

## **TUNISIA**

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 13<sup>th</sup> session, 2012**

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Global Initiative to  
**End All Corporal Punishment  
of Children**

*Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General’s Study on Violence against Children, as a highly significant issue, both for asserting children’s status as rights holders and for the prevention of all forms of violence.*

*In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies and also regional human rights mechanisms have condemned all corporal punishment. In October 2006, the report of the UN Secretary General’s Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.*

*The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities. There is growing progress across all regions in challenging this common form of violence against children. But many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope the Working Group of the UPR will give particular attention to states’ response, or lack of response, to the concluding observations from treaty bodies on this issue, as well as to the recommendations made during the first cycle of the UPR.*

**Since its initial UPR in 2008, Tunisia has achieved law reform to prohibit all corporal punishment of children, fulfilling its obligations in this respect under the Convention on the Rights of the Child and other human rights instruments.**

**We hope the Human Rights Council will congratulate Tunisia on this achievement and recommend that Tunisia supports the law change with public awareness raising and professional education on the law as well as a range of other measures to support its implementation.**

## **1 The initial review of Tunisia by the Human Rights Council (2008)**

1.1 Tunisia was reviewed in the first cycle of the Universal Periodic Review in 2008 (session 1). The issue of corporal punishment was not explicitly raised during the review. However, the following recommendation was made and accepted by the Government:

“Recommends that Tunisia pursue its programmes and consolidated approach in the promotion and protection of all human rights including in the field of education, health and the promotion of the status of women (Syrian Arab Republic) ...”<sup>1</sup>

1.2 Prohibiting corporal punishment of children in all settings is a key obligation under the Convention on the Rights of the Child and other international human rights instruments. In 2010, Tunisia fulfilled its obligation in this respect, providing a firm legal foundation for combating this form of violence against children.

## **2 Corporal punishment of children in Tunisia**

2.1 Prior to law reform, article 319 of the Penal Code punished light assault and violence but stated that “correction of a child by persons in authority over him is not punishable”. Law No. 2010-40 of 26 July 2010 explicitly repealed this clause, making it a criminal offence to assault a child even lightly. Publication of the law in the Official Gazette, in July 2010, was accompanied by a statement from the Constitutional Council that the effect of the new law is to make the provisions against light assault in article 319 of the Penal Code equally applicable to “correction” of children.

2.2 Research in 2006 revealed a very high prevalence of corporal punishment of children: a study of 4,511 households with children aged 2-14 found that 94% of the children were punished using physical, verbal or other forms of violence.<sup>2</sup> This provides a baseline figure against which implementation of the 2010 law reform can be measured.

## **3 Recommendations by human rights treaty monitoring bodies**

3.1 In June 2010, immediately prior to the achievement of prohibition, the **Committee on the Rights of the Child** urged Tunisia not only to enact the law amending the Penal Code but also to conduct relevant research on the issue and to introduce appropriate public awareness raising campaigns on the negative effects of corporal punishment and promoting positive, non-violent discipline in childrearing and education.<sup>3</sup> Similar recommendations were made in 2002.<sup>4</sup>

3.2 In 2011, the **Committee on the Rights of Persons with Disabilities** welcomed the law amending the Penal Code and made recommendations concerning its implementation.<sup>5</sup>

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<sup>1</sup> 22 May, 2008, A/HRC/8/21, Report of the Working Group on the Universal Periodic Review: Tunisia, para. 3(1)

<sup>2</sup> Ministère de la Santé Publique, Office National de la Famille et de la Population and UNICEF (2008), *Enquête sur la Santé et Le Bien Etre de la Mère et l'Enfant – MICS 3*

<sup>3</sup> 11 June 2010, CRC/C/TUN/CO/3 Advance Unedited Version, Concluding observations on third report, paras. 6, 7, 39 and 40

<sup>4</sup> 13 June 2002, CRC/C/15/Add.18, Concluding observations on second report, paras. 33 and 34

<sup>5</sup> 13 May 2011, CRPD/C/TUN/CO/1, Concluding observations on initial report, paras. 6 and 13