

COUNTRY SITUATION

TUNISIA

Not reviewed by local contacts



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GENERAL SITUATION

Geographical situation

Tunisia is the northernmost country in Africa, bordered by the Mediterranean Sea to the east, Algeria to the west and Libya to the southeast. Located at the meeting point between the western and eastern basins of the Mediterranean, and only 140 km from Europe, Tunisia is seen as a regional hub for investment as well as for trade and production.

Political situation & governance

- After being under French protectorate from 1881 to 1956, Tunisia gained independence on 20 March 1956. The Tunisian Republic was declared on 25 July 1957.
- In administrative terms, the country is divided into 24 governorates and 6 regions for planning purposes: Greater Tunis, North East, Centre-East, Centre, South-East and South-West.
- In 2011, a series of social uprisings – in particular in response to corruption, unemployment, poverty and rising prices for staple goods – led to President Ali fleeing the country after 23 years in power.
- The new constitution adopted in 2014 established a ‘semi-presidential’ or hybrid regime, under which the President of the Republic retains certain powers such as appointing the head of government. There has been a recent referendum, on [25 July 2022](#), about a [new draft constitution](#).
- [Corruption Perceptions Index](#): the country scores 44/100 and ranks 70th out of the 180 countries assessed.

Population

- According to [World Data](#), the population of Tunisia has increased from 4.18 million in 1960 to 11.94 million in 2021, a growth of 185.7% in 61 years.
- [In 2020](#), nearly a quarter (24.29%) of the Tunisian population was aged 0-14 years.
- According to the [National Institute of Statistics \(INS\) in 2022](#), 68.4% of Tunisians live in urban areas. Almost a quarter (23.8%) of the total population lives in Greater Tunis, with 23.3% of all children living in the Tunis district and 9% in the South West.

Economic & social situation

- In 2019, Tunisia scored 0.74 on the Human Development Index (HDI), placing it in the ‘high human development’ category, and ranked 95 out of 189 countries ([UNDP, 2020](#)).
- However, Tunisia experienced profound economic impacts from the revolution in 2011 ([World Bank, 2022](#)). Currently, [the social context](#) is interrelated with an economic and political crisis, which is increasing social inequalities.
- In 2020, the already precarious situation was exacerbated by the economic crisis due to the COVID-19 pandemic, and GDP contracted by 8.6% ([FMI, 2020](#)). This economic slowdown has particularly affected disadvantaged children and families, with the numerous direct impacts including loss of resources and unreliable provision of basic social services ([UNICEF, 2020](#)).
- Child poverty is estimated to have increased from 21% in 2019 to 29% in 2020 following the two months of lockdown due to the global COVID-19 pandemic ([UNICEF, 2021](#)). There are also significant disparities between urban and rural areas, with a child poverty rate of over 35.1% in rural areas compared with 13.8% in urban areas ([UNICEF, 2020, p.151](#)).



Children's rights

- **Violence towards children and adolescents (hereinafter C&A):** Many children in Tunisia, especially girls, are subject to multiple forms of violence and exploitation ([UNICEF, 2020, p. 125](#)), particularly online and on digital platforms ([UNICEF, 2020, p. 25](#)).
- **Child labour:** Around 600,000 children are [estimated](#) to be involved in begging in Tunisia. [In 2017](#), the number of children aged 5-17 years working in domestic labour was estimated to be 1,056,400. [In 2020](#), in an effort to eliminate the worst forms of child labour, the Ministry of Social Affairs published a list of hazardous occupations prohibited for children ([U.S. Department of Labor, 2020](#)).

