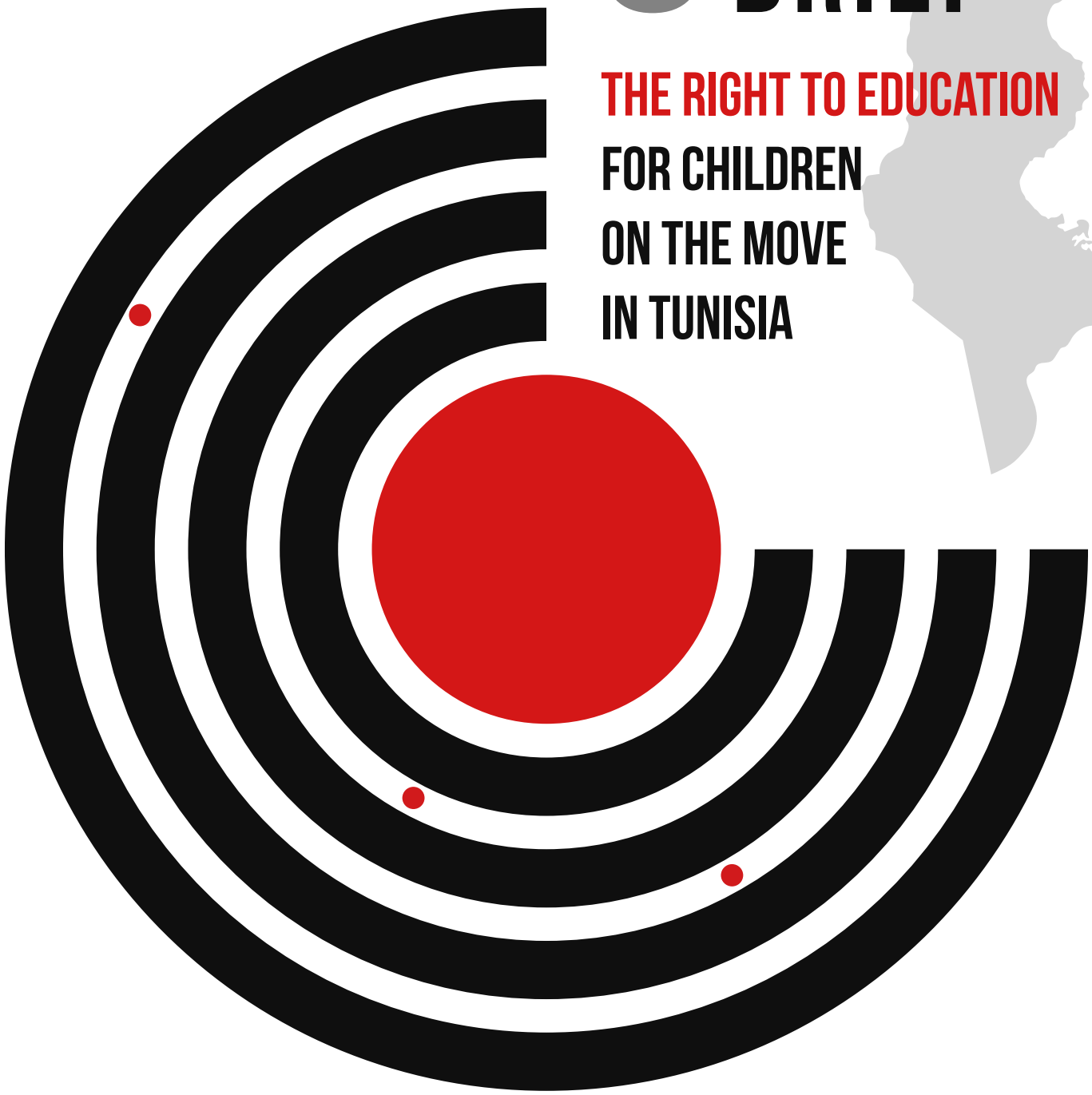


OMCT

SOS-Torture Network

6 FOCUS BRIEF

**THE RIGHT TO EDUCATION
FOR CHILDREN
ON THE MOVE
IN TUNISIA**





FOCUS BRIEF 6

THE RIGHT TO EDUCATION FOR CHILDREN ON THE MOVE IN TUNISIA

NOVEMBER 2024 - APRIL 2025



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LIST OF ACRONYMS

AVRR	Assisted voluntary return and reintegration
BID	Best Interest Determination
CAT	United Nations Convention against Torture
CEOS	Center for Social Guidance and Counseling
CRC	Committee on the Rights of the Child
CPE	Child Protection Code
CRT	Tunisian Red Crescent
CSO	Civil Society Organization
DCIM	Directorate for Combating Illegal Migration (Libya)
DGFE	General Directorate of Borders and Foreigners of the Ministry of the Interior
DGPE	General Delegate for Child Protection
DPE	Child Protection Officer (Délégué à la Protection de l'Enfance)
FGD	Focus Group Discussion
GBV	Gender-based violence
HRD	Human Rights Defender
ICRC	International Committee of the Red Cross
IMO	International Maritime Organization
INLCTP	National Authority to Combat Trafficking in Persons
INPT	National Instance for the Prevention of Torture
IOM	United Nations International Organization for Migration

ITS	Informal Tented Settlement
KII	Key Informant Interview
MRCC	Maritime Rescue and Coordination Centre
MAS	Ministry of Social Affairs
ME	Ministry of Education
MENA	Middle East and North Africa
MFES	Ministry of Family, Women, Children and Seniors
MI	Ministry of the Interior
MJ	Ministry of Justice
MS	Ministry of Health
NGO	Non-governmental organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
OMCT	World Organization Against Torture
RSD	Refugee status determination
SOP	Standard Operating Procedures
SAR	Search and Rescue
SSA	Stability Support Apparatus (Libya)
UN	United Nations
UNHCR	United Nations Refugee Agency
UNICEF	United Nations Children's Fund

METHODOLOGY

The OMCT's monitoring and research during the period under analysis (November 2024 - April 2025) is based on:

- An in-depth analysis of reports and communications from international organizations, non-governmental organizations and national and local associations on the rights of people on the move, with a special focus on children on the move.
- The extensive documentation of publicly available secondary data, including the analysis of videos, images, GPS coordinates, satellite images and written testimonies, which have identified episodes of violations during the period under analysis.
- Semi-structured interviews and focus groups with:
 - 32 representatives of 18 international, national and local non-governmental organizations (based in Tunis, Sfax, Zarzis, Médenine, Sousse and Le Kef) assisting children and people on the move
 - 23 representatives and social workers from six international organizations (including the United Nations¹) and cooperation agencies working on migration issues in Tunisia
 - 7 experts who have worked or are currently working in the public child protection and health sectors in Tunisia
 - 6 lawyers who have represented children on the move before Tunisian courts
 - 4 independent activists, researchers and journalists
- Documentation of 40 individual cases of victims assisted by the OMCT and partner organizations (including 12 cases documented directly by the OMCT and its SANAD program for direct assistance to victims of torture, and 28 by partner organizations).
- A quantitative analysis of the databases of four organizations that provided direct assistance to people on the move in Tunisia over the study period.

