Committee on the Rights of the Child

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

I. Introduction

1. The Committee considered the combined fourth to sixth periodic reports of Tunisia (CRC/C/TUN/4-6) at its 2519th, 2521st and 2523rd meetings (see CRC/C/SR.2519, CRC/C/SR.2521 and CRC/C/SR.2523), held online on 26, 27 and 28 May 2021, and adopted the present concluding observations at its 2534th meeting, held on 4 June 2021.

2. The Committee welcomes the submission of the combined fourth to sixth periodic reports of the State party and the written replies to the list of issues (CRC/C/TUN/RQ/4-6), which allowed for a better understanding of the situation of children’s rights in the State party. The Committee expresses appreciation for the constructive dialogue held online with the high-level and multisectoral delegation of the State party.

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

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

III. Main areas of concern and recommendations

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

* Adopted by the Committee at its eighty-seventh session (17 May – 4 June 2021).
follow-up to the Committee’s previous concluding observations on the Optional Protocol on children in armed conflict (para. 49).

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

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

Legislation

6. The Committee notes with appreciation that the 2014 Constitution enables the direct applicability of the Convention by domestic courts. Recalling its previous recommendations (CRC/C/TUN/CO/3, para. 10), the Committee recommends that the State party:

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

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

Comprehensive policy and strategy

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

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

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

Coordination

8. The Committee is concerned about the absence of a coordinating body at interministerial level, following the dissolution of the High Council for Children. Recalling its previous recommendations (CRC/C/TUN/CO/3, para. 12), the Committee recommends that the State party:

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

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

Allocation of resources

9. The Committee welcomes the measures taken to mitigate the impact of economic crises on the enjoyment of children’s rights. Recalling its general comment No. 19 (2016) on public budgeting for the realization of children’s rights and its previous
recommendations (CRC/C/TUN/CO/3, para. 16), the Committee recommends that the State party:

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

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

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

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

Data collection

10. The Committee commends the State party’s efforts to collect and analyse data on the situation of children, including the launch of the Childinfo database and in the context of its first Voluntary National Review. Recalling its previous recommendations (CRC/C/TUN/CO/3, para. 18), the Committee recommends that the State party:

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

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

(c) Continue its technical cooperation with, among others, UNICEF, to strengthen its data collection and management system, including by allocating sufficient resources for the implementation of the Multiple Sector Indicators Survey throughout the country.

Independent monitoring

11. The Committee welcomes the enactment of Organic Act No. 51 of 2018 on the establishment of the Independent Human Rights Commission that would include a specialized child commission with a mandate to monitor children’s rights and carry out investigations, but is concerned that this body is not yet operational. The Committee recommends that the State party:

(a) Expedite the establishment of the Independent Human Rights Commission and ensure that it is able to monitor children’s rights and receive, investigate and address complaints by children in a child-friendly manner;

(b) Ensure its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(c) Continue to seek technical cooperation from, among others, OHCHR and UNICEF.
Dissemination, awareness-raising and training

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

(a) Adopt a comprehensive awareness-raising strategy, in cooperation with civil society organizations and through greater media and social media engagement, aimed at ensuring that the Convention and its Optional Protocols are widely known by children, parents and the general public, in particular targeting parents, caregivers, religious leaders and children in rural areas in a child friendly manner;

(b) Ensure that all professionals working with and for children, including civil servants, law enforcement officials, judges, prosecutors, lawyers, teachers, social workers and health-care personnel, as well as the media, receive mandatory training on children’s rights.

B. Definition of the child (art. 1)

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

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

Non-discrimination

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

(a) The lack of comprehensive legislation that prohibits all forms of discrimination in line with article 2 of the Convention;

(b) Limited progress in amending the Personal Status Code, which continues to allow discrimination against women and girls in matters relating to inheritance and custody and does not provide for the rights of adopted children and children born to unmarried parents to succession or inheritance;

(c) Persistent stigmatization of lesbian, gay, bisexual, transgender and intersex children;

(d) Persistent disparities in access and availability of services by children between different regions, and between urban and rural communities;

(e) Persistent de facto discrimination against children in disadvantaged situations including girls, children born to unmarried parents, children with disabilities, children living in rural or underprivileged areas, children living in poverty, children belonging to racial or religious minorities, Amazigh children, migrant children, and children infected and affected by HIV/AIDS.

