



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/TUN/3  
10 November 2008

ENGLISH  
Original: FRENCH

---

**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Third periodic report of the States Parties due in 2004**

**TUNISIA\* \*\***

[6 June 2008]

---

\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\* The annexes can be consulted in the files of the secretariat

## TABLE OF CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
INTRODUCTION.....	1 - 4	5
I. GENERAL IMPLEMENTATION MEASURES .....	5 - 92	5
A. Measures taken to withdraw reservations and declarations .....	5 - 6	5
B. New measures adopted to bring national legislation and policy into line with the provisions of the convention .....	7 - 25	6
C. Coordination and data collection.....	26 - 35	10
D. Independent monitoring body .....	36 - 38	13
E. Implementation of economic, social and cultural rights of the child and allocated budgetary resources.....	39 - 57	14
F. Measures adopted to make the principles and provisions of the convention widely known .....	58 - 87	18
G. Measures adopted to ensure a wide circulation of this report .....	88 - 92	24
II. DEFINITION OF THE CHILD .....	93 - 96	26
III. GENERAL PRINCIPLES .....	97 - 130	27
A. Non-discrimination (art. 2).....	97 - 119	27
B. The best interest of the child (art. 4) .....	120 - 121	33
C. The right of the child to life, survival and to development (art. 6).....	122 - 123	35
D. Respect for the views of the child (art. 12) .....	124 - 130	36
IV. CIVIL RIGHTS AND FREEDOMS .....	131 - 158	38
A. Name and nationality (art. 7).....	131 - 133	38
B. Preservation of identity .....	134	39
C. Freedom of expression (art. 13) .....	135 - 140	39
D. Freedom of thought, conscience and religion (art. 14) .....	141 - 144	40
E. Freedom of association and peaceful assembly (art. 15) .....	145	41
F. Protection of privacy (art. 16) .....	146 - 148	41
G. Access to appropriate information (art. 17) .....	149 - 155	41
H. Right not to be subjected to cruel, inhuman or degrading punishment or treatment, including corporal punishment (art. 37 (a)).....	156 - 158	43

	<i>Paragraphs</i>	<i>Page</i>
V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE .....	159 - 189	44
A. Parental guidance (art. 5) .....	159	44
B. Parental responsibilities (Art. 18, paras 1 and 2) .....	160 - 164	44
C. Separation from parents (art. 9).....	165 - 166	45
D. Family reunification (art. 10) .....	167	45
E. Recovery of maintenance for the child (art. 27, para. 4).....	168	45
F. Children deprived of their family environment (art. 20).....	169 - 176	46
G. Adoption (art. 21).....	177	47
H. Illicit transfer and non-return (art. 11) .....	178	48
I. Abuse or neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39) .....	179 - 188	48
J. Periodic review of placements (art. 25) .....	189	50
VI. BASIC HEALTH AND WELFARE .....	190 - 239	50
A. Disabled children (art. 23).....	190 - 203	50
B. Health and health services (art. 24).....	204 - 233	53
C. Social security and child-care services and facilities (art. 26 and art. 27, para. 3) .....	234 - 236	61
D. Standard of living (art. 27, paras. 1 to 3) .....	237 - 239	61
VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES.....	240 - 273	62
A. Education, including vocational training and guidance (art. 28) ..	240 - 253	62
B. Aims of education (art. 29) .....	254 - 257	67
C. Leisure, recreation and cultural activities (art. 31).....	258 - 273	68
VIII. SPECIAL CHILD PROTECTION MEASURES.....	274 - 313	71
A. Children in situations of emergency.....	274 - 275	71
B. Children in conflict with the law.....	276 - 286	71
C. Children in situations of exploitation, including their physical and psychological recovery and social reintegration (art. 39) .....	287 - 312	76
D. Children belonging to a minority or an indigenous group (art. 30).....	313	81

### List of acronyms

<b>ATM</b>	Tunisian Mothers Association
<b>ATUDE</b>	Tunisian Child Rights Association
<b>CIDE</b>	Convention on the rights of the child
<b>CEJJ</b>	Centre for Legal and Judicial Studies
<b>CPE</b>	Child Protection Code
<b>CIDE</b>	International Committee on the Rights of the Child
<b>CSP</b>	Code of Personal Status
<b>CP</b>	Penal Code
<b>COC</b>	Obligations and Contracts Code
<b>CSB</b>	Basic health-care centre
<b>CREDIF</b>	Centre for Research, Studies and Documentation into Women's Issues
<b>CSE</b>	High Council for Children
<b>CNSS</b>	National Social Security Fund
<b>CNIPRE</b>	National Centre for Pedagogical Innovation and Educational Research
<b>CDIS</b>	Social welfare and integration centres
<b>DSSB</b>	Basic Health-Care Services Department
<b>DMSU</b>	Department for Medicine in Schools and Universities
<b>DPE</b>	Child Protection Officer
<b>INPE</b>	National Child Welfare Institute
<b>INS</b>	National Institute of Statistics
<b>IADH</b>	Arab Institute for Human Rights
<b>INSP</b>	National Institute for Public Health
<b>ISM</b>	Higher Institute of the Magistrature
<b>IPSI</b>	Press and Information Sciences Institute
<b>MICS</b>	Multiple Indicators cluster survey
<b>MAFFEPA</b>	Ministry of Women, Family Affairs, Children and the Elderly
<b>MASSTE</b>	Ministry of Social Affairs, Solidarity, and Tunisians Living Abroad
<b>MDCI</b>	Ministry of Development and International Cooperation
<b>MSP</b>	Ministry of Public Health
<b>WHO</b>	World Health Organization
<b>OTEF</b>	Tunisian Organization for Education and the Family
<b>ONET</b>	National Organization for Children in Tunisia
<b>ONFP</b>	National Office for Family and the Population
<b>PNEA</b>	National Adult Education Programme

## INTRODUCTION

1. This report on the situation of the rights of the child in Tunisia is submitted under article 44, paragraph 1 b, of the Convention on the Rights of the Child (CRC). It follows the “General guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convention” adopted by the Committee on the Rights of the Child at its thirty-ninth session on 3 June 2005 (CRC/C/58/Rev.1).

This is the third report submitted by Tunisia to the Committee on the Rights of the Child (CIDE); it covers the period 2002-2007 and provides the members of the CIDE with information on the measures, mechanisms and programmes adopted in order to give effect to the rights set forth in the Convention and on progress achieved in the enjoyment of those rights, as well as information on the factors and difficulties preventing full compliance with the obligations laid down in the Convention. The report also responds to the observations and recommendations made by the CIDE as a result of its consideration of the second periodic report of Tunisia at its 788th and 789th meetings, held on 28 May 2002 (CRC/C/15/ add 181).

2. The report was drawn up using a participatory approach involving the various relevant Ministries, governmental organizations and institutions, and civil society. The Tunisian Government entrusted the task of coordinating the preparation of the report to the Ministry of Women, Family Affairs, Children and the Elderly (MAFFEPA). The Committee responsible for drafting the report was supported by Unicef (Tunis office).

3. In addition to the sectoral reports submitted by the relevant Ministries, the High Committee on Human Rights and Fundamental Freedoms and non-governmental organizations, other documents on the situation of children generally and on children with specific needs in particular were consulted and drawn upon in the drafting of this report.

4. The second National Plan of Action for Children (2002-2011) and documentation from the special session of the General Assembly of the United Nations have also enhanced the content of this report.

### I. GENERAL IMPLEMENTATION MEASURES

(arts. 4, 42 and 44, para. 6, of the Convention)

#### A. Measures taken to withdraw reservations and declarations

5. In its concluding observations following consideration of the second periodic report of Tunisia, the Committee “notes with satisfaction the withdrawal, on 1 March 2002, of the reservation with regard to article 40, paragraph 2 (b) (v), and the declaration in which the State party declared that ‘its undertaking to implement the provisions of this Convention shall be limited by the means at its disposal’”. (See CRC/C/15/ add 181, para. 6).

At the same time, the Committee encourages the State party “in line with its previous recommendation, and in light of the Vienna Declaration and Programme of Action (1993), ... to consider reviewing its reservations and declarations to the Convention with a view to withdrawing them, in particular the reservation relating to article 2” (See CRC/C/15/Add.181, paras 10-11).

6. As part of the follow-up to the above recommendation made by the CIDE, a law was adopted by the Chamber of Deputies on 3 June 2008 on the withdrawal of declarations and reservations entered by Tunisia, including, as noted by the CIDE, the reservation relating to article 2.

### **B. New measures adopted to bring national legislation and policy into line with the provisions of the convention**

7. In its concluding observations following consideration of the second periodic report of Tunisia, the Committee “*notes the State party’s commitment to the issue of child rights and particularly welcomes the adoption of the Child Protection Code on 9 November 1995, which entered into force on 11 January 1996, including the ensuing nomination of delegates for the protection of childhood by Decree No. 96-1134, the obligatory reporting of danger to children and the development of a specialized system of juvenile justice. The Committee particularly welcomes the express reference in articles 4 and 10 respectively of the Child Protection Code to the best interest of the child and to respect for the views of the child, in line with the previous recommendation of the Committee (CRC/C/15/Add.39, para. 7). The Committee further notes the establishment of a children’s parliament. ... the Committee further commends the amendment to the Labour Code raising the minimum age for admission to employment to 16 years, which is the age for completion of compulsory education. The Committee notes the adoption of a series of new laws regarding children born out of wedlock and with regard to the joint responsibility of the spouses, as well as policy measures to ensure maintenance following divorce, measures for the protection of children deprived of a family environment, and various other steps taken to improve the implementation of the Convention and to follow-up on the previous dialogue with the Committee*” (See CRC/C/15/Add.181, paras 3 and 5).

8. In its concluding observations referred to above, the Committee made a number of recommendations, the follow-up to which will be described later in this report together with additional information for members of the CIDE on other steps taken by Tunisia to give greater effect to the rights set forth in the Convention.

#### **1. Follow-up to the recommendations made by the CIDE**

##### **1.1 Promulgation of an Act equalizing the minimum age for marriage for boys and girls**

9. As part of the follow-up to the recommendation made by the CIDE (See CRC/C/15/Add.181, paras 20-21), this report notes that Tunisia has adopted Act No. 2007-32 of 14 May 2007 amending certain provisions of the Code of Personal Status, which equalizes the minimum age for marriage for boys and girls, setting it at 18 years for both sexes.

##### **1.2 Accession to the Optional Protocols to the Convention**

10. As part of the follow-up to the recommendation made by the CIDE (See CRC/C/15/Add.181, para. 47), this report also notes that pursuant to Act No. 2002-42 of 7 May 2002, Tunisia has also acceded to the two Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

Alongside its accession to those two Optional Protocols to the Convention on the Rights of the Child, under Acts n°2002-63 of 23 July 2002 and n°2003-5 of 21 January 2003, Tunisia adopted the United Nations Convention against Transnational Organized Crime and the two

supplementary Protocols thereto on trafficking in persons and the smuggling of displaced persons [sic].

## **2. Other steps taken to bring national legislation and policy into line with the provisions of the Convention**

### **2.1 Promulgation of an Act on the general principles underlying education and schooling**

11. Act n°2002-80 of 23 July 2002, on the general principles underlying education and schooling, was promulgated with a view to updating the Act of 29 July 1991 on the education system. The new Act aims to consolidate the foundations of “Tomorrow’s schools”, the goal of which is to tailor the objective of school to accommodate new changes.

12. The Act reaffirms the fundamental principle of the right of all Tunisians to an education, without discrimination, it recognizes the prime importance of education and recalls the principle of equity and of the right to succeed, and the fact that schooling is free and compulsory from age 6 to age 16. The objective of school, its role, the rights and duties of pupils, the schooling system, institutions and human resources, pedagogic reference materials, assessment, research and innovation are also defined and set out in the Act.

### **2.2 Promulgation of an Act on the promotion and protection of persons with disabilities**

13. The legal framework governing persons with disabilities was reviewed and amended following the promulgation of Act No. 2005-83 of 15 August 2005 laying down general principles concerning the promotion and protection of persons with disabilities. The aim of that Act is to achieve equal opportunities for persons with disabilities, particularly with regard to access to education, vocational training and employment, but also in relation to all other aspects of social and public life; it also aims to enhance the status of persons with disabilities and protect them from all forms of discrimination. Tunisia ratified the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto under Act No. 2008-4 of 11 February 2008.

### **2.3 Promulgation of an Act on protection of children born outside wedlock**

14. In an effort to remove the barriers and discrimination faced by children who have been abandoned or whose parentage is unknown, the Tunisian legislator adopted Act n° 51 of 7 July 2003 supplementing Act No. 98-75 of 28 October 1998 relating to the granting of a patronymic family name to children of unknown parentage or abandoned children. The aim of the act is to make it easier for children who fall into these groups to establish their parentage using genetic fingerprinting (DNA). The Act also reaffirms the right of any abandoned child or any child whose parentage is unknown to a patronymic family name, thereby enabling that child to obtain any official documents and certificates and avoid the embarrassment and other discrimination associated with the absence of a family name.

### **2.4 Promulgation of an Act on grandparents’ right of access to their grandchildren**

15. Act No. 2006-10 of 6 March 2006 revised article 66 of the Code of Personal Status and inserted an article 66 bis providing for the right of grandparents to have access to their grandchildren.

The Act, whose aim is to consolidate the ties between the generations in the family, makes the exercise of the grandparents' right of access subject to the best interest of the child.

## **2.5 Promulgation of an Act on the age of admission of children to employment in a domestic setting**

16. In order to improve the status of domestic servants, Act No. 2005-32 of 4 April 2005 amending Act No. 65-25 of 1 July 1965 sets the age of admission of children to domestic employment at 16 years instead of 14 years (18 years for some types of work).

## **2.6 Promulgation of an Act on part-time work for mothers for two-thirds pay**

17. Act No. 2006-58 of 28 July 2006 and Decree No. 2006-3230 of 12 December 2006 established the methods and procedures allowing women employed in the public sector who are mothers of children aged less than six years to work part time on two-thirds pay for a period of three years, which period may be renewed twice during the woman's working life to allow her to establish a work-life balance, particularly with regard to childcare.

## **2.7 Promulgation of an Act introducing children's town councils**

18. Act No. 2006-48 of 17 July 2006 revised the General Statute on Municipalities and established the Statute organizing children's town councils; the Act entrusts the Chairmen of Committees on Social Affairs and the Family, and the Secretaries-General of the municipalities with the task of establishing children's town councils and helping to organize their annual assemblies in such a way that helps to promote and diversify their activities.

## **2.8 Promulgation of an Act on the right to housing for mothers who have custody of their children**

19. The Chamber of Deputies has very recently adopted an Act safeguarding the right to housing for mothers who have custody of their children pursuant to Act No. 2008-20 of 4 March 2008 amending certain provisions of the Code of Personal Status.

## **3. Status of the Convention in national legislation**

20. Article 32, sentence 4, of the Tunisian Constitution provides that: "Treaties ratified by the President of the Republic and approved by the Chamber of Deputies shall have a higher authority than that of laws".

As part of the follow-up to the guidelines given by the CIDE and the recommendations made by certain Treaty bodies, in recent years Tunisia has established mechanisms to give ratified international instruments, inter alia the CRC, precedence over domestic law, including by means of compulsory reference to the Constitutional Court for approval (1-1) and direct applicability by the courts of international human rights instruments (1-2).

### **3.1 Role of the Constitutional Court (Compulsory reference)**

21. The Constitutional Council is expressly instructed, under the Constitutional Acts of 27 October 1997 and 1 June 2002, to ascertain the conformity and compatibility of all draft laws with the Constitution, and in particular with its provisions concerning human rights. This supervision is a precaution intended to ensure the conformity of a given text with the provisions



of the Constitution, as well as the domestic legal system's compliance with ratified international treaties. The Council then issues a binding reasoned opinion which is published in the Official Journal.

In its Opinion No. 02-2006 concerning a bill supplementing the Code of Personal Status and adding article 66 bis, which establishes grandparents' right of access to their grandchildren, the Constitutional Council pointed out in its considerations inter alia that "*the United Nations Convention on the Rights of the Child of 20 November 1989, which has been ratified by the Republic of Tunisia, gives precedence to children's best interest and children's right to preserve their family ties and lays down rights and obligations not only for parents, but also, where applicable, for members of the extended family*"; and that "*the fact of granting grandparents the right of access after the death of one of the parents, taking account of the best interest of the child, is likely to strengthen family ties and is thus one of the components of family protection as provided for in the Constitution and the principles accepted by the Republic of Tunisia, and embodied in the United Nations Convention on the Rights of the Child*". Hence the Constitutional Council concluded that the draft law was in conformity with the Constitution.

### **3.2 Role of the courts (Direct applicability)**

22. The incorporation of international instruments into the internal legal order has given rise to numerous debates in Tunisian courts. Contrary to the traditional position - namely that the provisions of international conventions that have been ratified and approved create obligations only for the States parties, the courts have decided in several cases that international instruments, including human rights instruments, may be directly invoked before the domestic courts.

- In a judgment delivered on 18 May 2000 in case No. 7,602, the Tunis court of first instance argued in substance that "the request for exclusion of the widow from the list of heirs on the basis of her religious faith contradicts article 88 of the Code of Personal Status, which confines impediments to inheritance to intentional homicide." and that "non-discrimination on the grounds of religion is one of the principles underpinning the Tunisian legal order and constitutes an element of the religious freedom guaranteed by article 5 of the Constitution and proclaimed in articles 2, 16 and 18 of the 1948 Universal Declaration of Human Rights, article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights and article 2, paragraph 1, of the International Covenant on Civil and Political Rights, which have been ratified by Tunisia."
- In decision No. 7286 of 2 March 2001 the Court of Cassation argued in substance that "the Tunisian legislature - in accordance with the provisions of the Convention on the Rights of the Child of 20 November 1989, which has been ratified by Tunisia - has considered the child's best interest in matters regarding the award of care.", so that "Tunisian public policy is in no way disturbed by the foreign court's decision to give care of the child to the foreign mother since the sole criterion that must prevail here is that of the best interest of the child."
- In the judgment delivered on 2 December 2003 in case No. 53/16,189, the court of first instance of La Manouba expressly based its judgement establishing filiation on the basis of a DNA fingerprint test on the grounds that "filiation is a child's right and should not be impaired by the form of relationship chosen by the child's parents. For this reason, filiation as defined in article 68 of the Code of Personal Status must be

interpreted broadly in accordance with article 2, paragraph 2, of the Convention on the Rights of the Child, which was ratified by the Act of 29 November 1991 and which protects the child against all forms of discrimination or penalty based on the legal status of the child's parents; depriving a child of their right to filiation on the grounds that his or her parents are not joined in wedlock effectively penalizes the child and violates one of that child's fundamental rights, quite apart from the discrimination between children that would result from the artificial introduction of a difference between legitimate and natural filiation”.

#### **4. National plan of action**

23. Alongside its commitment at international level to implement the Convention on the Rights of the Child and its interest in consolidating a legal framework which aims to gradually develop an environment which is protective of the rights of the child, Tunisia is continuing to bring itself into line with children's policies developed at international level. Having achieved almost all the goals set at the World Summit in 1990, Tunisia took part in the work of the Special Session of the UN General Assembly on Children (New York, May 2002) and in May 2002 adopted the National Plan of Action for the ten year period 2002-2011 implementing the document which was produced by that special session, “A world fit for children” and using it as the basis for developing a comprehensive, joined-up strategy for the benefit of children.

24. From 12 to 14 January 2004, after the Special Session, Tunisia hosted the third “*High Level Conference on the Rights of the Child*”, the purpose of which was to adopt the second Arab Action Plan. The Conference brought together a large number of representatives from governments and civil society, as well as young people. The Tunis Declaration made by the Conference recommended all the countries present to draw up national plans of action for the decade.

25. The basis for the National Plan of Action for the decade 2002-2011 is to build upon foundations already laid; the plan confirms the approaches taken and choices made, and places the child at the heart of national priorities and development strategy.

#### **C. Coordination and data collection**

##### **1. Improving the effectiveness of the High Council for Children and scrutiny of coordination between the various national policies relating to children the various contributors working for the benefit of children**

26. In its concluding observations following consideration of the second periodic report of Tunisia, the Committee “welcomes efforts to improve data collection, in line with previous recommendations (ibid., para. 12), including by enhancing the status of the National Council for Children by converting it into a High Council by Decree No. 2002-574 of 12 March 2002, and by drafting an annual report on the situation of the child”.

While welcoming the efforts made in the area of coordination, the Committee observes however that “*the effectiveness in practice of the High Council for Children as a mechanism for coordination remains unclear*”. Consequently, the Committee recommends “[...] that the State party make every effort to ensure the effectiveness of the High Council for Children, the status of which was recently enhanced. It reiterates its previous recommendation to the State party to strengthen the efficiency and the effectiveness of coordination between the central Government and the governorates (ibid., para. 13)” (See CRC/C/15/Add.181, paras 4, 12 and 13).

27. As part of the follow-up to the recommendation made by the CIDE, the Council established a Commission in 2006 whose role is to:

- Establish indicators relevant to the rights of the child at regional and local level, their method of collection and regular updating of the associated database.
- Update the Charter of Priorities.
- Submit reports to the High Council for Children on the action programmes carried out and the results achieved.
- For Regional Departments which have a role in the various sectors of intervention relating to children, enhance their role with regard to the production of statistical information at regional and local level by improving their skilled human resources and making sufficient tools available to them.
- Establish protocols for cooperation between the various sectors of intervention relating to children in order to improve the flow of information and to promote the statistical system as it relates to children generally and with particular reference to the Charter of Priorities.

