information**

[OHCHR press release](#)

**Webcast:** [Part 1](#), [Part 2](#), [Part 3](#)

[Audio file](#)

**Reporting**

**Reporting methodology**

Standard reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

**State report**

Common core document	
<a href="#">Updated document</a>	30 April 2018
<a href="#">Annexe I, Annexe II</a>	27 May 2018

CRC	
No. of report	IV - VI
Due date	28 August 2017
Submission	30 April 2018

Written replies	
Submission	12 March 2020
Due date	29 November 2019

**Public reports from children's rights defenders**

**[Alternative reports and additional information](#)**

**NGOs**

- The Advocates for Human Rights, the World Coalition Against the Death Penalty, Coalition tunisienne contre la peine de mort
- Association Tunisienne des Droits de l'Enfant (ATUDE) / DCI-Tunisia and ECPAT International



	<ul style="list-style-type: none"> <li>• Forum Tunisien pour les Droits Economiques et Sociaux</li> <li>• Association ADO PLUS</li> <li>• Maat for Peace, Development and Human Rights</li> <li>• Congrès Mondial Amazigh</li> <li>• StopIGM.org / Zwischengeschlecht.org</li> <li>• Minority Rights Group International, Anti-Discrimination Points Network</li> <li>• Justicia Juvenil Internacional Mexico</li> <li>• GLOBAL DETENTION PROJECT</li> <li>• NNID Foundation</li> </ul>	
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### State delegation

The State delegation was composed by the Minister of Foreign Affairs, Migration and Tunisians Abroad, who delivered the opening and closing speeches, in his capacity as Head of the Delegation, the Ambassador, Permanent Representative of Tunisia in Geneva, the Representative of the Services in charge of the Relations with the constitutional authorities, the civil society and the Human rights, who will chair the meetings of the dialogue, the Representative of the Services in charge of the Relations with the constitutional authorities, the civil society and the Human rights, the Permanent Secretariat of the National Commission of coordination, elaboration and presentation of reports and follow-up of recommendations in the field of human rights, the Representative of the Ministry of Foreign Affairs, Migration and Tunisians Abroad, the Representative of the Ministry of Foreign Affairs, Migration and Tunisians Abroad, the Minister Plenipotentiary at the Permanent Mission of Tunisia in Geneva, the Representative of the Ministry of National Defense, the Representative of the Ministry of Interior, the Representative of the Ministry of Interior, the Representative of the Ministry of Justice, The Representative of the Ministry of Education, the Representative of the Ministry of Health and the Representative of the Ministry of Women, Family and the Elderly and Representative of the Ministry of Social Affairs.

Check the [State delegation!](#)

### Committee's Task Force members

Name & Last Name	Country
Bragi Gudbrandsson	Iceland
Aissatou Alassane Sidikou	Niger
Luis Ernesto Pedrera Reyna	Uruguay
Mikiko Otani	Japan



## Dialogue description

### i. Character of the dialogue

Despite few technical issues due to the online settings, the dialogue between Tunisia's delegation and the Committee went well.

### ii. General assessment made by the Committee

The Committee congratulated Tunisia to be the first non-European country to sign the Council of Europe's Lanzarote Convention on sexual exploitation and abuse of children and the first country of the Middle East and North Africa to ratify the Optional Protocol on a communications procedure. Since the revolution in 2011, Tunisia is reforming all the system and have made real efforts to incorporate human rights and children rights into the legislation and strengthen implementation in practice. The CRC Committee congratulated the government for these great actions but also raised that there is a real lack of resources impeding the effective and equal implementation of these rights in all the country. The Committee welcomed the initiative taken to prevent all forms of corporal punishment and promote positive parenting. The Committee also complimented Tunisia for following the Committee's recommendation adopted in 2010 regarding children with disabilities and inclusion. However, the Committee raised concerns on the terrorism law and the freedom of association, the children asking for asylum and the discrimination faced by vulnerable children in the country.

