



Convention on the Rights of the Child

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Committee on the Rights of the Child

Combined fourth to sixth periodic reports submitted by Tunisia under article 44 of the Convention, due in 2017^{*, **}


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- * The present document is being issued without formal editing.
 - ** The annexes to the present report are on file with the secretariat and are available for consultation. They may also be accessed from the web page of the Committee on the Rights of the Child.

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Introduction

1. Tunisia is submitting the present combined fourth to sixth periodic reports, under article 44 of the Convention on the Rights of the Child and in line with paragraph 71 of the concluding observations issued by the Committee on the Rights of the Child in June 2010, following its consideration of the third periodic report. The report contains information about follow-up to the Committee's concluding observations and recommendations and about the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (see CRC/C/TUN/CO/3).

2. The National Commission for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights, which is the standing national mechanism for drafting the reports of Tunisia, was brought into being pursuant to Government Order No. 1593 of 2015, which was subsequently amended by Government Order No. 662 of 2016. The National Commission is chaired by the Minister for Relations with Constitutional Bodies, Civil Society and Human Rights, and its members are drawn from the Office of the Prime Minister and from other ministries and bodies, which are described in the Order itself. The drafting process took account of the General Guidelines Regarding the Form and Content of Periodic Reports issued by the Committee, which concerns the methodology and process for the compilation of reports.

Methodology and process for drafting the report

3. In cooperation with the Tunisia bureaus of the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), the National Commission organized activities in different parts of the country. These included three workshops and a special session of the Children's Parliament involving 197 children between the ages of 12 and 17 with equal representation of boys (99) and girls (98) from different social groups and milieu (cities, rural areas, working-class neighbourhoods). Care was also taken to ensure the involvement of children with disabilities. The Commission listened to their concerns, views, proposals and recommendations. In addition, the Commission also visited a centre for child offenders.

(a) Three workshops

4. Eighty-nine children participated in the workshops, which were held in the following dates and locations:

- On 10 July 2017, a workshop with 30 participants was held in the governorate of Kasserine (mid-west);
- On 11 July 2017, a workshop with 29 participants was held in the governorate of Kef (north-west);
- On 14 July 2017, a workshop was held with 30 participants from other governorates who met at a resort in the city of Hammamet (north-east).

5. The workshops were conducted interactively using focus group techniques, encouraging teamwork and adopting simplified language in order to engage with the children's understanding and to encourage them to express their views and make proposals and recommendations freely. To that end, the large groups were subdivided into smaller teams, each headed by a child with the assistance of an older girl or boy. Each team discussed one or, at most, two issues and responded to the questions raised then presented its results to the larger group which, in turn, pursued the discussion. Subsequently, rapporteurs appointed by the children themselves undertook to record the observations and recommendations (annex 1).

(b) Special session of the Children's Parliament

6. The special session of the Children's Parliament, which was held on 3 August 2017 at the seat of the Assembly of the Representatives of the People, was attended by 108 child

parliamentarians representing different parts of the country and its various social groups. During the session, they were able to direct questions at members of the Government such as the Minister for Relations with Constitutional Bodies, Civil Society and Human Rights; the Minister for Women, Children and the Family; the Minister of Health; the Minister of Higher Education; the Ministry of Agriculture; the Minister of Culture; the Minister of Youth and Sports; and the State Secretary for Trade. Participants were also able to express their concerns and to make recommendations (annex 2).

(c) Visit to a correctional centre for child offenders in El Mourouj

7. On 24 August 2017, members of the National Commission, led by the Minister for Relations with Constitutional Bodies, Civil Society and Human Rights, visited a correctional centre for child offenders in El Mourouj where they examined the conditions in which inmates were being held and listened to their concerns and proposals.

Involvement of civil society associations and organizations

8. The National Commission submitted a first draft of its report to civil society associations and organizations that work with children, in order to canvass their views on the text. A meeting was held on 18 August 2017 at which those groups were able to present their comments and recommendations (annex 3).

9. Having completed the aforementioned activities, the Commission gathered and systematized the concerns and recommendations it had received from the various parties and incorporated them into the final version of the report.

10. It should also be pointed out that the National Commission was keen to ensure that the combined report of Tunisia should favour the continuation of constructive dialogue with the Committee on the Rights of the Child. It is, in fact, a follow-up report under article 44 (3) of the Convention and, as such, does not repeat the basic information contained in earlier reports but limits itself to mentioning or referring to that information, as necessary, while focusing exclusively on steps taken and new developments in the period covered by the report.

General measures of a normative and institutional character taken by Tunisia since 14 January 2011

11. Since 14 January 2011, Tunisia has taken a number of constitutional, legislative and institutional steps, which are detailed in the updated common core document that Tunisia despatched with the Secretary-General of the United Nations on 5 December 2016.¹

Chapter I General measures of implementation

(a) Measures taken to review legislation and local practices to bring them into line with the Convention and its Optional Protocols

(a) (i) Status of human rights in the Constitution of 27 January 2014

12. Tunisia promulgated its new Constitution² on 27 January 2011, hereinafter referred to simply as “the Constitution”, which goes into precise detail about the rights of families and children in articles 7, 30, 42 and 47.

¹ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=HRI%2fCORE%2fTUN%2f2016&Lang=en.

² http://www.iort.gov.tn/WD120AWP/WD120Awp.exe/CTX_13360-374-CBwmtdIEZc/ConstitutionNew/SYNC_-1574773765.

(a) (ii) Status of the Convention on the Rights of the Child within the Tunisian legal system

13. Article 20 of the Constitution states as follows: “International treaties that have been approved by the Assembly of the Representatives of the People and ratified have a status superior to that of laws and inferior to that of the Constitution.” On that basis, a number of international human rights treaties, including the Convention on the Rights of the Child, have been incorporated into the domestic legal order with a status higher than that of ordinary laws. This has enabled Tunisian courts – when the law conflicts with a ratified international treaty – to apply the latter directly, with the exception of treaties that require a domestic legal framework to criminalize and punish specific acts. In the same way, persons seeking legal redress may invoke the provisions of an international treaty that Tunisia has ratified before national institutions and the courts.

14. Jurisprudence in cases involving children at risk or child offenders has also invoked the Convention on the Rights of the Child, particularly with regard to protecting the child’s best interests.

15. The Constitutional Court plays an important role in ensuring that international standards are applied and respected in legislation and bills. As part of that role, also oversees the correct application of article 20 of the Constitution regarding the pre-eminence of international treaties over domestic law.

16. Tunisia is working to expedite the establishment of its constitutional bodies and has submitted a draft of Organic Act No. 30/2016 to the Assembly of the Representatives of the People concerning provisions jointly shared by those bodies. It is also working to expedite the publication of the remaining laws that regulate the other constitutional bodies contemplated in part VI of the Constitution.

(a) (iii) Measures taken to consider the possibility of ratifying other international treaties

17. The accession of Tunisia to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) was approved under Organic Act No. 2 of 2018, dated 15 January 2018.

18. Under Organic Act No. 30 of 2017, dated 2 May 2017, Tunisia acceded to the Hague Convention on the Civil Aspects of International Child Abduction.

19. On 21 February 2017, Tunisia signed the document of accession to the group of States supporting the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups.

20. Under Decree No. 4 of 2011, Tunisia acceded to the Rome Statute of the International Criminal Court and the Agreement on the Privileges and Immunities of the International Criminal Court.

(a) (iv) Measures taken with regard to the continuing review of legislation and practice to ensure consistency with the Convention (paragraphs 9 and 10)**Laws that have been approved**

21. Tunisia adopted a body of laws during the period covered by the present report, including the following:

- Act No. 55 of 2010 to amend article 6 of the Nationality Act, which was replaced with a new article reading “Any child born to a Tunisian father or a Tunisian mother shall be Tunisian”;
- Act No. 40 of 2010 to amend the provisions of article 319 of the Criminal Code, which no longer admits corporal punishment as a means of disciplining children, either by their parents or by anyone else in a position of authority;
- Organic Act No. 61 of 2016 to prohibit and combat trafficking in persons. Article 2 of the Act defines “the use of children in criminal activities or armed combat”, “the adoption of children for the purpose of exploitation of any kind” and “the economic

or sexual exploitation of children in the course of their employment” as slavery-like practices;

- Organic Act No. 58 of 2017 to combat violence against women. This is intended to give effect to the final paragraph of article 46 of the Constitution, which states: “The State shall take all measures necessary to eradicate violence against women.” The Organic Act includes a body of provisions that affect children, including an amendment to article 227 bis of the Criminal Code envisaging a single offence and a single penalty in cases where the victim is between the ages of 16 and 18. Previously, penalties had differed if the victim was between 13 and 15 or if she was between 15 and 18. At the same time, the provision whereby marriage between perpetrator and victim would annul the consequences and effects of the trial and halt punishment has been abrogated. Moreover, the law has broadened the definition of sexual exploitation of children to include boys, whereas previously it had been limited only to girls;
- Act No. 13 of 2017 regarding measures to make basic vocational training obligatory.

Proposed laws and bills

22. Proposed laws and bills include:

- A bill concerning maternity and paternity leave the aim of which is to standardize such leave across the public and private sectors and to increase its duration, granting mothers no less than 14 weeks, including paid leave before the birth, and granting fathers the chance to take paternity leave. These provisions are in line with the International Labour Organization (ILO) Maternity Protection Convention, 2000 (No. 183), despite the fact that Tunisia has not yet ratified that instrument. The bill is consistent with the best interests of the child, which dictate that one of the parents must spend a suitable amount of time with a newborn infant;
- A draft organic act approving the accession of the Republic of Tunisia to the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure;
- A bill regulating nurseries and kindergartens. The intention is to create a legal framework for child-care services within homes thereby providing women who so desire with a source of income while at the same time ensuring appropriate training as well as follow-up and supervision by international organizations;
- A bill concerning the issuance of an information technology act, including provisions on the protection of children from online attacks of all kinds;
- A bill being drafted by the Ministry of Justice to amend the Child Protection Code with the addition of a chapter on child victims, children at risk and child offenders, including how to protect and deal with them effectively;
- A proposal for a law to amend articles 114 and 116 of the Child Protection Code with a view to imposing an obligation to provide information to child offenders and their families and refer them to a child protection delegate to act as mediator between the offending child and the victim;
- A proposal for a law to amend book VII and articles 77, 78, 79 and 80 of the Personal Status Code in order to remove the expression “foundling” from Tunisian law because of the social stigma it carries for children born outside marriage;
- A proposal for an organic act to establish a system of shares in inheritance, including the inheritance of children.

(b) Comprehensive national strategic plan for children

(b) (i) Integrated public policy for the protection of children 2016–2020

23. The plan to draft and implement the integrated public policy for the protection of children (annex 4) aims to give practical effect to constitutional provisions consecrating children's right to protection, as well as to child protection directives issued by the Government in 2015 aimed at curbing different forms of violence. The project is being supervised by the Ministry for Women, Children, the Family and Older Persons with support from UNICEF in Tunisia and in coordination with various different stakeholders in the government sector, civil society, international partners and children themselves. The aim is to consolidate the mechanisms of the child protection system, develop standards and indicators to monitor structures and services, and create a road map that identifies the most significant problems and shortcomings in child protection mechanisms.

24. The policy is aimed at all children in need of protection such as child victims of abuse, neglect, violence and exploitation, including the sale and trafficking of children. It also covers children in situations of fragility: children deprived of a family environment, children from poor families, children in isolated or rural areas, children of single parent families, children who are not enrolled in school, child workers, children in street situations, children with disabilities, children with addiction issues, children in institutions, migrant children and child witnesses.

25. The policy will serve to ensure that Tunisia has integrated child protection systems, compatible with the principles enshrined in the international instruments it has ratified, with a view to achieving the following strategic goals:

- Reinforcing and promoting the effectiveness of the legal framework for child protection;
- Ensuring high quality and effective protection services for all children;
- Ensuring coordinated and integrated interventions;
- Developing information, tracking and evaluation systems;
- Protection to anticipate and reduce risks;
- Developing partnerships with civil society organizations, the media and the private sector.

(b) (ii) Multi-sectoral strategic plan for the development of early childhood 2017–2021

26. The Ministry for Women, Children, the Family and Older Persons began working on the strategy in 2015. It reviewed national policies and programmes concerning early childhood, which had been implemented in 2014, and adopted a World Bank mechanism (the Systems Approach for Better Education Results in the field of early childhood development), which revealed that progress in that area had been sectoral and characterized by poor coordination among stakeholders. This pointed to the need to develop a strategy that would consolidate and unify efforts and contain costs with a view to achieving better services.

27. A standing national committee for early childhood development oversees and coordinates the different sectors involved in the implementation of the strategy, which targets children from before birth up to the age of 8. The purpose is to provide high-quality educational, health and social services in a manner that is both continuous and appropriate for each age group.

The strategy focuses on a number of different areas:

- Area 1: From before birth to age 3;
- Area 2: Between age 3 and age 6;
- Area 3: Between age 6 and age 8;
- Area 4: Services and activities in the interests of fragile categories;

- Area 5: Legal framework;
- Area 6: Basic and ongoing training;
- Area 7: Improvement of service quality;
- Area 8: Advocacy, media and communication;
- Area 9: Coordination.

National action plan to promote the participation of children and adolescents

28. During the second half of 2015, the Ministry for Women, Children, the Family and Older Persons, with the support of UNICEF, conducted a study into how children and adolescents exercised their rights to participation and responsible citizenship (annex 5). The results were absorbed into the draft of a national action plan to promote the involvement of children in the areas of laws and institutional mechanisms, family life and public life. The results were also used to develop areas in which institutions could intervene in the field of children and adolescents, in media and communications technologies as well as in areas such as data, research, studies and university training.

29. The study is part of efforts being made by the State to promote the participation of children in different areas. It should also be noted that, during the fourth quarter of 2015, the Ministry – in cooperation with the Ministry of Development, Investment and International Cooperation and with support from UNICEF – organized regional consultations on the expectations that children and adolescents have of the national development plan. A total of 320 children of both sexes, their ages ranging from 6 to 18 and some with disabilities, participated in the initiative. A document has been published containing the most significant ideas and proposals to emerge from the regional consultations.