## **2. Improving the effectiveness of the Charter of Priorities relating to children**

28. The above Charter was introduced when a National Report on the Situation of the Child in Tunisia in 2005 was drawn up. The first results of that report were used to help draft the 11th Development Plan in 2006, enabling priorities to be set with greater precision, especially with a view to focusing measures on the regions in greatest need in such a way as to ensure equal opportunities for the children living there.

## **3. Increased scrutiny of data collection mechanisms**

29. In its observations following consideration of the second periodic report of Tunisia, while noting *“the significant efforts of the State party to collect reliable data on the situation of children, and particularly the preparation of an annual report on the situation of the child”*, the Committee *“regrets in particular the absence of a sectoral approach to data collection and monitoring”*.

The Committee therefore recommends that the State party:

- (a) *“Conduct impact assessments regarding the annual report on the situation of the child, incorporating all areas of the Convention;*
- (b) *Develop an integrated approach to data collection and monitoring;*
- (c) *Seek technical assistance from, among others, UNICEF, UNFPA and UNDP in this regard.”* (See CRC/C/15/Add.181, paras 14 and 15).

30. As part of the follow-up to the recommendation made by the CIDE, the Information, Training, Documentation and Studies Observatory on the Protection of the Rights of the Child undertook in 2006 to improve the database (CHILDINFO) on indicators relevant to children, which had been set up in 2005.

A multi-party national Commission was established to provide the database for statistics on children. In 2006 the Observatory held a number of working meetings with Ministry representatives with the aim of improving and promoting indicators on the situation of the child in Tunisia.

Similarly, a report on protection indicators was drawn up in July 2006 on the basis of the results of a workshop held with that specific purpose in mind.

31. In the future, the Observatory will concentrate its action on ways to overcome the difficulties encountered in the collection of data and indicators on the protection of the child with a view to achieving the following objectives:

- Establish new indicators for the protection of the child in Tunisia.
- Attach the indicators used by data-collection source, taking care to identify the method of calculation for each indicator.
- Apply the principle of data exchange between the various parties and ensure that access to such data is facilitated.
- Collate data and break them down by social gender.
- Expand the culture for disseminating statistical information using modern technologies (web sites, laser discs etc.).

32. It should also be noted that the Minister for Women, Children and Family Affairs is responsible for implementing the decisions and recommendations of the High Council for Children and for coordinating actions and programmes with other Ministries whose remit includes children.

33. The role of the State Secretary at the Ministry of Women, Family Affairs, Children and the Elderly with responsibility for children is to monitor the steps taken by the General Directorate for Children, which includes the Directorate for the Rights of the Child and Child Protection, the Directorate for Socio-Educational Activities, and since 2002, the Children's Rights Officer and the Information, Training, Documentation and Studies Observatory on the Protection of the Rights of the Child.

#### **4. Role of the Child Protection Officer**

34. The second periodic report of Tunisia described in detail the role of Child Protection Officers, a body established under the Child Protection Code adopted on 9 November 1995, and responsible for intervening with families or with any other person responsible for the child, in order to prevent all forms of attack or abuse threatening the security and the development of the child:

- Institution of a "duty to report" incumbent on all persons and which consists in informing the representative of difficult situations that anyone becomes aware of;
- Definition of specific prerogatives allowing the representative to make the necessary enquiries and assessments and to take relevant measures in the form of agreements made with the parents and the child concerned, and if necessary by taking appropriate

temporary emergency measures, with a requirement to refer the matter to the family court in situations which cannot be resolved through joint agreements where these seriously affect the security and development of the child.

35. The post of Chief Child Protection Officer was also created centrally with the aim of:
- Overseeing and coordinating the activities of Child Protection Officers and assessing them;
  - Devising training programmes for the Child Protection Officers;
  - Participating in developing the skills of child protection professionals by designing and delivering training programmes.

#### **D. Independent monitoring body**

36. In its concluding observations following consideration of the second periodic report of Tunisia, the Committee “welcomes the creation of the ‘Information, Training, Documentation and Study Observatory’ in February 2002, and the appointment of delegates who play an important role in the protection of children and in receiving complaints. However, the Committee notes the need to establish a monitoring mechanism of an independent nature, in line with its previous recommendation for the State party (ibid., para. 8)” (See CRC/C/15/Add.181, para. 16).

Consequently, the Committee “*encourages the State party:*

- (a) *To establish an independent national human rights institution in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134) to monitor and evaluate progress in the implementation of the Convention at the national and, if appropriate, at the local levels, including implementation by the private sector and NGOs as providers of services to children. This institution should be empowered to receive and investigate individual complaints of violations of child rights in a child-sensitive manner, and address them effectively; and*
- (b) *Seek technical assistance from, among others, OHCHR and UNICEF”*  
(See CRC/C/15/Add.181, para. 17).

37. As part of its follow-up to various recommendations made by treaty bodies following their consideration of the periodic reports of Tunisia, the powers of the High Committee on Human Rights and Fundamental Freedoms established by Decree No. 54 of 7 January 1991 have been substantially consolidated in recent years by the promulgation of, inter alia, Decree No. 2,846 of 8 November 2006 and Decree No. 886 of 10 April 2007, to bring the High Committee into line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles, General Assembly resolution 48/134).

- Pursuant to the provisions of the Decree of 8 November 2006 referred to above, the High Committee has become a national institution, the “High Committee”, with no reference to the descriptive term “consultative” which was used in the 1991 Decree, demonstrating our willingness to consolidate its powers and its sphere of action.

- The Decree of 8 November 2006 referred to above also amended a Decree of 10 December 1992 which confers upon the Chair of the Committee, by a special mandate from the President of the Republic, the right to visit prisons, detention centres and accommodation or observation centres for minors. Under the amendment introduced in 2006 by the Decree, the list of bodies which the Chair of the High Committee is authorized to visit was extended to include “social bodies responsible for persons with special needs in order to verify the implementation of national legislation on human rights and fundamental freedoms”.
- The same Decree empowers the High Committee to receive complaints and requests from citizens on matters related to human rights and fundamental freedoms and to submit reports in that regard to the President of the Republic.
- Article 7 (new) of the same Decree provides for the High Committee to be able to establish a working group to conduct a preliminary study of any of the matters submitted to it in the field of human rights and fundamental freedoms.
- One of the provisions of the same Decree empowers the High Committee to contribute to the dissemination of the culture of human rights and fundamental freedoms by means of its various activities.
- Furthermore, the composition of the High Committee was revised and members’ term of office set at three years (renewable) whereas previously there had been no set period of office. The Ministry representatives have become a consultative group and each representative has responsibility for coordination between the High Committee and the Ministry he represents; previously, the representatives’ roles were not defined.

38. As announced by the Head of State when he received New Year’s greetings for 2008 from the diplomatic corps accredited to Tunis, an Act was adopted on 3 June 2008 by the Chamber of Deputies to “*raise the status of the High Committee for Human Rights and Fundamental Freedoms by giving the provisions governing it legislative rank and endowing it, as a national human rights institution, with administrative and financial autonomy; the Committee’s membership will also be adjusted with a view to strengthening communication between the State and civil society and consolidating its powers so as to reinforce its role in the promotion and protection of human rights*”.

#### **E. Implementation of economic, social and cultural rights of the child and allocated budgetary resources**

39. Tunisia has for many years been very widely recognized by international institutions and financial bodies such as the IMF and the Davos Forum as one of the “emerging” countries. Above all it is recognized as a model country in terms of the gradual implementation of all economic, social and cultural rights, including the rights set out in the CRC. The first paragraph of the Draft Country Programme Document for the Republic of Tunisia, published by the Executive Office of the UNDP at its session held on 12-23 June 2006 at the Headquarters of the United Nations at Geneva (DP/CP/ /1), describes the country as follows:

- “*Tunisia, a middle-income country with approximately 9.9 million inhabitants, continues to be one of the most competitive countries on the African continent, with*

*an average growth rate which held steady at 5 per cent between 1997 and 2005, despite changing conditions...*

- *“National aggregates show that the country should attain or exceed the internationally proclaimed Millennium Development Goals by 2015...”*
- *“The poverty rate has been significantly reduced since the country gained its independence. Evaluated at 6.7 per cent in 1990, it was estimated at 3.9 per cent in 2005 and should fall below 2 per cent by 2015”.*
- *“Primary education for all children is on the way to becoming a reality, and the goal of eliminating gender disparity at all levels of education was reached in 2000, with girls representing the majority of students in both secondary and higher education”.*
- *“State social investments have been increasing steadily, and between 1996 and 2005 the sum total of social transfers doubled, resulting in additional monthly family income equivalent to 275 dinars”.*
- *“For several years, Tunisia has integrated the principles of sustainable development, producing a national Agenda 21 starting in 1995 and continuing its socio-economic expansion while at the same time working to conserve its natural resources and provide access to basic environmental services for the entire population”.*

40. Human development indicators for the year 2007 illustrate the extent of the commitment made by the State in this field:

- Increase in per capita income from 927 dinars in 1984 to 1,772 dinars (1994), 2,426 dinars (1998), to 4,389 dinars in 2007 (around US\$ 3,600).
- Subsequent reduction in the poverty rate from 22 per cent in 1975 to 6.7 per cent (1990), 6.2 per cent (1995), 4.2 per cent (2000), and 3.8 per cent in 2007.
- Strengthening of the middle class, accounting for 81 per cent of society.
- Increase in the percentage of Tunisian families who own their homes (now 77.4 per cent).
- Reduction in the infant and under-five mortality rate which declined from 51.4 per thousand live births in 1984 to 31.8 per thousand (1994), to 24.26 per thousand (1998), to 20 per thousand in 2006, which represents a significant step towards achieving the strategic objective of bringing the rate down to 15 per thousand by the end of 2009.
- Further increase in life expectancy at birth, now estimated at 73.2 (compared to 67 in 1987).
- Improvement in social security coverage, including sickness insurance, from 54.6 per cent in 1987 to around 92 per cent in 2007. The rate should reach 95 per cent in 2009, while the eleventh national development plan forecasts 97 per cent by 2011.

- Further increase in the enrolment rate of 6-year-olds to above 99 per cent - the rate recorded since the 1997/98 school year - and to 97.1 per cent among children aged 6 to 11. The rates in the 6-16 and 12-18 in 2005/06 were 90.3 per cent and 75.1 per cent respectively, with plainly evident equal opportunities for boys and girls.

41. The increase in budgetary resources allocated over the period covered by the report for programmes targeting children illustrates the willingness on the part of the State to implement the commitments entered into for the benefit of children:

### **1. Budgetary resources allocated specifically to children at the Ministry of Women, Family Affairs, Children and the Elderly**

42. The budget allocated to programmes relating to children at MAFFPEA rose from 21.6 MD (million Tunisian dinars) in 1999 to 24.7 MD in 2004, and 35,667 MD in 2007. The budget was used mainly to establish new institutions, improve infrastructure, obtain teaching, play and protective equipment and upgrade the skills of contributors involved in work relating to children.

### **2. Budgetary resources allocated to children with special needs**

#### **2.1 The budget allocated to social protection institutions**

43. Between 1999 and 2007, the budget allocated to social protection institutions virtually doubled. The institutions which benefited include the National Child Welfare Institute (INPE) which is responsible for children with no family support, the Observation Centre for Minors in La Manouba and the Social Welfare and Integration Centres (CDIS).

#### **2.2 Budget allocated to children from low-income families or families in difficulty**

44. The National Programme of Assistance to Needy Families aims to help families and to increase their purchasing power. The programme helps an average of 114,000 families a year, or approximately 350,000 children, and its budget rose from 47 MD in 1999 to 58 MD in 2003, and to 60.1 MD in 2007.

45. The annual cost of school support provided by the Ministry of Education and Training is estimated at 7 MD and subsidies for school canteens at 5 MD. The cost of support paid by the Ministry of Social Affairs and Solidarity was estimated at 10 MD in 2002, rising to 12,400 MD for 2007.

46. The Alimony and Maintenance Payments Guarantee Fund, which was established to protect families and children following divorce, helped 1,926 families in 2007 and had funding amounting to 1.4 MD. As at the end of 2007, the number of families which had received money since the establishment of the fund stood at 9,735, and funding at 34.4 MD.

### **3. Budgetary resources allocated to the health sector and related services**

47. The withdrawal of the vaccine against *Haemophilus influenzae* type b (Hib) has led to a drop in the budget allocated to the national vaccination programme from 8 MD in 2003 to 4 MD in 2007. A cost-effectiveness study is under way to examine the possible reintroduction of Hib vaccine into the vaccination schedule.



**Table 1: Budget allocation for the acquisition of vaccine and serum (in MD) (2003-2005)**

<i>Year</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>
Acquisition of vaccine and serum	8 053 810	9 811 584	7 598 480	4 228 036

*Source:* DSSB Annual report 2005.

### **3.1 The budget allocated to the establishment of basic health-care centres**

48. The average budget allocated to basic health-care centres is estimated at 0.5 MD per annum. Major efforts have been made with regard to basic health to consolidate basic health-care centres providing preventive services and treatment to all population groups, especially mothers and children.

49. Between 2002 and 2005, 50 centres were established in the regions, increasing the number from 2,028 to 2,074.

**Table 2: Number of operational health centres (2002-2007)**

<i>Year</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Number of basic health-care centres	2 028	2 052	2 067	2 074	2 076	2 078

*Source :*DSSB Annual report 2005.

### **3.2 The budget allocated to medicine in schools and universities**

50. The budget allocated to activities related to medicine in schools and universities in 2007 is 1.05 MD. That budget covers periodic medical reviews for schoolchildren, specific programmes to reduce certain emerging problems, health education (EPLS), strengthening centres for medicine in schools and universities, and university health centres.

#### **i) Centres for Medicine in Schools and Universities (CMSU):**

51. These are second stage centres specifically for referrals from schools. There are currently:

- One National Centre for Medicine in Schools and Universities (Mohamed V)
- Nine Regional Centres for Medicine in Schools and Universities (CRMSU) (Gafsa, Mahdia, Nabeul, Sousse, Sfax, Gabès, Manouba, Kasserine and Tataouine) in operation and three further centres envisaged as part of the 11th plan, in Jendouba, Kairouan and Monastir.

52. The regional centres generally start off with a dental clinic, followed by an ophthalmologic clinic. The number of specialisms increases gradually in line with the needs and capacity of each region.

#### **ii) University Health Centres:**

53. Established under the 2<sup>nd</sup> point of the presidential manifesto “**greater opportunities for success for schoolchildren and students**”, the sole aim of these centres is prevention. Their purpose is to promote mental health and reproductive health (SR) issues as they affect young people through information, education and communication (IEC).

54. In 2006-2007, four centres opened their doors in the universities of Tunis El Manar, Manouba, Kairouan and Gabès. In 2007-2008, five others opened at the Universities of Gafsa, Jendouba, Monastir, Sfax and Sousse. A team comprising a doctor, a psychologist, a midwife and a nurse is permanently available to students. Two university health centres, in Ariana and Bizerte, are planned for 2008-2009.

#### **5. Budgetary resources allocated to social security and protection services**

55. The Tunisian State pays members of the social security scheme a child benefit in respect of each child provided that there are no more than three children. The allocation set aside for this benefit increases regularly.

#### **6. Budgetary resources allocated to education**

56. Education has always dominated the State budget. This is a reflection of the public authorities' commitment to the education of children as a strategic aspect of development policy. Investment in human resources is the sole guarantor of a better future for the generations to come and the only way to integrate the country into the international development process and face the challenges of the communications and knowledge revolution. To that end, the budget allocated to education rose from 1,219 MD in 1999 to 1,667 MD in 2003 and 2,290 MD in 2007. It grew, therefore, by almost 30 per cent and accounts on average for 16 per cent of the State budget.

**Table 3: Budgetary allocations to education (in MD) and as a proportion of the State budget (%) (1999-2006)**

<i>Year</i>	<i>1999</i>	<i>2003</i>	<i>2007</i>
Resources allocated	1 218.6	1 667.0	2 290
Proportion of the State budget	21.6	21.6	15.95

*Source:* MDCL.

#### **7. School and university transport**

57. Schoolchildren enjoy several perks aimed at encouraging them to continue their education and acquire the knowledge necessary for them to participate in economic and social life. These perks include reductions given by the State on fares for transport to school and university in the form of subsidies to transport companies. The subsidies increased from 1 000 000 MD in 2002 to 1 800 000 MD in 2008<sup>1</sup> owing to the increase in the number of ticket-holders from 444,502 in 2002 to 521,991 in 2008.

#### **F. Measures adopted to make the principles and provisions of the convention widely known**

58. Since ratifying the CRC, Tunisia has developed a number of programmes and activities aimed at promoting the rights of the child in accordance with article 42 of the convention. Over the last five years a strategy has been drawn up in cooperation with UNICEF to disseminate a culture of children's rights to a set of target groups.

59. The strategy grew out of a "study survey on the rights of the child" conducted on a representative sample of 1,500 schoolchildren aged between 9 and 14 to identify the expectations and ideas they have of the ability of family, school and society to guarantee their rights. The

children's expectations, perceptions and aspirations have reformulated as communication objectives which in turn have formed the basis for audiovisual aids.

60. A communications campaign was held in 1999 with the aim of promoting the concepts of the best interest of the child and participation. The targets of this national strategy are families and children at school, who are reached through instruction about the CRC in pedagogical programmes, as well as professionals, civil society and the private sector. The media and NGOs play an important role in disseminating this culture, particularly through special events.

### **1. Promotion of the Convention on the rights of the child**

61. Several activities to promote the CRC were held by the various public institutions and authorities during the period covered by the report, including:

- The celebration in 1999 of the tenth anniversary of the adoption by the General Assembly of the United Nations of the CRC in the form of seminars and symposia aimed at familiarizing the participants with the principles and provisions of the Convention.
- Hosting from 20 November to 20 December 2002 of a protection month based around the theme of “*Child protection: teachers’ role in harm prevention*” and a programme including debates in all Governorates conducted by Child Protection Officers (DPEs) in cooperation with the Regional Education Directors with a view to heightening teachers’ and regional education officials’ awareness of the role and task of DPEs at regional level. A civic education seminar was devoted to the CRC and the CPE in all primary and secondary schools and large numbers of posters and documents were distributed in educational establishments.
- Hosting from 20 November to 20 December 2002 of a protection month based around the theme of: “*Child protection: We all have a role to play in prevention of harm*” in cooperation with the Ministry of Public Health. The programme included a national seminar on 28 and 29 November 2003 in cooperation with UNICEF on the opportunities for cooperation between DPEs and health care staff at regional level. The intended aim of the seminar was the signature of a cooperation agreement between the MAFFEPA and the MSP.
- Hosting in 2002 of an international conference on “*the role of mothers and families in the promotion of a culture of peace*” as part of Tunisia’s celebrations of World Family Day and the International Year for the Culture of Peace.
- Holding 48 regional seminars on child protection.
- Distribution of informative material on the CRC and the CPE to all contributors and professionals in the Ministries and institutions whose remit includes children.
- Hosting by the General Directorate for Prisons of a conference on juvenile delinquency and a conference on the Child Protection Code in January 2002 and 2003 respectively.

- Between 2004 and 2007, the topics of the protection months have been as follows:
  - 2004: Towards an operational partnership in child protection,
  - 2005: Drafting of guidelines for intervention in cases of neglect and vagrancy,
  - 2006: School drop-out and employment of under-16s.
  - 2007: Risk-related behaviours.

## **2. Integrating information about the CRC into the curriculum**

### **2.1 Integrating information about the CRC into school curricula**

62. Education in human rights and the rights of the child on the broadest possible scale has begun; at the same time programmes to review all the curricula in the various cycles of primary and secondary education were introduced, including a review of all school text books with no exceptions.

63. The aim of those efforts focused particularly on ridding curricula of all forms of indoctrination and to restore schools and the various educational establishments to their rightful purpose, namely, as stated in the 1991 Act on the education system to:

- *“Prepare young people for a life which has no room for any kind of discrimination or segregation based on sex, social origin, race or religion ...*
- *Offer pupils the right to develop their own personalities and assist them to accede to maturity in the spirit of tolerance and moderation”.*

The above strategic approaches were reaffirmed and reinforced in 2002 as part of the reform of the education system which aimed to empower schools to deliver an education based on the promotion of human rights, and the rejection of discrimination, extremism and all forms of fanaticism.

64. The present report notes by way of illustration that Tunisian religious education textbooks, including those aimed at pupils in the second cycle of secondary education, highlight the following topics, among others: “the need to prevent religious conflicts”, “knowledge as a defence against fanaticism”, “education as an element of freedom and its role in reconciling religion and modernity”, “education as the enemy of dictatorship”, “the Age of Enlightenment in Europe”, “the importance of consensus-building, tolerance and dialogue”.

### **2.2 Integrating instruction in the CRC into university courses**

65. The same approaches have been applied to higher education where, pursuant to Tunisian law and international texts, education in human rights has become a compulsory module across the board in all bachelor and master’s degrees following the introduction of the new LMD (Bachelor’s/Master’s/Doctorate) reform.

