



## Submission by Human Rights Watch to the Committee on the Rights of the Child on Tunisia

*84<sup>th</sup> pre-sessional, 2019*

This submission focuses on the protection of students, teachers, and schools during armed conflict and the protection of girls from violence and exploitation.

### *Protection of Education During Armed Conflict (article 28)*

The Safe Schools Declaration is an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict;<sup>1</sup> the importance of the continuation of education during armed conflict; and the implementation of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*.<sup>2</sup> As of June 2019, 91 countries have endorsed the Safe Schools Declaration, including 23 of Tunisia's fellow African Union members. However, Tunisia has yet to endorse this important declaration.<sup>3</sup>

As of April 2019, Tunisia was contributing 75 troops and 16 staff officers to UN peacekeeping operations around the world. Such troops are required to comply with the UN Department of Peacekeeping Operations "UN Infantry Battalion Manual" (2012), which includes the provision that "schools shall not be used by the military in their operations."<sup>4</sup>

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<sup>1</sup> Safe Schools Declaration, May 28, 2015, [https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe\\_schools\\_declaration.pdf](https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf) (accessed November 6, 2018).

<sup>2</sup> Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, March 18, 2014, [http://protectingeducation.org/sites/default/files/documents/guidelines\\_en.pdf](http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf) (accessed November 6, 2018).

<sup>3</sup> "Safe School Declaration Endorsements," Global Coalition to Protect Education from Attack, accessed June 29, 2019, <http://www.protectingeducation.org/guidelines/support>

<sup>4</sup> United Nations Infantry Battalion Manual, 2012, section 2.13, "Schools shall not be used by the military in their operations."

Moreover, the 2017 Child Protection Policy of the UN Department of Peacekeeping Operations, Department of Field Support, and Department of Political Affairs notes:

United Nations peace operations should refrain from all actions that impede children's access to education, including the use of school premises. This applies particularly to uniformed personnel.

Furthermore ... United Nations peace operations personnel shall at no time and for no amount of time use schools for military purposes.<sup>5</sup>

Tunisia's peacekeeping troops are deployed in Mali — a country where attacks on students and schools, and the military use of schools has been documented as a problem.<sup>6</sup>

In addition, Tunisia has recently been elected as one of the newest members on the UN Security Council. In response to this, Khemaies Jhinaoui, Tunisia's foreign affairs minister, stated that Tunisia will be “looking for consensus to help develop preventive diplomacy and contribute to the settlement of conflicts by peaceful means. Tunisia...will be the voice for human rights.”

In June 2015, the month following the launch of the Safe Schools Declaration, the United Nations Security Council unanimously adopted Resolution 2225, which expressed “deep concern that the military use of schools in contravention of applicable international law may render schools legitimate targets of attack, thus endangering the safety of children.” The Security Council encouraged all member states “to take concrete measures to deter such use of schools by armed forces and armed groups.” In July 2018, the Security Council repeated this call for all countries to take concrete measure to deter the military use of schools in Resolution 2427.

Human Rights Watch believes endorsing and implementing the Safe Schools Declaration is an important step towards protecting children in armed conflict and deterring the military use of schools. The UN Secretary-General, António Guterres, has urged all Member States to endorse the Safe Schools Declaration and as of June 2019, ten members of the Security Council have endorsed it.<sup>7</sup>

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<sup>5</sup> UN Department of Peacekeeping Operations, Department of Field Support and Department of Political Affairs, “Child Protection in UN Peace Operations (Policy),” June 2017.

<sup>6</sup> Education Under Attack: 2018, The Global Coalition to Protect Education from Attack, 2018, [http://www.protectingeducation.org/sites/default/files/documents/eua\\_2018\\_full.pdf](http://www.protectingeducation.org/sites/default/files/documents/eua_2018_full.pdf)

<sup>7</sup> “Safe School Declaration Endorsements,” Global Coalition to Protect Education from Attack, accessed June 29, 2019, <http://www.protectingeducation.org/guidelines/support>

*Human Rights Watch recommends that the Committee ask the government of Tunisia:*

- Are protections for schools from military use included in the pre-deployment training provided to Tunisian troops participating in peacekeeping missions?
- Do any Tunisian laws, policies, or trainings provide explicit protection for schools and universities from military use during armed conflict?