15. Taking note of target 10.3 of the Sustainable Development Goals, the Committee recalls its previous recommendations (CRC/C/TUN/CO/3, paras. 22-29) and urges the State party to:

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

(b) Expedite the revision of the Personal Status Code, including its discriminatory provisions concerning custody and inheritance rights of girls, adopted children and children born to unmarried parents;
(c) Conduct awareness-raising activities aimed at ending the stigmatization of lesbian, gay, bisexual, transgender or intersex children;

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

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

Best interests of the child

16. Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration and its previous recommendations (CRC/C/TUN/CO/3, para. 31), the Committee recommends that the State party:

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

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

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

Respect for the views of the child

17. Recalling its previous recommendations (CRC/C/TUN/CO/3, para. 33), the Committee recommends that the State party:

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

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

D. Civil rights and freedoms (arts. 7, 8, and 13-17)

Birth registration

18. The Committee welcomes the repeal in 2020 of Circular No. 85 of 1965 which had prohibited the civil registration of newborns with an Amazigh or other non-Arabic name, but is concerned about the administrative and judicial barriers faced by parents who do not register their children within ten days of birth. Taking note of target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party:

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

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

19. Recalling its previous recommendations (CRC/C/TUN/CO/3, para. 35), the Committee recommends that the State party:

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

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

Freedom of thought, conscience and religion

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

Right to privacy and access to appropriate information

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

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

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

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

Torture and other cruel, inhuman or degrading treatment or punishment

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

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

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

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

Corporal punishment

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

(a) Effectively enforce the prohibition of corporal punishment in all settings;
(b) Strengthen its measures to promote positive and non-violent forms of discipline and underscore the adverse consequences of corporal punishment, targeting in particular children, parents, teachers and social protection professionals;

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

Violence, including sexual violence, abuse and neglect

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

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

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

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

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

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

(e) Expedite the adoption of the law on child victims and witnesses of crime;

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

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

Harmful practices

26. The Committee recommends that the State party:

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

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

Helplines

27. The Committee notes with appreciation the two helplines established by the Ministry for Women, Children, the Family and Older Persons and the Ministry of Education, respectively, to report cases of violence against children and recommends that the State party:
(a) Consider consolidating the helplines into a single, three-digit, toll-free, child-friendly national helpline operating 24 hours, 7 days per week, and provide it with the necessary human, financial and technical resources for its effective functioning;

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

(c) Promote awareness of children on how they can access the helpline.

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

Family environment

28. Recalling its previous recommendations (CRC/C/TUN/CO/3, para. 44), the Committee recommends that the State party strengthen its efforts to:

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

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

Children deprived of a family environment

29. Drawing the State party’s attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee recommends that the State party:

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

(b) Ensure sufficient alternative family- and community-based care options for children deprived of their family environment, including children with disabilities, by allocating sufficient financial resources for foster care and adoption, regularly reviewing placement measures and facilitating the reunification of children with disabilities with their families when possible;

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

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

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

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

G. Children with disabilities (art. 23)

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

(a) Adopt a human rights-based approach to disability and harmonize national legislation with the human rights model of disability;
(b) Organize the collection of data on children with disabilities and develop an efficient and harmonized system for disability assessment in order to facilitate the access of children with all types of disabilities to accessible services including health, education, social protection and support services;

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

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

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

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

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

Health and health services

31. The Committee commends the State party for its progress in reducing infant and maternal mortality rates, including through the National Maternal and Neonatal Health Strategy 2019-2023. However, the Committee is concerned about regional disparities in access to and quality of health care and services, child malnutrition and a reported increase in suicides among adolescents.

32. Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of targets 2.2, 3.4 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:

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

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

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

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

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

Adolescent health

33. Taking note of targets 3.5, 3.7 and 5.6 of the Sustainable Development Goals, the Committee recalls its previous recommendations (CRC/C/TUN/C0/3, para. 54) and further recommends that the State party:
(a) Adopt a comprehensive sexual and reproductive health policy for adolescents aimed at ensuring that all girls and boys, including those who are out of school and those in rural areas, receive confidential and child-friendly sexual and reproductive health information and services, including contraceptives;

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

Impact of climate change on the rights of the child

34. The Committee recommends that the State party:

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

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

Standard of living

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

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

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

I. Education, leisure and cultural activities (arts. 28-31)

Education, including vocational training and guidance

36. The Committee commends the State party for the measures taken to address the high number of dropouts, including through its Second Chance Education programme. Nonetheless, it remains concerned about the high numbers of repetition and dropout as well as disparities in access to, retention in and quality of schools.