Several limitations inherent in documenting human rights violations suffered by people on the move - particularly children - make it difficult to obtain reliable quantitative data, such as, among others: the difficulty of documenting violence suffered by children in a secure and ethical manner, the constant mobility of alleged victims, the juxtaposition of different migratory flows over the same period and on the same routes, the cross-border nature of the violations suffered by people on the move, and the difficulty of accessing the areas of alleged violations. However, after conducting a detailed study and verifying the typology, incidence and prevalence of violations on Tunisian territory, the report presents conclusions on the qualitative dimension of these violations in terms of patterns and consequences on individuals, their families and their communities.



INTRODUCTION

Violations of the right to education and development seriously compromises children's safe transition to adulthood. In particular, in the absence of dignified and sustainable solutions for children on the move, exclusion from education traps them in a vicious circle of poverty and further increases the uncertainty of their situation, undermining their stability and well-being in the short-, medium- and long-term. Far from impacting only communities on the move, their exclusion from the education system also undermines social cohesion in transit and destination countries, preventing integration and the creation of social ties between host communities and children on the move and their families, while fostering discrimination, marginalization and inter-community tensions.

This Focus Brief analyzes the causes and consequences of violations of the right to education, leisure and play for children on the move residing and/or transiting in Tunisia. According to the experts consulted, the vast majority of children on the move in Tunisia face systemic barriers that prevent them from accessing formal education, excluding them de facto from the national education system. Children on the move are also confronted with the progressive reduction of informal and alternative learning opportunities offered by state and non-state actors. This Focus Brief begins by analyzing the structural barriers hindering access to education for children on the move, examines the denial of their right to leisure and then details the short-, medium- and long-term consequences of their exclusion from the education system on their right to development.

THE RIGHT TO EDUCATION

The right to education is a fundamental human right for all and must be accessible in a non-discriminatory manner, without distinction of nationality, origin, legal or administrative status. According to UNICEF, one child in three worldwide still lacks access to nutritious food and basic services such as healthcare, education and social protection.¹ By 2025, 30 million children in the Maghreb and Mashreq regions will be out of school, according to UNICEF.² Meanwhile, in 2024, the UNHCR estimated that there were 123 million people on the move worldwide, including 31 million refugees; of these 31 million, 5.7 million refugee children would have no access to education.³

For children on the move, the exercise of this right must be guaranteed by the national authorities of the countries in which they transit and reside, as these children face additional difficulties in gaining access to schooling and training. Having left their countries of origin at an early age, or being born in transit, and having been exposed to violations of their rights, including violence, throughout their migratory journeys, many have had their schooling interrupted or been denied access to education, for a variety of reasons (including factors linked to forced displacement and deportation, lack of documentation, recognition of prior learning, gender, age, disability, mental health, discrimination, harassment and xenophobia).⁴ Children on the move must therefore be integrated into national education systems as soon as they arrive, and benefit from alternative non-formal learning opportunities, through positive measures aimed at eliminating regulatory, administrative, financial, social, cultural and linguistic barriers to schooling.⁵

1. United Nations Children's Fund (UNICEF), «Progress on children's well-being: centering child rights in the 2030 Agenda - for every child, a sustainable future» (2023), p. 12.
2. UNICEF, **At least 30 million children out of school in the Middle East and North Africa, January 2025.**
3. **UNHCR Education Report 2025 | UNHCR**
4. Report by the Special Rapporteur on the Rights of Migrants, Gehad Madi. Children are first and foremost children: protecting the rights of the child in the context of migration, A/79/213, July 2024.
5. Report of the Special Rapporteur on the rights of migrants, Gehad Madi. Children are first and foremost children: protecting the rights of the child in the context of migration, A/79/213, July 2024.

What does international law say?

Several instruments of international law guarantee the right to education for all children, including those on the move. The Universal Declaration of Human Rights establishes the right to education as a fundamental human right.⁶ The International Covenant on Economic, Social and Cultural Rights reaffirms this right and details the obligations of States in this respect. In particular, States must:

- guarantee primary and compulsory education accessible to all;
- make secondary education in its different forms generally available and accessible;
- make higher education accessible by all appropriate means, in particular by the progressive introduction of free education;
- encourage basic education for those who have not received primary education;
- and actively pursue the development of a school network at all levels.⁷

The UN Convention on the Rights of the Child⁸ reiterates the right to free and compulsory primary education for all children, as well as accessible secondary and higher education.⁹

The Convention relating to the Status of Refugees stipulates that States must grant refugees the same treatment as nationals with regard to primary education.¹⁰ The UNESCO Convention against Discrimination in Education aims to guarantee the right to education for all, without discrimination.¹¹

The Committee on the Rights of the Child specifies that States should ensure continuity of access to education during all phases of the displacement cycle. All unaccompanied or separated children, regardless of their status, must have full access to education in the country they have entered. Education must be provided without discrimination and adapted to the child's cultural identity and specific needs. States should ensure that unaccompanied or separated children receive school certificates or other documents indicating their level of education, particularly in anticipation of a change of residence, resettlement or repatriation.¹² States must eliminate all forms of discrimination in education systems, and implement proactive measures to overcome language barriers and facilitate the integration of children on the move.¹³ Finally, the Committee on Economic, Social and Cultural Rights notes that educational establishments must exist in sufficient number within the jurisdiction of the State party; be accessible to everyone without discrimination;¹⁴ and the form and content of education must be relevant, culturally appropriate and of good quality.¹⁵

6. Article 13 of the International Covenant on Economic, Social and Cultural Rights, December 16 1966. Tunisia ratified this Covenant on March 18, 1969.

7. Article 13 of the International Covenant on Economic, Social and Cultural Rights, December 16, 1966. Tunisia ratified this Covenant on March 18, 1969.

8. Art. 28 of the CRC. Tunisia ratified this Convention on January 30, 1992.

9. Art. 22 of the Convention relating to the Status of Refugees, July 28, 1951. Tunisia ratified this Convention on October 24, 1957.

10. Art. 22 of the Convention relating to the Status of Refugees, July 28, 1951. Tunisia ratified this Convention on October 24, 1957.

11. Art. 1 of the UNESCO Convention against Discrimination in Education, adopted on December 14, 1960 and entered into force on May 22, 1962. Tunisia ratified this Convention on August 29, 1969.

