



Convention on the Rights of the Child

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Committee on the Rights of the Child

Report submitted by Tunisia under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, due in 2004*

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* The present document is being issued without formal editing.



Introduction

1. Pursuant to article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,¹ Tunisia hereby submits its initial report concerning the implementation of that Protocol,² to which it acceded under Act No. 42 of 7 May 2002. The Act endorsed the accession of the Republic of Tunisia to the two Optional Protocols to the Convention: on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.³
2. In fulfilment of its commitment to uphold children's rights, Tunisia enacted Organic Act No. 34 of 2018, dated 6 June 2018, by which it acceded to the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure. The accession was officially communicated to the Secretary-General of the United Nations on 14 December 2018. Tunisia has also acceded to the Hague Convention on the Civil Aspects of International Child Abduction⁴ and to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention).⁵
3. The combined fourth to sixth periodic reports under article 44 of the Convention on the Rights of the Child (CRC/C/TUN/4-6), which Tunisia submitted to the Committee on the Rights of the Child, included data and information bearing witness to the efforts made and the measures taken to implement the Convention and its Optional Protocol on the involvement of children in armed conflict. It also included detailed replies to recommendations made by the Committee.
4. Furthermore, Tunisia duly replied to the list of issues raised by the Committee on the Rights of the Child in relation to the country's combined fourth to sixth periodic reports. Those replies (CRC/C/TUN/RQ/4-6) were submitted to the Committee in February 2020.
5. That periodic report was discussed at meetings held remotely on 26, 27 and 28 May 2021 during the eighty-seventh session of the Committee on the Rights of the Child. The Committee then issued its concluding observations (CRC/C/TUN/CO/4-6) on 10 June 2021.
6. Where necessary and when relevant subjects arise, reference to those documents will be made throughout the present report. The report will also set forth the efforts made and the measures taken to implement the Optional Protocol, in line with the reporting guidelines.

I. General information

A. Methodology and process for drafting the report

7. The present report was drafted by the standing national reporting and follow-up mechanism; i.e., the National Commission for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights.⁶ The Commission was guided in its work by the revised guidelines regarding initial reports to be submitted by States Parties under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which were adopted by the Committee on the Rights of the Child at its forty-third session on 29 September 2006.

¹ Hereafter referred to as "the Protocol".

² Hereafter referred to as "the report".

³ Official Gazette of the Republic of Tunisia, No. 37, 7 May 2002, p. 1268.

⁴ Organic Act No. 30 of 2017, dated 2 May 2017.

⁵ Organic Act No. 2 of 2018, dated 15 January 2018.

⁶ Established under Government Order No. 1593 of 2015, dated 30 October 2015, as amended by Government Order No. 662 of 2016, the Commission includes representatives from the Office of the Prime Minister, various ministries, and the National Institute of Statistics.

8. The National Commission adopted a participatory approach to its work running the following activities with the support of the country offices of the United Nations Children’s Fund (UNICEF) and the Office of the United Nations High Commissioner for Human Rights (OHCHR):

- A training workshop was held on 25 September 2020 to build capacities among members of the National Commission. It was attended by representatives from a number of ministries, members of the Commission’s report-writing team and a representative of the National Authority to Combat Trafficking in Persons. The workshop focused on the provisions of the Optional Protocol, the most important standards enshrined therein and the obligations of States following ratification. Part of the workshop was dedicated to an examination of the guidelines regarding national reports under the Protocol.
- As part of the procedure for drafting the national report, coordination meetings were held to follow up on the data collection process.
- A drafting workshop was held on 18 and 19 February 2021, with the participation of representatives from the ministries directly concerned with the application of the Protocol, a representative of the National Authority for the Prevention of Torture and a civil society children’s rights activist.
- A workshop was held on 30 November and 1 December 2021 to finalize and endorse the latest version of the national report. The event was attended by members of the National Commission, representatives of the National Authority to Combat Trafficking in Persons and a representative from the National Authority for the Prevention of Torture.

9. During the exceptional circumstances occasioned by the coronavirus (COVID-19) pandemic, an online consultation was set up with a view to gathering suggestions and recommendations from associations active in the field of children’s rights to include in the national report. However, levels of participation did not live up to expectations.

B. Compliance with the general principles of the Convention on the Rights of the Child

10. The third part of the periodic report (CRC/C/TUN/4-6) goes into some detail about the policies and measures in place to uphold the general principles underpinning the rights of the child. It is important to note that non-discrimination among children is a mainstay of the children’s rights system in Tunisia. This means that all forms of discrimination in legislative, regulatory or administrative frameworks are prohibited. It also entails the adoption of measures and programmes to ensure authentic equality among all children in the enjoyment of their rights.

11. The basic principles of equality and non-discrimination are enshrined in the 2014 Constitution, article 39 of which states: “Education is to be compulsory up to the age of 16 years. The State is to guarantee the right to free public education at all levels and to allocate the resources required to achieve high-quality education, teaching and training.” According to article 47 of the Constitution: “Children’s right to dignity, health, care and education is to be guaranteed by their parents and the State. The State is to provide all types of protection to all children without discrimination, in accordance with their best interests.” Article 48 stipulates: “The State is to protect persons with disabilities against all forms of discrimination. Citizens with disabilities have the right to benefit, according to the nature of their disability, from measures to ensure their full integration into society.”

12. As part of its follow-up to the concluding observations of the Committee on the Rights of the Child (CRC/C/TUN/CO/4-6), in particular the recommendation contained in paragraph 15 (d), Tunisia continues to pursue its policy to combat poverty, raise standards of living for families and prioritize children. To this end, it applies the principle of positive discrimination (envisioned in article 12 of the Constitution) as a way of enabling marginalized groups and disadvantaged areas to benefit from social advancement programmes and services. The State has also expanded its network of social welfare institutions. That network now has

23 centres, which serve to bring services closer to children at risk, including those placed at risk by the offences envisaged in the Optional Protocol. Reference is made in this connection to paragraph 18 et seq. of the replies of Tunisia to the list of issues in relation to its combined fourth to sixth periodic report (CRC/C/TUN/RQ/4-6).

13. The State has incorporated the principle of the best interests of the child into all its educational policies and programmes. The same principle is also foremost in decisions taken by administrative, social and judicial bodies, in accordance with article 4 of the Child Protection Act. Information about how this principle is being applied is to be found in the combined periodic report (CRC/C/TUN/4-6) and in the replies to the list of issues.

14. As concerns participation, which is addressed in the aforementioned reports of Tunisia, it should be noted that the Child Parliament continues to serve as a space for dialogue, enabling children to express their views on issues affecting their rights, including on matters related to the offences covered under the Optional Protocol. The Child Parliament receives technical support from several international partners, thereby enabling the child representatives to address a variety of relevant topics.

15. As part of follow-up to the concluding observations of the Committee on the Rights of the Child (CRC/C/TUN/CO/4-6), in particular the recommendation contained in paragraph 19, and with a view to providing equal opportunities for children to express their views and participate in local affairs, the Child Rights Observatory is implementing a plan of action for the establishment of municipal councils for children. In this regard, the Observatory is also acting in the light of the absence of specific provisions regarding such councils in the Local Government Code (Organic Act No. 29 of 9 May 2018). To implement the plan of action, a joint committee has been established that brings together representatives of the Ministry for Families, Women, Children and Older Persons; the Ministry of Education; the Ministry for Local Affairs; the National Federation of Tunisian Cities and a number of civil society organizations.

16. In furtherance of the right of children to express their views, the Ministry for Families, Women, Children and Older Persons has always been careful to engage with them when formulating public policies. In fact, children from different areas were consulted in the formulation of the multisectoral strategy for early childhood development 2017–2025 and of integrated public policies for prevention and protection.

17. It is also important to note that Tunisia has placed the right of children to be heard and to express their views at the heart of its legal system. All children who suffer threats or are victims of the offences envisaged in the Protocol enjoy legal guarantees at every stage of the social protection measures put in place by child protection delegates, under the supervision of the family court judge. The same norms apply in the case of criminal proceedings before the courts.

C. Implementing the Protocol and its contribution to the implementation of the Convention on the Rights of the Child

18. The Optional Protocol has helped to finalize the implementation of certain legal, institutional and operational aspects of the Convention on the Rights of the Child. Moreover, ratification of the Protocol has had the effect of advancing accession to other relevant international and regional instruments, notably the following:

- United Nations Convention against Transnational Organized Crime, adopted by the General Assembly of the United Nations, approved by Tunisia under Act No. 63 of 2002, dated 23 July 2002, and ratified under Order No. 2101 of 2002, dated 23 September 2002.
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the 2000 United Nations Convention against Transnational Organized Crime, acceded to by Tunisia under Act No. 5 of 2003, dated 21 January 2003, and under Order No. 698 of 2003, dated 25 March 2003.

- Hague Convention on the Civil Aspects of International Child Abduction, acceded to by Tunisia under Organic Act No. 30 of 2017, dated 2 May 2017.
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention) acceded to by Tunisia under Presidential Order No. 5 of 2018, dated 15 January 2018.
- Third Optional Protocol to the Convention on the Rights of the Child on a communications procedure, ratified by Tunisia under Presidential Order No. 62 of 2018, dated 6 June 2018.

19. As part of its follow-up to the concluding observations of the Committee on the Rights of the Child (CRC/C/TUN/CO/4-6), Tunisia is preparing to accede to the African Charter on the Rights and Welfare of the Child. The importance of ratification of the Charter by Tunisia was the subject of a round table meeting organized in late November 2021 by the Ministry for Families, Women, Children and Older Persons in cooperation with the UNICEF country office in Tunisia.

20. The existence of a significant legal arsenal in the field of children's rights has, for some time, been boosting a trend towards further reform of the legal system by bringing it into line with the international standards enshrined in the aforementioned instruments. Institutional frameworks have also been strengthened with a view to intensifying child protection efforts at the national level, including protection against the offences envisaged in the Optional Protocol. Detailed information on those efforts is included in the present report.

D. Status of the Optional Protocol in national law

21. Article 20 of the Tunisian Constitution stipulates: "Treaties approved and ratified by the Assembly of the Representatives of the People have primacy over legislation but not over the Constitution." Accordingly, Tunisian law incorporates ratified international treaties, including human rights treaties, into its domestic legal system and grants them primacy over national legislation. As a result, judges can directly invoke and impose international treaties and protocols, unless such treaties require the development of a national legal framework for criminalization and the prescription of penalties.

22. Reference is made in this regard to paragraph 21 of the common core document (HRI/CORE/TUN/2016) and to paragraph 12 of the combined periodic report (CRC/C/TUN/4-6).

E. Reservations to the Optional Protocol

23. Tunisia has not entered any reservations to the Protocol.

F. Factors and difficulties affecting the implementation of the Optional Protocol

24. Factors affecting the implementation of the Protocol:

Tunisia has committed to a process of strengthening human rights in general and children's rights in particular. It was among the first countries to ratify the Convention and one of the first to adopt a Child Protection Code. Mechanisms have been put in place to expedite the implementation of the Convention and of the relevant national legislation.

25. Work is under way to standardize legislation by removing any provisions that are inconsistent with standards enshrined in international treaties and thus developing an integrated, harmonized and comprehensive legislative system to undergird children's rights. To this end, a national committee has been set up – under Government Order No. 1196 of 2019, dated 24 December 2019 – with the task of harmonizing human rights laws in line with constitutional norms and the provisions of ratified international treaties. The committee –

which brings together representatives from ministries, the Assembly of the Representatives of the People, the Human Rights Commission and civil society⁷ – has the following functions:

- Drawing up a list of the human rights laws that need to be harmonized with the Constitution and with the obligations arising from ratified international treaties.
- Developing and monitoring the implementation of a plan of action containing specific goals, themes, phases and durations.
- Coordinating between the various stakeholders involved in implementing the plan of action and offering technical support, as required and in accordance with available possibilities.
- Guiding, overseeing and ratifying the work of the national committee's subcommittees, formed in accordance with article 8 of the Government Order.
- Proposing the review and amendment of laws.
- Making its views known on legislative and administrative bills with a bearing on human rights, which are to be referred to the national committee as a matter of course.

26. Furthermore, two committees have been established in the Ministry of Justice, one to review the Criminal Code the other to review the Code of Criminal Procedure.

27. The Ministry of Justice is acting to amend the Child Protection Code to make it a more integrated and comprehensive compendium of children's rights. It will include provision for child victims and witnesses, address all aspects of children's fundamental rights, take due account of the Sustainable Development Goals and comply with constitutional and international norms.

28. A bill to "combat crimes related to information and communication systems" has been drafted, and the procedures for its enactment are in the process of being finalized. The bill aims to provide a general regulatory framework for crimes committed via information and communication systems, and it contains specific child protection provisions that envisage prosecution and punishment for anyone who deliberately abuses a child under 18 via the Internet or public telecommunications networks.

29. In the same context, and in the light of the international commitments of Tunisia following its ratification of the Hague Convention on the Civil Aspects of International Child Abduction, a working group has been set up in the Civil Affairs Department at the Ministry of Justice. The group makes proposals to update the legal system in accordance with those commitments.

30. Difficulties affecting the implementation of the Protocol:

Despite the fact that the standardization process has begun, inconsistencies in the legislative system persist, and this poses difficulties for judges in their application of the law.

31. In addition, judges still tend not to invoke the Optional Protocol directly. This state of affairs demands greater efforts to train and raise awareness among judges with a view to providing greater protection for children's rights via the application of ratified international instruments.

32. On the other hand, work is continuing to consolidate a number of public and independent bodies, and thus to ensure closer monitoring of the implementation of the Protocol. In this context, particular mention should be made of the Human Rights Commission, established under article 41 of Organic Act No. 51 of 2018. In line with its own rules of procedure – which specify the procedures for the establishment, composition, functions and operation of subcommittees (art. 42 of the Organic Act) – the Commission has created a standing subcommittee for children's rights.

⁷ Government Order No. 1196 of 2019, dated 24 December 2019, establishing a national committee for harmonizing human rights laws in line with constitutional norms and the provisions of ratified international treaties; the Order also details the committee's functions, composition, and working methods.

33. Tunisia is experiencing difficult socioeconomic circumstances, which worsened with the COVID-19 pandemic during 2020 and 2021, particularly for persons in situations of vulnerability. The crisis also affected the State's ability to provide budgets for the proper fulfilment of its obligations under the Protocol.

34. The COVID-19 pandemic augmented the socioeconomic crisis by creating a major recession and a collapse in gross domestic product, which fell by an estimated 8.8 per cent over the course of 2020. Moreover, the stringent health measures put in place by the State in March 2020 significantly exacerbated poverty and unemployment. In fact, the unemployment rate exceeded 18 per cent in the third quarter of 2020, compared to 15 per cent in 2019, the number of the “new poor” rose and the health crisis placed additional pressures on the State budget. All this has had a significant impact on vulnerable groups, especially children.

II. Data on offences under the Protocol

35. Given the importance of data and statistics, many national institutions are making great efforts to develop systems for the collection of accurate indicators on matters affecting children. Further to the information contained in paragraphs 59 to 74 of the combined periodic report (CRC/C/TUN/4-6), the Ministry of the Interior has created a database at the Technical and Scientific Police Department containing the names of persons implicated in crimes of sexual exploitation of children.

36. The National Authority to Combat Trafficking in Persons has also foregrounded data collection, and its annual report constitutes an important and comprehensive source of statistical information. That information is supplied by personnel who work in the field to combat trafficking in its various manifestations, including those envisaged under the Optional Protocol (reports for 2019⁸ and 2020⁹).

37. Work is ongoing to develop the statistical system and to produce indicators that would enable more accurate monitoring of these matters.

A. Data on human trafficking

38. The statistics contained in the annual report of the National Authority to Combat Trafficking in Persons relate to a number of crimes, including those envisaged under the Optional Protocol. Essentially, these include sexual exploitation, slavery-like situations, slavery and attempts to sell and traffic children.

39. According to data collected by the National Authority to Combat Trafficking in Persons and its subsidiary bodies, the total number of trafficking victims amounted to 907 in 2020. In all, 472 cases, or 52 per cent of the total, involved children, as compared to 612 cases in 2019.

40. Of these cases, 22.5 per cent concern the economic exploitation of children in informal activities or begging. At the same time, there were 26 cases of exploitation of children in criminal activities and 13 cases of attempted trafficking and sale of children.

41. Children are the only group involved in certain trafficking-related offences such as economic exploitation, exploitation in the context of organized crime and attempted sale of children. It may also be inferred that children are at increasing risk of sexual exploitation, as they accounted for nearly three-quarters of reported cases of sexual exploitation in 2020, as compared to 59.2 per cent in 2019. However, children account for only a small proportion of victims of forced labour, most of whom are adult foreigners.

⁸ Link: <https://www.justice.gov.tn/fileadmin/medias/pdf/2019>.

⁹ Unpublished.