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

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

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

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

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

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

(f) Strengthen its efforts to address the high numbers of repetition and dropout, particularly in secondary education, including by rolling out its Second Chance Education programme at the national level in collaboration with both public and private partners;

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

Early childhood development

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

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

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

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

Human rights education

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

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

Asylum-seeking, refugee and migrant children

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

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

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

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

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

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

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

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

Amazigh children

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

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

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

Economic exploitation, including child labour

43. The Committee welcomes the national action plan to combat child labour and the prohibition of employment of children in domestic work, but is deeply concerned at the high number of children engaged in domestic work and hazardous work. Taking note of target 8.7 of the Sustainable Development Goals, the Committee recalls its previous recommendations (CRC/TUN/CO/3, para. 58) and recommends that the State party:

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

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

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

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

(e) Consider ratifying the ILO Domestic Workers Convention, 2011 (No. 189).

Children in street situations

44. While noting with appreciation the efforts taken by the State party to provide services to children in street situations, the Committee draws attention to its general comment No. 21 (2017) on children in street situations and recommends that the State party allocate sufficient resources to its social welfare and integration centres providing support to children in street situations, ensuring full respect for their best interests.
45. The Committee welcomes the criminalization of trafficking and the establishment of the National Authority for the Prevention of Trafficking in Persons. Taking note of target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party:

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

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

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

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

Administration of child justice

46. The Committee welcomes the measures taken to create a dedicated unit on child justice within the Ministry of Justice, to train professionals on non-judicial measures and to support civil society organizations working with children recognized as having infringed criminal law. Recalling its general comment No. 24 (2019) on children’s rights in the child justice system and its previous recommendations (CRC/C/TUN/CO/3, para. 66), the Committee urges the State party to:

(a) Raise the legal age of criminal responsibility to at least 14 years;

(b) Prioritize the review of national legislation to bring its child justice system fully into line with the Convention;

(c) Allocate sufficient human, technical and financial resources to the child justice unit within the Ministry of Justice, in order to ensure the development of a comprehensive system of child justice with specialized courts, procedures and trained judges, lawyers and law enforcement professionals;

(d) Ensure that children under 18 years of age are not detained or prosecuted under anti-terrorism laws, including Organic Act No. 26 of 2015 on combating terrorism and preventing money-laundering;

(e) Ensure the provision of effective legal representation, free of charge, for all children who are facing criminal charges at an early stage of the procedure and throughout the legal proceedings;

(f) Strengthen efforts to systematically promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and, wherever possible, the use of non-custodial sentences for children, such as probation or community service;

(g) Ensure that detention is used as a measure of last resort and for the shortest possible period of time and is reviewed on a regular basis with a view to its withdrawal;

(h) In cases where detention is unavoidable, ensure that detention conditions comply with international standards, including with regard to access to education and health services;

(i) Strengthen the training of judges, as well as prosecutors, lawyers, police officers, child probation officers and all other professionals and ensure that it is continuous and covers the provisions of the Convention;

(j) Strengthen assistance programmes for children at risk of infringing criminal law and continue to provide services for the psychological counselling and social reintegration of children released from prison, including by increasing support
to relevant civil society organizations as well as the centres for defence and social integration;

(k) Continue to seek technical cooperation from, among others, UNICEF.

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

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

(a) Reports of children born to Tunisian members of the so-called Islamic State in Iraq and the Levant and affiliated armed groups living in camps abroad, including in Syria, Libya and Iraq;

(b) Insufficient rehabilitation and reintegration support for child victims of armed conflict, including children who have been recruited or used in hostilities abroad and children of “foreign fighters”;

(c) Limited information on the extradition and prosecution of Tunisian nationals abroad for alleged offences under the Optional Protocol.

48. Recalling its previous concluding observations on the Optional Protocol (CRC/C/OP/C/TUN/CO/1), the Committee urges the State party to:

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

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

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

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

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

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

K. Ratification of international human rights instruments

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

50. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the sale of children, child prostitution and child pornography, the report of which is overdue as of 13 October 2004.
L. Cooperation with regional bodies

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

IV. Implementation and reporting

A. Follow-up and dissemination

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

B. National mechanism for reporting and follow-up

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

C. Next report

54. The Committee invites the State party to submit its seventh periodic report by 28 February 2026 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee’s harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

55. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.