

Arab Network for Early Childhood (ANECD)

Third Strategic Research Model

Review of Child Rights Laws and Legislations in
the Arab Countries (Lebanon, Jordan, Palestine,
Egypt, Tunisia and Morocco as a Model)

Executive Summary

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INTRODUCTION

1. This study on "Children's Rights in the Arab Countries (Lebanon, Jordan, Palestine, Egypt, Tunisia and Morocco as a Model)" comes within the framework of the strategic plan of the Arab Early Childhood Network, which includes five areas of intervention: child rights, early childhood in crises, workforce in the early childhood sectors, climate change, and digital empowerment and protection. Arab Early Childhood Network works on these areas through three core approaches: knowledge production, advocacy and communication, and policy influence. This study represents the third strategic research of the Arab Early Childhood Network and comes in the context of the commitment of Arab countries to activate the Convention on the Rights of the Child. (Hereafter "The Convention"), ratified to date by 196 States around the world, including all other States of Middle East and North Africa Region. This makes it the most ratified international human rights treaty.
2. This study/research provides an opportunity to recall the progress made in the countries directly covered, namely Lebanon, Jordan, Palestine, Egypt, Tunisia, Morocco, and, where appropriate, in the rest of the Arab Countries, and the most important difficulties encountered, in accordance with the main objectives set for them, which are represented in the following points:
 1. Evaluate the constitutional and legislative reforms carried out in the six countries covered by the study/research (Lebanon, Jordan, Palestine, Egypt, Tunisia and Morocco as a model) and, where appropriate, in the rest of the Arab countries, and the extent to which they respond to the relevant international levels - including in particular the Convention on the Rights of the Child and its Optional Protocols.
 2. Monitor and highlight the most important advances made with a view to expanding their utilization, and the main difficulties encountered in harmonizing legislation with the provisions of the Convention on the Rights of the Child and its Optional Protocols.
3. Identify gaps and areas that can be improved in existing laws.
4. Provide recommendations to be used in reviewing laws and legislations related to children's rights in the Arab countries targeted by the study.
5. Highlight the steps taken or may be taken with a view to including the development of legislation relating to the Rights of the Child in the methodology and procedures followed by the competent constitutional and legislative bodies, and by the civil, criminal and administrative Courts in their interpretation of the provisions of the Convention on the Rights of the Child and its Optional Protocols in their relations with national legislation.
6. Contribute to the development of action plans, strategies, legislative measures, policies and programs that recognize children as social actors and rights holders, in a manner

that contributes to providing an enabling environment for all children, reimagining the future for every child, so that no child may be left behind.

3. In order to achieve its objectives, this study/research on "Children's Rights in the Arab States (Lebanon, Jordan, Palestine, Egypt, Tunisia and Morocco as a Model)" used a detailed questionnaire specific to each of the six countries that is filled out accurately, openly and objectively, while adhering to a methodology that enables the collection of information and data on the status of children's rights in legal texts and their effective application on the ground¹.

The methodology also adopted group discussions with experts from the six target countries, enabling a comprehensive overview of child rights laws and their application by judicial and administrative authorities, clarifying the results and providing insights from national experts.

4. In a related context, the methodology in the preparation of this study/research adopts an analytical and critical approach of measures, programs and mechanisms adopted to implement the requirements of the Convention and its Optional Protocols and other relevant international and regional instruments, with a focus on strengths and weaknesses, including those related to the implementation of laws and regulations and their effective application on the ground.

5. Since the Convention on the Rights of the Child, its Optional Protocols and other relevant international and regional instruments are the primary reference on which this study is based, it has become necessary for the analytical and comparative approach to legislation adopt special guidelines and sources of information, including in particular:

First: The operative provisions of the Convention on the Rights of the Child and other relevant international and regional instruments, as interpreted in particular in the General Comments of the Committee on the Rights of the Child, which constitute a basic reference, as they provide an accurate understanding of the rights of the child, in the various topics dealt with by the Committee so far, as well as the practical aspects inspired by the examination of a number of local experiences in various countries and comparative systems;

Second: Concluding observations and recommendations issued by the Committee on the Rights of the Child following the discussion of periodic reports submitted by the countries targeted for study/research and, where appropriate, by a number of other Arab States in accordance with article 44 of the Convention on the Rights of the Child, article 12 of the

¹ Specifically with regard to Jordan, the Study relied on both Jordan's sixth periodic report on the Convention on the Rights of the Child (CRC/C/JOR/6, 16 February 2021) and Jordan's Response to the list of issues submitted on 22 February 2023 (CRC/C/JOR/RQ/6). Both the Report and the Response to the list of issues contained up-to-date and sufficient information to enable the objectives of the questionnaire to be achieved.

Optional Protocol on the sale of children, child prostitution and child pornography, and article 8 of the Optional Protocol on the involvement of children in armed conflict.

Themes of the study

6. Based on the results of the responses to the detailed questionnaire of each of the six countries concerned, and on the rest of the sources of information referred to above, this study/research on "The Rights of the Child in the Arab States (Lebanon, Jordan, Palestine, Egypt, Tunisia and Morocco as a model)" attends to review existing national legal frameworks in these countries with a view to harmonizing their legislation with the provisions and principles of the Convention on the Rights of the Child and its Optional Protocols, and developing mechanisms and institutions for the implementation and monitoring of children's rights (Part I).

In a second phase of this study/research, it is necessary to highlight the most important advances made and the difficulties faced by these States in the field of harmonizing legislation with the requirements of the Convention, focusing on the most important issues that are usually more controversial because they relate to the system of cultural or religious traditions or specificities, and other political and social considerations that hinder the application of the requirements of the Convention and its Optional Protocols and require a comprehensive treatment that places the rights of the child - from a human rights perspective - at the forefront of the concerns of the State and the society at all, which will allow to re-imagine a better future for every child (Part II).

PART I: CONSTITUTIONAL, LEGISLATIVE AND POLITICAL FRAMEWORK FOR THE RIGHTS OF THE CHILD

7. Most Arab Countries, including those involved in this study, face difficulties as a result of the numerous reservations and declarations made to the provisions of the Convention on the Rights of the Child, which represents an objective barrier that limits the ongoing efforts of updating national legislation and ensuring its conformity with the requirements of the Convention and calls for a number of recommendations in the light of the steps taken in a number of these States towards the withdrawal of these reservations and declarations, thus giving effect to the recommendations of the Committee on the Rights of the Child (Paragraph1).

Most of the States concerned also face real difficulties as a result of the hesitation regarding the place of the Convention on the Rights of the Child in the Constitution and in the domestic legal system. (Paragraph 2).

Also, despite the progress made in the area of child rights legislation, there is a need to further enrich this asset in the future (Paragraph3).

On the other hand, most of Countries involved in this study face difficulties in coordinating policies and programs for children, both at the central and regional levels, and in the development of comprehensive national plans of action for the implementation of children's rights at the national level (Paragraph4), regardless of the difficulties associated with the lack of independent monitoring mechanisms in most of these countries (Paragraph 5).

Paragraph 1- Reservations and declarations

8. The Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women are, certainly, the two international instruments that have received the most ratifications. At the same time, however, these two treaties have been the subject of the largest number of reservations and declarations by many countries in the MENA region.

In fact, all MENA Countries - except Bahrain, Lebanon, Libya and Yemen (added to these countries Egypt with the withdrawal in 2003 of its reservation to Article 21 and Morocco with the withdrawal in 2006 of its reservation to Article 14)- have made a number of reservations and declarations on a number of provisions of the Convention.

9. A group of MENA Countries (Iran, Kuwait, Syria and Saudi Arabia) has made a reservation or a general statement covering all the provisions of the Convention for reasons related

to the possibility of conflict of the Convention - according to the operative countries concerned - with the provisions of Islamic law or the provisions of its Constitution. Qatar was among these countries before it had partially withdrawn its general reservation to the Convention in 2009 and made it exclusively to articles 2 (non-discrimination) and 14 (freedom of thought, conscience and religion).

It should also be recalled that Tunisia (2008) and Oman (2011) withdrew the general declaration they had made at the time of ratification of the Convention.

10. A group of MENA Countries has made reservations on specific articles of the Convention that are in contradiction, according to them, with the provisions of Islamic Sharia:

- The reservation to article 14 on the right to freedom of thought, conscience and religion by Algeria, Iraq, Jordan, Oman, Syria, the United Arab Emirates and Qatar.
- The reservation to article 20 on the protection of children deprived of family care and the right to alternative care by Jordan and Syria;
- The reservation to article 21 on the protection of children in adoption procedures by Jordan, Kuwait, Syria and the United Arab Emirates. Oman was among the group of States reserving article 21 before withdrawing its reservation in 2011. Egypt was also among this group of States reserving articles 20 and 21 before its final withdrawal of reservations in 2003.

11. A group of MENA Countries have made unilateral reservations to specific articles of the Convention:

- **Qatar** on the reservation to article 2 of the Convention on the principle of non-discrimination, after partial withdrawal of its general reservation to the Convention on the Rights of the Child in 2009. Tunisia had also made a reservation to the same article 2 before withdrawing its reservation in 2008;
- **Tunisia** concerning the special statement on article 6 on the right to life (with regard to its law authorizing voluntary termination of pregnancy);
- **Kuwait and the UAE** regarding the reservation to article 7 on the right to a name and a nationality. Oman had also a reservation to the same article 7 before withdrawing its reservation in 2011;
- **Oman** concerning the reservation to article 9 on the right of the child not to be separated from his or her parents against their will. Oman withdrew this reservation in 2011;
- **Algeria** regarding the reservation to article 13 on the right to freedom of expression and article 16 on the right to the protection of private life;
- **The UAE and Algeria** regarding the reservation to article 17 on the right to information;
- **Oman** with regard to the reservation to article 30 concerning the right of a child belonging to a minority or indigenous population to enjoy, along with the rest of the

group, his or her culture, profess his religion and practice his or her language. Oman withdrew this reservation in 2011.