More specifically, the Ministry of Higher Education has become involved in providing instruction in the rights of the child as a separate course in the fourth year of the master’s programme at the Higher Institute of Child Managers in Carthage; the title of the course is *the*

*Convention on the rights of the child and it centres on a presentation on the CRC and how it came into being – principles and principal rights – implementation of the CRC and procedures for ratification, the presentation of reports and monitoring of implementation by the Committee on the Rights of the Child.*

### **3. Measures taken to promote the CRC among public servants and professionals working with and for children**

66. In parallel to the teaching of the CRC in schools and universities great efforts have been made to provide specialized instruction focusing on officials and professionals working in fields with links to children as well as among teachers, DPEs, national security forces, judges, lawyers, health-care staff and social workers.

#### **3.1 Teacher training**

67. The contribution made by civic education in the form of human rights values, particularly in relation to the rights of the child, has led to the introduction of a specialist master's degree within the human and social sciences faculty in Tunis. Sessions to train the staff who will deliver the course are also held during the vacations and at the summer university.

68. Pursuant to the recommendations of the decade of education in human rights (1996-2005), in April 1996 a National Committee for Education in the area of Human Rights, presided over by the Ministry of Education and Training and comprising representatives of the ministries and associations involved, was created. The Committee's role consists in:

- Drawing up, implementing and monitoring the action plans concluded within the framework of the United Nations action plan specific to education in human rights;
- Monitoring the progress made in education in human rights in schools and universities;
- Monitoring the studies and research conducted as well as activities to heighten public awareness and public information.

#### **3.2 Training of Child Protection Officers (DPE)**

69. Since 1996, a training programme has been under development in cooperation with UNICEF and the French Community of Belgium to equip DPEs with the necessary skills in the fields of prevention of harm and provision of care to children with special needs in accordance with the content of the CRC and the Child Protection Code (CPE). The effort made by the State with the support of multilateral and bilateral cooperation was explained in the previous report.

70. Since 1999 to date, DPEs have continued to receive periodic training and support comprising continuous monitoring of their performance on the ground as well as their ability to work with the regional protection networks. Training in intervention techniques, network development and the law has been provided on an annual basis by national and international consultants. In 2002 some DPEs experienced practical training in Canada and others received training at the international Institute for Human Rights in Switzerland.

71. An international symposium on the protection of maltreated children and children without family support was held in Tunis from 4 to 6 November 2002 within the framework of

cooperation with UNICEF and the French Community of Belgium. The approach taken consisted in asking Tunisian DPEs and their Belgian counterparts to form regional groups for a year to develop local networks of experts and professionals and to provide mutual support through the exchange of information and documentation.

72. In order that the greatest number of people involved in these areas could benefit, the symposium was open to some of the members of networks established locally in Tunisia and Belgium as well as to sectoral officials and other national and foreign participants. More than 200 people took part in the work of the symposium. The second symposium was held in Belgium in 2004.

### **3.3 Training of law-enforcement officials**

73. The Ministry of the Interior and Local Development has held training sessions for Police and National Guard officers at their training schools. Those sessions cover compliance with legislation, recourse to UN Conventions in human rights matters such as the Universal Declaration of Human Rights, the Convention against Torture, the CRC and the CPE and other negative practices such as abuses of power and violations of the rules and procedures in force. Indeed, Decree No. 2006-1166 of 13 April 2006 introducing the training module entitled “preventing harm in society and protecting children and the family” was drawn up with the very aim of making intervention by State officials as effective as possible.

74. The National School for Prisons and Rehabilitation, which is responsible for training management and staff working in prisons and rehabilitation establishments holds annual training sessions on the rights of the child and the minimum rules for the treatment of prisoners.

75. The General Directorate for Prisons and Rehabilitation, which is attached to the Ministry of Justice and Human Rights, has held training sessions on the same topics for serving officers, psychologists and assistants. National Children’s Day (11 January) is celebrated each year in rehabilitation centres with cultural and activities and entertainment for children in custody which are organized in cooperation with civil society. A conference is held annually for staff to remind them of the principles and provisions of the CRC.

### **3.4 Training of justice auditors and representatives of the law**

76. The Higher Magistrates’ Institute (ISM) has incorporated instruction in human rights and the rights of the child into two semesters. The aim of the theoretical and practical training provided is to enhance justice auditors’ knowledge of international treaties and conventions; it aims to increase the human dimension in the relationship the auditors have with individuals.

77. In 1999, several end-of-course dissertations were submitted by justice auditors on the topics of: protection of children in criminal law, the delinquent child, mediation, penalty: crackdown and rehabilitation, law – a fair judgment, the prison system. Dissertations submitted between 2000 and 2006 were on: justice for children in Tunisia, the court and the implementation of international conventions, the alternatives to custodial penalties, international human rights committees established under international conventions, among others. The periodic conferences which are held to retrain magistrates help them develop their skills and allow participants to learn about the most recent legal and judicial developments at national and international levels.

### **3.5 Training of doctors and health care professionals**

78. As part of the process of promotion of the rights of the child and implementation of the right to health care, several training sessions have been held by the Ministry of Public Health for doctors working in public health care, paediatricians, paramedics, including staff who provide training for students in Schools of Advanced Studies in Science and Health Care Technologies. Training modules and information materials have been produced to enhance staff skills and improve families' knowledge and habits with regard to disease prevention and provision of health care.

### **3.6 Training of social workers**

79. In cooperation with UNICEF, the MASSTE has developed a training programme aimed at improving the knowledge of regional and local staff by instructing them in the content of the CRC and the CPE. The programme was the subject of a cooperation agreement between the MASSTE and UNICEF for the period 2002-2006 which aimed to train 300 social workers and begin a cycle of training for trainers in 2004.

## **4. Measures taken to promote the CRC via the media and participation by civil society**

80. Tunisia has developed a national strategy to promote the rights of the child based on advocacy, information, communication and social mobilization.

### **4.1 Information**

#### **i) The press**

81. There are a number of weekly and monthly journals available to children which are aimed at enriching their culture and improving their knowledge in various fields. The journals are subsidized by the State and sold at prices which are affordable to all social groups. They are an ideal place to promote the rights of the child in a manner appropriate to the readership. In addition to the journals published by national youth and children's organizations, the private sector is increasingly investing in this field, which it regards as promising in view of the proportion of the total population that children (0-18 years) represent. Every edition of the journals has columns on areas related to the rights of the child.

#### **ii) The audiovisual media**

82. Public channels produce over 60 programmes for children. In addition to the national television channel, TV7, the national radio channel and the 5 regional channels, there is one television channel -*Canal 21*- and one channel on *Radio Jeunes* which specialize in information, culture and entertainment. These media pay special attention in their programmes to the issue of childhood and topics related to the rights of the child. Presenters and management are regularly invited to meetings and receive training in producing programmes aimed at children.

### **4.2 Social mobilization activities**

83. To ensure that the process of promoting the rights of the child has maximum effect and influence, the strategy in this field involves participation by and mobilization of all social resources. As part of that process, national non-governmental associations have, during the period covered by the report, taken a leading role in spreading the word about the culture of the

rights of the child. The associations involved include the Tunisian Child Rights Association (ATUDE) which periodically holds national and intercontinental events on topics specific to the rights of the child (Rights of the Child and Peace, Tunis-20-22 November 2000 in cooperation with the International Institute for the Rights of the Child -Switzerland).

84. The Tunisian Scout Association has incorporated the rights of the child among its strategic priorities. Great efforts have been made over the last five years, in cooperation with UNICEF, to train all Scout Leaders and extend the training to members, which number some 40,000 people. A special "rights of the child" award has been introduced to recognize and encourage the most deserving Scouts.

85. Each year, the National Organization for Children in Tunisia (ONET) holds a conference for its staff whose topic is the "Child Protection Code".

At an international symposium in 2006, ONET made a point of bringing multidisciplinary stakeholders together on a topic which is still current. The issue discussed was: "Cultural diversities and universal values: towards a more tolerant and more united international society through educational and cultural exchanges and tourism for groups of children and young people". Additionally, during the various training stages for its own staff, ONET is always careful to offer an inaugural conference programme on the rights of the child and child welfare. Moreover, the Children's journal "Erriadh", which was awarded the President of the Republic's prize for the rights of the child, and is published monthly by ONET, is an ideal place to spread the culture of the rights of the child among children. A national symposium on child protection which will bring together the various contributors involved is scheduled for January 2008.

86. The National Organization for Children in Tunisia, the Tunisian Child Rights Association, the Tunisian Mothers Association, the *Voix de l'enfant* (Voice of the Child), the National Union of Tunisian Women, the Tunisian Organization for Education and the Family, the Tunisian Social Solidarity Union, and the Arab Institute for Human Rights, hold annual training and development sessions on promoting the rights of the child.

### **4.3 Communication activities**

87. The aim of communication activities is to spread a culture of the rights of the child among families and the general public, including children, young people and adolescents, by means of a positive change in behaviours and attitudes. Indeed, several establishments have carried out studies to investigate the conduct, attitudes and practices (CAP) of families with regard to education, prevention of harm and the provision of care to children. It was as part of this that the MAFFEPA conducted a CAP survey on family practices relating to the development of young children with a view to launching an information campaign to provide families with the knowledge necessary to bring up a young child. The Ministry of Social Affairs and Solidarity and the MAFFEPA develop communication strategies on precautionary and protective measures for children with special needs.

## **G. Measures adopted to ensure a wide circulation of this report**

88. In application of the provisions of article 44, paragraph 6, of the CRC, which recommends that reports should be made widely available, Tunisia has taken a number of measures intended to ensure that all relevant bodies at national and regional level, along with civil society representatives, can genuinely participate in the process of drafting reports on the implementation



of the CRC. Measures have also been taken to publish the report and make the observations accessible.

## **1. Participation by the public sector and community groups in the drafting of the report**

89. Following the example of the steps taken to draft the first periodic reports, the MAFFEPA, which has been given responsibility by the Tunisian Government to coordinate the process nationally, established a national cross-sector committee comprising representatives from:

- The Ministry of Social Affairs, Solidarity, and Tunisians Living Abroad
- The Ministry of Foreign Affairs
- The Ministry of The Interior and Local Development
- The Ministry of Women, Family Affairs, Children and The Elderly
- The Ministry of Justice and Human Rights
- The Ministry of Culture and Protection of National Heritage
- The Ministry of Education and Training
- The Ministry of Youth, Sport and Physical Education
- The Ministry of Public Health
- The Ministry of Development and International Cooperation
- The Ministry of The Environment and Sustainable Development
- The Ministry of Communication
- The High Committee on Human Rights and Fundamental Freedoms
- The Tunisian Child Rights Association (ATUDE)
- The Tunisian Social Solidarity Union (UTSS)
- The Tunisian Organization for Education and The Family (OTEF)
- The National Organization for Children in Tunisia (ONET)
- The Tunisian MoThers Association (ATM)
- The Tunisian Scout Association
- The National Union of Tunisian Women (UNFT).

## **2. Measures taken to disseminate and publish the report.**

90. The report is forwarded by the Ministry of Foreign Affairs to all interested parties following publication of the Committee's observations.

91. The annual report on the situation of the child in Tunisia and national reports on human rights published by the High Committee on Human Rights and Fundamental Freedoms refer to the various periodic reports on the rights of the child.

### 3. Measures taken to publish the concluding observations of the Committee

92. Aware of the importance of the observations adopted by the International Committee on the Rights of the Child to the approach taken in programmes and change in policy emphasis, the Tunisian authorities forward those observations as a matter of course to the various Ministries and non-governmental organizations and associations for study and examination. It should be noted that the fact that all the documents are on the website of the High Commissioner for Human Rights has made access much easier.

## II. DEFINITION OF THE CHILD (art. 1)

93. In its concluding observations following consideration of the second periodic report of Tunisia, the Committee noted with satisfaction “*positive measures taken to bring the different age requirements into full compliance with the Convention and measures taken to follow-up on the Committee’s previous recommendation by raising the minimum age of admission to employment to 16 years so as to harmonize it with the end of compulsory education*”.

At the same time, the Committee is “*concerned at the disparity in the minimum age of marriage for boys and girls, particularly that the age for girls is set at 17 years, although noting with appreciation that it was raised from 15 years*” (Ibid. Para.20-21).

94. As part of the follow-up to the concluding observations and the recommendation made in that regard by the Committee, the present report notes the adoption of Act No. 2007-32 of 14 May 2007 amending certain provisions of the Code of Personal Status; that Act equalizes the minimum age for marriage for boys and girls, setting it at 18 years for both sexes.

95. That reform brings the definition of the child in Tunisian law fully into line with article 1 of the CRC and the guidelines issued by the Committee in all fields concerning the exercise of the rights of the child.

96. We refer to the more detailed information given in previous periodic reports, this report will confine itself to listing the minimum legal age by type of situation in the following table.

**Table 4: Table summarizing the minimum legal age by type of situation**

<i>Situation</i>	<i>Age</i>	<i>Observations</i>
Seek legal advice without parental consent	over 13 years of age	Incapable of making a proper judgement below that age
Medical consultation without parental consent, including surgical procedures	over 13 years of age	Parental consent required except in an emergency
Admission to employment	16 years	Labour Code
Dangerous work	18 years	Labour Code
Marriage	18 years for girls and boys	Code of Personal Status

<i>Situation</i>	<i>Age</i>	<i>Observations</i>
Voluntary service in the armed forces	18 years	Subject to parental consent
Enrolment in the armed forces	20 years	
Minimum age of criminal responsibility	13 years	Penal Code
Police custody	15 years	Child Protection Code
Preventive detention	15 years	Child Protection Code
Imprisonment	15 years	Child Protection Code
Death penalty	18 years	Replaced by a maximum period of imprisonment of 10 years (Penal Code)
Life imprisonment	18 years	Replaced by a period of imprisonment of less than 10 years (Penal Code)

### III. GENERAL PRINCIPLES

#### A. Non-discrimination (art. 2)

97. In its concluding observations following consideration of the second periodic report of Tunisia, the Committee “welcomes the information on the measures taken to address discrimination against children born out of wedlock, in line with the Committee’s previous recommendations, although it remains concerned at the implementation of the legislation in practice...”

The Committee recommends, *inter alia*, that the State party “[e]nhance efforts to close gaps in the enjoyment of rights between different regions, and between urban and rural communities ...” (Ibid. Para.22-23).

#### 1. Measures for children born out of wedlock

98. It should be noted that the Tunisian legislator turned its attention to this matter at a very early stage and thus less than two years after promulgation of the Code of Personal Status Act No. 58-27 of 4 March 1958 was adopted “concerning public guardianship, unofficial tutorship and adoption”; it is unquestionably a significant achievement and a major asset which sets Tunisia apart among the Muslim Arab countries.

As part of the follow-up to the concluding observations and the recommendations made by the Committee, this report recalls here the adoption of Act N° 51 of 7 July 2003 supplementing Act No. 98-75 of 28 October 1998 relating to the granting of a patronymic family name to children of unknown parentage or abandoned children. The aim of the act is to make it easier for children who fall into these groups to establish their parentage using genetic fingerprinting (DNA) by ordering the presumed father and the mother to undergo genetic testing. In the event of a refusal to comply with such an order, the court gives a ruling on the basis of the significant, specific circumstantial evidence available to it.

The present report also recalls that the legal mechanism introduced by that Act aims to give effect to the right of any child who has been abandoned or whose parentage is unknown to a

patronymic family name, thereby enabling that child to obtain any official document or certificate and avoid the embarrassment and other discrimination associated with the absence of a family name. The Act also provides greater detail on the right to maintenance of a child whose parentage is established in this way.

99. With respect to programmes and procedures to ensure “*the implementation of the legislation in practice*” (Committee observation quoted above), the present report notes the following examples:

- Establishment of commissions with the task of ascertaining paternity and monitoring births out of wedlock that take place in regional hospitals and the gynaecology department in Tunis. Membership of the committees comprises representatives from the Ministry of Public Health, the Ministry of Social Affairs, Solidarity, and Tunisians Living Abroad and the Ministry of the Interior and Local Development. Where provision of care in such cases is concerned, the committees also have back-up from psychologists.
- Increase in and establishment of genetic analysis laboratories to prove a child’s paternity using genetic fingerprinting tests at the following establishments: Hôpital Habib Thameur (Tunis), Institut Pasteur (Tunis), Hôpital Hédi Chaker (Sfax), Hôpital Farhat Hached (Sousse), Hôpital Ibn Eljazzar (Kairouan).
- Free medical care and accommodation for children born out of wedlock in hospitals until their status has been finally determined (circular from the Minister for Public Health N° 70 of 9 September 2004).

100. Furthermore, the following measures, the aim of which is to promote the protection of children without family support and to guarantee their right to integrate into social and family life, were achieved in 2006:

- Creation of 3 new family groupings within the National Child Welfare Institute and continued efforts in conjunction with the various contributors to regularize the legal and social status of the children concerned as quickly as possible in a manner that facilitates their reintegration either with their biological families or substitute families.
- Creation of 2 new family groupings in the Governorates of Tunis and Monastir, bringing the total number of groupings to 9.
- Integration of 384 children with their biological families or substitute families and placement of 207 children into short-term foster care.
- Regularization of the status of 324 of the 552 children whose status was irregular, equivalent to 58.69 per cent, of which 63.58 per cent of cases were regularized within six months as compared to a figure of 54.16 per cent for the same period of residence in 2005.
- Provision of care by the National Child Welfare Institute as at August 2006 to 209 single mothers in the form of listening and guidance services and assistance in drawing up a life plan for mother and child having regard to the social and

psychological circumstances of the mother or both parents as assessed by a team of specialists.

## 2. Efforts made to combat disparities between different regions, and between urban and rural communities

101. As part of the application of the principle of non-discrimination and reduction of disparities between different regions, and between urban and rural communities, the present report refers in this section to data on progress made during the period covered by the report, especially in the fields of health, education and social protection; it should be noted that more detailed information is given in Chapter VI (BASIC HEALTH AND WELFARE) and Chapter VII (EDUCATION, LEISURE AND CULTURAL ACTIVITIES), of this report.

### 2.1 Basic health care

102. In order to reduce disparities between different regions and perpetuate the gains made in the field of maternal and child health, the Ministry of Public Health has developed a strategy aimed at regions where health indicators are below the national average. As a result of that strategy, all the targets set in the National Plan of Action for Children for the second decade 2002-2011 were achieved in 2006, and exceeded in several sectors, in line with the paragraphs on childhood in the Presidential Programme for the Tunisia of Tomorrow.

103. According to the data produced by the survey conducted in June 2006, attention should be drawn to the fact that the vaccination rate for children nationally has exceeded 95 per cent for all vaccines and there has been a huge reduction in the disparities between urban and rural communities. The immunization coverage rate for children aged between 24 and 35 months rose from 83.6 per cent in 2000 to 95.3 per cent in 2006.

**Table 5: Changes in the immunization coverage rate**

<i>Year</i>	<i>2<sup>nd</sup> dose of the DTCP-3 vaccine</i>	<i>2<sup>nd</sup> dose of hepatitis B vaccine</i>	<i>Measles vaccine</i>
Data from survey in 2000	95.8%	88.9%	84.6%
Data from survey in 2006	99.8%	98.9%	98.5%

Source: DSSB.

**Table 6: Reduction in disparities between regions**

<i>Immunization coverage rate for all vaccines for children aged between 24 and 35 months</i>	<i>Data from survey in 2000</i>	<i>Data from survey in 2006</i>
In urban communities	66.6%	98.9%
In rural communities	58.0%	95.4%
Boys	62.8%	97.6%
Girls	63.4%	97.8%

Source DSSB.

104. The same survey showed that 76.6 per cent of pregnant women were vaccinated against tetanus while the overall number of births covered against neonatal tetanus through vaccination and delivery in hospital has risen to over 80 per cent in all Governorates, without exception, since 1999.

105. The increase in tetanus immunization coverage among women has made a significant contribution to reducing neonatal tetanus, which fell from 19 cases between 1994 and 1998 to 5 cases between 1999 and 2003. It should be noted that there have been no recorded cases of neonatal tetanus for three years.

## 2.2 Reproductive health

106. Reproductive health is an integral part of school and adolescent health programmes and activities in all governorates. It combines both long-standing and recent elements:

- *Long-standing* in terms of being part of a school curriculum which has provided education in population (demography and contraception) since 1963-1964, and as an aspect of several subjects (geography, civic and religious education etc.), followed by the incorporation of STDs and AIDS into natural sciences in 1976 and 1990-1991 respectively.
- *Recent* essentially through:
  - Adolescent Health Clinics
  - Advice and Information Units on Reproductive Health (CIC/SR).

107. The services of the CIC/SR are provided by midwives and/or school doctors in University accommodation and there are one or more clinics per week per establishment. Clinics provide information and advice as well as referrals for specialist appointments.

108. This activity was instigated in Tunis in 1996 with 7 CIC/SR and 3 midwives. In 2003/2004 there were 97 CIC/SR in 13 Governorates staffed by 39 midwives and 36 doctors.

It should be noted that the percentage of women using some form of contraception rose from 31 per cent in 1978 to 60.2 per cent in 2006. Differences between and within regions are falling steadily. The rates in the Southern and Centre West regions, which were lower than the national average, are currently in excess of 50 per cent. The North Western region, one of the most socio-economically disadvantaged areas, had a rate of 62.5 per cent in 2006. Moreover, the rates among illiterate and rural women are high compared to other developing countries.