National plan to combat child labour in Tunisia 2015–2020

30. Within the framework of its tripartite leadership committee and with the support of ILO, Tunisia has begun to draft a national plan to combat child labour (annex 6), thus laying the first stone of its national anti-child labour strategy. The plan, which seeks to identify practical visions and mechanisms to limit the number of children joining the labour market and to provide them with effective protection, is the product of a desire on the part of all public and non-public structures to resolve the problem of child labour in Tunisia.

31. The document summarizes the actions, studies, inquiries and findings that have accompanied the preparation of the national plan, as well as the outcomes of national and regional consultations. It is, then, a reference document intended to help to identify goals and strategic focuses to ensure the plan is correctly implemented.

32. The first strategic focus is to harmonize legal texts and to enhance the legislative framework with effective legal mechanisms. This is to be achieved by creating an integrated legislative system and introducing amendments and revisions into the Labour Code. It is also important to reconsider the legal penalties intended to prevent child labour, and to propose a legal framework that would allow children who have abandoned school to be redirected back towards education or training.

33. The other strategic focuses are to deepen understanding and build knowledge about child labour, to consolidate prevention and protection mechanisms, to activate the role of the Ministry of Education and the Ministry of Vocational Training and to build the capacity of anti-child labour structures.

De-institutionalization programme: programme to support moving away from institutional care for children who lack family support (paragraphs 45 and 46)

34. The Ministry for Women, Children, the Family and Older Persons has intensified its efforts to enable children to return to their families and to ensure that families receive all the support they need to carry out their role in caring for their children.

35. In that context, at the beginning of the academic year 2012/13, pursuant to circular No. 5 of the Minister for Women, Children and the Family dated 5 July 2012, an experiment in de-institutionalized care was launched in the form of a family placement programme (annex 7). In the first stage, this involved children in integrated centres for young people who had been taken into care due to a lack of financial means. In the second stage, the focus was on children remaining in institutions and on building the capacity of their families in order to rehabilitate them and help them recover their children and fulfil their duty to provide a sound upbringing.

36. The programme was conducted on the basis of the following legislation:

- Act No. 47 of 1967 regarding the placement of children in families, particularly article 3 thereof;
- Article 34 of the Child Protection Code regarding the conventional measures that must be taken by the child protection delegate to keep the child in his or her family and to provide support;
- Article 59 of the Child Protection Code regarding the decisions issued by the family court judge in which pride of place is given to decisions to keep the child within his or her own family.

37. The programme aims to:

- Give effect to the right of every child to live within his or her own family;
- Provide children with psychological and social protection against the negative effects of institutionalization;
- Build the capacity of families to fulfil their duty to provide their children with a sound upbringing;
- Focus efforts on children still in institutions who face a different kind of threat.

38. The components of the project are:

- A monthly financial grant for a specific period for each child who has been placed in a family;
- A time-defined agreement with each family in the form of a personalized intervention plan to provide material, educational, social and psychological support for the family;
- A commitment on the part of the institution to undertake periodic follow-up (once a quarter) with psychologists and sociologists, also taking account of the education framework, in order to assess the impact of the programme on the schooling and behaviour of the child concerned;
- Ongoing coordination with remaining stakeholders in order to build the capacities of families and encourage them to resume their functions.

39. Indicators with which to monitor the condition of children have also been developed:

- Indicator 1: Improvement of school grades;
- Indicator 2: Decrease in levels of truancy, dropout and lack of interest in school;
- Indicator 3: Overcoming psychological difficulties;
- Indicator 4: Follow-up on the implementation of the programme.

Programme to support the improvement of juvenile justice in Tunisia (paragraphs 65 and 66)

40. On 2 October 2012, the Ministry of Justice concluded a funding agreement with the European Union to support reform of the judicial system by preparing and implementing a project for the improvement of juvenile justice in the light of an in-depth study on the situation of children in conflict with the law.

41. The implementation of the project was entrusted to UNICEF as part of its own child protection programme, in cooperation with relevant ministries and with civil society. The project was designed to enable children in conflict with the law to engage with a judicial system that is more effective and respectful of their rights, as well as to guide the various stakeholders in the field of juvenile justice in the correct application of the law.

42. It is hoped that the main outcomes will be to build the capacity of stakeholders and improve coordination between them as well as to promote the use of alternatives to detention (*garde à vue*) and improve the monitoring of children in conflict with the law with a view to their eventual reintegration into society

43. The relevant technical committee has made the following recommendations:

- Sending a mission under the auspices of the Ministry of Justice to coordinate among the various stakeholders who work with children; preparations to that end have already begun; organizing a study visit to France for the members of the programme's technical and leadership committees to boost their knowledge of coordination mechanisms and to enable them learn about the specialized mechanisms within the French Ministry of Justice and their relationship with other structures and stakeholders;
- Drafting a reference document envisaging an integrated juvenile justice information system in order to simplify the exchange of information among the parties involved in juvenile justice, facilitate the handling of cases and encourage appropriate decisions that are in line with the best interests of the child;
- Creating a page on juvenile justice within the websites of the Ministry of Justice and the UNICEF bureau in Tunisia. The purpose is to establish a platform for communication between stakeholders involved in the implementation of the programme, in order to strengthen coordination and the exchange of information regarding juvenile justice and to facilitate access to information by the relevant parties, for purposes of both research and follow-up. This will be achieved by publishing the main indicators and statistics, as permitted by law, and will help in the evaluation of progress, in the identification of negative aspects and in the development of solutions.

(b) (iii) Steps towards implementation of the Agenda for Sustainable Development 2016–2030

44. Tunisia has drafted strategies for a five-year development plan 2016–2020 on the basis of the three goals of the Agenda for Sustainable Development 2016–2030 (economic development, social integration and environmental conservation). In that connection, Tunisia is currently working to establish a high-level committee with representatives from government and civil society. At the same time, ministries are developing indicators with which to assess the extent to which those goals have been reached, so as to achieve integrated sustainable development that takes account of the principles of fairness, justice, wealth distribution and good governance.

45. The plan includes a set of economic, social, environmental and cultural policies that aim to boost the national economy, promote regional development, consolidate the sustainability of development, kick-start the green economy, stimulate human development and achieve social integration.

46. The plan also aims to achieve development via a socially equitable economy while preserving the environment, natural resources and the rights of future generations, improve citizens' quality of life, develop energy efficiency and promote new and renewable energy sources. A further purpose is to increase the capacity to adapt to climate change, build a knowledge-based society and lay the foundations for good governance in the field of sustainable development.

47. The strategy focuses mainly on encouraging sustainable consumption and production models, promoting the economy and the sustainable use of natural resources and creating elements for balanced territorial development based on an efficient and sustainable transport network. In this context, the programme to promote the participation of children focuses on mechanisms whereby they can be involved areas that concern them (such as

school and associative activities) and are able to express their views and aspirations and to take decisions (annex 8).

(c) Coordination (paragraphs 11 and 12)

48. In the drafting and implementation of public policy in the area of childhood, Tunisia believes in ensuring participation among different structures and sectors (public and private), international organizations and civil society. To that end, it has created national and regional committees, which follow up on matters affecting children in different areas. Ministerial councils are also responsible for monitoring the implementation and progress of programmes and strategies affecting children.

49. Those committees include the following:

- The national anti-terrorism committee, which came into being pursuant to article 66 of Organic Act No. 26 of 2015; its job is to develop a national strategy to combat terrorism, in collaboration with the United Nations and drawing upon United Nations standards;
- The national committee and the regional committees responsible for monitoring the status of children born out of wedlock, children at risk and children without family support;
- The national technical committee and the regional committees created pursuant to the Prime Ministerial Decree dated 30 July 2002 to follow up on the protection, rehabilitation and reintegration of child offenders;
- The technical committee for the prevention and reduction of suicide;
- The regional committees brought into being under the joint circular of the Ministry of Education and the Ministry of Social Affairs No. 40/06 and No. 12/04 of 2017, which are responsible for monitoring the status of children who are not enrolled in or have abandoned school;
- The regional committees for persons with disabilities, which were established pursuant to Order No. 3086 of 2005;
- The regional committees that monitor and supervise unregulated children's play areas;
- The regional committees that deal with difficult situations.

50. The State is working to overcome the difficulties hindering the work of these committees, which chiefly consist in:

- The fact that the committees do not have a permanent secretariat to monitor their activities and that members do not have adequate time to pursue cases involving children;
- Difficulties in gathering statistical data regarding the cases being considered.

51. In order to improve coordination among all stakeholders working with children in conflict with the law, the technical committee has – as part of a joint Ministry of Justice–European Union project to support the reform of justice – made the following recommendations:

- Sending a mission under the auspices of the Ministry of Justice to coordinate among the various stakeholders who work with children; preparations to that end have already begun; organizing a study visit to France for the members of the programme's technical and leadership committees to boost their knowledge of coordination mechanisms and to enable them learn about the specialized mechanisms within the French Ministry of Justice and their relationship with other structures and stakeholders;
- Drafting a reference document envisaging an integrated juvenile justice information system in order to simplify the exchange of information among the parties involved

in juvenile justice, facilitate the handling of cases and encourage appropriate decisions that are in line with the best interests of the child;

- Creating a page on juvenile justice within the websites of the Ministry of Justice and the UNICEF bureau in Tunisia. The purpose is to establish a platform for communication between stakeholders involved in the implementation of the programme, in order to strengthen coordination and the exchange of information regarding juvenile justice and to facilitate access to information by the relevant parties, for purposes of both research and follow-up. This will be achieved by publishing the main indicators and statistics, as permitted by law, and will help in the evaluation of progress, in the identification of negative aspects and in the development of solutions.

(d) Allocation of resources (paragraphs 16 and 17)

52. The economic difficulties being experienced by Tunisia have not prevented basic child rights from being guaranteed or the allocation of funds to ensure that children receive a sound upbringing to enable them to meet future challenges and contribute to the development process. In fact, between 2013 and 2017, the budgets of the Ministry of Education and the Ministry of Childhood were increased (annex 9).

53. Within the framework of the national strategy to combat terrorism, resources have been allocated to certain ministries for the launch of programmes to monitor and accompany children in border areas and areas with high population density, who are at greater risk than others of becoming polarized by terrorist groups. During the period 2016–2017, the Ministry’s department for children allocated additional resources amounting to 8 million Tunisian dinars (D) for the aforementioned programmes.

54. Under circular No. 19 of the Minister of Social Affairs concerning “ad hoc assistance and assistance in the context of social work in schools”, annual ad hoc allocations and in-kind assistance are provided within the framework of the school social work programme, in order to guarantee the right to schooling.

(e) International cooperation (paragraphs 13 and 14)

55. In line with the Convention and its Optional Protocols as well as other conventions related to child protection, Tunisia is developing national strategies, capacity-building, monitoring, evaluation, and victim rehabilitation to foment international cooperation with, inter alia, UNICEF, the European Union, the World Bank, the Council of Europe and the State of Italy.

56. Part of this is a cooperation project with the European Union regarding support for the improvement of juvenile justice, which has been run by UNICEF in Tunisia for a period of five years.

(f) Independent monitoring (paragraphs 13 and 14)

57. Article 45 of the draft of Act No. 42/2016 regarding the human rights institution, which was drafted in accordance with the Paris Principles and has been submitted to the Assembly of the Representatives of the People, includes provision for the creation, within the institution, of a standing committee on children’s rights.

(g) Dissemination of the Convention and its Optional Protocols and the provision of training thereon

58. The dissemination of a human rights culture has been enshrined in article 39 of the Constitution, in which regard State-run children’s agencies are:

- Developing and strengthening mechanisms and programmes aimed at disseminating a culture of human rights in general and of children's rights in particular;
- Creating the Observatory for Information, Training, Documentation and Research Related to the Protection of Children's Rights,³ which has the task of providing training in the area of children's rights to all competent ministries (annex 10);
- Developing programmes in areas related to the Convention on the Rights of the Child for the benefit of stakeholders in children's institutions.

(h) Data collection (paragraphs 17 and 18)

59. The Ministry for Women, Children, the Family and Older Persons runs the CHILDDINFO database to develop sectoral statistical indicators to assist in data analysis and decision-making on the basis of objective assessments and accurate information.

60. Statistical indicators are periodically updated according to information source (census, studies, administrative records) as follows:

- Ninety per cent are updated every year;
- Three per cent are updated every five years;
- Four per cent are updated every 10 years.

61. One of the outputs of the database is the national report on the condition of children, which was republished in 2015 to cover the years 2010 to 2015 and is a mechanism for national action.

62. The State is currently working to overcome the shortage of material resources and specialized staff with a view to producing more accurate statistics with which to assess the childcare system in accordance with international standards, and to come up with practical proposals.

63. During the revision of the Child Protection Code, those statistics were used to distinguish between children at risk and child victims and to create new mechanisms capable, from the outset, of protecting the latter from any violence to which they might be subjected. The statistics were also used to ensure ongoing and high-quality care as well as rehabilitation, reintegration and fair and comprehensive compensation for any harm suffered.

Information system regarding the activities of child protection delegates

64. This consists in an integrated database for child protection delegates, which facilitates the approaches to and handling of cases involving children at risk, children in conflict with the law or foreign children. The information system has contributed to the preparation and dissemination of analytical reports based on statistical indicators regarding the situation of children in care.⁴

Collection of data on care institutions

65. This is an electronic application with which to monitor data regarding the integrated centres for youth and children. It facilitates access by staff working in the institutions to statistics relative to children at different stages, the care approaches taken and the general features of the children being cared for. It also serves to document the services for children and their families and to monitor and evaluate the outcome of those services.

³ <http://www.observatoire-enfance.nat.tn/fr/home.php?p=presentation>.

⁴ http://www.delegue-enfance.nat.tn/images/rapport_annuel_DPE_2016.pdf.

Information system for collecting and analysing data on preschool educational institutions

66. The purpose of this system is to act as a database and provide updated statistics with which to evaluate the quantity, quality and geographical distribution of nurseries and kindergartens. Integrated into the system is a public online notification service regarding shortcomings in institutions involved with early childhood, in order to facilitate timely intervention.

67. During the course of 2011, attention focused on new procedures for conducting inquiries and inspections, and for producing more meaningful indicators that would better reflect the effectiveness of interventions for the benefit of children. A new classification of threatening situations was adopted and the eight specific threats set forth in article 20 of the Child Protection Code were divided into subcategories capable of being updated as required by work in the field.

68. Communication mechanisms between child protection delegates (the users of the system) and the system supervisor were enhanced by introducing an “immediate interaction” service between the two sides, via which they can exchange comments and observations in order to further improve the effectiveness of the system.

