



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

Fifty-fourth session

25 May – 11 June 2010

### Consideration of reports submitted by States parties under Article 44 of the Convention

#### Concluding observations of the Committee on the Rights of the Child: Tunisia

1. The Committee considered the third periodic report of Tunisia (CRC/C/TUN/3) at its 1529th and 1531st meetings (see CRC/C/SR.1529 and 1531), held on 4 June 2010, and adopted, at its 1541st meeting, held on 11 June 2010, the following concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the State party's third periodic report, which was prepared in accordance with the Committee's guidelines for reporting. The Committee furthermore appreciates the detailed written response to the list of issues (CRC/C/TUN/Q/3/Add.1), and the fruitful dialogue held with the multisectoral delegation, which allowed for a better understanding of the situation of children in the State party.

#### B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the withdrawal by the State party of its declaration and of its reservations to article 2 of the Convention relating to personal status, particularly in relation to marriage and inheritance rights, and to article 7 relating to nationality.

4. The Committee notes with appreciation the adoption of:

(a) Act No. 2007-32 of May 2007 equalizing the minimum age for marriage for boys and girls, setting it at 18 years for both sexes;

(b) Act No. 2005-32 of April 2005 setting the age of admission of children to domestic employment at 16 years instead of 14 years (18 years for some types of work);

(c) Act No. 2005-83 of August 2005 aimed at achieving equal opportunities for persons with disabilities, particularly with regard to access to education, vocational training and employment, and at protecting them from all forms of discrimination;

(d) Act No. 51 of July 2003 supplementing Act No. 98-75 of 28 October 1998 granting a patronymic family name to children of unknown parentage or abandoned children.

5. The Committee also welcomes the ratification by the State party of the following:

(a) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 2 January 2003;

(b) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 13 September 2002;

(c) Convention on the Rights of Persons with Disabilities and its Optional Protocol, on 2 April 2008;

(d) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 23 September 2008;

(e) United Nations Convention against Transnational Organized Crime, in June 2003, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in July 2003, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, in July 2003;

(f) Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, in August 2008.

6. The Committee also welcomes:

(a) The adoption in May 2002 of the National Plan of Action for Children (2002-2011);

(b) The creation of the post of Chief Child Protection Officer with the aim of overseeing and coordinating the activities of Child Protection Officers (*délégués à la protection de l'enfance*), assessing them, and participating in their development skills;

(c) The empowerment in 2006 of the High Committee on Human Rights and Fundamental Freedoms to deal with individual complaints and the extension of the list of bodies the High Committee is authorized to visit so as to include "social bodies responsible for persons with special needs".

## **C. Main areas of concern and recommendations**

### **1. General measures of implementation (arts. 4, 42 and 44 (para. 6) of the Convention)**

#### **The Committee's previous recommendations**

7. The Committee notes with appreciation efforts by the State party to implement the 2002 concluding observations of the Committee on the second periodic report of the State party (CRC/C/15/Add.181). Nevertheless, the Committee regrets that some of its concerns and recommendations have been insufficiently or only partly addressed.

**8. The Committee refers the State party to its general comment No. 5 (2003) on general measures of implementation for the Convention on the Rights of the Child and recommends that it take all necessary measures to address the recommendations from the concluding observations on the second periodic report that have not yet been implemented or sufficiently implemented, including those related to corporal**

**punishment (CRC/C/15/Add.181, para. 34), the right to freedom of expression and peaceful assembly (para. 28), the right to freedom of thought, conscience and religion (para. 30), the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (para. 32), data collection in particular as regards child abuse and neglect (para. 34), and economic and sexual exploitation of children (paras. 42 and 44). The Committee also recommends that the State party provide adequate follow-up to the recommendations contained in the present concluding observations on the third periodic report.**

#### **Legislation**

9. The Committee commends the State party for the significant legislative reform undertaken in the field of the rights of the child. It remains concerned, however, that no information has been provided by the State party on the effective implementation of this legislation and on its impact on children.

**10. The Committee recommends that the State party strengthen implementation of its domestic legislation and conduct an evaluation on its direct impact on the rights of the child.**

#### **Coordination**

11. The Committee takes note of the positive steps undertaken by the State party to improve the effectiveness of the High Council for Children as a mechanism for coordination. The Committee welcomes in particular the establishment in 2006 of a Commission whose role is to improve the efficiency and the effectiveness of coordination between the central Government and the governorates, as recommended by the Committee in its previous concluding observations (CRC/C/15/Add.181, para. 13). Nevertheless, the Committee remains concerned about the lack of coordination between the various sectors of child protection and at the absence of an overall structural vision of the child protection system.

