

# COUNTRY STUDY

## TUNISIA

### Social Protection Monitoring

#### The EU-Tunisia Partnership should:

Focus more on the access to education, taking into account the non-formal and informal learning, and provide technical support and funding to ensure that the reform of the education system be a social reform and not merely a technical reform. Take into account the Tunisia's specific needs, by putting in place a bilateral cooperation framework ensuring migrants, refugees and asylum seekers' rights.

#### Support the Tunisian government to:

- reform the health sector to ensure universal access to health care facilities through an upgrading of the Tunisian public sector,
- intensify efforts to improve women's access to formal and decent employment,
- to effectively combat child labor and integrate Persons With Disabilities (PWDs) in the labor market,
- reform the social protection system to face with its weaknesses,
- intensify efforts to improve women and disabled people's access to political, economic and social life and
- strengthen the CSOs' capacity to participate in the consultation process.





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## EXECUTIVE SUMMARY

At political level, a profound democratic transition has been put in place by the Tunisian civil society in the country since 2011, whose progresses – the adoption of a new constitution and democratic and transparent presidential and parliamentary elections – have been taken in consideration by other Arab countries in the region. This has been recognized by awarding the Nobel Peace Prize to some organizations (such as LTDH, Ordre des Avocats, UGTT, UTICA). New steps are expected in the coming years: application of constitutional provisions, economic and social recovery, decentralization laws etc. Nevertheless, the economic context complicates social issues. Particularly, the Tunisian labor market continues to suffer from many structural constraints, due to the disruption of economic activity and the decline in growth since 2011. The lack of universality in access to basic health services, disparities in access to education according to the regions, disproportionate labour market marginalization of women, youth and disabled people, weaknesses in the social protection system and deficiencies in Freedom of Association (FoA) and Collective Bargaining Rights – with regard to vulnerable categories and Tunisian civil society organizations (CSOs) - represent the major challenges the country should deal with. In this light, SOLIDAR's members and partners in Tunisia suggest that the following top priorities should be at the core of the EU-Tunisia Partnership: a reform of the health sector, along with a more focused EU approach to access education; a reform of the social protection system towards a human rights based approach; intensifying efforts in order to improve women and Persons With Disabilities' access to political, economic and social life, on the one hand, and the CSOs' capacity to participate in the consultation process, on the other.

Most urgent issues to be tackled

- **Lack of universality in access to basic health services:** the lack of medicines, the damaged material and the disaffection of specialized personnel, along with the share

of households in health expenditure and the deficit of the National Health Insurance Fund represent the major barriers to equitable health services;

- **Disparities in access to education according to the regions** with a high school dropout of children (aged 13-18 years);
- **Unemployment and Informal sector:** disproportionate labour market marginalization of women and young people (15-29 years), apart from disabled people;
- **Weaknesses in the social protection system** whose approach is not human rights based;
- **Deficiencies in Freedom of Association and collective bargaining rights** with regard to women, Persons With Disabilities (PWDs) and, generally, CSOs.
- **Mediterranean mobility for migrants, refugees and asylum seekers** which ensures the respect of their rights

## KEY RECOMMENDATIONS

The EU-Tunisia Partnership should:

- **Focus more on the access to education** in general than to higher education system in particular, in order to face with the high school dropout of children; **take into account non-formal and informal learning**, including culture, citizenship, education and human rights; **provide technical support and funding to ensure that the reform of the education system - launched in April 2015 - will be a social reform and not merely a technical reform.**
- **Take into account the Tunisia's specific needs, by putting in place a bilateral cooperation framework ensuring migrants, refugees and asylum seekers' rights** through a more effective action in order to redefine the priorities of the European migration policy in full and open consultation with CSOs (namely, an EU

agreement allowing the Mediterranean mobility<sup>1</sup>), apart from the facilitation of obtaining visa procedures for all Tunisians.

- Institutionalize the threefold dialogue between the government, the EU and the civil society to design and operate international cooperation.
- Support the Tunisian government in:
  - 1. In reforming the health sector to ensure universal access to health care facilities**, by taking particular measures for rural populations and intensifying efforts to reduce inequalities in accessing them among different regions. In this light, an **upgrading of the Tunisian public sector** - entitled to ensure equitable access to basic services throughout the country – should be put in place.
  - 2. To intensify efforts to improve women’s access to formal and decent employment**; eliminate the wage gap between men and women applying the principle of equal pay; increase efforts to **effectively combat child labor** by instituting specific labor inspections; and **integrate Persons With Disabilities in the labour market**. In this regard, the EU should support the country in its social consultations aiming to establish an unemployment insurance scheme or against job losses.
  - 3. To invest in the youth (15-29 years)** improving their access to culture, vocational education and training and decent jobs.
  - 4. In reforming the social protection system to face with its weaknesses**, with a focus on the coverage, continuity and governance, within a human rights-based approach.
  - 5. In intensifying efforts to improve women and disabled people’s access to political, economic and social life**, especially to public policies decision-making; **strengthen trust between civil society and state actors and the CSOs’**

**capacity to participate in the consultation process.**

## REPORT

### *Improving equitable access to essential services and infrastructures*

In terms of access to health care facilities, the European Commission (EC) positively reports that Tunisia has carried on the social dialogue launched in late 2012 through the participatory review of the health sector with the perspective of future reforms. However, SOLIDAR’s members and partners in Tunisia point out how health sector in the country needs a reform in order to ensure universal access to basic services. The lack of medicines, the damaged material and the disaffection of specialized personnel, along with the share of households in health expenditure and the deficit of the National Health Insurance Fund represent major barriers to equitable health services.