### iii. Main issues discussed:

- **Non-discrimination:** Even if the Constitution establishes the principle of non-discrimination, the Committee noticed that in practice, discrimination happened for some children like Amazigh children, children born outside the marriage, children from religious minorities or children with disabilities. For this reason, the Committee asked if Tunisia would legislate comprehensively to effectively apply the principles of the Constitution. The representant of the Ministry of Justice explained that Tunisia has put in place an organic law in 2018 which forbids any form of discrimination and creates a national committee on human rights and a committee specialised on children's rights which will be soon institutionalised, these will be the first instances of the sort in North Africa. Tunisia also shared that they have laws on the prohibition of torture, violence against women, and the inclusion of persons with inclusion, etc. They also implemented a global prevention strategy to sensilize on discrimination, including education programmes and through the medias. On Amazigh children, the State is aware of this problem and is currently working on a discrimination prevention program and will implement Amazigh language as an official course at school.
- **Corporal punishment:** Tunisia is the first country in its region to have integrate the interdiction of corporal punishment in its legislation, including criminalisation for parents. However, regarding a report published by Human Rights Watch, 90% of children are still enduring corporal punishment at least once per month, so despite the new legislation, the Committee was concerned about what is being done to sensilize the population on that matter in order to implement the legislation in practice. The government recognized that corporal punishment is still part of the Tunisian culture and that it will take time to eradicate this practice. Campaigns are put in place at school, but the aim is to reach the family environment and to create a coordination between schools and families and with children themselves. The Committee insisted on the fact that Tunisia needs to have a strategy on positive parenting. Tunisia responded that the country is indeed promoting positive parenting through national television programmes, as well as in parenting coaching and peer to peer coaching programmes. The paternity leave will also be extended in order to promote co-parenthood.

- **Children in conflict with the law:** There is a special justice system for children with the principle of reintegration and rehabilitation of the child offender, and everything is made to avoid detention. The child is prosecuted in front of a specialised judge who are seeking the opinion of experts in all trial's levels. However, in exceptional cases children can be deprived of liberty. The Committee thanked the delegation for the answers provided and asked for more information on the age of responsibility as well as on pre-trial detention. Tunisia ensured that the laws are aligned with their international obligations and that alternatives to detention are provided such as mediation and rehabilitation programs. The age of criminal responsibility had stood at 13 years old for a long time and is now increasing progressively as children are growing older – children aged between 13 and 15 are held partially responsible for offences, for instance. The increasing of the age of responsibility would require more examination.
- **Access to justice:** The Committee welcomed the ratification of the OPIC by Tunisia and congratulated the country to be the first one in the region taking such engagement. However, the members wanted to know how children are aware of the protocol and their right to access justice, and how is it implemented. Tunisia's delegation responded that a national commission was put in place in order to monitor the implementation of the CRC Convention and its Optional Protocols and to raise awareness of the stakeholders. A manual was produced for professionals and sensibilisation programmes for the general public.
- **Terrorism and right to peaceful assembly:** Committee members asked many times about the terrorism law in Tunisia which limits children's rights of freedom of expression and peaceful assembly. The delegation responded that this law was amended, therefore there is no limitation of the right to peaceful assembly of children, except if the reunion is considered as illegal and dangerous for public safety. However, the Committee found the procedure on terrorism unclear and asked for more information on how children can reunite in practice. The Committee also raised some concerns about children who were captured and then returned to their family and asked for explanations in that regard. The delegation specified that the freedom of reunion is guaranteed by the Constitution, and when children are arrested it is not in regard of the terrorism law but for damage of public property. There is currently only one child prosecuted and detained for terrorism. Tunisia ensured that regarding terrorism, children are seen as victims and not as offenders. The Committee also drew the States attention to the situation of recruitment of children for terrorism and children's return from conflict zones. The State answered that they are monitoring and working on the return and rehabilitation of these children, and also set up a committee on terrorism to prevent from discrimination and extremism in establishing many campaigns in all the country.
- **Children with disabilities:** In 2004, Tunisia planed a programme for integration but during the last CRC country review in 2010, the Committee found out that the programme was still at the embryonic stage, and therefore asked Tunisia if the programme is now implemented. The delegation responded that a special committee was established to implement the Committee's recommendation. There is a global strategy to ensure inclusion, including data collection, qualitative and quantitative studies as well as a new programme 2016-2020 on inclusion in education. Persons with disabilities, including children themselves, were consulted for the State report, and their recommendations were taken into account. In that regard, the article 1 of the Constitution was amended to include the interdiction of discrimination of persons with both physical and mental disabilities. The Committee members seemed satisfied in that regard because it appears that the

State have a good model and strategy, and encouraged the government to continue in that direction.

