



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Eighty-seventh session

### Summary record of the 2519th meeting

Held via videoconference on Wednesday, 26 May 2021, at noon Central European Summer Time

*Chair:* Ms. Otani

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*Combined fourth to sixth periodic reports of Tunisia*

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*The meeting was called to order at 12.05 p.m.*

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

*Combined fourth to sixth periodic reports of Tunisia* ([CRC/C/TUN/4-9](#); [CRC/C/TUN/Q/4-6](#) and [CRC/C/TUN/RQ/4-6](#))

1. *At the invitation of the Chair, the delegation of Tunisia joined the meeting.*
2. **Mr. Jerandi** (Tunisia), introducing his country's combined fourth to sixth periodic reports ([CRC/C/TUN/4-6](#)), said that, since its last interactive dialogue with the Committee in 2010, Tunisia had experienced profound changes, not the least of which had been a transition to democracy. Since 2011, the promotion of human rights, including children's rights, had been among the country's top priorities. The 2014 Constitution contained detailed provisions on the family and children's rights. The Commission for Sustainable Development and the Rights of Future Generations had been established in 2019 as a constitutional body.
3. The combined periodic reports, which outlined legislative and institutional measures taken to strengthen the children's rights system and efforts made to implement the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, had been prepared with the participation of independent national human rights bodies, civil society organizations and human rights defenders.
4. In 2017, Tunisia had endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and acceded to the Hague Convention on the Civil Aspects of International Child Abduction. In 2018, it had acceded to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), making it the first non-European country to become a party to that instrument.
5. Since April 2018, Tunisia had acceded to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, becoming the first country in the Middle East and North Africa to do so. The country's accession to the Council of Europe Convention to Prevent and Combat Violence against Women and Domestic Violence was currently pending approval before the Assembly of the Representatives of the People. Tunisia, as all those measures clearly showed, was playing a pioneering role in the field of children's rights both regionally and internationally.
6. A committee had been established in 2019 to review national legislation and bring it into line with the country's international commitments. In addition, a number of important laws related to children's rights had been adopted. Organic Act No. 61 of 2016 on Preventing and Combating Trafficking in Persons provided that the use of a child in criminal activities or in an armed conflict, the adoption of a child for the purpose of exploitation, and the economic or sexual exploitation of a child in the context of employment were slavery-like practices. Organic Act No. 58 of 2017 on Combating Violence against Women included a number of provisions relating to children. In particular, it did away with the protection afforded to the perpetrators of sexual acts against minors if they married their victims and expanded the definition of the crime of sexual exploitation of children to include boys.
7. Although much had been achieved, it must be acknowledged that there were still challenges, such as school dropout, child labour and physical and online violence against children. The ongoing coronavirus disease (COVID-19) pandemic had also had an impact on children's mental health and their right to education. The Government would work together with all stakeholders to overcome those challenges.
8. Work was under way on the country's initial report under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.
9. His delegation wished to pay tribute to the Palestinian children in the occupied Arab territories and the Gaza Strip, who were exposed to the most heinous human rights violations, including violations of the rights to life, education and health. The Committee had a vital role to play in urging Israel to end the violations, which amounted to war crimes and genocide.
10. **Mr. Gudbrandsson** (Coordinator, Country Task Force) said that he wished to know what progress had been made on the bill that would amend the Child Protection Code with a

view to strengthening the State's role in the protection of child victims and witnesses. It would be interesting to know whether the amendments would involve the creation of a system of child protection services with a clear mandate for community- and family-based interventions. He would also welcome confirmation that a separate bill on child victims was currently being drafted to reflect the Council of Europe guidelines on child-friendly justice and the Lanzarote Convention. He would be interested to hear why the State party had not yet adopted a comprehensive children's rights policy that reflected the core principles of the Convention and ensured effective coordination and monitoring.

11. He wondered whether measures had been taken to enhance the ability of the Ministry for Women, Family, Children and Older Persons to effectively coordinate all activities related to the implementation of the Convention at the cross-sectoral, national and local levels. He would welcome an explanation of how the State party made it possible to identify budgetary allocations for children in the relevant sectors and agencies. The delegation might also comment on reports that the implementation of the 2017 law on combating violence against women had been hampered by a lack of resources.