12. Committee on the Rights of the Child, General Comment no. 6: Treatment of unaccompanied and separated children outside their country of origin, CRC/C/GC/2005/6, §42.

13. Joint general comment no. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and no. 23 (2017) of the Committee on the Rights of the Child on States' obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, CMW/C/GC/4-CRC/C/GC/23, §59-63.

14. The criterion of accessibility without discrimination includes non-discrimination in law and in fact, physical accessibility as well as economic accessibility.

15. Committee on Economic, Social and Cultural Rights, General Comment no. 13: The right to education, December 8, 1999, §6.

International law therefore establishes several essential principles:

- **Non-discrimination:** Access to education must be guaranteed to all children, regardless of their migratory status or that of their parents.¹⁶
- **Equal treatment:** Children on the move must receive the same educational treatment as nationals.¹⁷
- **Best interest of the child:** All decisions, including those concerning the education of children on the move, must take their best interests into account.

What does Tunisian law say?

The Constitution stipulates that the rights of the child are guaranteed, including the right to education, without discrimination and in the best interests of the child.¹⁸ The Tunisian Constitution explicitly guarantees the right to education,¹⁹ with compulsory education up to the age of 16. The State guarantees the right to free public education at all levels. It ensures that the necessary resources are available to provide quality education, teaching and training.²⁰ Article 7 of the 1995 Child Protection Code (CPE) requires parents or legal guardians to enroll their children in school until they reach compulsory school age.²¹ It enshrines the right to education for children placed in public centers and facilities, including children in conflict with the law and detained in re-education centers.²² The CPE also establishes a notable and continuous failure to provide education as a difficult situation justifying state intervention.²³

Law no. 2008-9 stipulates that education is compulsory from age 6 to 16 and that education is a fundamental right guaranteed to all without discrimination.²⁴ Finally, Law no. 2018-50 on the elimination of all forms of racial discrimination reiterates that the State shall take the necessary measures to prevent all forms and practices of racial discrimination, including in the field of education.²⁵ The Committee on the Rights of the Child recommended that Tunisia take urgent measures to ensure that primary education is free and compulsory for all children, and to improve access to secondary education. It also recommended allocating the necessary resources to guarantee the quality and accessibility of public education.²⁶

16. Committee on the Rights of the Child, General Comment no. 6: Treatment of unaccompanied and separated children outside their country of origin, *CRC/C/GC/2005/6*. Access to education must be guaranteed for all unaccompanied and separated children, regardless of their immigration status.

See also: **UNESCO, Education for migrants: an inalienable human right, 2018.**

17. See also **UNHCR, Conclusion No. 84: Refugee Children and Adolescents - Adopted by the Executive Committee (1997), October 17, 1997**, which encourages states to integrate refugee children into national education systems.

As well as the Global Compact for Safe, Orderly and Regular Migration adopted by the UN General Assembly on December 19, 2018, which calls on states to ensure inclusive access to education for migrant children at all levels. Implementation obligations include removing legal and administrative barriers (e.g. documentation requirements), providing language and psychosocial support, and training teachers in inclusion and trauma-informed approaches.

18. Art. 52 of the Constitution of the Republic of Tunisia of July 25, 2022.

19. Art. 44 of the Constitution (2022).

20. Art 7 of the CPE. See Guide juridique sur les droits de l'enfant en Tunisie, UNICEF and Norwegian Refugee Council, p. 25.

21. Guide juridique sur les droits de l'enfant en Tunisie, Norwegian Refugee Council, p. 25.

22. Art. 15 CPE.

23. Art. 20 CPE.

24. **Law no. 2008-9 of February 11, 2008 amending and supplementing Orientation Law no. 2002-80 of July 23, 2002 on education and school teaching.**

25. Art. 3 of Organic Law no. 2018-50 of October 23, 2018, on the elimination of all forms of racial discrimination.

26. See *CRC/C/TUN/CO/4-6*, §37

1. BARRIERS TO EDUCATION FOR CHILDREN ON THE MOVE

This chapter deals with the obstacles encountered by children on the move in Tunisia in accessing formal and non-formal education and other learning opportunities.

1.1 Systematic exclusion from the formal education system

Over the period from November 2024 to April 2025, the OMCT documented several types of barriers preventing children on the move from accessing the formal education system in Tunisia. According to a series of interviews with civil society organizations and experts on the Tunisian education system, as well as direct data collection with families on the move, children on the move in Tunisia are unable to enroll in the formal state-run education system, mainly due to the lack of identity documents and regular legal status.²⁷ Although other obstacles were identified by the research, these remain secondary. The research concludes that Tunisia cannot currently count on a universal, equitable and rights-based education system.

Administrative and legal barriers to enrolment

Children on the move face a number of administrative and legal barriers preventing them from enrolling in schools.

- **Lack of identity documents recognized as valid by the Tunisian authorities:** A birth certificate,²⁸ identity documents for the child and legal guardian²⁹ and proof of residence are required for enrolment in schools.³⁰ However, the majority of children residing in Tunisia do not have these identity documents³¹ and parents have difficulty registering births in Tunisia, making it virtually impossible for their children to enroll in school.³² In the early childhood sector, crèches and kindergartens refuse to enroll children in the absence of a birth certificate or vaccination booklet complying with Ministry of Health requirements.³³

27. See **FOCUS BRIEF 3: The right to legal identity for children on the move in Tunisia**.

28. **Démarches Tunisie, «Obtaining a birth certificate from Tunisia: everything you need to know»**. «You will be asked for your birth certificate on a regular basis for a number of administrative procedures, including: (...) When registering your children at nurseries and schools.»

29. The national identity card and the national identity card of the legal guardian are among the documents required to apply for the attestation of residence. See **Idaraty, Attestation of residence**.

30. Norwegian Refugee Council, EJM and UNICEF, *Guide juridique sur les droits de l'enfant en Tunisie*, 2022, p. 26.

31. According to one humanitarian source, many people on the move do not have valid identity documents - for example, according to an OMCT partner organization assisting people on the move, 75% of people on the move assisted from November 2024 to April 2025 stated that they were not in possession of an identity document (see also **FOCUS BRIEF 3: The right to legal identity for children on the move in Tunisia**).

32. According to one humanitarian source, some schools accept asylum seekers' cards to facilitate enrolment.

33. According to one humanitarian source, some state preparatory classes (in state elementary school) sometimes accept children on the move.