Paragraph 2- Status of the Convention on the Rights of the Child in the Constitution and in the domestic legal system

12. The results of the responses to the questionnaire received from experts in the countries concerned with this study/research and other sources of information show that some States have taken important steps in the field of constitutionalization of children's rights, which vary according to the constitutional status of international instruments - including the Convention on the Rights of the Child - in each State party, while hesitation remains about the legal status of international human rights instruments, including the Convention, in the constitutions of a large number of countries in the MENA region, where they are usually limited to stipulating that the treaty has the force of law once it has been ratified and published, without explicitly giving it precedence over domestic legislation, such as:
- Article 33 (bis) of the Jordanian Constitution of 1952,
 - Article 93 of the new Egyptian Constitution of 2014.

The same reluctance exists in a number of other Arab constitutions, such as Article 37(1) of the Bahrain Constitution of 2002, Article 73 of the Constitution of Iraq adopted by referendum on 15 October 2005, Article 70 of the Constitution of Kuwait of 1926, Article 80 of the Constitution of Oman of 1996 (Statute of the State), Article 68 of the Permanent Constitution of the State of Qatar of 2004, etc.

13. In contrast, three (3) Arab countries recognize in principle the primacy of international human rights instruments over domestic legislation, namely:
- Article 150 of the Algerian Constitution of 2016 provides that: "The treaties ratified by the President of the Republic in the conditions specified by the Constitution shall prevail over Acts of Parliament" (Algeria's 2016 constitutional revision, adopted by the law of 7 February 2016, is a constitutional revision that introduced numerous amendments to the constitution adopted in 1996);
 - Article 80 of the Mauritanian Constitution of 12 July 1991, which stipulates that "treaties and agreements validly ratified from the time of their publication have a higher authority than the laws, depending on their application by the other party to each agreement or treaty".
 - The Preamble of the new Moroccan Constitution of 2011, which "is made [an] integral part of this Constitution", providing that the Kingdom of Morocco commits itself: "...To comply with [accorder] the international conventions duly ratified by it, within the framework of the provisions of the Constitution and of the laws of the Kingdom, within respect for its immutable national identity, and on the publication of these

conventions, [their] primacy over the internal law of the country, and to harmonize in consequence the pertinent provisions of national legislation”.

14. Meanwhile, the new Tunisian Constitution of July 25, 2022 – similar to the Constitution of January 27, 2014 – is shrouded in some hesitation regarding the primacy and direct applicability of international instruments related to human rights – including the Convention on the Rights of the Child – as Article Seventy-Four states in its fourth paragraph that: "Treaties ratified by the President of the Republic and approved by the Assembly of the Representatives of the People are superior to laws and without the Constitution". This repetition restores the same requirements of article 20 of Tunisia's 2014 constitution.
15. This seems to be a matter of concern, as it would lead to the interpretation of the requirements of this article of the Constitution in a way that represents a regression in the assertion of the primacy of international instruments and their direct applicability by the courts, and limits the steps taken by jurisprudence in certain rulings and decisions that recognize the direct applicability of the Convention on the Rights of the Child and for litigation before national courts.

Paragraph 3- Legislative measures taken and prospects for better harmonization with the provisions of the Convention

16. The results of the responses to the questionnaire received from experts in the countries concerned by this study/research and other sources of information show that progress has undoubtedly been made in the development of legislation and its compatibility with the requirements of the Convention.
17. Some States have adopted laws limited to the field of protection, such as the "Child Protection Code" in Tunisia promulgated by Law No. 95-92 dated November 9, 1995, which is undoubtedly the most significant achievement in the field of legislation and regulations that have been enacted in Tunisia since the ratification of the Convention on the Rights of the Child.
18. Other experiences in the Arab countries covered by this study have adopted more comprehensive laws, such as the "Child Law of Egypt", promulgated by Law No. 12 of 1996, as amended by Law No. 126 of 2008, and the "Children's Rights Act" in Jordan, promulgated by Law No. 17 of 2022.

Paragraph 4- Difficulties in the area of the Comprehensive National Strategic Plan for Children and coordination mechanisms

19. Most Arab Countries, including those involved in this study, face difficulties as a result of the the lack of a comprehensive national plan of action for the implementation of children's rights at the national level and of coordination mechanisms.

In its concluding observations following the consideration of periodic reports submitted by Governments on the Convention on the Rights of the Child, the Committee on the Rights of the Child systematically encourages the State parties to establish a national coordination mechanism, in the form of a Higher Council for Childhood, to effectively coordinate, monitor and evaluate the implementation of children's rights, and to ensure better coordination between the various sectors of intervention relating to children at all levels.

Paragraph 5- Difficulties in the area of independent monitoring and follow-up mechanisms

20. Most Countries in the MENA region, including Tunisia, have failed to establish an independent national human rights institution to monitor the fulfillment of children's rights and ensure their effectiveness. The major obstacle that many children face in enjoying their rights lie in the ways in which they can effectively and without discrimination enjoy these rights in their daily lives.

In its concluding observations on the periodic report on the Convention on the Rights of the Child, the Committee on the Rights of the Child consistently recommends that States expedite the establishment of the independent human rights body with the mandate to monitor and evaluate progress in the implementation of the Convention, including implementation by the private sector and NGOs as providers of services to children, and ensure that it is able to receive, investigate and deal with children's complaints in an age-appropriate manner.

21. Taking into account the trend prevailing today in a number of countries², especially European ones, the study proposes the establishment, in parallel with the independent national human rights institution, of an independent monitoring and follow-up mechanism for the rights of the child, which could take the form of an "Ombudsperson for the Rights of the Child". If this is not possible, only a children's rights branch of the national human rights institution could be established.

² See Hatem KOTRANE, «Presentation of the proposal of an independent institution to monitor children's rights in Tunisia», In *Conference on the Implementation of an Independent Mechanism to Monitor Children's Rights in Tunisia*, Tunis 28 and 29 September 2012, UNICEF publication, 2014.

PART II: RE-IMAGINE A BEST FUTURE FOR EVERY CHILD

22. Despite the progress made in the implementation of the rights recognized in the Convention on the Rights of the Child, most Arab countries, including those most directly concerned by this study, still face difficulties on certain issues related to subjects that are often controversial, including the definition of the child (Chapter 1), as well as respect for a set of general principles of children's rights (Chapter 2) and of children's civil rights and freedoms (Chapter 3).

Other difficulties are raised relate to the rights of the child in his/her relations with the various parties affecting his/her life and development, the first of which is the family environment and the need to strengthen the partnership and the common responsibilities of parents in order to foster a supportive family environment for children, including towards children without family care (Chapter 4).

However, the fundamental role of the family in the upbringing, care and protection of the child should not obscure the role of society as a whole and of the State in adapting its policies and programmes to respect, protect and fulfill the rights of the child as recognized in the Convention on the Rights of the Child and its Optional Protocols (Chapter 5).

CHAPTER 1: DEFINITION OF THE CHILD

23. A number of Arab States involved in this study/research are facing difficulties in adapting the definition of the child to the requirements of article I of the Convention, particularly with regard to the minimum age for marriage:

Lebanon

24. In its concluding observations following the consideration of the combined fourth and fifth periodic reports of Lebanon, the Committee on the Rights of the Child expressed serious concern "... that the minimum age of marriage is 14 years for girls and 16 years for boys and even younger in certain circumstances, according to the personal status laws of the different religious communities. The Committee, while reiterating its previous recommendations (see CRC/C/LBN/CO/3, para. 26), urges the State party to adopt expeditiously legislation setting at 18 years the minimum age for girls and boys, and to engage with the religious authorities to prohibit child marriages"³.

25. Meanwhile, based on the information contained in the response to the questionnaire on Lebanon, some MPs proposed a law to set a minimum age for marriage in accordance with international conventions and treaties, and transferred it from the presidency of the Council to the Human Rights Committee.

Jordan

26. In its concluding observations following the consideration of the first periodic report of Jordan, the Committee on the Rights of the Child expressed its deep concern "... that a judge may permit marriages of girls and boys from 16 years of age. While acknowledging that a large number of applications for exceptional child marriages submitted in 2022 were rejected, the Committee recalls its previous recommendations 5 and strongly urges the State party to prohibit all marriages under 18 years of age, without exception, including by amending article 10 of the Personal Status Act and removing the possibility of applying for exceptional child marriages. "⁴.

Palestine

27. In its concluding observations following the consideration of the initial report of the State of Palestine, noting that the Personal Status Law, amended on 21 October 2019, increases the minimum age of marriage for girls and boys to 18 years, the Committee on the Rights of the Child "...remains seriously concerned that the amended article 5 of the

³ CRC/C/LBN/CO/4-5, 22 June 2017, para. 17.

⁴ CRC/C/JOR/CO/6, 8 Nov 2023, para. 16.

Law stipulates that sharia courts and other religious authorities may allow exceptions to the minimum age of marriage”.

Therefore, the Committee “...urges the State party to amend and harmonize its legislation to remove all exceptions that allow marriage under the age of 18 years ”⁵.

Egypt

28. While welcoming the definition of a child as a person under the age of 18 in article 2 of the Child Law (2008) and that marriage to persons under the age of 18 cannot be registered pursuant to new article 31 bis of the Civil Status Act No. 143 (1994), the Committee on the Rights of the Child nevertheless expressed concern "... that domestic law still falls short of an explicit prohibition and criminalization of marriages of persons below eighteen years of age ».

The Committee, therefore, “...reiterates its earlier recommendation and urges the State party to explicitly prohibit and criminalize marriage of persons below the age of 18 in domestic legislation”⁶.

⁵ CRC/C/PSE/CO/1, 6 Mar 2020, paras. 16-17.

⁶ CRC/C/EGY/CO/3-4, 15 July 2011, paras. 32-33.

CHAPTER 2: GENERAL PRINCIPLES

Paragraph 1- Non-discrimination

29. Most Arab countries, including those involved in this study/research, undoubtedly face several difficulties in implementing the principle of non-discrimination, especially with regard to discrimination against girls, discrimination against children born out of wedlock, discrimination against children with disabilities, discrimination against children living in poverty, and discrimination against foreign children.