**12. The Committee encourages the State party to pursue its efforts to ensure the effectiveness of the High Council for Children to effectively coordinate, monitor and evaluate the realization of the rights of the child. The Committee reiterates its previous recommendation that the State party pursue its efforts to strengthen the coordination between the central Government and the governorates. It also encourages the State party to evaluate and rationalize the child protection system and to ensure a better coordination between the various sectors of intervention relating to children at all levels.**

#### **Independent monitoring**

13. The Committee welcomes the consolidation of the role and power of the High Committee on Human Rights and Fundamental Freedoms since 2006 and the steps taken by the State party to seek accreditation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. The Committee is however concerned at the lack of detailed information regarding the independence, effectiveness and mandate of the High Committee as it relates to children's rights, as well as regarding the visits it is empowered to conduct in places of deprivation of liberty.

**14. The Committee recommends that a special unit for children be set up within the High Committee on Human Rights and Fundamental Freedoms with the mandate to monitor and evaluate progress in the implementation of the Convention, including implementation by the private sector and non-governmental organizations (NGOs) as providers of services to children. It further recommends that the full independence of the High Committee on Human Rights and Fundamental Freedoms be ensured in**

practice and that it be empowered to receive, investigate and address complaints about violations of child rights in a child-sensitive manner. The Committee also recommends that the State party promptly seek accreditation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. The Committee draws the attention of the State party to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child.

#### **Allocation of resources**

15. While welcoming the fact that budgetary allocation for children has been increasing in recent years, the Committee remains concerned at the lack of clarity as regards the resources allocated and spent by the different ministerial departments dealing with children. It is also concerned that the economic crisis could have a negative impact on budgetary allocations for children.

16. **The Committee recommends that the State party continue prioritizing budgetary allocations for children at national and local levels. It also recommends that the State party define more precisely the budgetary allocation of all ministries concerned with children and provide information in this regard in order to allow a proper assessment of the degree to which the State party is meeting its obligation under article 4 of the Convention. Furthermore, the Committee recommends that the National Plan of Action be provided with an operational mechanism, including a budget broken down by component and fully incorporated in the national budget.**

#### **Data collection**

17. The Committee notes with satisfaction the major role played by the Observatory of Information, Training, Documentation and Studies on the Protection of Children's Rights (the Observatory) since 2002 in providing a national data collection system, producing each year a national report on the state of children in Tunisia and promoting a culture of children's rights. The Committee notes with satisfaction the steps taken by the Observatory to improve the database ChildInfo on indicators relevant to children, to improve the accessibility of data collected and to work more closely with relevant ministries to improve data collection. The Committee regrets, however, that the annual reports are mainly descriptive and that the availability, relevance, access and sharing of data at the national, regional and local levels remains an ongoing challenge, particularly in the area of child protection.

18. **The Committee recommends that the annual report on the state of children in Tunisia be used for assessing achievements and progress as well as constraints and challenges in an analytical way. It encourages the State party to continue strengthening its statistical system with the support of its partners, and to use the data collected and analysed as a basis for assessing progress achieved in the realization of child rights and to help design policies to implement the Convention. The Committee recommends that the State party continue to work on the development of new indicators, the collection mechanisms, the monitoring and the disaggregation of data so as to allow for targeted and relevant analysis of the situation of children in Tunisia. The State party should ensure that the information collected contains up-to-date data on children living in rural areas, children with disabilities, children living in poverty, children in street situations, working children, children victims of sexual exploitation and abuse and other children in vulnerable situations.**

### Cooperation with civil society

19. The Committee notes the assertion of the State party in its report that the report was drawn up using a participatory approach which involved civil society. The Committee is concerned, however, that NGOs critical of State policies face obstacles in participating in the policy formulation, planning and budgeting phases of Government programmes. The Committee is deeply concerned at reports of harassment, persecution, arbitrary arrest and detention, and other human rights violations against human rights defenders, and restrictions placed on the activities of some NGOs. It expresses its deep concern at the new draft bill amending article 61 of the Penal Code which, if adopted, might have a negative impact on the cooperation between international and regional human rights bodies and NGOs working in the field of human rights, and especially children's rights.

