



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined fourth to sixth periodic reports of Tunisia\*

#### I. Introduction

1. The Committee considered the combined fourth to sixth periodic reports of Tunisia<sup>1</sup> at its 2519th, 2521st and 2523rd meetings,<sup>2</sup> held virtually on 26, 27 and 28 May 2021, and adopted the present concluding observations at its 2534th meeting, held on 4 June 2021.

2. The Committee welcomes the submission of the combined fourth to sixth periodic reports of the State party and the written replies to the list of issues,<sup>3</sup> which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held virtually with the high-level and multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the various legislative, institutional and policy measures taken by the State party to implement the Convention, including the adoption of legislation to establish an independent human rights institution, combat violence against women and girls, prohibit trafficking in persons and criminalize female genital mutilation. It notes with appreciation the ratification of, or accession to, the following instruments: Optional Protocol to the Convention on the Rights of the Child on a communications procedure; Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse; Hague Convention on the Civil Aspects of International Child Abduction; and Rome Statute of the International Criminal Court.

#### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: non-discrimination (para. 15); violence, including sexual violence, abuse and neglect (para. 25); health and health services (para. 32); education (para. 37); asylum-seeking, refugee and migrant children (para. 42); and

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\* Adopted by the Committee at its eighty-seventh session (17 May–4 June 2021).

<sup>1</sup> CRC/C/TUN/4-6.

<sup>2</sup> See CRC/C/SR.2519, 2521 and 2523.

<sup>3</sup> CRC/C/TUN/RQ/4-6.



follow-up to the Committee's previous concluding observations on the Optional Protocol to the Convention on the involvement of children in armed conflict (para. 49).

5. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention and the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children, including in the development of the national development plan that succeeds the State party's plan on achieving the Sustainable Development Agenda, 2016–2020.**

## **A. General measures of implementation (arts. 4, 42 and 44 (6))**

### **Legislation**

6. **The Committee notes with appreciation that the Constitution of 2014 enables the direct applicability of the Convention by domestic courts. Recalling its previous recommendations,<sup>4</sup> the Committee recommends that the State party:**

(a) **Continue to align its legislative framework concerning children with the principles and provisions of the Convention, including by expediting the revision of the Child Protection Code;**

(b) **Strengthen the implementation of its domestic legislation concerning children, including through the allocation of sufficient human, technical and financial resources.**

### **Comprehensive policy and strategy**

7. **The Committee takes note of the various policies and strategies on children's rights and recommends that the State party:**

(a) **Expedite the adoption of a comprehensive child rights policy, and a strategy for its effective implementation, that replaces the integrated public policy for the protection of children, 2016–2020;**

(b) **Ensure that the policy encompasses all areas covered by the Convention and that its implementation is supported by sufficient human, technical and financial resources.**

### **Coordination**

8. **The Committee is concerned about the absence of a coordinating body at the ministerial level, following the dissolution of the High Council for Children. Recalling its previous recommendations,<sup>5</sup> the Committee recommends that the State party:**

(a) **Strengthen the authority of the Ministry for Women, Children, the Family and Older Persons to effectively coordinate all activities related to the implementation of the Convention across sectors and at the national and local levels;**

(b) **Re-establish the High Council for Children or establish another appropriate coordinating body at the ministerial level with sufficient authority to coordinate all activities related to the implementation of the Convention and with the representation of civil society and children.**

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<sup>4</sup> CRC/C/TUN/CO/3, para. 10.

<sup>5</sup> *Ibid.*, para. 12.

### Allocation of resources

9. The Committee welcomes the measures taken to mitigate the impact of economic crises on the enjoyment by children of their rights. Recalling its general comment No. 19 (2016) on public budgeting for the realization of children's rights and its previous recommendations,<sup>6</sup> the Committee recommends that the State party:

(a) Take a child rights-based approach in the elaboration of the national budget and conduct a comprehensive assessment of the distributional impact of government investment in sectors supporting the realization of children's rights, with a view to allocating adequate budgetary resources for the implementation of children's rights across the State party;

(b) Identify measures, including increased budgetary resources, to address any disparities among children in disadvantaged situations, including children living in poverty, children in rural areas, children with disabilities and children belonging to minority groups;

(c) Ensure that budget allocations to sectors supporting the realization of children's rights are protected, even in situations of economic crisis, and that the fluctuation or reduction in allocations for the delivery of services does not reduce the existing level of enjoyment by children of their rights;

(d) Ensure transparent and participatory budgeting through measures to combat corruption and inclusive processes, in which civil society, the public and children can participate at all stages of the budgetary process, including formulation, implementation, monitoring and evaluation.