*Human Rights Watch recommends to the Committee that it call upon the government of Tunisia to:*

- Endorse the Safe Schools Declaration and take concrete measures to deter the military use of schools including by bringing the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* into domestic military policy and operational frameworks.

### ***Protection from Violence and Exploitation (article 19 and 32)***

In July 2017, the Tunisian parliament adopted the Law on Eliminating Violence Against Women.<sup>8</sup> The law introduces new criminal provisions and increases penalties for various forms of violence when committed within the family. It also criminalizes sexual harassment in public spaces, and the employment of children as domestic workers.

The law includes preventive measures, such as directing the Health Ministry to create programs to train medical staff on how to detect, evaluate, and prevent violence against women, and directs the ministries in charge of education on developing education and training programs to combat discrimination and violence against women, and training educators on how to prevent and respond to violence in educational environments. The law also specifies measures to be taken with children who are victims of sexual violence, both girls and boys, and protects children of women who have been subjected to domestic abuse. The law specifies that a family judge can also request that residence (custody) of children be solely with the mother if she has been subjected to domestic abuse.

While the law requires authorities to refer women and their children to shelters if they are in need, it provides no mechanisms for funding either governmental or nongovernmental shelters. It also does not set out provisions for the government to

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<sup>8</sup> Loi organique n° 2017-58 du 11 août 2017, relative à l'élimination de la violence à l'égard des femmes, [http://www.legislation.tn/detailtexte/Loi-num-2017-58-du----jort-2017-065\\_2017065000581?shorten=E7Lq](http://www.legislation.tn/detailtexte/Loi-num-2017-58-du----jort-2017-065_2017065000581?shorten=E7Lq) (accessed July 1, 2019)

provide women who have been victims of domestic violence with timely financial assistance to meet their needs or assistance in finding long-term accommodation.<sup>9</sup>

To further combat entrenched discrimination against women and girls, the government should also address discriminatory provisions in the personal status law. Although Tunisia has one of the most progressive personal status laws in the region--1956 Code of Personal Status--, however the code still designates the man as the head of the household and denies Tunisian daughters an equal share of an inheritance with their brothers, and in some cases with other male family members.

On November 23, 2018, the Council of Ministers approved a draft law, which would amend the provision in the 1956 Code of Personal Status, which currently provides that men would normally inherit twice the share that women inherit, under interpretations of Islamic sharia law. The proposed amendment would insert a section on inheritance in the Personal Status Code, "Provisions Relating to Equality in Inheritance" to provide gender equality in inheritance as the default, except when the person whose inheritance is involved formally opts out during their lifetime and chooses instead to have their wealth distributed according to the previous legal framework. The President formally submitted a draft law to parliament on November 28, 2018.<sup>10</sup>

*Human Rights Watch recommends to the Committee that it ask the government of Tunisia:*

- Has the government set aside specific funds to ensure that its law on violence against women can be implemented? What funding does the government currently provide Tunisian NGOs who offer shelter to women? What assistance do the authorities provide to victims of domestic violence in need of financial aid or long-term accommodation?
- While welcoming the draft law by the government to amend the personal status law to remove the default on gender inequality in inheritance, what steps is the government taking to remove the the designation of men as the head of the household?

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<sup>9</sup> "Tunisia: Landmark Step to Shield Women from Violence: New Law Offers Protection, but Needs Funding" Human Rights Watch news release, July 27, 2017 <https://www.hrw.org/news/2017/07/27/tunisia-landmark-step-shield-women-violence>

<sup>10</sup> "Tunisia: Parliament Should Back Gender Equality in Inheritance: Government-Approved Draft Law Sent to Chamber" Human Rights Watch news release, December 4, 2018, <https://www.hrw.org/news/2018/12/04/tunisia-parliament-should-back-gender-equality-inheritance>

*Human Rights Watch recommends to the Committee that it call upon the government of Tunisia to:*

- Ensure that shelters for women and girls are fully accessible and have adequate funding, and ensure that victims of domestic violence are provided with timely financial assistance to meet their needs and assistance in finding long-term accommodation.
- Amend the discriminatory provisions in the personal status law allowing women as well as men to be designated the head of the household and to allow girls to claim an equal share of inheritance as male members of the family.