**20. The Committee urges the State party to take all necessary measures to immediately halt and provide protection against the harassment and persecution of human rights defenders, as well as to release all persons detained because of their activities in the field of human rights, including children's rights. The Committee further recommends that the State party withdraw the draft bill amending article 61 of the Penal Code and review without delay laws, regulations and administrative practices in order to facilitate activities of NGOs. It further recommends that all NGOs, including children's organizations and independent NGOs, be systematically involved throughout all stages of implementation of the Convention on the Rights of the Child.**

### 2. General principles (arts. 2, 3, 6 and 12 of the Convention)

#### Non-discrimination

21. The Committee reiterates the concern expressed in its previous concluding observations (CRC/C/15/Add.181, para. 22) that the principle of non-discrimination (art. 2) is not adequately reflected in the Child Protection Code and that the legal framework addressing discrimination against children is not fully applied in practice for certain groups.

**22. In view of the lack of implementation of its previous recommendation, the Committee reiterates the recommendation it made in 2002 (CRC/C/15/Add.181, para. 23 (a)) that the State party make concerted efforts at all levels to address discrimination, notably discrimination based on the political and human rights activities, expressed opinions or beliefs of children or their parents, legal guardians or family members; disability; national, ethnic, or social origin, by means of a review and a reorientation of policies, including increased budgetary allocations for programmes targeting the most vulnerable groups.**

23. The Committee notes that the State party made important strides in eradicating poverty and that it is undertaking efforts to eliminate disparities and promote equal opportunities for all children by accompanying economic growth with social programmes. It welcomes the three-year project (2009-2011) aimed at improving youth employment figures in most disadvantaged regions. The Committee remains concerned, however, about disparities with regard to access and availability of services for children between different regions, and between urban and rural communities. These disparities, which are reflected in a range of demographic and social indicators, are such that targets of the Millennium Development Goals may not be met at the regional level.

**24. The Committee recommends that the State party pursue its policy aimed at addressing household poverty and vulnerability, and continue prioritizing investment in children. It reiterates its previous recommendation (CRC/C/15/Add.181, para. 23 (b)) and urges the State party to further enhance an appropriate decentralization**

**of budgetary resources to the most underprivileged locations and to strengthen its measures to ensure equal access and availability of services for all children, irrespective of where they live.**

25. The Committee welcomes the information on the measures taken to address discrimination against children born out of wedlock, in line with the previous recommendations of the Committee. It remains concerned, however, that discrimination against children born out of wedlock continues to exist, as does discrimination against single mothers owing to negative social attitudes, which has a negative impact on children as demonstrated, inter alia, by the high rate of abandonment and the existence of some cases of infanticide of children born out of wedlock.

**26. The Committee urges the State party to undertake awareness-raising campaigns in order to counteract discrimination against children born out of wedlock and single mothers, and to ensure that single mothers receive appropriate psychosocial and financial assistance.**

27. While welcoming the withdrawal of the reservation of the State party to article 2 of the Convention regarding personal status, the Committee remains concerned that the Code of Personal Status continues to allow discrimination against women and girls in matters relating to inheritance. The Committee is also concerned that the law does not clearly provide for the rights of adopted children and children born out of wedlock to succession or inheritance.

**28. The Committee urges the State party to review domestic legislation so as to ensure that discriminatory provisions affecting inheritance rights of girls are removed in accordance with article 2 of the Convention on the Rights of the Child and with the Convention on the Elimination of All Forms of Discrimination against Women. It further recommends that national legislation be amended to ensure that adopted children and children born out of wedlock benefit explicitly from the same inheritance rights as children born within marriage.**

**29. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance as well as on the measures taken to follow up on the outcome document adopted at the 2009 Durban Review Conference, taking into account the Committee's general comment No. 1 (2001) on the aims of education.**

#### **Best interests of the child**

30. The Committee notes with appreciation that the principle of the best interests of the child is incorporated in the legislation of the State party, notably in article 4 of the Child Protection Code, and that it is generally implemented in decisions affecting children taken by legislative, judicial and administrative authorities of the State party. The Committee is concerned, however, that article 58 of the Code of Personal Status, which provides that a female guardian must be unmarried, and that a male guardian should have available a wife to discharge the duties of guardianship, might be inconsistent with the principle of the best interests of the child.