- **Lack of residence status:** School authorities refuse to enroll children with irregular residence status or whose residence permit has expired, citing bureaucratic constraints or fear of administrative repercussions. According to OMCT research, it is currently impossible to extend or obtain a regular residence permit for the majority of people on the move in Tunisia.
- **Legal guardianship:** Children are enrolled in school in Tunisia by their legal guardian.³⁴ In the absence of the child's parent or legal guardian, the judge must appoint a guardian for the child to enable important decisions to be taken concerning him or her.³⁵ Unaccompanied and separated children are then unable to be integrated into educational establishments in the absence of an alternative legal guardianship decided by the courts and child protection authorities. In the case of children referred to the Child Protection Officer (Délégué à la Protection de l'Enfance - DPE), the latter can also intervene to facilitate the child's enrolment in school; however, research findings indicate that, in the case of children on the move, the DPE also faces obstacles in its advocacy efforts for their inclusion in the public school system.

Until May 2024, school principals were flexible in their administrative enrolment procedures, allowing children to enroll without the required documents. However, since May 2024, according to the CSOs consulted throughout Tunisia, regional education directorates have been strictly applying official enrolment criteria. According to the research, only some regional directors are now cooperating with parents of asylum-seeking and refugee children. In a climate of criminalization of defenders of the rights of people on the move, requests for the enrolment of children on the move in an irregular situation are sometimes referred to the regional or even central level, considerably reducing the administrative flexibility previously enjoyed by certain cases.³⁶ When comparing children from sub-Saharan Africa with children from Maghreb and Mashreq countries (Algeria, Syria, Palestine), association leaders and experts have reported a fundamental difference in treatment in access to public education services, reportedly due to discrimination based on their skin color, even though their administrative situation is often the same on paper.

These legal and administrative barriers are in contradiction with the recommendations of the United Nations Committee on Economic, Social and Cultural Rights, which called on Tunisia to grant provisional legal status to refugees and asylum seekers, ensuring that they are properly identified and provided with documents issued by the competent Tunisian authorities, and thereby promoting their access to healthcare and education.³⁷

Financial barriers as a result of the impoverishment of communities on the move

According to the experts and organizations consulted for this research, the precariousness and impoverishment of communities on the move worsened steadily over the period studied (see Focus Brief 1 on violations).³⁸ Communities on the move are facing a reduction in job opportunities in the informal sector, and therefore in income-generating activities. Also, since May 2024, several assistance programs supported by civil society have been reduced or halted,³⁹ while the needs of communities on the move are on the rise. Against this backdrop, many parents are struggling to cover the costs of sending their children to school, while at the same time more and more children are working or begging to survive. The main financial barriers identified are as follows:

34. Article 154 of the Personal Status Code (CSP) stipulates that the father is the legal guardian of the minor child, with the mother taking over in the event of the father's death or incapacity. For certain specific acts, the law may also require the authorization of the family judge, as stipulated in article 28 of the 2004 Child Protection Act, which penalizes the absence of the tutor's consent and the judge's authorization.

35. Under article 154 of the Personal Status Code, if the father (legal guardian by default) is deceased or incapacitated, the mother becomes legal guardian; if both parents are deceased or incapacitated, the judge intervenes to appoint a guardian. The aim of this procedure is to guarantee the child's protection and ensure the continuity of his or her rights.

36. For example, access to training centers - particularly those linked to the CEDIS scheme - is now extremely restricted, including for refugees. Private centers now require state authorization, which is rarely granted.

37. Committee on Economic, Social and Cultural Rights, Concluding observations on the third periodic report of Tunisia, E/C.12/TUN/CO/3, §33.

38. The first **FOCUS BRIEF** details the typology of human rights violations suffered by children on the move in Tunisia, including internal and arbitrary forced displacement, deportation and torture, and confirms the direct and indirect responsibility of the Tunisian authorities.

39. See OMCT, Routes of Torture Vol. 3: The Shrinking Civic Space, January 2025.

- **Limited access to early childhood education:** Affordable local authority crèches and kindergartens are often overcrowded, and enrolment in these establishments is difficult due to the administrative barriers mentioned above. However, the alternative of enrolling children in private kindergartens is expensive - between 80 and 150 TND per month. This situation leads some families to set up informal childcare solutions, which expose children to the risk of abuse and even trafficking.
- **Other costs associated with schooling:** These include transport to school, tutoring in Arabic, or the purchase of school supplies.⁴⁰ In most cases, the support provided is limited to the beginning of the school year and is not maintained over time, leading many children to drop out of school. This breakdown in support increases their vulnerability and exposes them to forms of exploitation such as begging and child labor. At the same time, families on the move are de facto excluded from the AMEN Social program, which provides assistance with schooling (purchase of supplies, scholarships, free or reduced registration fees for kindergartens and transport, literacy program).

Security barriers put schoolchildren at risk

According to OMCT's data collection, children on the move are also confronted with security barriers hindering their access to education:

- **Transport to school:** Daily journeys to schools and training establishments expose children on the move to security risks, notably due to arbitrary arrests by security forces, acts of violence committed by Tunisian citizens in the public space and the risks of forced displacement, collective expulsions and deportations (see Focus Brief 1 on violations for more details⁴¹).
- **Lack of stable residence and exposure to violations:** Children and families on the move are at risk of arrest, deportation and forced displacement to Libya and Algeria, as well as eviction from their homes. These violations prevent the continuity of education and result in school dropouts. The impossibility of accessing a stable residence (in a context of frequent evictions from housing and informal settlements) and the frequent displacement of parents (in search of work opportunities or fleeing violence) also complicates the monitoring and continuity of education.⁴²

Barriers inherent to displacement

Other barriers inherent to displacement hinder effective access to education, such as:

- **Language and communication barriers:** Children on the move who speak neither Arabic nor French face a significant language barrier, which compromises their integration, learning and success at school. What's more, even French-speaking children have difficulty gaining access to education, not least because most of the primary school curriculum is taught in Arabic.

40. In Tunisia, the price of school supplies rose by 48% between 2021 and 2023. See **Nawaat**, «**Education publique en Tunisie : l'illusion de la gratuité**», 19/09/2023.

41. The first **FOCUS BRIEF** details the typology of human rights violations suffered by children on the move in Tunisia, including internal and arbitrary forced displacement, deportation and torture, and confirms the direct and indirect responsibility of the Tunisian authorities.

42. See also Analyse de genre et diversité - Projet «**Enfants et Jeunes sur les Routes Migratoires d'Afrique de l'Ouest et du Nord**», Country report: Tunisia, March 2023.

- **Interrupted education and the level barrier:** There is often a discrepancy between the age of the child, his or her actual level of schooling, and the level at which he or she is allowed to enter a school or training center. This discrepancy can be explained by prolonged periods of non-enrolment due to the situation in their country of origin and/or in the country of transit before entering Tunisia.⁴³
- **Difficult cultural integration:** In the absence of intercultural mediation,⁴⁴ especially in a climate of normalization of racist and xenophobic discourse in Tunisia since 2023, cultural differences, making interactions in the school environment complicated, can also hinder the inclusion of children on the move in Tunisian educational establishments.