CHILDREN DEPRIVED OF PARENTAL CARE AND ALTERNATIVE CARE OPTIONS

Applicable laws and policies & competent authorities

- The main laws governing child protection are:
 - [Act No. 58-27 of 4 March 1958](#) on state guardianship, informal guardianship and adoption, as amended through Act No. 59-69 of 19 June 1959;
 - Decree of 13 August 1956 promulgating the Code of Personal Status;
 - Act No. 1971-59 of 31 December 1971 and amended Decree No. 1973-8 of 8 January 1973 on the National Institute for Child Protection;
 - [Act No. 95-92 of 9 November 1995](#) on publication of the Child Protection Code (CPE) (under review);
 - [Act No. 98-75 of 28 October 1998](#), as amended by [Act No. 2003-0051 of 7 July 2003](#) on conferring a family name to children who have been abandoned or are of unknown parentage.
- In terms of existing policies, the government has adopted an [Integrated Public Policy for Child Protection \(PPIPE\) up to 2025](#), which includes the following strategies:
 - Preventing risk through support for families and children, improving their access to services through information and awareness-raising;
 - Providing care for children at risk through consolidation of the legal framework, building institutional capacity and developing a coordinated holistic response;
 - Introducing a national system to detect and monitor situations of risk;
 - Strengthening the framework for planning, coordination and follow-up;
 - Embedding protection into sectoral policies.
- [The Integrated Child Protection Policy 2021-2030](#) is based on four strategic pillars:
 - Protection frameworks – reforming the legal framework, upgrading the institutional framework and establishing equitable and child-sensitive budgeting;
 - Protection services – increasing the move towards deinstitutionalisation and diversion, ensuring equitable access to social protection and protection services, providing high quality services, improving multisectoral coordination, strengthening risk management;
 - Citizen participation and community engagement – encouraging children to act as agents of change, strengthening prevention through citizen participation and community engagement, monitoring and assessing the situation for vulnerable children, monitoring and assessing the performance of protection institutions;
 - Knowledge management.
- The [National Multisectoral Strategy for Early Childhood Development 2017-2025](#) was developed to ensure all young children have equitable access to integrated development services.
- [The Amen Social Act No. 10 of 2019](#) reformed social assistance and established the Amen Social Programme, which addresses multidimensional poverty and lays the groundwork for expanding access to social protection.



The key ministries responsible for child protection in Tunisia are:

- The [Ministry of Women, Family, Children and Seniors \(MAFF\)](#), which is responsible for implementing Tunisian government policy for women, families and children; providing information services relating to women, families and children; and regulating those working with women, families and children.
- The [Ministry of Social Affairs \(MAS\)](#) is responsible for implementing public social policy with the aim of achieving balanced social development; building solidarity between members of society and between different groups and generations; and supporting welfare and social security, along with vulnerable groups and those with specific needs.

Monitoring mechanisms: In Tunisia, [Organic Law No. 51 of 2018](#) established an independent human rights body, including a children's rights commission, to monitor the respect for children's rights and carry out investigations to strengthen monitoring mechanisms. However, according to the latest [Concluding observations of the Committee on the Rights of the Child](#) in 2021, this body is not yet operational. The Committee therefore recommended expediting establishment of this body so it is able to monitor respect for children's rights.

Family support & prevention of unnecessary family separation

- Support for the [Tunisian Ministry of Social Affairs](#) from [UNICEF Tunisia](#), in cooperation with the German government, in the form of [monthly cash transfers](#) of 30 Tunisian dinars to children in need aged 0-5 years, since 2020. A total of 310,000 children aged over 5 have received support of 100 dinars. In addition, since [March 2021](#), [the World Bank](#) has been funding a cash transfer programme as a COVID-19 Social Protection Emergency Response.
- Since September 2022, [extended coverage of the child allowance](#) of 30 dinars to all children aged 6-18 years from households in the National Programme for Families in Need and the Free Medical Assistance programme who are included in the 'Amen Social' database. Approximately 105,000 children in this age bracket will benefit.
- Development of a family education programme as part of a training and monitoring framework for parents ([CRC/C/TUN/4-6](#), para. 166-168).
- Provision of several family support initiatives, such as the integrated centres for children and young people, for children aged 6 to 18 years from families in difficulty, which provide day care and cover schooling, nutrition, clothing and support. Work has also been done to support single mothers ([ISS/IRC 2020, kafalah study](#), pp. 87-88).

Gatekeeping mechanism & family reintegration

Preventing separation: Article 8 of the Child Protection Code stipulates that 'any decision taken should aim to keep the child in their family environment, and to avoid separation from their parents, unless this separation appears to the legal authorities to be necessary to protect the best interests of the child'. In addition, Article 44 indicates the need to 'ensure that wherever possible the child is kept in their family environment, avoiding separation from their parents or returning them to their parents as soon as possible'.

- The responsibilities of the [National Institute for Child Protection](#) include providing social support to the biological family, through:
 - Providing listening, guidance and referral to public and voluntary organisations that can help the family to assert their rights – and those of the child – to protection, financial support and legal identity;
 - Helping mothers to define and carry out their life goals with their children.
- The law provides for several **measures** (imposed either under Conventions or by the family court) intended to keep the child with their family (Child Protection Code, Articles 43 and 59), including providing the family with social services and assistance, support and guidance.
- The family court may order one of the following measures: keeping the child with their family; keeping the child with their family and instructing the child protection officer to monitor the child and provide support and guidance to the family; referring the child for medical or psychological assessment; placing the child



under guardianship, in foster care or in a specialist social or educational institution; placing the child at a training centre or school.