## 2.3 Pre-school education

### i) Crèches

109. There were 150 crèches in 2007, concentrated in urban communities and cities, a concentration that correlates with women's entry into the labour market. In rural communities in particular, children are cared for by the family. The number of children registered in crèches is estimated at 3,497, which represents a coverage rate of 0.74 per cent. It should be noted at this point that the Presidential Programme aspires to a coverage rate of up to 10 per cent by the end of 2009.

**ii) Kindergartens**

110. Given its importance in the child development process, early childhood is the focus of a strategy to make measures in the field as effective as possible. Several partners are actively contributing to the strategy using a participatory approach with an emphasis on co-ordinated action. The goal is to attain a coverage rate for establishments for young children (ages 3-4 years) of 30 per cent by the end of 2009.

111. Statistics supplied by MAFFEPA show that the number of children registered with kindergartens stood at 124,843 in 2007, a coverage rate of 28 per cent.

112. In order to attain its quantitative objectives and promote the establishment of kindergartens in rural communities or areas with a high population density, the following processes have been incorporated into the national strategy:

- Launching of a campaign to heighten awareness of the incentives to invest in this field, targeting students at the Higher Institute of Child Managers and holders of university qualifications.
- Strengthening of the partnership with associations. Thanks to this process, 28 kindergartens were established in 2007 in rural areas and areas with a high population density.
- Commitment by the 21-21 National Employment Fund to associations and bodies to recruit and integrate managers into working life.
- Implementation of the programme of cooperation with Sweden through the establishment of 24 kindergartens in rural areas and areas of high population density.

113. Additionally, a number of measures have been taken to achieve educational provision for young children, namely:

- Award of an allowance of 5,000 dinars for a single kindergarten set up by associations
- State grant of annual support amounting to 3,000 dinars, by way of an operating allowance, for any kindergarten set up by associations in rural communities or in areas of high population density
- Improvement in the quality of services provided within kindergartens, including the holding of 44 training courses (theory, techniques and practice) for 1,471 candidates hoping to become managers of kindergartens and training for 1,137 non-specialist kindergarten staff already working in kindergartens.

**iii) Foundation classes**

114. Widespread availability of foundation classes is one of the main objectives of the Presidential Programme (“Tunisia of tomorrow”, 2004-2009). The number of children enrolled in a foundation year in 2007 was 104,906, representing a coverage rate of 66.9 per cent

115. In order to make the principle of equal opportunities and equity for all children more concrete, the Ministry of Education and Training and national organizations (such as the UTSS and the UNFT) have pursued their initiatives in rural areas. As a result, foundation classes were opened within 1,009 schools between 2001 and 2007.

116. Following the presidential decision of 2004 the number of children enrolled in foundation classes has increased significantly, rising from 23,756 pupils in 2005/2006 to 29,910 in 2006/2007. The following table charts the development in data for foundation classes in the public sector:

**Table 7: Development of foundation classes in the public sector**

Year	Schools		Groups	Children enrolled			Teaching staff	Children per group	Girls as a %
	Total	in non-communal areas		Boys	Girls	total			
01/02	362	266	386	3,971	3,696	7,667	386	20	48.2
02/03	749	537	777	7,644	6,919	14,563	777	19	47.5
03/04	924	652	966	9,219	8,620	17,839	966	19	48.3
04/05	1,080	765	1,136	10,351	9,685	20,036	1,136	18	48.3
05/06	1,256	856	1,325	12,439	11,317	23,756	1,325	18	47.6
06/07	1,533	1,009	1,633	15,564	14,346	29,910	1,633	18	48.0

#### iv) Basic education

117. As part of the national strategy to reduce disparities between different regions and between urban and rural areas and to achieve equity in basic education, the Government has since September 2001 been rolling out a four-year priority programme of education. The aim of the programme is to improve school performance in the worst performing schools through specific support for basic infrastructure, equipment and teacher training. One of the main measures of note here is the setting aside of two additional hours per week to provide pedagogical support and assistance.

118. For the period 2002-2007, the national educational system has undertaken a reform project "Tomorrow's schools", to modernize the educational system and improve its effectiveness, changing the traditional approach which focuses on the accumulation of knowledge, and replacing it with general problem-solving skills and the acquisition of organizational principles.

119. With regard to improving living conditions in schools, between 2002-2003 surveys showed an overall rate of drinking water provision approaching 87 per cent and electrification of 98.4 per cent. The disparities between communal and non-communal areas are gradually being reduced. In non-communal areas, 78.5 per cent of schools are connected to a drinking water network and 97.5 per cent have electricity.



**Table 8: Supply of drinking water and electricity in primary schools (2001-2006)**

School year	Number of schools	Communal			
		Drinking water		Electricity	
		Number	%	Number	%
2001-2002	1,764	1,753	99.4	1,762	99.9
2002-2003	1,765	1,755	99.4	1,763	99.9
2005-2006	1,765	1,754	99.4	1,764	99.9
Non communal					
2001-2002	2,712	2,119	78.1	2,609	96.2
2002-2003	2,721	2,136	78.5	2,654	97.5
2005-2006	2,729	2,143	78.5	2,699	98.9

### **B. The best interest of the child (art. 4)**

120. The best interest of the child is at the heart of all legal provision, and is expressly enshrined and implemented by article 4 of the Child Protection Code particularly with regard to all decisions taken by legislative, judicial and administrative authorities concerning the child.

121. We refer to the more detailed data and explanations included in previous periodic reports; the present report simply notes the following information.

- Under articles 32, 58, 60, 62 and 67 of the Code of Personal Status, decisions taken in relation to the custody and guardianship of a child require the family court to have regard first and foremost to **the best interest of the child**.

The best interest of the child is taken into account in minute detail in the reasoning of courts ruling in interpersonal custody disputes, including in matters of international private custody law. As was reported previously, the Court of Cassation has held in substance in judgment No 7286/2001 of 2 March 2001 that “the Tunisian legislature - in accordance with the provisions of the Convention on the Rights of the Child of 20 November 1989, which has been ratified by Tunisia - has considered the child’s best interest in matters regarding the award of care.”, with the result that “*Tunisian public policy is in no way disturbed by the foreign court’s decision to give care of the child to the foreign mother since the sole criterion that must prevail here is that of the best interest of the child.*”

- As far as the possibility of annulling a contract of kefala is concerned, article 7 of Act No. 58-27 of 4 March 1958 with regard to public guardianship, kefala and adoption authorizes the court of first instance, upon request of the child, the child’s parents or the Public Prosecutor, to annul a contract of kefala “having regard to the best interest of the child”.
- As far as the possibility of withdrawing custody from an adopting party and entrusting it to a third person is concerned, article 16 of Act No. 58-27 of 4 March 1958 provides as follows: “*the court of first instance is authorized upon request of the State Prosecutor to withdraw custody from the adopting party in the event that the*

*latter has manifestly failed to honour his commitments, and to entrust that custody to a third party, **having regard to the interest of the adopted party***".

- As far as handling of divorce cases is concerned, the Code of Personal Status has extended the period for reconciliation procedures in divorce cases where parents in dispute have children who are minors, in order to afford them the time required to understand the impact of the divorce on their children. Under article 32 of the Code the settlement proceedings may, where there are one or more minors involved, take place over three separate hearings separated by an interval of 30 days. The court in the meantime will make the effort necessary to reach a settlement.
- As far as the separation of a child from its parents is concerned, in certain circumstances and where required in the interest of the child, article 11 of the CPE provides as follows: "*this Code guarantees a child who is separated from one or both parents the right to remain in regular contact, and maintain personal relations, with both parents and with other family members, except if the competent court decides otherwise **on the basis of the child's best interest***".
- As far as the possibility of exempting a child from attending legal hearings is concerned, article 58 of the CPE provides: "*the family court shall hear the child, his parents or legal guardian, the person responsible for the child or his or her care. It shall receive observations from the representative of the Public Prosecutor's Office, the Child Protection Officer and, where necessary, the lawyer. It may give a ruling on the arguments without the child being present, **on the basis of that child's best interest***".
- As far as the possibility of review by the family court of decisions taken in respect of a child is concerned, article 58 of the CPE provides that: "*the family court may, **out of consideration for the child's best interest**, review the measures and provisions it has made with regard to the child. A request for review may be submitted by the legal guardian, the person responsible for the child or his or her care, or by a child who has reached the age of discretion*".
- As far as the administration of justice for minors is concerned, in addition to the adoption of a special system for children in conflict with the law consisting in developing new alternatives to measures under criminal law which prioritize mediation, decriminalization and social reintegration of the child, article 14 of the CPE provides as follows: "*the aim of this Code is to encourage mediation, imposition of penalties and non-discrimination, and to involve departments and establishments whose remit includes children in the process of taking decisions and choosing measures compatible with **the best interest of the child***".
- As far as determination of territorial jurisdiction of juvenile courts is concerned, article 74 of the CPE provides as follows: "*the territorial jurisdiction of the court to be seised shall be determined by the habitual place of residence of the child, his parents or legal guardian or by the scene of the offence or by the location where he has been placed, whether on a temporary or permanent basis. The court so seised may divest itself of jurisdiction in favour of another court of the same order, **where the interest of the child so requires***".

- As far as the treatment given to a child deprived of his liberty is concerned, article 16 of the CPE states “*during the implementation of the preventive measure or the penalty, the child shall be entitled to periodic leave of limited duration which shall be afforded to him **having regard to his or her best interest***”.
- As far as the review of decisions taken in respect of the child is concerned, the juvenile court may, in cooperation with the relevant rehabilitation services, assess the level of acceptability to the child of the measures taken against him. Otherwise the court may review the measures once every six months to make them more compatible with the interest of the child. It should be noted that no revision measure can be taken if it is not in the child’s best interest (or is only loosely in the child’s best interest).
- As far as revision of the settlement decision with a view to mediation is concerned, article 116 of the CPE provides: “*the request for mediation shall be presented to the Child Protection Officer responsible for reaching a settlement between the various parties concerned. The mediation instrument shall be drawn up in a document signed and submitted to the competent court which shall approve it and render it enforceable to the extent that it does not prejudice public policy and morality. The court may revise the settlement decision **on the basis of the best interest of the child** where it considers that the decision is not sufficiently balanced or is in danger of overburdening the child*”.

### **C. The right of the child to life, survival and to development (art. 6)**

122. We refer to the more detailed data and explanations included in previous periodic reports; the present report simply notes that the right to life is a holy right governed by the Penal Code, articles 201 to 217 of which set out the penalties provided for in cases of homicide, whether premeditated or unpremeditated, and in cases of child abuse. The law makes specific offences of the following:

- Termination of pregnancy by means of drinks, medication, products or any other means with or without the pregnant woman’s consent (art. 214)
- Infanticide committed by the mother during or after delivery (art. 211)
- Abandonment of a child (arts 212, 212 bis and 213)
- Habitual ill-treatment of children (art. 224)
- Sexual abuse of children (arts 227, 227 bis, 228, 228 bis)
- Sexual abuse of children by relatives or by persons with moral authority over them (art. 229)
- Sexual exploitation of children and engagement of children in prostitution (arts 232 and 233)
- Rape of children and acts of violence resulting in death (arts 208, 227 and 227 bis)
- Abduction and corruption of children (arts 237 and 238).

123. Furthermore, among the measures taken to register deaths and provide information on causes of death, the present report notes the adoption in 2000 by the National Institute for Public Health of a recording system which allows all data on deaths to be analysed by age and sex.

#### **D. Respect for the views of the child (art. 12)**

124. In its concluding observations following consideration of the second periodic report of Tunisia, and “[t]aking note of the efforts by the State party to give effect to the principle of respect for the views of the child, in particular its inclusion in the Child Protection Code”, the Committee said it was “concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children on the part of schools, courts, administrative bodies, and especially the family...”.

Consequently the Committee recommends the State party to:

- (a) *“Promote and facilitate, within the family, the schools, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention;*
- (b) *Develop skills-training programmes in community settings for teachers, social workers, local officials and religious leaders to enable them to assist children to express their informed views and opinions and to have them taken into consideration; and*
- (c) *Seek assistance from UNICEF, among others” (Ibid. Para.25-26).*

125. As part of the follow-up to the concluding observations and recommendations made by the Committee, the present report summarizes below the measures and provisions taken with the aim of encouraging children to express their views and briefing professionals and contributors to respect those views and have due regard to them in their procedures and decisions, while noting that more detailed information will be given under headings VI (BASIC HEALTH AND WELFARE), VII (EDUCATION, LEISURE AND CULTURAL ACTIVITIES), and VIII (C) (SPECIAL CHILD PROTECTION MEASURES – CHILDREN IN CONFLICT WITH THE LAW) of this report.

#### **1. Respect for the views of the child in court and their involvement in any matter concerning them**

126. The present report recalls on this point that article 10 of the Child Protection Code, which falls within the general principles of that Code (Title 1) provides: *“The present code guarantees the child the right freely to express his or her views which should be taken into consideration in accordance with his or her age and degree of maturity. To that end the child will be given a special opportunity to express his or her views and to be heard in all legal procedures and with regard to all social and educational measures concerning his or her situation”*.

That provision has, since its entry into force, been implemented several times both through the intervention of the Child Protection Officers and the family court, the juvenile court or the juvenile tribunal. Indeed, article 35 requires the Child Protection Officer and the family court, in the event of a notification, to listen to the child and to take his or her views into consideration. Article 90 calls on the juvenile court to hold discussions in the child’s presence with all parties

concerned on the procedures to be taken, with the child having a free hand commensurate with his or her degree of maturity to discuss such measures.

## **2. Measures and programmes implemented with a view to encouraging participation by children in all aspects of family and social life**

127. As regards measures and programmes implemented with a view to giving more general effect to the Committee's recommendations in this field the decision was taken to make the approach to the right of the child to participate in all aspects of family and social life the central theme of the National Report on the situation of the child in Tunisia in 2006, the aim being to assess the national programmes and measures implemented and to measure the real impact of policy in this field.

128. The National Report on the situation of the child in Tunisia in 2006 shows that Tunisia is continuing to adopt an integrated approach to drawing up new programmes and policies to promote the role of children and young people in all aspects of family and social life, thereby reaffirming both the national community's ability to involve its children and young people and its conscious choice to embrace modernity and the highest ideals of democracy and human rights. The decision to take that approach is also based on the idea that children have rights, including a right to participate commensurate with their intrinsic skills, in all aspects of family and social life and to express their views on all decisions concerning them.

129. Among the principal indicators and results for 2006, the National Report on the situation of the child in Tunisia in 2006 notes the following in particular:

- Further adjustment by child parliamentarians to their new role as members of a parliament as evidenced by their active, noted participation in the discussion of issues of concern to them such as the protection of the child in legislation and the legal system, health and health programmes for children and adolescents, etc.

In that respect it should be noted that the Children's Parliament was established pursuant to Act No. 2000-41 of 17 April 2000 amending the Child Protection Code. That Act added an extra paragraph to article 10 of the CPE which provides as follows: "*Children shall also be given the opportunity to meet in a place for dialogue allowing them to express their views on matters related to their rights, to become accustomed to exercising responsibility, to developing public-spiritedness and promoting the rights of the child. That place shall be known by the name of the Children's Parliament*"

- Completion of the establishment of Clubs for child parliamentarians in each region (24 clubs); the Clubs provide an apposite framework for dialogue, allow child parliamentarians to continue in their role after their mandate has expired and contribute to spreading the culture of the rights of the child and the culture of the Constitution among other children
- The increase in the number of children's town councils pursuant to Act No. 2006-48 of 17 July 2006, which has grown to 264 for the municipal term 2005-2010; the councils have a total of 4,366 members of whom 1,935 are girls, in other words a figure of 44.32 per cent

- The participation of children and adolescents in the age-group 15-19 years in the third national consultation of young people covering the years 2005 and 2006; turn-out was 36.9 per cent of an electorate of young people and children totalling 10,000
- The participation of children and adolescents in the age-group 15-19 years in local forums and regional seminars for dialogue with young people, with participation from 61 per cent of the total of 100,000 young people and children who took part in the events.

130. More specifically, among the measures and programmes implemented with the aim of promoting pupil participation in schools, this section of the present report will merely note that the ways in which children can be actively involved include the following:

- Strengthening of the social action programme via the 2,025 social units currently in place in primary and secondary schools; the units have taken on 32,337 cases of which 20,923 have been settled by them in cooperation with the competent social action departments at the Ministry of Social Affairs, Solidarity, and Tunisians Living Abroad.
- Increase in health clubs run by teachers and health care staff; these play an essential role in heightening the awareness of children and young adolescents who are enrolled in school to health matters. The number of such clubs rose to 730 during the academic year 2006-2007 and the number of children registered with them to 12,585. Each academic year the health clubs tackle a new topic connected to mental, physical, social and reproductive health.
- The development of environment clubs in most schools run by professionals with training in that field. A sustainable schools programme was rolled out in a sample of 120 schools spread throughout all regions of the country. This was a pilot scheme to test the new measures prior to their introduction into the national school system, the aim being to improve the role of schools in education for sustainable development as recommended in the United Nations Decade of Education for Sustainable Development. In addition, an educational aid in the form of a bus equipped with tools for raising awareness on the environment and providing environmental education was introduced in 2007 to provide education on the environment in schools.

#### **IV. CIVIL RIGHTS AND FREEDOMS**

##### **A. Name and nationality (art. 7)**

###### **1. Measures taken to ensure that every child is registered immediately after birth**

131. Tunisia has a legal framework which achieves that the compulsory requirement to register a birth is complied with. On this matter the present report refers to the relevant information included in the previous periodic reports of Tunisia.

###### **2. Measures taken to ensure the right of a child to a nationality**

132. We refer to the more detailed information and explanations in previous periodic reports; the present report will merely recall below that under Act No. 2002-4 of 21 January 2002 the

Tunisian legislator amended article 12 of the Tunisian Nationality Code. Pursuant to that amendment, in the event that the father dies, disappears or is incapable in law, the mother is authorized to make a unilateral declaration enabling her to give her nationality to her child.

133. By virtue of that new rule, 1,187 minors born outside Tunisia to a Tunisian mother and a foreign father acquired Tunisian nationality between 1 January and the end of September 2007.

### **B. Preservation of identity**

134. The right to preservation of identity is recognized and guaranteed as a fundamental right. In that regard the present report refers to the relevant information included in the previous periodic reports of Tunisia.

### **C. Freedom of expression (art. 13)**

135. In its concluding observations following consideration of the second periodic report of Tunisia, the Committee was “*concerned that the right of the child to freedom of expression, including to receive information, and to freedom of association and peaceful assembly are not fully guaranteed in practice*”.

Consequently the Committee recommends that the State party “take all necessary measures to ensure the full practical implementation of the rights to freedom of expression and freedom of association and peaceful assembly, in accordance with articles 13 and 15 of the Convention” (Ibid. Paras 27-28).

#### **1. Measures taken to promote the education of children in expression in school**

136. As part of the follow-up to the concluding observations and the recommendations made by the Committee, and referring to the information set out in paragraphs 127-130 above on measures taken to ensure respect for the views of the child and to promote children’s involvement in all aspects of family and social life, the present report notes by way of example the role of school in relation to preparing pupils to express their views within the school environment through inter alia:

- The introduction of a weekly 30-minute debating session into the official timetables of the first cycle of basic education aimed at teaching pupils to communicate, debate and express their views in relation to school life both on the specific problems they face and on teaching and educational programmes;
- Timetabling of a session on expression as part of curriculum subjects, the aim being to create opportunities conducive to listening to and gaining a better knowledge of pupils’ perceptions and expectations;
- Guidance and encouragement for teachers to adopt active methods based on independent learning;
- Establishment of units and offices within schools to encourage opportunities for listening to and providing guidance to pupils on health matters;
- Establishment of health clubs run by teachers and health care staff providing an area conducive to dialogue on young people’s and adolescents’ health.

## **2. Promotion of freedom of expression in the social environment**

137. The State encourages young people to develop their debating skills and free expression in the social environment. In addition to the Children's Parliament, the establishment of Clubs for child parliamentarians in each region and the increase in the number of children's town councils referred to earlier in the present report, attention should be drawn to the following:

### **2.1 The media**

138. The proportion of radio and television output aimed at children underwent considerable development at the production stage during the period covered by this report. Children's involvement in producing programmes was increased thanks to training based on mastering modern design and production techniques.

### **2.2 Social activity centres**

139. Social activity centres offer children aged between 6 and 15 years areas to express themselves and their artistic and technological creativity. Thanks to measures taken by the State to encourage and incentivize investment, the private sector has been continuously involved in this area. The number of private centres rose from 64 in 2002 to 102 in 2003. Public activity centres number 274. Within that framework the National Organization for Children in Tunisia has, through its local offices, set up 300 children's clubs and 30 children's town councils.

### **2.3 Children's clubs**

140. In order to raise the number of children attending these clubs, the authorities have developed a strategy aiming to upgrade and improve 141 children's clubs over a period of five years (2002-2006) by introducing further spaces given over to computing, science, and foreign-language learning, revising of the socio-educational activity curriculum, training and retraining of educational staff and overhauling of basic infrastructure.