Reality: Ahmed's story

Ahmed is a young refugee boy from Sudan, living in Médenine with his mother in informally rented accommodation. Having been enrolled in an elementary school in Médenine at the beginning of 2024, he was able to follow a normal school curriculum with regular attendance for several months. At the end of 2024, the family was evicted from their home by their landlord and had to move to a remote area of the city.

His school, more than 8 kilometers away, is now too far for Ahmed to walk to every morning. People on the move face discriminatory denial of access to public transport. As a result, Ahmed had to drop out of school and was unable to enroll in a closer school during the year.

Psychosocial barriers to long-term integration into the education system

Many children on the move have been exposed to traumatic experiences, including physical and psychological violence, detention, torture and ill-treatment, in their countries of origin, in transit and in Tunisia. The physical and psychological consequences of these traumas severely hamper children's ability to adapt to formal education and follow a school curriculum, particularly in the absence of appropriate psychosocial support. Without targeted support services, their emotional, social and developmental needs remain largely unmet, jeopardizing their academic success and leading to disengagement or even gradual drop-out.

43. For children over the age of 14, reintegration into the school system after a long period out of school is all the more difficult. See also Terre d'Asile Tunisie, *Droits et réalités de la prise en charge des mineurs étrangers non accompagnés en Tunisie*, June 2020, p. 34.

44. Intercultural mediation at school, for the integration of children on the move, refers to all practices aimed at facilitating communication and mutual understanding between pupils from different cultural backgrounds, their families and the educational team, in order to promote school inclusion and equal opportunities. It relies on the intervention of mediators (trained teachers, psychologists, interpreter-mediators) who act as neutral third parties to remove misunderstandings, reduce loyalty conflicts and value the cultural diversity of each student. This system helps build an educational alliance, supporting children and their families in the school system, while combating exclusion and failure at school. See Lerin T. «La médiation scolaire transculturelle : un outil d'inclusion», *L'autre, cliniques, cultures et sociétés*, 2020, vol. 21, n° 1, pp. 42-51.

Unaccompanied children from Sudan in Tunisia

In Tunisia, many refugee and asylum-seeking children have fled Sudan's civil war, often from Darfur, where civilians have faced extreme violence.⁴⁵ North Darfur accounts for about 18% of people on the move inside Sudan.⁴⁶ Many of these children have family ties to Zamzam (over 500,000 residents in early 2025) and Abu Shouk camps in Darfur, both repeatedly attacked in 2025, including reported RSF bombardment in April 2025 that drove tens of thousands to flee toward Chad.⁴⁷ Since then, numerous children under international protection in Tunisia have been left with no news of loved ones - uncertain whether they are alive, killed or separated by displacement - living with ongoing fear, grief, and the psychological strain of loss without answers.

These psychosocial barriers are accentuated by the **institutional fragility of the Tunisian education system**. According to the experts consulted for this research, schools lack human resources, particularly in terms of supervisory staff and specialized personnel (psychologists, social workers). Teachers are not sufficiently trained to deal with the diverse profiles of children with varying levels of vulnerability, and social workers who are supposed to make periodic visits to the schools do not do so sufficiently, due to a lack of human and financial resources.

Major regional disparities

There are major regional disparities in the national education system. In large municipalities, schools and training centers are often overcrowded, with class sizes of up to 35-40 students.⁴⁸ Given that opportunities for work in the informal sector are greater in the larger urban areas, and that community and civil society self-help systems and networks are more developed around Tunis, Sfax, Sousse, Zarzis and Médenine, the majority of children on the move awaiting access to the education system reside in and around the major urban centers.⁴⁹

According to the experts consulted, this situation of saturation of the education system fuels the public authorities' perception that welcoming children on the move into classes would constitute an additional burden, difficult to manage in a system already under strain. However, the marginal cost of integrating an extra child into a class is low, whereas the social cost of exclusion from school is much higher in the long term.⁵⁰

45. According to UNHCR, the number of Sudanese refugees registered with UNHCR in Tunisia stood at 3,959 in September 2025. See : **UNHCR, Operational Data Portal, Tunisia**. See also: OMCT regional report assessing the situation of Sudanese forcibly displaced in Libya, Tunisia and Egypt following the April 2023 war in Sudan. **«Displaced Sudanese Trapped with Their Hopes at North African Borders, March - October 2024»**

46. **«Guerre au Soudan : la tragédie humanitaire des déplacés au Darfour», 09/07/2025, Le Monde.**

47. **UN, «Guerre au Soudan : 20'000 personnes ont fui les combats du Darfour vers le Tchad en deux semaines», May 6, 2025.**

48. In 2025, the average number of pupils per class will be 24.2, according to official figures. See **Nawaat, Education à plusieurs vitesses : radiographie d'un système éducatif fracturé en Tunisie, 09/15/2025.**

49. In terms of enrolment rates, there is a significant gap between urban and rural areas. In 2023, it is estimated that 64.5% of young people will be enrolled in upper secondary school, whereas this percentage will reach 48% for young people in rural areas. See **Nawaat, «Education à plusieurs vitesses : radiographie d'un système éducatif fracturé en Tunisie», 15/09/2025.**

50. **UNESCO, «What we stand to lose: the costs of children and youth not learning by 2030», 2025.**
UNICEF, «Transforming Education with Equitable Financing», 2023.

Cases of racial discrimination generate a feeling of exclusion

While school is the first place of integration for children on the move and their families, fostering dialogue, mutual understanding and the creation of social ties,⁵¹ according to OMCT data collection, in a context of normalization of hate speech since February 2023, children on the move who have been able to be integrated into educational and training establishments have reportedly been confronted with acts of harassment, bullying or racial discrimination within the school - often without an adequate institutional response.⁵² This discrimination reinforces a feeling of exclusion and isolation among registered children on the move, increasing the risk of dropping out of school.