12. He would be interested to learn why the 2018 law providing for the establishment of an independent human rights commission had not yet been implemented and whether the proposed commission would have a mandate to receive and consider complaints about violations of children's rights. He would welcome information on any strategies that had been adopted to raise awareness of the rights enshrined in the Convention and the Optional Protocols. In particular, he would be interested to hear about efforts to raise awareness of the Optional Protocol on a communications procedure and any training activities for relevant actors, including children and child human rights defenders.

13. **Ms. Sidikou** (Country Task Force) said that she would be interested to know whether the State party had any plans to amend the Personal Status Code to remove all exceptions that allowed marriage between persons under the age of 18. In view of the regional disparities in access to and availability of services for children and persistent discrimination against children in vulnerable situations, such as children born to unmarried parents and children with disabilities, she wished to know whether the State party envisaged comprehensive legislation prohibiting all forms of discrimination, in accordance with article 2 of the Convention. She would also be interested to hear what measures were in place to ensure that the best interests of the child were consistently and systematically a primary consideration in all administrative and judicial proceedings and in policies and programmes that had an impact on children.

14. **Mr. Pedernera Reyna** (Country Task Force) said that he would welcome information on the measures being taken to ensure that the views of all children, especially those in rural areas and those living in poverty, were heard. He would be interested to hear more about the municipal councils for children, including their objectives and the material and financial resources allocated to them. He would like to know what steps were being taken to address the failure by some hospitals to issue birth certificates for children born to migrants.

15. The delegation might comment on reports that the Counter-Terrorism Act was being used to undermine children's rights to freedom of expression and to peaceful assembly. It might also indicate what measures were being taken to promote respect for and combat discrimination against religious minorities in Tunisia and whether the promotion of tolerance and freedom of thought, conscience and religion was a component of the school curriculum. In the light of the Committee's general comment No. 25 (2021) on children's rights in relation to the digital environment, he wondered what measures had been put in place, particularly during the COVID-19 pandemic, to protect children's right to privacy in online environments.

*The meeting was suspended at 12.40 p.m. and resumed at 12.45 p.m.*

16. **Ms. Mzoughi** (Tunisia) said that the bill that would amend the Child Protection Code had been circulated to various ministries for comment, leading to the introduction of a chapter that contained provisions on the protection, support, rehabilitation and reintegration of child victims and witnesses. The bill was also intended to ensure equality in inheritance matters.

17. Child marriages were an exception. They required judicial authorization and a psychological assessment.

18. **Ms. Mhedhebi** (Tunisia) said that not having a birth certificate did not deprive a child of the right to Tunisian nationality. All children born to foreign parents enjoyed the same rights as those born to Tunisian parents, provided that they had been born on Tunisian soil. The birth registration process was simple, even for parents who missed the 10-day deadline.

19. **Ms. Ayari** (Tunisia) said that the Ministry for Women, Family, Children and Older Persons was reviewing the child protection system to reduce vulnerabilities in the light of the new challenges arising from the economic and health crises. The integrated public policy for the protection of children drew on the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. The policy's aims were to provide a legislative framework for protection, ensure the provision of affordable and universally accessible cross-sectoral services and encourage children to be agents of change.

20. The Ministry, with the support of civil society, the United Nations Children's Fund and the World Bank, had also designed a multisectoral early childhood strategy to enhance the provision of good quality services, especially to vulnerable children; a five-year allocation had been made to support the implementation of the strategy. The goals of the child protection system were to enable children to live with their families, to prevent child abuse and to encourage appropriate behaviour in children.

21. Budget negotiations had taken into account the country's national and international commitments, in particular with regard to achieving gender equality and combating poverty, marginalization and discrimination. The Ministry had prepared a draft decree to make the High Council for Children more effective. The aim was to ensure that data were collected and that indicators were defined. Activities could thus be planned more strategically.

22. Since Tunisia had ratified the Convention, no measure or decision could be taken or programme rolled out if it was not in what was viewed as the best interests of the child. Anyone could report a violation of children's rights, and the children's judges could receive complaints from the general public and State institutions.