### Data collection

10. The Committee commends the State party for its efforts to collect and analyse data on the situation of children, including the launch of the ChildInfo database and in the context of its first review under the voluntary national review process of the high-level political forum for sustainable development. Recalling its previous recommendations,<sup>7</sup> the Committee recommends that the State party:

(a) Ensure that data collected on children's rights covers all areas of the Convention and the Optional Protocols thereto, with data disaggregated by age, sex, disability, geographical location, ethnic and national origin and socioeconomic background, in order to facilitate analysis of the situation of children, including in the areas of health, education, violence, child labour, trafficking and child justice;

(b) Ensure that data and indicators on children's rights are shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;

(c) Continue its technical cooperation with the United Nations Children's Fund (UNICEF), among other entities, to strengthen its data collection and management system, including by allocating sufficient resources for the implementation of the multiple indicator cluster surveys throughout the country.

### Independent monitoring

11. The Committee welcomes the enactment of Organic Act No. 51 of 2018 on the establishment of an independent human rights commission, which would include a specialized child commission with a mandate to monitor children's rights and carry out investigations, but it is concerned that the body is not yet operational. The Committee recommends that the State party:

<sup>6</sup> Ibid., para. 16.

<sup>7</sup> Ibid., para. 18.

- (a) Expedite the establishment of the independent human rights commission and ensure that it is able to monitor children's rights and to receive, investigate and address complaints from children in a child-friendly manner;
- (b) Ensure its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);
- (c) Continue to seek technical cooperation from the Office of the United Nations High Commissioner for Human Rights and UNICEF, among other entities.

#### **Dissemination, awareness-raising and training**

12. The Committee welcomes the establishment of the Observatory for Information, Training, Documentation and Research related to the Protection of Children's Rights and recommends that the State party:

- (a) Adopt a comprehensive awareness-raising strategy, in cooperation with civil society organizations and through greater media and social media engagement, aimed at ensuring that the Convention and the Optional Protocols thereto are widely known by children, parents and the general public, in particular targeting parents, caregivers, religious leaders and children in rural areas, and implement the strategy in a child-friendly manner;
- (b) Ensure that all professionals working with and for children, including civil servants, law enforcement officials, judges, prosecutors, lawyers, teachers, social workers and health-care personnel, as well as members of the media, receive mandatory training on children's rights.

### **B. Definition of the child (art. 1)**

13. While noting that child marriages are rare, the Committee recommends that the State party amend its legislation to remove all exceptions that allow for the marriage of those under 18 years of age.

### **C. General principles (arts. 2–3, 6 and 12)**

#### **Non-discrimination**

14. The Committee notes with appreciation the legal prohibition of racial discrimination and that the Constitution ensures the protection of children from discrimination. It is however deeply concerned about the following:

- (a) The lack of comprehensive legislation that prohibits all forms of discrimination in line with article 2 of the Convention;
- (b) Limited progress in amending the Personal Status Code, which continues to allow discrimination against women and girls in matters relating to inheritance and custody and does not provide for the rights of adopted children and children born to unmarried parents to succession or inheritance;
- (c) The persistent stigmatization of lesbian, gay, bisexual, transgender and intersex children;
- (d) Persistent disparities in access and availability of services between children in different regions and between urban and rural communities;
- (e) Persistent de facto discrimination against children in disadvantaged situations, including girls, children born to unmarried parents, children with disabilities, children living in rural or underprivileged areas, children living in poverty, children belonging to racial or religious minority groups, Amazigh children, migrant children, children infected with HIV and children affected by HIV/AIDS.