- **System care for children's victims of violence:** Special units are put in place to address children's victims of violence which are ensuring medical and psychological support during all the process. A child cannot be interviewed more than once, and the interview is video recorded and conducted by a specialist. Unfortunately, these units are not put in place equally in all the country and the aim is to make these units accessible to every child who might need support. The other issue is the lack of specialists on children's rights and children victims of violence, so there are on-going trainings to resolve this issue. The Committee welcomes the initiative but also raised that it seems to be mixed units both for mothers and children, and that separates units for children only must be created.
- **Mental health and suicide rate:** One of the Committee members pointed out a raise of the suicide rate which the government delegation confirmed. It is for this reason that a special committee investigates on the reasons of such a raise and a prevention strategy was established which includes intervention at schools and psychologic support. The aim is to establish units in every locality. Regarding children's mental health during the Covid-19 pandemic, the State tried to keep the connexion between the school and the students but it was not without difficulties regarding the online settings of home school. It also appears that the rate of school dropout is about 4.5%. In that regard, educational and psychological support is being implemented in the school environment with the aim to reach children coming from vulnerable groups.
- **Digital rights:** The Tunisian government has launched prevention campaigns on online violence for both children and parents. There is a certain number of online crimes in the country, this is for this reason that the government is raising awareness on multiple topics such as gambling, violent game including suicide games and provide information on how to report this kind of violence. The Committee was satisfied to hear that a prevention program is launched for parents and not only for children.
- **Children's Parliament:** The Committee welcomed the initiative of the Children's Parliament and was willing to know more about the selection of the delegates, mostly regarding age and gender equality. The question of the budget allocation to this Parliament was also raised. The government answered that there is 1020 members from 11 to 16 years old representing every region of the country and with 75% of girls. A child with special needs is currently a candidate to accede the Parliament. The Children's Parliament has its own budget and sends reports to the national Parliament.
- **Children in situation of migration and asylum:** The Committee understood that a programme on asylum was put in place but that it is putting persons in situation of migration in a great discomfort. The Committee also asked what the government does to apply the non-refoulment principle. The Tunisian delegation explained that a new law is in preparation, workshops were organised with the UN High Commissioner for Refugees and the Arabic Institute for Human Rights, and that the project is now examined by all ministries. The Tunisian delegation also responded that even if the legislation is not updated, it is aligned with the international recommendations as the conventional right is higher than the national laws. The State explained that no children are forced to return to their country, the return is established on a voluntarily basis and regarding the best interest of the child. If the child wishes to go to another country, the State is working together with the IOM to provide solutions and facilitate the moving of the child. The Committee remained concerned about the

evaluation of the best interest of the child, it has received information establishing that pressure is put on children to return to their country. The Committee is also concerned about the possibility of administrative detention of the child with its family. It appears that children can be detained in administrative centres which are not accessible to the public, which the delegation denied. The State affirmed that there is only one centre like this in all the country which is often visited by NGOs, journalists, lawyers and others.

## Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew the State party's attention to the recommendations concerning the following areas:

- **Non-discrimination:** The Committee urges the State to implement a comprehensive law prohibiting all forms of discrimination against children from all grounds covered under the Convention, including sex, religion, ethnic or social origin, disability, birth or other status and to revise the Code of Personal Status in particular regarding custody and inheritance rights of girls, adopted children and children born to unmarried parents. The Committee also commends the State to raise awareness and conduct educational programmes to end the stigmatization of children from vulnerable groups, in particular LGBTQI children and to address the disparities of access to rights for all children.
- **Violence, including sexual violence, abuse and neglect:** The Committee urges the State party to prevent and combat all forms of violence against children, including domestic violence, neglect and sexual abuse in implementing a comprehensive strategy and education programmes with the involvement of children, raising awareness, putting in place mechanisms of mandatory reports and complaints which are child friendly and confidential, avoiding the revictimization of the child during the investigation and prosecution in adopting multisectoral and child-friendly approach, putting in place appropriate sanctions and reparations as well as a specific support for child victims. The Committee also asks Tunisia to rapidly adopt the law on child victims and witnesses of crime and to ensure that the measures on the Law on Elimination of Violence against Women to prevent and address violence in the family are sufficiently funded.
- **Health and health services:** The Committee recommends the State to ensure an equal access to Health care for all children in addressing the regional disparities in access to health care and services and increase its allocation of resources. The Committee is also asking Tunisia to implement a comprehensive programme to prevent from malnutrition and obesity and to strengthen its effort to make mental health services accessible and prevent from children and youth suicide.
- **Education:** The Committee urges the State to ensure the high quality and accessibility of public education for all children, in particular for children living in poverty, children in rural areas, and children with disabilities, in strengthening the quality of infrastructures, water and sanitation facilities, making primary school free of charges, facilitating the access of secondary education and ensuring pre-school education for all children with the aim to implement and monitor early childhood education. The Committee would like the State to address violence, abuse and bullying at

school in raising awareness, and also address the high number of dropouts especially in implementing its Second Chance Education programme at national level.

- Asylum-seeking, refugee and migrant children:** The Committee recommends the State to develop a legislation on asylum-seeking and migrant children and to establish status determination procedures to ensure the identification and protection of asylum-seeking, refugee and migrant children, including unaccompanied children and separated children. The State must ensure that the best interest of the child is a primary consideration in asylum and migration-related procedures, especially in building the capacity of the relevant authorities in charge of the application of the principle. The Committee calls the State to prevent all forms of detention and forcible deportations of asylum-seeking, refugee and migrant children and to provide them with support, education, health care and ensuring their access to remedies especially in appointing a legal guardian and free legal aid. The Committee is also recommending the State to integrate human rights education into the mandatory school curriculum.
- Follow-up to the Committee's previous concluding observations on the Optional Protocol on children in armed conflict:** The Committee urges Tunisia to intensify efforts to repatriate children born to Tunisian "foreign fighters" in armed conflicts abroad and to ensure protection, recovery and reintegration to all child victims of the offences covered under the Optional Protocol in paying particular attention to child victims of sexual and gender-based violence in hostilities. The State must properly investigate and prosecute the alleged perpetrators of such violence and provide adequate compensation to the child victims and their families. The Committee calls the State to prevent the radicalization and involvement or recruitment of children in armed conflict in raising awareness among children and training all relevant professionals in term of promoting peace. The Committee also asks the State to remove the requirement of double criminality for extraterritorial jurisdiction.

## Sustainable Development Goals

Throughout its Concluding Observations, the Committee referred to the following targets:

- 10.3 regarding the prohibition of all forms of discrimination against children from all grounds all grounds covered under the Convention.
- 16.9 to ensure an equal access to birth registration for all children.
- 16.2 concerning the torture or cruel, inhuman or degrading treatment or punishment of children.
- 5.2, 16.1 and 16.2 regarding all forms of violence against children, including domestic violence, neglect and sexual abuse.
- 2.2, 3.4 and 3.8 to address the access to health care and services.
- 3.5, 3.7 and 5.6 with regards to sexual and reproductive health of adolescents and the prevention of substance abuse.





- 1.2 addressing the standard of living, social welfare and family assistance to fight against poverty.
- 4.1, 4.3, 4.4, 4.5, 4.6 and 4.A and urges the State to provide an equal access to education for all children.
- 4.2 regarding early childhood development.
- 4.7 to recommend the State to integrate human rights education into the school curriculum.
- 8.7 in order to recommend the State to combat child labour and to prohibit the employment of children in domestic and hazardous work.
- 8.7 regarding child trafficking.

### Next State report

CRC	
No. of report	VII
Due date	28 Feb. 2026

**Disclaimer:** Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.