## **D. Freedom of thought, conscience and religion (art. 14)**

141. In response to the concern expressed by the Committee in its concluding observations following consideration of the second periodic report of Tunisia, about "*information brought to its attention which indicates that the exercise of the right to freedom of religion may not always be fully guaranteed, particularly with regard to regulations prohibiting the wearing of a headscarf by girls in schools*" (Ibid. Paras 29-30), the Government is compelled to point out that the recognition by Tunisia of the right to freedom of thought, conscience and religion is underpinned by its centuries-old tradition of tolerance. Article 5 of the Constitution states in that regard that "*The Tunisian Republic guarantees the integrity of the individual and his or her freedom of belief and protects the free exercise of religious worship, provided it does not oppose public order.*"

142. This is therefore a very opportune moment to dispel any misunderstanding in this area and to recall the underlying tenets of the Tunisian approach to the issue of the wearing of a headscarf by girls in schools. That decision is based on the aggregate of principles and values set out in the Act on the general principles underlying education and schooling, particularly article 13 thereof, which provides that "It is the duty of pupils to comply with the requirements dictated by the respect due to the educational establishment. Pupils are also duty bound to respect the rules of



the school body and the rules governing school life. Any excess or failure to fulfil those duties shall render the culprit liable to disciplinary sanctions”.

143. Where the spirit of that Act is concerned, the wearing of the veil in schools may be regarded as something which does not comply with the rules of school life, the school body and respect for others in the broader sense.

144. Therefore the decision of the education authorities responsible for the smooth running of school life is fully compatible with article 14, paragraph 3, of the CRC, which states that freedom to manifest one's religion or beliefs may be subject to such laws in force as are necessary to protect, *inter alia*, the fundamental rights and freedoms of others.

#### **E. Freedom of association and peaceful assembly (art. 15)**

145. Article 8 of the Tunisian Constitution guarantees freedom of association and assembly. On this point the present report refers to the relevant information included in the previous periodic reports of Tunisia.

#### **F. Protection of privacy (art. 16)**

146. We refer to the more detailed data and explanations included in previous periodic reports; the present report simply notes that article 6 of the Child Protection Code guarantees that “*Every child has the right to respect for his or her private life, with due consideration for the rights and responsibilities of the parents or those responsible, in accordance with law*”. The family court and the juvenile court act as guarantors of respect for family integrity and children's privacy during the process of compiling a case-file for a minor. Therefore, under the terms of article 29 of the Child Protection Code, a DPE is required to “*observe professional confidentiality with regard to the situation of children for whose care he or she is responsible*”.

147. It should also be pointed out that article 120 of the CPE contains the following prohibition “No one may publish the records of trials or judgments concerning children which emanate from the various juvenile courts provided for in this code, and which may be likely to impair the honour and dignity of the child and his or her family. Anyone who fails to comply with the provisions of this article shall be liable to imprisonment of 16 days to one year and a fine of 100 to 1,000 dinars, or one of these penalties.”

148. Article 121 provides for the same penalty as that set out in article 120 for “*any person who impairs the privacy of a child or attempts to do so by publishing or disseminating information concerning the discussions in the juvenile court by means of books, the press, radio, television, the cinema or any other means; publication by those means of documents or photographs which may inform the public as to the identity of the child whether perpetrator or victim.*”

#### **G. Access to appropriate information (art. 17)**

149. Tunisia has taken measures to ensure the right of a child to access appropriate information and to be protected from information injurious to his or her well-being.

## **1. General measures taken to ensure the right to access appropriate information.**

### **1.1 Establishment of regional children's computer centres**

150. The aim of the regional children's computer centres is to increase children's access to new information technologies through the use and subsequent mastery of techniques for accessing and surfing the internet. The centres cooperate with schools and educational establishments to hold training sessions for all children who want them. Over the period 2002-2007 the number of children taking up the training stood at 168,000 (52 per cent boys, 48 per cent girls) over 24 centres. There are 107 tutors assigned to the centres.

### **1.2 Establishment of a national disabled children's computer centre**

151. With the same aim and having regard to the right of the special needs child, the public authorities have established a specialist computer centre for disabled children aged between 6 and 18 years. The centre has specialist equipment and staff and aims to incorporate the children into the world of information and provide them with the skills to access information just like all other children.

### **1.3 One family, one computer**

152. In order to allow all families to have access to information and to participate in the communication revolution the public authorities have set themselves the target of providing each Tunisian family with a computer. This measure, which has the slogan "*one family, one computer*", consists in providing families with computer systems at very affordable prices and making it easier to obtain low-interest (5 per cent) family loans from all banks. Since March 2001, the date of the Presidential Decision, some 22,000 families have taken advantage of the incentive. In addition, the State has substantially reduced the costs of internet subscription for families, associations and socio-educational establishments.

### **1.4 State subsidy for children's books**

153. The State continues to subsidize the paper used for printing books, newspapers and magazines for children. Each year an allocation of 600,000 dinars is set aside for subsidies. Against that background, the number of children enjoying specialist libraries has increased considerably. Indeed, recent data on access show that as at September 2003 some 2,322,936 readers have referred to the 1.5 million books and documents available in libraries.

### **1.5 Education in information**

154. There has been a marked improvement in audiovisual programmes aimed at children, both in terms of programme quantity and quality. That improvement was expressed as a need to protect children against the violent and indecent messages broadcast by a large number of channels. Programmes of education in information are currently being developed by the Ministry of Education and Training. The Press and Information Sciences Institute (IPSI) is working closely with the Ministry of Education and Training to introduce a subject into the curriculum aimed at teaching children to analyze and interpret information.

155. Several events have been organized by civil society. By way of example, IPSI held a symposium in Tunis on 14 and 16 April 2004, on "education on information". On 4 April 2004 the youth economic chamber in Radès held a seminar on the topic of "*What sort of television for my child?*"

**H. Right not to be subjected to cruel, inhuman or degrading punishment or treatment, including corporal punishment (art. 37 (a))**

156. We refer to the more detailed information and explanations given in the previous periodic reports; the present report reaffirms that during the period concerned the judicial system did not record a single case of torture or ill-treatment against children deprived of their liberty. That finding, which is confirmed by the High Committee on Human Rights and Fundamental Freedoms, answers the question raised by the CIDE during the discussion of the previous periodic report of Tunisia.

157. It should moreover be noted that as part of the follow-up to the concluding observations made by the Committee against torture after consideration of the second periodic report of Tunisia (see A/54/44, paras 88-105), where that Committee recommends among other things to the State party *“to bring the relevant articles of the Criminal Code into line with the definition of torture as contained in article 1 of the Convention”*, Act No. 1999-89 of 2 August 1999 amended article 101 of the Criminal Code and reiterates word for word the definition of torture provided for in article 1 of the Convention concerned. That article provides as follows: *“any official or similar who subjects a person to torture in the performance of or during the performance of his /her duties shall be sentenced to a period of imprisonment of eight years. The term ‘torture’ means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or when such pain or suffering is inflicted for any reason based on discrimination of any kind”*.

158. In addition, among the most recent initiatives by the State by way of cooperation with international organizations operating in the field of human rights, attention should be drawn to the agreement entered into in April 2005 between the Tunisian authorities and the International Committee of the Red Cross (ICRC) authorizing the latter to carry out visits to all penitentiary establishments and detention centres, to inspect the conditions of detention, to interview the detainees of its choice unaccompanied by a representative of the authority concerned and to submit observations and suggestions to the competent authorities. Between June 2005 and 31 December 2006 the ICRC has made 61 visits to 18 police stations, 9 national guard stations and 28 prisons in Tunisia. During those visits, the ICRC delegates have held thousands of unwitnessed interviews. Between January 2006 and May 2007, the ICRC carried out 32 prison visits. Cooperation with the ICRC is also under way in training programmes for magistrates, members of the Public Prosecutor’s Office and officers in penal institutions.

## V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

### A. Parental guidance (art. 5)

159. Tunisia has a legal framework which guarantees respect for parental rights and duties with regard to the provision of appropriate direction and guidance to a child on the exercise of the rights conferred under the Convention. The present report refers to the relevant information in that regard included in the previous periodic reports of Tunisia.

### B. Parental responsibilities (art. 18, paras 1 and 2)

160. We refer to the more detailed information and explanations given in the previous periodic reports; the present report merely notes below the amendments introduced by Act n°93-74 of 12 July 1993, "amending certain articles of the Code of Personal Status", which gave the mother new rights in respect of guardianship and custody of children. Those amendments give women the status of "partner" alongside new responsibilities towards their families and children. The amendment to article 60 of the Code of Personal Status recognized the mother's right, on an equal footing with the father or legal guardian, of supervision over the child's affairs: "*The father, legal guardian and mother of the child shall have the right to supervise his or her affairs, provide for the child's upbringing and send him or her to school.*"

161. The key idea behind the Act as noted in the previous periodic reports goes beyond strengthening the achievements already made in Tunisia in terms of women's rights and the gradual abolition of all forms of discrimination against women and is in fact one aspect of a comprehensive vision to promote the family in general and the rights of the child in particular.

162. That fact is illustrated in article 23 (new), subparagraph 2, of the C.S.P. which establishes the principle that "*the spouses shall support each other to provide a good education for their children and proper conduct of family matters*". Article 46 (new) adds a provision which benefits children by extending their right to maintenance until they reach the age of majority or complete their studies and, for girls, until they marry.

163. Above all, reference is made to the provisions which reorganize divorce procedures and the custody and guardianship system to promote the idea of reconciliation and, above all, protection of the best interest of the child.

- Where divorce procedures are concerned, article 32 (new) of the C.S.P. requires there to be three reconciliation meetings for the spouses who have a family which contains one or more minor children; each follow-up meeting must take place "*one month after the previous meeting*". The article adds that the court may, where *inter alia* the divorce is by mutual consent, waive the procedure only after having regard to the interest of the child.
- Where the system of custody and guardianship is concerned, article 67 (new), reasserts the principle that in the event of a dissolution of marriage, custody is to be awarded either to one of the spouses or to a third party having regard to "*the interest of the child*", and introduces a new provision allowing the court to entrust the powers of guardianship to the mother having custody of the child when the father is incapable of exercising them, or is abusive or negligent in the fulfilment of his obligations, or leaves his residence and his address is unknown.

164. By amending and supplementing certain provisions of the Obligations and Contracts Code, Act No. 1995-95 of 9 November 1995 provided for joint parental responsibility for a prejudicial act committed by their child. Thus the mother became jointly and severally liable with the father for an act of prejudice caused by the child. That amendment is compatible both with the duty of joint management of matters relating to the child and the family and with the principle of partnership which underlies the family as an institution.

### **C. Separation from parents (art. 9)**

165. We refer to the more detailed information and explanations given in the previous periodic reports; the present report merely notes that Tunisian law guarantees the child the right not to be separated from his or her family, a principle which is clear from the Child Protection Code. However, in certain circumstances the family court or the Child Protection Officer may, by virtue of the powers conferred on them in law, in the best interest of the child, decide to separate the child from one or both parents. In that event the family court, aided by the Chief Child Protection Officer for the geographical area concerned, must monitor the implementation of his decision. Nevertheless, “the family court may, out of consideration for the child's best interest, revise the measures and arrangements he has made. A request for review may be submitted by the legal guardian or the person responsible for the child, or by a child who has attained the age of discretion”.

166. Article 11 of the Child Protection Code “guarantees a child who is separated from one or both parents the right to remain in regular contact, and maintain personal relations, with both parents and with other family members, except if the competent court decides otherwise on the basis of the child's best interest”. The right of access to a child who is separated from one or both parents is determined by the family court in a decision based on the child's best interest; children's best interest was the justification for the promulgation of Act No. 2006-10 March 2006 establishing the right of grandparents to have access to their grandchildren.

### **D. Family reunification (art. 10)**

167. We refer to the more detailed information and explanations included in previous periodic reports; the present report merely notes the measures taken in the legislative and judicial spheres to encourage family reunification and maintain healthy relationships between its various members. Those measures include the right of access for a parent without right of custody either in the territory where the child normally lives, or by means of a trans-boundary visit that allows the child to travel during the holidays and spend a fixed period with the parent in question.

### **E. Recovery of maintenance for the child (art. 27, para. 4)**

168. We refer to the more detailed information and explanations included in previous periodic reports; the present report merely notes the establishment under Act n°93-74 of 12 July 1993, “amending certain articles of the Code of Personal Status” of an “Alimony and Maintenance Payments Guarantee Fund”. Under article 53 bis (new) of the C.S.P., the Guarantee Fund “will effect maintenance or alimony payments forming the subject of final judgments given to the benefit of women and of children issued from their unions with the debtors, but which have not been executed by reason of the latter's procrastination”. The text adds that “the Guarantee Fund is surrogate to the beneficiaries of the judgment for the recovery of the sums it has paid”.

It should be noted that in its concluding observations following consideration of the second periodic report of Tunisia, the Committee welcomed the establishment of the Guarantee Fund,

which unquestionably places Tunisia at the vanguard of States which have acted promptly to give effect to the provisions of the Convention on the rights of the Child, in particular article 27, paragraph 4, thereof (Ibid. Para. 5).

#### F. Children deprived of their family environment (art. 20)

169. We refer to the more detailed information and explanations included in previous periodic reports; the present report merely notes that the provisions of the Child Protection Code (art 59) provide for various placement measures for the child who is temporarily or permanently deprived of his or her family environment. The family court must, in all cases, ensure that placement is in the child's best interest, having heard all the interested parties, including the child. In addition to using types of placement such as family placement, kefala, placement in the National Child Welfare Institute or in SOS villages, other forms of placement are provided for.

170. In order to provide appropriate protection to children without family support, the Ministerial Council of 17 April 2007 adopted the following measures:

- Increase in care efforts and awareness-raising by specialized structures, the community network and through the media.
- Conduct of a far-reaching study into the social phenomena which lead to the loss of social support and into methods of dealing with them.
- Establishment of an additional family grouping at the “As-sanad” centre in Sidi Thabet for disabled children without family support.

171. The number of children taken into care by the National Child Welfare Institute (INPE), in 2007 (as at 30 September), is estimated at 767 (94 placed pursuant to family court orders, 31 by the services of the Ministry of the Interior and Local Development and 205 by Child Protection Officers).

172. In order to provide children who fall into this category with natural, balanced development, the INPE regularly arranges placements with host families.

**Table 9: Methods of child placement used by the INPE – 2007**

<i>Method</i>	<i>Reintegration within the original family</i>	<i>Adoption</i>	<i>Guardianship</i>	<i>Placement in an S.O.S village or an integrated children's centre</i>	<i>Temporary family placement</i>	<i>Long term family placement</i>	<i>Total</i>
Number	105	228	40	08	220	12	613
%	17.12	37.19	6.52	1.30	35.88	1.95	100%

173. The community network is playing an increasingly active role with respect to the protection and placement of children without family support. There are 12 associations (in the governorates of Gabès, Sfax, Nabeul, Sousse, Médnine, Tunis (2), Monastir, Jendouba, Bizerte, Gafsa and Kairouan) which oversee the family groupings; the family groupings accommodated 154 children during the first nine months of 2007 and have managed to find placements for 125 of them.

**Table 10: Methods of child placement used by associations**

<i>Method</i>	<i>Reintegration within the original family</i>	<i>Adoption</i>	<i>Guardianship</i>	<i>Placement</i>	<i>Total</i>
<i>Number</i>	49	52	18	06	125
<i>%</i>	39.2	41.6	14.4	4.8	100 %

*Integrated centres for children and young people*

174. The aim of these socio-educational centres, which fall within the sphere of responsibility of MAFFEPA, is to care for schoolchildren with no physical or mental disabilities aged between 6 and 18 who are experiencing social difficulties linked to the temporary or permanent absence of their parents. Children who have lost this type of support permanently are cared for on a full-time basis whereas children whose parents are unable to care for them for economic reasons are accepted on a part-time basis. Children in the latter group leave the centre as soon as the reasons for their being there cease to exist.

175. The estimated number of children in receipt of services at these centres in 2007 was 6,583. Placements were found for 459 children that year. At that time there were 93 institutions, namely 23 integrated centres, 69 multi-centres for children and 1 holiday centre. In 2007, the budget allocated to those institutions stood at 5,000 MD.

176. During the period covered by this report the integrated centres for children and young people were upgraded both in legal and operational terms, including a revision of the criteria upon which children are selected, methods of integration and the description of the centres' mission.

**Table 11: Distribution of children in integrated centres by social circumstance**

<i>Social circumstance</i>	<i>2005 - 2006</i>	<i>2006 - 2007</i>
Birth outside wedlock	7%	7%
Death of one or both parents	50.5%	47%
Divorce or separation of parents	20%	2.0%
Neglect or absence of protection	3.5%	2.0%
Inability of parents to provide physically or materially for the child	19%	24%

Source: MAFFEPA.

**G. Adoption (art. 21)**

177. The legal framework of Tunisia guarantees the right of a child who has been deprived of a family environment to alternative care. In that regard the present report refers, in addition to the information in paragraphs 98 to 100 above under heading III, A-1, to the relevant information contained in the previous periodic reports of Tunisia which referred to Act No. 58-27 of 4 March 1958 concerning public guardianship, unofficial tutorship and adoption, which guarantees the best interest of the child.

## **H. Illicit transfer and non-return (art. 11)**

178. We refer to the more detailed information and explanations included in previous periodic reports; the present report merely notes by way of illustration the cooperation entered into by the Tunisian-French and Tunisian-Belgian joint consultative committees within the framework of legal agreements drawn up to examine individual cases where mixed marriages have given rise to conflict with regard to custody of children. The application of these agreements has led to final settlements in a number of cases.

## **I. Abuse or neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)**

179. In its concluding observations following consideration of the second periodic report of Tunisia, and “While noting the provision in the Code of Child Protection regarding ill-treatment (art. 24) and the relevant provision in the Penal Code (art. 224), as well as the Ministerial Circular of December 1997 banning all forms of corporal punishment and practices injuring the dignity of children,” the Committee said it was “concerned that, as noted by the delegation, corporal punishment is only a crime if it is prejudicial to the health of the child. It notes with concern that violence as a means of discipline in the home and at school continues to be acceptable in the State party. The Committee regrets that no follow-up to the Committee’s previous recommendation has been initiated to protect children from ill-treatment (ibid., para. 17). The Committee is furthermore concerned that there is insufficient information about and awareness of domestic violence and its harmful impact on children. ...” (Ibid. Paras 33-34).

180. With regard to the concerns expressed by the Committee on the interpretation of article 319 of the Penal Code, it should be noted that the reference in that article to “castigation inflicted on a child by persons having authority over him or her shall not give rise to punishment”, does not in any way mean that the State authorizes the use of violence as an educational principle. A broader reading of that reference must take account of the context in which it was drafted, which dates back to 1913.

181. Violence in all its forms is, by contrast, prohibited by virtue of several articles of the Penal Code which, as of 1995, introduced harsher penalties on members of the family and educationalists who make use of it (articles 212 new; 213 new; 224, paragraph 2, new; 237 new; and 238 new).

182. The measures and mechanisms that Tunisia has put in place since the adoption of the Child Protection Code have been very firmly welcomed by the Committee, even though they must undoubtedly be stepped up all the time to combat, among other things, all forms of violence and ill-treatment suffered by children.

183. On that point Tunisia can give an assurance that it has for a number of years been part of a broad movement aiming to achieve the consistency needed between the objectives of social prevention of harm in society and legal protection; in that regard the results achieved by Tunisia place the country among those which have made a significant contribution to implementing the conclusions and recommendations of the United Nations Study on Violence against Children submitted in October 2006 to the General Assembly of the United Nations at its 61<sup>st</sup> session (A/61/299).



## **1. Survey on violence in the school environment**

184. The National Centre for Pedagogical Innovation and Educational Research (CNIPRE) has set up a research team comprising researchers, experts and representatives of the various contributors in this field to carry out a scientific study of the issue of violence and its repercussions on school life, and to put forward practical recommendations aimed at improving relations between pupils and teachers.

185. Against that background the research team has developed a system of making observations and collecting data on the practices and situations brought to its attention.

Surveys of interested parties (pupils, teachers, administrative staff and parents), case studies and an analysis of case-files processed by education councils were also conducted so that any lessons that could be drawn from them could be learned. Finally, a study was carried out of international experiments conducted in several countries, including within the European Observatory on School Violence (Bordeaux-France), so that they could be compared with the Tunisian experience. To that end the Ministry of Education and Training has drawn up an action plan targeting 39 schools in which violent incidents and behaviours which were in contravention of the rules in force had been noted.

## **2. Survey on violence in the family and social environment**

186. In 2002, MAFFEPA conducted a study into violence within the family and society with a view to obtaining a broader picture of this phenomenon and to analyse its causes and its repercussions on the social equilibrium in general and on women and children in particular. The study proposes a plan of action to stamp out this phenomenon.

The study, which involved a sample of 200 people who were representative of Tunisian society showed that the causes of violence are linked to economic, social and psychological factors (unemployment, poverty, frustration, stress).

187. In order to prevent an increase in violence within families and among young people, MAFFEPA has developed an information and communication strategy aimed at encouraging dialogue and respect for the dignity of every individual and to increase a sense of community in family relationships. As far as treatment is concerned, the government has established care mechanisms such as Child Protection Officers to log notifications of situations where a child's physical or psychological health is at risk.

## **3. The National Report on the situation of the child in Tunisia in 2006**

188. The National Report on the situation of the child in Tunisia in 2006 notes the following outcomes on this matter:

- “- Strengthening and diversification of the intervention mechanisms open to Child Protection Officers in 2006, as a result inter alia of the significant means made available to them, and of training measures in the field of intervention and co-ordinated working.
- Increase in the number of reports to 7,506 in 2006, as opposed to 6,767 in 2005.