15. Taking note of target 10.3 of the Sustainable Development Goals, the Committee recalls its previous recommendations<sup>8</sup> and urges the State party to:

(a) Explicitly prohibit, by law, discrimination against children on all grounds covered under the Convention, including sex, religion, ethnic or social origin and disability, birth or other status;

(b) Expedite the revision of the Personal Status Code, including its discriminatory provisions concerning the custody rights of mothers and the inheritance rights of girls, adopted children and children born to unmarried parents;

(c) Conduct awareness-raising activities aimed at ending the stigmatization of lesbian, gay, bisexual, transgender and intersex children;

(d) Address disparities in the access and availability of services for children in disadvantaged situations and regularly evaluate the enjoyment by those children of their rights;

(e) Take policy and educational measures, including sensitization and awareness-raising measures, to prevent and eliminate discrimination against children on all grounds and in all areas of life.

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

16. Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration and its previous recommendations,<sup>9</sup> the Committee recommends that the State party:

(a) Ensure that the principle of the best interests of the child is consistently applied in all administrative and judicial proceedings, as well as in policies, programmes and projects that are relevant to, and have an impact on, children;

(b) Finalize the procedure, with a clear set of criteria, to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration;

(c) Evaluate and eliminate, on the basis of the procedure and criteria described above, practices, policies and services that may not be in the best interests of the child, including those relating to societal violence against animals.

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

17. Recalling its previous recommendations,<sup>10</sup> the Committee recommends that the State party:

(a) Strengthen efforts to promote the meaningful and empowered participation of all children, including children in disadvantaged situations, in the Children's Parliament, Youth Parliament and municipal councils, including by ensuring the implementation of the national action plan on municipal councils for children and ensuring that their views are taken into account by policymaking bodies;

(b) Ensure that children are heard and that their views are given due consideration in relevant administrative and judicial proceedings in respect of all rights covered by the Convention and in all decisions affecting them.

### **D. Civil rights and freedoms (arts. 7–8 and 13–17)**

#### **Birth registration**

18. The Committee welcomes the repeal in 2020 of Circular No. 85 of 1965, which had prohibited the civil registration of newborns with an Amazigh or other non-Arabic

<sup>8</sup> Ibid., paras. 22–29.

<sup>9</sup> Ibid., para. 31.

<sup>10</sup> Ibid., para. 33.

name, but it is concerned about the administrative and judicial barriers faced by parents who do not register their children within 10 days of birth. Taking note of target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Remove all administrative and financial barriers faced by children in gaining access to birth registration and receiving birth certificates, including by allowing for late registration without a judicial appeal;

(b) Ensure that all children, including migrant children, children with non-Arabic names and children who were born prior to the repeal of Circular No. 85 of 1965, have access to birth registration and identity documents, regardless of their parents' residency status.

#### Freedom of expression, association and peaceful assembly

19. Recalling its previous recommendations,<sup>11</sup> the Committee recommends that the State party:

(a) Guarantee the freedom of expression for all children, as provided under the Constitution and the Convention, and ensure that Organic Act No. 26 of 2015 on combating terrorism and preventing money-laundering does not restrict children's right to freedom of expression;

(b) Ensure that children of all ages are supported and encouraged to form their own associations and initiatives and to participate in public gatherings.

#### Freedom of thought, conscience and religion

20. The Committee recommends that the State party continue its efforts to promote religious tolerance and ensure the right of the child to freedom of thought, conscience and religion.

#### Right to privacy and access to appropriate information

21. Recalling its general comment No. 25 (2021) on children's rights in relation to the digital environment, the Committee recommends that the State party:

(a) Develop regulations and safeguarding policies for the media and in the digital environment to protect the privacy of children;

(b) Ensure that draft laws on access to information and the digital environment, including the bill on the electronic communications code, adequately protect children from harmful content and materials and online risks, and provide for mechanisms to prosecute violations.

### E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

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

22. The Committee welcomes the establishment of the National Authority for the Prevention of Torture and the amendment of the Criminal Code to prohibit torture or cruel, inhuman or degrading treatment or punishment against children. Taking note of target 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Enforce the prohibition of torture and ensure that allegations of torture or cruel, inhuman or degrading treatment or punishment of children are duly investigated, that perpetrators are punished in a manner commensurate with the gravity of their acts and that children who are victims receive adequate remedies;

<sup>11</sup> Ibid., para. 35.