Reintegration: The responsibilities of the [National Institute for Child Protection](#) include providing follow-up for biological families, through listening, guidance and social support, especially in the case of family reintegration. In 2012, the [MAFF](#) launched a family reintegration programme for children placed in integrated centres for children and young people as a result of family poverty.

ALTERNATIVE CARE OPTIONS

Article 96 of the CPE acknowledges various forms of alternative care: foster care, institutional care, guardianship, kafalah and adoption.

Competent authorities:

- **Child protection officer (DPE):** arts. 35-50 of the Child Protection Code (CPE) – preventative interventions, conventional measures, emergency care and monitoring.
- **Family court:** arts. 51-67 of the CPE – court decision whether the child should remain or be placed outside their family, and follow-up.
- **[National Institute for Child Protection \(INPE\):](#)** public administrative body under the authority of the Ministry of Social Affairs. The responsibilities of the Institute include:
 - managing all social or educational establishments and children's homes that the state may place under its authority;
 - promoting adoption and foster care for children;
 - assessing the files of families applying to adopt or to provide informal guardianship or temporary foster care;
 - providing social follow-up for children placed in temporary foster care or guardianship, and the necessary social support for these families.

Children are placed with the Institute:

- under a court decision by the family court;
- as a conventional measure or an emergency measure taken by the child protection officer;
- under order from the police station with territorial jurisdiction;
- directly by the mother in the presence of the security services.

Monitoring and review of placement: under article 57 of the CPE, the family court monitors the situation for children placed under guardianship, with the help of the child protection officer and specialised social agencies.

Profile of children: There is discrimination in the country towards children born outside marriage, who are often admitted to the INPE.¹ In addition, the Committee on the Rights of the Child, in its [Concluding observations in 2021](#), recommends that Tunisia ‘conduct awareness-raising programmes to eliminate the stigmatization of children of single mothers and children born to unmarried parents, with a view to preventing abandonment’ (para. 28).

Statistics on children deprived of their family: According to the statistics in the report [La Situation de l'enfance en Tunisie 2020-2021](#) conducted by the [Ministry of Women, Family, Children and Seniors](#), there were 748 children without family support in 2019 (351 girls and 397 boys). This number had reduced to 329 in 2020 (170 girls and 159 boys without family support). In 2021, the number increased again to 429 (220 girls and 209 boys).

Kinship care/informal care or other specific form of care (i.e. confiage)

¹ See also [Alternative report on children and adolescents](#) in relation to the combined fourth to sixth periodic report by Tunisia under Article 44 of the Convention on the Rights of the Child (September 2019), pages 14-15.



According to a local contact, the main type of care for children deprived of their family is informal placement within the extended family, because of the cultural emphasis on family solidarity. Every year, the relevant authorities record between 1,000 and 12,000 births declared outside marriage. Only half of these children are admitted to institutional care (INPE and *Unités de vie associatives* – UVA); the other half are cared for by members of the biological family ([ISS/IRC 2020, kafalah study](#), p.88).

Informal guardianship or kafalah

Legal framework: Section II of Act No. 58-27 of 4 March 1958 on state guardianship, informal guardianship and adoption.

Definition and effects: Kafalah is a contract signed before a solicitor, between the child's biological parents or legal representative and the prospective family, which is approved by the court.

The contract only covers material care for the child, and is therefore limited to obligations relating to food, upkeep and education. This type of placement does not sever filiation and does not confer all the rights of a biological child. Furthermore, kafalah can be revoked at any time and is for a limited duration, as it ends when the child reaches adulthood.

Procedure – matching: According to the INPE, the Commission for Adoption, Kafalah and Foster Care meets every two weeks. The main duties of this commission are: (1) to assess families' applications for adoption, kafalah or foster care according to defined eligibility criteria; (2) to monitor children in short- or long-term family placements under kafalah or foster care, as well as certain problematic cases (for further information, see [ISS/IRC 2020, kafalah study](#), p.89).

The selection criteria are the same as those for families applying to foster care. They are set out in a circular from the Ministry of Social Affairs. However, according to a local contact, there is a current plan to differentiate between adoption/kafalah and foster care. To help them in assessing families, social workers are provided with manuals on conducting welfare reports and psychological interviews ([ISS/IRC 2020, kafalah study](#), p.91).

Follow-up: According to a local contact, children in kafalah arrangements through the INPE remain wards of the state. Each placement is reviewed at least twice a year or more often depending on the child's situation. The *kafil* family maintains contact with the INPE for administrative processes such as exit authorisations and passport applications ([ISS/IRC 2020, kafalah study](#), p. 91).