- Diversification in the measures taken by Child Protection Officers in 2006: 2,748 conventional measures, 476 emergency measures and 1,713 applications for judicial protection to Family Courts; 908 cases were still at the enquiry stage when the National Report was being drafted.
- Strengthening and expansion of intervention networks during the protection month hosted by the Ministry of Women, Family Affairs, Children and the Elderly in association with the Ministry of the Interior and Local Development, the Ministry of Social Affairs, Solidarity, and Tunisians Living Abroad and Ministry of Public Health for the period 20 November – 20 December 2006, based around the central theme of “dropping out of school” under the slogan "Keeping children in school: a collective responsibility”.
- Relative increase in instances of intervention by the Family Court which for the period running from the beginning of August 2005 to the end of July 2006 stood at 2,378 children at risk, of whom 1,300 were boys and 1,078 girls, representing an increase of 89 cases over the number recorded in 2005.

#### **J. Periodic review of placements (art. 25)**

189. Under the texts in force, a periodic review of the treatment and care provided to a child is carried out by the appropriate administrative and judicial authorities. On this point, the present report refers to the relevant information set out in the previous periodic reports of Tunisia.

### **VI. BASIC HEALTH AND WELFARE**

#### **A. Disabled children (art. 23)**

190. In its concluding observations following consideration of the second periodic report of Tunisia, “While welcoming the extensive legislation regarding children with disabilities and their rights to appropriate education, rehabilitation and training, the Committee regrets that only a small number of children with minor disabilities attend regular schools. The Committee notes the statement by the delegation that a strategy for integration and vocational training for children with disabilities, as well as a study on causes of disabilities are in the process of being completed.

The Committee urges the State party to:

- (a) Review existing policies and practices in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee’s recommendations adopted on its day of general discussion (see CRC/C/69);
- (b) Undertake greater efforts to promote community-based rehabilitation programmes and inclusive education;
- (c) Undertake greater efforts in the area of prevention by reviewing, inter alia, health programmes and policies relating to pregnancy, birth and child health; and
- (d) Seek assistance from, among others, UNICEF, WHO, and relevant NGOs”  
(Ibid. Para.35-36).

## **1. Measures taken to step up programmes aimed at preventing disability**

191. The preceding reports presented the measures taken by the public authorities to prevent disability. Such measures included efforts to promote early detection in schools and at home through the establishment of regional rehabilitation units (URR) and a number of bodies (Institute for Disabled Persons, Institute for Health and Professional Security), as well as the introduction of a compulsory medical examination one year before starting school.

192. That effort is being maintained by the parties involved, including the Ministry of Public Health, which is continuing to invest in refresher training for staff to prepare them to take on this task with the best possible preparation (training sessions for URR staff).

193. We note the establishment in 2006 of two URRs, in Kasserine and in Kef, bringing the total number to 24 URR. During the same year the services provided by the URR were recorded and numbered in excess of 79,856.

## **2. Measures taken to promote the integration of disabled children in schools and society**

### **2.1 Integration of disabled children in schools**

194. Since the 2003-2004 academic year the public authorities have been developing a national strategy aimed at full or partial integration of disabled children in schools. Under the strategy, which aims to achieve full coverage by 2015, 600 children every year are to be integrated in 120 primary schools with appropriate medical, pedagogical and social back-up.

195. Full integration is for children with a mild disability who, with special help, are able to pursue their studies in completely standard conditions. Partial integration is for children with a moderate disability who are capable of making significant progress, particularly with regard to socialization, if all contributors provide greater support, further specialist classes are established and equipment appropriate to pupils' needs is supplied.

196. Between 2003 and 2007 the national programme for the integration of disabled children into regular schools has led to the integration of 4,060 disabled children, distributed as follows:

- 3,141 pupils in the 1<sup>st</sup> cycle of basic education
- 478 pupils in the 2<sup>nd</sup> cycle of basic education
- 441 pupils in secondary education.

197. During the school year 2006-2007, the number of foundation classes rose to 82 with facilities for an additional 75 disabled children recommended by the URR.

**Table 12: Number of children integrated: distribution by sex and type of disability**

<i>Year</i>	<i>Number of children integrated by sex</i>		<i>Total</i>	<i>Type of disability</i>			
	<i>Boys</i>	<i>Girls</i>		<i>Motor</i>	<i>Auditory</i>	<i>Mild mental</i>	<i>Other</i>
2003-04	180	119	299	60	75	138	26
2004-05	350	243	593	96	150	270	77
2005-06	473	325	798	120	194	405	79
2006-07	584	401	985	155	279	469	82

## **2.2 Integration of disabled children into specialist educational centres**

198. Children who are profoundly disabled and are difficult to integrate in schools are steered towards specialist education centres, most of which are run by associations. The number of centres of this type is growing:

- In 2004 the number of centres reached 211, of which 107 were centres for the mentally disabled, 46 for deaf-dumb, 15 for the visually impaired, 27 for children with multiple disabilities, 14 for children with motor disabilities and 2 for the profoundly disabled.
- The number of centres rose to 246 in 2006 and to 250 in 2007.
- These centres provide specialist education and rehabilitation services in teaching, professional and emotional services with the aim of improving the children's skills and preparing them to lead independent lives.

199. Against that background, MASSTE is working to improve the operational coverage rate for districts through specialist education centres. The aim is to attain, by 2009, a coverage rate of 80 per cent, an expanded community disability network and specialist public bodies to meet the need for alternative equipment and technical assistance.

200. Moreover, there are over 5,795 disabled children (aged under 14) registered at specialist education centres.

## **2.3 Social integration of disabled children**

201. Where cultural and sporting activities are concerned it should be noted that there are 4,042 disabled children playing a disabled sport who are members of teams spread over 135 associations, of whom 125 athletes are members of the national team. Among that cohort, 70 disabled people are classed as elite sportsmen/women.

202. Disabled people enjoy equal rights of access to the information society. Therefore a large number of computer centres have been set up to provide disabled children with the skills to use computers and educational software. The E-Handicapés (E-disabled) project bears witness to the commitment to enshrine the principle of equal opportunities in practice. To that end, MASSTE has established 24 educational and social centres for disabled children, one for each governorate. The centres are fitted out to accommodate the specific needs of disabled people. The centres'

role is to use simplified methods to provide educational support to disabled children who are unable to attend school from time to time.

203. In order to make administrative services more accessible to disabled people, 12 computer and communication departments have been established in various regions.

## **B. Health and health services (art. 24)**

### **1. Measures adopted to recognize the right of all children to enjoy the highest possible standard of health and to facilities for treatment and rehabilitation**

204. In its concluding observations following consideration of the second periodic report of Tunisia, "The Committee notes the sustained commitment by the State party to implement its primary health policies and the ensuing achievements in the area of health care, notably the decrease by 40 per cent of infant and under-5 mortality rates over the past decade, and achievements in the area of vaccinations, among others. While noting the delegation's statement that a plan has been formulated to address the issue of persisting regional and urban/rural disparities in the availability and quality of maternal and child health-care services, the Committee nevertheless remains concerned at the persistence of this problem as well as challenges regarding the provision of health services dealing with the specific needs of adolescents.

The Committee urges the State party:

(a) To reinforce its efforts to allocate appropriate resources, and develop and adopt policies and programmes to improve and protect the health situation of children, particularly in the rural regions showing the highest mortality indicators;

(b) Ensure equal access to and the quality of health care for all children, independent of socio-economic factors;

(c) Reinforce the capacity of the health services to address adolescent-specific needs;

(d) Seek technical assistance from, among others, WHO and UNICEF." (Ibid. Para.37-38).

205. As part of the follow-up to the above observations and recommendations made by the Committee, Tunisia has continued to make considerable efforts to enable all children to have access to health services. The basic health care strategy which has been in place for decades has allowed health services to be extended to all regions. The current challenge lies more in improving their quality rather than their quantity.

#### **1.1 Access to health services and quality of provision**

206. The health services and social services are involved in different ways in the healthy, all-round development of the child at different stages in his or her life. They play a key role in providing children with the conditions for a good start in life.

The priorities in health policy in Tunisia are concerned with reinforcing infrastructure, reducing disparities, extending cover and improving the quality of services rendered. Maternal and child health are a prime aspect of health policy.

207. There are several programmes contributing to the implementation of the provisions of the Convention on the right of children to good health, for example the national vaccination programme, the national campaign against diarrhoea, the national growth monitoring programme, the national campaign against acute respiratory infections, the national perinatal programme, the national strategy for integrated care for mother and child (PCIME) and the quality assurance strategy for basic health services.

208. In 2007, Tunisia had 182 hospitals and 104 private clinics with a combined total of 21,750 [sic] beds (21,000 public beds and 20,750 private beds) and 2,080 basic health-care centres. The number of practising health-care professionals is approximately 11,000 doctors, 2,100 dentists, 2,400 pharmacists and 38,400 paramedics. The number of inhabitants per doctor stands at 900 as compared to 1,156 in 2002 and there is about 1 bed per 500 inhabitants over the public and private sectors combined.

The following points should be noted with regard to private sector involvement:

- 45 per cent of private clinics are located in the District of Tunis, 20 per cent in the south eastern regions and 13 in the central eastern regions.
- 75 per cent of hospital beds are in the east of the country.
- 1 in 3 specialists are based in the District of Tunis, 1 in 4 in the central eastern regions and more than 85 per cent in the eastern regions.

209. Of the 2,076 basic health-care centres, 2,012 or 96.9 per cent, provide medical consultations, with 44.5 per cent of the centres offering them once a week. The other centres provide these services at least twice a week. In 2005 the total number of consultations was estimated at 8,851 million, or about 0.86 consultations per year per inhabitant. Finally it should be noted that 90.8 per cent of the basic health care centres provide reproductive health consultations, and that 90.7 per cent of them provide vaccination services.

## **1.2 Health districts**

210. The strategy advocated to prevent disparities between the regions was to decentralize the health system and create health districts, the aim being to provide some autonomy in planning and management matters so as to respond better to the specific problems and needs faced by the population of the district.

211. During the period covered by this report and pursuant to Decree No. 2000-2825 of 27 November 2000, on the organization of health districts as amended by Decree n°2003-517 of 10 March 2003, the process continued of rolling-out districts, upgrading health teams, reinforcing monitoring and assessment measures and establishing functionality criteria and indicators.

212. Pursuant to the Ministerial Decree of the Minister for Public Health issued on 8 April 2002, a committee was set up to study and make recommendations on the establishment of health districts. The Ministerial Decrees of 19 February 2003 and 24 September 2004 established 21 and 34 districts respectively.

In 2005 the number of districts stood at 202.

### 1.3 Health-care funding

213. National health expenditure is changing gradually from year to year. The total health budget for 2007 is close to 1,123.3 MD.

The public sector remains the principal provider of health services. The proportion of expenditure accounted for by public health expenditure in 2003 was 8.0 per cent. In 2005, that proportion stood at 7.7 per cent.

214. Health care has been made more accessible to the poorest categories of society. The budget allocation to national programmes specifically concerned with the child has remained virtually static.

## 2. Appropriate measures taken to reduce infant mortality

215. Tunisia has made significant progress in reducing the under-five mortality rate. The recorded rate in 2000 was one-fifth of what it had been in 1972 and fell from 149 per thousand live births to 30 per thousand. The infant mortality rate fell from 21.1 per thousand live births in 2003 to 20.3 per thousand in 2005.

**Table 13: Infant mortality rate per 1000 births**

<i>Year</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Infant mortality rate per 1000 births	21.1	20.7	20.3		

*Source: INS.*

216. The under-five mortality rate is clustered around the under-ones (80 per cent in 2000). Neonatal mortality (first 28 days of life) accounts for two-thirds of infant mortality.

217. There is no gender disparity in the change in the infant mortality rate; girls seem less affected than boys. By contrast, there are still some disparities between environments with the rural environment faring worse: mortality in rural areas is twice the rate in urban areas.

218. The main causes of death among under-fives are perinatal infections (46.7 per cent), followed by acute respiratory infections (14 per cent), congenital anomalies (10.8 per cent), and dehydration induced by diarrhoea (9.66 per cent).

**Table 14: Changes in infant mortality rates (Per thousand births)**

<i>Year</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2006</i>
IMR (‰)	24.2	23.8	22.8	22.1	21.1	20.0

### 2.1 The national vaccination programme

219. The national vaccination programme contributes to reducing mortality and morbidity. The immunization coverage rates for DTCP3 and measles are 99.8 per cent and 98.5 per cent respectively for children aged between 24 and 35 months.

There are no disparities in environment or sex for immunization coverage rates. Only certain governorates, not necessarily the most disadvantaged ones, continue to have rates below the national average.

In 2005, the national vaccination schedule was reinforced by the introduction of the vaccination against rubella and a vaccination campaign; the campaign, aimed at 504,255 girls on the school roll and 58,869 girls not on the school roll, covered 90.5 per cent of the target population.

## **2.2 The National campaign against diarrhoea**

220. The drop in morbidity due to diarrhoea, the number of episodes per child (0 to 5 years of age) per year fell from 1.97 in 2000 to 0.92 in 2005. There are still some disparities between the various regions: regions in the west of the country experience higher rates (9.4 per cent in Kasserine; 8 per cent in Gafsa).

This is due to negative behaviours, especially stopping breastfeeding during episodes of diarrhoea and maternal ignorance about the symptoms of severe diarrhoea and early weaning. To remedy this the Ministry of Public Health has rerun its information programme in the media and has consolidated health education measures in health care structures.

## **2.3 The National campaign against acute respiratory infections**

221. Established in 1987, this programme came into general use in 1992 to reduce infant mortality and morbidity, and to rationalize the use of antibiotics. Thanks to the efforts made, mortality due to AIR has fallen among children under five from 1.12 per thousand births in 1991 to 0.8 per thousand births in 2000. Despite the drop in serious forms AIR remains the second highest cause of morbidity. There are still limitations in mothers' behaviours and their ability to recognize serious symptoms and the dangers of self-treatment. The results of the MICS2 showed that 16.5 per cent of the serious forms of ARI occur in the north west and 14 per cent in the central west region, whereas the national average stands at 9.2 per cent. Relative frequency is estimated at 13.5 per cent in rural areas compared to 6.2 per cent in urban areas.

Various measures have been taken in the most affected regions to reduce that frequency by consolidating the programme, specifically by providing staff training and health education focused on improving mothers' ability to recognize serious symptoms and increasing awareness of the dangers of self-treatment.

## **3. Measures taken to ensure the provision of necessary medical assistance and health care to all children (art. 24, para. 2(b))**

### **3.1 The strategy for integrated care for mother and child (PCIME)**

222. The PCIME is an approach which aims to improve the quality of health services to provide better health care for mother and child both in terms of prevention and treatment. Emphasis is on reducing mortality and morbidity among children under five and promoting their all-round development.



223. The strategy is built on three component strands:

- Improving staff skills through the drafting of guidelines which must be incorporated into training in all-round care for the most common and most deadly childhood illnesses.
- Improving the health care system by organizing work around health care structures, improving data collection, the monitoring and rational use of medications to provide better health care for mother and child.
- Greater community involvement and improving skills among the community to enable better care to be given at home.

224. During the period covered by this report each of the component strands has undergone rigorous improvement through training and the development of appropriate equipment (production of care algorithm, integrated care forms, nine training modules for doctors, three modules for paramedics, guide on care for healthy children), as well as through improvement in family practices by drafting of a specific action plan for community involvement incorporating the establishment of referral and data collection systems and demarcating roles at central, regional and local levels.

#### **4. Measures taken to ensure appropriate pre-natal and post-natal health care for mothers (art. 24, para. 2 (d))**

##### **4.1 The national perinatal programme**

225. The aim of the national perinatal programme is to improve monitoring of the health of mothers and newborn babies before, during and after birth by standardizing perinatal monitoring and care through the introduction of a system of care priorities and transfers of high-risk cases, promotion and use of perinatal services especially delivery under medical supervision, ante- and post-natal check-ups and improvement in the care of newborns, as well as tetanus vaccinations for pregnant women.

- In 2006, the coverage rate for at least one ante-natal examination was 96 per cent and delivery in a supervised environment was 94.5 per cent.
- In 2006, the coverage rate for at least four ante-natal examinations was 67.7 per cent; the minimum rate was 23 per cent in Sousse and the maximum 78 per cent in La Manouba.
- The rate of delivery in a supervised environment was 94.5 per cent in 2006.

226. In 2006, the rate of vaccination cover against neonatal tetanus stood at 89 per cent. Take-up of postnatal examinations is moderate (51.3 per cent for the 40-day check-up). The measures taken or in train include the following:

- Updating of technical training aids
- Improved training for midwives and doctors
- Better feed-back among locales

- Training of medical staff and midwives on care and resuscitation of newborns
- Equipping of outlying maternity units with neonatal resuscitation equipment.

**Table 15: Prenatal monitoring, delivery in a supervised environment**

<i>Public sector</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>
Prenatal monitoring	81%	81%	81.5%
Delivery in a supervised environment	81.4%	83.44%	83.5%

*Source DSSB.*

**Table 16: Development of coverage for four ante-natal examinations**

<i>Regions</i>	<i>Tunisian Survey on the Health of the Mother and Child 1994</i>	<i>Tunisian Survey on Family Health 2001</i>	<i>MICS III 2006</i>
District of Tunis	28.8	85.8	73.2
North East	24.0	75.4	73.6
Centre East	12.5	72.9	71.7
South East	5.9	57.5	59.3
North West	0	59.8	53.3
Centre West	4.3	57.8	
			49,1
			55,9
			43,2
South West	12.0	72.9	60.6
Urban			72.6
Rural			51.7
<i>Tunisia</i>	<i>12.9</i>	<i>71.4</i>	<i>64.6</i>

## **5. Measures taken to ensure appropriate care for adolescents**

### **5.1 Adolescent health**

227. As part of the effort already made by the public authorities in adolescent health and the protection of adolescents' rights, the National Office for Family and the Population (ONFP) has developed an information and education strategy to heighten young people's and adolescents' awareness of mental health, reproductive health and risk behaviours. It has also introduced specialist medical consultations for adolescents and young people.

**Table 17: Change in the number of young people who have received health education in the period 2003-2006**

<i>Year</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>
Programme conducted by the ONFP	98 083	148 865	285 096	259 161
Programme conducted by partners	22 000	73 000	83 000	79 650
<b>Total</b>	120 083	257 865	368 096	338 811

*Source: ONFP.*

228. In order to raise young people's and adolescents' awareness of disability prevention and the importance of pre-marital consultations the IEC has drawn up an information and education strategy.

229. In schools the Ministry of Public Health has developed a programme based on three component strands: mental health, reproductive health and health education. The programme consists in providing support for psychiatric consultations; it also provides support for counselling units and counselling consultancies, which numbered 125 and 247 respectively in 2007. The number of young people who have been helped rose from 11,359 in 2003-04 to 14,029 in 2006-07.

**Table 18: Growth in the number of counselling units and in the number of people helped**

<i>Year</i>	<i>2003-04</i>		<i>2004-05</i>		<i>2005-06</i>		<i>2006-07</i>	
No. Counselling units	119		115		120		125	
No. sessions	1 466		1 406		1 111		1 286	
No. people helped	2 277		2 066		1 801		2 191	
Sex	M	F	M	F	M	F	M	F
	921	1 356	765	1 301	645	1 156	851	1 340

**Table 19: Growth in the number of counselling consultancies and in the number of people helped**

<i>Year</i>	<i>2003-04</i>		<i>2004-05</i>		<i>2005-06</i>		<i>2006-07</i>	
No. Counselling consultancies	224		238		237		247	
No. sessions	6 010		5 528		5 402		4 222	
No. people helped	9 082		11 654		13 619		11 838	
Sex	M	F	M	F	M	F	M	F
	4 645	4 437	5 756	5 898	7 177	6 442	5 901	5 937

230. Additionally, in 2000 the ONFP began gradually introducing Counselling Units for Reproductive Health and specialist medical consultations for young people and adolescents who are not enrolled in school. In 2007 there were 11 *friends of young people* centres.

**Table 20: Consultations for adolescents**

<i>Year</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>
Number of consultations carried out by ONFP bodies	13 979	17 889	25 469	27 519

*Source: ONFP.*

## **5.2 The National Programme to combat HIV/AIDS**

231. Several measures were taken between 1999 and 2003 as part of the National Programme to combat HIV/AIDS, including:

- The development of a national strategy to monitor and provide care for STDs and its implementation as of 1999. Training for doctors and midwives is one aspect of the strategy and by 2002 almost 60 per cent of health centres had been covered. Training and data collection modules were also rolled out to collect information on these diseases.
- Rolling out, in cooperation with MASSTE (Joint Ministerial Circular of 2001), of antiviral treatment (tritherapy), free of charge since 2000 to all persons with HIV, leading to a reduction in the length of hospital stays and the risk of opportunistic illnesses.
- Reduction in the cost of tritherapy following negotiations with pharmaceutical companies in 2001 thereby allowing the needs of all patients with HIV to be covered.

232. In tandem with all this, because of the importance of information and communication as a strategy to combat AIDS, various awareness-raising events and activities have been held, both in urban and rural areas, targeting all groups, and tackling discrimination against people suffering from AIDS.