(b) **Ensure that children have access to confidential, child-friendly complaint mechanisms for the reporting of cases in children's detention centres, alternative care settings and facilities for asylum-seeking, refugee and migrant children;**

(c) **Enhance the capacity of the National Authority for the Prevention of Torture to monitor children's detention facilities, including by providing it with adequate human, technical and financial resources.**

#### **Corporal punishment**

23. **While welcoming the prohibition of corporal punishment of children in all settings and the various efforts to promote a non-violent education, the Committee remains concerned that corporal punishment is still widely considered as an acceptable form of discipline, and it urges the State party to:**

(a) **Effectively enforce the prohibition of corporal punishment in all settings;**

(b) **Strengthen measures to promote positive and non-violent forms of discipline and underscore the adverse consequences of corporal punishment, in awareness-raising activities targeting in particular children, parents, teachers and social protection professionals;**

(c) **Conduct awareness-raising campaigns for parents and professionals working with and for children to promote attitudinal change, within the family and the community, with regard to corporal punishment.**

#### **Violence, including sexual violence, abuse and neglect**

24. **The Committee welcomes the legislative measures to prohibit violence against children, repeal the exemption from prosecution of perpetrators of sexual abuse who marry their victims and ensure legal protection for children who are victims of sexual abuse, and the capacity-building activities for police officers and national guard members on addressing cases of violence against children. However, it remains seriously concerned about the high levels of violence against children, including domestic violence and sexual abuse, and the significant underreporting of such cases, owing to stigma based on deeply rooted societal norms.**

25. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Develop a comprehensive strategy for preventing and combating all forms of violence against children, including domestic violence, neglect and sexual abuse, and undertake awareness-raising and education programmes, with the involvement of children;**

(b) **Encourage community-based and family-based programmes aimed at preventing and tackling child abuse and neglect;**

(c) **Put into place accessible, confidential and child-friendly mechanisms to facilitate and promote the mandatory reporting of violence against children;**

(d) **Ensure that all cases of the abuse of children, including sexual abuse, are promptly reported and investigated, applying a child-friendly and multisectoral approach with the aim of avoiding the revictimization of the child, that perpetrators are prosecuted and duly sanctioned and that reparations are provided to victims, as appropriate;**

(e) **Expedite the adoption of the law on children who are victims and witnesses of crime;**

(f) **Allocate sufficient resources to the provision of child-friendly and comprehensive support, including trauma-focused therapy, to children who are victims and avoid placing them in centres that accommodate adults with diverse needs;**

(g) **Ensure that measures identified in the Law on the Elimination of Violence against Women of 2017 to prevent and address violence in the family are sufficiently funded.**

#### **Harmful practices**

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

(a) **Ensure that intersex children are not subjected to unnecessary medical or surgical treatment, in line with the rights of the child to bodily integrity, autonomy and self-determination;**

(b) **Provide social, medical and psychological services, where necessary, as well as adequate counselling, support and reparations, to families with intersex children.**

#### **Helplines**

27. **The Committee notes with appreciation the two helplines, established by the Ministry for Women, Children, the Family and Older Persons and the Ministry of Education, to report cases of violence against children and recommends that the State party:**

(a) **Consider consolidating the helplines into a single, three-digit, toll-free, child-friendly national helpline, operating 24 hours per day, 7 days per week, and provide it with the necessary human, financial and technical resources for its effective functioning;**

(b) **Ensure capacity-building training for helpline personnel on the provision of child-sensitive and child-friendly assistance and procedures for following up on complaints;**

(c) **Promote awareness among children of how they can gain access to the helpline.**

### **F. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))**

#### **Family environment**

28. **Recalling its previous recommendations,<sup>12</sup> the Committee recommends that the State party strengthen its efforts to:**

(a) **Strengthen support to single mothers, including financial support and vocational training opportunities, and ensure the recovery of maintenance from fathers of children living with only their mothers;**

(b) **Conduct awareness-raising programmes to eliminate the stigmatization of children of single mothers and children born to unmarried parents, with a view to preventing abandonment.**

#### **Children deprived of a family environment**

29. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children,<sup>13</sup> the Committee recommends that the State party:**

(a) **Phase out institutionalization and adopt, without delay, a strategy and action plan for deinstitutionalization, ensuring that it has adequate human, technical and financial resources for its implementation and includes systemic transformation of the childcare, welfare and protection systems;**

(b) **Ensure sufficient alternative family-based and community-based care options for children deprived of a family environment, including children with**

<sup>12</sup> Ibid., para. 44.