69. During the first six months of 2011, the technical aspects of the system were enhanced by interfacing it with the child protection delegates’ website and launching an application that would allow visitors to the site to send online notifications to the network of child protection delegates.

70. In early 2012, in order to obtain more information about the situation of children born outside wedlock, the information system was further enhanced with details about the circumstances of that category of persons, intervention methods and individual reports regarding specific interventions in each case.

71. The regional dimension is also reflected in the statistics, through district-level indicators (districts are the smallest geographical units). Furthermore, follow-up and evaluation methods have been consolidated thanks to monthly indicators covering the main activities of the offices of child protection delegates.

72. As of 2013, the information system on the activities of child protection delegates has been enhanced with additional variables that aim to produce indicators on violence against children including children at risk and children in conflict with the law, in order to throw light and obtain data on that phenomenon, which is increasing, and to conduct more objective analyses.

73. During 2015, the system was further enhanced by the introduction of new variables and the integration of a special section concerning children in immigration/asylum situations.

Collection of data regarding the employment of children

74. In cooperation with ILO and with financial backing from the United States Department of Labour, the National Institute for Statistics, as part of the national plan to combat child labour in Tunisia 2015–2020, conducted a nationwide survey on “child labour 2017”, the first of its kind in the country. The survey covered the period from mid-March to September 2017 and was published in December of the same year. It involved 12,800 families and served to provide accurate data and indicators to help understand the circumstances of child labour in the country, its scale and distribution, its geographic and demographic characteristics, the forms it takes, the conditions in which it takes place and the consequences and repercussions it has for families and children. Another purpose of the survey was to help identify appropriate policies to curb the phenomenon.

Collection of data in the health sector

75. Strategies and programmes have been developed by the Ministry of Health aimed at children and at health care in schools. Within the framework of those programmes, achievements on the ground are monitored at local, regional and central levels thanks to

data collection forms and regular reports, which are scrutinized at the regional and national levels. Observations and recommendations are then made with a view to ensuring the continuity of services and to assessing improvements in quality.

76. To that end, data has been compiled on the health situation of all children throughout the country, on health programmes for them and on health care in schools. It should also be noted that, as part of the national vaccination programme, a computerized system has been put in place with a database that will enable vaccination coverage indicators to be observed and monitored.

77. As regards treatment protocols within the framework of the national programme to combat tuberculosis, indicators have been updated with the adoption of the new directives of the World Health Organization (WHO) for children with tuberculosis, while preventive treatment for children in contact with tuberculosis patients has been made available at a general level. That indicator is now included in national reports. The Ministry of Health, under circular No. 9 of 30 January 2015, is providing free information to all tuberculosis sufferers on Tunisian soil, including psychological support, sensitization and health education for family members of infected children.

78. The data collection difficulties Tunisia has faced did not prevent it from completing – with support from the UNICEF bureau and technical cooperation with the National Institute for Statistics – the fourth round of the multiple indicator cluster survey in 2012, which covered a number of areas related to maternal and child health.

79. Preparatory work has begun on the sixth round of the multiple indicator cluster survey concerning the situation of mothers and children. This will enable the expansion of the child-related database to include children aged between 5 and 17, in addition to those between the ages of 0 and 5 who were targeted in the fourth round of the survey.

80. In addition to the areas included in the fourth cluster survey, it will also cover new areas related to drug and alcohol use and disability in children, as well as children's interaction with the media and with information and communications technology.

Collection of data in the education and vocational training sector

81. The Ministry of Education has developed a comprehensive statistical system thanks to which databases have been created that can be used for the periodical and annual monitoring of educational institutions, both private and public (primary, middle and secondary). In addition, a package of 78 indicators has been developed with which to assess the performance of the education system and to draft an annual report on the educational situation of children in Tunisia.

82. The Ministry of Vocational Training and Employment, through the National Observatory for Employment and Qualifications, undertakes regular studies on the rate at which vocational training graduates are being absorbed into the labour market. The purpose of the exercise is to evaluate and improve the system of training.

Collection of data on children with disabilities

83. The database of the general population and housing census 2014 provides demographic, educational and economic indicators regarding the living conditions of families of children with difficulties at the district level (districts are the smallest geographical unit) and at the municipal and non-municipal levels.

84. In the same context – with financial and technical support from the UNICEF bureau in Tunisia and in the framework of a working group on disability statistics that emerged from the National Council for Statistics, chaired by the Ministry of Social Affairs – a study has been conducted on disability statistics in Tunisia. The purpose of the study is to identify the various sources of disability statistics available in Tunisia and analyse them to identify deficiencies with respect to international best practices and the requirements of the Convention on the Rights of Persons with Disabilities.

(i) Cooperation with civil society (paragraphs 19 and 20)

85. Freedom to form political parties, trade unions and associations is guaranteed under the Constitution, which allows such groups to conduct their activities on condition that they respect constitutional provisions and the principles of financial transparency and non-violence. This serves to reinforce the legal framework regulating associations, which Tunisia had previously adopted under Decree No. 88 of 2011 and which rests on the principle of declaration rather than that of authorization. The Decree also replaced the Ministry of the Interior with the Secretary-General of Government as the supervisory authority, thus enabling many previously banned associations to settle their legal status and exercise their activities in accordance with the new system. The initiative has been supported by the establishment of public funding committees within ministries with the aim of providing financial backing to associations, promoting cooperation with civil society and examining ways to provide support and implement joint programmes.

86. Official structures ensure that associations and non-governmental organizations (NGOs) that work with children are systematically involved in all stages of the implementation of the Convention on the Rights of the Child.

87. The present report is itself an effective embodiment of cooperation with civil society organizations. In addition, partnership and cooperation agreements exist with a number of associations and NGOs (see, for example, the paragraph on torture and inhuman or degrading treatment and punishment).

Chapter II

Definition of the child

88. See previous periodic reports.

Chapter III

General principles

(a) Non-discrimination (paragraphs 21 and 29)

Measures taken to implement the recommendations of the Committee on the Rights of the Child with regard to disparities in access to services for children between different regions, and between urban and rural communities

89. The State continues to pursue its anti-poverty policy, raising family living standards, prioritizing investment in children, promoting a move towards decentralized budgetary resources to include the most disadvantaged areas, ensuring equal access for all children to services and striving to ensure that the greatest possible resources are allocated to disadvantaged areas.

90. The Ministry of Education is working to provide educational services to all beneficiaries in line with the principle of fairness and equality of opportunity, and it has adopted measures for the benefit of children with special needs. For that reason, a school services department was set up in 2017 to provide the right accommodation and living conditions, as well as facilities such as transport and recreation, in partnership with civil society, in an effort to provide a supportive environment for the educational process.

91. The Ministry has also worked to improve accommodation in school dormitories by maintaining infrastructure, renewing equipment and adjusting the daily cost of meals in order to improve the quality of services provided. In addition, it has provided support to the network of school canteens to provide food for primary school students in remote areas.

92. Furthermore, the Ministry has provided grants to children from limited-income families to enable them to stay in school dormitories. The grants cover 23.4 per cent of all middle schools and institutes.

93. The national school integration programme for persons with disabilities represents one aspect of equality of opportunity in school enrolment. The map of “inclusive schools” is being progressively expanded within the regions, including integration into preschool departments.

94. The main purpose of the programme is:

- To provide the right conditions for children with disabilities within schools;
- To train and improve the skills of teachers in inclusive schools in order to help them deal effectively with disabilities via an “individualized educational project”;
- To prepare a series of guides for guardians and other persons involved in the integration of children with disabilities;
- To provide the material conditions to build and equip multidisciplinary classrooms, adapt corridors and construct vehicles for children with disabilities;
- To set up a local committee for each inclusive school;
- To provide individualized pedagogical support after regular lessons (150 minutes per department per week);
- To provide pedagogical and educational support outside school, in partnership with relevant groups.

95. The State has embraced the principle of special measures to enable vulnerable groups and disadvantaged areas to benefit from social support services. A total of D 622,958 million was allocated to that end in 2016, which represents 70.7 per cent of the budget of the Ministry of Social Affairs.

96. In the field of social protection, the State is working to expand its network of social welfare institutions to 23, covering 99 per cent of the country. The purpose is to bring services closer to children whose behaviour places them at risk (school dropouts).

97. Two social welfare centres for children at risk have been opened in the capital and in Sidi Bouzid. In addition, three information and social counselling centres have been established in the capital, Sousse and Sfax for groups lacking material or moral support, children at risk and irregular migrants.

98. The Ministry for Women, Children, the Family and Older Persons is working to ensure that there is no discrimination in the enjoyment of the right to leisure between children in rural and urban areas. In 2016, 88,441 children (40,809 girls and 47,632 boys) benefitted from the services of 13 mobile clubs for children. A further 10 mobile clubs came into operation in early 2017.

99. A national committee and regional committees have been established to intervene in cases of children born outside wedlock. The committees also assist single mothers during pregnancy, provide health and social support and coordinate with other structures with a view to accelerating the process of establishing the child’s parentage (annex 11).

100. Single mothers also benefit from the free services provided by the structures of the National Bureau for Family and Population, which include psychological counselling and awareness-raising activities on reproductive health.

101. On the occasion of Tunisian Women’s Day on 13 August 2017, the President of the Republic created the Individual Freedoms and Equality Committee, which is tasked with providing a vision of individual freedoms and equality at all levels, including as regards inheritance.

102. In order to pursue the implementation of the Durban Declaration and Programme of Action, and in line with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, the Assembly of the Representatives of the People is examining the draft of an organic act on the elimination of racial discrimination.

(b) Best interests of the child (paragraphs 30 and 31)

103. Article 47 of the Constitution consolidates what was previously enshrined in article 4 of the 1995 Child Protection Code regarding the best interests of the child. The judiciary, the administrative authorities and care institutions give primary consideration to those interests in all judgments, decisions, procedures and authorizations relating to children.

104. The State has incorporated the principle of the best interests of the child into all its scientific and educational policies and programmes. It has established consultative structures such as the Institution Commission, which has organized 8,000 discussion forums on educational reform in which 100,000 children participated. Act No. 50 of 2010 reflected the best interests of the child by including provision for the establishment of a family reconciliation institution, which helps to find solutions to conflicts within families, if they arise. It also studies the causes behind disputes between spouses and helps them to overcome them in order to ensure domestic cohesion and avoid separation. On 16 April 2014, a joint decree of the Minister of Justice and the Minister of Social Affairs established a list of 77 family reconcilers in the courts of first instance. The functions and mandate of the reconcilers was established in circular No. 1 of the Minister of Social Affairs, dated 23 February 2016.

(c) Questioning of children in conflict with the law

105. Children in conflict with the law enjoy legal safeguards at all stages of proceedings, from the initial investigations (article 77 of the Child Protection Code), through the various stages of justice (juvenile court judges, investigation, indictment, appeal) to the penalties they face, which are governed by the principle of correction and are subject to review and amendment (articles 110 and 111 of the Child Protection Code).

106. The judicial bodies that deal with cases involving children are selected according to the following criteria (articles 75 and 81 of the Child Protection Code):

- The extent of their involvement with children's issues;
- Their training, experience and mandate.

107. Under article 86 of the Child Protection Code, the public prosecutor or the investigating judge must separate the files of children from those of adults accused in the same case.

108. The Child Protection Code also imposes the following procedures:

- Article 76: One or more experts must be in attendance to examine the child;
- Article 77: In the case of serious crimes, the services of a lawyer must be engaged during the initial investigation.

109. At the practical level, a psychosocial expert or child protection delegate is engaged during the initial investigation if the guardian is unable to attend. The children themselves are involved in the process of seeking an appropriate solution to resolve the conflict between them and the injured party. This takes place via a mediation mechanism that aims to reach a settlement between, on the one hand, the child offender and his or her legal representative and, on the other, the injured party and his or her delegate or heirs. The aim is to avert any criminal repercussions or trial and to prevent the child from having to appear before the organs of criminal justice such as the police or the courts.

110. Best practices for interventions in favour of children in conflict with the law, whether by the judiciary, the security forces or others, include:

- Summoning the child protection delegate to the child's hearing if the guardian is unable to attend;
- Notifying the child's guardian of the possibility of using the mediation mechanism; such notification is to be registered in the record;

- Automatically informing child protection delegates of cases involving a child offender and providing delegates with relevant data in order to facilitate their intervention in support of the child. This is while the outcomes of the programme to support the improvement of juvenile justice in Tunisia are still being awaited (see paragraph on the programme to support the improvement of juvenile justice in Tunisia).

(d) Best interests of the child (paragraphs 32 and 33)

111. The Child Parliament continues to serve as a space for dialogue, enabling children to express their views on issues related to their rights. Since 2014, the Observatory for Information, Training, Documentation and Research Related to the Protection of Children's Rights, which supports the permanent secretariat of the Child Parliament, has been working to ensure greater transparency in the election of members of the Parliament. It has done so by involving the independent electoral commission and civil society in the electoral process, which has been expanded to include the greatest possible number of youngsters.

112. The Observatory has also conducted an assessment of the working of the Child Parliament, drawing on similar experiences in other countries, and has recommended that the Parliament be given a new legal framework, which it has undertaken to draft and to submit to the Council of Ministers.

Participation in drafting public policy

113. In cooperation with the Ministry of Development, Investment and International Cooperation, the Ministry for Women, Children, the Family and Older Persons has – with a view to laying down broad guidelines and developing public policy – organized 10 regional and local consultations to monitor the expectations that children and adolescents have of the national development plan 2016–2020 (see paragraphs 28 and 29, and annex 19).

Evaluating the involvement of children

114. See paragraphs 28 and 29, and annex 19.

Chapter IV Civil rights and freedoms

(a) Freedom of expression, association and peaceful assembly (paragraphs 34 and 35)

115. Articles 31, 32, 35 and 37 of the Constitution enshrine the freedom to form associations and trade unions and to assemble and demonstrate peacefully.

116. Article 10 of the Child Protection Code states as follows: “The present Code guarantees children the right to express their views, which shall be given due consideration in accordance with their age and maturity. To that end, children shall be accorded specific opportunities to make their views known and shall be involved in the legal, social and educational procedures affecting them. Children shall also be given the opportunity to organize themselves in a space for dialogue wherein they can express their views on issues related to their rights, familiarize themselves with the concept of responsibility, cultivate their civic sense and spread a rights-based culture. That space shall be known as the Child Parliament.”