**31. The Committee recommends that the State party take all appropriate measures to ensure that the principle of the best interests of the child is adequately integrated in all legal provisions and implemented in practice in judicial and administrative decisions and in programmes, projects and services which have an impact on children, in accordance with article 3 of the Convention.**

### **Respect for the views of the child**

32. The Committee appreciates the creation of the Child and Youth Parliaments and Children's Town Councils at the local level but regrets that, despite these efforts, the participation of children in public life and the ways in which they can actively participate in setting priorities and in implementing and evaluating programs are quite limited. The Committee also regrets that the Children's Town Councils benefit children living in urban areas only. The Committee is concerned that the views of the child are not always sufficiently taken into account in matters concerning school administration and classroom education, in public debates, in the family, as well as in administrative and judicial proceedings.

**33. The Committee recommends that the State party incorporate and establish clear mechanisms and guidelines on how the views expressed by children at the Child Parliament, the Youth Parliament and in Children's Town Councils are to be taken into account by policymaking bodies and that it ensure that children are provided with adequate responses to their proposals. The Committee further recommends that councils be established also in rural areas. It recommends that the State party, in accordance with article 12 of the Convention, incorporate, facilitate and implement in practice the principle of respect for the views of the child, within the family, schools and the community, as well as in institutions and in administrative and judicial proceedings. The Committee further draws the attention of the State party to its general comment No. 12 (2009) on the right of the child to be heard.**

### **3. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

#### **Freedom of expression and peaceful assembly**

34. The Committee regrets that the State party has not taken steps to implement its previous recommendation on the right to freedom of expression and peaceful assembly (CRC/C/15/Add.181, para. 28) and therefore reiterates the concern that the right of the child to freedom of expression, including to receive information, and to freedom of association and peaceful assembly are not fully guaranteed in practice.

**35. The Committee reiterates its previous recommendation (CRC/C/15/Add.181, para. 28) that the State party take all necessary measures to ensure the full practical implementation of the rights to freedom of expression and freedom of association and peaceful assembly, in accordance with articles 13 and 15 of the Convention.**

#### **Freedom of thought, conscience and religion**

36. The Committee notes that article 5 of the Constitution provides for the inviolability of the freedom of conscience and freedom of religious worship unless it disturbs public order. Nevertheless the Committee remains concerned at regulations prohibiting the wearing of an Islamic headscarf (hijab) by women and girls in Government offices and in schools and universities.

**37. The Committee regrets that it must reiterate the same recommendation made to the State party in 2002 (CRC/C/15/Add.181, para. 30) to take all necessary measures to ensure the full implementation of the right to freedom of thought, conscience and religion.**

#### **Torture and other cruel, inhuman or degrading treatment**

38. The Committee welcomes the signature in 2005 of an agreement between the Tunisian authorities and the International Committee of the Red Cross authorizing the latter to carry out visits to all penitentiary establishments and detention centres. Nevertheless, the

Committee remains deeply concerned at allegations of violations of the rights of the child not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment since the last concluding observations and despite its previous recommendations (CRC/C/15/Add.181, para. 32), and at the persistent impunity of the perpetrators of such crimes. The Committee notes with concern that children of human rights defenders and political opponents seem to be particularly targeted. Furthermore, the Committee expresses concern that the infliction of torture or cruel, inhuman or degrading treatment or punishment on children is not considered as an aggravating factor and is therefore sentenced equally should the victim be a child or an adult.

**39. In the light of article 37 (a) of the Convention, the Committee urges the State party to take all necessary measures to prevent, prohibit and protect children from all forms of torture or other cruel, inhuman and degrading treatment or punishment in all settings. It recommends that the State party investigate allegations of torture and ill-treatment of children, and take all necessary measures to bring the alleged perpetrators to justice and avoid impunity. In addition, the Committee recommends that the State party review its legislation in order to ensure that infliction of torture or cruel, inhuman or degrading treatment or punishment upon children is considered as an aggravating factor and that penalties are commensurate with the gravity of the crime.**

#### **Corporal punishment**

40. While welcoming that a draft law amending article 339 of the Penal Code is under consideration, the Committee is concerned that by virtue of this provision “castigation inflicted on a child by persons having authority over him or her shall not give rise to punishment”. The Committee is further concerned that corporal punishment remains lawful in the home and in alternative care settings and that, despite internal regulations of the Ministry of Education prohibiting corporal punishment, it continues to be inflicted on children by teachers throughout the State party. Furthermore, the Committee expresses concern that the interpretation of the provision prohibiting “usual ill-treatment” of children is much narrower than the Committee’s interpretation of corporal punishment. It regrets the insufficient information about and awareness of domestic violence and its harmful impact on children.