<sup>13</sup> General Assembly resolution 64/142, annex.



disabilities, by allocating sufficient financial resources for foster care and adoption, regularly reviewing placement measures and facilitating the reunification of children with disabilities with their families when possible;

(c) Conduct a review of its legislation on alternative care, in particular concerning adoption and foster care, with a view to harmonizing it with international norms and standards;

(d) Establish quality standards for all alternative care settings, including nurseries for abandoned children, and regularly monitor the quality of care provided therein;

(e) Strengthen the capacity of professionals working with families and children, in particular family judges, law enforcement personnel, social workers and service providers, to ensure family-based alternative care responses and to enhance their awareness of the rights and needs of children deprived of a family environment;

(f) Provide comprehensive support and adequate training for foster parents to enhance their capacity to care for children, including children with disabilities.

## **G. Children with disabilities (art. 23)**

30. The Committee notes the measures taken to improve access for children with disabilities to education and recommends that the State party:

(a) Adopt a human rights-based approach to disability and harmonize national legislation with the human rights model of disability;

(b) Organize the collection of data on children with disabilities and develop an efficient and harmonized system for disability assessment in order to facilitate access for children with all types of disabilities to accessible education and services, including health, social protection and support services;

(c) Adopt a national policy aimed at strengthening specialized and affordable health-care services for children with disabilities;

(d) Expand social assistance schemes for parents and caregivers of children with disabilities, including for children with disabilities living in poverty, and increase funds for, and coverage of, financial subsidies allocated to them;

(e) Strengthen implementation of the national school integration programme to ensure that all children with disabilities have access to inclusive education in mainstream schools, ensuring that schools are equipped with trained teachers, accessible infrastructure and teaching materials adapted to the needs of children with disabilities;

(f) Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of, and prejudice against, children with disabilities and promote a positive image of children with disabilities as rights holders.

## **H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

### **Health and health services**

31. The Committee commends the State party for its progress in reducing infant and maternal mortality rates, including through the national maternal and neonatal health strategy, 2019–2023. However, the Committee is concerned about regional disparities in access to, and quality of, health care and services, the alarming rate of child malnutrition and a reported increase in suicides among adolescents.

32. Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of targets 2.2,

**3.4 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Address the regional disparities in access to health care and services and increase its allocation of resources for primary health care to make it both accessible and affordable, especially in rural areas;**

(b) **Ensure that health-care services and medicines are accessible and affordable, with a view to ensuring that each child has equal access to high-quality public health care;**

(c) **Identify and effectively address the causes of child malnutrition and obesity, including through public awareness-raising activities on nutritional issues and healthy eating habits, strategies that enable households living in poverty to acquire access to healthy food and regulation of the marketing of unhealthy foods to children in order to address child obesity;**

(d) **Strengthen efforts to implement its national strategy to prevent suicide, addressing individual, community and social factors causing suicide among children;**

(e) **Increase the availability and accessibility of mental health services and programmes for children, paying particular attention to those in rural areas and the impact of the coronavirus disease (COVID-19) pandemic.**

#### **Adolescent health**

**33. Taking note of targets 3.5, 3.7 and 5.6 of the Sustainable Development Goals, the Committee recalls its previous recommendations<sup>14</sup> and recommends that the State party:**

(a) **Adopt a comprehensive sexual and reproductive health policy for adolescents aimed at ensuring that all girls and boys, including those who are out of school and those in rural areas, receive confidential and child-friendly sexual and reproductive health information and services, including access to contraceptives;**

(b) **Assess the impact of efforts to address drug abuse and tobacco and alcohol consumption, with a view to strengthening such programmes, and develop accessible and child-friendly drug dependence treatment and harm-reduction services and life skills education on preventing substance abuse.**