42. Cases of the sexual exploitation of children in 2019 and 2020 may be disaggregated by governorate as follows:

Cases of sexual exploitation against children in the country's major governorates (Tunis, Ariana and Manouba) increased in 2020, with 34 cases in Tunis (30 females and 4 males), 94 cases in Ariana (61 females and 33 males) and 17 cases in Manouba.

43. Also in 2020, instances of sexual exploitation against children went up to 11 cases in Zaghouan and 4 cases in Gabès, each governorate having recorded just a single case in 2019.

44. In 2019, the governorate of Bizerte recorded seven instances of sexual exploitation against girls (out of a total of nine suspected child trafficking cases). That number decreased to six in 2020.

45. The following governorates, having had no instances of child sexual exploitation in 2019, recorded the following cases in 2020: three in Béja, seven in Kef, four in Monastir, two in Mahdia, three in Sfax, and nine each in Tozeur and Médenine.

46. In the governorate of Kairouan child sexual exploitation cases dropped from 24 (17 of them against girls) in 2019 to 4 in 2020. The governorate of Sidi Bouzid had no cases of sexual exploitation of children in 2020. This compares to 2019, when 47 such cases were recorded in the governorate, including 42 cases in the district of Regueb alone.

47. According to the 2020 annual report compiled by the National Authority to Combat Trafficking in Persons on the basis of data provided by the Ministry of the Interior and the Ministry for Families, Women, Children and Older Persons, security agencies in Tunisia (the police and the National Guard) treated 181 victims, including 94 children (50 girls and 44 boys). Eleven girls and three boys had suffered sexual exploitation, while two children had been subjected to slavery or forced labour. In addition, one suspected case of organ trading was recorded.

48. The evolution of cases, as recorded by the Ministry of the Interior, shows a tangible decrease in the number of victims. In fact, the number of child victims went from 428 in 2019 to 94 in 2020, a decrease of 78 per cent

49. According to the same source, the Ministry for Families, Women, Children and Older Persons recorded 451 notifications received by child protection delegates concerning children of both sexes who suffered exploitation as defined in the Act to prohibit and combat trafficking in persons. This included a number of reports of offences envisaged in the Protocol, as follows:

- Cases of sexual exploitation: 213 (150 girls and 63 boys).
- Cases of infant abandonment: 11 (5 girls and 6 boys).

In 2020, 47.2 per cent of child trafficking cases entailed sexual exploitation.

50. Organic Act No. 61 of 2016 to prohibit and combat trafficking in persons, dated 3 August 2016,¹⁰ envisaged the creation of an institutional framework in the form of the National Authority to Combat Trafficking in Persons, which has the task of preventing, protecting against and suppressing trafficking offences and of strengthening coordination between stakeholders. In the course of 2020, the Authority received 500 notifications concerning a total of 482 victims. Of that total, 14 per cent were children, while 78 per cent of all registered trafficking cases involved foreigners, 72 per cent of them Ivorian.

51. The crisis occasioned by the COVID-19 pandemic altered the profile of human trafficking, and the number of child victims of sexual exploitation almost tripled from 103 cases in 2019 to 289 in 2020.

¹⁰ http://www.legislation.tn/detailtexte/Loi-num-2016-61-du-03-08-2016-jort-2016-066_2016066000611.

B. Exploitation of children in prostitution

52. In 2020, the Ministry of the Interior identified nine children who had been exploited in prostitution.

C. Exploitation of children in pornography

53. In 2020, the Ministry of the Interior identified five children who had been exploited in pornography.

D. Legal consequences and prosecutions

54. A number of cases have been brought in relation to these matters, notably the following:

- A case of “indecent assault on a child under the age of 18 without consent” and of “offending morality by using electronic recordings to draw public attention to the possibility of committing licentious acts”. The case was launched on the basis of a warrant issued by an investigating judge at the court of first instance in Sousse on 30 June 2016, pursuant to a letter rogatory the court had received in 2014 against a French citizen (born in 1963). The investigations revealed that the French citizen in question had been coming to Tunisia since 1999 and had visited the country 14 times between 2005 and 2011, staying in hostels in the Sousse region for periods of up to four days. In 1999, he met a child with whom he established a relationship and whom on several occasions he took to furnished flats. There, the French citizen engaged in sexual acts with the child in exchange for money. Through the first child he met another child who was accompanied by several other children. With them the French citizen engaged in unnatural sexual acts in exchange for money, filming the acts with a camera. In all, 41 children were assaulted in this way; 36 of the victims have been identified (born in 1984, 1987, 1988, 1989, 1991, 1992, 1993, 1995 and 1996) but there is insufficient information to identify the 5 remaining victims. With the conclusion of the investigation, the case was referred to the competent judge on 21 July 2016. Two Tunisian nationals were interrogated then released, with one of them being subjected to a travel ban.

55. As concerns judicial action to combat trafficking in persons, mention may be made of the following case:

- A case of “trafficking in persons by attracting, transporting and harbouring a child for the purpose of sexual exploitation”, of “indecent assault against a child” and of “sexual harassment of a child”. The case was launched on the basis of a warrant issued by an investigating judge at the court of first instance in Grombalia against a German national (born in 1947). The investigations revealed that the German citizen in question had visited Tunisia around 75 times between 2013 and 2018, staying in Hammamet for up to one month at a time. There, he had managed to get to know five children, all of whom confirmed their relationship with him. He had taken them to his dwelling in the local area and had engaged in unnatural sexual acts with them, encouraging them to drink alcohol with him and providing them with money and gifts. The foreigner in question had since left Tunisia, so the investigating judge issued an international arrest warrant against him. A Purple Notice concerning the methodology used to commit this kind of offence has been circulated by the General Secretariat of the International Criminal Police Organization (INTERPOL).

56. The most notable instance of sexual exploitation dealt with by the judicial police was when the Sub-Directorate for Social Prevention investigated a case of human trafficking involving the sexual exploitation of a minor. In this case a girl, born in 2014, was the victim of four individuals, including her half-sister. She was received in the latter’s house where she had sexual relations with her half-sister’s boyfriend and other individuals in exchange for varying amounts of money, in addition to being forced to consume narcotic substances. The suspects were referred to the Office of the Public Prosecution, which assigned an

investigating judge to look into the matter. The judge issued four detention orders for “consuming and possessing with intent to consume a Category B narcotic substance, human trafficking for the purpose of sexually exploiting a child in prostitution and using narcotics for the purpose of exploiting a minor in clandestine prostitution”.

III. General measures of implementation

A. Legal framework for the implementation of the Protocol

57. Relevant Tunisian legislation includes the Criminal Code, the Child Protection Code and a number of other laws, all of which were mentioned in the combined periodic report (CRC/C/TUN/4-6) and will be mentioned again in the present report. Together those pieces of legislation constitute a framework that covers several of the offences envisaged in the Optional Protocol. They include indecent assault,¹¹ outrages against morality,¹² sexual harassment,¹³ incitement to commit licentious acts,¹⁴ abduction¹⁵ and trafficking in persons or related offences.¹⁶ The penalty for all of these offences is increased if the victim is a child (see paras. 155 to 171 of the present report).

58. Articles 19 and 39 of the 1989 Convention on the Rights of the Child and article 8 of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography enjoin efforts to uphold children’s rights, consolidate protection mechanisms, recognize children’s status as victims and involve them in the criminal justice process. In line with that injunction and in accordance with Economic and Social Council (ECOSOC) resolution 2004/27 on guidelines on justice for child victims and witnesses, and ECOSOC resolution 2005/20 on the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, the Tunisian Ministry of Justice has drafted a bill to amend the Child Protection Code. The new provisions are specifically intended to protect child victims and witnesses and to create protection mechanisms for them at every stage of the investigation and trial. The bill also envisages a joint institutional undertaking to protect child victims; this is because the Child Protection Code, in its current iteration, limits legal and social protection only to children at risk and to child delinquents and makes no specific provision for child victims, particularly victims of sexual assault. The fact is, though, that any form of sexual assault has a profound effect on children’s lives and on their physical and mental development.

59. The bill to amend the Code also includes clear definitions of the various forms of violence to which children can be subjected, such as economic exploitation or sexual exploitation, and it covers the offence of trafficking in children.

60. Furthermore, the bill requires the State to fulfil certain obligations towards child victims and witnesses, in areas such as prevention, engagement, protection, rehabilitation and reintegration.

61. In the context of its ratification of the Lanzarote Convention, Tunisia is finalizing a bill to “combat crimes related to information and communication systems”. The bill includes provisions to criminalize the production, display, provision, dissemination, transmission, acquisition or possession of digital data containing pornographic material.

¹¹ Articles 226 to 226 quater of the Criminal Code.

¹² Articles 227 to 230 of the Criminal Code.

¹³ Articles 226 to 226 bis of the Criminal Code.

¹⁴ Articles 231 to 235 of the Criminal Code.

¹⁵ Articles 237 to 240 bis of the Criminal Code.

¹⁶ Organic Act No. 61 of 2016 to prohibit and combat trafficking in persons, dated 3 August 2016.

B. Institutions involved in the implementation of the Protocol

62. Given the cross-cutting nature of the issues affecting the rights, protection and welfare of children, the three branches of government are working together to develop legal frameworks, legislative policies and other measures for the protection of children's rights.

63. Since 25 July 2021, Tunisia has been experiencing an exceptional situation with the enforcement of article 80 of the Constitution. Under that article, the functions of the Assembly of the Representatives of the People have been suspended and Presidential Order No. 117 of 2021, dated 22 September 2021, has endorsed a raft of exceptional measures, notably the following:

- The ongoing suspension of all the functions of the Assembly of the Representatives of the People.
- The issuance of legislation in the form of decrees endorsed by the President of the Republic and published in the Official Gazette of the Republic of Tunisia. This takes place following deliberation by the Council of Ministers and while making every effort not to undermine the human rights and freedoms enshrined in national and international laws.
- The specification of the areas in which decrees are applicable (which are, essentially, the same areas as those covered by organic and ordinary laws).
- The exercise of executive power by the President of the Republic with the assistance of a government headed by a Prime Minister.

64. Under Presidential Order No. 131 of 2021, dated 29 September 2021, Ms. Najla Bouden was appointed to form a new government.

65. On 13 December 2021, the President of the Republic took a body of measures to put an end to the exceptional circumstances in the country. He also specified a deadline for the implementation of those measures, which consisted in:

- The announcement of a popular referendum on draft constitutional reforms, on 25 July 2022.
- A national online consultation on the constitutional reforms, to be held between 1 January and 20 March 2022. Specifically, the consultation concerned the reforms to be introduced to the country's political system, and a committee is to be set up to develop the various proposals by the end of January 2022.
- Legislative elections to be held on 17 December 2022, under a new electoral law.

66. In the context of the exceptional circumstances, the institutions of the State concerned with the welfare of children have continued to run their programmes. In that connection, the Ministry for Families, Women, Children and Older Persons – applying the updated laws that regulate its work – has continued to oversee matters affecting children. It takes a holistic approach in the application of its action plans and joint strategies in order to prevent harm befalling children, to ensure their protection and welfare, and to promote rehabilitation and partnership. It also coordinates with other relevant ministries to provide care for children who are victims of the crimes covered by the Protocol.

67. The Ministry has made the establishment of a "higher council for childhood" part of its ministerial programme. The council is to be entrusted with the development of strategies and action plans and with coordination between different stakeholders. Some of the institutions that are part of the Ministry for Families, Women, Children and Older Persons are described below.

68. The "Child Protection Delegate" Foundation was set up under the Child Protection Code (Act No. 92 of 1995, dated 9 November 1995). Child protection delegates are tasked with preventive intervention in all cases where a child's health or physical or moral integrity is considered to be threatened or at risk. Action is taken on the basis of notifications, which can be received from citizens or public servants, including those bound by requirements of

professional secrecy, or from governmental or non-governmental bodies. Child protection delegates have the status of criminal investigation officials.

69. Child protection delegates must be notified as a matter of course in cases of habitual ill-treatment or sexual exploitation against a child of either sex. The obligation to notify cases, including the difficult cases mentioned in the Child Protection Code, is incumbent upon all citizens, including persons bound by requirements of professional secrecy if they become aware of the abuse during the exercise of their professional duty to care for children. Violation of the duty to report such cases entails criminal penalties. Reports can be filed anonymously, either directly, in writing, via email or using a telephone hotline.

70. The Observatory for Information, Training, Documentation and Research on the Protection of Children's Rights is a public institution established under Order No. 327 of 2002, as amended by Order No. 1359 of 2003. It has the following functions:

- It monitors the protection of children's rights and collects relevant data, information and documentation at the national and international levels and sets up databanks and databases.
- It conducts research and evaluative studies into the protection and development of children's rights and the general situation of children; in that regard, it compiles reports and contributes to regular or single-issue publications on related topics.
- It facilitates communication and seeks to disseminate a culture of children's rights among ministries and other structures involved in the implementation of the Convention on the Rights of the Child and the Child Protection Code.
- It assists other authorities in formulating policies and programmes aimed at promoting children's rights and at improving children's lot in general; it also comments on the outcome of monitoring and follow-up processes and proposes measures that might serve to advance and protect the rights of children.
- It organizes seminars and training, study days and other similar events

71. The Ministry for Families, Women, Children and Older Persons has coordinated with other ministries involved in the welfare of children to produce brochures for professionals working in healthcare,¹⁷ education¹⁸ and social affairs to remind them of the mandatory mechanism for notifying child protection delegates in cases where children are at risk (especially cases of habitual child abuse), as set forth in article 20 of the Child Protection Code.

72. The Ministry set up the free 1809 hotline to provide educational and psychological support and advice to parents and children during the quarantine period. The hotline also receives notifications concerning threats, exploitation or violence against children.

73. Under article 24 of Organic Act No. 58 of 2017, dated 11 August 2017, to combat violence against women,¹⁹ the Ministry of the Interior has set up 130 specialized units to investigate crimes of violence against women and children. Two units have been created, one each in the general directorates of the National Guard and of the police, plus 128 units in the regions. They are responsible for receiving and following up on reports and referring them to the competent courts.

74. As part of their structure, the units have a section for investigating crimes against children which includes an office for legal matters and an office for prevention. The units are tasked with investigating all kinds of violent crimes perpetrated against women, children and families. In addition, an office has been set up to combat trafficking in persons.

¹⁷ Ministry of Health Circular No. 21 of 31 March 2015.

¹⁸ <http://www.administration.education.gov.tn/2015-03-30/27052015.pdf>. Circular of the Ministry of Education, March 2015, concerning the mechanism for notifying child protection delegates. Also, <http://www.administration.education.gov.tn/2019-07-04/40012019>. Circular of the Ministry of Education, June 2019, concerning the mechanism for notifying child protection delegates.

¹⁹ http://www.legislation.tn/detailtexte/Loi-num-2017-58-du-11-08-2017-jort-2017-065_2017065000581.

75. In November 2021, the Ministry of the Interior partnered with the United Nations Development Programme (UNDP) to formulate a guide for law enforcement officials responsible for monitoring, investigating and prosecuting violent cybercrimes against women and children. In October 2020, a training course on “child justice” was organized in partnership with UNICEF.

76. Action is being taken to apply the special criminal proceedings envisaged in law, particularly with regard to taking a statement from a child at a single sitting, although it should be noted that there is a lack of material, technical and human resources (specialists) in this regard. In cooperation with UNICEF, work is currently under way to develop a practical guide for the care of child victims of violence.

77. In the realm of the Ministry of Justice, family court judges accept notifications directly from children and citizens or from State institutions concerning any situation in which children or women have been subjected to violence.

78. In cooperation with the European Union and UNICEF, action has been taken to improve child justice in Tunisia by opening a support office for the child justice system as part of the Ministry of Justice.

79. In the Ministry of Social Affairs, the National Institute for Child Welfare is responsible for caring for children aged between 1 day and 6 years who were born outside wedlock and lack the support of a family. The Institute provides a range of services, including minimum levels of basic care, medical and paramedical services and psychosocial counselling. The services continue to be provided while the children remain at the Institute and until they can be reunited with their natural families or placed with a foster family.

80. Living units to accommodate newborn infants and children up to the age of 2 are overseen and administered by associations that care for children without a family. Such associations sign “programme contracts” with the Ministry of Social Affairs via which they can receive support in the form of technical assistance and financial backing approved by a public financing committee. The Ministry has also contributed to the construction of a number of living units.

81. At the Ministry of Education, efforts are being made to promote a system to prevent and protect against violence in schools, whatever form it may take (physical violence, sexual harassment, rape, etc.). The system – which also addresses violent extremism and hate speech – focuses on raising awareness about the seriousness of such phenomena, as well as on prevention mechanisms. It seeks to encourage all parties involved in the educational process (administrators, supervisors, teachers, students and parents) to report any cases that may arise directly to the director of the institution concerned. The director will then relay the matter to child protection delegates and coordinate with them to address the problem urgently.