## **5.3 The National Oral Health Programme (SBD)**

233. The aim of this programme is to curtail the rise in dental caries and parodontopathies in schools. The strategy underlying the programme is based on primary, secondary and tertiary prevention of oral infection. It is built around three key points:

- Health education promoting oral health;
- Screening for oral lesions by the school doctor within schools;
- Early treatment provided free of charge by way of public sector dental appointments for patients referred from schools.

**Table 21: Number of consultations and treatment rate**

<i>Year</i>	<i>No of consultations</i>	<i>% of patients treated</i>
2003-04	256 223	61%
2004-05	277 021	65%
2005-06	246 080	55%
2006-07	236 632	57%

*Source:* DMSU.

**C. Social security and child-care services and facilities  
(art. 26 and art. 27, para. 3)**

234. In Tunisia, the child may receive social security (unemployment benefit, industrial accident and occupational illness pension, orphans' pension) in the following cases:

- If he or she is dependent on the victim of an industrial accident who pays social security contributions
- Up to the age of 16 without need for justification
- Up to the age of 18, subject to proof of enrolment on a secondary technical or industrial course, whether public or private
- Up to the age of 25, subject to proof of enrolment on a higher education course, without a grant
- No age limit applies if the person is disabled or is an unmarried girl without means.

235. Since 1999 there has been a clear increase (over 1 MD/year) in the budgets allocated to family benefits which form part of the social security system, from 85.3 MD to 95 MD in 2003.

236. In relation to crèches, nursery and kindergarten facilities, please see paragraphs 109 to 113 of this report on the efforts made by the State to combat disparities between regions and between rural and urban areas.

**D. Standard of living (art. 27, paras. 1 to 3)**

237. Tunisia has always made it a priority to eradicate poverty by following a two-fold integrated approach: a priority economic programme providing a level of growth likely to encourage the integration of vulnerable groups into the production cycle and an accompanying social programme allowing the hard core of poverty to receive social and health protection and special assistance. This policy has enabled the poverty rate to be reduced to 3.8 per cent in 2007; that figure represents the hard core of people living in poverty who receive direct assistance from the State (and in receipt of benefit under the Programme of Assistance for Needy Families - PNAFN- there were 121,748 such people in 2007). Additionally, vulnerable categories receive free care (171,135 people in 2007) and care at reduced cost (548,000 low-income recipients who are not covered by social security).

238. This report also notes the action of the **National Solidarity Fund (FSN)**, established in 1993, which is used to provide the areas and places which cannot directly benefit from the economic reforms with the means of obtaining basic public facilities such as decent housing, health care infrastructures, schools, communication routes, electricity, drinking-water, as well as developing multi-purpose leisure facilities and creating income streams.

The projects carried out by the National Solidarity Fund have been one tool for developing the populations of the “grey” areas and improving human development indicators there. The Fund’s actions between 1993 and 2007 have affected over 255,000 families (or over 1.3 million people) in 1,800 places for a total sum of 857,338 MD.

239. Other mechanisms are also involved in the national solidarity system, outstanding among which is the Tunisian Solidarity Bank (established in 1997 and which, to date, has made 93,727 loans) and the system of microcredits introduced in 1999 which to the end of September 2007 had made over 269,000 loans.

## **VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **A. Education, including vocational training and guidance (art. 28)**

240. In its concluding observations following consideration of the second periodic report of Tunisia, the Committee welcomed “the State party’s commitment to making basic education a priority and achieving virtually universal access to education”.

However, the Committee remained “concerned at the repetition and dropout rates, which, while decreasing, continue to pose a significant challenge to the educational system”. The Committee was “concerned at regional disparities in education as well as at the disparity in the illiteracy rate between urban and rural areas as well as gender disparities” and “furthermore concerned at the low enrolment in early childhood education and the decrease of public early childhood education centres which may result in discrimination on the basis of income level”.

Consequently the Committee recommended that the State party:

*“(a) Take all appropriate measures, including the allocation of adequate financial, human and technical resources, to further improve education, as stipulated in articles 28 and 29 of the Convention, both with regard to quality as well as relevance, taking into account general comment No. 1 on article 29, paragraph 1 (aims of education), and to ensure that all children enjoy the right to education;*

*(b) Seek to implement additional measures to promote early childhood education and to encourage children to stay in school, and adopt effective measures to reduce illiteracy rates;*

*(c) Continue cooperation with UNESCO and UNICEF in improving the education sector”.*

241. As part of the follow-up to the above observations and recommendations made by the Committee, Tunisia has continued to make considerable efforts to attain all the targets set in the National Plan of Action for Children for the second decade 2002-2011.

All those targets were achieved in 2006, and indeed were exceeded in several sectors as set out in the paragraphs on childhood in the Presidential Programme for the Tunisia of Tomorrow.

242. In addition to the information set out in paragraphs 114 to 119 of this report and the efforts of the State to combat regional disparities and disparities between urban and rural areas, the principal indicators and the results achieved should be noted below:

- Further improvement in the rate of school enrolment for six year olds, which stands at over 99 per cent, and for the age range 6-11, which stands at 97.1 per cent. The rates achieved for the age ranges 6-16 and 12-18 in 2005-2006 were 90.3 per cent and 75.1 per cent respectively with equal opportunities for boys and girls clearly evident.
- Continued improvement in the school pass rates and a fall in failure and drop-out rates for the first cycle of basic education as a result both of pedagogical and regulatory reforms and measures taken to protect children against failure at school and school drop-out; roll-out of the skills-based approach, the introduction of the system of cycles, supply of teaching resources and improvement in teaching conditions.
- Improvement in basic equipment, rate of drinking water provision and electrification in schools of 88.1 per cent and 99.5 per cent respectively in 2005-2006; some disparities persist nonetheless between urban areas (where the rates are 99.5 per cent and 100.0 per cent respectively) and rural areas (80.6 per cent and 99.1 per cent respectively).
- Continued modernization of the school system and its adjustment to technological changes through the provision of computers and internet access to 1,000 new schools, thereby achieving a coverage rate of 50.5 per cent for primary schools as a whole.
- Review of programmes and development of teaching methods and the assessment system pursuant to the Act on the general principles underlying education and schooling of 2002. To that end a national framework for drafting teaching programmes and methods in primary schools was drawn up using the list of subjects and the weekly timetable allocated to them, and school programmes were completed based on the results of an assessment of national tests and comparisons with international approaches.
- Attachment of special importance to the teaching of foreign languages in primary schools by incorporating them into programmes for Year 6 and increasing the space allocated to them in lower secondary school timetables;
- Incorporation of education in the physical sciences into all levels of the foundation cycle.
- Gradual implementation of the new Secondary Education (ES) structure which at the end of the school year 2004-2005 began steering pupils in the first year towards four courses (arts/ sciences/ information technology / Economics and services), which lead on to six topics at the end of the second year (arts / maths/ experimental sciences / technical sciences / economics and computer sciences). Another course in sports education leading to a Baccalaureate has been introduced to accommodate pupils who are part of the sporting elite in various individual and team disciplines.

- Extension of the map of pilot upper secondary schools as part of their roll-out in all regions: 13 upper secondary schools in 2006-2007 as opposed to 10 in 2002/2003.
- Improvement in the various teacher/pupil ratios: one teacher for every 18.2 pupils in 2006/2007 in primary education and one teacher for every 16 pupils in the foundation and secondary cycles as opposed to one teacher for every 22 and every 20.8 pupils respectively in 2001.
- Improvement in teaching conditions: Increase in school libraries and in the number of multi-purpose rooms. Moreover the size of classes in years 9 and 4 has been capped at 32 pupils and 30 pupils respectively.

243. Where measures and programmes implemented in order to improve efficiency indicators are concerned, the successive reforms that the educational system has undergone has enabled considerable gains to be made, of which the most significant are:

- Improvement in the proportion of school-leavers who successfully complete their basic education (92.5 per cent).
- Fall in the drop-out rate from primary school: 0.7 per cent in 2007 compared to 1.8 per cent in 2001.
- Increase in the percentage of pupils following scientific and technical courses in ES: 73.7 per cent in 2006 as opposed to 57.7 per cent in 2001.
- Improvement in the pass rate for the Baccalaureate in public sector education from 57 per cent in 2001 to 62.9 per cent in 2006,
- Improvement of the system of continuous training through the establishment of the CENAFF in Carthage and the restructuring of the CREFOC.
- Use of TIC in teaching, administration and management. Coverage rate for computer equipment is 100 per cent in upper and lower secondary schools and 67 per cent in primary schools.
- At the same time, computer education has increased in secondary education and was introduced into lower secondary schools as of 2006/2007 for years 7 and 9 alongside the computer laboratories and rooms for both cycles. The following steps were also taken:
  - Upskilling of teaching and supervisory staff in the TIC field and
  - Development of programmes and provision of access to digital content
  - Improvement of the Tunisian virtual school.

244. Moreover, in a bid to improve the atmosphere in upper and lower secondary schools, and to improve pupil supervision and psychological support so as to help pupils gain the most from this difficult stage in their lives, the Ministry of Education and Training has established counselling offices in a certain number of upper and lower secondary schools.



245. The offices are flexible bodies which deal with pupils who need assistance and advice. Pupils share their problems and their concerns in an appropriate, confidential environment with specialist staff whose role is to help them to improve their skills at coping in school and in society.

246. Experience has shown that the counselling offices contribute effectively to protecting adolescents from certain health risks, deviant behaviour and school drop-out; in addition they play a not insignificant role in improving the overall atmosphere in school. In view of this, the decision was taken to reinforce the counselling offices and to introduce them in all upper and lower secondary schools, thus enabling secondary schools to have an effective and efficient tool for preventing communication problems and the ensuing tensions to which such problems give rise.

247. As part of prevention against school drop-out the numbers of social care and monitoring measures within schools has increased. These measures are provided by units comprising staff from the MASSTE, the Ministry of Health and the Ministry of Education and Training. As a result, during the school year 2006-2007 there were 2,260 social work units operating in schools covering 39.2 per cent of all educational establishments, distributed as follows:

- Primary: 1,426 units
- Basic education: 500 units
- Secondary: 334 units

248. Unit staff have processed 18,262 of a total of 29,058 cases, or 63 per cent, disaggregated as follows:

**Table 22: Situations taken on by social work units in schools**

<i>Types of situations</i>	<i>Cases taken on</i>	<i>Cases processed</i>	<i>Completion rate</i>
Social problems	10 239	6 798	66.4
Pedagogical problems	7 557	4 783	63.2
Physical and psychological problems	7 446	4 545	57.15
Multiple problems	3 816	2 136	56
<b>Total</b>	<b>29 058</b>	<b>18 262</b>	<b>63</b>

*Source:* MASSTE.

249. Additionally, in order to improve the coverage rate for social work units in schools, 15 mobile units have been set up in rural areas providing coverage to 301 establishments in 15 governorates.

250. Social work units in schools act as an essential coordination point for the sociologist, the head of the school and the doctor or nurse. Measures of this kind meant that during the school year 2006-2007 2,491 cases were processed by the intervention teams, allowing 1,303 pupils to succeed.

251. In tandem with this, the regional social affairs offices and the regional offices of education and training provide lists of the names of children who are not enrolled or who have voluntarily dropped out of their studies, enabling social workers to process 5,868 cases of school drop-out out of a total of 7,810 during the school year 2006-2007.

252. Finally, with regard to the measures and programmes implemented in preschool education, in addition to the information set out in paragraphs 109 to 113 and the efforts of the State to combat regional disparities and disparities between urban and rural areas, the following information should be noted:

- Increase in the coverage rate for kindergartens, the number of which has risen to 2,533 as opposed to 2,373 in 2005, an increase of 160, and an increase in the number of children enrolled from 113,667 in 2005 to 115,842 in 2006, an increase of 2,175. This resulted in a rise in the national coverage rate from 23 per cent in 2005 to 24 per cent in 2006, exceeding the target set in the National Plan of Action for Children for the second decade 2002-2011 which stood at 22 per cent for 2006; however, that rate is shown to be below target when a regional breakdown of the figures is examined: the coverage rate in the major governorates such as Tunis and Ben Arous and the governorates of the Sahel such as Monastir, Sousse and Sfax, is way above the national rate, whereas the coverage rate in the governorates of the Centre, the North West and the South, has not gone beyond 8 per cent, as in Jendouba, Kasserine, Kairouan and Sidi Bouzid.
- Conclusion of 11 association agreements with organizations and associations aimed at helping them to establish kindergartens in rural areas and areas of high population density (eight kindergartens in partnership with the Tunisian Social Solidarity Union and six with the National Union of Tunisian Women; as part of a programme aiming to establish 2' [sic] kindergartens over three years with an average of three kindergartens in each of the governorates where the coverage rate has not gone beyond 10 per cent, namely Jendouba, Le Kef, Siliana, Béja, Kairouan, Kasserine, and Sidi Bouzid).
- Increase in the coverage rate for the foundation year; in 2005-2006 there were 1,256 primary schools offering a foundation year, of which 856 were in non-municipal regions (68 per cent of all schools offer a foundation year) as opposed to 2004-2005 when there were 1,080 schools offering a foundation year.
- Increase in the number of children enrolled in a foundation year rose to 23,756 in 2005-2006 as compared to 20,036 in 2004-2005; supervision is provided by 1,325 educational staff (one member of staff per group of children).

253. As part of the implementation of the observations and recommendations made by the Committee on the need to adopt effective measures to reduce illiteracy rates, the National Adult Education Programme (PNEA) has, as part of the targets set at its establishment in 2000, taught an average of 8,000 young people aged between 15 and 18 to read and write each year.

During the period in question, the PNEA has provided these young people with the opportunity to have lessons in reading and writing, culture and daily life skills to equip them against losing their literacy skills while helping them to learn the skills they need so as to be able to take care of themselves and become part of the labour market.

A number of measures have been taken to reduce illiteracy among 15-29 year olds to under 1 per cent by 2009 in line with the 11<sup>th</sup> Economic and Social Development Plan, to achieve better targeting of this group, and to gradually introduce pilot centres promoting vocational skills likely to foster the integration of this age group into socio-economic life.

### **B. Aims of education (art. 29)**

254. In accordance with the stated aims of international human rights instruments, including article 29 of the Convention, education in human rights on the broadest possible scale began; at the same time as programmes to review all the curricula in the various cycles of primary and secondary education were introduced, including a review of all school text books with no exceptions; in the higher education sector, education in human rights and the rights of the child has become a compulsory module across the board in all bachelor and master's degrees.

255. The aim of those efforts focused particularly on ridding curricula of all forms of indoctrination and restoring schools and the various educational establishments to their rightful purpose, namely, as stated in Act No. 2002-80 of 23 July 2002 on the general principles underlying education and schooling, to encourage children to express their views and develop their ability to express themselves and to participate. Article 8 of that Act states that the role of school is as follows: "As part of its educational role, in cooperation and in combination with the family, the school system shall train young people to respect accepted standards of behaviour and the rules of good conduct and to have a sense of responsibility and initiative. On that basis school is required to:

- Develop young people's sense of community, educate them in the values of citizenship, strengthen their awareness of the indissociable nature of freedom and responsibility, prepare them to participate in the consolidation of the foundations of a united society based on justice, equity, [and] equality for its citizens in terms of rights and duties;
- Develop all aspects of the individual's personality: ethical, emotional, mental and physical; hone gifts and skills and guarantee the individual's right to construct his or her own persona in such a way as to sharpen his or her powers of analysis and will and develop clarity of judgement, self-confidence, a sense of initiative and creativity;
- Bring up young people in an atmosphere where effort and love of work are regarded as ethical values and a determining factor in developing autonomy and in construction of personality; and engender aspiration to excellence within them;
- Train pupils to respect common values and rules for living as a community" and articles 2, 9 and 16 which state that pupils are at the heart of educational measures and that the school system is called upon to develop within them the forms of intelligence and communication skills from a young age thanks to preschool education which also enables children to be introduced into community life.

256. The present report notes by way of illustration that Tunisian religious education textbooks, including those aimed at pupils in the second cycle of secondary education, highlight the following topics, among others: "the need to prevent religious conflicts", "knowledge as a defence against fanaticism", "education as an element of freedom and its role in reconciling religion and modernity", "education as the enemy of dictatorship", "the Age of Enlightenment in Europe", "the importance of consensus-building, tolerance and dialogue".

257. The same focus has been applied to higher education where, pursuant to Tunisian law and international texts, education in human rights and the rights of the child has become a compulsory module across the board in all bachelor and master's degrees following the introduction of the new LMD (Bachelor's/Master's/Doctorate) reform.

### **C. Leisure, recreation and cultural activities (art. 31)**

258. During the period covered by this report, the Tunisian Government has continued to increase activities aimed at guaranteeing children's right to leisure and cultural activities.

#### **1. Socio-Educational Activities**

##### **1.1 Children's clubs**

259. Children's clubs aim to offer children aged between 6 and 15 a managed space where they can take part in social and educational activities appropriate to their specific needs, particularly as regards artistic expression and information and communication technologies.

260. The 274 clubs operating in 1999 were swelled by the establishment of 102 private bodies, 38 of which were established in 2003 as a result of incentives offered by the State, which is continuing to encourage young graduates to invest in the sector.

261. Indeed, according to an assessment conducted by MAFFEPA in 2002, the basic infrastructure for children's clubs no longer meets quality standards and there is a need for educational staff to be trained and equipment to be upgraded in order to keep pace with changes in the sector.

262. To that end an action plan has been drawn up to improve the quality of services supplied; it does so by introducing new activities in language learning, information and communication technologies, infrastructure planning and refurbishment, and training of educational staff.

263. The action plan, which targeted 141 clubs between 2002 and 2006, led to the replanning of infrastructure for 55 clubs and staff retraining. The effort put in led to a tangible increase in the number of children enrolled, which has risen from 2,733 in 2002 to 8,343. MAFFEPA is working to encourage municipalities to become involved in the process of achieving the action plan targets.

##### **1.2 Regional computer centres for children**

264. Computer centres for children train an average of 28,000 children per year. A major effort was made in 2003 to train trainers, resulting in 270 staff from the regional centres and various associations being trained. Various activities were organized for the annual Children's Day celebrations through television and radio programmes.

## 2. Cultural activities

### 2.1 Cultural centres

265. As part of the national plan to upgrade cultural centres which was adopted by the Ministerial Council meeting under the aegis of the President of the Republic on 1 August 2001, several measures have been adopted the aims of which include:

- Contributing to developing the skills of talented young people by training them in the various creative arts;
- Developing shows;
- Making spaces for meetings and debates available to the general public;
- Providing access to culture and digital creative arts and to the use of information technology and multimedia in this field.

266. The Presidential decision on the gradual increase in the budget of the Ministry of Culture and Protection of National Heritage has enabled improvements to be made to infrastructure and equipment. That budget will account for 1.5 per cent of the State budget in 2009.

267. The number of cultural centres in 2007 stood at 204, distributed over 174 districts.

Additionally, for the year 2007 the Ministry has made the following allocations:

- 4,181 MD to new building,
- 1,000 MD to upkeep and maintenance,
- 1,500 MD to equipment,
- 2,130 MD to operation and activities,
- 150 MD to computerization of culture centres.

### 2.2 Subsidies for cultural output aimed at children

268. As a means of encouraging cultural output aimed at children in 2007, some 224,000 dinars were allocated by way of State subsidy to theatrical productions and some 377,287 dinars to the publication of magazines and books.

**Table 23: Subsidies for children's theatre productions:**

Year	Number of theatre companies subsidized		Amount of subsidy (dinars)	
	Professional companies	Amateur companies	Professional companies	Amateur companies
2003	12	16	98 000 DT	23 750 DT
2004	14		196 000 DT	56 300 DT
2005	14		219 000 DT	37 750 DT
2006	11		162 300 DT	51 000 DT
2007	13	X	224 000 DT	X

*Note:* x = annual subsidies to encourage amateur theatrical groups are allocated at the end of the budgetary period (December 2007).

**Table 24: State subsidies for the production of children's magazines and books:**

<i>Year</i>	<i>2003*</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Children's books	181 272 800	140 955 855	202 785 515	246 906 160	272 933 800
Children's magazines	63 923 850	69 450 480	61 075 050	64 064 020	104 353 210

\* 2003: National Book Year.

### 2.3 Children's libraries

269. There were 314 children's libraries in 2007, spread throughout the country in 13,540 locations, and a total book stock of 2,192,667. The number of children who hold a library ticket stands at 75,823 and the number of children using the libraries is 3,253,256. A total of 5,864,220 book loans were made.

**Table 25: Statistics for children's libraries (2003- 2007):**

<i>Year</i>	<i>2003</i>	<i>2007</i>
Number of libraries	293	314
Number of locations	12 362	13 540
Number of books	1 668 836	2 192 667
Number of ticket-holders	59 733	75 823
Number of users	3 449 790	3 253 256
Number of books read and borrowed	6 073 806	5 864 220

270. It should be noted that the report assessing progress made in the National Plan of Action for Children (PNA 2), 2002 – 2011, the Agence de la francophonie deems the Tunisian public library network to be the most structured network in Africa.

### 2.4 Mobile libraries

271. The public library network comprises 29 mobile libraries operating in 1,814 locations. It holds a stock of 411,045 books and has 22,322 ticket-holders. The number of users is 263,036 and the number of titles borrowed is 390,376.