Shrinking civic space: an additional barrier to accessing the formal education system

Since May 2024, human rights defenders and leaders of local and national Tunisian civil society organizations have faced a high risk of criminalization, through prosecution, police control and surveillance by state authorities, and intimidation.⁵³ This reduction in civic space has had significant consequences on access to education for children on the move:

- **Reduced monetary assistance:** The reduction in civic space has led to a drop in available financial aid to cover education-related costs, with civil society organizations increasingly reluctant to offer direct monetary assistance for fear of being criminalized by the authorities. At the same time, since January 2025 and the reduction in international cooperation by the USA and other major donors, several organizations in Tunisia have seen their funding reduced or even partially suspended, also impacting assistance to people on the move.
- **Reduced legal aid and support for school enrolment:** Prior to May 2024, local associations assisted their beneficiaries with school enrolment procedures and offered legal aid to overcome administrative obstacles to enrolment. Since May 2024, several organizations have testified to OMCT that they have ceased visits to schools and youth establishments in an attempt to integrate children on the move, so as not to attract the attention of the authorities. As a result, more and more Tunisian civil society organizations are limiting their mandates and excluding advocacy activities for people on the move from their scope of action, reorienting their socio-economic integration activities towards beneficiaries of Tunisian nationality only.
- **Suspension of integration projects:** Integration projects in schools in Tunis, Zarzis, Médenine and Sfax had been run by the Tunisian Refugee Council (CTR), IOM, UNCHR and other organizations, in coordination with the Child Protection Officer and regional education departments. The CSOs concerned have since suspended their activities, and these projects have come to a halt, with no relaunch during the period under review and no follow-up of the children previously integrated. For example, the OMCT documented the case of 20 refugee children enrolled in six schools in Médenine in early 2024, as part of a project run by several civil society organizations and international agencies. In April 2025, these children were no longer present in the schools concerned, and no trace of their school integration could be found.

51. Report by the Special Rapporteur on the Rights of Migrants, Gehad Madi. Les enfants sont avant tout des enfants : protection des droits de l'enfant dans le contexte des migrations, A/79/213, July 2024.

52. Humanitarian source.

53. See also: OMCT, Routes to Torture Vol. 3: The shrinking of civic space and its impact on people on the move in Tunisia, May - October 2024.

- **Limited access to children on the move:** The limited access of CSOs and state child protection services to areas where people on the move are concentrated makes it impossible to identify children who are out of school or who have special educational needs, particularly illiterate children. This situation leads to a drop in referrals to school structures or support services, despite the possibilities for Child Protection Officers to demand the integration of children into schools.⁵⁴

1.2 Informal learning opportunities: a parallel, limited and temporary system

Informal learning opportunities for children on the move are educational, or skills development activities organized outside the formal school system,⁵⁵ aimed at ensuring the continuity of learning, development and psychosocial well-being of refugee, asylum-seeking, migrant or internally displaced children. These opportunities are generally designed to bridge the gaps between interrupted schooling and formal education and are often implemented in collaboration with civil society organizations, community-based organizations or international agencies when state systems are inaccessible or limited. These learning solutions could address the barriers to integration into the state education system indicated in the previous section by including remedial courses, accelerated learning, life skills development, vocational training and psychosocial support.

In Tunisia, in the absence of opportunities to integrate children into the public education and training system, alternative informal learning solutions have been set up by civil society and UN agencies. By 2024, for example, vocational training programs had been launched for over thirty unaccompanied children, among other beneficiaries, in state-recognized private training centers. In 2025, exchanges between international cooperation players and the Ministry of Employment and Vocational Training highlighted a desire to develop specific programs for refugee and asylum-seeking children in several governorates. These opportunities for children on the move in Tunisia have largely dwindled since 2024, given:

- **The reduction in face-to-face reception and training opportunities:** Some CSOs had set up alternative local training and childcare systems, particularly for out-of-school children. CSOs had to stop holding group activities such as vocational training workshops (or limit them to Tunisian beneficiaries only), language courses and other types of socio-economic integration and social cohesion-building activities.
- **Halting the development of pilot projects in collaboration with the authorities:** associations that had signed agreements with local authorities, concerning joint projects or the provision of premises belonging to municipalities for educational activities with children on the move, have seen these agreements suddenly modified or even rendered null and void without justification as of May 2024. For the organization of training workshops, a number of local organizations testified to the reluctance of local authorities to make communal halls available, despite their being dedicated to hosting associative events.

54. See Focus Brief 5 on the capacities and responses of state and non-state actors to the needs and risks of children on the move in Tunisia.

55. Non-formal learning is recognized by international law as part of the child's right to education (CRC, Articles 28-29), emphasized by the Committee on the Rights of the Child (General Comment No. 6, 2005) and UNHCR education policies, and supported by UNICEF and OHCHR recommendations, which stress the need for flexible, inclusive and rights-based educational pathways to ensure that all children on the move can access meaningful learning and protection.

According to the experts consulted for this research, alternative informal learning solutions for children on the move in Tunisia that have been put in place by various actors are by no means sustainable, given that they:

- cannot be implemented without the support of CSOs - which is unmanageable in a context where assistance to people on the move is criminalized.
- are conditional on the availability of funds from international agencies for education programs, in a current context of significant cuts in funding allocated to international agencies.
- do not enable children to fully enjoy their right to education but merely compensate temporarily for the absence of other solutions.
- further widen the gap between Tunisian children and children on the move, reinforcing marginalization, exclusion and discrimination.
- can be stopped at any moment in time, if UN agencies involved were to withdraw suddenly creating a sudden vacuum and disrupting education for children on the move.

2. DENIAL OF THE RIGHT TO LEISURE, PLAY AND PARTICIPATION IN CULTURAL ACTIVITIES

What does international law say?

International law stipulates that States recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child, and to participate freely in cultural and artistic life.⁵⁶ Play and recreational activities perform an essential role in the well-being and development of children's creativity, imagination and confidence. They also contribute to the development of their physical, social, cognitive and emotional capacities. In order to guarantee children's right to leisure, States have an obligation to take progressive measures to ensure its full enjoyment.⁵⁷ This involves, in particular, increased support for children's carers, awareness-raising initiatives, respect for the principle of non-discrimination, making Internet use safer, and adapting schools - both in terms of the organization of the day and in terms of curricula and teaching methods.⁵⁸

Street children must also enjoy the right to rest, play, leisure and participation in artistic and cultural activities, without being discriminatorily excluded from parks and playgrounds.⁵⁹ Sport and cultural activities play a vital role in social development, inclusion and cohesion, particularly for refugee children.⁶⁰

What does Tunisian law say?

The Tunisian Constitution stipulates that the State shall encourage sports and endeavor to provide the resources necessary for the exercise of sports and leisure activities.⁶¹

56. Art. 31 of the CRC.

57. General Comment No. 17 of the Committee on the Rights of the Child on the right of the child to rest and leisure, to engage in play and recreational activities and to participate in cultural life and the arts CRC/C/GC/17, 2013: «The International Covenant on Economic, Social and Cultural Rights provides that the realization of the rights it sets forth can be achieved progressively, taking into account the constraints arising from limited resources, it imposes a specific and continuing obligation on States parties, including where resources are inadequate, to «strive for the widest possible enjoyment of the relevant rights in the child's own circumstances». Consequently, no measure that would result in a setback in the exercise of the rights guaranteed in Article 31 is permitted.»

58. General Comment No. 17 of the Committee on the Rights of the Child on the right of the child to rest and leisure, to engage in play and recreational activities and to participate in cultural life and the arts, CRC/C/GC/17, 2013.