82. The Ministry intervenes immediately when it receives notification that a child in school is being subjected to violence that could result in mental and physical harm. Psychological oversight is provided by trained psychologists, pedagogical support is also available, as well as legal support (i.e., the prosecution of perpetrators) via legal affairs departments. In addition to this, child protection delegates and regional and local authorities coordinate their efforts to integrate the children concerned back into the school environment.

83. As part of a project being run in cooperation with the Applied Social Sciences Forum and the Tunisian League for Citizenship, some educational institutions have set up counselling offices, to receive complaints relating to cases of violence, either from the families of the victims or from the victims themselves. The cases are then followed up by a team of specialists, which provides psychosocial care and counselling to victims while also ensuring legal protection.

84. The National Observatory for Education is responsible for monitoring negative elements that threaten the well-being of students and schools and for coordinating with the relevant structures to address those issues.

85. Public institutions known as “second chance schools” were brought into being under Government Order No. 57 of 2021, dated 13 January 2021. The Order also stipulates how such institutions are to be administered, financed and run. Their purpose is to take in, guide,

train, accompany and care for children between the ages of 12 and 18 who dropped out of school without obtaining a proper school certificate or a vocational training diploma. The new institutions enable them to pursue their studies in educational institutions affiliated with the Ministry of Education, join the vocational training system or prepare for integration into the labour market and working life.

86. In addition to the information already given in paragraph 59 of the present report, the Ministry of Education has issued a circular concerning the roll-out of the mandatory mechanism for notifying child protection delegates in all cases where the physical or moral integrity of a child is at risk.

87. It should be noted that a number of ministries have, as part of their organizational structure, inspectorates to monitor ministerial departments and receive complaints.

88. With reference to paragraph 10 et seq. of the replies of Tunisia to issues raised by the Committee in relation to the country's combined fourth to sixth periodic reports (CRC/C/TUN/RQ/4-6), the situation of human rights, including the rights of children, is regularly monitored by constitutional bodies, independent bodies and national public bodies. In 2020, for the first time since it was created, the High Committee for Human Rights and Fundamental Freedoms included in its annual report a section on the status of children.

89. The National Authority to Combat Trafficking in Persons, which has been set up as part of the Ministry of Justice,²⁰ has a number of functions that contribute greatly to the implementation of the Protocol.

90. In addition, the National Commission to Combat Racial Discrimination has been set up as part of the Office of the Prime Minister, pursuant to Government Order No. 203 of 2021, dated 7 April 2021, which also sets forth the mandate, structure, working methods, rules of procedures and composition of the Commission.

C. Dissemination of the Protocol and relevant training

91. Training and awareness-raising are important factors that have become traditional operational practice for many ministries. The work of judges and of security and military personnel can have a significant impact on child welfare, and the Ministry of Justice, the Ministry of Defence and the Ministry of the Interior therefore provide integrated training for such persons on the human rights system and international and regional mechanisms, including those dedicated to children's rights.

92. As stated in the common core document (HRI/CORE/TUN/2016), a module on human rights has been included in education and training programmes at all levels.

93. In cooperation with several international organizations, the Ministry of Justice has run training programmes and activities on international human rights instruments. For its part, the Higher Institute of the Judiciary has been teaching a module on human rights to trainee judges ever since 1992. To supplement this, it also teaches working judges and public prosecutors, while the National Prisons and Corrections Training School also provides human rights training to officials and prison staff.

94. The Ministry of the Interior has incorporated human rights into its training curriculum at all levels, and it has republished and distributed a human rights manual for law enforcement officials, which contains various international human rights instruments and national laws. In addition to this, since 2011, the Ministry has consolidated its cooperation with specialized United Nations organizations with a view to producing training materials and running training courses for officials on human rights in general and children's rights in particular.

95. Teaching programmes in institutions of higher education, particularly those specializing in law, include modules on human rights and international instruments. Master's degree courses have been created on international humanitarian law and human rights and on

²⁰ The National Authority was created under Organic Act No. 61 of 2016 to prohibit and combat trafficking in persons, dated 3 August 2016.

African human rights mechanisms. There is also a vocational master's degree on human rights.

96. For its part, the Ministry for Families, Women, Children and Older Persons – via the offices of the child protection delegates, the Department for Children and the Observatory – runs activities to make international and regional children's rights mechanisms more widely known, including the Convention on the Rights of the Child and its Optional Protocols.²¹

97. Child protection delegates have an important role to play in this regard as they help to disseminate a culture of children's rights by organizing round tables with members of the child protection network. The round tables serve to keep participants abreast of the delegates' plans and to remind them of their duty, as persons working with children, to report any cases that may arise. Either on their own initiative or by invitation, the delegates also participate in "citizenship clubs" in schools where they deliver lectures on children's rights.

98. As part of events to mark "protection month", child protection delegates organize awareness-raising sessions on issues such as violence or the dangers of the Internet. The month runs from 20 November to 20 December.

99. The central office of the child protection delegates has set up a website for delegates which contains awareness-raising messages, information about the delegates' functions and other matters related to their work.

100. Between October 2020 and March 2021, the Ministry undertook the following actions:

- Producing pedagogical materials to be used to raise awareness among children, parents and front-line professionals; 7 workshops were held for 137 children as well as 4 workshops attended by 60 parents and a further 4 workshops for 45 childcare professionals.
- Printing 30 educational posters aimed at helping people identify and report suspected cases of child sexual abuse; the posters have been put on prominent display in 30 institutions (nurseries, kindergartens, primary schools and middle schools).
- Organizing activities on community media for media professionals in local radio and web radio in the neighbourhood of Sidi Hassine Seijouni and preparing a guide on how to address the topic of preventing sexual assault and the important role the media plays therein.
- Organizing workshops for professionals, parents and children at SOS Children's Villages in Gammarth, Siliana and Akouda.
- Preparing a guide for childcare professionals and parents on how to detect and prevent sexual abuse.
- Running a train-the-trainer course for childcare inspectors and pedagogical assistants on the use of educational materials to raise awareness about sexual abuse in early childhood. Participants in the course then went on to train front-line workers at the regional level.
- Running, in partnership with the European Union, the "*Essaha Aziza*" programme for front-line workers.

101. In addition to this, other activities have been set in train under cooperation agreements with technical and financial partners (the Council of Europe and UNICEF):

- A training course on the Lanzarote Convention for members of the Child Parliament in 2017.

²¹ Article 1 (5) of the Child Protection Code states: "Within the framework of Tunisian national identity and the sense of belonging to human civilization, the present Code aims to achieve the following objectives: ... (5) To disseminate a culture of children's rights and to raise awareness about their specific nature, in order to form children with harmonized and well-balanced personalities and to imbue their parents, families and society as a whole with a sense of responsibility towards children."

- A training course – “Words and images to use when talking about children” – for audiovisual and print media professionals in 2016 on how the media should handle cases of sexual abuse and violations against children.
- Running sensitization and awareness-raising activities on the Convention, held at the Cité des Sciences in 2016 and aimed at all age groups.
- Printing 5,000 copies of the Convention on the Rights of the Child and its Optional Protocols and distributing them to organizations and partners.

102. It is important to note that child protection delegates, when dealing with problematic situations or meeting with children’s families, are also helping to disseminate a culture of children’s rights. In fact, they inform the parties concerned of their respective rights and duties, both those of children towards their parents and those of parents towards their children.

103. The Ministry of Social Affairs is also working to raise awareness about international children’s rights instruments among social workers, psychologists and persons working in childcare structures.

104. Between late 2020 and early 2021, the Ministry for Youth and Sports, in partnership with OHCHR, ran a programme to train human rights instructors for ministerial staff. In the initial stage, around 150 youth leaders and activists participated in the initiative. The programme is part of the implementation of the recommendations arising from the 2017 report of Tunisia under the universal periodic review mechanism, which included a proposal to integrate human rights education into school curricula and into informal education and training activities. It also entails an academic human rights education programme as well as action to implement the outcomes of the community dialogue on “youth and strategic vision” which focus on helping young people participate in public and political life as well as on protecting them from harmful forms of behaviour.

105. The National Commission for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights, in cooperation with the OHCHR office in Tunisia, has published a booklet containing a compilation of the core United Nations human rights treaties and optional protocols that have been ratified by Tunisia, along with the various ratification mechanisms. The booklet, which aims to facilitate matters for judges and law enforcement officials in their application of the treaties and protocols in question, has been circulated among courts, judges and public and independent bodies.

D. Budget for activities related to the implementation of the Protocol

106. Organic Budget Act No. 15 of 2019 focuses on a new budget management system based on the goals of utilizing human and material capacities in a more transparent and efficient manner, in accordance with medium-term programmes and objectives. The results are evaluated on the basis of objective indicators in order to assess performance with a view to identifying responsibility and accountability with respect to the use of resources and achievement of goals.

107. With reference to the information provided in paragraph 15 of the replies of Tunisia to issues raised by the Committee in relation to the country’s combined fourth to sixth periodic reports (CRC/C/TUN/RQ/4-6), no information is available on budgets earmarked exclusively for the implementation of the Protocol, as the budget is allocated on a sectoral basis.

E. National plans and strategies for the implementation of the Protocol

108. Information about a comprehensive policy and strategy on children’s rights is to be found in paragraphs 23 to 47 of the combined fourth to sixth periodic reports under the Convention on the Rights of the Child (CRC/C/TUN/4-6) and paragraph 7 of the replies to the list of issues.

F. Involvement of civil society in the implementation of the Protocol

109. In order to consolidate partnership between government agencies and civil society in the field of child protection – and particularly as concerns prevention, education and training – a number of cooperative frameworks have been established to run programmes on issues related to the Protocol, and several ministries have pledged funding. A variety of partnership agreements have been concluded, some of which are described below.

110. The Ministry for Families, Women, Children and Older Persons has entered into a partnership agreement to help the “Wallah We Can” association set up a specialized centre for child victims of sexual abuse. The centre, which can also serve as a shelter, if necessary, seeks to ensure the children’s welfare and to rehabilitate them and reintegrate them into society. Under the agreement, the Ministry is to undertake the following actions:

- Providing a headquarters to house a specialized centre for child victims of sexual abuse, overseeing the operation of the centre and the well-being of the children concerned, monitoring administrative and financial aspects.
- Allocating 500,000 Tunisian dinars (D) to fit out the centre.
- Monitoring the guidance and counselling services provided by the competent departments at the central and regional levels.
- Inspecting the new centre and providing guidance for educational staff who care for the children there.
- Involving the “Wallah We Can” association in activities, seminars and forums on children’s rights in general and on children at risk in particular.
- Cooperating with the association with a view to achieving shared goals, thereby integrating the programmes of the Ministry for Families, Women, Children and Older Persons with civil society initiatives to care for children at risk.

111. Since 2020, funds have been allocated to the SOS Children’s Villages association in Tunisia (an estimated D 2.605 million in 2020 and D 2.870 million in 2021). These sums serve to ensure that the association can continue to provide services and take care of children who lack the support of a family as well as beneficiaries of the placement programme for families who are no longer able to care for their own children. The partnership agreement with the association will serve to ensure that it can still intervene effectively in favour of children who are without other forms of support.

112. In 2020, the Ministry for Families, Women, Children and Older Persons signed a partnership agreement with the SAWN association for the protection of children and adolescents from violence and sexual abuse. The agreement has the following purposes:

- To contribute to awareness-raising and education among children, parents, childcare workers, media professionals and civil society activists in the field of child protection and the prevention of violence against children.
- To help develop the capacity of childcare professionals to detect and report cases of sexual violence against children.
- To promote networking among children’s rights associations in order to develop and implement programmes to prevent sexual violence against children.

113. The Ministry of Social Affairs has also entered into partnership and cooperation agreements with a number of organizations:

- A memorandum of understanding with the “Baiti” association for homeless women. The agreement aims to establish a framework for cooperation between the two sides in areas such as counselling, accompaniment, support, rehabilitation and social integration for women and girls who are victims of discrimination, gender-based violence or socioeconomic exclusion.
- A partnership agreement with the “FACE Tunisie” association in 2019. Its purpose is to promote cooperation in order to reject all forms of exclusion and marginalization

and to promote justice, equality, fair wealth distribution, socioeconomic empowerment and equal opportunities between regions and between different social groups.

- A partnership agreement with the Tunisian League for the Defence of Human Rights. The aim of the agreement – to which a protocol was attached in October 2018 – is to pursue partnership and cooperation in order to consolidate a culture of human rights and to develop areas and mechanisms for cooperation between the two sides in defence of those rights.
- A partnership agreement with the “Tunisia Plus” association in 2018. The agreement seeks to strengthen cooperation and partnership as a basis for running joint programmes that reflect the objectives and interests of both sides. This includes training a group of children and young people from the Social Defence and Integration Centre in order to imbue them with life skills and the capabilities they need to integrate into society and to avoid any behavioural risks they may face.
- A partnership and cooperation agreement between the Social Defence and Integration Centre in Tunisia and the SAWN association for the protection of children and adolescents from violence and sexual abuse. The agreement aims to strengthen cooperation and partnership in the implementation of agreed programmes of action that duly reflect the objectives of the Centre and of SAWN. Essentially, those objectives consist in preventing sexual abuse against children and awareness-raising activities to protect children at the Centre against sexual abuse. They also entail building capacity among children and sensitizing educators and parents to enable them to identify child victims as early as possible.
- A partnership agreement between the National Institute for Child Welfare and the “Friends of the National Institute for Child Welfare” association. The agreement seeks to improve the care provided to children who are placed in the National Institute because they lack the support of a family or were born outside wedlock, with a view to ensuring their healthy and balanced development. It also seeks to reduce the duration of their institutionalization by seeking to return them to their biological families or placing them with foster families in the shortest possible time frame.

114. In addition to the information given in paragraph 83 of the present report, the Ministry of Education has entered into a cooperation agreement with the Applied Social Sciences Forum and the Tunisian League for Citizenship. The agreement – the implementation of which is being overseen by a steering committee made up of representatives from the three signatories – aims to facilitate the task of caring for victims of violence in the school environment and to provide them with psychosocial care and counselling while also ensuring their legal protection.

G. Monitoring and oversight mechanisms

115. The National Observatory for Education, which was created by the Ministry of Education, has a number of notable functions. These include monitoring the different manifestations of violence in the school environment, running a pilot project to track such cases using an online system, developing a strategy to curb violence in schools and raising awareness about the danger of excessive Internet use and other online perils.

116. Tunisia has also worked to establish a monitoring and accountability system on issues related to children (see paragraphs 10 and 11 of the replies to the list of issues in relation to the combined fourth to sixth periodic reports (CRC/C/TUN/RQ/4-6)).

IV. Preventive measures

A. Protection of the children most vulnerable to the crimes covered by the Protocol

117. In fulfilment of their mandate, child protection delegates apply a number of preventive measures to protect the children most vulnerable to the crimes covered by the Protocol. In that connection, the delegates:

- Undertake preventive interventions to protect children at risk. This includes children born outside wedlock whom delegates seek to provide with the necessary legal and social support to avoid the risk of them being exploited or sold after birth.
- Monitor children in vulnerable situations, providing them with social protection and psychological support to prevent them from falling victim to the offences described in the Protocol. This includes taking measures to care for and counsel children at risk of dropping out of school.

118. Children who lack the support of a family are considered to be among those most vulnerable to the offences described in the Protocol. In order to protect them, the Ministry for Families, Women, Children and Older Persons:

- Runs 22 integrated centres for children and young persons, distributed across most of the country's governorates. The centres serve to look after children in situations of risk in general and children who lack family support in particular. They help the children concerned integrate into society and provide shelter for those who might be at risk, as envisaged in article 20 of the Child Protection Code. The centres also provide education and social services as well as psychosocial counselling. In this way – on a full-board or half-board basis, or through family placement – these institutions continue to care for and protect children, also providing healthcare as necessary, until such time as the factors that threatened them no longer subsist.
- Administers 103 children's centres in most governorates, which provide social support for children from low-income families.

119. Ever since 2010, the Ministry for Families, Women, Children and Older Persons has been developing programmes and action plans to address inequality, discrimination and disparities in children's access to public services, such as early childhood education. This is part of the Ministry's implementation of a multisectoral early childhood development strategy 2017–2025 which seeks to establish the principle of equality of opportunity in child protection and to enable all children to benefit from the services of early childhood institutions.

120. The Ministry has also taken steps to enable vulnerable children to exercise their right to enrol in high-quality preschool education, and it is helping the children's families to take proper care of their offspring. An estimated D 4 million was allocated with a view to providing kindergarten places for about 2,000 children from needy families in eight governorates (Kef, Sidi Bouzid, Jendouba, Siliana, Kairouan, Zaghouan, Kasserine and Béja). The Ministry expanded the programme in the 2018/19 academic year to cover all governorates, in accordance with the principle of equality of opportunity. The funds allocated to programmes were increased and the programmes were expanded to include the public sector.

