



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Fifty-fourth session

#### Summary record of the 1529th (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Friday, 4 June 2010, at 10 a.m.

*Chairperson:* Mr. Zermatten (Vice-Chairperson)

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports of States parties** (*continued*)

*Third periodic report of Tunisia on the implementation of the Convention on the Rights of the Child (CRC/C/TUN/3; CRC/C/TUN/Q/3 and Add.1)*

1. *At the invitation of the Chairperson, the members of the delegation of Tunisia took places at the Committee table.*
2. **Mr. Khemakhem** (Tunisia) said that in June 2008 Tunisia had withdrawn the declarations and reservations appended to the Act ratifying the Convention on the Rights of the Child, because new laws passed had strengthened children's rights and widened the powers of the High Committee on Human Rights and Fundamental Freedoms (self-referral, impromptu visits to prisons and to observation and rehabilitation centres for minors, individual appeals, etc), enhanced its administrative and financial independence and bolstered its resources for combating all human rights violations.
3. By the Act of 14 May 2007 Tunisia had raised the minimum age of marriage to 18 for girls and had thus removed the disparity between boys and girls in that regard.
4. In 2008 Tunisia had formulated a national programme to prevent violence against children and encourage a culture of non-violence. It had passed a law designed to improve the situation of pregnant women and nursing mothers in detention. Its aim was to safeguard the best interests of children accompanying their mothers to prison by setting up units where they could receive medical, psychological and social support.
5. An Act setting up a Youth Parliament had been adopted on 17 May 2010. Its purpose was to spread and inculcate a culture of democracy, tolerance, human rights and fundamental freedoms and to promote dialogue among young people in the 16–23 age group.
6. In 2009 the Head of State had decided to set up a specialized information technology centre entrusted with facilitating the integration of new technologies in the educational system.
7. Several bills were in the pipeline: one creating the office of a “family mediator” for personal status disputes; one facilitating expatriate Tunisians' access to national courts to settle family disputes; one reducing the age of legal majority to 18 without affecting young persons' rights to receive financial support up to the age of 22 if they were students; one introducing specific criminal law rules applying to young people in the 18–20 age group to secure their gradual transition from the flexible, protective arrangements covering juvenile offenders to the rules of ordinary law applying to adult offenders from the age of 18; and one introducing suitable legal instruments to protect child victims during inquiries, investigations and court hearings in cases concerning physical or sexual violence.
8. On 19 May 2010 the Council of Ministers had examined a bill which would amend article 319 of the Criminal Code by abolishing corporal punishment in families, schools and the penal system.
9. Despite the world economic crisis, Tunisia had spared no effort to maintain social expenditure and to continue to assign high priority to children. Numerous social indicators pointed to a genuine improvement in children's situations. They included a drop in the under-five mortality rate, a rise in the school enrolment rate, which stood at 90 per cent for 6-year-olds, reduced poverty, modernization of the school system, and a considerable increase in life expectancy.
10. **Ms. Varmah** (Country Rapporteur) said that the fact that Tunisia was on the point of adopting several bills demonstrated its political will to strive towards the realization of

the rights of the child. She was pleased that Tunisia was a party to many international instruments and asked if it intended to ratify the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption.

11. Since some provisions of the existing Personal Status Code discriminated against girls in matters of inheritance, she asked what the State party had done, or was intending to do, to ensure that girls and boys had equal rights in that respect. Referring to the stigmatization of unmarried mothers and to the fact that many children born out of wedlock were reportedly abandoned or placed in institutions, she wished to know what financial or psychological assistance the State gave to unmarried mothers.

12. Some sources indicated that Berbers/Amazighs were subject to discrimination and encountered obstacles to the preservation and protection of their ancestral culture and traditions.

13. She wished to learn what progress there had been on implementation of the National Plan of Action for Children (2002–2011) and whether any monitoring mechanisms were in place.

14. Since the High Committee on Human Rights and Fundamental Freedoms reported directly to the President of the Republic, she wished to know if Tunisia was contemplating the establishment of an independent institution to promote the rights of the child, such as a children's ombudsman, whether individuals could submit complaints to the High Committee and, if so, what was done to guarantee action on those complaints. She was concerned about the limited participation of NGOs in public and political life and wondered how the State involved associations in the Convention's implementation.