**41. Recalling its previous recommendation (CRC/C/15/Add.181, para. 34), the Committee draws the attention of the State party to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, according to which eliminating violent and humiliating punishment of children is an immediate and unqualified obligation of States parties. The Committee therefore urges the State party:**

**(a) To amend the penal code so as to explicitly prohibit by law all forms of corporal punishment in all settings and ensure that those laws are effectively implemented and that legal proceedings are systematically initiated against those responsible for mistreating children;**

**(b) To amend the definition of “usual ill-treatment” so as to ensure that it is in line with the Committee’s interpretation of corporal punishment and other cruel or degrading forms of punishment as per general comment No. 8 (2006);**

**(c) To conduct a comprehensive study to assess the causes, nature and extent of corporal punishment throughout the State party and design policies and programmes to address it;**

**(d) To introduce public education, awareness-raising and social mobilization campaigns on the harmful effects of corporal punishment and domestic violence with**



a view to changing the general attitude towards this practice and promoting positive, non-violent, participatory values and forms of child-rearing and education.

#### **Follow-up to the United Nations Study on Violence against Children**

42. The Committee encourages the State party to prioritize the elimination of all forms of violence against children. With reference to the United Nations Study on Violence against Children, the Committee recommends that the State party:

(a) Take all necessary measures to implement the recommendations of the Regional Consultation for the Middle East and North Africa held in Cairo from 27 to 29 June 2005 as well as in the Regional Follow-up Consultation held in Cairo from 25 to 28 March 2006. In particular, the Committee recommends that the State party pay particular attention to the following recommendations:

- (i) Prohibit all forms of violence against children;
- (ii) Enhance the capacity of all who work with and for children;
- (iii) Address the gender dimension of violence against children;

(b) Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse;

(c) Seek technical assistance from the Special Representative of the Secretary General on violence against children, the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights, and the World Health Organization.

#### **4. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)**

##### **Family environment and parental support**

43. The Committee welcomes the efforts made by the State party to facilitate the establishment of legal paternity for children born out of wedlock. It is concerned, however, at the high rate of children born out of wedlock who are placed in institutions resulting from the precarious situation, social stigmatization and discrimination single mothers face. The Committee is deeply concerned that the Child Protection Code fails to provide appropriate mechanisms to secure adequate family and parental support to single mothers and maintenance recovery from fathers or other persons having financial responsibility for the child.

44. The Committee urges the State party:

(a) To take necessary measures, including legislative ones, to ensure, to the extent possible, maintenance of children born out of wedlock by parents, particularly their fathers, or other persons having financial responsibilities for the child, in compliance with article 27, paragraph 4, of the Convention;

(b) To provide effective protection and social services for the most vulnerable families and ensure that social safety net schemes give priority to female-headed households;

(c) To undertake sensitization and awareness-raising measures to eliminate stigmatization and discrimination against single mothers.

**Children deprived of a family environment**

45. While noting the adoption of a policy of de-institutionalization, the Committee remains concerned that the trend of the total number of children in residential care in the last 10 years has not shown a substantive decrease. It expresses grave concern at the very high number of children born out of wedlock who are placed in institutions, which represented about 35 per cent of the children deprived of parental care and placed in institutions in 2007.

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

**(a) Give priority to protecting the natural family environment and ensure that removal from the family and placement in foster care or in an institution is used only as a measure of last resort when in the best interests of child;**

**(b) Develop a national plan of action to implement the de-institutionalization policy in an efficient manner and within a clear time frame and ensure the establishment of mechanisms for its effective implementation and monitoring;**

**(c) Develop the system of alternative care services with regulations, minimum standards and appropriate controls;**

**(d) Ensure the right of the child to be heard at all steps of the alternative care procedure;**

**(e) Take into consideration the recommendations adopted at the Committee's day of general discussion on children without parental care held on 16 September 2005 (see CRC/C/153);**

**(f) Consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (1993) in order to avoid the sale of children through illegal adoptions.**

**Abuse and neglect**

47. The Committee notes with appreciation the adoption of a National Plan of Action to combat violence against children and to promote non-violent behaviour (2009-2012), the creation of an information system on children in danger which should allow for the disaggregation of data collected by Child Protection Officers, and the conduct of a survey on violence in the school environment and a survey on violence in the family and social environment. Nevertheless, the Committee is concerned that:

(a) Domestic violence and abuse of children, including sexual abuse, constitutes a widespread and growing problem as demonstrated, inter alia, by the figures provided by the latest Multiple Indicator Cluster Survey (MICS 3, 2006) showing that 94 per cent of children in the age group 2-14 years old are victims of verbal, physical or psychological violence within their family circle;

(b) Services for the physical and psychological support of victims of violence are insufficient;

(c) The child protection system lacks an implementing body and proceedings in line with articles 19 and 39 of the Convention, especially for prevention, identification, reporting, referral, investigation, treatment, social reintegration and follow-up;

(d) There is insufficient disaggregated data to monitor and protect child victims.