121. Beginning in the academic year 2019/20, 10,000 children were integrated into the programme at a cost of D 4,500, and the programme was extended to 24 governorates. The programme then continued with the same funding into 2021. In the academic year 2021/22, 15,000 children were integrated, with funds amounting to a total of D 6,750,000.

122. In March 2020, with the beginning of the COVID-19 pandemic, the following actions were set in train:

- The opening times of the 1899 hotline were extended to 24 hours a day 7 days a week, in order to facilitate the reporting of instances of violence against children, women or older persons.
- An interactive online platform – “We are with you; you are not alone” – was launched to provide psychological counselling for children and families. This involves the free 1809 hotline which is used to listen to and provide psychological accompaniment and guidance for children and families. Callers’ personal data is duly protected, at their request. The hotline operates 7 days a week from 8 a.m. to midnight and is operated by trained psychologists, in partnership with civil society.

123. For its part, the Ministry of Social Affairs attends to the welfare of children who lack the support of a family and children under 6 who were born outside wedlock. Care is provided via the National Institute for Child Welfare and other associations that concern themselves with children who have no family of their own. They oversee 13 living units distributed across the following governorates: Tunis (2), Ariana, Nabeul (2), Sfax, Sousse, Kairouan, Monastir, Gabès, Gafsa, Médenine and Bizerte.

124. To ensure that children do not suffer discrimination in the enjoyment of their right to recreation, the Ministry for Families, Women, Children and Older Persons has:

- Set up 27 mobile clubs for children in rural areas for a total of 37,000 child beneficiaries.
- Set up 220 fixed clubs for a total of 223,000 child beneficiaries.
- Opened 103 children’s centres for a total of 120,665 child beneficiaries and 4,666 staff members.
- Established 24 child-oriented media centres at the regional level across all the country’s governorates. These are administered by the National Centre for Child-Oriented Media, which seeks to integrate children into the digital communication society and to use pedagogical methods to disseminate digital culture.
- Set up 11 radio stations in inland regions to spread a culture of peace and to curb the lure of violent extremism for children. In addition to this, a guide is being developed to educate children about the use of the media.

125. In addition, the number of institutions for young persons run by the Ministry for Youth and Sports has increased. In fact, according to statistics from 2020, there are 320 youth hostels, 24 youth centres with accommodation, 7 youth centres without accommodation and 25 holiday sites and camping grounds. There are also 196 youth clubs in rural areas as well as mobile clubs (i.e., vehicles equipped for outdoor activities). Of the mobile clubs, 47 are specifically designated for remote rural areas while a further 30 vehicles are equipped to provide outdoor activities for children and young persons in densely populated working-class neighbourhoods. All of these structures offer physical and mental recreational activities run by specialists.

126. In 2016, the Ministry entered into a partnership agreement with the Association pour la promotion de l’éducation citoyenne. This led to the creation of 70 “citizenship education clubs” in youth institutions across 16 governorates. The clubs seek to explain the concept of citizenship to young people and train them to practise democracy and participate in public affairs. Twelve key areas were identified for action between 2020 and 2021, including two related to combating trafficking in persons. The first of these – “Human rights: The body between exploitation and freedom” – addresses the concept of human trafficking, while the second focuses on social media as a space for harassment and extortion.

127. The Ministry has also organized national youth tourism programmes that are supervised by young professors. The programmes mainly target young people from rural, inland and border areas or from densely populated neighbourhoods. In furtherance of the principle of positive discrimination, places in summer camps have been provided free of charge for 341 young persons of both sexes from the following categories: young persons in

correctional facilities and integration centres or from low-income families, children of security personnel who have been killed or wounded, children from SOS Children's Villages and young persons with disabilities.

128. The National Observatory for Youth has conducted a study on “extremist violence and how to counter its impact among the young”. The research focused specifically on how young people perceive extremist violence and how to combat it.

129. As part of a strategy to support youth initiative and the involvement of young persons in public life, the Ministry for Youth and Sports is setting up web radio and TV stations in youth clubs. To date, 36 web TVs and 65 web radios have been set up across the country under the supervision of youth activists, which young people use to address their various concerns.

130. One of the most significant roles in the area of prevention is that played by the National Authority to Combat Trafficking in Persons. Operating under article 46 of the Act whereby it was created and with technical support from the United Nations Office on Drugs and Crime (UNODC), the Authority took a participative approach to drafting the National Strategy to Combat Trafficking in Persons 2018–2023. It also developed an action plan to implement the main components of the Strategy during the period from 2017 to 2019. The resulting actions were in line with indicators 16.2 and 16.4 of Sustainable Development Goal 16 and with indicator 5.2 of Sustainable Development Goal 5. The Strategy has four main components, namely prevention, protection, monitoring and cooperation.

131. In the area of prevention, the Strategy envisions mechanisms to achieve its goals. These consist essentially in the formulation of comprehensive policies to prevent trafficking through the correct enforcement of the law and the harmonization of legislation, as well as an evaluation of human trafficking with a view to addressing its root causes. Additional preventive measures aim to sensitize society to the seriousness of the phenomenon, to encourage studies and research and to promote training and capacity-building.

132. In order to support and cooperate with the efforts being made by State institutions (see paragraphs 109 et seq. of the present report), a number of associations that work to protect children from sexual exploitation and other forms of abuse are running awareness-raising and educational workshops aimed mainly at children. These bodies include the “SAWN” association for the protection of children and adolescents from violence and sexual abuse, which runs a number of initiatives in this connection. One of these is a vinyl poster, mounted on PVC, drawing attention to the dangers of child sexual abuse, which was put on display at a children's club in Haouaria. The poster, which was the outcome of a collaboration between different creators who prepared the text and the drawings, is currently being circulated to all institutions where the SAWN association operates.

B. Promoting public awareness of the consequences of the crimes covered by the Protocol

133. With reference to paragraph 101 of the present report, the Ministry for Families, Women, Children and Older Persons, in cooperation with the Council of Europe, is running a national programme to protect children from all forms of sexual exploitation and abuse. The programme has the following objectives:

- Drawing attention to the gravity of the phenomenon and strengthening the capacities of field operatives to ensure adequate prevention and protection for children, as well as care and attention for child victims. This entails the provision of comprehensive services that are responsive to the needs of children without discrimination of any kind.
- Developing the legislative framework and bringing it into line with the Protocol, thereby consolidating legal protection and improving the status of children, while also respecting the principle of the best interests of the child and upholding children's rights.

- Promoting networking among professionals who work to combat child sexual exploitation and abuse.
- Organizing workshops to raise awareness and build capacities among journalists regarding the media treatment of sexual abuse and exploitation against children. The programme also envisages the involvement of the Supreme Independent Authority for Audiovisual Communication in addressing the phenomenon of sexual exploitation and in raising awareness about the importance of respecting children's dignity in all circumstances by avoiding any denigration, respecting their personal data, and ensuring confidentiality when interviewing or reporting on them.

134. Since June 2020, the Ministry for Families, Women, Children and Older Persons, with support from the UNICEF country office in Tunisia, has been running a digital communication campaign on "abuse and violence against children in cyberspace". The campaign aims to raise awareness among parents and children about the risks children face when using the Internet, such as the possibility of being groomed, exploited or sexually harassed. It also aims to empower parents by equipping them with mechanisms and techniques to protect their children and help them use the Internet safely. The campaign sought to convey a body of messages including the following:

- The importance of differentiating between regular content and advertisements.
- The use of parental controls, SafeSearch and security settings.
- The importance of protecting devices and of using antivirus updates.
- The need to cover cameras when not in use.
- The need to involve children in the rules of Internet usage (where, when and how).
- Encouragement for parents to communicate and engage in dialogue with their children about cyberspace.
- Help for parents to become proficient in the use of the networks, websites and apps their children use and showing them how to monitor them.
- The provision of information on channels for reporting violence against children.

135. The National Authority to Combat Trafficking in Persons runs awareness-raising campaigns in the form of educational programmes and seminars on different forms of exploitation and the dangers of trafficking. In 2016, in cooperation with the Tunisia office of the International Organization for Migration (IOM), the Authority launched a national campaign entitled "Not for sale" which was intended to draw attention to the phenomenon of trafficking in persons and to make the public, especially young people, aware of its gravity.

136. On 23 January of every year, the Authority commemorates the anniversary of the abolition of slavery. The day has also been enshrined as a national holiday, celebrated for the first time in 2019 with the issuance of a postage stamp commemorating the abolition of slavery in Tunisia. In 2020, a march was organized from Place du 23 Janvier 1846 to the Suq al-Baraka in Tunis, formerly a centre for the slave trade.

137. The Authority has also joined the Blue Heart Campaign against Human Trafficking and it held two seminars on the subject of trafficking in July 2019 and July 2020. The latter occasion was marked by a press conference held by three government ministers (the Minister of Justice; the Minister for Families, Women, Children and Older Persons; and a representative of the Minister of the Interior). In addition, tools have been developed with which to monitor and identify trafficking victims. These include educational materials and a technical guide for law enforcement officials.

138. In this connection, a public art exhibition was held in Avenue Habib Bourguiba, and Facebook Live was used to screen the film *Your brother sold you*, which concerns the impact of human trafficking on the mental health of victims. The Tunisia webpage of the Blue Heart Campaign against Human Trafficking had 42,590 likes and 2,330 shares on Twitter and Facebook, while the Facebook live stream of the performance was followed by 1,890 people and garnered 93 subscriptions. The video, which was produced by a company called FAZA, gained 260,000 views, 5,339 shares, 4,367 shares and 361 comments.

139. In addition, the Authority has consolidated partnership with a number of international organizations, such as IOM and UNODC, and with regional organizations such as the Council of Europe. It has also concluded cooperation agreements with civil society organizations, such as Terre d'Asile Tunisie, the Youth Bar Association, the American Judges Association, Lawyers without Borders, the National Bar Association, the Tunisian Rehabilitation Institute and the Amal Association for the Family and Child.

140. As part of its awareness-raising efforts, the National Authority to Combat Trafficking in Persons has also been running regional campaigns to publicize the Blue Heart initiative in the cities of Sfax, Fernana (in the north-west) and Tunis. In particular, the campaigns – which focused on densely populated areas to sensitize people there to the importance of combating all forms of human trafficking – entailed the distribution of posters, keyrings and information leaflets with information about the functions of the Authority and how to contact it.

141. An educational film and short video on the rights of girls and the importance of combating human trafficking were produced to commemorate the National Day for Girls on 10 October 2020. The initiative came about thanks to partnership between the National Authority to Combat Trafficking in Persons and the Child Rights Observatory, with support from IOM.

142. In addition to this, many other activities have been organized by associations such as Caritas and the Amal Association for the Family and Child, with the involvement of the National Authority to Combat Trafficking in Persons and representatives of other child protection structures.

143. The Supreme Independent Authority for Audiovisual Communication, in cooperation with the UNICEF office in Tunisia, has developed a practical guide for the treatment of children's issues by audiovisual media outlets. The guide takes account of the obligations those media organizations have towards children and their rights, particularly children with disabilities, child victims, delinquent children and children affected by disasters, crises or terrorism. The guide illustrates how they should be dealt with in the media and lays down standards for the media treatment of child rights in relation to advertising and the Internet. Lastly, it also considers the question of accountability and the procedures for making complaints, in the light of the moderating role played by the audiovisual media.

144. On the subject of capacity-building, and to supplement the information provided in paragraphs 77 et seq. of the present report, a number of awareness-raising and training programmes have been rolled out for professional groups dealing with children, including the following:

- Five child protection delegates enrolled for a train-the-trainer course on human trafficking held from 19 to 25 September 2017. The course entailed 35 hours of training delivered by an international expert from IOM.
- Regional-level training courses for persons who work to combat human trafficking were held in 2018 in the governorates of Sfax, Bizerte, Béja, Mahdia and Sousse.
- Eight child protection delegates have received training on Organic Act No. 61 of 2016 to prohibit and combat trafficking in persons.
- A seminar for parents on “How to prevent sexual abuse against children” was held during the thirty-third Book Fair in March 2017. Also, a simplified child-friendly version of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention) has been produced.

145. The National Authority to Combat Trafficking in Persons continued to run its remote training courses during 2020, including via the HELP platform developed in partnership with the Council of Europe.

146. A number of relevant activities have also been carried out by the Ministry of Social Affairs, including:

- Imbuing social workers with the knowledge they need to build their capacity to engage with cases of child trafficking and sexual exploitation. The following action has been undertaken in that regard:

- Training courses for social workers on the legal framework for protection against human trafficking and the relevant international treaties.
- Training courses for social workers and psychologists working in the Ministry of Social Affairs on techniques for monitoring and listening to trafficking victims and the ethics governing the provision of psychosocial care.
- Training social workers working at the Ministry of Social Affairs on how to identify trafficking victims and how to use the proper procedures to notify the authorities.
- Training focal points in social welfare institutions on how to combat child labour and on the “SCREAM” approach as a way of raising awareness among young people and children about the dangers of child labour, economic exploitation and the worst forms of such labour.

147. With a view to implementing the national plan to combat child labour and protect children against exploitation in forced labour, the Ministry of Social Affairs has formulated and is implementing the PROTECTE project (“Together against child labour in Tunisia”), which aims to sensitize and mobilize society to combat child labour. An awareness-raising and communication strategy to instil anti-child labour concepts has been adopted in that regard, and a number of relevant activities have been carried out, as follows:

- Appointing 40 focal points at the Ministry of Social Affairs to monitor the programme at the regional level.
- Organizing a series of child-oriented activities aimed at making children aware of the dangers of child labour and informing them of their rights under the Convention on the Rights of the Child.
- Organizing training courses on international and national laws to combat child labour, particularly those covering the worst forms of child labour and sexual exploitation in forced labour.

148. Since the beginning of 2018, a child labour monitoring system has been set up as a pilot project in the governorates of Sfax and Jendouba. In addition, committees have been established that bring together various regional stakeholders in order to promote a multisectoral approach to the question of child labour. Work is currently under way to extend the pilot project and to develop a procedural guide for coordination in cases of child labour.

C. National referral mechanism for victims of trafficking in persons

149. In order to combat human trafficking more effectively, identify and prosecute traffickers and protect and assist victims, the National Authority to Combat Trafficking in Persons, in cooperation with the Council of Europe, has established a national monitoring, referral and guidance mechanism for trafficking victims in the context of a strategic partnership with the public and private sectors, civil society and the international community. The national referral mechanism enables victims to be identified, referred to appropriate services and provided with support and protection.

150. The mechanism defines the roles of governmental and non-governmental institutions with a view to establishing a general framework and clear foundations for assisting victims and persons who have been harmed by such crimes, and in order to promote a participatory approach from the time the crimes are detected until the victims are reintegrated into society or voluntarily return to their country of origin, the aim being to ensure that they are not subjected once again to trafficking. Victims are provided with all means of assistance and protection required by their situation, in accordance with relevant national and international norms. For this purpose, a set of tools has been developed to facilitate coordination between stakeholders and to protect victims and their rights.

151. With a view to enhancing the effectiveness and practical implementation of the national mechanism for referral of victims, the Authority carried out a simulated test prior to its final approval through three regional workshops in 2020 involving the various

governorates of Tunisia. The workshops were attended by members of the Authority, social workers, child protection delegates, officials from the Ministry of the Interior and the Ministry of Health and representatives from social welfare institutions and the Social Defence and Integration Centre in Médenine and Gabès.

152. The Authority has also produced a “passport to the rights of trafficking victims” which explains their rights, outlines the various forms of assistance and counselling available to them and helps them access healthcare, psychological support and social, legal and judicial services.

153. In 2020, in partnership with IOM and with assistance from the Ministry for Families, Women, Children and Older Persons and the Observatory for Information, Training, Documentation and Research on the Protection of Children’s Rights, the Authority developed and distributed a pedagogical toolkit on child trafficking offences. This constitutes a vital instrument for training and building capacity among all stakeholders involved in protecting children and children’s rights in Tunisia. Three training courses on how to use the toolkit to disseminate a culture of human rights were organized for stakeholders and child protection delegates at the regional level.

154. In partnership with UNODC, the Authority has:

- Developed a manual for law enforcement officials to help them investigate cases of trafficking in persons; familiarize themselves with the prevention, protection and assistance mechanisms for victims; and combat all forms of exploitation.
- Developed a first responders’ guide with information on how to identify human trafficking; the guide is intended for frontline workers who come across or communicate with trafficking victims.