#### **Impact of climate change on the rights of the child**

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

(a) **Ensure that children's needs and views are taken into account in developing policies and programmes to address climate change and disaster risk management;**

(b) **Strengthen efforts to increase awareness among children of climate change and other environmental issues by incorporating them into the school curriculum and teacher training programmes.**

#### **Standard of living**

**35. The Committee welcomes the measures taken to address poverty, including through its social welfare programme, children's vehicle welfare services and special and regional development programmes, but it is concerned about the high number of children living in poverty. Taking note of target 1.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Assess the effectiveness of its social welfare and family assistance policies and programmes and revise them in order to ensure that they are harmonized and address the root causes of poverty;**

<sup>14</sup> CRC/C/TUN/CO/3, para. 54.

(b) Substantially increase its investment in social welfare programmes, including its family allowance, to ensure that such measures cover the real costs of a decent standard of living for children across the country, including expenses relevant to their rights to health, a nutritious diet, education, adequate housing, water and sanitation.

## **I. Education, leisure and cultural activities (arts. 28–31)**

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

36. The Committee commends the State party for the measures taken to address the high rate of school dropout, including through its second opportunity education programme. Nonetheless, it remains concerned about the high rates of repetition and school dropout, as well as disparities in access to, retention in and the quality of schools.

37. Taking note of targets 4.1, 4.3, 4.4, 4.5, 4.6 and 4.a of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Take urgent measures to provide free and compulsory primary education to all children and improve access to, and retention in, secondary education, paying particular attention to children living in poverty, children in rural areas and children with disabilities;

(b) Allocate the resources necessary to ensure the high quality and accessibility of public education and regulate and monitor private schools with the aim of addressing inequality in the education system;

(c) Strengthen the quality of education, including by reforming its school curricula, ensuring the availability of qualified teachers, providing high-quality pre-service and in-service training and ensuring that schools are fully and safely accessible to all and equipped with adequate infrastructure and educational technologies;

(d) Develop a comprehensive strategy aimed at improving water, sanitation and hygiene in schools, which includes public awareness-raising activities and the monitoring of the implementation of the national standards on water and sanitation facilities, and ensure that sufficient resources are allocated for the implementation of the strategy;

(e) Strengthen programmes and awareness-raising activities against violence, abuse and bullying in schools;

(f) Strengthen its efforts to address the high rates of repetition and school dropout, in particular in secondary education, including by rolling out its second opportunity education programme at the national level in collaboration with both public and private partners;

(g) Develop and promote high-quality vocational training to enhance the skills of children, especially those who drop out of school, with a particular emphasis on those in rural areas.

### **Early childhood development**

38. The Committee notes with appreciation the adoption of the national multisectoral strategy for early childhood development, 2017–2025. Taking note of target 4.2 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Allocate sufficient financial resources for the effective implementation of the national strategy for early childhood development, paying particular attention to ensuring access to preschool education for children living in poverty, children in rural areas and children with disabilities;

(b) Designate a government authority, such as the Ministry of Education, to lead the implementation and monitoring of early childhood education;

(c) **Expediently adopt the national standards on early childhood care and the qualifications of educators and ensure that educators receive systematic and appropriate in-service training.**

#### **Human rights education**

39. **Taking note of target 4.7 of the Sustainable Development Goals, the Committee welcomes the establishment of citizenship education clubs and recommends that the State party ensure that human rights education and the principles of the Convention are integrated into the mandatory school curriculum and in the training of teachers and education professionals, taking into account the framework of the World Programme for Human Rights Education.**

### **J. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)**

#### **Asylum-seeking, refugee and migrant children**

40. **The Committee is deeply concerned about reports of the forcible deportation of asylum-seeking and migrant children and of children living in immigration detention centres.**

41. **Recalling the joint general comments No. 3 and No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration, the Committee recommends that the State party:**

(a) **Develop a legislative framework on asylum-seeking and migrant children and establish status determination procedures to ensure the identification and protection of asylum-seeking, refugee and migrant children, including unaccompanied children and separated children;**

(b) **Ensure that the best interests of the child are a primary consideration in all asylum-related and migration-related procedures, including decisions related to relocation;**