15. As some sources had alleged that the children of political opponents and human rights defenders had been mistreated or even tortured and that the police had refused to record or investigate the complaints, could the Tunisian delegation say whether it knew of such cases and, if so, what measures had been taken?

16. She would also like the delegation to supply information on regional disparities, especially those between rural and urban areas, with regard to children's access to education and health.

17. **Mr. Koompraphant** requested further information on the number of child protection officers, how their activities were coordinated at the national level and whether members of civil society organizations could become child protection officers.

18. **Ms. Maurás Pérez** asked if the State party had any data on the impact of the drop in Tunisian expatriates' remittances, and the effects of the crisis on the unemployment rate and poverty. According to official statistics, 3.8 per cent of Tunisians were living below the poverty line, whereas the World Bank estimated that proportion to be 11 per cent. That discrepancy called for some explanation.

19. She requested details of mechanisms to ensure that the National Plan of Action was carried out. She was particularly interested in the distribution of budgetary allocations to ministries and the use to which they were put at the local level.

20. **Mr. Filali** asked whether the country's economic growth had resulted in an improvement of children's situations and whether any slowing down of the rural exodus, especially to Tunis, had been recorded.

21. Did representatives of the High Committee on Human Rights and Fundamental Freedoms make unannounced visits to prisons where children were detained?

22. Given that the marriageable age for girls had been raised to 18 in 2007, he wished to know if the authorities enforced that rule in remote areas, where the weight of cultural and religious traditions might be a barrier.

23. The delegation might say what steps were being taken to alert the general public to the dangers of corporal punishment, supply details on the programme to combat violence on the Internet and of measures to strengthen civil society's ability to counter violence in general, and say whether any studies had been conducted to determine the existence and scale of violence against teachers in Tunisian schools.

24. **Ms. El-Ashmawy** asked if NGOs had formed clubs offering cultural and other activities to promote children's development and knowledge of the outside world.

25. **Mr. Pollar** asked whether the State party intended to establish a children's unit answerable to the High Committee on Human Rights and Fundamental Freedoms, how the different parts of the National Plan of Action fitted together and how budgetary resources were distributed and allocated in the most disadvantaged regions.

26. In view of reports from some sources that children's births were not systematically registered in rural areas, he would like to know what the State party was doing to prevent the erosion of progress in that sphere.

27. **The Chairperson** asked whether the Youth Parliament was accessible to all social strata, whether schools held forums for children's participation, where they could express their opinion on curricular content; whether there were children's clubs in really remote areas; whether children were encouraged to engage in voluntary activities; and whether they were involved in the planning of cultural events and the activities of clubs and associations.

28. He wished to know whether a child's right to be heard was respected in the event of divorce and in criminal cases, irrespective of whether the child was the offender or the victim; what arrangements were made for hearings; whether a child's best interests were always taken into account in court practice; and whether the legislature bore that in mind when drafting laws. He would also like clarification of the conditions governing the arrest of minors in conflict with the law, since there had been reports of police violence against minors.

29. Were customary marriages under sharia law still celebrated in the State party?

*The meeting was suspended at 11.05 a.m. and resumed at 11.25 a.m.*

30. **Ms. Jaber** (Tunisia) said that the Ministry of Women, Family Affairs, Children and the Elderly monitored and coordinated implementation of the National Plan of Action for Children for 2002–2011. Three committees had been instructed to set targets for the third National Plan of Action for Children for 2012–2021: the first was concerned with the protection of minors, the second with education, and the third with improving living conditions. Each of the ministries concerned drew up an annual report describing and evaluating the previous year's achievements and presenting the programme for the following year. A midterm assessment of the second National Plan of Action for Children had been conducted in 2007 and a final assessment would be made at the end of 2010 following regional and national consultations involving representatives of civil society, ministries and local and regional authorities.