V. Prohibition and related issues

A. Laws criminalizing the abduction of children and their sale or exploitation in child prostitution and child pornography

155. The Criminal Code includes general provisions that criminalize acts prejudicial to the physical integrity of persons, including children, notably in the following articles:

- Article 237 of the Code, which concerns abduction, states: “Anyone who abducts, carries off or transports a person from a place, using deception, violence or threats, or who attempts to commit any of those actions, is liable to a term of imprisonment of 10 years.
- The penalty increases to a term of imprisonment of 20 years if the victim is a public official, a member of the diplomatic or consular corps, a family member of such a person or a child under 18 years of age.
- The same penalty is applicable, regardless of the victim’s status, if the purpose of the kidnapping or abduction is to secure payment of a ransom, compliance with an order or the fulfilment of a condition.
- A penalty of life imprisonment is to be imposed on anyone who kidnaps or abducts a person using a weapon, the guise of a uniform or a false identity or presenting an order purportedly issued by a public authority, or if these actions result in the physical disability or illness of the victim.
- The death penalty is to be imposed if the victim dies during or as a result of the commission of such offences.”
- Article 238 of the Criminal Code stipulates: “Anyone who, without using deception, violence or threats, carries off or abducts a person from a location where he or she has been placed by a guardian, carer or minder is liable to a term of imprisonment of 2 years.

- The penalty increases to a term of imprisonment of 3 years if the victim is between 13 and 18 years of age.
- The penalty increases to a term of imprisonment of 5 years if the victim is under 13 years of age.
- Attempting to commit such offences is also liable to punishment.”
- Article 240 of the Code states: “The penalties envisaged under articles 237 and 238 are applicable to anyone who conceals an abducted person or misleads the investigations into that person’s whereabouts.”
- Article 240 bis of the Code reads: “Anyone who deliberately conceals a male or female who has been removed from the legal custody of their legitimate guardian or who misleads the investigations into that person’s whereabouts is liable to a term of imprisonment of 2 years.
- The penalty increases to a term of imprisonment of 5 years if the person in question is under 15 years of age.”

156. Having ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Tunisia enacted Organic Act No. 61 of 2016 to prohibit and combat trafficking in persons, dated 3 August 2016.²² The purpose of the Act is, according to its article 1: “To prohibit and combat all forms of exploitation, especially against women and children, combat trafficking, prosecute perpetrators and protect and assist victims.”

157. The definition of trafficking that appears in article 2 of the Act is consistent with the definition of trafficking that appears in the Protocol. In fact, the offence of trafficking in persons is defined in the following terms: “Enticing, recruiting, transporting, transferring, carrying off, relocating, harbouring or receiving persons by threat or use of force or arms, 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.”

158. Exploitation, according to the definition given in article 2 of the Act, includes: “Exploiting others in prostitution or other forms of sexual exploitation, forced labour, compulsory service, slavery or slavery-like practices, servitude, begging, or the removal of organs, tissues, cells, gametes, embryos or parts thereof, or other forms of exploitation.”

159. Article 2 (7) of the same Act defines sexual exploitation as “obtaining benefits of any kind by causing a person to engage in vice, prostitution or the provision of other types of sexual services, including exploitation in the production of pornographic material and the possession or dissemination of such material by any means”.

160. Chapter II, section I of the Act envisages severe penalties for certain forms of trafficking in persons. These include “using children in criminal activities or armed conflict”, “adopting a child for the purpose of exploitation in any form” and “economic or sexual exploitation of children in the course of their employment”. Under article 5 (2) of the Act, the existence of the crime of trafficking in persons does not require the use of the means stipulated in article 2 (1) if the victim is a child.

161. Article 7 of Act No. 93 of 2001, dated 7 August 2001, which concerns reproductive medicine, makes it a crime to create or use human embryos for commercial or industrial purposes or for genetic selection. Article 15 of the Act stipulates: “In the context of reproductive medicine, a woman’s uterus cannot be used in any way to bear another woman’s foetus.”

²² http://www.legislation.tn/detailtexte/Loi-num-2016-61-du-03-08-2016-jort-2016-066_2016066000611.

162. Article 12 of Act No. 61 of 2016 states: “Anyone who deliberately uses communication and information networks to commit a crime envisaged under the present Act is liable to a term of imprisonment of 3 years and a fine of D 10,000, irrespective of the penalties prescribed for the crime itself.”

163. In view of the rapid changes taking place in digital technology, an adequate legal framework is still in the process of being developed. A draft digital code includes a number of provisions designed to protect minors from harm by blocking content that is violent or inappropriate for them and to ensure that they can navigate safely in cyberspace.

164. Child protection on the Internet has also been included as part of the National Cybersecurity Strategy 2020–2025. The Strategy envisages efforts to develop legal texts and harmonize them with developments in the digital sphere, in order to consolidate protection for children online.

165. The National Cybersecurity Agency has set up the TunCERT centre to respond to digital emergencies. The centre, which is the first facility of its kind in Africa or the Arab world, provides guidance and support to all categories of Internet users, especially children (<https://enfants.ansi.tn>). The National Agency also has an array of technical tools available to promote safe Internet use among children and families, such as interactive toys, technologies and technical guides (<https://www.ansi.tn/formation/outils-de-sensibilisation/application-mobile-pour-sensibiliser-les-enfants-aux-risques-li>).

166. The Technical Agency for Telecommunications, which was brought into being pursuant to Order No. 4506 of 2013, dated 6 November 2013, provides technical support for forensic investigations into cybercrimes.

B. Material aspects of the crimes covered by the Protocol

167. Article 232 of the Criminal Code envisages penalties for intermediaries in prostitution: “A term of imprisonment of between 1 and 3 years and a fine of between D 100 and D 500 is to be imposed on anyone who, by acting in the manner stipulated below, is considered to be an intermediary in prostitution:

(a) Persons who aid, abet or assist others, using any means, to engage in prostitution or who seek to draw persons into prostitution.

(b) Persons who share in any way in the proceeds of another’s prostitution or who receive benefits from a person who habitually engages in prostitution.

(c) Persons who knowingly live with a person who habitually engages in prostitution and who are unable to demonstrate possession of sufficient income to otherwise support themselves.

(d) Persons who use, coerce or spend money on others, even with their consent and if they are of legal age, with the intention of engaging them in prostitution or encouraging them into debauchery or corruption.

(e) Persons who mediate in any capacity between persons who engage in prostitution and debauchery and those who exploit or remunerate prostitution or debauchery. Attempting to commit such acts is also liable to punishment.”

168. More severe penalties are envisaged under article 233 of the Criminal Code: “A term of imprisonment of between 3 and 5 years and a fine of between D 500 and D 1,000 is to be imposed in the following cases:

- If the offence is committed against a minor.
- If the commission of the offence is accompanied by coercion, abuse of authority or deception.
- If the perpetrator is carrying a visible or concealed weapon.

- If the perpetrator is the victim's spouse, antecedent or guardian; has authority over the victim; is a servant, a teacher, a public official or a religious leader; or enlists the help of one or more other persons."

169. Article 234 of the Criminal Code stipulates: "Irrespective of any harsher penalties stipulated in the previous article, anyone who violates morality by inciting minors of either sex to engage in debauchery or aids or facilitates them in that regard is liable to a term of imprisonment of between 1 and 3 years and a fine of between D 100 and D 500."

170. A new provision in the Code – article 226 (3) – envisages a term of imprisonment of 2 years and a fine of D 5,000 for perpetrators of sexual harassment.

In that connection, sexual harassment is considered to be: "Assault against another by acts, gestures or words that are of a sexually suggestive nature or that undermine the other's dignity or modesty, with the intention of coercing a response to the sexual desires of the aggressor or of a third party or of exerting such pressure as would weaken the victim's ability to resist.

The punishment is more severe:

- If the victim is a child.
- If the perpetrator is an antecedent or descendant of the victim, in any degree.
- If the perpetrator has power over the victim or exploits a position of authority.
- If the commission of the offence is facilitated by a vulnerability on the part of the victim that is apparent or is known to the perpetrator.

The statute of limitations for sexual harassment against a child begins from the moment the child attains the age of majority."

171. According to article 228 of the Criminal Code: "Anyone who commits an act of indecency against another person of either sex, without consent, is liable to a term of imprisonment of 6 years.

The punishment is more severe:

- If the victim is a child.
- If the perpetrator is:
 - An antecedent or descendant of the victim.
 - A brother or sister of the victim.
 - The child of the victim's sibling or of a descendant of the victim.
 - The spouse of the victim's child or of a descendant of the victim.
 - The parent of the victim's spouse, the spouse of one of the victim's parents or other relatives by marriage.
 - The spouse of the victim's sibling.
- If the perpetrator has power over the victim or exploits a position of authority.
- If the commission of the offence is facilitated by a vulnerability on the part of the victim that is apparent or is known to the perpetrator.
- If the offence is perpetrated by a group of persons, be it in the capacity of main offenders or accomplices.

The statute of limitations for acts of indecency against a child begins from the moment the child attains the age of majority. The offence attracts a penalty of life imprisonment if an act of indecent assault as described above is preceded or accompanied by the use of arms, threats or sequestration, or if it results in injury, amputation, mutilation or any other act that endangers the victim's life."

C. Maximum and minimum penalties and aggravating circumstances

172. Legislators in Tunisia have abrogated the provision whereby proceedings in rape cases lapse if the perpetrator marries the victim. Moreover, consent is inadmissible if a victim of either sex is under the age of 16 (the limit had previously been 13).

173. Article 227 of the Criminal Code stipulates: “Rape is considered to be any act that leads to sexual penetration, regardless of its nature or the means used, against a person of either sex without consent. Persons committing an offence of rape are liable to a term of imprisonment of 20 years, and consent is inadmissible if a victim is under the age of 16. The offence attracts a term of life imprisonment if it takes place in the following circumstances:

- (a) With the threat or use of violence or weapons, or with the use of drugs or narcotic substances.
- (b) Against a child of either sex who is under the age of 16.
- (c) Incestuous rape of children committed by:
 - An antecedent of the victim.
 - A brother or sister of the victim.
 - The child of the victim’s sibling or of a descendant of the victim.
 - The parent of the victim’s spouse, the spouse of one of the victim’s parents or other relatives by marriage.
 - The spouse of the victim’s sibling.
- (d) If the perpetrator has power over the victim or exploits a position of authority.
- (e) If the offence is perpetrated by a group of persons, be it in the capacity of main offenders or accomplices.
- (f) If the victim is in a state of vulnerability due to old age, serious illness, pregnancy or mental or physical disabilities that impair the ability to oppose resistance to the aggressor. The statute of limitations for the rape of a child begins from the moment the child attains the age of majority.”

174. Article 227 bis of the Criminal Code stipulates: “Anyone who intentionally engages in consensual sexual intercourse with a child of either sex between the ages of 16 and 18 is liable to a term of imprisonment of 5 years. The punishment is more severe:

- If the perpetrator is the victim’s teacher, servant or doctor.
- If the perpetrator has power over the victim or exploits a position of authority.
- If the offence is perpetrated by a group of persons, be it in the capacity of main offenders or accomplices.
- If the victim is in a state of vulnerability due to old age, serious illness, pregnancy or mental or physical disabilities that impair the ability to oppose resistance to the aggressor.

Attempting to commit such acts is also liable to punishment.

When the offence is committed by a child, the courts are to apply the provisions of article 59 of the Child Protection Code.²³

²³ Article 59 of the Child Protection Code states: “Family court judges may order one of the following measures:

- (a) Keeping the child with the family.
- (b) Keeping the child with the family and assigning a child protection delegate to monitor the child and to guide and assist the family.
- (c) Referring the child for medical and psychological screening.

The statute of limitations for sexual intercourse with a child begins from the moment the child attains the age of majority.”

175. Article 23 of Organic Act No. 61 of 2016, Article 23, stipulates: “Trafficking in persons, when committed against or using a child, attracts a term of imprisonment of 15 years and a fine of between D 50,000 and D 100,000.”

176. Organic Act No. 9 of 2019, dated 23 January 2019, amending and supplementing Organic Act No. 26 of 2015 to combat terrorism and prevent money-laundering, dated 7 August 2015, contains a new provision – article 10 – which envisages the following:

“A terrorist offence is to attract the maximum possible penalty if ... committed using a child.”

The same article goes on: “If the circumstances of the action being prosecuted warrant a lesser penalty, the sentence cannot in any case be less than the minimum prescribed for the terrorist offence, nor can the sentence be reduced to less than half the prescribed penalty. If the death penalty is prescribed, the sentence cannot be less than life imprisonment. This does not preclude the application of mitigating circumstances for children.”

177. On the subject of the perpetrators of offences of terrorism, article 29 of Organic Act No. 26 of 2015 states: “Anyone who, in the context of a terrorist crime, intentionally commits a non-consensual indecent act against a person of either sex is liable to a term of imprisonment of between 10 and 20 years and a fine of between D 50,000 and D 100,000.

The offence attracts a penalty of life imprisonment and a fine of D 150,000 if the victim is under 18 years of age or if the act of indecent assault is preceded or accompanied by the use of arms, threats or sequestration, or if it results in injury, amputation, mutilation or any other act that endangers the victim’s life.

The offence attracts the death penalty and a fine of D 200,000 if the indecent assault results in the death of the victim.”

The article now has a new fourth paragraph stating that “anyone who, in the course of a terrorist offence, has non-consensual sexual intercourse with a female” is also liable to the death penalty.

D. Statute of limitations

178. According to Article 5 of the Code of Criminal Procedure – with the exception of special cases stipulated in law such as crimes of torture, terrorism and trafficking in persons – public proceedings lapse after the following periods of time:

- Ten years in the case of serious offences.
- Three years in the case of minor offences.
- One year in the case of misdemeanours.

This period begins from the day the crime was committed, if during that period no action is taken to suspend it, such as investigation or prosecution (the statute of limitations is suspended by any legal or material impediment to the pursuit of public proceedings, except for impediments resulting from the will of the accused person).

179. The Criminal Code, as amended by Organic Act No. 58 of 2017, defines the time period for the lapse of public proceedings in the crime of sexual harassment against a child (new art. 226 ter), the crime of rape of a child (new art. 227) and the crime of consensual sexual intercourse with a child (new art. 227 bis). The time period is to begin once the child in question has attained the age of majority (i.e., 18).

(d) Placing the child under tutorship with a foster family or in a social or educational institution.

(e) Placing the child in a training centre.”

180. Article 90 of Organic Act No. 26 of 2015 likewise stipulates that the time period for the lapse of public proceedings for the offences defined in the Act, when the victim of those offences is a child, is to begin once the child in question has attained the age of majority.

181. Article 7 of Organic Act No. 61 of 2016 stipulates: “Public proceedings in cases involving the human trafficking offences envisaged in the present Act are to lapse after 15 years if they are the result of a serious offence and after 5 years if they are the result of a minor offence. The period is to be calculated from the day the offence was discovered provided that no investigation or prosecution has been launched during that period. Exceptionally, the statute of limitations for rape, terrorist offences, and trafficking in persons, when the victim is a child, is to begin once the child in question has attained the age of majority.”

E. Other offences related to the exploitation of children

182. The crime of trafficking in children can take a number of forms, notably those set forth in article 2 of Organic Act No. 61 of 2016:

- Sexual exploitation, which means obtaining benefits of any kind by causing a person to engage in vice, prostitution or the provision of other types of sexual services, including exploitation in the production of pornographic material and the possession or dissemination of such material by any means.
- Slavery, which refers to any situation in which powers deriving from right of ownership can be exercised over a person, fully or in part.
- Slavery-like practices, which covers the following:
 - Serfdom, which is the obligation arising from an agreement whereby one person has to live and work on another person’s land, providing labour or services to that person with or without compensation and without the freedom to change situation.
 - Obliging a woman to become pregnant or to rent her uterus.
 - Using a child in criminal activities or in armed conflict.
 - Adopting a child for the purpose of exploitation in any form.
 - Sexually or economically exploiting a child in the course of their employment.
- Enslavement, which consists in forcing a person to work or perform services under conditions that person cannot escape or change.

183. The Child Protection Code also includes provision for a body of child-exploitation offences including:

- Exploitation in organized crime. In this regard, article 19 of the Code prohibits the exploitation of children in any form of organized crime, which includes instilling ideas of intolerance and hatred in children’s minds or inciting them to commit acts of violence and intimidation.
- Article 20 of the Code states: “Particular consideration is to be given to difficult situations that threaten a child’s health or physical or moral integrity: ...
 - (e) Sexual exploitation of children of either sex.
 - (f) Exploitation of children in organized crime, as set forth in article 19 of the present Code.”

F. Criminal liability of legal persons

184. Tunisian law envisages criminal liability for legal persons, as stated in article 20 of Organic Act No. 61 of 2016, which states:

“A legal entity can be prosecuted if it emerges that the true purpose for which it was established was to commit an offence of trafficking in persons as stipulated in the present Act, or if it profited or gained some kind of benefit or income from such offences, or if it is found to have provided any kind of support to persons, organizations or activities implicated in such offences. Such entities are liable to a fine equal in value to the proceeds obtained from the offences in question. In no case, however, is the fine to be less than five times the fine imposed on natural persons.

The court may also prohibit the legal entity from engaging in activity for a period of up to 5 years or dissolve the entity altogether.