The following are non-exhaustive examples of such difficulties:

Lebanon

30. In its concluding observations following the consideration of the combined fourth and fifth periodic report of Lebanon, the Committee on the Rights of the Child recommended that the State party:

- "(a) Ensure that all children enjoy equal rights under the Convention, in law and practice, without discrimination;
- (b) Intensify efforts to eliminate all forms of discrimination against children of migrant workers, refugee children and children in marginalized situations, including Dom and Bedouin children and children with disabilities, by reviewing relevant laws, including the 1951 Registration of Personal Status Law, and by conducting awareness-raising campaigns at the community level and in schools;
- (c) Undertake a national dialogue with the relevant religious communities and civil society organizations with a view to establishing a common civil code regarding personal status and inheritance applicable to all children regardless of religious affiliation."⁷

Jordan

31. While welcoming, in its above-mentioned concluding observations following the consideration of Jordan's sixth report, the prohibition of discrimination in the Children's Rights Act, the Committee on the Rights of the Child "remains deeply concerned about the remaining lack of a legal prohibition of discrimination on the basis of all grounds prohibited under the Convention, about discriminatory classifications of children in legislation, and about persistent discrimination against girls and children in disadvantaged situations".

The Committee, therefore, "reiterates its previous recommendations and further urges the State party:

⁷ CRC/C/LBN/CO/4-5, supra, para. 14.

- To ensure that its legal framework on discrimination adequately protects children in disadvantaged situations, including girls, from all forms of discrimination by amending article 6 of the Constitution and/or adopting comprehensive anti-discrimination legislation explicitly prohibiting discrimination on all grounds, in line with article 2 (1) of the Convention, including on the basis of sex, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;
- To abolish all discriminatory classifications of children, such as “illegitimate” children in the Civil Status Code; to repeal all laws and eliminate all practices that are discriminatory against all children in disadvantaged situations, including girls, asylum-seeking, refugee and migrant children, children of Palestinian origin, children without a regular residence status, children of unmarried parents, children with disabilities, children in alternative care and children in socioeconomically disadvantaged situations; and to ensure their access to health services, education and a decent standard of living;
- To end discrimination against girls in all areas of life by addressing discriminatory gender stereotypes and ensuring that they are provided with rights and opportunities on an equal basis with boys, including in relation to inheritance...⁸.

Palestine

32. In its concluding observations following the consideration of the initial report of the State of Palestine, the Committee on the Rights of the Child “...remains deeply concerned about persistent de facto discrimination against some groups of children, particularly against girls, specifically with regard to custody, maintenance and inheritance, and against children belonging to the Bedouin communities, primarily living in Area C, concerning access to services and protection from stigmatization and violence.

The Committee, therefore, “...recommends that the State party enact comprehensive anti-discrimination legislation; review its legislation and practices, with a view to prohibiting all forms of discrimination, particularly against girls; and strengthen the effectiveness of its social protection system for all children in disadvantaged or vulnerable situations, without discrimination”⁹.

Egypt

33. While welcoming the State party's efforts to ensure equal enjoyment of rights for all children, the Committee on the Rights of the Child, in its above-mentioned concluding

⁸ CRC/C/JOR/CO/6, supra, paras. 17-18.

⁹ CRC/C/PSE/CO/1, supra, paras. 20-21.

observations following the consideration of the combined third and fourth periodic report of Egypt, recommended that the State party:

- “ (a) Continue the Girls’ Education Initiative and intensify awareness-raising programmes, including campaigns, on the right of all children to education and on the correlation between girls’ education, the eradication of poverty and the achievement of the Millennium Development Goals;
- (b) Ensure that all children, irrespective of nationality, gender or socio-economic background, have access to primary education without discrimination, in accordance with article 54 of the Child Law (2008);
- (c) Repeal all discriminatory legislation against women, including the Penal Code and the Personal Status Law, with a view to eradicating negative perceptions and stereotypes on the role of girls and women in society”¹⁰.

Tunisia

34. In its concluding observations following the consideration of the combined fourth to sixth periodic report of Tunisia, the Committee on the Rights of the Child notes with appreciation the legal prohibition of racial discrimination and that the Constitution ensures protection of children from discrimination. Nonetheless, it is deeply concerned about:

- « (a) The lack of comprehensive legislation that prohibits all forms of discrimination in line with article 2 of the Convention;
- (b) Limited progress in amending the Personal Status Code, which continues to allow discrimination against women and girls in matters relating to inheritance and custody and does not provide for the rights of adopted children and children born to unmarried parents to succession or inheritance;
- (c) Persistent stigmatization of lesbian, gay, bisexual, transgender and intersex children;
- (d) Persistent disparities in access and availability of services by children between different regions, and between urban and rural communities;
- (e) Persistent de facto discrimination against children in disadvantaged situations including girls, children born to unmarried parents, children with disabilities, children living in rural or underprivileged areas, children living in poverty, children belonging to racial or religious minorities, Amazigh children, migrant children, and children infected and affected by HIV/AIDS”.

The Committee, therefore, “recalls its previous recommendations (CRC/C/TUN/CO/3, paras. 22-29) and urges the State party to:

¹⁰ CRC/C/EGY/CO/3-4, *supra*, paras. 34-35.

- Explicitly prohibit, by law, discrimination against children on all grounds covered under the Convention, including sex, religion, ethnic or social origin, disability, birth or other status;
- Expedite the revision of the Personal Status Code, including its discriminatory provisions concerning custody and inheritance rights of girls, adopted children and children born to unmarried parents;
- Conduct awareness-raising activities aimed at ending the stigmatization of lesbian, gay, bisexual, transgender or intersex children;
- Address disparities in access and availability of services by children in disadvantaged situations, and regularly evaluate the enjoyment by those children of their rights;
- Take policy and educational measures, including sensitization and awareness-raising, to prevent and eliminate discrimination against children on all grounds and in all areas of life¹¹.

Morocco

35. In its above-mentioned concluding observations following the consideration of the combined third and fourth report of Morocco, the Committee on the Rights of the Child recommended that, in particular, the State party:
- “(a) Continue the Girls’ Education Initiative and intensify awareness-raising programmes, including campaigns, on the right of all children to education and on the correlation between girls’ education, the eradication of poverty and the achievement of the Millennium Development Goals;
 - (b) Ensure that all children, irrespective of nationality, gender or socio-economic background, have access to primary education without discrimination, in accordance with article 54 of the Child Law (2008);
 - (c) Repeal all discriminatory legislation against women, including the Penal Code and the Personal Status Law, with a view to eradicating negative perceptions and stereotypes on the role of girls and women in society”¹².

Paragraph 2- The best interest of the child

36. In its general comment No. 14 (2013) on the right of the child to give primary consideration to his or her best interests (article 3, paragraph 1), the Committee on the Rights of the Child has indicated that the primary consideration of the best interests of the child is at the same time a right, principle and procedural rule, making it a tripartite concept, as follows:

¹¹ CRC/C/TUN/CO/4-6, 2 Sep 2021, paras. 14-15.

¹² CRC/C/MAR/CO/3-4, 19 Sep 2014, paras. 24-25.

- A fundamental right: the right of the child, whether male or female, to evaluate and give his or her best interests primary consideration when different interests are considered to reach a decision, and to ensure that this right is realized whenever a decision is taken on a child or a group of children. Article 3, paragraph 1, which imposes a substantial obligation on States (self-implementation), applies directly and can be invoked before the Court;
 - A fundamental interpretative legal principle: When there is more than one interpretation of the legal provision, the choice should be based on the interpretation that serves the best interests of the child;
 - A Rule of procedure: whenever a decision is made that has an impact on a specific child or group of children or children in general, the decision-making process should include an assessment of the potential (positive or negative) impact of the decision on the child or the children concerned. The assessment and identification of the best interests of the child require procedural safeguards. In addition, the justification for decision-making must demonstrate that the right of the child has been explicitly observed.
37. A number of States involved in this study/research face several difficulties in respecting the right of the child to have his or her best interests considered as primary consideration.

The study highlights highlights in this regard the observations and recommendations of the Committee on the Rights of the Child, following the consideration of:

- The combined fourth and fifth periodic reports of Lebanon¹³,
- The sixth report of Jordan¹⁴,
- The initial periodic report of the State of Palestine¹⁵,
- The combined third and fourth periodic reports of Egypt¹⁶,
- The combined fourth to sixth periodic reports of Tunisia¹⁷,
- The combined third and fourth periodic reports of Morocco¹⁸.

38. In general, we find the same recommendation made by the Committee to the States concerned to integrate the right of the child to have his or her best interests given appropriate consideration in all legislative, administrative and judicial procedures and decisions, and all policies, programmes and projects relating to and affecting children, and to consistently interpret and apply them in all of them, while encouraging the development of procedures and standards for providing guidance and training to all

¹³ CRC/C/LBN/CO/4-5, supra, para. 15.

¹⁴ CRC/C/JOR/CO/6, supra, para. 19.

¹⁵ CRC/C/PSE/CO/1, supra, paras. 22-23.

¹⁶ CRC/C/EGY/CO/3-4, supra, paras. 36-37.

¹⁷ CRC/C/TUN/CO/4-6, supra, para. 16.

¹⁸ CRC/C/MAR/CO/3-4, supra, paras. 26-27.

those who have the authority to determine the best interests of the child in any field, and to give them the weight they deserve as Primary consideration.

Paragraph 3- The right to life, survival and development

(a) Right to life, survival, development and crimes committed in the name of so-called honour

39. In its concluding observations following the consideration of Jordan's combined fourth and fifth periodic report, the Committee on the Rights of the Child has already expressed its deep concern "... that while dozens of girls continue to be killed every year in the name of so-called honour, article 345 bis of the Criminal Code, introduced by the State party through an amendment, only excludes perpetrators of such crimes from the benefit of mitigating circumstances, and therefore a reduced sentence, when the victim is less than 15 years old...".