(c) **Prevent all forms of detention and forcible deportations of asylum-seeking, refugee and migrant children;**

(d) **Build the capacity of the relevant authorities, including immigration officials and border police, on children's rights and the application of the best interests of the child;**

(e) **Develop comprehensive referral and case management frameworks for services provided to children, including with regard to the health, education, policing and justice sectors, including the provision of free legal aid;**

(f) **Appoint a legal guardian and provide legal support for all unaccompanied children and ensure their access to remedies.**

#### **Amazigh children**

42. **Recalling its general comment No. 11 (2009) on indigenous children and their rights under the Convention, the Committee recommends that the State party:**

(a) **Ensure the right of Amazigh children to intercultural and bilingual education that respects their culture and traditions, including by integrating Amazigh as a second language in schools;**

(b) **Develop initiatives, in cooperation with Amazigh cultural associations, to reconnect Amazigh children with their cultural practices.**

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

43. The Committee welcomes the national action plan to combat child labour and the prohibition of employment of children in domestic work, but it is deeply concerned about the high number of children engaged in domestic work and hazardous work. Taking note of target 8.7 of the Sustainable Development Goals, the Committee recalls its previous recommendations<sup>15</sup> and recommends that the State party:

(a) Establish clear regulations on working hours for children, and sanctions for those who violate them, and harmonize all legislation regarding child labour;

(b) Explicitly prohibit the employment of children in harmful or hazardous work and develop a list of hazardous work prohibited for children;

(c) Ensure the effective implementation of the national action plan to combat child labour, including by providing continuous capacity-building training for labour inspectors and other relevant professionals and through labour inspections and the prosecution of perpetrators of violations related to child labour;

(d) Strengthen its efforts to ensure that no child engages in hazardous work and raise public awareness of child labour, its exploitative character and its consequences;

(e) Consider ratifying the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

### **Children in street situations**

44. While noting with appreciation the efforts taken by the State party to provide services to children in street situations, the Committee, drawing attention to its general comment No. 21 (2017) on children in street situations, recommends that the State party allocate sufficient resources to its social welfare and integration centres providing support to children in street situations, ensuring full respect for their best interests.

### **Sale, trafficking and abduction**

45. The Committee welcomes the criminalization of trafficking and the establishment of the National Authority for the Prevention of Trafficking in Persons. Taking note of target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Allocate sufficient resources for the implementation of the national strategy to combat trafficking in persons, 2018–2023;

(b) Ensure the effective provision of referral and support services to children who are victims of trafficking;

(c) Investigate all cases of trafficking of children and bring perpetrators to justice;

(d) Conduct awareness-raising activities in order to make both parents and children aware of the dangers of trafficking.

### **Administration of child justice**

46. The Committee welcomes the measures taken to create a dedicated unit on child justice within the Ministry of Justice, to train professionals on non-judicial measures and to support civil society organizations working with children recognized as having infringed criminal law. Recalling its general comment No. 24 (2019) on children's rights in the child justice system and its previous recommendations,<sup>16</sup> the Committee urges the State party to:

<sup>15</sup> Ibid., para. 58.

<sup>16</sup> Ibid., para. 66.

- (a) **Raise the legal age of criminal responsibility to at least 14 years of age;**
- (b) **Prioritize the review of national legislation to bring its child justice system fully into line with the Convention;**
- (c) **Allocate sufficient human, technical and financial resources to the child justice unit within the Ministry of Justice, in order to ensure the development of a comprehensive system of child justice, with specialized courts, procedures and trained judges, lawyers and law enforcement professionals;**
- (d) **Ensure that children under 18 years of age are not detained or prosecuted under anti-terrorism laws, including Organic Act No. 26 of 2015;**
- (e) **Ensure the provision of effective legal representation, free of charge, for all children who are facing criminal charges at an early stage of the procedure and throughout the legal proceedings;**
- (f) **Strengthen efforts to systematically promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and, wherever possible, the use of non-custodial sentences for children, such as probation or community service;**
- (g) **Ensure that detention is used as a measure of last resort and for the shortest possible period of time and is reviewed on a regular basis with a view to its withdrawal;**
- (h) **In cases where detention is unavoidable, ensure that detention conditions comply with international standards, including with regard to access to education and health services;**
- (i) **Strengthen the training of judges, as well as prosecutors, lawyers, police officers, child probation officers and all other professionals in the child justice system and ensure that it is continuous and covers all areas of the Convention;**
- (j) **Strengthen assistance programmes for children at risk of infringing criminal law and continue to provide services for the psychological counselling and social reintegration of children released from prison, including by increasing support to relevant civil society organizations and the centres for defence and social integration;**
- (k) **Continue to seek technical cooperation from UNICEF, among other entities.**