The prosecution of legal persons does not preclude the imposition of the penalties prescribed in the present Act on representatives, managers, associates or agents if it can be shown that they have personal responsibility in the offences.”

185. Although the Criminal Code in its current form does not envisage criminal liability for legal persons, the draft revision of the Code does include provisions that would make them liable in that regard.

G. Legal and other measures to prevent illegal adoptions

186. Act No. 27 of 1958, dated 4 March 1958, on public guardianship, foster care and adoption, as amended by Act No. 69 of 1959, dated 19 June 1959, outlines the steps the district judge must take in the adoption process. Article 9 of the Act specifies the conditions to be met by persons seeking to adopt children, who must be adults of either sex, married, in possession of their civil rights, of good moral character, of sound mind and body, and capable of handling all matters affecting the adoptee. The same Act also regulates the placement of children in families.

187. Under article 13 of the Act, the adoption contract is to be finalized by a ruling to be issued by the district judge. The ruling is to be rendered in the presence of the adopting party and his or her spouse or, if necessary, the parents of the adoptee or a representative of the public authority entrusted with the guardianship of the child, or the child’s sponsor. Having verified that the legal conditions have been fulfilled and that those present are in approval, the district judge issues the definitive decree of adoption.

188. The judge may exempt an adopting party who has lost a spouse through death or divorce from the requirement to be married, if doing so is in the child’s best interests. In such a case, judges may take testimony from whosoever they wish in order to determine the grounds and circumstances that best enable them to identify where the child’s best interests lie.

189. Legislators have put a variety of legal mechanisms in place to combat the practice of unlawful adoption. They include:

- Act No. 27 of 1958, dated 4 March 1958, on public guardianship, foster care and adoption, as amended by Act No. 69 of 1959, dated 19 June 1959.
- Circular of the Minister of Social Affairs No. 20, dated 21 October 2020, which concerns the family placement committee and the criteria used to select families who apply to take in children who are wards of State.
- Circular of the Minister of Social Affairs No. 21, dated 22 November 2019, which concerns the adoption and foster care committee and the criteria used to select families who apply to take in children who are wards of State.

190. Institutional mechanisms have been put in place in the same connection. They include:

- The National Institute for Child Welfare, which was established under Act No. 59 of 1971, dated 31 December 1971, under the supervision of the Ministry of Social Affairs. Its functions were defined by Order No. 8 of 1973, dated 8 January 1973, as amended by Order No. 1005 of 1991, dated 26 June 1991, and by Order No. 826 of 2001, dated 10 April 2001. The Institute is responsible for implementing State directives vis-à-vis the welfare of children under the age of 6 who lack the support of a family. It proposes preventive measures and actions aimed at creating satisfactory conditions for the proper development of children, in coordination with other administrative, social and charitable institutions.

H. Laws prohibiting the publication of material advertising the crimes covered by the Protocol

191. Organic Act No. 61 of 2016 criminalizes the dissemination of pornographic material, particularly that featuring children and women. Article 2 of the Act prohibits “obtaining benefits of any kind by causing a person to engage in vice, prostitution or the provision of other types of sexual services, including exploitation in the production of pornographic material”. The penalty is more severe if practised non-consensually on a child under the age of 16.

192. The Supreme Independent Authority for Audiovisual Communication has produced booklets detailing the conditions to be fulfilled in order to establish and operate television and radio channels (private and charitable). The booklets have annexes regarding guarantees for the rights of children, and in particular the obligation not to show children in any circumstances as victims of sexual abuse or exploitation.

I. Jurisdiction

193. The Code of Criminal Procedure regulates how the courts in Tunisia deal with crimes against the person, including crimes against children. Chapter VII of the Code focuses on crimes committed in foreign countries.

194. According to article 305 of the Code: “A Tunisian citizen may be prosecuted and brought to trial before the Tunisian courts for a more or less serious offence committed outside Tunisia that is punishable under Tunisian law, unless the offence is not punishable in the country where it was committed or the defendant can show that a final judgement has been handed down abroad regarding the offence and, if a penalty was imposed, that the defendant has served his or her sentence or it is time-barred or covered by an amnesty.” This signifies that Tunisian law requires dual criminality in order to prosecute a crime committed by a Tunisian citizen outside Tunisia, including the crimes against children covered by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

195. For its part, article 307 bis of the Code of Criminal Procedure (added under Act No. 113 of 1993, dated 22 November 1993) extends the jurisdiction of Tunisian courts to cover crimes committed abroad where the victim is a Tunisian national. The article reads: “Anyone who commits a more or less serious offence outside Tunisian territory, be it in the capacity of a main offender or an accomplice, may be prosecuted and tried by the Tunisian courts if the victim is a Tunisian national.

The prosecution can only proceed at the request of the Office of the Public Prosecution acting on a complaint from the injured party or that party’s heirs.

The prosecution is not to proceed if the defendant can show that a final judgement has been handed down abroad regarding the offence and, if a penalty was imposed, that the defendant has served his or her sentence or it is time-barred or covered by an amnesty.”

196. Article 27 of Organic Act No. 61 of 2016 states: “In the following circumstances, Tunisian courts have jurisdiction to look into the trafficking offences envisaged in the present Act, and related crimes, when committed outside national territory:

- If committed by a Tunisian national or if the victim is a Tunisian national.
- If the victim is a foreigner or stateless person whose habitual place of residence is in Tunisian territory.
- If committed by a foreigner or a stateless person found in Tunisian territory, and the competent foreign authorities have not entered a legal request for extradition before the competent Tunisian courts have handed down their judgement.

J. Extradition

197. The extradition of wrongdoers is regulated by chapter VIII of the Code of Criminal Procedure (arts. 308 to 330). In addition to this, there are a number of bilateral extradition agreements between Tunisia and other nations, including:

- An agreement on judicial cooperation in criminal matters and extradition between Tunisia and France, dated 28 June 1972.
- An extradition agreement between Tunisia and Portugal, signed in Tunis on 11 May 1998 and ratified in Tunis under Act No. 71 of 1998, dated 4 August 1998.
- An extradition agreement between Tunisia and the People’s Republic of China, ratified under Order No. 830 of 2003, dated 14 April 2003.
- An extradition agreement between Tunisia and the Government of Malta, ratified under Act No. 58 of 2007, dated 31 October 2007.

198. A number of specific laws also contain provisions on extradition. One of these is the aforementioned Organic Act No. 61 of 2016 (arts. 29 and 30), which reads as follows:

Article 29: “Under no circumstances can human trafficking offences be considered non-extraditable political or financial offences.

Extradition is not to be granted if there are substantial grounds for believing that the person whose extradition is being requested would risk being subjected to torture or that the extradition request is intended to prosecute or punish a person on grounds of race, colour, origin, religion, sex, nationality or political opinions.”

Article 30: “If a decision is made not to extradite a person facing prosecution or trial for an offence under the present Act, that person is to be prosecuted by the Tunisian courts if present in Tunisian territory, whether or not the offence was committed in Tunisia and regardless of the nationality or statelessness of the perpetrator.”

K. Seizure and confiscation of materials and proceeds from the offences described in the Protocol, and closure of facilities

199. Article 187 of the Code of Criminal Procedure states: “If the court considers that the objects held in custody by the organs of justice would be useful for uncovering the truth or are liable to confiscation, it is to suspend its consideration of any request for the restitution of those objects until it has handed down a ruling on the case in question. The court’s decision in this regard cannot be challenged in any way.”

200. Article 188 of the Code of Criminal Procedure reads: “A decision rejecting a request for restitution may be appealed by the party who submitted the request. A decision admitting a request for restitution may be appealed by the public prosecutor, the defendant (criminal or civil proceedings) or the plaintiff if it harms their rights. The court of appeal is seized of the matter only after the trial court has handed down a ruling on the case in question.”

201. Article 189 of the Code of Criminal Procedure stipulates: “The court that heard the original case remains competent to authorize the restitution of the objects held in custody by the organs of justice, if there is no appeal against the original ruling. The court makes its decision on the basis of a petition from the party claiming entitlement to the goods in question or at the request of the public prosecutor. Its decision is subject to appeal, in accordance with the provisions of article 188.”

202. Article 190 of the Code of Criminal Procedure states: “If the court of appeal ruled on the original case, then it is also competent to rule on the request for restitution, as per the conditions set forth in articles 184 and 187. Even after the definitive ruling on the original case, the court remains competent to authorize the restitution, as stated in article 189 (1) and (2).”

203. Article 17 of Organic Act No. 61 of 2016 states: “The court is to order the confiscation of the materials used to commit the trafficking offences and of the funds deriving therefrom, either directly or indirectly, even if they have been transferred to other assets and irrespective of whether the funds remain intact or have been moved to other accounts.”

204. In practice, it is the competent security units and judicial authorities that undertake to seize all materials, money and objects that are encountered or discovered during the course of the investigations. These then undergo the necessary technical tests with a view to discovering criminal evidence. Financial inquiries are also conducted to identify, seize and confiscate the proceeds of crime.

205. Article 43 of the Act stipulates: “Evidence collected in the course of an intrusion, interception or audiovisual surveillance can only be used to the extent necessary to prove the crimes in question. Materials unrelated to the investigation are to be destroyed as soon as a definitive ruling is handed down, be it a conviction or an acquittal. In the event of an acquittal, all materials, whether related or unrelated to the investigation, are to be destroyed. In the event of a conviction, the materials related to the investigation are to be held by the court for the legally specified period. Moreover, all materials are to be destroyed if the prosecution lapses under the statute of limitations or in the event of a definitive ruling to dismiss the case. The process of destroying the material is to take place in the presence of a representative of the Office of the Public Prosecution and, in all cases, a report is to be written.”

VI. Protection of child victims

A. Measures taken to protect victims

206. Child victims of the offences described in the Protocol are covered by protective measures envisaged in national legislation, such as the following:

- The Child Protection Code (Act No. 92 of 1995). The Code includes a body of provisions and mechanisms to protect children, notably children at risk for whom social protection is provided via child protection delegates, who have a body of consensual and urgent measures at their disposal, and via judicial protection decreed by family court judges. However, the Code does not provide sufficient protection for child victims or witnesses in cases of abuse or exploitation, although some cases of habitual child abuse, sexual exploitation of children of either sex, exploitation in organized crime, begging and economic exploitation fall within the meaning of article 19 of the Code concerning children at risk.
- Organic Act No. 61 of 2016 to prohibit and combat trafficking in persons, dated 3 August 2016.
- Organic Act No. 58 of 2017 to combat violence against women, dated 11 August 2017.

207. The measures in question include the following:

(a) *Protection, which is secured as follows:*

- Providing anonymity for persons making reports and for protected persons.
- Conducting hearings in camera and not divulging information about any depositions or decisions that might affect the private lives of victims; also, conducting the hearings in the presence of a psychologist and a social worker.
- Offering protection (such as urgent measures) tailored to the age, sex and specific needs of the victim.

208. The same protection measures are available to foreign as to Tunisian child victims, in accordance with the principles enshrined in the Convention on the Rights of the Child.

209. With a view to promoting improvements in juvenile justice in Tunisia, and in cooperation with the European Union and UNICEF, an office to support the juvenile justice system, attached to the Ministry of Justice, was established under Government Order No. 334 of 6 April 2018. Its principal functions are as follows:

- Bolstering coordination between the judicial bodies responsible for juveniles and the various parties involved in the juvenile justice system.
- Participating in the preparation of programmes and strategies aimed at improving the juvenile justice system.
- Supervising the preparation, analysis and dissemination of regular reports concerning juvenile justice.
- Participating in the drafting of legislation on children's rights.
- Evaluating the efficacy of legislation affecting children.
- Monitoring children in rehabilitation centres and juvenile inmates of penitentiary institutions.
- Assessing the supervisory structures of the Ministry of Justice that are tasked with monitoring and addressing situations involving children.
- Participating in the development of the media in the area of juvenile justice.
- Promoting the development of a culture of children's rights.

(b) *Welfare and integration*

- The right to legal guidance and access to justice by:

- Providing child victims and their families – in a language comprehensible to them – with guidance about the judicial and administrative procedures they need to follow to resolve their situation and obtain compensation for damages suffered.
- Helping child victims to complete the documentation required to obtain legal aid and initiate legal proceedings, and to receive medical assistance to ensure their physical and psychological recovery.
- Providing free treatment and medication at public healthcare facilities, as necessary.²⁴
- Providing social assistance to facilitate the reintegration of victims.
- Upholding the right to shelter.
- Pursuing compensation for victims whose cases have been the subject of a definitive court ruling.

²⁴ Awaiting issuance of the relevant government order.

- Requesting or extending temporary residency in Tunisia in order to initiate legal proceedings (for foreign victims).
- Conceding a period of up to two months for recovery and reflection.
- Facilitating voluntary repatriation for trafficking victims.

Institutional structures are responsible for a large number of the protection and welfare measures.

210. Child protection delegates in the Ministry for Families, Women, Children and Older Persons concern themselves with the welfare of children at risk and children who are victims of trafficking or sexual abuse. The delegates exercise their legal mandate to protect and monitor the situation of such children, in coordination with other stakeholders. The child protection delegates, the National Authority to Combat Trafficking in Persons and all other stakeholders act jointly, via notifications and coordination, to address the situation of the children concerned and follow up on victims.

211. Integrated centres for children and young persons take in children who are victims of the crimes covered by the Protocol. The children are referred to the centres by family court judges in cases where the family is unable to care for the child concerned or where the family itself poses a threat. Children staying at such institutions receive psychosocial care as well as sustenance, and they are able to participate in educational activities run by teachers and educators. In 2020, the amounts allocated for feeding and caring for children in Ministry-run institutions were increased.

212. With reference to paragraph 109 of the present report, the Ministry for Families, Women, Children and Older Persons has worked with the non-governmental “Wallah We Can” association to set up a specialized centre for child victims of sexual abuse.

213. Further to the information given in paragraph 73 of the present report, the specialized units in the Ministry of the Interior that investigate crimes of violence against children, operating within the framework of Organic Act No. 58 of 2017, guarantee the right of children to be transferred – in the company of their mothers – to a safe shelter, if they have lost their own home. They also guarantee the children’s right to give their testimony in the presence of a psychosocial specialist who, in accordance with article 29 of the Act, is to draft a report on the matter. Children also have a guaranteed right to request protection and assistance from the family court judge. Officials involved in investigating such crimes, where the victims are children, are under an obligation to notify the child protection delegates. Such notification is to be made in writing so as to leave a tangible record and serve the best interests of the child.

214. A pilot unit for hearing the testimony of child victims of sexual exploitation has been set up. Equipped with audiovisual means of communication and with a room for exhibiting evidence, the unit meets standards for the welfare and protection of victims of violence.

215. The following security agencies work to ensure the welfare of children:

- The department of juvenile prevention at the judicial police, which is responsible for combating all crimes involving children, including child prostitution, child pornography and adoption of children for the purpose of exploitation.
- The communications technology crime squad at the judicial police, which was established in 2018 and is responsible for dealing with cybercrimes.

216. The Ministry of Social Affairs intervenes, via its social welfare institutions, to support vulnerable and needy groups in society, including children in various legal situations. The strategy of the social welfare programme comprises a number of pivotal goals, including the goal of the socioeconomic integration of vulnerable groups, which focuses on the “social and economic integration of children” in the Social Defence and Integration Centres. Notably, this includes children who drop out of school, children at risk, child offenders and those who have been released from educational rehabilitation centres and adolescents and young people with relational difficulties and difficulties in social conformity.

217. In 2020, as part of its efforts to ensure the welfare of children at risk, as per article 20 (paragraph on sexual exploitation) of the Child Protection Code, the Ministry of Social Affairs intervened – via the Social Defence and Integration Centres – on behalf of 98 children who had suffered sexual exploitation (33 boys and 65 girls, with 43 cases involving children aged between 15 and 18 and 55 cases involving children under 15). The children benefited from a raft of measures, including 101 instances of psychological counselling, 26 family reconciliations and 89 notifications to child protection delegates.

218. In the context of implementing Organic Act No. 58 of 2017 to combat violence against women, dated 11 August 2017,²⁵ social welfare structures have attended to the needs of 427 children who suffered sexual violence (138 boys and 289 girls, with 231 cases involving children under 15 and 196 cases involving children aged between 15 and 18).

219. A body of services has been made available for children who have suffered sexual violence. This includes 206 cases in which psychological treatment was provided, 67 instances of family integration, 13 of school integration, 174 guidance and counselling sessions, 11 instances of vocational integration, 30 of behavioural modification and skills acquisition and 38 cases where shelter was provided in social welfare centres.

220. In addition to the above, social welfare institutions run by the Ministry of Social Affairs provide children in this category with accommodation, including room and board, meet their basic hygiene, health and medical needs and offer other vital services such as legal counselling and reintegration, depending on the specific nature of each case.