117. Decree No. 88 of 24 December 2011, which regulates associations, also grants children over the age of 16 the freedom to establish, belong to or withdraw from an association or organization.

(b) Freedom of thought, conscience and religion (paragraphs 36 and 37)

118. Freedom of thought, conscience and religion is now enshrined in article 6 of the Constitution. This has meant that circular No. 108, which prohibited the wearing of sectarian attire in public places, streets and schools, has been virtually non-applicable since 2011. Since then, in fact, the wearing of sectarian attire has no longer been an issue, particularly in view of the fact that the courts have upheld the freedom to exercise that right.

119. The Ministry of Religious Affairs allocates annual funds for the maintenance of religious monuments of various faiths (annex 12).

(c) The right to access information from different sources and to protection from substances harmful to the well-being of the child

120. This right is guaranteed under articles 24 (1) and 32 of the Constitution.

121. Organic Act No. 22 of 2016, on the right of access to information, guarantees the right of all persons to access information, with a view to promoting transparency and participation and to ensuring good governance. Article 33 of Decree No. 115 of 2011, on freedom of the press, printing and publishing, ensures that children are protected from violations arising from the publication of details concerning them.

122. Decree No. 116 of 2011 envisaged the publication of a protocol for the granting of licences for private radio or television channels. Among its provisions was that of ensuring the involvement of children in audiovisual media output, working to propagate a child rights-culture, making that culture an integral part of children's programmes and upholding children's right to protection on the grounds of their physical and intellectual immaturity. The protocol also set forth a number of obligations, most notably the protection of children's personal data and support for children's issues, and it contained special provisions to protect children from violent audiovisual media content by use of appropriate warnings.

123. Mention should also be made of article 28 of Organic Act No. 63 of 2004 on the protection of personal data, which stipulates that "children may not be exposed to any arbitrary or unlawful practices in their private life or in their family, home or correspondence, or to any unlawful infringement of their honour and reputation".

124. In order to deal with violations arising from the way the media handles questions affecting children, such as sexual exploitation, suicide and violence, the Ministry for Women, Children and the Family, the Supreme Independent Authority for Audiovisual Media, the Union of Journalists and media institutions have organized a number of awareness-raising activities in cooperation with the Council of Europe. The aim of the activities, which focused on the treatment of children's issues by the media, was to find the necessary balance between freedom of expression and the protection of children's rights.

125. In order to support the role of the communications media in its mission to promote children and protect them from the dangers they face in society, the Observatory for Information, Training, Documentation and Research Related to the Protection of Children's Rights runs courses for journalists to build their capacities to deal with issues that affect children. The Observatory also organizes meetings and seminars on the image of children in the media. In January 2016, it organized a national seminar on how the media deals with the question of suicide.

Chapter V

Violence against children

(a) Corporal punishment (paragraphs 40 and 41)

126. Tunisia promulgated Act No. 40 of 2010 regarding the revision of article 319 of the Criminal Code so as to no longer admit corporal punishment as a way of educating a child, either by parents or persons with disciplinary authority.

127. In 2013, the criminology unit at the Ministry of Justice's Centre for Legal and Judicial Studies published the results of a field study it had conducted on violent crime among the young. The survey covered a sample of young persons in correctional facilities and prisons, both first-time and repeat offenders. The unit also conducted investigations into cases of abuse and violence against children and took measures to protect the rights and interests of child victims and witnesses involved in criminal proceedings, also by allowing evidence to be submitted via video recordings. The study was used as part of a review whereby new provisions concerning child victims and how to deal with them are being introduced into the Child Protection Code.

128. A bill currently being drafted on the protection of child victims will change the definition of "habitual ill-treatment".

129. Tunisia has also conducted public education and awareness-raising campaigns about the harmful effects of corporal punishment and domestic violence. The aim is to change stereotypes regarding such practices, promote positive values and participatory education and ensure that children and their families have access to appropriate services and effective assistance to promote recovery and social reintegration.

130. With support from the UNICEF bureau in Tunisia and in partnership with civil society, the Ministry for Women, Children, the Family and Older Persons has taken the following steps with a view to raising awareness about the need to combat violence against children:

- A national communications strategy to address violence against children;
- An educational video entitled "Set the example for your children in dialogue with the Lord of your children";
- A national coalition to combat violence against children in which the Ministry operates alongside 35 children's associations to develop actions to address the issue of violence against minors. In order to build the capacities of those associations, nationwide seminars on the phenomenon have been organized, partnerships have been strengthened and the recommendations of the United Nations Secretary-General on stopping violence against children have been disseminated.

131. Violence in schools is a multifaceted social phenomenon (annex 13). Therefore, the Ministry of Education, as part of efforts towards educational reform, is keen to develop and improve school life by reviewing the timetable to allow students, teachers and others to fully and effectively engage with this issue. This is in addition to the launch of the Teachers' Pedagogical Commission and the Institution Commission.

132. A partnership to address violence against cultural institutions has been launched involving a joint programme with the Tunisian International Festival of Children's Theatre, the third edition of which took place under the slogan "Theatre against violence". A round-table event on violence against children was also organized with the participation of young people and adolescents, and technical workshops were held on the different forms violence against children can take.

133. Child protection delegates play an important preventive role, which is defined in article 30 of the Child Protection Code. If they receive notification of a child suffering any kind of ill-treatment or violence, they conduct inquiries with all means available in order to ascertain the health of the infant and launch criminal proceedings if necessary. Delegates also take action to empower child victims to overcome the effects of any abuse or cruelty

they may have suffered. They may seek to involve the child's family – unless the family itself is the source of the threat – through guidance, counselling, awareness-raising and psychological accompaniment in protection and social reintegration centres. The centres provide social reintegration, family reconciliation and support in cases of addiction through educational, leisure and sporting activities. Beneficiaries of these services include children at risk and those living with relational and social integration difficulties.

134. A psychological care centre for women and child victims of violence was established in the governorate of Ben Arous in 2012, in partnership with the Spanish Agency for International Development Cooperation. It constitutes an open space where educational and health services can be delivered, including care, advice, awareness-raising and psychological counselling for women and children who have suffered violence or who live with situations of violence in their families.

135. A total of 2,494 children benefitted from the services of mental health clinics between 2012 and 2016. They may be divided into three categories:

- Child victims of sexual violence: In 2016, in the context of a partnership between the Ministry of Health and a Tunisian association, training sessions were organized for doctors, midwives, psychologists and nurses on how to deal with child victims of sexual violence. Twenty sexually abused children were admitted to the centre for screening and protection;
- Children subjected to domestic violence: Of the child victims of domestic violence, 34.6 per cent were suffering depression, 15.4 per cent were experiencing the symptoms of depression and three children had made more than one suicide attempt; 12.8 per cent experienced isolated disorders such as urinary incontinence, aggressive behaviour, insomnia, poor performance at school and withdrawal, 10.3 per cent were suffering from anxiety;
- Children who exhibit suicidal tendencies: The centre admits children and adolescents who attempt suicide.

136. A national suicide prevention committee is in the process of drafting a national strategy to combat suicide.

137. The Ministry of Religious Affairs has developed a new approach to Qur'anic schools, which focuses on educating students in the values of moderation and tolerance in order to prevent violence and hate speech. The strategy is based on preserving the physical integrity of children and protecting them from violence on the part of educators. In fact, article 14 of Prime Ministerial Decree No. 1 of 6 September 1980 regarding the reorganization of Qur'anic schools reads as follows: "Educators may not under any circumstances employ pupils for their own interests nor inflict upon them any form of corporal punishment."

(b) Abuse and neglect (paragraphs 47 and 48)

138. In this regard, Tunisia wishes to draw attention to its previous periodic reports as well as to earlier paragraphs of the present report where mention is made of Organic Act No. 58 of 2017 to combat violence against women and of Organic Act No. 61 to prohibit trafficking in persons.

(c) Sexual exploitation and abuse (paragraphs 61 and 62)

139. Organic Act No. 58 of 2017 to combat violence against women is dated 11 August 2017, and entered into force on 16 February 2018. It includes a number of provisions relating to children of both sexes, who are included in the definition of "victim" thereby obliging the State to care for and protect them from all forms of violence, in particular sexual violence (final paragraph of article 3). The Act also introduces a number of amendments into the Criminal Code relative to the sexual abuse of children of either sex. These amendments are outlined below.

140. Penalties for sexual violence against children, including sexual harassment, has been increased (article 226 (3)). Penalties have also been increased for cases of rape; sexual intercourse with consent extracted through violence, threat of violence or weapons or through the use of narcotic substances or drugs; where the victim is in a situation of vulnerability due to youth or old age, serious illness, pregnancy or a mental impairment that weakens his or her ability to stand up to the aggressor; where the offence is committed by someone with power over the victim or who exploits a position of authority; or where the offence is committed by group of perpetrators or accomplices.

141. New sexual offenses against children have been envisaged and the penalties for them increased. They include incest involving the rape of a child if the offense is committed by specific relatives, such as antecedents and their antecedents, descendants and their descendants, brothers or sisters (article 227 (3)).

142. A new offence has been introduced relating to “the mutilation or partial or total removal of female genitalia” (article 221 (3)), which is often related to harmful practices against girls, particularly circumcision.

143. The offence of rape has been redefined to materially consist in “any non-consensual act of sexual penetration of any nature and using any means against a female or a male”. This does away with the discrimination against women implicit in the crime of rape and admits both males and females as victims. Moreover, “consent is absent if the victim is under 16 years of age” rather than 13 years of age as in the previous law.

144. A review has been conducted of the provisions of article 227 bis of the Criminal Code, which envisaged separate penalties for consensual intercourse with a girl between the ages of 13 and 15 (6 years imprisonment) and with a girl between 15 and 18 (5 years imprisonment). That age distinction has been eliminated and consensual intercourse with a girl between the ages of 16 and 18 now attracts a term of imprisonment of 5 years, subject to the application of article 59 of the Child Protection Code if the perpetrator of the offence is a child. The article allows family judges, when ruling in cases involving children at risk, to order one of a number of protection measures. Such measures include leaving the child in his family, leaving him in his family and engaging a child protection delegate to follow up and assist the family, referring the child for medical and psychological screening or placing the child under tutorship, with a foster family or in a social, educational or training centre. In this way both child victims and child offenders can be protected while taking due account of their best interests as children.

145. All possibility of impunity for crimes against children has been eliminated by abrogating the provision whereby a perpetrator could marry his victim if the intercourse had taken place with consent in the two cases described above, or in the case of elopement.

146. Provision has been made for special measures to deal with child victims of sexual assault. Article 29 stipulates as follows: “Child victims of sexual offences shall be heard in the presence of a psychologist or social worker and the latter’s observations are to be included in the record. Child victims of sexual offences shall be heard just once on condition that an audiovisual recording of the hearing be made. Confrontations with persons suspected of committing a sexual offence are to be avoided if the victim is a child. It should be noted that the social protection unit of the Tunisian judicial police had already adopted the best practice of interviewing child victims in the presence of a psychologist or social worker, even before the Organic Act was promulgated.

147. Under article 24 of the Organic Act, the Ministry of the Interior has set up two centralized units within the police and the National Guard, as well as 70 units in national police zones and 56 units in areas of operation of the National Guard. The purpose of the units, which include women on their staff, is to investigate crimes of violence against women and children, provide victims with shelter in safe houses, remove aggressors from the victim’s place of abode and administer first aid in urgent cases. Training programmes on children’s rights have been put in place for the staff of the units in order to enable them to intervene effectively in support of women and child victims, provide them with shelter in safe houses, remove aggressors from the victim’s place of abode and administer first aid in urgent cases, having first gained authorization from a public prosecutor.

148. The security units and competent departments within the Ministry of the Interior also undertake to protect child from physical and sexual violence through prevention. To that end, they carry out security patrols and preventive campaigns in streets and public areas to address different forms of violence and exploitation against children. Their role is to conduct and record investigations against aggressors and to carry out the necessary medical and technical examinations in order to ensure that vital scientific evidence is included in the case file, bring criminals to justice and prevent impunity. In addition, they coordinate among the various stakeholders (child protection delegates, family judges, forensic doctors, psychologists and social welfare centres) so as to ensure that child victims receive physical and psychological protection both when the aggressor is a family member and in other cases.

149. The Ministry of the Interior has rolled out training programmes to develop and improve the training on offer at police and National Guard academies. Participants receive training in various areas related to human rights and, in particular, to the rights of children. Capacity-building training is also offered to officials who work directly with children.

150. High-ranking officials within the Ministry of Interior have benefitted from a training programme that was conducted over the course of an academic year. The programme, which led to a leadership competency certificate from the Higher Academy of the Internal Security Forces, included lectures and modules on children's rights. Memorandums and theses written by Ministry officials attending police and National Guard academies have also focused on questions related to the rights of children and how to safeguard those rights, with subjects such as techniques for researching child-related issues, violence against children, protecting child offenders and trafficking in children.

151. In order to unify the procedures for addressing child-related issues, circulars, telegrams and notes have been issued by the Minister of the Interior and directors of security agencies. Their purpose is to draw attention to and standardize the procedures to be followed in such cases, taking account of how crime has developed and the emergence of new social phenomena such as the disappearance of children, sexual assaults, violence, attempted suicide and proof of parentage.

152. A model "rescue" unit has been established at the Ministry of Health.

153. Article 2 of Organic Act No. 61 of 2016 to combat trafficking in persons defines sexual exploitation as "obtaining benefits of any nature by causing a person to engage in vice, prostitution or the provision of other types of sexual services, including their exploitation in the production of pornographic material and the possession or dissemination of such material by any means".

154. Article 5 considers the crime of sexual exploitation of children as a form of human trafficking, irrespective of the means used, whether by "force or use of arms or the threat thereof, or other forms of coercion, abduction, fraud, deception, exploitation of a situation of vulnerability, exploitation of authority or the provision or acceptance of monies, benefits, gifts or promises of gifts to gain the consent of a person who has control over another person". Thus, when the victim of the crime of trafficking is a child no account is taken of the means used to commit it.

155. In cooperation with the Council of Europe, the Ministry for Women, Children, the Family and Older Persons has launched a national programme to protect children from all forms of sexual exploitation and abuse. The aim is to raise awareness about the seriousness of the phenomenon and to build the capacities of stakeholders in the field in order to provide adequate protection for children and to intervene in support of victims with the necessary care and support. It includes the delivery of comprehensive services responsive to the needs of children, without discrimination, the development of an advanced and appropriate legislative framework rooted in the principle of legal protection for children, the creation of better conditions based on respect for the best interests of children and the fulfilment of their rights and the development of a network of professionals who work to combat the exploitation and sexual abuse of children (annex 14).