**Table 26: Statistics for mobile libraries (2003 - 2007):**

<i>Year</i>	<i>2003</i>	<i>2007</i>
Number of libraries	28	29
Number of locations served	1 624	1 814
Number of books	323 477	411 045
Number of ticket-holders	19 101	22 322
Number of users	206 925	263 036
Number of books read and borrowed	355 751	390 376

## **2.5 Activities in local areas and holiday centres**

272. In partnership with the Ministry of Women, Family Affairs, Children and the Elderly, ONET drew up a national activities programme for local areas with a high population density during the 2007 school year. The activities culminated in children and young people from disadvantaged families attending holiday centres.

## **2.6 Activities for children of Tunisian parents living abroad**

273. The Office of Tunisians Living Abroad contributes to the work of the national child protection network. It organizes visits and holiday centres for children of Tunisians residing abroad, particularly those in the 9-14 age group (314 children have participated in three sessions).

# **VIII. SPECIAL CHILD PROTECTION MEASURES**

## **A. Children in situations of emergency**

### **1. Refugee children (art. 22)**

274. Tunisia is not a country of destination for refugee children. On this point we refer to the information given in the previous periodic reports of Tunisia.

### **2. Children affected by armed conflict (art. 38), with particular reference to measures taken to promote physical and psychological recovery and social reintegration (art. 39)**

275. Tunisia is not a country of destination for children affected by armed conflict. On this point we refer to the information given in the previous periodic reports of Tunisia.

## **B. Children in conflict with the law**

276. In its concluding observations following consideration of the second periodic report of Tunisia, the Committee welcomed “the adoption of the Child Protection Code as well as other legal provisions in the area of juvenile justice”.

The Committee was, however, “concerned at the failure of the State party to guarantee full implementation of all provisions (e.g. the fact that juvenile courts have not yet been established), in light of reports of detention and ill-treatment of children, as well as detention of juveniles with adults which has allegedly resulted in sexual abuse or other ill-treatment” (ibid. Para. 45).

277. Tunisia categorically states in this report that its system for the administration of justice for children, which is often referred to in comparative law projects, is fully compatible with articles 37, 40 and 39, and with all the other relevant provisions, as well as with the various international rules applicable in that field such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System.

278. The promulgation of the Child Protection Code made an important change to the administration of juvenile justice in that it acknowledged that a juvenile offender has the right to special treatment which affords him or her protection on two levels, namely:

- In judicial administration
- In the sentencing of young offenders, especially the outlawing of capital punishment and life imprisonment.

#### **1. Administration of juvenile justice (art.40)**

279. The protection takes the form of a number of guarantees which relate to the various stages of the criminal process, including the following:

- Introduction of the irrefutable presumption of the capacity of a minor aged under 13 years to infringe criminal law (art.68-CPE).
- Presence of a lawyer, parents, guardian at the first examination by the judicial police (art.77-CPE).
- Prohibition on holding a minor aged less than 15 years accused of an offence or a crime on remand (art.94- CPE).
- Introduction of special juvenile courts (art.82 and 83- CPE).
- Presence in juvenile courts of selected counsellors specializing in children alongside experienced magistrates (art. 82 and 83- CPE).
- Compulsory use by a juvenile court of social and psychological investigations which must include “specialist opinions and constructive proposals likely to assist the relevant court in its judgments and in taking the appropriate measures required” (art.87 CPE).
- Respect for the family's integrity and the child's private life during formulation of the case-file (art.88-CPE).
- Possibility of trying all crimes except intentional homicide as misdemeanours (art.69- CPE).
- Possibility for the child to use all means of recourse against all decisions handed down by the juvenile court or the juvenile tribunals (art.102-105-CPE).
- Possibility of attempting mediation (except in cases of crime) at any time through the medium of the Child Protection Officer, the objective being to prevent the effects of criminal prosecution, judgment and enforcement (CPE, art. 113 to 117).



**2. Sentencing of young offenders, in particular the prohibition on capital punishment and life imprisonment (art. 37 a))**

280. At the level of sentencing against juveniles, where the facts are established with respect to the minor, “the juvenile court shall decide, giving its reasons, on one of the following measures:

1. Consignment to his or her parents, to his or her guardian, to the person with the right to care and custody, or to a reliable person;
2. Consignment to the families' court, whose preventive role is primordial;
3. Placement in an institution or a public or private establishment approved for education or vocational training;
4. Placement in an approved medical or medico-pedagogic institute;
5. Placement in a rehabilitation centre. A criminal sentence may be pronounced against a minor should his rehabilitation prove necessary, with due consideration for the provisions of this Code. In such a case, the rehabilitation shall be effected in a specialized establishment or, in any event, in a separate prison block reserved for juveniles” (CPE, art. 99).

**3. Measures taken since the second periodic report to promote the establishment of laws, procedures, authorities and institutions specially applicable to children, pursuant to article 40 of the Convention**

281. The present report notes that pursuant to Act No. 2000-53 of 22 May 2000, a paragraph has been added to article 103 of the Child Protection Code, providing as follows: “an appeal against judgments on the merits delivered at first instance by the Juvenile Court shall be made before the Children’s Chamber of the Court of Appeal. The Children’s Chamber of the Court of Appeal shall also hear appeals against judgments given in criminal matters by the Children’s Chamber of the Court of First Instance”.

282. Under that same Act article 83 of the Child Protection Code was also amended to introduce a two-tier court system in criminal matters.

283. In order to make the intervention of the courts as relevant as possible, the legislator took the view more recently that it was appropriate to amend certain provisions of the Child Protection Code. As a result, article 83 (new) of that Code provides that the juvenile court at the Court of First Instance sitting at the seat of a Court of Appeal in the examination of a crime is to be composed as follows:

- A third-rank President who acts as President of a Chamber in the Court of Appeal,
- Two second-rank magistrates, one of whom acts as reporter and coordinator,
- Two members with a consultative role selected from among specialists in children’s matters who appear on the list referred to in article 82 of the Child Protection Code.

284. The composition of the Juvenile Court ruling in appeal on judgments delivered in criminal matters by the juvenile Court at the Court of First Instance is to be as follows:

- A third-rank President who acts as President of a Chamber in the Court of Cassation
- Two magistrates, one a third-rank magistrate, the other a second-rank magistrate
- Two members with a consultative role selected from among specialists in children's matters who appear on the list referred to above.

#### **4. Principal indicators and outcomes with regard to the protection and social reintegration of juvenile offenders**

285. The principal indicators and outcomes for 2006 are set out below:

- Significant drop in the number of juvenile offenders brought before the courts, from 12,307 in 2005 to 10,869 in 2006, a fall of 1,438 although there were regional disparities: the Court of First Instance, Tunis, heard the greatest number of cases (1,603), followed by Grombalia (794), Sfax (719), Sousse (693), Ben Arous (620) and Bizerte (545).
- Fall in the number of children brought before a criminal court from 369 in 2004-2005 to 347 in 2005-2006.
- Fall in the number of children who have committed social and family offences from 171 in 2005 to 129 in 2006.
- Increase in instances of intervention by Child Protection Officers using the mediation mechanism: conciliation agreements were reached in 756 of the 876 cases of mediation.
- Gradual development in methods of rehabilitating and reintegrating juvenile offenders into society including the drawing up of a "Guide to the management of funds allocated to finance the integration of juveniles when they leave rehabilitation centres" meaning that the mechanisms put in place by the National Employment Fund can be exploited successfully
- The National Centre for Trainers and for Course Design, an agency of the Ministry of Education and Training, has made 25 skills-based vocational training programmes available to the General Directorate for Prisons and Rehabilitation as part of the implementation of the pedagogical phase of the project to upgrade vocational training within rehabilitation centres.
- Introduction of branches of the Tunisian Organization for Education and the Family (OTEF) within Rehabilitation Centres for Young Offenders pursuant to the Cooperation and Partnership Agreement entered into with OTEF.
- Courses to provide children placed in rehabilitation centres with the skills to take vocational or agricultural training courses in various fields in coordination with the Ministries of Education and Training, Agriculture, the Environment and Water Resources, so that at the end of the course they are able to sit exams and be awarded qualifications or certificates attesting to their skills.

The number of qualifications awarded in 2006 was 252 (240 in vocational training and 12 in agricultural training).

## 5. Outlook and policy priorities

286. This report lists below a few of the aspects set out in the National Report on the situation of the child in Tunisia in 2006 as policy priorities which the authorities are currently working actively to implement; it should be noted that the policy priorities are essentially the result of recommendations made by juvenile courts and Child Protection Officers when they met in 2005 at seminars hosted for that specific purpose by the Ministry of Justice and Human Rights, with the support of the Unicef Office in Tunis, and billed as “The Child Protection Code ten years on”:

- Involve specialists in children’s issues, including Child Protection Officers, in the preliminary enquiries and activate the mediation procedure as soon as an offence is committed.
- Make sure all appropriate conditions are met to allow the Juvenile Court to put questions directly on offences committed by children.
- Make the presence of counsellors who are specialists in children’s matters even more effective in the judgment stage.
- Allow the Juvenile Court to exercise its broad discretion in some way, subject to appropriate conditions, by making full-time appointments to that court and providing it with all the equipment necessary to carry out activities on the ground, and to supervise and monitor the enforcement of its decisions.
- Give greater effect to the supervised release scheme and establish a plan to increase the human resources and equipment allocated to it.
- Attach greater importance to the care provided within the rehabilitation institution and upon release and to the role of the psychology specialist by improving skills (through third-cycle training), particularly in care for children with behavioural and adjustment difficulties.
- Support efforts to communicate with children who have behavioural and adjustment difficulties and improve rehabilitation centres’ specific knowledge of such children, their environment, their skills at establishing links with their families on the ground or through visits and inquiries, and provide follow-up of the situation of the child after his/her release from the rehabilitation centre.
- Reinforce the programmes in the pre-release phase and draw up the instruments and practical mechanisms to provide accommodation to the child upon release while encouraging associations to provide care for these children.
- Strive to design appropriate mechanisms to provide accommodation and care for girls upon their release from rehabilitation centres and learn from the experiences of bodies such as the National Union of Tunisian Women and the Tunisian Mothers’ Association.

**C. Children in situations of exploitation, including their physical and psychological recovery and social reintegration (art. 39)**

**1. Economic exploitation, including child labour (art. 32)**

287. On this matter we refer to the information set out in the previous periodic reports, noting that in Tunisia the law and practice in this regard are compatible with the standards provided for in article 32 of the Convention and with the International Labour Conventions (C138 and C182) ratified by Tunisia.

288. The results achieved with regard to education and the campaign against poverty have also led to a very considerable reduction in the economic exploitation of children although they have clearly not been able to eradicate it completely.

**2. Sexual and other forms of exploitation (art. 34, 35 and 36)**

289. On this matter we refer to the information set out in the previous periodic reports, and note in particular the active role played by Child Protection Officers in protection matters, as evidenced by their activities which are permanently under way. As a result the number of notifications received by the Representatives grew from 3,768 in 2002 to 5,994 in 2007. The proportion of cases in which care was provided has increased as well, from 74 per cent to 82 per cent in the same period. The situations concerned involve for the main part negligence and vagrancy (26 per cent) or are related to families' inability to provide care and supervision (20 per cent). Sexual violence and economic exploitation accounted for 2 per cent and 1.5 per cent of cases on average. In 2005 over 50 per cent of cases were subject to conciliation measures, 26.2 per cent to judicial protection and 5.2 per cent to emergency measures as opposed to 44 per cent, 18 per cent and 29 per cent respectively in 2002.

**Table 27: Notifications of situations of children in danger, by region:**

<i>Governorate</i>	<i>Notifications</i>			
	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007*</i>
Tunis	494	326	348	259
Ariana	169	200	274	270
La Manouba	335	320	246	141
Ben Arous	320	271	579	411
Zaghouan	148	99	126	91
Beja	236	202	255	219
Nabeul	926	695	1 171	906
Bizerte	75	199	358	341
Jendouba	211	182	260	393
Sousse	289	180	361	71
Monastir	111	109	251	155
Mahdia	130	178	207	276

<i>Governorate</i>	<i>Notifications</i>			
	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007*</i>
Sfax	259	379	450	159
Kairouan	401	197	529	169
Gafsa	166	240	290	189
Kasserine	105	243	271	342
Medenine	170	232	276	346
Gabès	320	198	208	246
Tataouine	134	137	112	179
Sidi Bouzid	155	183	455	121
Kebili	88	112	129	82
Tozeur	73	95	131	304
Le Kef	--	--	127	113
Siliana	--	--	92	212
<b>Total</b>	<b>5 315</b>	<b>4 977</b>	<b>7 506</b>	<b>5 994</b>

\* Statistics to 30 September 2007.

### 3. The extent of situations of exploitation and protection measures taken in relation to them

290. The publication of the annual report on the situation of the child gives a more detailed picture of the situation of children who are victims of ill-treatment, negligence, exploitation and abuse. The data collected since the first reports on the activities of Child Protection Officers show that situations of negligence and vagrancy are predominant.

**Table 28: Breakdown of children at risk, by type of danger:**

<i>Type of danger</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007*</i>
Loss of family support	499	606	533	665	705
Negligence and vagrancy	986	1 185	1 024	1 343	717
Serious and continuous absence of care and protection	685	696	769	1 122	1 095
Habitual maltreatment	400	435	376	456	416
Sexual exploitation	89	93	80	83	95
Exploitation in organized crime	00	07	04	10	04
Begging and economic exploitation	79	119	63	65	58
Inability to provide care and protection	899	924	1 972	1 338	871
<b>Total</b>	<b>3 637</b>	<b>3 998</b>	<b>3 821</b>	<b>5 082</b>	<b>3 961</b>

\* Statistics to September 2007.

**Table 29: Measures taken with respect to children at risk**

<i>Measures</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007*</i>
Conventional measures	2 456	2 719	2 748	2 093
Emergency measures	463	275	476	362
Judicial protection	1 292	1 418	1 713	1 145
Situations under investigation	1 254	909	908	1 303

\* Statistics to September 2007.

#### **4. Measures taken to promote physical and psychological recovery and social reintegration of children in emergencies or children in danger.**

291. The prevention of harm and the protection of children in danger are at the heart of a joined-up system of social and judicial protection which aims to upgrade all aspects of the system in a consistent, coordinated fashion. Those aspects include the legal framework, which is subject to on-going adjustment to bring it into line with the provisions of the Convention on the Rights of the Child; the institutional fabric, the strengthening and development of which are a continuing, on-going process of improving the skills of staff working with and for children, especially the skills of Child Protection Officers and social workers, making improvements to the information and data collection system, coordinating measures between the various contributors and working as a co-ordinated team.

292. Several institutions have been established or reorganized during this period to better meet the specific needs of this category of vulnerable children.

##### **4.1 Social welfare and integration centres (CDIS)**

293. Social welfare and integration centres are public administrative bodies with legal personality and financial autonomy whose remit was set out in Act No. 1993-109 dated 8 November 1993. The Centres are responsible for implementing State policy on social integration and protection. Their budgets are linked to the general State budget under the supervision of MASSTE.

294. The main tasks of the CDIS are:

- Early detection of conditions and situations liable to lead to offending and social maladjustment.
- To establish mechanisms for observation and data collection and processing in relation to different kinds of maladjustment, and to carry out multidisciplinary studies on this topic.
- To offer persons in difficulty advice and guidance in finding organizations that will facilitate their integration.
- To contribute to the supervision and education of youngsters who offend or are at risk of offending, and to provide follow-up action designed to further their recovery and social re-integration.

- To co-ordinate the actions of the various contributors involved with youngsters who offend or risk doing so.

295. Those tasks are reflected in the implementation of harm prevention, supervision and integration programmes for vulnerable groups, especially children in danger.

296. Prevention of harm is a priority in the centres; they are a preferred place for dialogue for young people and their families and they offer the young people appropriate supervision by specialists (educationists, psychologists, social workers), allowing them to manage their problems better and helping them to come up with achievable solutions for the future using the resources already available to them.

297. The CDIS provide the family courts with social, psychological and educational information on the cases studied and propose solutions or measures which can be taken to help families and protect the child's interest.

298. The CDIS have developed an educational rehabilitation and harm prevention programme which aims to rehabilitate the child and give him or her a second opportunity at social and economic integration. The programme deals with a vulnerable group of children aged between 10 and 18 who have dropped out of school early and do not have a sufficient level of schooling to allow them to enter the usual learning or training programmes.

299. Children who have failed at school are usually from families in difficulty (as defined in article 20 of the CPE). Since April 1999 MASSTE has extended the protection afforded to the most vulnerable children by providing them with full care in order to increase their protection. The care is provided by the Pilot Centre for the Observation of Minors and the Centre for Social Guidance and Training. The role of the Douar Hicher and Mellassine CDIS is to provide educational assistance during the day.

300. The aim of the programme is to provide children with skills, both through active involvement in various workshops to prepare them for vocational training and through improving their schooling in close cooperation with the national literacy programme. The final stage is to place the child into the standard integration system, a process in which all the institutions or associations working in the field are involved, as well as the child concerned and, where possible, his or her family. In the event that the family is completely incapable the CDIS try to find alternative solutions using host families.

#### **4.2 The Centre for Social Guidance and Training at Douar Hicher (Decree No. 2001-2906 of December 2001)**

301. The objectives of the Centre are to:

- Admit and accommodate persons with no guardian, shelter, or support, whether physical or psychological; children who are vulnerable and abandoned and all other social welfare cases requiring prompt provision of care in cooperation with the competent administrative and judicial services following examination of the social and psychological circumstances.
- Provide a temporary residence for persons taken into care, afford them basic protection, medical assistance and psychological supervision.

- Guide the persons concerned, in cooperation with the relevant public bodies and organizations, towards programmes and projects which make it easier for them to integrate into the economic and social fabric.

#### **4.3 Integrated centres for young people and children (Decree No. 99-2796 of 13 December 1999)**

302. The Integrated Centres for Young People and Children are socio-educational institutions which take in children and young people who have lost their parents and are in difficult circumstances within the meaning of article 20 of the Child Protection Code (CPE), or who are experiencing social difficulties. The children must be between the ages of 6 and 18 years, be following a course of study or vocational training, be physically and psychologically fit and capable of living with groups of children.

303. The children referred to in article 4 of the Decree are accepted in line with the accommodation capacity of the centre concerned as determined by its socio-educational council. Integrated Centres for Young People and Children offer full-board and half-board systems as well as providing services in a child's natural surroundings.

304. The full-board system is for children who have lost their parents and are in a difficult situation within the meaning of article 20 of the CPE. The half-board system, which is part of the natural surroundings provision, is for children experiencing social difficulties caused by the death of one parent or family break up, where the child's place of residence is such that he or she is able to attend the centre every day.

305. The children and young people leave the Integrated Centres for Young People and Children following their integration into society in one of the following sets of circumstances: the difficult situation ceases to exist, the ability of a parent or guardian to take responsibility for the child's protection and supervision is regained, the child finds employment or marries.

#### **4.4 The Children's Social Protection Centre (decree No. 2007-2875 of 12 November 2007)**

306. Pursuant to Decree No. 2007-2875 of 12 November 2007), a new initiative was taken to strengthen the child protection system. It involved the establishment of the Children's Social Protection Centre. The Centre, which is a public institution, accommodates children in difficult situations as set out in article 20 of the CPE on the order of the family court or the Child Protection Officer. The Centre has the capacity to accommodate 72 children (boys and girls)

### **5. Social interventions on behalf of vulnerable children**

307. During the first nine months of 2007, interventions carried out by MASSTE offices placed 4,319 socially maladjusted children in care. The care procedure is based on a threefold approach, namely an comprehensive assessment, specialization and complementary nature of the roles as between the various contributors involved.

308. Thanks to that approach, 842 children have been able to return to school, 730 have been given a training contract or apprenticeship, 184 over-16s have joined the vocational field and 139 children have been placed in social centres.

309. Furthermore, in view of the key role played by the family in socializing children, specialist bodies in MASSTE have provided pedagogic and social monitoring of the families targeted. As



at September 2007, 10,723 such families have received various services (employment: 375 families; subsidies: 1,545 families; training and accreditation: 7,580 families).

310. It should also be noted that as part of the Presidential Programme for the Care of Vulnerable Children launched on 1 April 1999, the CEDIS in greater Tunis have accommodated 129 children (77 boys and 52 girls). The campaign against the dangers of abandonment and negligence are currently the main concern of interventions by MASSTE bodies.

311. In order to improve social interventions in open surroundings and to prevent risk, MASSTE has developed approaches which allow notified situations to be monitored. A total of 153 children have benefited from the approaches made by the CDIS, which have led to 20 children being reintegrated into schools, 20 other children enjoying a training contract or vocational work placement, financial aid being supplied to 33 children, and conciliation between 40 children and their families. "Street working" has emerged strongly as a method of intervention on the part of the authorities. Additionally, in order to set this approach on a reliable footing, MASSTE has initiated a study on the population in question in order to draw up a precise profile of it.

312. The concern for rationalization which underpins the interventions by MASSTE has recently been consolidated by the establishment of a social supervision mechanism. The system is based on rule-of-thumb, observation of social phenomena, the collection of information and statistics, analysis thereof and formulation of solutions.

#### **D. Children belonging to a minority or an indigenous group (art. 30)**

313. The Tunisian population is renowned for being a homogeneous population where the issue of minorities does not arise, unlike other countries. On this matter we refer to the information set out in the previous periodic reports of Tunisia.

-----