## **K. Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention**

### **Follow up to the Committee's previous concluding observations on the Optional Protocol on children in armed conflict**

47. The Committee notes with appreciation the criminalization of the exploitation of children in criminal activities and armed conflict and the accession of the State party to the group of States supporting the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups. However, the Committee is concerned about the following:

- (a) Reports of children born to Tunisian members of Da'esh and affiliated armed groups living in camps abroad, including in Iraq, Libya and the Syrian Arab Republic;
- (b) Insufficient rehabilitation and reintegration support for children who are victims of armed conflict, including children who have been recruited or used in hostilities abroad and children of foreign terrorist fighters;
- (c) Limited information on the extradition and prosecution of Tunisian nationals abroad for alleged offences under the Optional Protocol.

48. Recalling its previous concluding observations on the report of the State party submitted under article 8 of the Optional Protocol,<sup>17</sup> the Committee urges the State party to:

(a) Intensify efforts to repatriate children born to Tunisian foreign terrorist fighters in armed conflicts abroad, with a view to ensuring their protection, recovery and reintegration;

(b) Ensure that all children who are victims of the offences covered under the Optional Protocol are provided with immediate, child-friendly and gender-sensitive assistance for their physical and psychological recovery and social reintegration, paying particular attention to children who are victims of sexual and gender-based violence in hostilities;

(c) Investigate all offences under the Optional Protocol, including those related to sexual violence, recruitment and/or use of children in hostilities and those allegedly committed by the foreign terrorist fighters, prosecute the alleged perpetrators, adequately punish those convicted and compensate the children who are victims and their families;

(d) Remove the requirement of double criminality for extraterritorial jurisdiction;

(e) Develop systematic awareness-raising education and training on the provisions of the Optional Protocol for all relevant professional groups, including those working with children coming from countries affected by armed conflict and violence perpetrated by non-State armed groups;

(f) Address the root causes of the radicalization of children by extremist groups, prevent their involvement or recruitment in any type of organized violence, including armed conflicts abroad, and promote a culture of peace.

## **L. Ratification of international human rights instruments**

49. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

50. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the sale of children, child prostitution and child pornography, given that the related report has been overdue since 13 October 2004.

## **M. Cooperation with regional bodies**

51. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of the Child of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other States members of the African Union.

# **IV. Implementation and reporting**

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

52. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including the most disadvantaged ones. The Committee also recommends that the combined fourth to sixth periodic reports, the written replies

<sup>17</sup> CRC/C/OPAC/TUN/CO/1.

to the list of issues and the present concluding observations be made widely available in the languages of the country.

## **B. National mechanism for reporting and follow-up**

53. The Committee commends the State party for establishing its National Committee for the Coordination of Human Rights in 2015 as a permanent national mechanism for reporting and follow-up and recommends that the State party strengthen the National Committee and ensure that it has the mandate and the adequate human, technical and financial resources to effectively coordinate and prepare reports to international and regional human rights mechanisms and to coordinate and track national follow-up to, and implementation of, treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that the National Committee should be adequately and continuously supported by dedicated staff and have the capacity to consult systematically with the High Committee on Human Rights and Fundamental Freedoms and civil society.

## **C. Next report**

54. The Committee invites the State party to submit its seventh periodic report by 28 February 2026 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014<sup>18</sup> and should not exceed 21,200 words.<sup>19</sup> In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

55. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents<sup>20</sup> and paragraph 16 of General Assembly resolution 68/268.

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<sup>18</sup> CRC/C/58/Rev.3.

<sup>19</sup> General Assembly resolution 68/268, para. 16.

<sup>20</sup> HRI/GEN/2/Rev.6, chap. I.