(d) The right not to be subjected to torture and other cruel, inhuman or degrading treatment, including corporal punishment (paragraphs 38 and 39)

156. Article 23 of the Constitution reads: “The State shall protect the dignity of human beings and their physical inviolability, and it shall prohibit psychological or physical torture. The crime of torture shall not be prescribed by a statute of limitations.” Thus, the prohibition of torture has a constitutional force to which all laws and practices must conform.

157. Articles in the Criminal Code dealing with the offence of torture were amended under Decree No. 106 of 2011 to bring them into line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. A new definition of torture was introduced into article 101 bis of the Code while more severe penalties against public officials or persons of similar status who violate the freedom of others without legal justification were enshrined in article 103. The Decree also envisages sanctions against persons who, either directly or through others, ill-treat an accused person, a witness or an expert for making a statement or in order to obtain a confession or statement. Thanks to this provision, protection has been extended to cover any witness or expert who might denounce a person responsible for committing torture.

158. Measures have been taken to ensure that the infliction of torture or other cruel, inhuman or degrading treatment or punishment committed against a child is considered an aggravating circumstance and to ensure that penalties are commensurate with the gravity of the offence. In fact, article 101 (3) bis, as amended by Decree No. 106 of 2011, states: “If torture is inflicted upon a child, the penalty shall be a term of imprisonment of 10 years and a fine of D 20,000.” Thus, the fact that a victim of torture is a child does constitute an aggravating circumstance and, as has been stated, there is no statute of limitations on the crime of torture.

159. The State has established anti-torture mechanisms, notably through the creation of the National Authority for the Prevention of Torture under Organic Act No. 43 dated 21 October 2013. The Authority acts as an independent national anti-torture mechanism and its jurisdiction extends to all places of detention, in particular civilian prisons, correctional centres for child offenders, child shelter and observation centres, remand centres, psychological treatment institutions, centres for refugees and asylum seekers, migrant centres, quarantine centres, transit areas in ports and airports, disciplinary centres and vehicles for the transportation of persons deprived of liberty. Members of the Authority have access to places of detention and all their attendant facilities, and they may personally conduct interviews – in private and without the presence of witnesses – with persons deprived of liberty or any other person who may be able to provide information. Visits may be made at any time and without prior notification.

160. In the same context, a partnership agreement between the Ministry of Justice, Human Rights and Transitional Justice, the Ministry of Youth and Sports and the Ministry for Women, Children and the Family was concluded on 12 January 2015. Its purpose is to improve the services provided by correctional centres for children in conflict with the law and to develop intervention mechanisms so as achieve the fundamental goals of those centres while respecting the national system of children’s rights and relevant international treaties. The partnership agreement also seeks to promote the supervisory role of child protection delegates by allowing them, within their territorial jurisdictions, to undertake periodic visits to child correctional centres, at any time and without notice or prior authorization, in order to examine the living conditions and the extent to which the children’s rights are being respected.

161. A draft circular has been drawn up prohibiting the use of violence against persons, particularly children, being cared for in social welfare institutions, residential units for the care of children born outside wedlock and educational centres for children with disabilities.

162. A cooperation agreement has been concluded with the Ministry of Justice and Human Rights for the rehabilitation and reintegration of child offenders released from

educational reform centres and for their social and psychological support. Partnerships have also been developed with civil society groups and institutions, as follows:

- A cooperation agreement with the Arab Institute for Human Rights in 2013 to promote a rights-based approach to social policies and programmes;
- A cooperation agreement with the National Centre for Child-Oriented Media in 2014, for the purpose of disseminating digital culture among children with disabilities and children at risk;
- A cooperation agreement with the Tunisian Human Rights League in 2015 setting forth the procedures for the visits the League conducts to child observation centres and social welfare institutions for the purpose of determining the extent to which living conditions, space and equipment conform to domestic legislation and international human rights treaties;
- A cooperation agreement with the Tunisia bureau of the World Organisation Against Torture in 2015, to support persons who have survived torture and serious human rights violations and enable them to enjoy their rights in the context of the process of transitional justice. In that connection, training courses have been organized for social workers and focal points;
- A cooperation agreement with the Tunisian Institute for the Rehabilitation of Survivors of Torture (the NEBRAS Institute) in June 2016 aimed at the rehabilitation and social and professional reintegration of torture survivors;
- A framework partnership agreement with the association Women and Leadership and the Tunisian Association for the Rights of the Child in June 2016, concerning an integrated programme to address and prevent sexual violence against children in general and girls in particular, and to provide care for victims.

(e) Physical and mental recovery and social reintegration of child victims

163. In the light of constitutional provisions concerning the rights of the child, particularly article 47 (2), and in order to reinforce the Child Protection Code, the Ministry of Justice has established a committee within its Centre for Legal and Judicial Studies, on which representatives from various ministries and from civil society are working together to draft a law to revise the Code. The revisions aim to provide all forms of protection for child victims and to consolidate protection for children at risk and child offenders.

164. Chapter 4 of Organic Act No. 61 of 2016 to prohibit and combat trafficking in persons focuses on protection and support mechanisms for victims of human trafficking, particularly with regard to persons trafficked for economic or sexual exploitation. The Act gives the National Authority for the Prevention of Human Trafficking the task of providing such support, be it medical (article 59), social (article 60) or legal (article 61).

165. Organic Act No. 8 of 2017 on the elimination of violence against women includes provision for mechanisms to support women victims of violence and their children. The Act obliges the State, in coordination with competent departments, to accompany victims of violence with the necessary social, health and psychological assistance, provide them with shelter and facilitate their reintegration (final paragraph of article 4). In addition, the Act also enshrines the right of women and their children to receive health and psychological care as well as appropriate social accompaniment where necessary, from both State and civil society, also via counselling (Chapter 13 (5)).

Chapter VI

Family environment and alternative care (paragraphs 43 and 44)

(a) Family environment and parental support

166. Tunisia wishes to draw attention to Act No. 51 of 2003 amending Act No. 75 of 1998, which concerns the conferral of a family name to children who have been abandoned or whose parentage is unknown.

167. As part of a training and monitoring framework for parents to help them fulfil their duty to protect their families, the Ministry for Women, Children, the Family and Older Persons has developed and implemented a family education programme, which aims to:

- Train 240 family trainers in the field of family education;
- Train and monitor at least 12,000 parents per year; an average of 500 parents per governorate;
- Develop a database of trained parents.

168. A framework programme to equip young people for married life aims to:

- Prepare young people in the run-up to marriage;
- Educate them in the rules for a successful, stable and well balanced marital life;
- Develop skills and knowledge in the field of marital relationships to ensure healthy interaction between spouses;
- Reduce divorce rates.

(b) Children deprived of a family environment (paragraphs 45 and 46)

169. To supplement the information contained in the preceding paragraph (No. ...), it should be pointed out that, under Organic Act No. 30 of 2017, dated 2 May 2017, Tunisia acceded to the Hague Convention on the Civil Aspects of International Child Abduction of 25 October 1980. Under Order No. 1209, dated 7 November 2017, and in accordance with article 6 of the Convention, the Ministry of Justice was delegated as the central authority in Tunisia competent to receive applications.

170. Article 2 of Organic Act No. 61 of 2016 to prohibit and combat trafficking in persons also includes “the adoption of children for the purpose of exploiting them in any way” as an instance of human trafficking. The purpose of that provision is to afford protection to children who have been adopted or deprived of a natural family environment and who are subjected to various forms of criminal employment and exploitation.

171. The Ministry of Justice has established a national commission of judges, lawyers and university professors to examine the series of Hague Conventions and to make proposals for ratification.

172. Although Tunisia has not yet ratified the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption in order to avoid the sale of children through illegal adoptions, this has not prevented it from concluding bilateral agreements with Belgium and Canada.

Chapter VII

Disability, basic health and social welfare

(a) Children with disabilities (paragraphs 49 and 50)

173. The State is currently in the process of revising parts of Act No. 83 of 2005 on the promotion and protection of persons with disabilities in order to bring it into line with the Convention on the Rights of Persons with Disabilities.

174. A minimum of 3 per cent of places in State-run vocational training centres are allocated to persons with disabilities, and efforts to adapt the spaces are continuing. Physical education classes include students with disabilities who are pursuing education or vocational training in the regular system or special education and rehabilitation, with the exception of those who have a medical exemption (article 38 of Act No. 83 of 2005).

175. In order to ensure equality of access to social and public life for this category of young people, the State has rolled out a number of measures in the areas of education, culture and sports as well as in administrative services, health institutions and access to information. The measures focus on adapting infrastructure to help young persons with disabilities carry out sporting activities, with dedicated structures to that end; applying technical specifications for public buildings and spaces, shared facilities and private buildings open to the public, to enable access by persons with disabilities; facilitating the use of public and private transport by persons with disabilities; making the media more accessible (sign language during news bulletins on State television, Braille printers to produce books for the blind and media units in educational and rehabilitation centres). In addition, children with disabilities are given free access to museums, archaeological sites, sports stadiums and public leisure areas.

176. The State also ensures equality of opportunity in the field of education and training within the regular system by integrating children with disabilities into regular schools and into preschool classes, which provide them with an education appropriate to their specific mental, physical and psychological abilities.

In order to integrate this category of persons into normal educational processes, they are accepted into educational institutions only after the approval of regional committees. The members of the committees are all specialists and school and university health teams play a key role by carrying out specific medical examinations, which are coordinated by the regional school health teams. Ultimately, the children who have been integrated are informed of the successful completion of the process.

177. Within the same context, 26 regional units for the habilitation of persons with disabilities play a key role in the prevention of disability and in the study, evaluation and rehabilitation of such persons. They also support the integration of persons with disabilities, both before and during school and across the entire life cycle. In the course of 2016, the units examined a total of 18,740 children with the following age distribution:

- 7.65 per cent between 0 and 3 years old;
- 20.76 per cent between 3 and 6 years old;
- 50.02 per cent between 6 and 18 years old.

178. As a result of their assessment, 893 children were sent to preschool, school or specialized educational centres; 445 were integrated into associations for persons with disabilities and 179 children were directed to vocational training centres.

179. The State provides financial support for associations working in the field of disability through contracts to finance construction, development and equipment supply projects. It has also concluded a sectoral agreement to raise the professional status of staff in those associations, such as those working in special education centres, as well as to improve service quality, encourage updated working methods and provide specialized human resources to ensure appropriate and high-quality education.

180. As part of its efforts to provide specialized human resources in the area of disability, the State has rolled out a series of training programmes on special education to train trainers in relevant areas such as rehabilitation, psychomotor education and educational support for children. This comprises instructions covering the integration of persons with disabilities in early childhood, social interventions, welfare, interventions with families and children, sign language, clinical psychology for children and adolescents, and the pedagogy of differences to enable primary schoolteachers to provide support for persons with different disabilities and help them integrate.

181. In order to raise public awareness about the rights and needs of children with disabilities, sensitization programmes have been run in the form of workshops for children and educational officials while leaflets have been drafted explaining the Convention on the Rights of Persons with Disabilities.

182. The Ministry for Women, Children, the Family and Older Persons has drafted a bill on nurseries and kindergartens which enshrines the compulsory nature of the right of children with disabilities to enjoy the services provided by early childhood institutions and underscores the need to provide equipment that responds to children's specific needs. The Ministry has also prepared a draft guide on inclusive education in kindergartens, which focuses on the care of children with disabilities within spaces dedicated to early childhood. The purpose is to give staff working in those institutions the guidance they need to improve the quality of the services they provide.

183. In the same context, child-oriented media centres provide specialized services in the form of equipment for children with disabilities that takes account of their specific needs (children who are blind or visually impaired, deaf or hearing impaired, or who suffer mental or motor limitations).

(b) Health and health services, particularly primary health care (paragraphs 51 and 52)

184. In an effort to ensure that everyone, including children, has equal access to the necessary health services across the three lines of the health-care system, and pursuant to the principle of affirmative action, governorates in the west and south of the country, which enjoy priority, have received more than 70 per cent of total investment in the public health infrastructure.

185. The budget allocation to the health-care sector increased to D 1,751.1 million in 2016 as compared to D 1,631.7 million in 2015 and D 1,418.3 million in 2014. This has meant that the health-care budget has remained almost stable at 1.7 per cent of GDP and 7 per cent of the State budget.

186. The budget allocated to the basic health care programme has grown from D 24.7 million in 2014 to D 27.2 million in 2015 to D 32.2 million in 2016. One of the programme's most significant components has been the development of basic services for persons residing in the country's inland districts particularly vis-à-vis maternal and child health (the school and university medicine programme, the national vaccination programme, the national programme to promote maternal and child health and the national prenatal and postnatal programme).

187. In order to reduce neonatal mortality rates, which stood at 11.5 per 1,000 live births according to the results of the 2012 cluster survey (7.6 per cent in urban areas and 18.3 per cent in rural areas), and in parallel with the promotion of maternal health, a system has been set up to monitor neonatal mortality in hospitals with a view to identifying and addressing the causes of the phenomenon and to providing the support necessary to ensure healthy pregnancies, safe deliveries and adequate prenatal tests.

188. As part of the same process, a new component – the elimination of mother-to-child HIV/AIDS transmission – has been introduced into the national programme for the welfare of mothers and newborn children in 2013. It involves checking pregnant women for the HIV virus with a rapid and automated HIV test.

189. As part of a programme run by the Ministry of Health in collaboration with representatives of civil society and other relevant sectors, and of United Nations agencies (UNICEF, WHO and the United Nations Population Fund), work has been underway since 2015 to develop an integrated national strategy for the health of mothers and newborn children. The programme aims to ensure that they receive quality health services while giving priority to vulnerable groups, to consolidate the computerized health system and to enshrine the principle of good governance at all levels of health service delivery. Services are underpinned by certain rights-based principles such as the accompaniment of women during pregnancy, childbirth and the postnatal period, the reduction of maternal mortality and the incidence of illness and pain, and the early identification of disability.