In its above-mentioned concluding observations issued following the consideration of Jordan's sixth report, the Committee on the Rights of the Child reiterated its deep concern about:

- "(a) The lack of progress in repealing articles 97 to 99, 310, 340 and 345 bis of the Criminal Code, despite recommendations made by the Committee and other treaty bodies, and the fact that not all forms of gender-based violence are criminalized, contributing to a culture of impunity for perpetrators;
- (b) The prevalence of sexual abuse and gender-based violence against girls, including killings in the name of so-called honour...".

The Committee, therefore, "reiterates its previous recommendations and further urges the State party:

- To strengthen legislation punishing gender-based violence, including by criminalizing psychological violence and repealing all legal provisions condoning gender-based crimes;
- To ensure that all perpetrators of gender-based crimes, including those committed in the name of so-called honour, are brought to justice with commensurate sanctions;..."¹⁹.
- Impact of armed conflict on children's right to life, survival and development

40. Several Arab countries, including the State of Palestine covered by this study, are going through serious difficulties resulting from the continuation of armed conflicts and the unstable security, political, economic and social conditions they face, in which the grave violations of the rights of the Palestinian child, especially after the events of October 7,

¹⁹ CRC/C/JOR/CO/6, supra, paras. 28-29.

2023, reached an unprecedented degree in the history of armed conflicts, embodied in the killing and injury of thousands of children by the Israeli military occupation forces, and other violations that increased the tragic situation of the Palestinian people as a whole, and which coincided with the publication almost four months ago of the latest annual report of the Secretary-General of the United Nations for the year 2023 "Children and armed conflict"²⁰.

Paragraph 4- Respect for the views of the child and the right to participate

41. Despite the steps taken in a number of Arab countries covered by this study/research and the progress made in expanding the areas and patterns of children's participation in family and community life - such as the experience of children's clubs, the Children's Parliament, children's municipal councils, etc., which have been established in a number of these countries - the efforts made and the steps achieved are still limited in impact and far from achieving the set goals.

The study highlights highlights in this regard the observations and recommendations of the Committee on the Rights of the Child, following the consideration of:

- The combined fourth and fifth periodic reports of Lebanon²¹,
 - The sixth report of Jordan²²,
 - The initial periodic report of the State of Palestine²³,
 - The combined third and fourth periodic reports of Egypt²⁴,
 - The combined fourth to sixth periodic reports of Tunisia²⁵,
 - The combined third and fourth periodic reports of Morocco²⁶.
42. In general, we find the same recommendation made by the Committee to the States concerned to implement awareness-raising programmes and activities aimed to encourage the serious and strong participation of all children within the family, community and school, including within pupils' councils, paying particular attention to girls and children in disadvantaged situations, and to ensure that children are heard and their views given due consideration in relevant administrative and judicial proceedings with regard to all rights covered by the Convention and in all decisions affecting them.

²⁰ See document A/77/895/2023/363/S-895, Children and Armed Conflict, Report of the Secretary-General, 5 June 2023

²¹ CRC/C/LBN/CO/4-5, supra, para. 16.

²² CRC/C/JOR/CO/6, supra, para. 20.

²³ CRC/C/PSE/CO/1, supra, paras. 26-27.

²⁴ CRC/C/EGY/CO/3-4, supra, paras. 40-41.

²⁵ CRC/C/TUN/CO/4-6, supra, para. 17.

²⁶ CRC/C/MAR/CO/3-4, supra, paras. 28-29.

CHAPTER 3: FREEDOMS AND CIVIL RIGHTS OF THE CHILD

Paragraph 1- Name, nationality and right to identity

43. Despite the steps taken in a number of Arab States covered by this study/research and the progress made in securing the right of every child to be registered immediately and the right from birth to a name and to acquire a nationality, some of these States face particular difficulties in securing the right of mothers to transmit their nationality to their children on an equal basis with men, and in ensuring the registration of all assets, in particular children of refugees, asylum-seekers and children of migrant workers.

The study highlights the observations and recommendations of the Committee on the Rights of the Child, following the consideration of:

- The combined fourth and fifth periodic reports of Lebanon²⁷,
- The sixth report of Jordan²⁸,
- The initial periodic report of the State of Palestine²⁹,
- The combined third and fourth periodic reports of Egypt³⁰,
- The combined fourth to sixth periodic reports of Tunisia³¹,
- The combined third and fourth periodic reports of Morocco³².

Paragraph 2- Freedom of expression, association, peaceful assembly and access to appropriate information

44. Despite the steps made in the Arab countries concerned in this study to promote children's rights to freedom of expression, association, peaceful assembly and access to appropriate information, they undoubtedly remain modest and slow in most cases, given the prevailing culture, which still views the child as dependent and not as a person with full rights.

The study highlights highlights in this regard the observations and recommendations of the Committee on the Rights of the Child, following the consideration of:

- The sixth report of Jordan³³,
- The initial periodic report of the State of Palestine³⁴,

²⁷ CRC/C/LBN/CO/4-5, supra, para. 17.

²⁸ CRC/C/JOR/CO/6, supra, paras. 21-22.

²⁹ CRC/C/PSE/CO/1, supra, paras. 28-29.

³⁰ CRC/C/EGY/CO/3-4, supra, paras. 42-45.

³¹ CRC/C/TUN/CO/4-6, supra, para. 18.

³² CRC/C/MAR/CO/3-4, supra, paras. 30-33.

³³ CRC/C/JOR/CO/6, supra, para. 23.

³⁴ CRC/C/PSE/CO/1, supra, paras. 30-31.

- The combined third and fourth periodic reports of Egypt³⁵,
- The combined fourth to sixth periodic reports of Tunisia³⁶.

³⁵ CRC/C/EGY/CO/3-4, *supra*, paras. 46-47.

³⁶ CRC/C/TUN/CO/4-6, *supra*, para. 19.

CHAPTER 4: THE RIGHTS OF THE CHILD TOWARDS THE FAMILY

45. The family is undoubtedly the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children. It should, therefore, be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community, which require that States adopt a series of policies and measures aimed at strengthening partnership in parental responsibilities and creating a supportive family environment for children (Paragraph 1).

Meanwhile, the main challenge remains with children deprived of family care, to whom the State is committed to developing policies, mechanisms and programs to ensure alternative care for such children, giving priority to the alternative family care and avoiding as much as possible residence in childcare institutions (Paragraph 2).

Paragraph 1- Strengthen partnership in parental responsibilities and create a supportive family environment for children

46. While some Arab countries, such as Tunisia, have made remarkable progress in this area, the efforts made and the steps achieved are still limited in impact and far from achieving the set goals, as the family pattern and the responsibilities of parents in raising children, custody, guardianship and guardianship of children are still based on perceptions that are incompatible with the requirements of the Convention on the Rights of the Child. The following are non-exhaustive examples of the difficulties faced by some of the States covered by this study, as highlighted by the observations and recommendations of the Committee on the Rights of the Child, following the consideration of:

- The sixth report of Jordan³⁷,
- The initial periodic report of the State of Palestine³⁸,
- The combined third and fourth periodic reports of Egypt³⁹,
- The combined third and fourth periodic reports of Morocco⁴⁰.

³⁷ CRC/C/JOR/CO/6, supra, para. 31.

³⁸ CRC/C/PSE/CO/1, supra, paras. 44-45.

³⁹ CRC/C/EGY/CO/3-4, supra, paras. 51-52.

⁴⁰ CRC/C/MAR/CO/3-4, supra, paras. 44-45.

Paragraph 2- Prioritize the care of children deprived of a family environment in alternative family environment

47. Concerns remain about the situation of abandoned children in the Arab States covered by this study, as expressed by the Committee on the Rights of the Child in its concluding observations issued following the consideration of:

- The combined fourth and fifth periodic reports of Lebanon⁴¹,
- The sixth report of Jordan⁴²,
- The initial periodic report of the State of Palestine⁴³,
- The combined third and fourth periodic reports of Egypt⁴⁴,
- The combined fourth to sixth periodic reports of Tunisia⁴⁵,
- The combined third and fourth periodic reports of Morocco⁴⁶.

⁴¹ CRC/C/LBN/CO/4-5, *supra*, paras. 26-27.

⁴² CRC/C/JOR/CO/6, *supra*, para. 32.

⁴³ CRC/C/PSE/CO/1, *supra*, paras. 46-47.

⁴⁴ CRC/C/EGY/CO/3-4, *supra*, paras. 53-54.

⁴⁵ CRC/C/TUN/CO/4-6, *supra*, para. 29.

⁴⁶ CRC/C/MAR/CO/3-4, *supra*, paras. 46-51.

CHAPTER 5: THE RIGHTS OF THE CHILD TOWARDS TO THE STATE

48. The fundamental role of the family in the upbringing, care and protection of children should not obscure the role entrusted to the State, which intervenes through a series of policies and programmes with the aim of ensuring a set of children's rights, the first of which is the right of the child to the enjoyment of the highest attainable standard of health and well-being (Paragraph 1), the right to access to quality education at all levels, including the right to rest, leisure, recreation and cultural and artistic activities (Paragraph 2), as well as the rights of children with disabilities to enjoy all rights on an equal basis with other children (Paragraph 3).

Based on the concluding observations of the Committee on the Rights of the Child following the consideration of the situation of children's rights in the Arab States covered by this study/research, some other significant issues need to be examined and efforts made in the area of prevention and protection of children from various forms of violence, abuse and exploitation, including protection from violence in the media and through information and communication technologies-the Internet (Paragraph 4), as well as the protection of children's rights in cases of sexual exploitation, including difficulties arising from the application of Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Paragraph 5), the rights of children in situations of economic exploitation, including children in street situations (Paragraph 6), the rights of children outside their countries of origin (Paragraph 7), the rights of children in armed conflict (Paragraph 8) and the rights of the child in the child justice system (Paragraph 9).