Regarding the access to education, the EU positively recognizes the Tunisia’s potential to achieve a sustainable and inclusive growth, through the implementation of the planned reforms and taking advantage of its high educated human resources and open economy<sup>2</sup>. Nevertheless, SOLIDAR’s members and partners in Tunisia deplore that EU politics in the country is more interested in higher education and does not focus properly on access to education. Proof of this is a report issued by the Ministry of Education in 2013 on the dropout of children from school – according to it, more than 107,000 children abandoned school. In addition, the Tunisian Forum for Economic and Social Rights (FTDES) provided a study on the voluntary dropout and its causes, showing that on a sample of 601 children in three regions (namely Monastir, Kasserine and Kairouan) during the year 2013-14, the most affected by this phenomenon were children aged 13-17 years from disadvantaged families (80%)<sup>3</sup>.

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<sup>1</sup> Press release from 26 Tunisian civil society organizations during the negotiations on *Accord de Libre Echange Complet et Approfondi (ALECA)* between the EU and Tunisia.

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<sup>2</sup> European Commission and EEAS (2015), p.3

<sup>3</sup> FTDES, *Rapport: Déscolarisation, Phénomène et causes*, Retrieved 07 October 2015, from <http://ftdes.net/2014/09/rapport-descolarisation-phenomene-et-causes/>. Also UNICEF issued a report in October 2014 on the same phenomenon, showing the

Moreover, SOLIDAR's members and partners in Tunisia highlight how, after launching the national dialogue to reform the education system in April 2015, Tunisia needs technical support and funding to ensure that this reform will be a social reform and not merely a technical one, with regard to different aspects: a) the revision of all schooling levels, until the higher education; b) the upgrading of school infrastructure; c) the evaluation system of student learning; d) the coherence between programs; e) the transportation and school health; f) the inclusive education for students with disabilities; g) the fight against the school dropout; h) the decentralization process which should be carried on by granting powers and resources to the regional education commissions, and i) the dialogue among all actors involved in the education system at all levels (local, regional, national) which should be operated through the creation of appropriate consultation spaces.

Concerning the access to Vocational Training (VET), while the EC reports that the government has undertaken some initiatives to seek financial support and coordinate its implementation<sup>4</sup>, SOLIDAR's members and partners in Tunisia ask the EU to press the country in taking concrete measures, intensifying efforts to reduce the unemployment rate and ensuring the effective implementation of the employment law. In addition, they underline the necessity to keep a national register of unemployed graduates, to set clear requirement criteria respecting equal opportunities in both public and private sectors and, finally, to ensure the professional integration of disabled people.

### *Ensuring Income security*

Firstly, in terms of decent minimum wage and living income, SOLIDAR's members and partners in

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rate of school exclusion of children aged 15-18 years (32.5%) and the disparities among schools: Particularly, the schools in the Centre and West were the least well equipped with lots of primary schools with no access to clear water (11.1%), or to the Internet (60.2%), or even sometimes without an asphalt road (16.8%).

<sup>4</sup> European Commission (2015). *Mise en œuvre de la politique européenne de voisinage en Tunisie. Progrès réalisés en 2014 et actions à mettre en œuvre*, SWD(2015) 73 final, 25 March 2015, p.15, Retrieved 05 October 2015, from [http://eeas.europa.eu/enp/pdf/2015/tunisie-enp-report-2015\\_en.pdf](http://eeas.europa.eu/enp/pdf/2015/tunisie-enp-report-2015_en.pdf)

Tunisia stress the highest priority in this area: support the country to set up a National Social Protection Floor according to ILO recommendation 202. As specified in the social contract - signed on 14 January 2013 - its implementation should be discussed between the government and social partners, via consultations and negotiations. The EU should support this process within the framework of a comprehensive reform of the social security system. Nevertheless, they recognize that the government has not yet presented to social partners its strategy proposal for the establishment of a national social protection floor. Furthermore, SOLIDAR's members and partners in Tunisia agree that different actions should be taken in order to improve women's access to formal and decent employment and eliminate the wage gap between men and women through the principle of equal pay. Also, increased efforts to effectively combat child labor by instituting specific labor inspections - in accordance with ILO Convention no.182 of 1999 on the Interdiction of the worst forms of child labor and ILO Convention no.138 of 1973 concerning the minimum age for admission to employment – should be put in place.

Secondly, concerning the unemployment benefits, while the EC reports that young people (15-29 years), especially higher education graduates, and women continue to be the most affected categories, SOLIDAR's members and partners in Tunisia suggest that the EU should support the country in its social consultations aiming to establish an unemployment insurance scheme or against the job loss.