190. The regional structures of the National Bureau for Family and Population annually provide no fewer than 125,000 medical services for women during pregnancy and after delivery, as well as educational and awareness-raising services that reach an average of 200,000 women of childbearing age each year. In that context, medical and paramedical staff will receive training on how to identify risks during pregnancy and monitoring visits will be increased at the regional and local levels.

191. As part of the national strategy to reduce maternal mortality, the competent structures are working to bring down the current rate (estimated at 44.8 per 100,000 live births) and to reduce maternal mortality in the governorates of Jendouba, Kairouan and Sidi Bouzid. The plan for the next four years (2017–2020) is to increase levels of access to quality antenatal and postnatal services, encourage women to deliver in health institutions and to use birth spacing methods and to identify at-risk cases so that they can be referred to specialized structures and health institutions.

192. Within the same context of reducing maternal and neonatal mortality and improving the quality postnatal services, training manuals and guidance documents have been updated, doctors and midwives have received training and testing has been provided for the early identification of risk factors in pregnant women. In parallel to the foregoing, results have been evaluated with a view to identifying and eliminating any shortcomings.

193. As part of the participatory programme for the health of mothers and newborn children:

- Health services for mothers and newborn children are monitored by a national committee responsible for identifying the elements that hinder the achievement of maternal and newborn mortality reduction targets;
- Regions are given the human and material resources they need in order to improve service quality;
- There is a continuing focus on areas lacking maternal and newborn health service coverage, by training regional officials on communication methods, organizing workshops to launch communication strategies and providing audiovisual media support in order to activate regional action plans;
- A neonatal mortality monitoring system has been set up in the field in order to pinpoint the causes of such mortality and eradicate it;
- Care has been boosted to ensure healthy pregnancy and safe delivery;
- Breastfeeding has been promoted across all regions.

194. The military devotes particular attention to the health of all its uniformed and civilian personnel and that of their children, who are under their care from pregnancy up to the age of 25 for males enrolled in education, or until marriage for females who are not earning their own living. There are no age limitations for children with disabilities who are unable to earn their living.

195. Within that framework, the Ministry of Defence, through the military health system, has set up departments for children, specialized in all fields, fully equipped with the most up-to-date equipment and technology and staffed by medical and paramedical personnel.

196. In order to support and encourage breastfeeding, a programme has been rolled out, which in its initial phase is aimed at the north-western regions of Beja, Jendouba, Kef and

Siliana. It focuses on health and nutritional education regarding pregnant women and newborn and breastfeeding children, seeking to explain the nutritional and health benefits of breastmilk to participants from civil society, doctors, midwives and paramedics.

197. Under current legislation, mothers who work in the public or private sectors are allocated time to breastfeed their infants.

(c) Health and development of adolescents, including reproductive health and measures to encourage healthy lifestyles

198. In partnership with State agencies and civil society, the National Bureau for Family and Population has intensified its efforts at both regional and local level to educate young people and adolescents in sexual and reproductive health. To that end it has listened to the views of multidisciplinary medical and paramedical personnel and provided medical and educational services regarding unsafe behaviours such as unwanted pregnancies, unprotected sexual relations, repeated abortions, sexual exploitation and delinquency, use of condoms, smoking and alcohol and drug abuse. Those services are provided in areas where young persons and adolescents congregate, as well as in schools, universities and health-care structures.

199. Efforts continue to be made to apply the strategic guidelines for the sexual and reproductive health of young persons and adolescents. Those efforts include:

- Twenty-one youth-friendly spaces providing medical and psychological services as well as awareness-raising and guidance; in addition, and as part of efforts to treat and prevent drug abuse, three spaces have been set aside to deliver psychological support to adolescents and young people, and more than 90,000 adolescents benefitted from information and education services during the course of 2016;
- A pilot project to combat drug consumption and addiction in schools was run in cooperation between UNICEF and the Ministry of Education. The project was launched in 2013 and ran for 3 years, targeting 600 students in 19 middle schools across 9 governorates. Students received training that gave them the ability and life skills to take the right attitude towards drugs and all forms of unhealthy behaviour;
- Twenty-five psychiatrists as well as doctors and paramedical staff were made available, while persons involved in sex education and related fields received training to improve their skills;
- Pursuant to the right of all persons to enjoy sexual and reproductive health, access to preventive, therapeutic and psychological health services has been facilitated and more than 60,000 medical services a year have been provided for adolescents and young persons;
- Efforts have been made to raise awareness among adolescents and young people to get them to change their sexual and reproductive behaviours. This has been accomplished through participatory methods such as the 1,000 “peer educators” who have been trained in recent years to raise awareness about unsafe behaviours, sexually transmitted infections, HIV/AIDS and violence prevention. To the same end, the role of adolescents has been promoted in the context of partnerships with governmental organizations and NGOs;
- In 2014, the Ministry completed a study on the health impacts of consumption patterns among children and adolescents, particularly those between the ages of 3 and 18 years. The study focused on families’ consumption of food as well as non-food items such as technological and communications devices and services;
- In order to combat suicide among children and adolescents, a national strategy to combat suicide was adopted in 2015, overseen by a technical committee at the Ministry of Health. In addition, a sensitization and training programme for front-line health professionals, in particular doctors and psychologists, has been rolled out for the purpose of identifying cases, assessing risk and determining how to intervene;

- The Ministry of Education has sought to build its human resources by recruiting psychologists to provide closer support for that category of students and to draw up a plan to monitor and combat the phenomena of suicide, violence and unsafe behaviour;
- In order to support health education, counselling and guidance units and offices have been set up to deliver medical lessons in middle and secondary schools, as well as in institutes of higher education, as a way of identifying students' physical and psychological problems and the difficulties they may face within their families.

(d) Standards of living and combatting poverty and inequality

200. Studies have been conducted revealing high rates of poverty and deprivation of basic rights, especially in the education of children, as well as significant differences between the regions. In addition, family allowances under the social welfare programme, whether backed by social security systems or by social assistance programmes, reach just 90,000 children. On the basis of that information, the Ministry of Social Affairs has adopted a new approach and a special social protection programme that covers all children and gives them the prerequisites they need for balanced development.

201. The programme aims to ensure a minimum income to enable children to enjoy their basic rights to health, education and nutrition, and to reduce poverty and school dropout rates.

202. An expanded national leadership committee has been formed, bringing together the various ministries, structures and social stakeholders, which will begin work on a study to identify the major features of the new approach and the legal, institutional and financial requirements for it to be realized.

203. For its part, the Ministry of Social Affairs is overseeing a national social integration and anti-poverty strategy. The goal is to formulate a comprehensive overarching vision to deal with the problem of poverty in all its dimensions and to support the social and economic integration of poor and vulnerable groups. The strategy seeks to overcome the problems arising from the fragmentary nature of public policies and interventions and the absence of good governance, which have limited the effectiveness of programmes and have failed to keep up with new patterns of poverty and vulnerability.

204. The Ministry is currently preparing an integrated vision surrounding the mandate and areas of intervention of a multidisciplinary public structure to be called the National Social Integration and Anti-Poverty Agency, which will be responsible for implementing the strategy's various components.

205. In the context of addressing regional disparities, problems associated with poverty and deteriorating living conditions, a series of special programmes has been adopted to promote development in regions with poor developmental indicators (annex 15).

Chapter VIII Education, leisure and cultural activities

(a) Education, including vocational training and guidance

206. Between 2015 and 2016, the Ministry of Education worked with the UNICEF bureau in Tunisia to find rapid and effective solutions to the phenomenon of school failure and early dropout. It did so through a programme that involved two campaigns: "Schools reclaim their children 1" and "Schools reclaim their children 2". The outstanding efforts of the Ministry with its awareness-raising interventions at the central and regional levels – in collaboration with partners from other ministries (the Ministry of Social Affairs, the Ministry for Women and the Family, the Ministry of Health, etc.), regional and local authorities and civil society organizations – made it possible for around 25,000 children to return to school. The two campaigns also served to draw attention to the phenomenon

within the nation and society, and helped in the development of regulatory provisions on the right to return to school.

207. The Ministry has also launched an initiative at the regional and local levels to identify persons who have dropped out of school and reintegrate them into the educational system. The initiative is aimed at persons who do not fulfil the conditions for the right to study and those who left school for social, economic, family or psychological reasons.

208. However, an evaluation conducted by the Ministry found several shortcomings that contributed to the failure of the initiative:

- Failure to consider comparable successful experiences;
- Absence of procedures to accompany reintegrated students;
- Failure to address the causes of dropout;
- Absence of follow-up.

209. This highlighted the need for mechanisms to ensure that students returning to school successfully maintained their undertaking and avoided failing again. As a result, the “Schools reclaim their children” campaign gave way to the system “Schools of second opportunity”. This is being put into place thanks to collaboration between the Ministry of Social Affairs, the Ministry of Vocational Training and Employment, the Ministry for Women and the Family, the Ministry of Culture and the Ministry of Youth and Sports, and with the support of civil society organizations and the private sector. The system will give persons who dropped out of school (between the ages of 12 and 18) a second chance to acquire knowledge and skills with a view to their social integration and professional development.

210. Second opportunity centres will be set up to receive persons who have dropped out of school. The centres will provide psychological, social and educational support and contribute to rehabilitation and acquisition of life skills via new approaches to prepare students for working life, such as educational, sporting and cultural activities and familiarization with communications media. The centres will also help to guide students to a particular branch of education (technical, artistic, vocational) and integrate them into the labour market.

211. In March 2018, an agreement to support this system was signed by the Government of Tunisia – represented by the Ministry of Education, the Ministry of Social Affairs and the Ministry of Vocational Training and Employment – the United Kingdom and the UNICEF bureau in Tunisia.

212. Vocational training centres run by the Ministry of Vocational Training and Employment seek to accommodate school dropouts and persons aged 15 and over who wish to return to education, in the following training modules:

- Vocational technical qualification: For candidates who have completed the second year of secondary education or have obtained a certificate of professional competence in a relevant field. The training lasts two years;
- Certificate of professional competence: For candidates who have completed basic education. The duration of the training ranges from one to two years depending on the equivalence of the training certificate;
- Certificate of ability: For candidates who have completed the sixth year of basic education and above or successfully passed the qualification assessment examination. The duration of the training ranges from 60 months to two years depending on the kind of training followed.

(a) (i) Educational enrolment opportunities in early childhood

213. The State is working to promote high-quality preschool education for early childhood. The aim is to improve the rate of involvement from the current national average of 32 per cent and to overcome distribution disparities (currently 60 per cent in urban areas and 17 per cent in rural areas) and disparities in social class. A plan has been drawn up to

promote access to preschool education under the slogan “Our kindergarten in our neighbourhood”, the general aim of which is to increase the number of children and families who have access to early childhood development services and to enable the largest possible number of children – especially those who are without support or come from needy families – to enjoy their right to preschool education. In addition, the plan seeks to facilitate access to such services by people from inland and priority areas and to increase the number of beneficiaries.

214. During the 2016/17 academic year, the number of schools with preschool departments increased to 2,194, having been just 362 in 2001/02. In other words, coverage stands at an estimated 48 per cent of all primary schools, as compared to 8.1 per cent when preschooling was launched. During the same academic year, the number of children enrolled in the preschool year stood at 52,238 in the State sector distributed over 2,593 establishments and tended by 2,239 educators.

215. In non-urban areas, 60.4 per cent of all primary schools has a preschool department (annex 16).

(a) (ii) Social work programme in schools

216. As a first step, the authorities sent social work units to priority educational institutions in urban areas where they operated in multidisciplinary teams to care for children and address and lessen the impact of the difficulties they were facing. The goal was to tackle poor adaptation to the school environment and reduce the phenomenon of school dropout.

217. In the second phase, beginning in the academic year 2014/15, the social work units began operating mobile teams in rural areas, to which end 34 vehicles were placed at the disposal of the programme for the transportation of members of the unit.

218. As of the third term of the academic year 2014/15, a number of existing mechanisms were grouped together into a single unit known as the “unit for the accompaniment of children in the school environment” made up of a multidisciplinary intervention team. The number of such units in the year 2015/16 was 327. At the same time, 2,390 school social work units, both fixed and mobile, continued to operate.

219. On 19 April 2010, the Minister of Education and the Minister of Social Affairs, Solidarity and Tunisians Abroad issued Joint circular No. 06/34. The text concerns support for students who have dropped out of school through greater coordination between the relevant local and regional structures with a view to timely interventions to help such persons either continue their schooling or enrol in a vocational training school.

220. On 10 July 2013, the Minister of Education issued circular No. 19 on ad hoc assistance and assistance in the context of school social work. The circular, which focuses on support for students who have adapted poorly to the school environment or who have dropped out of school altogether, constitutes an additional mechanism buttressing the efforts of social workers as they seek to intervene successfully to support students and surmount difficulties associated with situations of crisis.

221. Military vocational training schools have also been established to educate and train children and prepare them for professional life. The schools issue recognized professional certificates and certificates of competence, which enable students to integrate easily into the labour market. In addition, kindergartens have been opened in military neighbourhoods near barracks belonging to the Ministry of Defence. The kindergartens, which are staffed by highly qualified specialists in various disciplines, aim to provide greater care and attention for the children of uniformed and non-uniformed military personnel.

(a) (iii) Rest, play, leisure, free time and cultural activities

222. Leisure and recreational facilities for children in Tunisia have evolved and there are currently 248 children’s clubs including 23 mobile clubs serving children in rural areas and 74 children’s vessels. The number of educational staff supervising children in those institutions has increased by 37.9 per cent, reaching 1,351 in 2016 as compared with 980 in 2010. At the same time, the number of children using these facilities has gone up to

742,000, with boys and girls equally represented, as compared to 177,000 in 2010, just 26 per cent of whom were girls.

223. There are currently 24 regional child-oriented media centres, which are distributed across all the country's governorates and supervised by a national centre. Furthermore, 11 web radio stations have been established in inland areas to propagate a culture of peace and attract children away from violent extremism.

224. The State has set up "art arenas" in inland areas, which are operated throughout the year by regional cultural commissions and have hosted a number of child-oriented programmes. Music teachers have been made available to provide music lessons to children.

225. The Ministry of Defence has set up sports centres to train children and young people in various different sporting activities and to provide them with the preparation and support they need to participate in sporting events at national and international level. Social and educational activities are organized for the benefit of children in that regard, such as excursions, clubs, entertainment programmes, etc.