Paragraph 1- The right of all children to the enjoyment of the highest attainable standard of health, including the right to well-being and the direct right to social security

49. The right of the child to the enjoyment of the highest attainable standard of health, in accordance with article 24 of the Convention on the Rights of the Child, is accompanied by the right to health treatment and rehabilitation facilities and to health-care services, including in particular appropriate measures to reduce infant and child mortality and to ensure the provision of necessary medical assistance and health care to all children, with emphasis on the development of primary health care and other services, including the development of health-care programmes, especially promotion of adolescent health and development programmes.

50. In accordance with article 26 of the Convention on the Rights of the Child, "States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law...".

51. States Parties recognize also, in accordance with article 27 of the Convention on the Rights of the Child, "... the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development", including by taking "...appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing".
52. A number of States involved in this study/research face several difficulties in respecting the right of all children to the enjoyment of the highest attainable standard of health. The study highlights in this regard the observations and recommendations of the Committee on the Rights of the Child, following the consideration of:
- The combined fourth and fifth periodic reports of Lebanon⁴⁷,
 - The sixth report of Jordan⁴⁸,
 - The initial periodic report of the State of Palestine⁴⁹,
 - The combined third and fourth periodic reports of Egypt⁵⁰,
 - The combined fourth to sixth periodic reports of Tunisia⁵¹,
 - The combined third and fourth periodic reports of Morocco⁵².
53. It should be noted that the Committee on the Rights of the Child, in considering both the sixth report of Jordan and the combined fourth to sixth periodic report of Tunisia, made recommendations, including the impact of climate change on children's rights, based on target 13.3 of the Sustainable Development Goals, recommending in particular ensuring that children's needs and views are taken into account in developing policies and programmes addressing climate change and disaster risk management, as well as strengthening efforts to increase awareness among children of climate change and other environmental issues by incorporating them into the school curriculum and teacher training programmes.

⁴⁷ CRC/C/LBN/CO/4-5, *supra*, paras. 30-32.

⁴⁸ CRC/C/JOR/CO/6, *supra*, paras. 34-37.

⁴⁹ CRC/C/PSE/CO/1, *supra*, paras. 50-53.

⁵⁰ CRC/C/EGY/CO/3-4, *supra*, paras. 62-71.

⁵¹ CRC/C/TUN/CO/4-6, *supra*, para. 35.

⁵² CRC/C/MAR/CO/3-4, *supra*, paras. 54-57.

Paragraph 2- The right to access to quality education at all levels, including the right to rest, leisure, recreation and cultural and artistic activities

54. In addition to the Convention on the Rights of the Child, the right to education is at the forefront of the 2030 Agenda for Sustainable Development and its Goal 4 to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.
55. In a related context, reference should be made to the report issued in Paris on 10 November 2021 during the UNESCO General Conference entitled "Rethinking our future together: a new social contract for education" prepared by the International Commission on the Future of Education, and to the outcomes of the "Transforming Education" summit held at the invitation of the United Nations Secretary-General (New York, 16, 17 and 19 September 2022) with the aim of elevating education to the top of the global political agenda, which provides opportunities to advance education and foresee the future through the inclusion of Thinking about educational reform in a universal horizon that focuses on the individual as an actor, the goal of development, human values and human rights principles, and monitors good practices in building active citizenship and in managing educational affairs according to an approach that seeks to resist marginalization and enshrine equality, in a way that enhances the implementation of the fourth goal of sustainable development for the year 2030 related to ensuring equitable and inclusive quality education for all..
56. In fact, despite the progress achieved so far in some of the Arab States covered by this study, most of them have remained far from achieving the overall objectives referred to above.

In this regard, the summary of this study refers to the following examples of difficulties encountered in Lebanon, Jordan and Tunisia, which are not exhaustive, as the Committee on the Rights of the Child has already expressed concern about the situation of education in Palestine⁵³, Egypt⁵⁴ and Morocco⁵⁵, and made recommendations for overcoming them in the future.

Lebanon

57. In its above-mentioned concluding observations issued following the consideration of the combined fourth and fifth periodic report of Lebanon, the Committee on the Rights of the Child, while commending the State party for its overall high net enrolment rates, for raising the age of compulsory education to 15 years, for expanding early childhood

⁵³ CRC/C/PSE/CO/1, supra, paras. 54-55.

⁵⁴ CRC/C/EGY/CO/3-4, supra, paras. 74-75.

⁵⁵ CRC/C/MAR/CO/3-4, supra, paras. 60-61.

education and for adopting numerous initiatives to ensure Syrian refugee children have access to education, including through the implementation of the “Reaching All Children Through Education” initiative, it expressed concern about a number of difficulties encountered and urged the State party in particular to:

- “(a) Ensure the right to compulsory and free education for all and continue efforts aimed at improving access to education by refugee, asylum-seeking and stateless children by addressing barriers to access to education, including inadequate facilities and funding;
- (b) Strengthen efforts to improve the retention and reduce the premature dropout rate and develop and promote quality vocational training to enhance the skills of children, especially those who drop out of school;
- (c) Take measures to increase the overall quality of education, in particular with respect to the public schools, and increase the number of qualified teachers, including teachers working with children with disabilities, and enforce quality standards for non-formal programmes;
- (d) Update the school curricula, ensuring that it is broad, relevant and inclusive, develops rights-based learning and assessment and ensures children’s participation;
- (e) Implement its policy on early childhood care and education and allocate sufficient financial resources for its implementation, in particular in areas outside of Beirut and Mount Lebanon;
- (f) Ensure access to safe play areas, green spaces and cultural facilities for all children, in particular those from marginalized backgrounds⁵⁶.

Jordan

58. While welcoming the measures to promote inclusive education and strengthen the education management information system, the Committee on the Rights of the Child, in its above-mentioned concluding observations following the consideration of Jordan's sixth report, expressed "grave concern" at a number of difficulties encountered in this area and recommended in particular that the State party:

- “(a) Strengthen measures for ensuring equal access of children in disadvantaged situations, including asylum-seeking, refugee and migrant children, children of Palestinian origin, children with disabilities and children without a regular residence status, to public education free of charge, including by: (i) extending the exemption from providing identification for all non-Jordanian children, including non-Syrian refugee children, to enrol in schools; and (ii) waiving the costs of education for non-Syrian refugee children;

⁵⁶ CRC/C/LBN/CO/4-5, *supra*, paras. 34-35.

- (b) Take targeted measures to address school dropout rates and the causes, giving particular attention to girls, children with disabilities and children from disadvantaged situations, including by: (i) ensuring that all children, including pregnant teenagers and adolescent mothers, are retained in and finish school; (ii) repealing the policy that prevents re-enrolment for children who have been out of compulsory education for at least three years and ensuring that all children can re-enrol; and (iii) expanding the coverage of non-formal educational programmes for the large number of children who are out of school;
- (c) Enhance educational opportunities and learning outcomes for both boys and girls at all levels, including through capacity-building of teachers and educational administrators;
- (d) Ensure inclusive education in early childhood education and mainstream schools for all children with disabilities by adapting curricula and training and assigning specialized teachers and professionals in integrated classes, so that children with disabilities and learning difficulties receive individual support and due attention, and by ensuring reasonable accommodation within the school infrastructure;
- (e) Combat violence in schools, including bullying and online violence, and ensure that such measures encompass prevention, early detection mechanisms, the empowerment of children and professionals, intervention protocols, awareness-raising on its harmful effects, and training for teachers on preventing and responding to violence in schools;
- (f) Enforce effectively the prohibition of corporal punishment in schools, and ensure that children have accessible, confidential, child-friendly and effective reporting channels for such cases and that they do not face reprisals for reporting abuse;
- (g) Eliminate discriminatory and negative gender stereotypes and patriarchal ideologies from school curricula and textbooks at all levels, enhance gender-sensitive and inclusive teaching practices, and diversify the educational and vocational choices of girls and boys⁵⁷.

Tunisia

59. While commending the measures taken to address the large number of dropouts, including through its Second Chance Education Programme, the Committee on the Rights of the Child, in its above-mentioned concluding observations following the consideration of the combined fourth to sixth periodic report of Tunisia, expressed concern at a number of difficulties encountered in this area and recommended that the State party:

- « (a) Take urgent measures to provide free and compulsory primary education to all children and improve access to and retention in secondary education, paying

⁵⁷ CRC/C/JOR/CO/6, supra, paras. 39-41.

particular attention to children living in poverty, children in rural areas, and children with disabilities;

- (b) Allocate the necessary resources to ensure the high quality and accessibility of public education, and regulate and monitor private schools with the aim of addressing inequality in the education system;
- (c) Strengthen the quality of education, including by reforming its school curricula, ensuring the availability of qualified teachers, providing quality pre-service and in-service training, and ensuring that schools are fully and safely accessible to all and equipped with adequate infrastructure and educational technologies;
- (d) Develop a comprehensive strategy aimed at improving water, sanitation and hygiene in schools that includes public awareness-raising activities and the monitoring of the implementation of the national standards on water and sanitation facilities, and ensure that sufficient resources are allocated to the strategy;
- (e) Strengthen programmes and awareness-raising activities against violence, abuse and bullying in schools;
- (f) Strengthen its efforts to address the high numbers of repetition and dropout, particularly in secondary education, including by rolling out its Second Chance Education programme at the national level in collaboration with both public and private partners;
- (g) Develop and promote quality vocational training to enhance the skills of children, especially those who drop out of school, with a particular emphasis on those in rural areas”⁵⁸.

With regard to early childhood development, the Committee recommended that the State party:

- “(a) Allocate sufficient financial resources for the effective implementation of the national strategy for early childhood development, paying particular attention to ensuring access to preschool education for children living in poverty, children in rural areas and children with disabilities;
- (b) Designate a government authority, such as the Ministry of Education, to lead the implementation and monitoring of early childhood education;
- (c) Expeditiously adopt the national standards on early childhood care and the qualifications of educators, and ensure that educators receive systematic and appropriate in-service training”⁵⁹.

⁵⁸ CRC/C/TUN/CO/4-6, *supra*, paras. 36-37.