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

**(a) Take all necessary measures in order to address and prevent violence and abuse of children;**

**(b) Ensure that adequate and appropriate recovery and social reintegration services are provided to children and their families in all areas of the country and that children have information about where to get effective assistance;**

**(c) Conduct timely and adequate investigations of all cases of child abuse and violence, and take measures and procedures to protect the rights and interests of child victims and witnesses in the criminal justice process, including allowing videotaped evidence;**

**(d) Undertake a comprehensive study on the root causes, nature and extent of domestic violence, including abuse, neglect and maltreatment, and develop specific indicators to gather data disaggregated, inter alia, by age, sex, ethnic origin and geographic location.**

**5. Basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

**Children with disabilities**

49. 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.

**50. 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;**

**(f) Take into consideration the Committee's general comment No. 9 (2006) on the rights of children with disabilities.**

**Health and access to health services**

51. The Committee notes the sustained commitment by the State party to implement its primary health care policies, notably through several national programmes, including the national perinatal programme, the national strategy for integrated care for mother and child (PCIME) and the quality assurance strategy for basic health services. Nevertheless, the Committee remains concerned at the relatively high infant and maternal mortality rates.

While noting the strategy developed by the Ministry of Public Health aimed at regions where health indicators are below the national average, it remains concerned that infant mortality in rural areas is twice the rate of that in urban areas and that an important disparity between rural and urban areas regarding access to quality health services persist. The Committee is further concerned that exclusive breastfeeding prevalence fell significantly between 2000 (48 per cent) and 2006 (6 per cent).

**52. The Committee recommends that the State party continue to prioritize the allocation of financial and human resources to the health sector, in order to ensure equal access to quality health services by all children, including children living in the most disadvantaged regions and remote areas of the country. Furthermore, the Committee recommends that the State party strengthen its efforts to further reduce infant and maternal mortality, especially by focusing on preventive measures and generalizing specific actions to prevent major causes of maternal death. It urges the State party to develop strategies and sustained programmes to inform parents and communities about advantages of breastfeeding.**

#### **Adolescent health**

53. The Committee notes with appreciation the development by the National Office for Family and the Population (ONFP) of an information and education strategy to increase adolescents' awareness of mental health, reproductive health and risk behaviours. The Committee commends the measures taken by the State party to address the use of tobacco by children, such as the national anti-tobacco campaign and the revision of the legislative framework, but remains concerned that, according to the Global Youth Tobacco Survey (2007), almost one quarter of adolescents between the ages of 13 and 15 have already smoked a cigarette.

**54. The Committee recommends that the State party ensure that adolescents be provided with information on sexual and reproductive health, including on family planning and contraceptives. It also recommends that child-friendly health services and counselling for adolescents be gender-sensitive and confidential and be made available to adolescents who are out of school and to those living in rural or remote areas. The Committee recommends that the State party provide children with accurate and objective information about substance use, including tobacco use, and that it protect them from misinformation through comprehensive restrictions on tobacco advertising. The Committee further recommends that the State party develop rehabilitation services for children who are victims of substance abuse.**

### **6. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

#### **Education, including vocational training and guidance**

55. The Committee commends the significant efforts deployed by the State party to increase enrolment rates in primary and secondary education, and to reduce drop-out rates as well as regional and urban/rural disparities. It notes with satisfaction the four-year priority programme of education (2001-2005) adopted in the framework of the national strategy to reduce disparities between different regions and between urban and rural areas. It also welcomes the progress made to expand preschool education and adult literacy programmes, and to improve access to information technologies. Nevertheless, the Committee is concerned at:

(a) The dropout and repetition rates in both the first and second cycles of basic education which, while decreasing, continue to pose a significant challenge to the educational system;

(b) The persistent regional and urban/rural disparities in education and in the quality of education facilities;

(c) The fact that the enrolment in early childhood education remains low and that many poor families and those living in rural areas are excluded from these services due to the progressive withdrawal of the public sector to the benefit of the private sector as service providers of preschool education.