59. General Comment No. 21 of the Committee on the Rights of the Child on children in street situations, CRC/C/GC/21, June 21, 2017, §56.

60. Global Compact on Refugees adopted by the United Nations General Assembly on December 17, 2018, §44.

61. Art. 50 of the Constitution of the Republic of Tunisia of July 25, 2022. The Child Protection Code, meanwhile, does not include a specific provision on the right to leisure.

According to OMCT's data collection, children on the move living in Tunisia are deprived of their right to leisure due to:

- **The lack of safe spaces in which to engage in recreational activities:** These children live in a context marked by human rights violations, where they are exposed to a constant risk of arrest in the public space, as well as to xenophobic, racist and discriminatory violence. In practice, this insecurity prevents them from enjoying leisure activities in a protected environment, while a growing number of them live on the streets.
- **The exclusion of children on the move from youth facilities,** such as youth centers and child protection centers: their access to organized leisure activities is limited.
- **Growing precariousness:** Child labor is on the rise in Tunisia, while communities on the move are increasingly impoverished, and children are increasingly exposed to exploitation, notably through begging (see Focus Brief 1 on violations). As a result, children are unable to enjoy their right to rest and leisure.
- **The increasing restriction of civic space in Tunisia:** The action of civil society organizations that could offer these opportunities is restricted, accentuating the isolation and deprivation of these rights essential to their development and fulfillment.

3. THE IMPACT OF SYSTEMIC EXCLUSION FROM EDUCATION ON CHILDREN'S RIGHT TO DEVELOPMENT

This chapter looks in detail at the far-reaching consequences of the violation of the right to education in the short, medium and long term on the lives of children on the move, well beyond their stay in Tunisia, and hindering their right to development.

What does international law say?

The right to development is a fundamental right of the child. Several provisions of the CRC emphasize the development of the child in all its dimensions: physical,⁶² mental, spiritual, moral and social.⁶³ Article 6 §2 of the CRC also imposes an obligation on States Parties to ensure, to the maximum extent of their available resources, the survival and development of every child.⁶⁴ This right can only be fully realized through the implementation of all the rights enshrined in the Convention.⁶⁵ The Committee on the Rights of the Child stresses that this notion of development must be understood in a holistic approach to the well-being of the child, including health, safety, access to essential services and a stable environment.⁶⁶

In its General Comment No. 6, the Committee on the Rights of the Child underlines the particular vulnerability of separated or unaccompanied children, who are exposed to a variety of phenomena likely to affect their life, survival and development. To mitigate these risks and guarantee an adequate standard of living for separated or unaccompanied children, States must provide material assistance and support programs, particularly with regard to food, clothing and housing.⁶⁷ The Inter-Agency Guiding Principles on Unaccompanied and Separated Children also emphasize that every child must receive care and assistance appropriate to his or her age and developmental needs.⁶⁸

It is important to note that the right to development also includes the child's right to express his or her views and to participate in decision-making concerning his or her own future. Article 12 of the CRC provides that children who are capable of forming their own views have the right to express those views freely in all matters affecting them, the views of the child being given due weight in accordance with the age and maturity of the child. The Special Rapporteur on the right to development has stressed that this right of the child to express his or her views freely is particularly relevant to children's participation in decision-making processes relating to the right to development.⁶⁹

62. Article 24§1 of the CRC, for example, recognizes the right of the child to the enjoyment of the highest attainable standard of health, and to facilities for the treatment of illness and rehabilitation of health. States must strive to ensure that no child is deprived of the right of access to such services.

63. Report of the Special Rapporteur on the right to development, *Droit au développement des enfants et des générations futures*, July 24, 2024, A/HRC/57/43, §15.

64. Article 6§2 of the CRC.

65. *International Journal of Refugee Law, Unaccompanied Children in Limbo: the causes and consequences of uncertain legal status*, Volume 34, Issue 1, March 2022.

66. *Committee on the Rights of the Child, General Comment no. 5: General measures of implementation of the Convention on the Rights of the Child (2003)*, §12. Committee on the Rights of the Child, general comment no. 21 on children in street situations (2017), §31.

67. Committee on the Rights of the Child, General Comment no. 6: Treatment of unaccompanied and separated children outside their country of origin, CRC/C/GC/2005/6, 2005, §44.

68. *ICRC, Inter-Agency Guiding Principles on Unaccompanied and Separated Children, 2004*, p. 16.

69. Report of the Special Rapporteur on the right to development, *Right to development for children and future generations*, July 24, 2024, A/HRC/57/43, §17 and §45-51.

In summary, the right to development implies a holistic approach to the well-being of every child and includes the following elements:

- **Fulfilment of basic needs and access to health services:** States have an obligation to guarantee an adequate standard of living by ensuring access to food, housing, education, adequate material assistance and care to meet the child's basic needs.
- **Safety and a stable environment:** Children's development requires a safe, protective and stable environment, free from violence, neglect or exploitation.
- **Participation in decision-making:** The right to development also includes the child's right to freely express his or her opinion and to participate in decisions affecting his or her life.

And what does Tunisian law?

Article 13 of the Tunisian Constitution states that the State shall ensure conditions conducive to the development of the capacities of young people.⁷⁰ The Child Protection Code (CPE) guarantees children the right to benefit from various preventive measures of a social, educational and health nature, as well as other provisions and procedures designed to protect them from any form of violence, or harm, or physical or psychological, or sexual abuse, or abandonment, or neglect that results in ill-treatment or exploitation.⁷¹

3.1 Short-term consequences

Increased exposure to other violations

Deprived of access to daycare centers, schools and training centers, many children are forced to abandon any attempt at schooling and find themselves obliged to contribute economically through informal work, particularly among unaccompanied adolescents and single-parent families. This exposes them to hazardous work in violation of their rights. This exclusion also often leads them to adopt negative resilience mechanisms (e.g. begging, prostitution or theft) and exposes them to a number of violations, including trafficking and economic exploitation.

70. Art. 13 of the Constitution of the Republic of Tunisia of July 25, 2022.

71. Art. 2 of the CPE.

Lack of identification by child protection mechanisms

Cases of sexual violence, abuse within the family, risk of exploitation and other situations of danger are often identified within the school environment, as are children in need of psychological support. In the absence of schooling, these children at risk cannot be identified by the education authorities, are not referred to the child protection system and their situation is not qualified as a danger, preventing the child protection services from taking charge and adopting protective measures (see Focus Brief 5 on the capacities and responses of state and non-state actors in child protection). These children are becoming invisible in Tunisian society, even though they are among the most vulnerable.