23. **Mr. Khalifa** (Tunisia) said that racial and religious discrimination and discrimination on a number of other grounds were explicitly prohibited in the Constitution. Racial discrimination was also prohibited, and made a punishable offence, under other laws or compilations of law, such as the Trafficking in Persons Act and the Labour Code.

24. All children in Tunisia enjoyed the same rights to health, education, nationality and access to public services. Nevertheless, a culture of tolerance and acceptance of others was being promoted through educational programmes in schools and rehabilitation establishments to encourage non-discrimination. Efforts to promote tolerance and non-discrimination were also under way online and in the traditional media.

25. **Ms. Bouzaouache** (Tunisia) said that a law had been adopted in 2018 to eliminate all forms of discrimination, including against children and people of Amazigh background, in keeping with international instruments, notably the International Convention on the Elimination of All Forms of Racial Discrimination. The law provided for penalties for racial discrimination and facilitated access to justice for victims of such discrimination. A committee had been set up to bring relevant national legislation into line with international law.

26. A national authority for human rights had been established to investigate alleged violations, conduct interviews and take appropriate action. The authority also coordinated with the Committee against Torture, making it the first authority of its kind in North Africa and the Middle East to coordinate with the Committee against Torture. Another such authority would be set up specifically for children's rights, although there was a shortage of experts in that field. Nevertheless, a meeting would be convened shortly, including with civil society, to designate its members and set aside the resources it would need to begin work.

27. **Ms. Oudi** (Tunisia) said that the Ministry of Education, the Ministry for Women, Family, Children and Older Persons and the Ministry of the Interior, among other State entities, had launched awareness campaigns on safe Internet use and online gaming for

children, especially in the light of the increase in usage since the outbreak of the pandemic. The campaigns touched on parental controls, webcam use by children and the reporting of online violence. The Ministry of the Interior had formed teams to prevent and combat cybercrime. They had dealt with a number of cases involving children in recent years.

28. The 1960 law on peaceful assembly had been suspended after having been found unconstitutional and was among the pieces of legislation to be brought into line with international norms. The Ministry of the Interior, in collaboration with a wide range of stakeholders, had drafted a bill on the topic that would shortly be submitted to the Assembly of the Representatives of the People. Children had a right to peaceful assembly and, under the amended Counter-Terrorism Act, if they were caught during a protest, they were dealt with by a specialized body before being returned to their parents.

29. **Ms. Zargouni** (Tunisia) said that children did not take part in the activities of the municipal councils but could participate in public life through the Children's Parliament, which had been established by decree. Elections to the Parliament were conducted in a transparent manner, consistent with international standards on elections, and with the participation of civil society. The elections could be monitored at all stages. A bill was being drafted to give the Children's Parliament a greater role and allow its members to propose bills on issues that affected them. Those bills would then be taken up by the Assembly of the Representatives of the People.

30. **Mr. Pedernera Reyna** said that he would appreciate an explanation of the procedures that were followed, apparently under the Counter-Terrorism Act, to take demonstrating children into custody and then to reunite them with their families. He also wished to know whether all children were able to participate in the Children's Parliament.

31. **Mr. Gudbrandsson** said that, as he had noted earlier, he wished to know what steps had been taken to raise public awareness, among children in particular, of the Optional Protocol on a communications procedure and whether the Government planned to set up the independent human rights commission that had been provided for by law. The delegation should explain why the commission had not yet been put in place.

32. **Ms. Aho Assouma** said that it would be helpful to know the rate of birth registration in Tunisia. She was curious to learn how the Government ensured that births in remote areas were registered and whether birth certificates were available to children whose births had not been registered.

33. She would appreciate further detail on the process of selecting members of the Children's Parliament, the number of boys and girls in the Parliament and the members' geographic origins. Data on the Parliament's budget would also be useful.

34. **Mr. Van Keirsbilck** said that he wished to know whether there was a clear ban on corporal punishment as a means of disciplining children within the family and in all other contexts.