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

**(a) Pursue and strengthen its efforts to eliminate regional and urban/rural disparities in education;**

**(b) Pursue and strengthen its policy aimed at preventing school dropout and repetition and undertake a study on the reasons behind failure to complete schooling and linkages between the drop-out rate and the relevance of educational material and methods of teaching;**

**(c) Reinforce the coordination of educational and social services and put in place an early warning mechanism enabling the timely re-entry of drop-out children in school or in alternative educational facilities which cater for their special educational and learning needs;**

**(d) Expand vocational education in secondary schools and vocational training and apprenticeship programmes in the phase of transition from school to employment;**

**(e) Encourage the participation of children at all levels of the educational system and ensure they can freely discuss, participate and express views and opinions on all matters affecting them;**

**(f) Provide access to early childhood education supplied with qualified teachers for every child, and raise the awareness and motivation of parents with respect to pre-schools and early-learning opportunities;**

**(g) Include human rights and child rights in the curricula of schools at all levels;**

**(h) Take into account general comment No. 1 (2001) on the aims of education and general comment No. 7 (2005) on implementing child rights in early childhood.**

**7. Special protection measures (arts. 22, 38, 39, 40, 37 (b) and (d), 30 and 32-36 of the Convention)**

#### **Economic exploitation, including child labour**

57. The Committee welcomes the legislative amendment of 2005 and the National Programme to combat the economic exploitation of girls as domestic servants. The Committee reiterates the concern expressed in its previous concluding observations (CRC/C/15/Add.181, para. 41) about the lack of specific data and evaluation of activities concerning child labour in the State party.

**58. The Committee reiterates its previous recommendations (CRC/C/15/Add.181, para. 42) that the State party take all necessary measures to effectively prevent and combat child labour and that it report in the next periodic report on the nature and magnitude of child labour as well as the measures taken for the implementation of the International Labour Organization (ILO) Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138) and the Convention concerning the**

**Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182).**

**Children in street situations**

59. The Committee is concerned that 35 per cent of the cases referred to regional child protection delegates in 2008 involved neglect and vagrancy. In view of the magnitude of this phenomenon, the Committee expresses concern at the apparent lack of adequate protection measures in place and at the absence of information and specific data in the report of the State party on the situation of children in street situations.

60. **The Committee therefore recommends that the State party:**

(a) **Undertake a systematic assessment of the situation of children in street situations in order to obtain an accurate picture of the root causes and magnitude;**

(b) **Develop and implement, with the active involvement of the children themselves, a comprehensive policy which should address the root causes, in order to prevent and reduce this phenomenon;**

(c) **In coordination with NGOs, provide children in street situations with the necessary protection, including a family environment, adequate health-care services, the possibility to attend school and other social services;**

(d) **Support family reunification programmes, when that is in the best interests of the child.**

**Sexual exploitation and abuse**

61. The Committee is concerned about the sharp increase in the number of children victims of sexual abuse in the State party in the year 2008/2009. It regrets, however, that these data are not specific and disaggregated, making impossible the assessment of the nature and extent of sexual exploitation and abuse of children, including child prostitution and pornography in the State party. The Committee notes with concern that article 227 bis of the Penal Code prohibiting sexual intercourse without violence with a child under the age of 15 only makes reference to girls, therefore not expressly protecting boys under 15 years old from such acts.

62. **The Committee recommends that the State party develop a data collection and analysis system on sexual exploitation and abuse of children and the prosecution and conviction of perpetrators. It also recommends that the State party amend article 227 bis of the Penal Code so as to ensure that sexual intercourse without violence with both girls and boys under the age of 15 is expressly prohibited. The Committee further recommends that the State party implement adequate legislation, policies and programmes for prevention, investigation, prosecution, recovery and the social reintegration of child victims of sexual abuse and exploitation, taking into account the outcome documents from the first, second and third World Congresses against Commercial Sexual Exploitation of Children, held in 1996, 2001 and 2008 respectively, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.**

**Sale, trafficking and abduction**

63. While noting with appreciation that the State party recently adhered to several international instruments on the matter, the Committee remains concerned that its law does not specifically prohibit human trafficking and that the report of the State party lacks information about the sale, trafficking, including in body organs, and abduction of children in the country.