Rapid loss of academic skills

Pedagogical continuity is broken, leading to an accelerated loss of acquired knowledge: vocabulary, arithmetic, reading, reasoning skills, etc. This academic regression limits their ability to acquire new skills. This regression limits the basic skills they need to progress in their studies, hindering their intellectual development. Schooling plays a central role in cognitive stimulation and the development of socio-affective skills. The absence of schooling also hinders progress towards personal, critical and social autonomy. This affects these children's ability to understand, participate, express themselves and exercise their rights. On the other hand, the lack of foundational social relationships places them at risk for depression, anxiety and reduced self-esteem.⁷²

3.2 Medium-term consequences

The start of a cycle of marginalization

According to research carried out by the OMCT and the experts consulted, the longer the delay in schooling accumulates, the more difficult it becomes to re-enter the school system, as delayed schooling can lead to discouragement and disengagement, or even permanent abandonment. This phenomenon contributes to maintaining a cycle of marginalization that prevents these children from following a school curriculum that enables them to develop their intellectual and cognitive capacities.

The right to self-fulfillment and learning is compromised. Denial of access to education deprives children not only of their cognitive development, but also of a protective environment where they can interact with their peers, acquire skills and plan for their future.

Impossible integration into Tunisian society

Children excluded from the Tunisian education and training system do not often learn the language and cannot acquire cultural codes, making it impossible for them to integrate into Tunisian society. Additionally, they are not in contact with children and teenagers from the host community and therefore cannot socialize with their peers, further accentuating their marginalization and vulnerability to stigmatization and rejection in the host communities. On the other hand, children on the move who are excluded from the education system may lose confidence in institutions, reducing their access to training, health or protection in the future.

72. See UNICEF «The State of the World's Children», 2021. This report points out that young people suffer negative psychosocial effects when they are estranged from their peers or deprived of normal social supports (school, leisure, peer interaction), which can lead to isolation, lowered self-esteem, anxiety and/or depression.

3.3 Long-term consequences

Effects on literacy, autonomy and social inclusion

In the absence of continuous access to education, children on the move risk not acquiring basic reading and writing skills, let alone functional literacy enabling them to mobilize these skills in daily life. This situation undermines the right to education and the principle of progressive realization of educational services, which includes the development of literacy. It seriously compromises their ability to become autonomous and functional adults, capable not only of integrating into the world of work, but also of communicating, participating fully in community life and exercising their rights. As a result, these children are more exposed to multidimensional poverty, exploitation, crime and multiple violations of their fundamental rights.

The intergenerational cycle of exclusion

Beyond its individual effects, exclusion from the education system greatly reduces human capital and limits educational and professional opportunities over the long term, contributing to the intergenerational reproduction of poverty and the perpetuation of socio-economic marginalization within families.



CONCLUSION

Systemic exclusion from the education system has far-reaching consequences for children on the move in Tunisia. It exposes them to an increased risk of violations of their rights, complicates their identification by child protection mechanisms, leads to a loss of their educational achievements and undermines their right to development. As a result, children on the move in Tunisia are even more marginalized, and their trajectories are marked by irregularity, economic exploitation and profound psychosocial harm. Lack of access to education also hinders future pathways to regularization of residence status or durable solutions: without school certificates or diplomas, children lack the necessary tools to access vocational training, employment or resettlement opportunities later in life. This situation is particularly alarming for unaccompanied children, who risk reaching adulthood without having been able to benefit from the learning they need to envision a stable, autonomous future.

RECOMMENDATIONS

- Ensure that all children, regardless of their nationality, migratory status or possession of administrative documents, can enroll in public schools. To this end, clear ministerial instructions should prohibit schools from requiring residence permits, birth certificates or any other documents that children on the move are often unable to provide.
- Implement and enforce policies allowing the enrolment of children on the move at any time during the school year, in line with the principles of non-discrimination and the best interests of the child, as enshrined in international human rights law.
- Establish formal coordination and referral mechanisms between the Ministry of Education, child protection services, municipalities and civil society organizations to identify out-of-school children on the move and support their enrolment and retention in school.
- Implement specific programs to prevent children on the move from dropping out of school, including:
 - refresher courses and language support
 - psychosocial support for children affected by violence, displacement or trauma
 - provision of school materials, transport services and school meals where necessary
- Introduce flexible informal learning arrangements, bridging programs and non-formal education pathways enabling all children who have experienced interrupted schooling to gradually integrate into formal education as well as to acquire basic and functional literacy skills.
- Train school principals, teachers and administrative staff in standards relating to the right to education, the principle of non-discrimination and the specific needs of children on the move, particularly with regard to enrolment procedures and referral mechanisms.
- Collect detailed data on enrolment, attendance and dropout rates of children on the move, and set up monitoring mechanisms to identify persistent obstacles, assess progress and ensure accountability at local and national levels.
- Recognize and institutionalize the role of civil society organizations and UN agencies in facilitating access to education for families on the move, supporting families and monitoring rights violations, notably through formal partnerships and sustainable funding mechanisms.

ACKNOWLEDGEMENTS

The World Organisation Against Torture (OMCT) works with 200 member organisations who fight to end torture and ill-treatment, help victims and protect human rights defenders at risk, wherever they may be. Together, we form the largest international group active in the fight against torture in over 90 countries. We strive to protect members of marginalized groups at risk of being the most vulnerable, including women, children, indigenous peoples, migrants and other marginalized groups.

In Tunisia, OMCT's direct assistance program, SANAD, provides holistic, tailor-made support to victims of torture and ill-treatment. We combine field expertise with advocacy to inspire reform, undertake strategic legal action and support institution-building in partnership with Tunisian civil society and government.

OMCT aims to promote information, documentation and the study of the human rights situation of all people, including migrants, refugees and asylum seekers, as well as stateless people. The organization is committed to combating discrimination, racism and xenophobia, and aims to promote and protect in society the affirmation of the principles of equal rights, equal opportunities and respect for dignity, without distinction of origin, nationality, language, religion, gender or political opinion.

Our warmest thanks go to the partner organizations, researchers, experts, human rights defenders, journalists and associations assisting people on the move, who shared their views on the human rights situation of children on the move in Tunisia. This report has been greatly enriched by their views and perspectives. Civil society organizations in Tunisia currently play a crucial role in promoting the rights of people on the move.

Special thanks go to the direct victims of violations who have shared their suffering and relived their experiences of violence; through this report, OMCT hopes that their voices can be heard. People, including child victims of human rights violations, are actors for change and in the fight against impunity, and OMCT salutes their commitment.

All quotes have been anonymized to respect the identity of the interviewees. The contents of this report are the sole responsibility of OMCT. This report is intended to inform OMCT's future work and positioning on the subject and will be shared with interested partners and stakeholders.

This report is based on primary and secondary research and programmatic learning.
The content of this document is the sole responsibility of the OMCT.

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« FOCUS BRIEF 6. Le droit à l'éducation des enfants en déplacement en Tunisie »

