

**COMMITTEE ON THE RIGHTS OF THE CHILD**  
**50<sup>th</sup> session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 8 OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON  
THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF  
CHILDREN IN ARMED CONFLICT**

**Concluding observations: Tunisia**

1. The Committee considered the initial report of Tunisia (CRC/C/OPAC/TUN/1) at its 1392<sup>nd</sup> meeting (see CRC/C/SR.1392), held on 27 January 2009, and adopted, on 30 January 2009, the following concluding observations:

**A. Introduction**

2. The Committee welcomes the submission of the State party's initial report as well as its written replies to the list of issues, which give substantive information on the legislative, administrative, judicial and other measures applicable in the State party with respect of the rights guaranteed by the Optional Protocol. The Committee appreciates the constructive and informative dialogue held with the State party's multisectoral delegation.
3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report on 13 June 2002, contained in CRC/C/15/Add.181.

**B. Positive aspects**

4. The Committee welcomes that article 18 of the Child Protection Code N° 95-92 of 1995 prohibits service of children in the armed forces as well as their involvement in armed conflict. It also welcomes that the age of compulsory recruitment is set at 20 years and that, according to Act N° 2004-1 (the National Service Act), the minimum age for voluntary recruitment is 18 years.
5. The Committee further welcomes the ratification by the State party of:
  - a. the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 13 September 2002;
  - b. ILO Convention no 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, on 28 February 2000.

## I. General measures of implementation

### Dissemination and training

6. The Committee notes with appreciation the measures taken to foster a culture of human rights, including child rights, such as the establishment of a monitoring centre (“Observatoire”) for information, training, documentation and studies relating to the protection of children’s rights and the holding of training courses in international humanitarian law within the Ministry of Defence. However, the Committee is concerned that these activities do not specifically focus on the Optional Protocol.
7. **The Committee recommends that the State party develop systematic awareness-raising, education and training programmes on the provisions of the Optional Protocol for all relevant professional groups working with and for children, including those working with asylum-seeking, refugee and migrant children coming from countries affected by armed conflict, such as health personnel, social workers, teachers, lawyers, judges and immigration officials.**
8. **The Committee further recommends that, in light of article 6, paragraph 2, of the Optional Protocol, the State party ensure that the principles and provisions of the Optional Protocol are included in school curricula and widely disseminated to the general public and State officials, as well as military and peace-keeping personnel, by appropriate means, including the media.**

### Independent monitoring

9. The Committee notes that, following the recommendations made by the Human Rights Council and the Human Rights Committee in this respect, a new law adopted in June 2008 has strengthened the independence and the effectiveness of the Higher Committee on Human Rights and Fundamental Freedoms to ensure that it be in line with the Paris Principles.
10. **The Committee recommends that the State party ensure that the Higher Committee on Human Rights and Fundamental Freedoms seek accreditation to the International Coordination Committee of National Human Rights Institutions (ICC). This body should be provided with the necessary human and financial resources that would enable it to establish a child rights unit to adequately monitor and promote the implementation of the Convention and its Optional Protocols, including this Protocol. This child-rights unit should be mandated, *inter alia*, to receive and investigate complaints from children alleging that their rights, including those enshrined in the Protocol, have been violated.**

## II. Prevention

### Peace education

11. The Committee welcomes that article 1 of the Child Protection Code indicates the importance of “a culture of human fraternity and openness to others” and appreciates that

the State party's education system aims at "transmitting a message of non-discrimination, freedom and peace as an additional tool to prevent hatred and fanaticism".

12. **The Committee recommends that the State party, in collaboration with civil society organizations, gives implementation to the provision of article 1 of the Child Protection Code through the development and implementation of, *inter alia*, training programmes and campaigns to promote the values of peace and respect for human rights and systematically include the subject of peace education and human rights as a fundamental subject in the education system.**

### **III. Prohibition**

#### Legislation

13. The Committee notes both voluntary and compulsory recruitment of children are prohibited under the State party's legislation. While noting the State party's response in the written replies to the list of issues explaining that, because of the absolute nature of this prohibition, there is no real need to introduce specific provisions criminalizing its violation, the Committee is concerned that the lack of criminalization may in practice constitute an obstacle to the extradition of offenders or to the exercise of extra-territorial jurisdiction of the State party in case of compulsory recruitment and/or use in hostilities of Tunisian children abroad or compulsory recruitment and/or use in hostilities of children committed at the hands of Tunisian citizens. Furthermore, the Committee notes that the State party has not ratified yet the Rome Statute of the International Criminal Court.
14. **In order to strengthen the national and international measures for the prevention of the recruitment of children for armed forces or armed groups and their use in hostilities, the Committee recommends that the State Party:**
  - a) **adopt and implement legislation criminalizing the recruitment and involvement of children in hostilities contrary to the Optional Protocol;**
  - b) **establish extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State Party;**
  - c) **ensure that legislation, including military codes, manuals and other military directives are in accordance with the provisions of the Optional Protocol;**
  - d) **consider ratifying the Rome Statute of the International Criminal Court.**

### **IV. Protection, recovery and reintegration**

#### Assistance for physical and psychological recovery

15. The Committee notes the State party's explanation that the lack of record of asylum requests received from children recruited or used in hostilities abroad depend on the fact that in the State party asylum requests are directly channelled through UNHCR office in Tunisia. The Committee underlines that, however, there may be unaccompanied migrant children or children migrating with their families who do not necessarily seek asylum, but may equally have been involved in hostilities abroad. In this respect, the Committee is concerned at the lack of an identification mechanism of these children and regrets that, if

needed, recovery and reintegration programs and services would not be available for them.

16. **The Committee recommends that the State party develop measures to identify, and systematically collect data on, refugee, asylum-seeking as well as migrant children within its jurisdiction who may have been recruited or used in hostilities abroad and ensure that these children receive appropriate care and treatment, including multidisciplinary assistance for their physical and psychological recovery and their social reintegration.**

#### Control of arms export

17. The Committee notes that the State party has legislation (Law 69-93 of June 1969) regulating the introduction, possession and sale of arms, but is concerned that there does not seem to be a provision in the legislation explicitly prohibiting the sale of arms, including small arms, to countries where children are known to be or may potentially be recruited or used in hostilities.
18. **The Committee recommends that the State party expressly prohibit within its legislation sale of arms, including small arms, to countries where children are known to be or may potentially be recruited or used in hostilities.**

### **V. International assistance and cooperation**

19. The Committee takes note that the State party does not have bilateral or multilateral technical cooperation or financial assistance programme for the implementation of the Protocol.
20. **The Committee encourages the State party to strengthen cooperation for the implementation of the Protocol, including in the prevention of any activity contrary thereto and in the rehabilitation and social reintegration of persons who are victims, in accordance with article 7 of the Optional Protocol.**

### **VI. Follow-up and dissemination**

21. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to the Ministry of Defence, the Council of Ministers, the Higher Committee on Human Rights and Fundamental Freedoms and to local authorities, where applicable, for appropriate consideration and further action.**
22. **The Committee recommends that the initial report submitted by the State Party and concluding observations adopted by the Committee be made widely available to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.**

## **VII. Next report**

- 23. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic reports under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.**