According to the statistics in the report [La Situation de l'enfance en Tunisie 2020-2021](#) conducted by the [Ministry of Women, Family, Children and Seniors](#), eight children (two girls and six boys) were placed under guardianship in 2020. In 2021, this number decreased to five (one girl and four boys).

Foster care

Legal framework: Act No. 67-47 of 21 November 1967 on family placement; Child Protection Code, Article 59; strategy to promote family placement (2008).

Definitions and types of foster care: The placement can be short-term or long-term. However, this solution is always temporary, as it leads to either informal guardianship or adoption (Act No. 67-47 of 21 November 1967 on family placement, Article 2).

Foster care involves a family committing to provide care and upbringing for one or more children lacking family support, until their legal and social status is settled. This provides them with a substitution family and thus a healthy and balanced environment that will help them to adapt to the outside world. Foster care can last between one day and two years for temporary placement, longer in specific cases. The foster carers are monitored to ensure proper upbringing of the child and receive an allowance for these services, as well as assistance for the child ([National Institute for Child Protection](#)).

Profile of children: The child must be between one day and six months old.

Eligibility criteria for guardians/foster carers: The [National Institute for Child Protection](#) is responsible for assessing the files of families applying to be temporary foster carers, through the Commission for Adoption, Kafalah and Foster Care (see above). However, there is a lack of information on the eligibility criteria for foster carers in Tunisia. Thus, the [Committee on the Rights of the Child](#) has expressed a need to know the criteria used to select foster carers in Tunisia.

The INPE has a centralised database of foster carers.

Procedure: Care order by the family court, request by the child protection officer, order by Ministry of Social Affairs department, or request by the mother.

Rights and responsibilities: The rights and responsibilities of the informal guardian towards the ward are laid down by Articles 54 et seq. of the [Code of Personal Status](#). This means that the guardian is civilly liable for the actions of the ward, in the same way as parents.

Support: According to information on the website of the [National Institute for Child Protection](#), families providing care under a temporary family placement (foster care) for a child under custody of the Institute may receive the following:

- an allowance commensurate with the child's state of health;
- specific help where possible;
- free health care for the child at facilities under the authority of the Ministry of Public Health;
- follow-up and support from a multidisciplinary team at the Institute, with the child's upbringing and to help them to integrate into their new social and family environment.

Statistics: Around [200 children](#) are in foster care with families who are raising them alongside their own children, and receiving financial assistance of 100 dinars (200 dinars for a child with disabilities) and support in kind (milk, nappies, clothing).

Institutional care (state guardianship)

Legal framework: [Act No. 1958-0027 of 04 March 1958](#).

Procedure: Care order by the family court, request by the child protection officer, order by Ministry of Social Affairs department, or request by the mother.

Profile of children: Currently, according to the [Country Programme Action Plan 2015-2019](#), an interim or permanent placement in institutional care is recommended in cases of spontaneous abandonment of children born outside marriage.

Type of institutions:

- [National Institute for Child Protection \(INPE\)](#): this is a public facility for children aged 0 to 6 years. Children abandoned or found in public places are routinely taken into state guardianship and placed at the INPE. The INPE is responsible for providing temporary (one month) or permanent care following abandonment of the child, conferring a family name on children of unknown parentage, and providing children with psychological support.
- [Integrated centres for children and young people \(CIJE\)](#): for children aged 6-18 years who are attending school, have no physical or mental disability, and are experiencing social problems inherent to the temporary or permanent absence of their parents.



- **[Centre for the Social Protection of Children \(Tunis and Sousse\)](#)**: admits children aged over 6 years who are not attending school and have no disabilities, who are at risk in their family environment and who have been referred by the family courts or child protection officers.
- **[Essaned socio-educational centre in Sidi Thabet](#)**: admits adults and children over 6 years who have disabilities and have been abandoned.
- **[SOS Children's Villages](#)**: the SOS young people's centre is divided into four units, for girls and boys, located within or close to SOS Children's Villages. It accommodates around a dozen adolescents attending school or vocational training.
- There are **private organisations** known as *pouponnières associatives* (non-profit nurseries) which care for children aged one day to two years, while giving mothers the opportunity to reclaim their children by providing them with coaching and training programmes. If family reintegration is not possible, adoption or kafalah is then considered. These organisations are funded by donations and sometimes through grants from the Ministry of Social Affairs. The association for these nurseries meets once a month; its objective is to provide a holistic approach and move towards equal treatment for all children.

Although there are a number of institutions specialising in child protection, they are concentrated in the capital and the big cities. They are not easily accessible for vulnerable children.