221. In 2020, in the context of providing social protection for children who lack the support of a family, the National Institute for Child Welfare attended to the well-being of 467 children. Of them, 202 were taken in while 150 were integrated in one of the following ways: 46 were adopted, 26 were placed in foster care, 55 were returned to their families, 10 were placed in SOS Children's Villages and 13 were integrated in other ways.

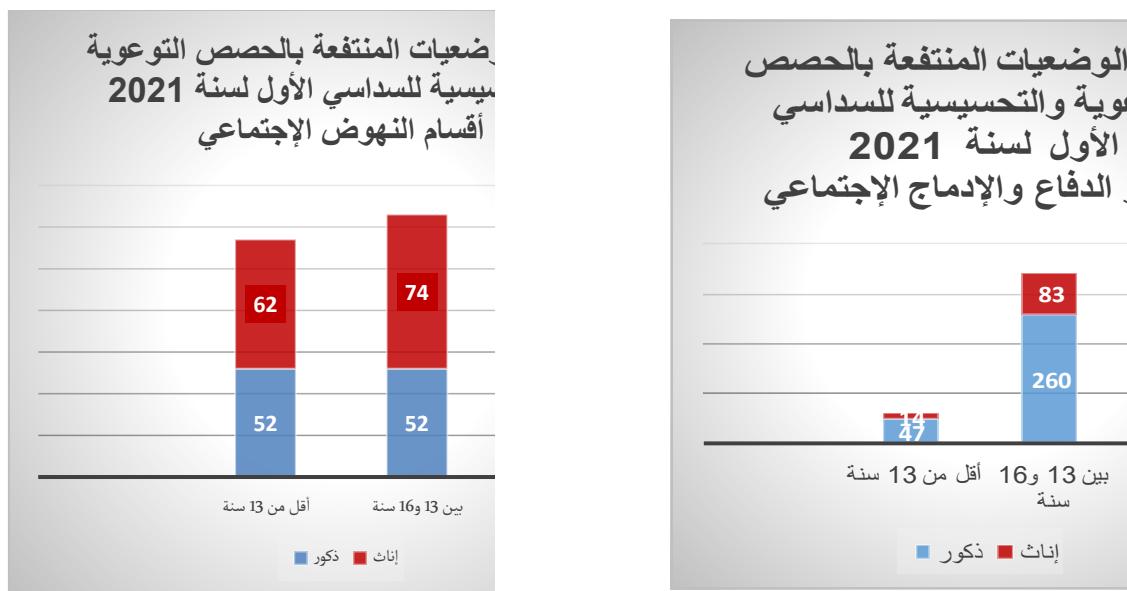
222. Living units run by associations that concern themselves with children who lack family support have attended to the needs of 376 children, of whom 235 were taken in and 216 were integrated other ways.

223. In the course of 2020, 59 children were placed on short-term family placements and 6 on long-term family placements. This brings the total number of families in the short-term scheme to 40, with 52 children, and the number of families in the long-term scheme to 94, with 98 children (as of 31 December 2020).

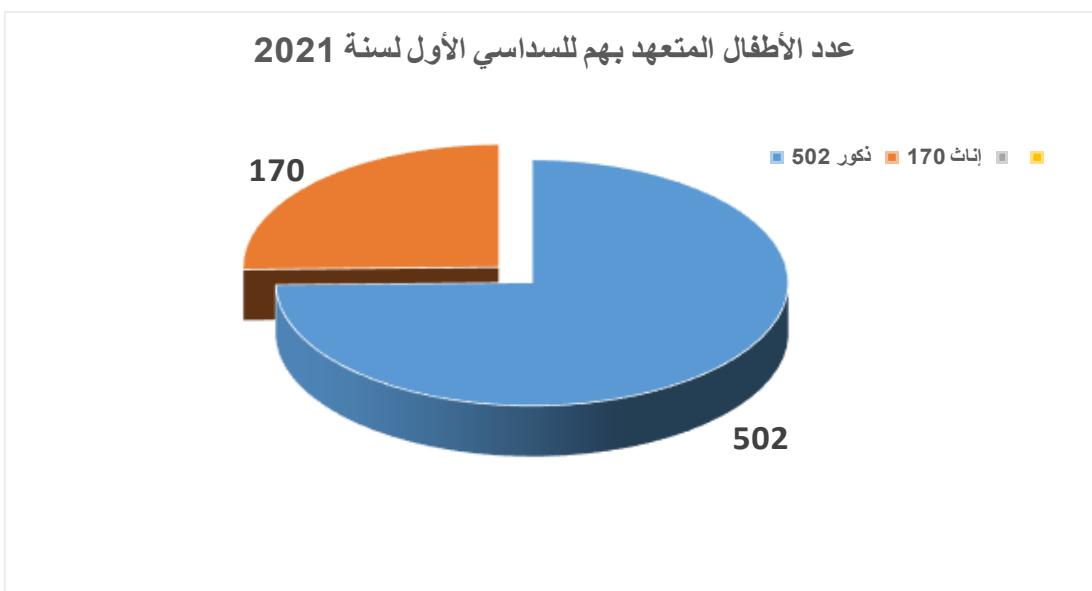
224. The Ministry of Social Affairs seeks to combat child labour, to which end it has a network of institutions, including 24 Social Defence and Integration Centres and 25 Social Welfare Divisions which operate local-level front-line units in municipalities to monitor the situation of children being exploited for their labour. The Ministry's actions in this regard are governed by laws and regulations surrounding the employment of children (the Labour Code and a decree of the Minister of Social Affairs, issued on 1 April 2020, prohibiting the employment of children under 18 in hazardous work). When violations are uncovered, they are addressed in cooperation between child protection delegates, the competent security services and labour inspectors.

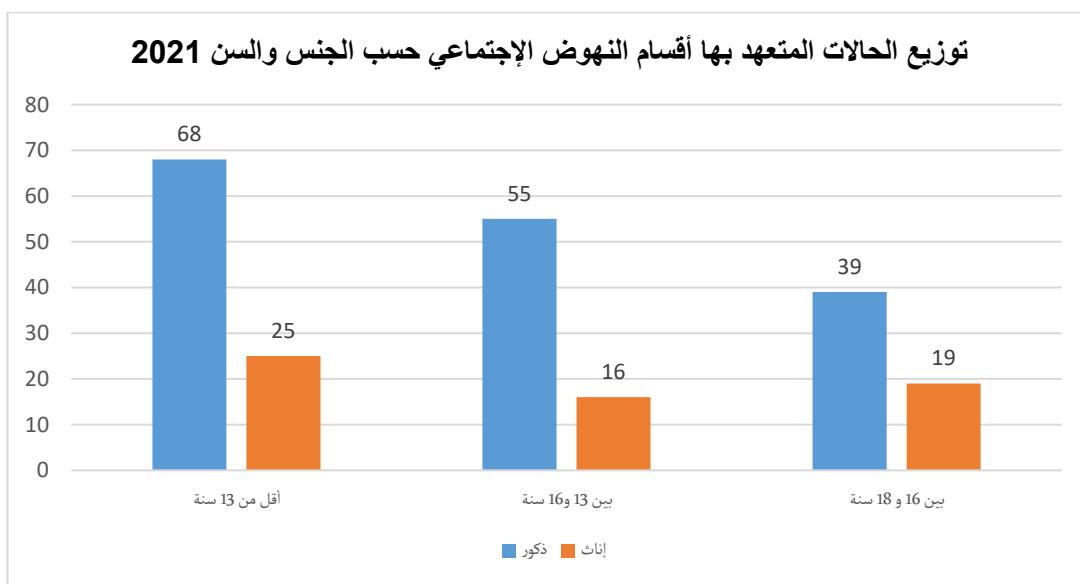
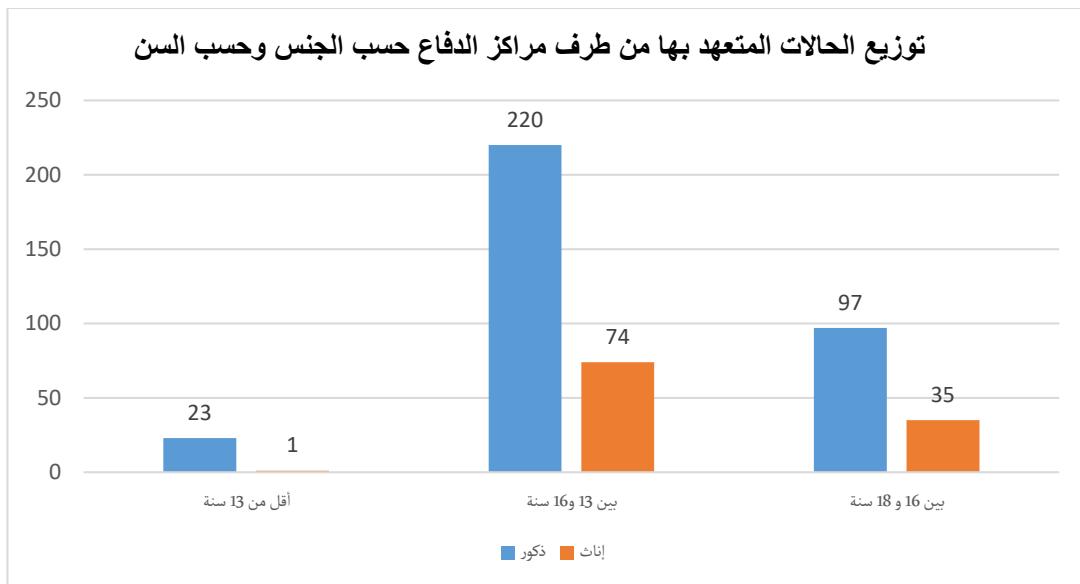
225. As part of efforts to combat child labour, a number of awareness-raising seminars were held during the first six months of 2021, focusing on the dangers of engaging young children in work unsuitable for their age. The seminars also focused on other work-related matters, such as the economic empowerment of families and women, preparation for professional integration, prospects for organized vocational training, conditions regulating self-employment, conditions for enrolling in vocational training courses, labour law and occupational health and safety, particularly in the context of the 2020 COVID-19 pandemic. Many beneficiaries of social protection structures also benefited from these sessions, as shown below:

²⁵ http://www.legislation.tn/detailtexte/Loi-num-2017-58-du-11-08-2017-jort-2017-065_2017065000581.

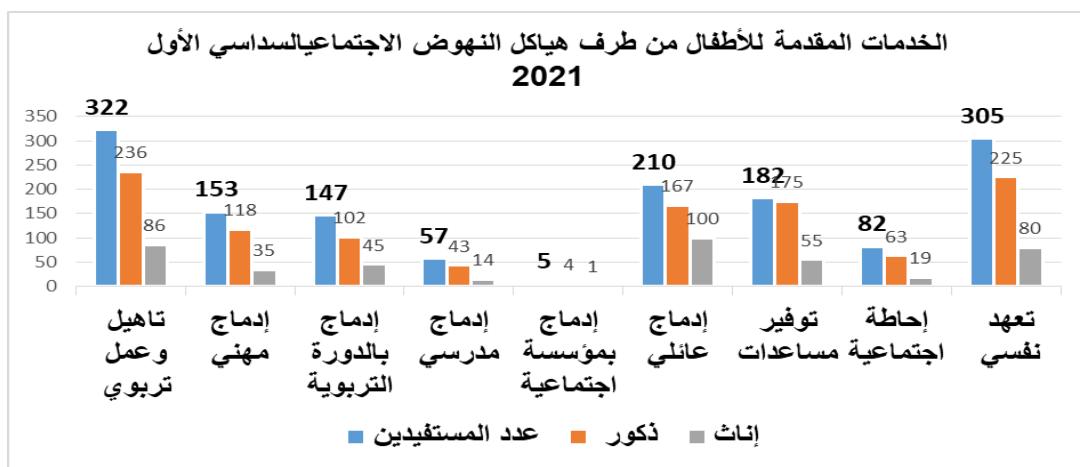


226. In the first six months of 2021, a number of social welfare structures (Social Welfare Divisions and Social Defence and Integration Centres) provided care for 672 children. The disaggregation by gender is shown in the following graphs:



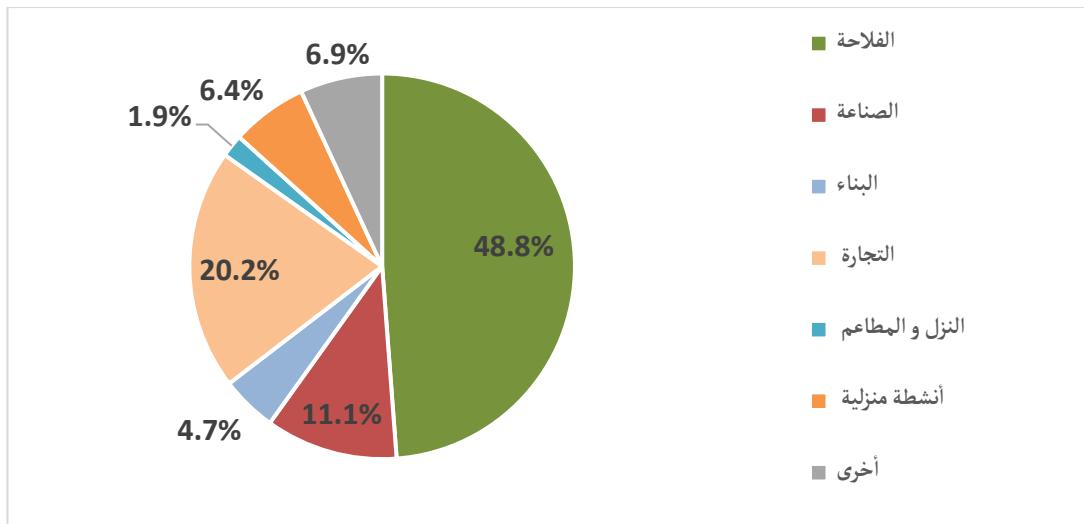


227. In the first six months of 2021, the Social Defence and Integration Centres and the Social Welfare Divisions provided a body of services to protect children from economic exploitation, as shown in the following graph:

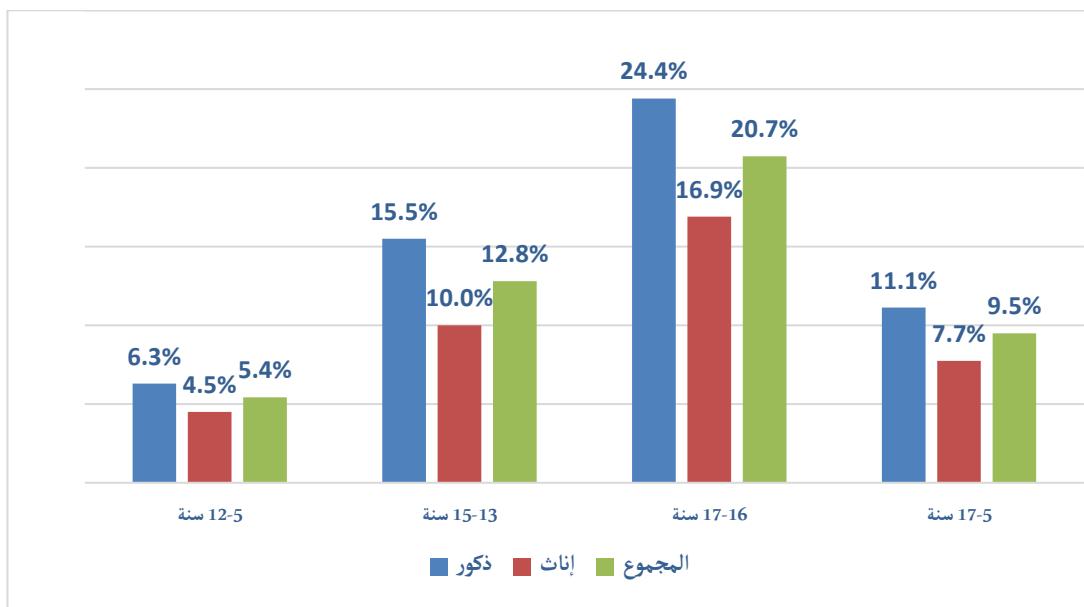


228. On 12 June 2021, to mark the World Day against Child Labour, 542 children and 113 families from the Social Defence and Integration Centres attended workshops on the dangers of child labour, the prevention of the worst forms of such labour and the ways to prevent child labour. In addition to this, the Social Welfare Division and the Social Defence and Integration Centre in Sfax, in partnership with educational and social associations, set up tents in Bab al-Bahr Square where they ran sensitization campaigns for the public at large.

229. According to a 2017 national survey on labour in Tunisia, the agricultural sector is where child labour is most prevalent. In most cases, the children concerned work unpaid in non-hazardous labour on land that belongs to their own families.