⁵⁹ *Ibid.*, para. 38.

Paragraph 3- Rights of children with disabilities

60. While the Convention on the Rights of the Child is dedicated to the rights of all children, without discrimination of any kind, special attention is paid to children in vulnerable situations. Article 23 of the Convention is, in this regard, the first value-binding international treaty specifically devoted to persons with disabilities in general, and more specifically to children, before the adoption of the Convention on the Rights of Persons with Disabilities on December 13, 2006, which was ratified by all the Arab countries concerned with this study, with the exception of Lebanon – signature without ratification – among 184 countries in the world.
61. In fact, despite the progress achieved so far in a number of Arab countries covered by this study, most of these countries face several challenges in this area, including in particular the lack of disaggregated data for children with disabilities, as well as the difficulties facing a number of children with disabilities who are exposed to all forms of abuse, including mental, physical or sexual abuse in all living environments such as home, school and care institutions. The lack of access to a functional monitoring system to receive complaints further exposes them to systematic and ongoing abuse. In addition, the Committee has often expressed concern about the large number of children with disabilities placed in institutions and the lack of opportunities for comprehensive care, including inclusive education, that in a number of States priority continues to be given to the provision of special education at the expense of inclusive education for all, and the lack of adequate measures and programmes to enable the inclusion of children with disabilities in cultural, recreational and sports activities.
62. In this regard, the study refers to a number of difficulties faced by children with disabilities in the Arab countries covered by this study – in a definitively varying manner – as highlighted by the observations and recommendations of the Committee on the Rights of the Child, following the consideration of:
- The combined fourth and fifth periodic reports of Lebanon⁶⁰,
 - The sixth report of Jordan⁶¹,
 - The initial periodic report of the State of Palestine⁶²,
 - The combined third and fourth periodic reports of Egypt⁶³,

⁶⁰ CRC/C/LBN/CO/4-5, *supra*, paras. 28-29.

⁶¹ CRC/C/JOR/CO/6, *supra*, para. 33.

⁶² CRC/C/PSE/CO/1, *supra*, paras. 48-49.

⁶³ CRC/C/EGY/CO/3-4, *supra*, paras. 60-61.

- The combined fourth to sixth periodic reports of Tunisia⁶⁴,
- The combined third and fourth periodic reports of Morocco⁶⁵.

Paragraph 4- The right to protection from violence and other forms of ill-treatment, including the prohibition of corporal punishment

63. The United Nations study on "Violence against children" and both general comment No. 8 (2006) of the Committee on the Rights of the Child on "The right of the child to protection against corporal punishment and other forms of cruel or degrading punishment" and general comment No. 13 (2011) on "The right of the child to freedom from all forms of violence" show that any strategy to combat violence against children in all its forms must be based on a child-rights-based approach, requiring a paradigm shift towards respecting and promoting the human dignity and physical and psychological integrity of children as rights-bearing individuals rather than perceiving them primarily as "victims", taking into account the general principles enshrined in the Convention on the Rights of the Child as a basic framework that identifies priorities and outlines the necessary measures to be taken and the prevention and protection mechanisms to be put in place with a view to integrating them into the methodology and procedures of action followed in the application by the various - public and private - actors who have the care of the child, including State actors.
64. The Arab States covered by this study face – undoubtedly in a varying manner – real difficulties in protecting children from all forms of violence, harm, neglect, abuse or exploitation. The main challenges can be identified in the growing culture of violence, in particular due to the absence of an explicit ban on corporal punishment in the law. The lack of a comprehensive system for preventing, reporting and investigating all cases of child abuse at home, in schools and other child care facilities, and in providing referrals for consultation and rehabilitation of child victims, are all difficulties raised in as expressed by the Committee on the Rights of the Child in its concluding observations issued following the consideration of:
- The combined fourth and fifth periodic reports of Lebanon⁶⁶,
 - The sixth report of Jordan⁶⁷,
 - The initial periodic report of the State of Palestine⁶⁸,

⁶⁴ CRC/C/TUN/CO/4-6, supra, para. 30.

⁶⁵ CRC/C/MAR/CO/3-4, supra, paras. 52-53.

⁶⁶ CRC/C/LBN/CO/4-5, supra, paras. 18-25.

⁶⁷ CRC/C/JOR/CO/6, supra, paras. 25-30.

⁶⁸ CRC/C/PSE/CO/1, supra, paras. 36-43.

- The combined third and fourth periodic reports of Egypt⁶⁹,
- The combined fourth to sixth periodic reports of Tunisia⁷⁰,
- The combined third and fourth periodic reports of Morocco⁷¹.

Paragraphe 5- Difficulties arising from the implementation of the Optional Protocol to the Convention on the Rights of the Child, concerning the sale of children, child prostitution and child pornography (OPSC)

(A) Difficulties in fulfilling obligations under the OPSC

65. The international protection of children against sexual exploitation has been considerably strengthened since the adoption of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Article 3 of the Optional Protocol calls, in particular, on States parties to review their criminal laws with a view to ensuring that they fully cover, at a minimum, all the acts and activities specified therein, "...whether such offences are committed domestically or transnationally or on an individual or organized basis". For example, the criminalization of the sale of children must specifically cover the following facts and activities: "(i) Offering, delivering or accepting, by whatever means, a child for the purpose of:

- Sexual exploitation of the child;
- Transfer of organs of the child for profit;
- Engagement of the child in forced labour;

(ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption".

Likewise, child pornography, defined as "... any representation, by any means, of a child engaged in explicit, real or simulated sexual activity, or any representation of the sexual organs of 'a child, primarily for sexual purposes" should it cover "Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography".

Each State Party is also required to take the measures necessary to establish its jurisdiction over the offenses referred to in the Optional Protocol, not only when the offences are

⁶⁹ CRC/C/EGY/CO/3-4, supra, paras. 57-59.

⁷⁰ CRC/C/TUN/CO/4-6, supra, paras. 22-27.

⁷¹ CRC/C/MAR/CO/3-4, supra, paras. 34-43.

committed in its territory or on board a ship or aircraft registered in that State, but also “...When the alleged offender is a national of that State or a person who has his habitual residence in its territory”, or “When the victim is a national of that State” (Article 4). States parties also undertake, under the Protocol, to facilitate extradition operations, including by considering the present Protocol to be a legal basis for extradition in respect of such offences (article 5). In addition, States parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings (Articles 6 and 7), as well as adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process (Article 8), etc.

66. Several Arab States face real difficulties in implementing the requirements of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as can be seen from the concluding observations of the Committee on the Rights of the Child following the consideration of the initial report submitted by Morocco under article 12, paragraph 1, of the Optional Protocol. While the Committee “... welcomes a number of measures taken by the State party to implement and strengthen the protection of the rights covered by the Optional Protocol, including changes in the Penal Code criminalizing child pornography, sex tourism, sexual abuse and trafficking in person”, the Committee expressed concern “... about the information that child prostitution and sex tourism involving young Moroccans as well as immigrants, especially boys, continues to be a problem”. The Committee, therefore, “recommends that the State party intensify its efforts to tackle the problem of prostitution of children, including in the context of sex tourism, by developing a specific strategy targeting the tourist industry, including specific messages on child rights and on the existing sanctions against child abusers”.

With regard to the criminalization and prosecution of the various offences set forth in the Protocol, “... The Committee recommends that the State party:

(a) Consider adopting specific legislation on the obligations of internet service providers with a view to prohibiting child pornography on the Internet;

(b) Strengthen its legislative framework by becoming a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the 2000 United Nations Convention against Transnational Organized Crime”.

In a related context, the Committee expressed concern “... about the compliance of the State party’s law and practice with article 5 (1) of the Optional Protocol, notably that all the offences referred to in article 3, paragraph 1 of the Optional Protocol be considered as extraditable offences”.

Accordingly, "... The State party should take all necessary steps to ensure that its extradition policies are in conformity with the requirements set out in article 5 of the Optional Protocol".

(B) Protecting children's rights in relation to the digital environment

67. The challenges of applying the principle that all rights that must be guaranteed off line must also be guaranteed on line is a challenge that applies to all human beings, including, of course, children.⁷²

Admittedly, respecting the privacy of children from arbitrary intrusion is a fundamental right, recognized by article 16 of the Convention on the Rights of the Child which provides: "

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks".

68. Article 8 of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography goes further by calling on States parties to adopt at all stages of the criminal procedure the measures necessary "... to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by: ... (e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims".
69. The widely shared view, however, is that children are inadequately protected from invasion of their privacy, including when they visit websites. There is certainty on this subject insufficiency of a legal framework adapted to the extent of the risks run by children (a).

Attempted solutions allow the exploration of certain corrective measures capable of preventing and punishing breaches of children's privacy and personal data (b).

(a) Inadequate legal protection framework

⁷² See Hatem Kotrane, « Protecting children's privacy and personal data», in *Privacy, Personality and Flows of Information*, 2^{ème} édition- Mandate of the Special Rapporteur on the Right to Privacy, La Marsa- Tunis, 25 et 26 mai 2017.

- See also, Hatem Kotrane, « Children's Rights and Media Responsibility in Tunisia: The Need for a Holistic Approach Based on Respect, Protection and Promotion of Children's Rights», in *Movements of Law , Studies in honour of Professor Rafâa BEN ACHOUR*, Tunis 2016, Tome III, p. 253.