Monitoring & complaint mechanisms: Two ministries oversee the two major institutional care options for children deprived of their family: the Ministry of Social Affairs (MAS) for the National Institute for Child Protection (INPE) and the centres for social protection of children (including the Essaned centre for children with disabilities without family support and the non-profit nurseries affiliated with the INPE); and the Ministry for Women, Family, Children and Seniors (MAFF) for the integrated centres for children and young people (CIJE) and the SOS Children's Villages affiliated with this ministry ([ISS/IRC 2020, kafalah study, p.86](#)).

The child's stay is limited to three months, renewable up to a maximum of one and a half years if there is a real desire by the biological family to reclaim the child ([National Institute for Child Protection](#)).

Statistics: In total, 1,467 children were placed in institutions in 2017 (compared with 2,500 in 2011). From 2010 to 2017, there was a decrease in the number of temporary and permanent infant placements with the INPE. This decrease was due to considerable improvement to the accommodation capacity of UVAs and their expansion ([ISS/IRC 2020, kafalah study, p.89](#)).

Deinstitutionalisation: As part of its deinstitutionalisation policy, the government is implementing various family support and family reintegration initiatives. However, according to the [2021 Annual Report by the Association des amis de l'INPE](#), 'there is still much talk about the state-declared deinstitutionalisation, but no concrete progress'.

Comments of the ISS/IRC

Progress:

In spite of continuing challenges, Tunisia's child protection system does offer a range of protection measures for children deprived of their family. In addition, there are significant efforts to support families and prevent separation, through the various programmes mentioned above. In the event of separation, family reintegration is promoted although difficulties remain in practice. Moreover, the statistics indicate a reduction in the number of children placed in institutions in recent years. The ISS/IRC encourages the country to continue its efforts in this area, and emphasises that deinstitutionalisation should not only aim to reduce the number of children in institutions, but should be accompanied by a proper strategy for family support and family strengthening.

Remaining challenges to be addressed:



Child protection system: As identified by the country in its [Country Programme Action Plan 2015-2019](#), there is a need to address the absence of an integrated deinstitutionalisation strategy in line with protection policies, the lack of support programmes for single mothers and vulnerable families, and the limited institutional capacity for supporting and monitoring children.

In 2020, [the ISS/IRC kafalah study](#) highlighted ‘the need for all countries to harmonise their practices, for better coordination among all the actors and for a clear vision for the importance of protecting the natural family environment (...). Authorities must continue to strengthen preventive measures such as parenting support and tackling socioeconomic difficulties and ongoing discrimination’ (page 90).

In addition, the ISS/IRC agrees with the Committee on the Rights of the Child, which in its [Concluding observations in 2021](#) recommended that Tunisia ‘conduct a review of its legislation on alternative care, in particular concerning adoption and foster care, with a view to harmonizing it with international norms and standards’ (CRC/C/TUN/CO/4-6, para. 29).

Foster care: Placements in foster care remain highly centralised and need to be developed throughout the country. Meanwhile, there has been a significant decrease in the number of placements since their creation. According to UNICEF, one reason for this decrease is insufficient compensation to cover the children’s needs. Compounding issues include a lack of follow-up mechanisms ([ISS/IRC 2020, kafalah study](#), page 90).

Institutional care: Conditions for children in institutions are often lacking in terms of individual attention paid to children, high staff turnover and lack of interaction with children, poor communication and coordination between institution staff and biological families, etc. In addition, staff do not seem to systematically develop individualised plans for the children. More attention should also be paid to supporting young people leaving institutional care, to encourage their gradual independence and social integration ([ISS/IRC 2020, kafalah study](#), page 90).

Finally, there does not appear to be any regular monitoring of the quality of care, as highlighted by the Committee on the Rights of the Child in its latest [Concluding observations](#) (CRC/C/TUN/CO/4-6, para. 29).

ADOPTION

Accession to/Ratification of the 1993 Hague Convention: Tunisia has not ratified the 1993 Hague Convention but there are relevant bilateral agreements with Belgium and Canada ([CRC/C/TUN/4-6, para. 172](#)).

National laws/policies: [Act No. 58-27 of 4 March 1958, amended by Act No. 59-69 of 19 June 1959](#), on state guardianship, informal guardianship and adoption, incorporated adoptive filiation (which severs and replaces biological filiation) into Tunisian law. Nevertheless, kafalah (informal guardianship, see above) is retained in law.

Preliminary comment: Although Tunisian case law readily admits intercountry adoption, the ISS/IRC notes that there is no legal provision for it. Only the statistics provided by receiving countries confirm that intercountry adoption from Tunisia does occur.