64. The Committee recommends that the State party bring domestic law into full compliance with the Convention, its optional protocol on the sale of children, child prostitution and child pornography and other relevant international instruments and adopt further measures to combat the trafficking of children for sexual and other exploitative purposes. It further recommends that a national coordination mechanism and a comprehensive data collection system be established in order to ensure that data on sale, trafficking, including in body organs, and abduction are systematically collected and analysed, and disaggregated by, inter alia, age and sex, and that they provide the tools necessary for the formulation and evaluation of policies. The Committee also recommends that the State party carry out awareness-raising activities on trafficking, including through media campaigns, and that it establish a toll-free child helpline to report cases and support victims of trafficking.

#### **Administration of juvenile justice**

65. The Committee welcomes that the State party adhered to all international instruments and standards related to juvenile justice and that the Child Protection Code introduces specific mechanisms that constitute an appropriate framework and procedures. The Committee remains concerned, however, at the failure of the State party to monitor the quality and efficiency of the juvenile justice system and to guarantee full implementation of all provisions at all stages of criminal justice process. With reference to the mention of “social and family offences” in the report of the State party, the Committee expresses concern that the State party might criminalize behavioral problems of children which often are the result of psychological or socio-economic problems, also referred to as status offences. It also notes with concern that the very broad definition of terrorist acts may have adverse consequences for the protection of children’s rights and may lead to abuse. The Committee notes with concern that alternatives to deprivation of liberty are not sufficiently used and regrets that the Probation Officer (*délégué à la liberté surveillée*) envisaged in the Child Protection Code has not yet been established. The Committee further notes with concern the high rate of recidivism of child offenders, especially girls. The Committee regrets the insufficient information available on prevailing conditions in detention facilities for children and with respect to independent complaints mechanisms.

66. The Committee recommends that the State party continue its efforts to improve the juvenile justice system in conformity with articles 37 (b), 39 and 40 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). The Committee also recommends that the State party, while taking into account the Committee’s general comment No. 10 (2007) on children’s rights in juvenile justice:

(a) Ensure that the penal code does not criminalize any status offence so as to prevent further stigmatization, victimization and criminalization of young persons;

(b) Formulate and adopt a more precise definition of terrorist acts and ensure that persons under 18 years are not held accountable, detained or prosecuted under anti-terrorism laws;

(c) Ensure that deprivation of liberty is always used as last resort and expand possibilities for alternative sentences such as probation and community service;

(d) Establish the child probation officer envisaged in the Child Protection Code, review and strengthen the process and methodology currently applied in legal mediation in order to reach its educational goal;

(e) Make every effort to establish a gender-sensitive programme of recovery and reintegration of children following justice proceedings;

(f) Ensure that conditions of detention are in conformity with international standards and provide information in this regard in its next periodic report;

(g) Ensure that there are effective independent mechanisms available to receive and address concerns raised by children within juvenile justice system;

(h) With the technical assistance of UNICEF and the Interagency Panel on Juvenile Justice, monitor the quality and efficiency of the juvenile justice system in order to ensure its compliance with international standards at all time and for all crimes.

#### **Protection of witnesses and victims of crimes**

67. The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all child victims and/or witnesses of crimes, for example child victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking, and witnesses of such crimes, are provided with the protection required by the Convention, and that it take fully into account the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20).

#### **8. Ratification of international and regional human rights instruments**

68. The Committee calls upon the State party to promptly submit its initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It also encourages the State party to accede to all core human rights instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the International Convention for the Protection of All Persons from Enforced Disappearance, and to ensure prompt compliance with implementation and reporting requirements in order to promote and improve the overall protection of human rights.

#### **9. Follow-up and dissemination**

##### **Follow-up**

69. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia by transmitting them to the members of the Parliament, relevant ministries, the Supreme Court, and to local authorities, when applicable, for appropriate consideration and further action.

##### **Dissemination**

70. The Committee further recommends that the third periodic report and written replies submitted by the State party and the related recommendations (concluding observations) adopted be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups, children and the media, in order to generate debate and awareness of the Convention, its implementation and monitoring.

#### **10. Next report**

71. In the light of the recommendation on reporting periodicity adopted by the Committee and described in its reports CRC/C/114 and CRC/C/124, and noting that



the fourth periodic report of the State party was due in February 2009, the Committee invites the State party to submit a consolidated fourth, fifth and sixth periodic report on 28 August 2017 (i.e. 18 months before the date established in the Convention for the submission of the sixth periodic report). This report should not exceed 120 pages (see CRC/C/118) and should include information on follow-up to these concluding observations and on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Committee expects the State party to report every five years thereafter, as foreseen by the Committee.

72. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved by the ninth inter-committee meeting of the human rights treaty bodies in June 2009 (HRI/GEN/2/Rev.6).

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