226. Spaces available for young people by the end of 2017 were as follows: 309 fixed youth hostels, 21 youth hostels with accommodation, 31 youth vessels and 199 youth clubs in remote rural areas, in addition to mobile youth hostels (vehicles equipped for use outdoors and in open locations) 47 of them destined for use in remote rural areas throughout the country. There were also 47 units to stimulate and entertain children and young people in densely populated neighbourhoods. In all these institutions, physical and mental recreational activities are provided by specialists.

227. As part of the citizenship education programme, a partnership agreement has been concluded between the Ministry of Youth and Sports and the Association for the Advancement of Citizenship Education. The purpose of the initiative is to establish citizenship education clubs within youth associations in order to raise awareness among adolescents about the importance of participating in the community and contributing to the creation of an open civil society that believes in the values of citizenship and human rights. The programme is chiefly directed at young people between the ages of 15 and 19. To date, 52 citizenship education clubs have been set up in youth associations in 16 governorates, with the remaining eight governorates due to be covered in 2018 thereby ensuring that citizenship education clubs extend their reach across the whole of national territory.

(a) (iv) National youth tourism programmes

228. These programmes are directed at young people, including adolescents between the ages of 15 and 18, from different areas of the country, particularly inhabitants of border governorates, children of Tunisians living abroad, children from densely populated or rural areas, children of security and military personnel killed on duty, children of victims of terrorism, vulnerable groups and persons with special needs (summer camps for persons with intellectual disabilities and for young persons in correctional institutions). In 2017, there were 64 youth tourism establishments, 27 in mountainous and wooded regions, 7 in the desert and 30 on the seafront, with capacity to accommodate 3,553 persons in buildings and 1,525 under canvas. In addition, beach activities and regional trips are also organized.

Chapter IX

Special protection measures

(a) Children outside their countries of origin who are seeking protection as refugees, unaccompanied children seeking asylum, child beggars, child migrants and children affected by migration

229. Unaccompanied minors are treated as children at risk in line with article 20 (a) of the Child Protection Code's definition of "children who have lost their parents and remain without family support". Procedures taken in their regard are those conceived for the protection of children who do not have the support of their family.

230. Generally speaking, the same protection measures are applied to foreign children as to Tunisian children. In fact, Tunisian law makes no distinction between Tunisian and foreign children, all of whom enjoy the same rights and are subject to the same protection measures. This includes protection from exploitation, the right not to be detained, application of the principle of family unity, alternative care and the right to education, health, identity and nationality. They can access all services available in Tunisia as enshrined in domestic law and the Convention on the Rights of the Child and its Protocols, as per the Guidelines on Determining the Best Interests of the Child of the Office of the United Nations High Commissioner for Refugees (UNHCR).⁵ Those interests are identified at sittings attended by a children's or family judge, a child protection delegate, a representative of the Ministry of Social Affairs, a representative of the International Organization for Migration (IOM) and a representative of UNICEF. The purpose of the sittings is to determine an individual course of care for the child concerned who, along with his or her family (if any) are involved in any decisions made in order to ensure that the best possible option is chosen.

231. In coordination with UNHCR and IOM, the State draws up refugee programmes and organizes training courses for professionals, journalists and civil society on the international and national protection available to refugees, how to intervene on behalf of refugees and how to manage situations of mass influx during times of crisis.

(b) Children in street situations

232. Street social work programmes are aimed at children and young people who live outside the institutional system due to poor social integration or psychological problems arising from the breakdown of the family situation or social environment (annex 17).

233. It is important to distinguish between "street children" and "children in street situations". The former are children who have no fixed abode and who live permanently or semi-permanently on the street, outside the framework of a family. Their numbers are not such that they can be spoken of as a social phenomenon, as is the case in certain some other countries. Nonetheless, the Ministry of Social Affairs, through its social welfare institutions, undertakes to intervene on behalf of that category of young persons who have neither support nor shelter.

234. By contrast, children in street situations are those who spend many hours on the street each day and engage in marginal activities to obtain money. Sometimes they attend school and often they return to the family home to sleep although they may spend the night on the street. Children in this category are cared for by social welfare and integration centres, which run a street social work programme to care for them and attempt to reintegrate them into everyday life. The programme is run by social workers, educators and experts in various disciplines who have been trained in how to interact with the target groups.

235. The interventions by social workers and educators to support children and young people in street situations follow a number of stages:

- Monitoring spaces and locations where children and young people gather (public transport facilities, ports, parks, municipal and weekly markets, cafes, abandoned places and buildings);
- Contacting them directly in order to gauge their responsiveness and enthusiasm;
- After establishing a relationship with the person concerned, gathering data and conducting field visits to the family in order to develop an intervention plan, with the involvement of all members of the family, for the reintegration of the child or the youth concerned.

236. In 2016, the social welfare and integration centres intervened in 700 cases and delivered 1,195 services. However, the difficulties of working on the street, due to limited

⁵ <http://www.refworld.org/docid/48480c342.html>.

human resources and logistical capabilities, have lately reduced the number of cases handled.

237. The services for this category chiefly consist in integration into work or school, psychological support, family integration, material and in-kind assistance, educational and social rehabilitation and health services. In coordination with child protection delegates, reports are drawn up for family judges.

238. The Ministry of Social Affairs undertakes this work via its different structures and with support from partner ministries and children's institutions. Its efforts follow pre-established methodological rules and studies, which may lead to the development of a strategy for interventions on behalf of children and young people in street situations.

239. The activities of the centres are complemented by the work of the team that runs the emergency social services programme, which intervenes in cases of homelessness and vagrancy in the street and other public areas, particularly at night, in order to protect the persons concerned from exploitation. Its actions are regulated by Decree No. 14 of 22 April 2013 issued by the select Council of Ministers in partnership with the Ministry of the Interior, the Ministry of Justice, the Ministry of Health and the Ministry for Women and the Family. In that connection, some 35 children received care for during 2016.

(c) Economic exploitation, including child labour

240. The State has adopted a number of provisions to prevent child labour and the economic exploitation of children:

- Organic Act No. 61 of 2016 to combat trafficking in persons, which lists “the economic or sexual exploitation of children during employment” as a slavery-like practice that constitutes an aggravated form of the offence of human trafficking (article 23);
- Organic Act No. 58 of 2017 to combat violence against women, article 20 of which states: “Any person who intentionally employs a child in domestic work, whether directly or indirectly, shall be liable to a term of imprisonment of between 3 and 6 months and to a fine of between D 2,000 and D 5,000. Anyone acting as a mediator in the employment of a child in domestic work shall be liable to the same penalties.”

241. In cooperation with ILO and as part of the national plan to combat child labour in Tunisia 2015–2020, the National Institute of Statistics has conducted a multiple indicator cluster survey which indicated that 3 per cent of children between the ages of 5 and 14 were being economically exploited. The survey showed that the rate varied considerably depending upon area, such as the south-east which had 7 per cent, or a governorate such as Kasserine which had the highest figures for child labour at 10 per cent. The survey also revealed a direct relationship between child labour and school conditions with a higher rate of school dropouts corresponding to greater numbers of child workers.

(d) Sexual exploitation and abuse

242. See chapter V, paragraphs 137 to 152.

(e) Sale, trafficking and abduction of children (paragraphs 63 and 64)

243. Article 1 of Organic Act No. 61 of 2016 to prohibit and combat trafficking in persons states as follows: The Act “aims to prohibit and combat all forms of exploitation to which persons – especially women and children – may be exposed by preventing trafficking, taking action against perpetrators and protecting and assisting victims. The Act further seeks to promote national coordination and international cooperation to combat trafficking in persons within the framework of the international, regional and bilateral conventions ratified by the Republic of Tunisia”.

244. The Act defines trafficking in persons in the following terms: “Enticing, recruiting, transporting, transferring, diverting, relocating, harbouring or receiving persons by force or use of arms or the threat thereof, or other forms of coercion, abduction, fraud, deception, exploitation of a situation of vulnerability, exploitation of authority or the provision or acceptance of monies, benefits, gifts or promises of gifts to gain the consent of a person who has control over another person, in order to exploit others in any way, whether that exploitation is perpetrated by the party who commits those actions or by a third party.”

245. A number of features of trafficking have also been defined, including exploitation for vice, prostitution or other types of sexual services, forced labour and servitude, slavery or slavery-like practices, begging or the total or partial removal of organs, tissues, cells or embryos. Other forms of exploitation have also been defined, such as “slavery-like practices”, which include, inter alia, “the use of children in criminal activities or armed combat”, “the adoption of children for the purpose of exploitation of any kind” and “the economic or sexual exploitation of children in the course of their employment”.

246. The Act makes provision for more severe penalties if the crime is committed against a child or by using a child. In such cases, furthermore, it considers the crime of trafficking to subsist irrespective of the means used and does not take the consent of the victim to be a factor that mitigates punishment. The Organic Act includes a number of protection measures for victims of human trafficking, including children, and stipulates that the provisions of the Child Protection Code are applicable in all other cases.⁶

247. The National Authority for the Prevention of Trafficking in Persons has been established. It has 17 members representing different ministries as well as a representative from the human rights institution, a media expert and two representatives from anti-human trafficking associations. The Authority is led by a level three judge specializing in human rights, appointed under Government Order No. 197 of 2017.

248. Since it was established in February 2017, the Authority has undertaken the following duties:

- Developing a national strategy to prohibit and combat trafficking in persons and making proposals for mechanisms to implement the strategy;
- Coordinating efforts in application of protection measures for victims, witnesses and informants as well as victim assistance mechanisms;
- Receiving reports of trafficking in persons and referring them to the competent judicial authorities;
- Issuing guidelines to help identify and assist victims of human trafficking.

249. The Ministry of Justice has undertaken the following activities:

- It has organized a number of training sessions for public prosecutors and judges on techniques for investigating human trafficking offences, in particular in cooperation with the United Nations Office on Drugs and Crime (UNODC);
- It has drafted a training manual on human trafficking and the smuggling of migrants to be adopted into the framework of the basic and ongoing training of judges. During the judicial year 2016/17, 200 legal officers and 60 judges received training in this regard;
- In cooperation with the Council of Europe, it prepared a train-the-trainer programme made up of eight modules (two general and six sectoral) with a view to building the capacity of the National Authority;
- As part of the train-the-trainer initiative, 15 women judges received training on combatting human trafficking from the International Association of Women Judges.

250. Prior to the establishment of the National Authority for the Prevention of Trafficking in Persons, a national committee of the Ministry of Justice – within the framework of a cooperation project being implemented by IOM in Tunisia in partnership with

⁶ See Organic Act No. 61 of 2016, dated 3 August 2016, to prohibit and combat trafficking in persons.

governmental and non-governmental stakeholders and with financial backing from the United States Department of State's Office to Monitor and Combat Trafficking in Persons – produced a video and a national campaign under the title “Not for sale”. The purpose of the initiative was to raise awareness, in the public at large but particularly among young people, about human trafficking in Tunisia.⁷

251. On 23 March 2017, the Ministry of the Interior established a central department to combat human trafficking offences. The main focus of the department is on combating economic and sexual exploitation and forced labour.

252. Under the aforementioned Act, the Ministry of Defence also has a role in tackling this type of crime as it conducts rescue operations at sea where it provides initial assistance to victims then delivers them into the hands of local authorities. Over the six years up to March 2016, 455 rescue operations were conducted involving 6,600 individuals. The operations were carried out in the context of combatting irregular migration, which is the main form that human trafficking takes. In addition, borders have been monitored through air and ground reconnaissance operations with a view to preventing the smuggling of goods, arms or persons, including children.

(f) Child offenders, child victims, child witnesses and juvenile court judges (paragraphs 65 to 67)

253. A technical committee has been set up within the Ministry of Justice, on which representatives from various ministries discuss ways to implement current legislation regarding probation and mediation mechanisms and propose how best to proceed in the light of existing possibilities, while awaiting legislation that will radically reorganize those mechanisms. The committee has, in fact, come up with a number of proposals.

254. In December 2016, a workshop was organized for juvenile court judges, public prosecutors, investigating judges for cases involving children, officials from relevant ministries and members of the aforementioned technical committee. The participants reviewed and evaluated national experiences and practices vis-à-vis the application of rules governing probation, given the absence of specific mechanisms, evaluating those experiences and engaging in an exchange of views. The workshop concluded with important recommendations that highlighted the need to apply the current rules, promote the role of civil society networks and use existing mechanisms available in national institutions, such as the children's counsellor, to play their part by creating a formal framework to encourage the exploitation of such possibilities, such as ministerial decisions and interministerial agreements.

255. From 14 to 18 November 2016, seven members of the committee undertook a study visit to the Netherlands and Belgium with a view to building their capacities and examining examples of comparable experiences in Europe, in line with international best practice.

256. A training course for representatives of various relevant structures and ministries was organized in 2017. The aim of the initiative was to build the capacity of the national team overseeing that activity, in the light of the role entrusted to probation delegates and the qualifications they require to carry out their duties optimally.

257. Efforts are currently being made to draft reference material for the work of probation delegates. That material will later be adopted in accordance with proposals submitted.

258. In parallel, work has begun on drafting a communication strategy to effect social and behavioural change. To that end, pilot schemes have been run in the governorates of Manouba and Gabes for the purpose of achieving the following goals, which are part of the strategy:

- Children at risk are protecting themselves from the possibility of coming into conflict with the law, while children already in conflict with the law are building their capacities so that they do not reoffend;

⁷ <https://www.youtube.com/channel/UCCw1KMqbCs7Ek3m2zcVSSdA>.

- Families and organizations are developing mechanisms to protect children and enable them to proceed towards social integration;
- Institutions for the accommodation and care of children are being encouraged to use non-custodial penalties against minors in order to facilitate their reintegration;
- National institutions and media outlets are promoting and encouraging the prevention of delinquency and the use of non-custodial penalties.

259. As regards child victims and witnesses, the Ministry of Justice's Centre for Legal and Judicial Studies is currently drafting a bill on child victims, which reflects the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime and is in line with the Lanzarote Convention.

(f) (i) Rehabilitation and reintegration programme for child offenders

260. The programme to support the improvement of juvenile justice in Tunisia envisages care for children at all stages of the judicial process, all the way through to reintegration. This involves numerous different stakeholders interacting with the organs of the judiciary, chiefly civil society groups and the social welfare and integration centres supervised by the Ministry of Social Affairs. Activities under the programme include the provision of technical and material support to those institutions.