Adoption, kafalah and informal guardianship: It should be pointed out that Tunisia is one of the only Muslim countries, along with Turkey and Indonesia, that authorise adoption. The vast majority of Muslim countries only authorise kafalah, as recognised in Article 20 of the international Convention on the Rights of the Child.

However, it is clear that the informal guardianship (see above) provided for under Tunisian law is similar to kafalah in many respects, particularly in that it allows the child, on reaching adulthood, to choose between being adopted by the family they are placed with or returning to their biological family (Act No. 58-27 of 1958, Article 7). Although this is not a very secure solution, it is in line with the principles of Islam, in that it protects the identity of the child, ensures some continuity in their upbringing, respects their ethnic and sociocultural



background, and avoids severing bonds with their biological parents.

CENTRAL AUTHORITY

Institut national de protection de l'enfance (National Institute for Child Protection)

Bureau de l'Adoption et de Placement Familial

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2010 Manouba - Tunisia

Tel: +216 71 606 939

FULL/SIMPLE ADOPTION

Simple adoption – The Tunisian Act of 4 March 1958 does not explicitly state whether this has the effect of severing filiation bonds with the biological parents, or whether it is revocable. According to the French Court of Cassation in 2020, it follows from a judgment by the Tunisian Court of Appeal on 14 February 1980 and a judgment by the Tunisian Court of Cassation on 2 November 2011 that these courts had interpreted the law as allowing adoption to be revoked. The conclusion was that adoption in Tunisia does not completely and irrevocably sever existing filiation bonds.

Sources: [Act No. 58-27 of 1958, Articles 13-16](#); French Civil Court of Cassation, Civil Chamber 1, 16 December 2020, [19-22.103](#).

SUBSIDIARITY PRINCIPLE

There is no mention of the subsidiarity of intercountry adoption versus domestic adoption.

Article 10 of the law of 1958 authorises the adoption of a foreign child by a Tunisian applicant. The law is silent on the subject of placing a Tunisian child in a foreign country. In practice, this type of placement of Tunisian children appears to have been authorised through case law. According to a local contact, most applicants are of Tunisian nationality.

Sources: [Act No. 58-27 of 1958 – Art. 10](#); ISS/IRC kafalah study, p. 92.

CHILD ADOPTABILITY

Children are adoptable if they:

- are of unknown parentage,
- are orphans,
- are legally declared abandoned,
- are placed under public guardianship of the INPE.

According to the website of the [French Central Authority](#), in the vast majority of cases eligible children are very young children born outside marriage and abandoned by their mother.

Sources: [Act No. 58-27 of 1958, Arts. 1 and 12](#); [French Central Adoption Authority \(MAI\)](#).

PROSPECTIVE ADOPTIVE PARENTS (PAPs)

Age limits: Adopters must be over the age of 20. Adoptive parents must be at least 15 years older than the child. Female adoptive parents must be no older than 45 years, male adoptive parents no older than 50 years.

Status

- The adopter must be over the age of majority, from one or the other sex, married, and enjoying full legal capacity.
- Divorced or widowed individuals may only adopt upon the explicit authorisation of a Judge. When required by the child's best interests, the Judge may, indeed, exempt the divorced or widowed prospective adopter from the condition of marriage. In cases of conversion into Islam, evidence of the latter must have been issued in Tunisia or ascertained by the Tunisian authorities if the conversion took place abroad in the past.



- The law states that the adopter must be of good character, of sound mind and body, and capable of providing for the adoptee. According to the French Central Adoption Authority, adopters must have a clean criminal record, be in good health, have adequate income to raise a child and have decent housing.
- Single men and same-sex couples cannot adopt in Tunisia. Single, divorced or widowed women may adopt a Tunisian child with express authorisation by a Tunisian court. For example, in 2018 [a Court of Tunis judge](#) decided to allow a single mother to adopt a young girl, making reference to the spirit of the law, the intention of the legislator and the interests of the child. The case in point involved a child with a disability for whom no adoption request had been received.

Age limit: Prospective adopters must be over the age of 20 years. Prospective adopters must be at least 15 years older than the child. The female adopter must be no more than 45 years old. The male adopter must not be older than 50 years.

Religion: Although the 1958 Act makes no reference to religious affiliation, procedure requires that applicants are Muslim. Adoption applications from foreign nationals, or even Tunisians, who are not Muslim are therefore ineligible.

Sources: [Act No. 1958-0027 of 04 March 1958 on public guardianship, informal guardianship and adoption, Arts. 9 and 10; French Central Authority \(MAI\); ISS/IRC kafalah study, p. 93.](#)

CONSENTS

Consent of the child: No information available.