230. According to a 2017 national survey on labour in Tunisia, children aged between 16 and 17 are most likely to be engaged in child labour. Overall disaggregation by age as shown in the graph below:



231. In 2019, the Ministry of Health attended to the welfare of 78 human trafficking victims, of whom 37 were under the age of 18. In 2020, the Ministry dealt with 93 trafficking victims, 52 per cent of them children. The youngest of the victims was 11 years old.

232. The “Injad” forensic medicine unit (which treats victims of violence, especially sexual violence) handled 46 cases involving victims of trafficking in persons. Having determined their state of health, the unit referred the persons concerned for medical follow-up, with some cases being sent to the children’s hospital and eight cases to the child psychiatry department.

233. In addition, a pilot *barnahus* (children's home) project has been launched in the forensic medicine unit, in cooperation with the Council of Europe, the aim being to ensure that children who have suffered sexual exploitation are not revictimized.

234. In addition to the information given in paragraph 81 et seq. of the present report, the Ministry of Education has rolled out mechanisms, operated in conjunction with other stakeholders, to monitor children of school age and provide them with psychological, health, social and educational guidance. The mechanisms, which focus on children with learning difficulties and children who have dropped out of school, envisage the creation of offices inside educational establishments to listen to and accompany the children concerned and to provide new learning opportunities. One such opportunity is the "Second Chance" programme for the reinsertion into the educational system of children who have dropped out of school. The mechanisms also seek to promote remedial education, which entails individual pedagogical accompaniment inside the educational establishment for children who return to school after a relatively long period, in order to help them make up for the time they have lost.

B. Training staff who work with victims of the crimes covered by the Protocol

Raising awareness about the role of staff working to care for and protect children from violence and sexual abuse (train-the-trainer)

235. In addition to other information contained in the present report, the Ministry for Families, Women, Children and Older Persons has cooperated with the Council of Europe to run a national programme to protect children against all forms of exploitation and sexual abuse. A train-the-trainer programme on the prevention of and protection against child sexual exploitation and abuse has been developed for inspectors and teaching assistants who monitor the operation of institutions for early childhood in governorates across the country.

236. Regional training workshops are being organized to standardize mechanisms for the care of inmates of child welfare institutions who are victims of sexual violence. The workshops are intended for staff at living units in the integrated centres for children and young persons, as well as for social workers and psychologists, directors of institutions and child protection delegates. In the same context, trainers have also been tasked with conducting training sessions for staff in kindergartens.

237. The Ministry of Education is seeking to incorporate all aspects of comprehensive health education into its school programmes. In doing so, it is taking an integrated approach that foregrounds the importance of children's rights and the protection of children from all forms of violence, discrimination and harassment. A science-based reference framework for comprehensive health education has been created, which takes account of the specific needs of different age groups. The activities envisaged as part of the framework are based on different pedagogical methodologies, including innovative approaches, approaches based on play or on projects, approaches based on real-life situations or on social practices and inclusive approaches (for persons with disabilities, vulnerable groups, etc.).

238. Comprehensive health education is part of the "Education for ..." project, which aims to build students' social and ethical abilities using a teaching methodology based on action and "the ability to take action". It is characterized by its results-based horizontal approach, which intersects with and develops students' life skills, particularly "education for citizenship", "health education", "education for sustainable development", "media education", "education for gender equality" and "sexual health education". The purpose is to ensure that children have the opportunity to enjoy security, protection and well-being as well as well-balanced physical health underpinned by respect for their human rights and for their physical, mental and spiritual inviolability. Comprehensive health education is based on two complementary approaches: learning activities and school life activities.

239. As part of the training it offers to the heads of the units that investigate crimes of violence against women and children, the Ministry of the Interior has organized training sessions to familiarize them with the provisions of Organic Act No. 58 of 2017 and with

optimal mechanisms and best practices for interacting with victims, especially children. The aim is to ensure the correct enforcement of the Act and to provide care for victims.

240. As stated earlier, the Ministry of Justice runs training courses for judges on how child welfare is guaranteed via various ministerial structures, including the Higher Institute of the Judiciary and the National Prisons and Corrections Training School.

C. Ensuring the health and safety of staff who work with victims of the crimes covered by the Protocol

241. Tunisian law includes several provisions aimed at ensuring the security and safety of persons who work to protect victims of the crimes covered by the Protocol. Notably, the Child Protection Code includes a number of relevant articles:

Article 32: “Adults are required to assist any child who seeks their help in informing or notifying a child protection delegate of the existence of a situation of difficulty (as per art. 20 of the present Code) that threatens the child, the child’s siblings or any other child.”

Article 33: “No one may be prosecuted for giving, in good faith, a notification within the meaning of the preceding article.”

Article 34: “No one may disclose the identity of the person who fulfils the duty of giving such notification, save with that person’s consent or in the manner authorized by law.”

Article 118: “Anyone who prevents child protection delegates from carrying out their functions or who obstructs the proper conduct of investigations, such as by making false statements or deliberately concealing the truth about a child’s situation, is liable to a fine of between D 100 and D 200. This is without prejudice to the enforcement of provisions of the Criminal Code which penalize any interference with public officials in the course of their duties. The penalty is to be redoubled in the case of repeat offences.”

Article 122: “Anyone who prevents the implementation of any decrees or measures regarding a child is liable to a term of imprisonment of between 16 days and 1 year and/or a fine of between D 100 and D 200.”

242. Article 50 of Organic Act No. 61 of 2016 states: “Victims, witnesses, court staff, undercover agents, informants and anyone who, in any way, is duty-bound to notify the authorities of a trafficking offence is to benefit from measures to ensure their physical and psychological protection, in cases where this is necessary. As appropriate, these provisions are also applicable to members of the family of the persons referred to in the preceding paragraph and to any of their relatives who it is feared may be at risk.”

243. Article 14 of the Act reads: “Anyone who deliberately fails to give the authorities immediate notification of any information, reports or acts that have come to their attention and that concern the commission of a trafficking offence as stipulated in the present Act is liable to a term of imprisonment and a fine of D 5,000. Persons bound by professional secrecy shall be deemed to have committed the offence of failing to give due notification if they fail to give notification as stipulated above in cases where the victim is a child or is incapacitated or has a mental disability, or if they fail to notify any information, reports or acts that have come to their attention and that concern the possible commission of a trafficking offence as stipulated in the present Act. The courts may exempt a convicted person’s spouse or antecedent, descendants or sibling from the penalties stipulated in the first paragraph. No civil or criminal action may be taken against a person who, acting in good faith, fulfilled the duty to give notification.”

244. Article 37 of Organic Act No. 26 of 2015 to combat terrorism and prevent money-laundering, dated 7 August 2015,²⁶ as amended and supplemented by Organic Act No. 9 of 2019, dated 23 January 2019, stipulates: “Anyone who – even if bound by professional secrecy – fails to give the authorities immediate notification of any information, reports or acts that have come to their attention and that concern the commission or possible commission of a terrorist offence, as stipulated in the present Act, is considered to have committed a terrorist offence and is liable to a term of imprisonment of between 1 year and 5 years and a fine of between D 5,000 and D 10,000. The following categories are exempted from the provisions of the above paragraph: parents, children and spouses; doctors and lawyers vis-à-vis the confidential information they learn during or in connection with the performance of their duties; and journalists in accordance with Decree No. 115 of 2011, dated 2 November 2011, which concerns freedom of the press, printing and publishing. However, such exemptions are inapplicable to information in the possession of such parties, the notification of which would prevent future terrorist offenses. No civil or criminal action may be taken against a person who, acting in good faith, fulfilled the duty to give notification.”

D. Fair trial guarantees

245. The principle of a fair trial is enshrined in article 27 of the Constitution, which states: “Accused persons are presumed innocent until proven guilty in a fair trial in which they are afforded all guarantees necessary for their defence throughout all stages of prosecution and trial proceedings.” This principle includes all persons without exception, including children.

246. As stated in paragraphs 132 and 133 of the sixth periodic report of Tunisia under the International Covenant on Civil and Political Rights (CCPR/C/TUN/6), the independence and competency of the judiciary are among the most important criteria for a fair trial. For this reason, Organic Act No. 26 of 2015, dated 7 August 2015, designated an independent specialized judicial body to deal with crimes of terrorism and gave the court of first instance in Tunis exclusive jurisdiction to hear terrorism cases, thus keeping them out of the purview of the military courts.

247. Taking account of special needs, particularly those of children, article 40 of Organic Act No. 26 of 2015 strengthens the composition of the judicial unit dealing with counter-terrorism with the addition of “representatives of the Office of the Public Prosecution, investigating judges, judges in indictment divisions, a children’s judge and judges in juvenile courts of first instance and of appeal who specialize in cases involving children.”

E. Social reintegration programmes

248. Under the supervision of the Ministry of Social Affairs, a number of structures are involved in implementing social reintegration programmes. They include:

- Social welfare facilities, which take a comprehensive approach (social, psychological, educational, legal, etc.) to ensure the welfare of child victims of various forms of violence and exploitation and of children in situations of vulnerability. To this end, multidisciplinary teams at the Social Defence and Integration Centres, the social welfare centres for children, the social guidance and counselling centres and the Manouba Child Observation Centre for delinquent children seek to reintegrate their charges into different aspects of social life (family reintegration and reconciliation, school integration and vocational integration through training, etc.).
- A family mediation bureau, which was created as a structural component of the Ministry of Social Affairs. Under Government Order No. 340 of 2019, this then became the General Authority for Social Advancement (Department for Prevention and Social Integration), which seeks to consolidate the operation of family conciliation mechanisms in matters relating to custody, education, housing, maintenance payments and visiting rights, in the event of separation. These are all

²⁶ http://www.legislation.tn/detailtexte/Loi-num-2015-26-du-07-08-2015-jort-2015-063_2015063000261.

important aspects in the protection of children against different forms of neglect and marginalization that can lead to violence, crime and deviance of all kinds, and make children vulnerable to various forms of exploitation.

Family mediation also helps to integrate and reintegrate children into family and school as well as into social and professional life through training and/or apprenticeships.

249. An institution to attend to family conciliation during personal status disputes was established under Act No. 50 of 2010, dated 1 November 2010. The institution takes a technical approach, in coordination with the courts, to resolving family disputes, especially those related to personal status issues, working to build and rebuild relationships within the family, strengthen communication and solidarity between different family members and resolve conflicts that might threaten the physical and moral integrity of children. In this connection in 2019, under a joint decree of the Minister of Justice and the Minister of Social Affairs, a list of 83 family conciliators located across the country was distributed among social workers and psychologists working in various social welfare structures and institutions.

250. Children's counsellors, in their capacity as child specialists at the juvenile courts, are responsible for cases involving children in conflict with the law, particularly those implicated in or accused of harassment, sexual assault or violence. The counsellors examine the children's social, psychological and educational background and seek to come up with a differential diagnosis on the basis of their personal characteristics and those of their family and social environment, in order to help the courts take the necessary measures and decisions to reform and reintegrate the children and protect their best interests.

F. Caring for trafficking victims

251. General rules contained in the Code of Criminal Procedure and the Code of Obligations and Contracts allow victims of crime, including children, to obtain compensation for any material and moral damages they have suffered. In addition to this, Organic Act No. 61 of 2016 includes provision for a body of mechanisms intended to provide redress for trafficking victims. These consist chiefly in protection and assistance measures, both for the victims themselves and for other parties involved such as informants, witnesses or judges. These mechanisms are overseen in the first instance by the National Authority to Combat Trafficking in Persons as well as by other judicial and administrative structures.

252. Trafficking in persons (including the sale of children and their sexual exploitation or exploitation in pornography) constitutes a serious offence and a violation of human rights. Combating that offence necessitates a human rights-based approach that begins with the identification of the victims and leads to their reintegration.

253. Articles 44 and 46 of Organic Act No. 61 of 2016 define the function and role of the National Authority to Combat Trafficking in Persons, which is to protect and support victims and others affected by that crime, regardless of their age. The Authority also seeks to promote a participatory approach, beginning the moment the crime is discovered and leading up to the social reintegration of the victim, while also providing guarantees of non-repetition. This entails all the forms of assistance and protection that the situation of the victim might require, in line with national and international standards for the protection and assistance of trafficking victims.

254. The process of identifying trafficking victims must necessarily go through the National Authority to Combat Trafficking in Persons so as to enable it to determine the overall number of victims. The process goes through the following stages:

- Receiving notification through:
 - Reports from international organizations and civil society groups
 - Administrative communications from State institutions
 - Telephone contacts from public entities

- In-person reports from victims
- Free hotline 80104748.
- Processing the notifications received by the Authority on an individual basis while taking account of the specific nature of each case. Since notifications are received from persons of different nationalities and age groups, the following actions are undertaken:
 - Interviews with victims or potential victims to identify their needs, clarify their demands, and explain the care process and its consequences
 - Coordination with the competent departments in the Ministry of the Interior (Sub-Directorate for Social Prevention)
 - Coordination with State institutions in cases that require the provision of shelter or psychological or medical care, while taking account of the specific needs of children and women
 - Coordination with civil society regarding social, medical and psychological care
 - Coordination with international organizations (such as IOM), especially in cases involving foreigners in the context of voluntary return and reintegration in the country of origin.

255. Follow-up and reintegration:

The National Authority to Combat Trafficking in Persons, in partnership with IOM, has established good practices for ensuring the welfare of trafficking victims. These entail helping them reintegrate into the labour market, regardless of their nationality, in cooperation and partnership with the relevant ministries and national structures.

256. Compensation:

Article 63 of Act No. 61 of 2016 authorizes trafficking victims whose cases have been the subject of a definitive compensation ruling, but which cannot be enforced against the convicted party, to request compensation from the public treasury. The State then takes the place of the victims to recover the amounts thus disbursed in the form of a public debt.

257. Article 13 of Act No. 58 of 2017 states that women and children have the right to receive fair compensation in cases where a ruling cannot be enforced against the party responsible. The State then takes the place of the victims to recover the amounts thus disbursed in the form of a public debt.

VII. International assistance and cooperation

A. Strengthening cooperation and coordination between the authorities and national and international non-governmental organizations

258. Recent years have seen significant efforts towards coordination and cooperation in the field of prevention, protection and care for children, also with regard to the offences covered by the Optional Protocol. A number of partnership and cooperation programmes are being run with specialized United Nations agencies such as UNICEF, OHCHR, the United Nations Entity for Gender Equality and the Empowerment of Women, UNODC and IOM as well as with regional bodies such as the Council of Europe.

259. Tunisia has sought to create an environment favourable to cooperation and openness, and it has extended an open invitation to the special procedures of the Human Rights Council to visit the country and to request contributions to reports to the Council made by working groups, special rapporteurs and independent experts.

260. Furthermore, the discussion of the country's national reports before the treaty bodies was characterized by transparent dialogues and fruitful exchanges that led to concluding observations and recommendations that have helped the State develop plans to improve the situation of human rights in general and of children's rights in particular.

261. Work is carried out using participatory and consultative methodologies that effectively integrate civil society into national efforts to build an integrated system of human rights.

262. Collaboration and partnership play an effective strategic role in the implementation of national programmes to protect children from sexual exploitation, sale, forced labour and other threats. In that connection, article 48 of Organic Act No. 61 of 2016 stipulates that the National Authority to Combat Trafficking in Persons is to promote cooperation with its counterparts in foreign States with which it has cooperation agreements and to expedite the exchange of information in order to gain early warning of the crimes envisaged under laws to prohibit and combat trafficking in persons.

B. International security cooperation

263. International security cooperation is administered via the INTERPOL country office in Tunisia and the liaison divisions of the League of Arab States. This concerns all matters related to crimes against children, be it with a view to prevention and protection, or to the exchange of information about networks and persons known to be implicated in child sexual exploitation.

264. During 2020, the INTERPOL country office in Tunisia received three cables from counterparts in Canberra (Australia), Paris (France) and Ottawa (Canada) regarding child sexual exploitation offences committed by users of IP addresses under Tunisian jurisdiction. Three cases of online sexual exploitation of children were investigated (one person was detained and brought to justice and investigations are ongoing in the other two cases).

265. In the context of efforts to monitor cyberspace and its associated violations, the user of an account on the Facebook social networking site was seen to have downloaded and circulated a pornographic video showing the rape by an adult of a child under the age of 6. The user was duly identified and questioned, and he admitted to having joined several closed groups on social networking sites where pornographic video clips, including the aforementioned video, are exchanged. The person in question was arrested for "possessing and publishing videos of a minor via social networking sites, to the detriment of sound morals and public decency", and he was referred to the Office of the Public Prosecution which issued an order for his detention.

266. The INTERPOL General Secretariat was contacted for it to include the video in question on its International Child Sexual Exploitation Database, which specializes in identifying child victims of sexual abuse. INTERPOL duly replied that the video in question was already on the database and that the child and the suspect had both been identified, the latter having been arrested in Como, Italy.

267. A database has been created at the Technical and Scientific Police Department containing the names of persons implicated in crimes of sexual exploitation against children.