261. Support for the social welfare and integration centres consists in building their technical and material capacity to launch micro-projects for children with a view to facilitating the process of reintegrating them into society. Support has also enabled the centres to test and experiment with new intervention methods and to develop new activities for children in conflict with the law.

262. Material support for civil society organizations has taken the form of project financing, which has benefited three groups: the El Mourouj II Residents' Association, the Childhood Horizons Association in Gabes and the Tunisian Forum for Youth Empowerment. The support has helped them to implement projects in close cooperation with relevant State bodies.

263. The first project, with the El Mourouj II Residents' Association, sought to provide support to around 125 children being held in the city's reformatory by implementing economic and social initiatives to promote their social reintegration. The success of the experiment has served to demonstrate the role that civil society can play in reintegrating children, avoiding recidivism and building the social and professional capacities of minors in conflict with the law to ensure their proper incorporation into social and economic life following release.

264. The second project, with the Childhood Horizons Association in Gabes, sought to promote the use of the mediation mechanism in the governorate of Gabes through cooperation among local authorities such as the social welfare and integration centres, child protection delegates, the judicial authorities, law enforcement and others. The idea was to draw attention to the importance of the mediation mechanism, which is enshrined in and regulated by law, adapt it to the situation of each particular child offender and encourage and facilitate its use. Follow-up and evaluation reports testify to the positive outcome of the project, with an increase of 36 per cent in recourse to mediation between 2015 and 2016.

265. The third project, with the Tunisian Forum for Youth Empowerment, also involved a programme to encourage the use of mediation as an alternative for courts to use when dealing with children in conflict with the law in the governorates of Manouba and Ariana. The distinguishing feature of the project – which aimed to establish an institutional partnership between ministries and relevant public bodies and judicial institutions (11 parties in all) and civil society organizations (11 in all) – was that it focused on all parties working together within an integrated multidisciplinary network for the psychological treatment of children and the reduction and prevention of recidivism.

266. Technical support for associations consists, in particular, of building the project-management capacity of groups that specialize in juvenile justice and child protection. It also involves capacity building among civil society organizations more generally in areas

such as children's rights and juvenile justice, in the light of international standards and best practices. To that end, various training courses have been run with the assistance of experts from home and abroad, both in the centre of the country (Sousse) and the north (Hammamet), attempting to include the greatest possible number of civil society organizations.

267. It should be noted that military courts do not hear cases involving children. If they have to deal with a case involving multiple parties they will divide the case file and refer part involving the child to a juvenile court judge of the ordinary judiciary, in accordance with the provisions of the Child Protection Code.

(f) (ii) Drafting and implementing a communication and media strategy to effect social and behavioural change

268. Assessments have revealed weakness in interventions by stakeholders within the child's own environment: firstly the family itself, followed by school and the neighbourhood. This has highlighted the need to develop a national plan capable of changing the way those stakeholders deal and interact with children and making children aware of their own rights duties and the important role they have to play.

269. In order to effect a change in the role of those stakeholders, international technical assistance has been sought with a view to formulating a communication and media strategy. The strategy has been rolled out in three pilot regions under an implementation plan that focuses on a number of areas including training and capacity building in specialized media. The strategy concludes with an evaluation phase in order to assess how the project has fared with respect to its original goals.

(f) (iii) Care services and educational programmes for child offenders in correctional centres

270. These services principally consist in:

- Providing social, health and psychological care;
- Welcoming, guiding and directing children;
- Conducting an in-depth social inquiry with the family, urging them to undertake visits and involving them in the correctional process;
- Granting certain children licences for weekends, public holidays and vacations;
- Conducting an initial medical examination of children when they are admitted to the centre and providing the health services they require;
- Providing out-patient and hospitalization services as necessary;
- Determining the child's character and mental capabilities;
- Helping children to accept the correctional facilities;
- Providing vocational training courses in agriculture, wheel repair and mechanics; the courses last between three and six months and conclude with a test leading to a certificate of professional competence delivered by the competent bodies for vocational and agricultural training;
- Running general education programmes. On 21 October 2013, an educational programme for child offenders was launched in coordination with the Directorate for Literacy and Adult Education of the Ministry of Social Affairs. Children are divided according to their levels and their education is supervised by teaching staff in each centre;
- Running cultural and sports programmes. Children enjoy sports classes as part of the weekly school timetable and are given the opportunity to practice cultural and recreational activities outside the hours dedicated to education and training. They can also attend artistic and theatrical performances put on by youth and cultural centres and civil society groups, and they participate in sporting and cultural competitions between different centres organized for national and religious holidays. In addition, there is some openness to the surrounding environment with trips and

summer camps and participation by some children in sporting activities outside the centre;

- Running the integration and monitoring programme. The programme was launched in 1996 to ensure correct approaches towards this category of children, including plans to address different situations according to their specific nature and directing beneficiaries to a course of reintegration with a view to their eventual inclusion back into economic life;
- Areas of integration include economic assistance (of up to D 5,000), vocational training or the continuance of education or vocational training.

(f) (iv) Supporting partnership with civil society and international organizations

271. In this context, on 13 April 2016 an agreement was concluded with the “Medina” Association to cooperate on improving and enlivening the daily lives of inmates by creating and stocking libraries and providing textbooks and cultural publications related to educational programmes.

(f) (v) Building capacity among actors in the juvenile justice system in order to ensure the correct application of the law

272. The programme to promote reform in the Tunisian justice and prison system, funded by the European Union, has a special segment devoted to improving the country’s system of juvenile justice which, during its first two years, is being implemented by the UNICEF bureau in Tunisia. The programme envisages specialized training sessions delivered by leading experts from home and abroad for various parties involved in the justice system including judges, lawyers, child counsellors, psychologists, judicial police officers, prison officers dealing with children, and others.

273. The courses covered international standards, best practices and the global international trend towards alternative means of addressing delinquency in children, which have a greater focus on reform, follow-up and integration and are moving progressively away from custodial sentences for children, with a view to establishing a system of “restorative justice”.

274. The training was not limited only to lectures on theory but also comprised external study visits to study comparable situations and become acquainted with best practices in the field of juvenile justice. The visits involved representatives from various categories concerned with juvenile justice including legal and paralegal officials, court assistants, officials from competent departments and institutions, and members of the committee running the programme and of the technical committee which includes representatives from all national stakeholders in the juvenile justice system.

275. In this context, the programme set itself an initial goal to build capacity among 20 to 50 per cent of parties involved in the juvenile justice system (judges, lawyers, judicial police officers and child counsellors). However, by 2017, those figures had reached 91 per cent for judicial police officers, 95 per cent for child counsellors and 51 per cent for staff in correctional centres, according to UNICEF statistics. Goals in the area of training trainers were also reached as 36 trainers from different sectors received instruction on training techniques in the field of child justice (annex 18).

276. During the course of the programme, a number of training workshops were organized on ways and means to improve the operation of the child justice system. In 2016, regional and national workshops were conducted to examine outcomes and look into ways to develop judicial activity concerning children so as to make judges more effective in their dealings with child counsellors, identify difficulties and propose solutions. The workshops, which involved 24 judges and 59 child counsellors, led to important recommendations regarding the development and improvement of how cases are handled, the decisions taken, the relationship between the judiciary and child counsellors, their respective roles in the course of proceedings and working conditions.

277. In its next phase, and on the basis of the recommendations that emerged from the workshops, the programme envisages an integrated plan of action (budget, follow-up and

evaluation) to advance the process of reform in the child justice system in coming years after the end of the programme. The plan will be presented to stakeholders with the proposal that it be made part of integrated national policy in the area of juvenile justice, once it has been ratified.

278. While the programme was being implemented the need emerged for additional training courses for 15 lawyers, in response to the Tunisian Bar Association's desire to establish a network of specialized lawyers covering the entire country. For the benefit of 60 participants from correctional centres, a further specialized training course was organized on juvenile justice in the intensive system and in open courts.

279. Under the programme to support the improvement of juvenile justice, the Ministry of Justice has undertaken the following actions, in cooperation with the UNICEF bureau in Tunisia:

- Organizing training courses on legal provisions regarding children in conflict with the law, and their psychosocial and social evaluation, for stakeholders within judicial organs dealing with children;
- Organizing workshops on mediation and probation mechanisms as an alternative to traditional criminal proceedings in order to avoid children having to appear before the criminal courts. Provision is made for such mechanisms in the Child Protection Code, but the former is used only partially and the latter not at all;
- Organizing workshops on drafting guides for all stakeholders including a guide on coordinating efforts;
- Determining the role and functions of staff at child social observation centres;
- Determining the role and functions of judicial police officers when they intervene in cases involving children in conflict with Tunisian law.

280. The Ministry has also produced procedural guides:

- For children's counsellors in cases involving children in conflict with the law;
- For the staff of correctional centres to facilitate their interactions with children in conflict with the law;
- To facilitate coordination among the parties involved in juvenile justice;
- For probation delegates who deal with children in conflict with the law;
- Concerning the functions of the parties involved in the system of criminal justice for children in conflict with the law;
- On juvenile justice procedures contained in Tunisian law for children in conflict with the law;
- For child protection delegates who deal with children in conflict with the law;
- For lawyers taking part in proceedings involving children in conflict with the law;
- For children in conflict with the law.

281. Thanks to an agreement between the Ministry of Justice and the Ministry for Women, Children and the Family, child protection delegates can visit child correctional centres and children's wings in prisons in order to examine the conditions in which inmates are being held and to ensure they receive optimal protection. A training programme on children's rights has also been developed for the staff of child correctional centres and efforts have been made to build the capacity of children's counsellors and monitor their activities so as to ensure effective interventions on behalf of children within the organs of the judiciary.

(g) Physical and mental recovery and social integration

282. See chapter V, paragraphs 160 to 162.

(h) Protection of child victims and witnesses

283. The Ministry of Justice's Centre for Legal and Judicial Studies is currently drafting a bill on child victims, which reflects the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime and is in line with the Lanzarote Convention.

284. See chapter V, paragraphs 151 and 152.

(i) Children in armed conflict

285. In line with the concluding observations of the Committee on the Rights of the Child on the initial report of Tunisia (CRC/C/OPAC/TUN/CO/1), human rights and international humanitarian law are being taught in military training institutes. In addition, study days and awareness-raising seminars have been organized in cooperation with international organizations such as the International Committee of the Red Cross (ICRC) and the Geneva Centre for the Democratic Control of Armed Forces, as well as training courses abroad such as partnership programmes with the North Atlantic Treaty Organization (NATO) and courses at the San Remo International Institute of Humanitarian Law.

286. With a view to disseminating a culture of international humanitarian law, the Ministry of Defence sends military personnel to participate in seminars at home and abroad on the teaching of international humanitarian law and the law of armed conflict. For example, military officers and judges have taken part in training courses at the San Remo International Institute of Humanitarian Law in Italy.

287. In the second half of 2009, the Ministry of Defence issued the first edition of its manual on international humanitarian law. The text, which is aimed primarily at students in military academies, serves to introduce the principles of international humanitarian law into military training at various levels.

288. Article 33 of Organic Act No. 26 of 2015, dated 7 August 2015, on combating terrorism and preventing money-laundering states: "Any person who intentionally uses Tunisian territory or the territory of a foreign State to recruit or train a person or group of persons for the purpose of committing a terrorist offence, whether inside or outside the territory of Tunisia, shall be considered to have perpetrated a terrorist offence and shall be liable to a term of imprisonment of between 6 and 12 years and to a fine of between D 20,000 and 50,000." Article 10 of the Act stipulates that the more severe penalty is applicable if the terrorist offence is perpetrated using a child.

289. Organic Act No. 61 of 2016, dated 3 August 2016, to prohibit and combat human trafficking, also criminalizes the recruitment of persons, including children. Under article 2 of the Act, enticing or recruiting persons by force or use of arms or the threat thereof, or other forms of coercion, or the exploitation of a situation of vulnerability, are all considered to constitute human trafficking. Article 2 (2) defines a situation of vulnerability as any situation in which persons believe that they are obliged to submit to exploitation, especially if they are children.

290. Tunisia has signed the instrument of accession to the group of States supporting the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups. The signing took place during a ministerial conference in Paris organized by the French Government and UNICEF to mark the tenth anniversary of that document and the continuing international commitment thereto.

291. As regards the recommendation to extend the jurisdiction of the courts, article 305 of the Code of Criminal Procedure states that the jurisdiction of Tunisian courts covers all offences committed by a Tunisian national outside the territory of Tunisia, if the offence in question is punishable under Tunisian law and under the law of the country where the crime was committed, unless the foreign courts have definitely ruled on the matter.

292. Under Tunisian legislation, the minimum legal age for recruitment is 20. Persons aged 18 may not be recruited save under exceptional circumstances, at the request of the person concerned and having obtained parental authorization and the approval of the

Minister of Defence. It is forbidden to recruit anyone under the age of 18. To that end comprehensive legislation has been drafted that regulates recruitment while respecting the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

293. In order to ensure that children under the legal age are not recruited, accurate recruitment procedures have been established wherein statistical commissions review population data regarding young people who have reached the age of 18 then send that information to the Directorate General for Recruitment and Mobilization of the Ministry of Defence, which sets a recruitment time for each registered citizen on the basis of date of birth (day, month, year), for when they reach the age of 20. In that regard, birth certificates and national identity cards are taken as official proof of age.

294. In the same context, article 18 of the Child Protection Code forbids the involvement of children in war or armed conflict.

295. In accordance with a recommendation of the Committee on the Rights of the Child, the Republic of Tunisia acceded to the Rome Statute of the International Criminal Court and the Agreement on the Privileges and Immunities of the International Criminal Court under Decree No. 4 of 2011, dated 19 February 2011.

(j) Measures taken to prohibit the sale of arms, including small arms, to countries where children are known to be or may potentially be recruited or used in hostilities

296. The Ministry of Defence contributes to the border monitoring system through air and ground reconnaissance operations to prevent smuggling, including the smuggling of arms that could be sold in the context of ongoing military operations in a neighbouring country where there is a possibility that children might be being recruited for the conflict. In addition, naval units conduct rescue operations at sea, providing initial assistance to victims then delivering them into the hands of local authorities. The navy also seeks to prevent the smuggling of arms by sea.

297. The Ministry also participates in training and awareness-raising activities in the field of promoting respect for human rights principles and encouraging education in that area. These include programmes run by UNHCR, IOM, OHCHR, ICRC, UNICEF, UN-Women and the Geneva Centre for the Democratic Control of Armed Forces.