31. The third National Plan of Action for Children had four main foci: the findings of the 2002–2011 assessment; the 2009–2014 presidential programme which sought to strengthen the network of clubs and associations supporting children and families; a greater role for the private sector and local authorities in expanding early childhood facilities and improving maternal and child health indicators, as well as disabled children's living

conditions and school enrolment; implementation of the Economic and Social Development Plan (2010–2014); and attainment of the targets set by United Nations bodies working with and for children. Each ministry allocated budgetary resources for achievement of the following year's targets at both national and local level.

32. **Mr. Boubakr** (Tunisia) said that the National Observatory on School Violence which came under the Ministry of Education, kept precise quarterly figures on the incidence of violence at school. In the first quarter of the 2009–2010 academic year the Observatory had recorded 159 cases of violence among schoolchildren and 26 attacks on teachers. In May 2010 the Ministry of Education had organized an international symposium on instilling a culture of non-violence in schools.

33. During the 2008–2009 academic year some 250,000 pupils, or a quarter of those enrolled in secondary schools, had taken part in discussion forums organized to secure children's participation in community life. The Ministry of Education was thinking about extending those panels to primary schools in order to accustom children to expressing themselves freely and exercising their rights from a very early age.

34. Young people's representation on school boards enabled them to participate in decision-making on schemes affecting their school and to monitor implementation.

35. The education budget for 2010 was 7.74 per cent higher than that of 2009. While teachers' salaries had not changed, the bonus for marking baccalaureate examination papers had increased by 50 per cent.

36. **Ms. Jaber** (Tunisia) said that half of the members of the Youth Parliament had been chosen for their good performance at school; the other half had been elected by municipal and rural councils. Young people from all classes, including the disadvantaged, could therefore serve; five of the existing parliamentarians came from social welfare and integration centres.

37. There were 302 children's clubs throughout the country, including areas bordering on Algeria and areas where very few recreation activities were on offer. The 10 "mobile" clubs that travelled the length and breadth of the country organized a variety of socio-educational group events in rural regions, including drama courses and other artistic events and they made computers available to give children access to the Internet.

38. **The Chairperson** asked whether the clubs were created and run by adults or by minors, pointing out that the latter situation would help young people become participators.

39. **Ms. Maurás Pérez** asked whether the fact that young people could express their opinions in those clubs had any impact on family relations and on society in general.

40. **Ms. Jaber** (Tunisia) said that the youth parliamentarians' term of office was two years, at the end of which they took the initiative of forming clubs to defend children's rights throughout the country. Although their activities were supervised and financed by the Information, Training, Documentation and Studies Observatory on the Protection of the Rights of the Child, they were organized by children for children. Regional campaigns had publicized the Youth Parliament's existence, and more and more families were encouraging their children to stand as candidates.

41. **The Chairperson**, noting that the Observatory supervised and financed those clubs' activities, asked if their members really enjoyed freedom of thought, opinion and expression and could, for example, spontaneously give their views on a bill. It would likewise be interesting to know whether minors could express their opinions in newspapers and the media in general, either individually or as members of a children's club or the Youth Parliament.

42. **Ms. Jaber** (Tunisia) said that current or former members of the Youth Parliament were often consulted when programmes concerning children were being formulated. That had been done, for example, for the National Plan of Action to combat violence against children and promote non-violent behaviour, which had been financed by the United Nations Children's Fund (UNICEF). The Youth Parliament often invited ministers to debate a subject related to their ministries' area of responsibility. The young parliamentarians' opinions were always taken into account.

43. Many newspapers and magazines were designed for young people, who could freely voice their opinions on political and other matters in television broadcasts. Three television programmes were presented by children. Private newspapers did not necessarily have an opinion column for children, but they would very probably agree to publish their views if children so requested.

44. **Ms. Naimi** (Tunisia) said that the aim of Act No. 51 of 7 July 2003 supplementing Act No. 98-75 of 28 October 1998 relating to the granting of a patronymic family name to children of unknown parentage or abandoned children, was to facilitate the social integration of children born out of wedlock. Regional committees comprising representatives of the ministries concerned were responsible for monitoring the situation of children born out wedlock and for ensuring that DNA paternity tests were performed. The committees in public hospitals tried to gather additional information about the father. In 2009, 163 children had thus been able to obtain a patronymic family name — and to receive full social benefits — while 227 had been put up for adoption, 281 placed in foster families and 47 placed under *kafala*.