Consent of the biological parents: The Cantonal Judge must record the consent of the parties, who are present at the hearing, i.e. that of the adopter and his spouse and, if applicable, that of the adoptee's father and mother, or of the representative of the administrative authority in charge of the child's public guardianship or his informal guardian.

Comment by the [French Central Adoption Authority](#): Act No. 1998-75 of 28 October 1998, on conferring a family name on children who have been abandoned or are of unknown parentage, is frequently applied in Tunisia. Under this Act, children whose parentage is only legally established with respect to their mother may be attributed fictional paternal filiation. However, indicating filiation on the child's birth certificate entails seeking the consent of the parent to adoption. As a result, the adoptive parents must attach the order for an additional identity to the long-stay adoption visa application, to attest to the fictitious nature of this filiation and thus justify not seeking this parent's consent to the adoption.

Sources: [Act No. 58-27 of 1958, Article 13; French Central Adoption Authority \(MAI\).](#)

PROCEDURE

Domestic adoption

- For domestic adoptions, the adoptive candidates shall submit their application to the [National Institute of Children's Protection \(as for its French abbreviation, INPE\)](#).
- The procedure initiates with the assessment of the social and economic situation of the applicants and their psychological abilities by the INPE or the Regional Directorate for Social Affairs, Solidarity and Tunisian citizens abroad.
- The file is assessed by INPE's Commission for adoption, informal guardianship and foster care. The applicant is informed of the Commission's opinion within 15 days of the Commission's meeting.
- Should the opinion be positive, the child is placed at the INPE or other homes having concluded an agreement with the INPE, or, exceptionally and upon the INPE's authorisation, in a hospital or maternity ward. One month after the date of the placement, the child is monitored through monthly visits (maximum three visits) before the adoption judgement. The INPE, the services of the Directorate for Social Affairs, Solidarity and Tunisian citizens abroad or the homes may take the initiative of such visits.

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Intercountry adoption (based on information available on the website of the French Central Adoption Authority)

- The application file to be sent to the INPE must include the following:
 - approval for the adoptive parents,
 - welfare report and psychological report,
 - birth certificates for both spouses,
 - marriage certificate,
 - criminal record for both spouses,
 - payslips or tax notices for both spouses,
 - medical certificates for both spouses.
- Once the file has been approved by the national Commission for Adoption, Kafalah and Foster Care, the applicants are added to a list and matched in chronological order. Contact must be made with the child, followed by an adjustment period which lasts from a few days up to two or three weeks, depending on the age and background of the child, and is subject to assessment.

Sources: [Act No. 58-27 of 1958, Article 13](#); [French Central Adoption Authority \(MAI\)](#).

MATCHING

No information is currently available on how matching is done.

PROBATIONARY PERIOD

Contact must be made with the child, followed by an adjustment period which lasts from a few days up to two or three weeks, depending on the age and background of the child, and is subject to assessment.

Source: [French Central Adoption Authority \(MAI\)](#).

ADOPTION DECISION

This is a **court decision**. The cantonal judge delivers the adoption decision after ensuring that the conditions required by law have been fulfilled, and after having recorded the consent of the parties present. The judgment delivered is final.

Sources: [Act No. 58-27 of 1958, Article 13](#); [French Central Adoption Authority \(MAI\)](#).

REGISTRATION

A copy of the adoption judgement is forwarded within 30 days to the Civil Registry, which will mention it on the adoptee's birth certificate.

Source: [Act No. 58-27 of 1958, Articles 13-14](#).

ADOPTION EFFECTS

Rights: Adoption creates a filiation bond between the child and the adoptive family. An adoptee has the same rights and responsibilities as a natural child. However, the law does not specify whether bonds are broken between the child and their biological family (see section on simple/full adoption above).

Name: The adoptee takes the family name of the adopter and may change their first name; this will be recorded in the adoption decision at the request of the adopter.

Revocability: Adoption is revocable.

Sources: [ISS/IRC kafalah study, 2020, p. 93](#); [Act No. 1958-0027 of 4 March 1958, Art. 14](#).



POST-ADOPTION FOLLOW-UP

The Tunisian authorities do not impose any obligations for follow-up.

ADOPTION BREAKDOWN

Twenty cases of breaches of children's rights, in connection with adopted children, were reported in 2016.

Source: [2016 Annual Report by the DPE](#) (available in Arabic)

SEARCH FOR ORIGINS

See annex.