70. Whether it is to play, learn, learn, receive school support or follow the adventures of their favorite character, children and adolescents spend a lot of time on the Internet and the time devoted to this browsing increases. Mr. Jean ZERMATTEN, former Chair of the Committee on the Rights of the Child, summed up the situation well by observing: “At the time of writing the Convention, we were not yet really in the trend of new technologies, the Internet was in its infancy and nobody had their mobile phone at hand, nor could even imagine watching a movie while walking, answering their e-mail from the most remote corners of the planet, nor considering the challenges and the benefits of these very recent inventions! Besides, if we were to rewrite the CRC today, I am sure that we would devote a substantial article to the media”⁷³.
71. In its general comment No. 13 (2011) on “The right of the child to be protected from all forms of violence”, the Committee on the Rights of the Child was, however, more explicit in relation to violence through information and communications technologies. According to the Committee, "...Child protection risks in relation to ICT comprise the following overlapping areas:
- (a) Sexual abuse of children to produce both visual and audio child abuse images facilitated by the Internet and other ICT;
 - (b) The process of taking, making, permitting to take, distributing, showing, possessing or advertising indecent photographs or pseudophotographs (“morphing”) and videos of children and those making a mockery of an individual child or categories of children;
 - (c) Children as users of ICT:
 - (i) As recipients of information, children may be exposed to actually or potentially harmful advertisements, spam, sponsorship, personal information and content which is aggressive, violent, hateful, biased, racist, pornographic, unwelcome and/or misleading;
 - (ii) As children in contact with others through ICT, children may be bullied, harassed or stalked (child “luring”) and/or coerced, tricked or persuaded into meeting strangers off-line, being “groomed” for involvement in sexual activities and/or providing personal information;
 - (iii) As actors, children may become involved in bullying or harassing others, playing games that negatively influence their psychological development, creating and uploading inappropriate sexual material, providing misleading information or

⁷³Jean Zermatten, « Medias and the Convention on the Rights of the Child », unpublished article.

advice, and/or illegal downloading, hacking, gambling, financial scams and/or terrorism”.

72. Admittedly, information technologies such as the Internet and mobile phones have great potential as tools contributing to the safety of children and making it possible to report suspected or proven violence and ill-treatment. The reality is, once again, quite different. The effectiveness of the right of the child to protection in digital spaces for children encounters countless difficulties. They stem from the reckless uses of children and their parents, as well as legal obstacles stemming from the low receptivity of large digital platforms with regard to personality rights.

73. Parents are also a major source of exposure to children's privacy at an even earlier age. Do they bear legal responsibility for their children? Baby contests are flourishing on the web while some women promote their maternal experience on blogs. Recounting the great moments of their daily life like photographic magazines, they regularly publish photos of their children. What will the child think of this use of his image during adolescence?

(b) Outlook: Progress in preventing and punishing invasions of children's privacy and personal data

74. According to the Committee on the Rights of the Child, it is the responsibility of States parties to respect, protect and promote the rights of the child and to take all “appropriate” legislative, administrative, social and educational measures, with a view to protect children from unlawful intrusion into their privacy.

An approach based on the conception of the child as Holder of rights must be adopted with a view to respecting and encouraging consultation and cooperation with children and their participation in the conception, implementation and supervision and the assessment of the protection framework and the specific measures it contains, taking into account the child's age and changing capacities.

Paragraph 6- Children's rights in situations of economic exploitation, including children in street situations

75. Several Arab countries covered by this study are facing difficulties – undoubtedly in a varying manner –in protecting children in situations of economic exploitation, including children in street situations, which have undoubtedly worsened in recent years, as highlighted by the observations and recommendations of the Committee on the Rights of the Child, following the consideration of:

- The combined fourth and fifth periodic reports of Lebanon⁷⁴,
- The sixth report of Jordan⁷⁵,
- The initial periodic report of the State of Palestine⁷⁶,
- The combined third and fourth periodic reports of Egypt⁷⁷,
- The combined fourth to sixth periodic reports of Tunisia⁷⁸,
- The combined third and fourth periodic reports of Morocco⁷⁹.

Paragraph 7- Rights of children outside their countries of origin

(A) Children who are refugees or seeking refugee protection

76. Article 22, paragraph (1) of the Convention on the Rights of the Child provides that: "1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties...".

In fact, the issue of refugee or unaccompanied children has worsened in recent years and has become problematic in several Arab countries covered by this study, as expressed by the Committee on the Rights of the Child in its concluding observations issued following the consideration of the combined fourth and fifth reports of Lebanon⁸⁰ and the sixth report of Jordan⁸¹.

(B) Children in the context of international migration

77. Children in situations of international migration face real difficulties in a number of Arab countries covered by this study. In this regard, the summary of this study refers to the

⁷⁴ CRC/C/LBN/CO/4-5, *supra*, paras. 39-41.

⁷⁵ CRC/C/JOR/CO/6, *supra*, paras. 45-46.

⁷⁶ CRC/C/PSE/CO/1, *supra*, paras. 48-49.

⁷⁷ CRC/C/EGY/CO/3-4, *supra*, paras. 78-81.

⁷⁸ CRC/C/TUN/CO/4-6, *supra*, para. 44.

⁷⁹ CRC/C/MAR/CO/3-4, *supra*, paras. 66-67.

⁸⁰ CRC/C/LBN/CO/4-5, *supra*, para. 36.

⁸¹ CRC/C/JOR/CO/6, *supra*, paras. 43-44.

following examples of difficulties encountered in Lebanon and Tunisia, which are not exhaustive.

Lebanon

78. In its above-mentioned concluding observations issued following the consideration of the combined fourth and fifth periodic report of Lebanon, “noting with deep concern the reports of mass expulsion of children of migrant workers and their parents and delays in issuing residency permits and reports that those children have difficulty in gaining access to services, such as education and health care, the Committee recommends that the State party:

(a) Ensure that the best interests of the child are a primary consideration in all administrative and judicial proceedings involving children of migrant workers, including expulsion proceedings;

(b) Ensure that migrant workers and members of their families, particularly those in an irregular situation, are guaranteed due process before all courts and tribunals in administrative and judicial proceedings, and are provided with the necessary guarantees, including individualized protection assessments, access to legal representation, interpretation services and the right to appeal the decisions of the General Security;

(c) Ensure access to education and other services to children of migrant workers regardless of the status of their parents⁸².

Tunisia

79. In its above-mentioned concluding observations following the consideration of the combined fourth to sixth periodic report of Tunisia, the Committee on the Rights of the Child expresses its deep concern “...about reports of forcible deportations of asylumseeking and migrant children, and of children living in immigration detention centres”.

Recalling the joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families / No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee recommends that the State party:

“a) Develop a legislative framework on asylum-seeking and migrant children and establish status determination procedures to ensure the identification and protection

⁸² CRC/C/LBN/CO/4-5, *supra*, para. 37.

of asylum-seeking, refugee and migrant children, including unaccompanied children and separated children;

(b) Ensure that the best interests of the child are a primary consideration in all asylum- and migration-related procedures, including decisions related to relocation;

(c) Prevent all forms of detention and forcible deportations of asylumseeking, refugee and migrant children;

(d) Build the capacity of relevant authorities, including immigration officials and border police, on children's rights and the application of the best interests of the child;

(e) Develop comprehensive referral and case management frameworks for services to children, including with regard to health, education, the police and justice sectors, including the provision of free legal aid;

(f) Appoint a legal guardian and provide legal support for all unaccompanied children and ensure their access to remedies”⁸³.

Paragraph 8- Children's rights in situations of armed conflict

(including difficulties arising from the application of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict)

(A) Prohibition of the recruitment and use of children in armed conflict

80. Most arab States, including States involved in this study – with the exception of Lebanon (signature only) and the United Arab Emirates - have ratified the Optional Protocol to the Convention on the Rights of the Child on involvement of Children in armed conflict. All countries in the region have ratified, along with all other countries around the world, the four Geneva Conventions of 12 August 1949 - and their two Additional Protocols of 1977 - on the rules of conduct to be adopted in times of armed conflict, while only three States in the MENA region - Jordan, Palestine and Tunisia - have ratified the Rome Statute of the International Criminal Court.

The Security Council, for its part, has adopted several resolutions specifically aimed at protecting children in times of armed conflict⁸⁴, including resolution 2427/2018 unanimously adopted by the Security Council at its 8305th meeting on 9 July 2018. While relying on previous resolutions⁸⁵, Resolution 2427/2018 reiterated the firm

⁸³ CRC/C/TUN/CO/4-6, *supra*, paras. 40-41.

⁸⁴ Hatem KOTRANE, «The Security Council and the integration of the protection of children's rights into armed conflicts», in *Seminar to celebrate United Nations Day - Day dedicated to the memory of Mongi Slim*, LR-DIERME and the Tunisian Association for the United Nations (UNTA), 24 October 2019.

⁸⁵ Res. 1261 (1999) of August 25, 1999, Res. 1314 (2000) of August 11, 2000, Res. 1379 (2001) of November 20, 2001, Res. 1460 (2003) January 30, 2003, Res. 1539 (2004) April 22, 2004, Res. 1612 (2005) July 26, 2005, Res.

condemnation of the recruitment of children into the armed forces, classified by Resolution 1612/2005, above, among the six serious violations of children's rights under the Monitoring and Reporting Mechanism (MRM).

81. The ratification by Arab States of international instruments of international humanitarian law and international human rights instruments relevant to the involvement of children in armed conflict does not prevent the increase of various forms of violence against children in armed conflict, as confirmed by the UN Secretary-General's annual report on Children and armed conflict, issued in June 2023 and covering the period from January to December 2022.

According to this report, "children in 2022 continued to be disproportionately affected by armed conflict compared to 2021...". The largest number of violations was the killing (2,985) and maiming (5,655) of 8,631 children, followed by the recruitment and use of 7,622 children and the abduction of 3,985 children...".

All these numbers have been on the rise since the United Nations established the Monitoring Reporting Mecanism (MRM) in 2005, which identified grave violations in the following actions:

- Killing in the context of armed conflict resulting in the death of one or more children and maiming causing serious, permanent or disabled injury, scarring or mutilation of the child;
- Recruitment or use of children into armed forces and groups;
- Attacks on schools or hospitals;
- Rape or other serious sexual violence;
- Abduction, unlawful removal, detention, detention, forcible taking or disappearance of a child, whether temporarily or permanently, for the purpose of any form of exploitation;
- Denial of humanitarian access to children.