45. Unmarried mothers received social welfare allowances and were given priority at the Centre for Social Guidance and Training and at the shelter for women no longer covered by the Programme of Assistance to Needy Families. In 2009, more than 350 of them had been reconciled with their families through the good offices of the Ministry of Social Affairs. The State provided the others with health and psychological care in order to integrate them in society and helped them to find homes and jobs, or to marry, so that their children might grow up in a family environment rather than an institution.

46. **The Chairperson** asked how many children born out of wedlock remained with their mothers during that period.

47. **Ms. Varmah** (Country Rapporteur) asked how many abandoned children were still in institutional care, how long they had been there and how long they would remain.

48. **Ms. Naimi** (Tunisia) explained that in 2009, 110 children born out of wedlock had remained with their mothers and that all the unmarried mothers who had been reconciled with their families had retained custody of their children.

49. In 2009, 140 children had been placed in institutions, but the number of places had been reduced in 2010. In the past, children had been kept in an institution for a six-month period, which could be renewed once. After that the mother could regain custody of her child if she had regularized her situation. If not, the child had been put up for adoption or taken into *kafala* care. The regional committees' endeavours to speed up the procedure had helped to cut that period to three months. Priority went to securing the woman's return to her family. If the child's situation had not been regularized by then, he or she was placed in a foster family.

50. **Mr. Filali** requested details of the regularization procedure and asked if an unmarried mother who so wished could be awarded custody of her child and, in that case, what the legal status of mother and child would be.

51. **Ms. Naimi** (Tunisia) said that, if the biological father's identity was known, the Regional Committee would urge him to recognize the child and thus regularize his or her

situation; the child's mother could then retain custody and was entitled to child maintenance. If the mother abandoned her child, the other protection mechanisms came into play.

52. **Mr. Khemakhem** (Tunisia) said that unmarried mothers were a new feature of society which could be ascribed to more liberal attitudes and to social problems related to the country's modernization since independence. For several years, the authorities had been aware of the dangers inherent in placement in an institution and of the need to ensure that children born out of wedlock were kept with their families whenever possible.

53. The Tunisian Government would be in favour of adopting rules that put brothers and sisters on an equal footing in matters of inheritance, but that ran counter to cultural traditions and to the literal interpretation of sharia law. Public opinion did not seem ready to accept such a shift. Under the 1998 Act relating to the granting of a patronymic family name to children of unknown parentage or abandoned children, children born out of wedlock could claim a share of inheritance if they could prove by DNA testing that they were a deceased's biological children.

54. Tunisia was seriously studying the possibility of ratifying the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

55. Children could refer any violation of their rights to the High Committee on Human Rights and Fundamental Freedoms, which had issued a handbook on processing complaints, expressly stating that children's complaints must be immediately investigated. The Children's Ombudsman, who came under the Ministry of Women, Family Affairs, Children and the Elderly, could take all the requisite steps if a complaint referred to him suggested that the child concerned was at risk.

56. The Human Rights Coordinator oversaw the preparation of reports to the treaty bodies and ensured that no such documents were prepared without prior consultation of the various stakeholders, namely Members of Parliament, representatives of ministries, civil society NGOs and, in the case of reports to the Committee on the Rights of the Child, professionals working with children

57. The Committee on the Elimination of Racial Discrimination had already discussed education in Tamazight but, according to a widely cited study by the World Amazigh Congress, speakers of that language — who accounted for a mere 1 per cent of the population — had only a limited interest in learning it. Tunisia's ethnic mix was such that all Tunisians considered themselves to be Berberized Arabs or Arabized Berbers, and it made little sense to speak of ethnic groups. He was astonished by allegations that Berber first names had been refused by registration services. To the best of his knowledge, parents were absolutely free to choose their children's first names. Only if the first name were outrageous could it be refused.