ADOPTION ACCREDITED BODIES (AABs)

There do not appear to be any regulations in relation to AABs in Tunisia.

SANCTIONS

According to [Tunisia's Criminal Code](#), in particular [article 238 \(as amended through Act No. 95-93 of 9 November 1995\)](#), anyone who, without using deception, violence or threats, carries off or abducts a person from a location where he or she has been placed by those entrusted with their custody is punishable by 2 years' imprisonment. This penalty increases to 3 years' imprisonment if the child abducted is between 13 and 18 years of age. It increases to 5 years' imprisonment if the child abducted is under 13 years of age. Attempted kidnap is also a punishable offence.

In addition, article 5 of Act No. 2016-61 on preventing and combating human trafficking addresses 'the adoption of children for the purposes of exploitation of any form'.

Sources: Criminal Code, Art. 238; [Act No. 2016-61 on preventing and combating human trafficking](#), art. 5.

COSTS

No information available.

STATISTICS

	2021	2020	2019	2018	2017	2016	2015
Belgium					1		
Canada			2			2	
United States						1	
France	14	7	12	15	14	19	19
Italy			1				
Total	14	7	14	15	15	22	19

Sources: Annual data collected by the ISS/IRC; [French Central Adoption Authority \(MAD\)](#); [HCCH](#).

Comments of the ISS/IRC

As mentioned above, although Tunisian case law readily admits intercountry adoption, the ISS/IRC notes that there is no legal provision for it. In this context, the ISS/IRC encourages the country to revise its legal framework for adoption, particularly to address the following points and to ensure all possible safeguards are in place for every adoption:

- **Subsidiarity principle:** ensuring firstly that intercountry adoption will be subsidiary to domestic adoption, and secondly that priority will be given to keeping the child in their environment of origin.



- **Defining the effects of adoption:** so as to leave no room for interpretation, and respecting the prevailing legal and social framework in Tunisia.
- **Consent or consideration of the child's views:** as the subject of the adoption, the child has the right to express their opinion during the process, and to have this respected if they are of appropriate age and maturity – in accordance with Article 10 of the Child Protection Code.
- **Matching:** ensuring that matching is conducted by an independent and multidisciplinary body, according to the specific needs of the child and the specific capacities of the adopters to meet these needs.
- **Probationary period:** ensuring that this period is supervised by professionals and is of legally defined duration.
- **Post-adoption follow-up:** legally establishing the frequency of monitoring reports so the country of origin can ensure the adoption has been properly conducted.
- **Regulatory framework for access to origins, and development of official support and guidance in the search for origins.**

Ultimately, the ISS/IRC recommends that any steps to 'adopt' or care for a Tunisian child in another country are undertaken in close collaboration with the Tunisian authorities. This will ensure that the process will successfully result in the child's placement abroad and that whatever form of care is chosen, it will be recognised by the receiving country.

LÉGISLATION

International Instruments

United Nations Convention on the Rights of the Child (1989)	29 February 1992 (V) 30 January 1992 (R) 26 February 1990 (S)
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	13 September 2002 (R) 22 April 2002 (S)

Regional instruments

African Charter on the rights and welfare of the child (1990)	16 June 1995 (S)
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Domestic legislation

	Language
Constitution of 2014	In French
Constitution de 2022 – adopted by referendum, July, 25, 2022	In Arabic
Act No. 58-27 of 4 March 1958, amended by Act No. 59-69 of 19 June 1959 , on state guardianship, informal guardianship and adoption, as modified by Law n. 59-69 of 19 June 1959	In French
Act No. 95-92 of 9 November 1995 on publication of the Child Protection Code (CPE) (extracts)	In French
Personal Status Code of 13 August 1956 (extracts)	In French
Act No. 98-75 of 28 October 1998 , as amended by Act No. 2003-0051 of 7 July 2003 on conferring a family name to children who have been abandoned or are of unknown parentage.	In French



Other relevant sources of information

Last periodic review of the Committee on the Rights of the Child

- Concluding Observations of the Committee on the Rights of the Child [CRC/C/TUN/CO/4-6](#) – September, 2021
- Fourth to Six periodic report: [CRC/C/TUN/4-6](#) – April, 30 2018

Other organisations

- [UNICEF - Country Office Annual Report 2021 Tunisia](#)
- [UNICEF Tunisia](#) : General information on children and adolescents in the country.
- [France Diplomatie \(France\)](#) : description of the intercountry adoption procedure.
- [National Institute of Child Protection \(INPE\)](#)
- [Ministry of Social Affairs \(MAS\)](#)
- [Ministry of Women, Family, Children and Seniors \(MAFF\)](#)