(B) Israeli violations of the rights of the Palestinian child in Gaza and in the occupied West Bank, including East Jerusalem

82. Following the events of October 7, 2023, and in an unprecedented manner in the history of armed conflicts, the world is witnessing grave violations of the rights of the Palestinian child, including his right to life, survival and development, the killing and injury of thousands of children by military forces, and other violations that increased the tragic situation of the entire Palestinian people, which coincided with the issuance

1882 (2009) August 4, 2009, Res. 1998 (2011) July 12, 2011, Res. 2068 (2012) of September 19, 2012, Res. 2143 (2014) of March 7, 2014 and Res. 2225 (2015) of June 18, 2015.

almost four months ago of the latest annual report of the Secretary-General of the United Nations for the year 2023 "Children and Armed Conflict" referred to above.

Paragraph 9- Children's rights in the child justice system

83. The issue of the rights of the child in the child justice system is undoubtedly one of the issues of constant concern to the Committee on the Rights of the Child, which led it to devote both general comment No. 10 (2007) on the rights of the child in juvenile justice and general comment No. 24 (2019) on Children's rights in child justice systems to address the various problems raised in this area, which are constantly changing according to the evolution of concepts, which require States to work continuously to adapt national legislation and policies to the provisions of the Convention. In particular, articles 37, 39 and 40 thereof, and other United Nations standards in this field, including:
- The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the "Beijing Rules"), adopted by A/RES 40/33, 29 November 1985;
 - The United Nations Guidelines for the Prevention of Juvenile Delinquency (the "Riyadh Guidelines"), adopted by A/RES/45/112, 14 December 1990;
 - The United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the "Havana Rules"), adopted by A/RES 45/113, 14 December 1990;
 - The United Nations Minimum Standard Rules for Non-Custodial Measures (the "Tokyo Rules"), A/RES 45/110 of 14 December 1990;
 - The United Nations Guidelines on Justice in matters involving child victims and witnesses of crime (annexed to resolution 2005/20 of the Economic and Social Council of 22 July 2005);
 - The Justice in Matters Involving Children in Conflict with the Law, Model Law on Juvenile Justice, UNODC, Vienna (2014) and its commentary.
84. Despite the steps taken by a number of Arab countries, including those covered by this study/research, the juvenile justice system continues to give priority in general to punitive and injunctive measures over educational and social work, starting with the minimum age of criminal liability and continuing to be set at seven years in some of these countries (such as Bahrain, Jordan, Kuwait, Qatar, Saudi Arabia, the United Arab Emirates and Yemen), and sometimes at the age of nine years (such as Iraq and Oman), i.e. at a much lower age than International standards, as well as the difficulties resulting in a number of these States from the lack of alternative measures to the detention, the ill-treatment of children sometimes detained in detention facilities with adults, the failure to grant courts the power to commute sentences and detention, the fact that the Code of Criminal Procedure does not specify a time limit for pre-trial detention of children, and the absence of procedural safeguards to preserve the privacy of children, and other concerns expressed by the Committee on the Rights of the Child in the concluding observations issued following the consideration of the periodic reports of a number of States covered by this study, as as highlighted by the observations and

recommendations of the Committee on the Rights of the Child, following the consideration of:

- The combined fourth and fifth periodic reports of Lebanon⁸⁶,
- The sixth report of Jordan⁸⁷,
- The initial periodic report of the State of Palestine⁸⁸,
- The combined third and fourth periodic reports of Egypt⁸⁹,
- The combined fourth to sixth periodic reports of Tunisia⁹⁰,
- The combined third and fourth periodic reports of Morocco⁹¹.

⁸⁶ CRC/C/LBN/CO/4-5, *supra*, paras. 44-45.

⁸⁷ CRC/C/JOR/CO/6, *supra*, para. 48.

⁸⁸ CRC/C/PSE/CO/1, *supra*, paras. 58-59.

⁸⁹ CRC/C/EGY/CO/3-4, *supra*, paras. 86-87.

⁹⁰ CRC/C/TUN/CO/4-6, *supra*, para. 46.

⁹¹ CRC/C/MAR/CO/3-4, *supra*, paras. 74-75.

FINAL RECOMMENDATIONS

85. In addition to the recommendations previously presented in the Chapters and paragraphs related to the various axes of this study, the following are the final recommendations of a general nature with a view to strengthening the efforts of the Arab States, including the States covered by this study, in the field of guaranteeing the rights of the child in a complete manner and in accordance with the requirements of the Convention on the Rights of the Child and its Optional Protocols, in accordance with the following objectives, which are not exclusive.

Objective I. Ensure the effective primacy of international human rights instruments, including the Convention on the Rights of the Child, over national legislation

86. With the exception of the constitutions of Algeria, Mauritania, Morocco and, to some extent, Tunisia, it should be recalled that the constitutions of most other Arab countries do not explicitly stipulate the primacy of international human rights instruments over domestic legislation, and that they need to do so in their constitutions.

87. Given that the ratification by States of the principal international human rights instruments enhances the enjoyment of human rights and fundamental freedoms by children of both sexes in all aspects of children's lives, it is essential to further accelerate the process of ratification of international human rights instruments by all States of the region.

88. It is worth recalling once again the negative impact of reservations on the enjoyment by children of both sexes of all the rights enshrined in the Convention, which should consider lifting or limiting their extent, pursuant to the Declaration and Plan of Action of the Vienna World Conference on Human Rights (1993), which calls upon States to consider narrowing the scope of any reservations to international human rights instruments, to formulate any reservations as precisely and narrowly as possible, to ensure that none of them are incompatible with the relevant treaty and its purpose, and to regularly review any reservations with a view to withdrawing them (para. II.5).

89. Accordingly, it is likely that the States of the region will take, inter alia, the following measures:

- **Recommendation 1:** Define a clear status of international conventions within the domestic legal framework, and ensure that international instruments, including the Convention on the Rights of the Child, take precedence over national laws.
- **Recommendation 2:** Consider the possibility of ratifying other international conventions that some States in the region have not yet ratified, including in

particular the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

- **Recommendation 3:** Review reservations to the Convention on the Rights of the Child - and the Convention on the Elimination of All Forms of Discrimination against Women - with a view to withdrawing them in accordance with the principles of the Vienna Declaration and Plan of Action of the 1993 World Conference on Human Rights (A/CONF.157/23).
- **Recommendation 4:** Accelerate legislative reforms in the area of the rights of all children by conducting a comprehensive review of them to ensure that they are in full conformity with the principles and provisions of the Convention on the Rights of the Child and its Optional Protocols, and consider adopting an inclusive law on the rights of the child, drawing on some good experiences in this regard.
- **Recommendation 5:** Increase efforts to sensitize parliamentarians, as well as public opinion, regarding the importance of accelerating legal reforms aimed at harmonizing legislation with the principles and provisions of the Convention on the Rights of the Child and its Optional Protocols.
- **Recommendation 6:** Increase support for legislative reform through partnership and cooperation with religious and community leaders, lawyers, judges, trade unions, civil society organizations and non-governmental organizations.
- **Recommendation 7:** Ensure that international human rights instruments, including the Convention on the Rights of the Child, become an integral part of legal education and training for judicial personnel, including judges, lawyers and prosecutors, in order to establish a legal culture supportive of children's rights.

Objective II - Strengthen the role and powers of the Independent Monitoring Mechanism

90. In this regard, it should be recalled that most States in the region have not yet established an independent mechanism to monitor the fulfilment of human rights and to ensure that a competent body receives complaints effectively, including in the area of children's rights.

Accordingly, States should take the following measures:

- **Recommendation 8:** Establish a national institution for monitoring and follow-up on the rights of the child, ensuring that it is independent and established in accordance with the Principles relating to the status of national human rights institutions ("Paris Principles"), either as part of a national human rights institution with a specialized section on children's rights, or as a separate mechanism (for example, in the form of an ombudsman for children), ensuring that it is adequately funded, and has a presence throughout the State, to monitor Fulfill children's rights and deal with children's complaints of violations of their rights in a prompt and child-friendly manner.

- **Recommendation 9:** Ensure that the mechanism is accessible to children and with adequate human, technical and financial resources to ensure its independence and effectiveness.

Third Objective - Strengthen efforts to develop knowledge and provide adequate and systematic training and/or awareness-raising on human rights, including the rights of the child

91. Despite efforts by a number of countries in the region, through awareness-raising activities and initiatives to promote understanding of human rights, including children's rights, awareness of the Convention remains low among children and their parents, and many professionals working with and for children are not adequately trained on children's rights.

Accordingly, States are destined to take, inter alia, the following measures:

Recommendation 10: Strengthen awareness-raising efforts through, inter alia, the involvement of the media, systematic education and training on children's rights for all professional groups working with and for children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers and health workers, including psychiatrists and social workers, religious leaders, as well as children and their parents.

Recommendation 11: Increase the participation of the media in raising awareness of children's rights in a child-friendly manner, in particular through greater use of the press, radio, television and other media and the active participation of children themselves in public awareness activities.

Recommendation 12: Increase efforts to design and implement comprehensive awareness-raising programmes to promote better understanding and support equality for all children, without any kind of discrimination, including in particular support for equality between boys and girls. Such efforts should aim at changing stereotypical attitudes and traditional norms in the family and society and at promoting equality in all aspects of community life.

Recommendation 13: Promote raising community awareness of the rights of children in disadvantaged situations, including children with disabilities, by conducting comprehensive awareness campaigns on the rights of children with disabilities according to the human rights approach away from the charitable medical approach, in line with the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

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- Higher Council for Childhood, Ministry of Social Affairs - Lebanon
- Palestinian Network for Early Childhood
- Arab Council for Childhood and Development (ACCD)
- Tunisian Network for Early Childhood
- The Moroccan Foundation for the Promotion of PreSchool Education

- National Council for Family Affairs (NCFA) - Jordan

Coordination Entity from the ANECD:

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V- CHIEF PUBLICATIONS

1- Books and manuals

2023: Children's rights in Tunisia, 33 years after! Being published.

2022: Tunisian Labour Law, Ed. (NIRVANA),

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