58. All births were registered, even in the most remote villages and even if children were born out of wedlock.

59. Prosecutors fully complied with the principle of prompt investigation and initiated judicial proceedings whenever they received what appeared to be a well-founded complaint.

60. In the light of the Committee's observations, Tunisia had decided to delete from the Criminal Code article 319, which had provided that "beating administered to a child by persons having authority over him shall not be punishable".

61. **The Chairperson** asked what the general public thought of the forthcoming ban on corporal punishment.

62. **Mr. Khemakhem** (Tunisia) said that the public had been prepared for the ban on corporal punishment by televised messages and circulars from the education authorities. He was satisfied that the future law would be enforced, because civil society forums and teachers' trade unions had welcomed the bill under examination; further discussion before its adoption would make for broader consensus.

63. **Ms. Varmah** (Country Rapporteur) asked whether the delay in integrating disabled children in the regular education system was caused by professionals' lack of training or families' lack of awareness.

64. She regretted the fact that the health budget was not being increased, although there had been impressive progress in the health sector in recent years. In view of the figures for maternal and perinatal mortality, which were still alarming in some rural areas, she urged Tunisia to adopt a plan to absorb regional disparities in access to maternal and child health care.

65. Noting the reduction in breastfeeding since 2000, she urged the State party to adopt legislation to promote and encourage that practice, especially among working women.

66. She would like the delegation to supply details on the employment of very young girls as servants and of measures to end that practice.

67. **Mr. Koompraphant**, referring to the punishment to which parents were liable if they neglected their duties, asked what plans there were for civil law measures and for social support for families in order to avoid children being separated from their families and to identify children at risk of abuse or neglect. He would like to know if any evaluation tools existed, if the authorities had a network of informers and what protective measures were available to victims in the event of sexual abuse within the family.

68. He would also appreciate it if the delegation could say whether Tunisia had legislation to combat sexual exploitation and trafficking of human beings and, if not, on what basis perpetrators of those crimes were prosecuted.

69. **Ms. Herczog** requested details of the procedure for declaring a child abandoned. The adoption rate was so high that she wondered if children might not be prematurely declared adoptable. She would also like the delegation to indicate the average length of a child's stay in an institution, whether measures were in place to prepare children for leaving orphanages, and monitoring their progress, whether there was a timetable for moving away from institutional care, and how foster families were prepared and supervised.

70. **Ms. El-Ashmawy**, welcoming the State party's ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), urged Tunisia to adopt legislation on combating sexual exploitation and, at the same time, to set up a coordination mechanism; to adopt guidelines; to collect disaggregated data on the subject; and to set up a telephone helpline for children. She would like to know what role civil society organizations played in rehabilitating trafficking victims.

72. **Mr. Krappmann** expressed concern at the school dropout rate. It had, admittedly, fallen during the first years of schooling but remained high thereafter. He was also concerned that grade repetition was still a reality. Had the State party identified the root causes of those problems? Had it introduced informal education and expanded vocational training to address them?

73. Given that fewer than 30 per cent of children overall attended nursery school and fewer than 66 per cent received pre-primary education in the year prior to the first year of

compulsory schooling, he would like to have details on the quality of those establishments and on their staff training. He wished to know whether, in order to reduce disparities, the State party was considering making the last year of preschool education compulsory and whether compulsory schooling was free. He would also be grateful if the delegation could say whether the “Tomorrow’s schools” project concerned only curricula, or whether it also covered teaching methods.

74. He emphasized that human rights should be taught more systematically and be applied in daily school life.

75. **Mr. Filali** requested more details on the role of probation officers, in particular whether they took part in the enforcement of sentences for certain offences for which provision was made in article 69 of the Child Protection Code and whether the latter automatically entailed non-custodial sentences for the accused.

76. He would like the delegation to comment on reports from certain sources alleging child abduction and organ trafficking in Tunisia.

77. He believed that glue sniffing was widespread in Tunisia. Noting that private health care was expanding alongside the public sector, he wished to know what access poor children had to high-quality health services.

*The meeting rose at 1 p.m.*