35. **Ms. Mhedhebi** (Tunisia) said that the children who had been exercising their right of assembly had not been arrested under the Counter-Terrorism Act; they had had been arrested for intentionally damaging public and private property and failing to abide by restrictions relating to the COVID-19 health crisis. The Government had followed the procedures of the Child Protection Code in charging the children, releasing the children against whom charges could not be substantiated and bringing before the courts the children against whom they could be. The juvenile court had then ordered that the children sent before it should be handed over to their parents, also in accordance with the Child Protection Code.

36. Criminal penalties could not be imposed on children under 13 years of age, and the Counter-Terrorism Act could not be applied to them. There was a special legal apparatus for terrorism cases involving children. Only one child was in custody and facing proceedings under the Counter-Terrorism Act.

37. In Tunisia, births were registered automatically, and there were registers throughout the country. The Personal Status Code, which dated from 1957, required public hospitals and clinics to inform the appropriate government official immediately upon a child's birth. A new

article of the Criminal Code prohibited the use of corporal punishment, including by parents, to discipline children.

38. **Ms. Bouzaouache** (Tunisia) said that the Government had had trouble setting up the children's rights committee that was to be part of the national human rights institution because there had been a lack of suitable candidates. The country's lawmakers would soon appoint the members of the national human rights commission and, at a later stage, those of the children's rights committee. Meetings would be held with stakeholders in civil society and the Government to determine the committee's financial and human resource needs and draft the rules that would govern it.

39. **Ms. Klai** (Tunisia) said that a national committee that had been established within the Cabinet in 2015 to coordinate efforts to draft and submit human rights reports also worked extensively to raise awareness of ratified international instruments, including the Optional Protocol on a communications procedure. The committee published a number of studies on the implementation of those instruments. It also provided training on those instruments to members of the judiciary, law enforcement agencies, social service agencies and other institutions. The Government ran many education and outreach and public awareness programmes, including three under the Ministry for Women, Family, Children and Older Persons.

40. **Mr. Gudbrandsson** said that he wished to know whether the State party had pursued any strategies involving children, parents, teachers and the general public to ensure compliance with the law banning corporal punishment and, if so, what aspects of those strategies had been effective. It would be helpful to know whether any systematic efforts had been made to introduce positive parenting or other non-violent child-rearing methods.

41. He asked whether the reporting of child abuse, including sexual abuse, was mandatory and, if so, which agency was charged with receiving the reports. He wondered whether a child-friendly mechanism was in place to help children come forward with their stories. He was curious to know whether officials in Tunisia had been trained to conduct forensic interviews of children in such a way as to preserve the evidentiary value of the children's testimony. He also wished to know whether the Government planned to establish a multi-agency procedure for interviewing child victims and witnesses of violence with a view to avoiding unnecessary interviews and the revictimization of the children. Lastly, he asked whether the Government planned to ensure that appropriate trauma-focused therapy was made available to child victims of abuse in child-friendly settings in cities and rural areas alike.

42. **Ms. Sidikou** said that she would welcome an update from the delegation on the implementation of the strategy whose aim was to remove children in vulnerable situations from institutions and return them to a family environment by making families more resilient and strengthening the system of alternative care.

43. **The Chair** (Country Task Force) said that she wished to know whether the national school integration programme for persons with disabilities, mentioned in the combined periodic reports, and the programme launched in 2004 to integrate children with disabilities and learning difficulties and gifted children into educational institutions, mentioned in the replies to the list of issues, were the same programme. She would welcome data on any progress that had been made under that programme (or those programmes), in particular as the Committee, in its previous concluding observations ([CRC/C/TUN/CO/3](#), para. 49), had expressed concern about the slow pace at which children with disabilities were being included in regular schools. She wondered whether the delegation was of the view that the efforts made by the State party to ensure that children with disabilities attended regular schools were effective and, if not, what specific additional measures it considered necessary.

44. She would welcome information on any training and awareness-raising measures that had been taken in connection with inclusive education. She also wished to learn about the country's system for collecting data on children with disabilities and the extent to which those data informed the provision of support to children with disabilities and financially disadvantaged families. In addition, she wished to know whether children with disabilities were being given the opportunity to participate in the process to amend Act No. 83 of 2005 on the Promotion and Protection of Persons with Disabilities.

*The meeting rose at 2 p.m.*