Lastly, with regard to decent livelihoods, the EC stresses the promotion of job creation - especially for young people through public-private partnerships (PPP). In this light, SOLIDAR's members and partners in Tunisia clarify how the PPP are negatively seen from the political class and the civil society in the country, because of the general fear that the public sector will be progressively replaced by the privatization of essential social services, through the total disengagement of the State.

## Promoting a Rights Based Approach to Social Protection

Concerning the entitlement to Social Protection Floors (SPF), SOLIDAR's members and partners highlight the EU support as highly desirable to achieve the reform of the social security system and the establishment of a national social protection floor that meets the ILO standards, in consultation with social partners, civil society and political forces, within a human rights-based approach. Nevertheless, they recognize that the relative discussions have not yet begun, as the government has not presented its guidelines in this area, while the parties involved are trying to define a global and coordinated approach.

SOLIDAR's members and partners in Tunisia point out different aspects of the Tunisian social policy - structured around three complementary axes, namely a social security system, a social promotion mechanism and investments in education, health and employment. Particularly, the social protection system consists of a multitude of schemes according to professional categories. In the public sector, it is managed by the National Pension and Social Insurance, while in the private sector it is managed by the National Social Security Fund, which also covers formal employees in the agricultural sector, non-paid workers, Tunisians working abroad and workers in the informal sector. The main covered risks regard sickness, maternity, accidents at work and occupational diseases, invalidity, old-age, death and family responsibilities (only the unemployment insurance has not been yet introduced). The social protection system is also based on targeted assistance programs for vulnerable people (needy families, the elderly without support, disabled people).

However, one fundamental weakness of this system concerns social protection programs which are not very targeted with disparities depending on social categories and regions. In addition, even if the labor legislation in Tunisia meets the basic fundamental criteria laid down by the ILO and it is fairly applied in the administration field, many private companies do not respect it. For example, the Tunisian pension system suffers from a financial imbalance which

should weigh on the sustainability of future public finances and, according to projections, persons aged 60 years and over who represented the 9.8% of the population in 2009, they will represent the 17.9% in 2027. The very low level of reported incomes, especially in the private sector, could explain the very low level of pensions which are distributed<sup>5</sup>.

SOLIDAR's members and partners stress the Tunisian social protection system is not fully in compliance with the principles of a human rights-based approach in terms of accessibility, eligibility, suitability and innovation, highlighting different weaknesses to deal with: a) the lack of program evaluation, b) the lack of specific criteria in terms of planning, c) the lack of precision of the eligibility criteria for granting aid, d) the irregular updating of beneficiaries' programs with the lack of specific criteria for termination the benefit of these programs, e) the inadequate material and logistical resources as well as the number and coverage in social workers. In order to face with these challenges, it is recommended to promote reforms aimed at extending coverage, ensuring continuity and governance of the system, within a human-rights based approach and a domestic legal framework. Moreover, it is very important to enhance the CSOs' participation in planning, programming, monitoring and evaluating programs and implementing social protection policies<sup>6</sup>.

Regarding the social inclusion issue, the EU underlines how the post-revolution phase in Tunisia has revealed the existing structural disparities in social terms and of service provision among regions, mainly affecting southern areas, centre-west and north-west of the country, where the feeling of exclusion is causing social tensions<sup>7</sup>. In this light, SOLIDAR's members and partners in Tunisia agree with the EC's assessment to support

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<sup>5</sup> African Bank of Development (ABD), Report, 2013, from [http://www-wds.worldbank.org/external/default/WDSContentServer/WDSPI/B/2013/12/24/000442464\\_20131224102628/Rendered/PDF/825860PAD0Tuni0Box0382091B00PUBLIC0.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSPI/B/2013/12/24/000442464_20131224102628/Rendered/PDF/825860PAD0Tuni0Box0382091B00PUBLIC0.pdf)

<sup>6</sup> UNDP, the Arab Institute for Human Rights and the Ministry of Social Affairs on "the adoption of a human rights based approach in social policies", Study, July, 2014, <http://www.undp.org/content/dam/undp/library/corporate/HDR/2014HDR/HDR-2014-English.pdf>

<sup>7</sup> European Commission and EEAS (2015), p.9



the implementation of actions improving economic, social and territorial cohesion, together with the reduction of discrimination gender-based<sup>8</sup>. Specifically, they urge the Tunisian government to proceed with the legal provision on the employment of disabled people in companies and the revision of civil service to double the recruitment quotas for these people (nevertheless, the text has not been yet presented). Different actions to tackle these issues are foreseen: studies in collaboration with CSOs to effectively evaluate the existence of racial discrimination; adopting policies and laws to prevent and combat all forms of violence against women; ensuring access to employment and health care for women in poor areas and rural areas; strengthening labor inspection and the protection of women in the private sector and the informal sector and, finally, promoting health education and sexuality rights targeting the teenagers.

#### *Freedom of Association and enabling environment*

Regarding the access to Economic, Social and Cultural Rights (ESCRs), the EC focuses on the guarantee of women's rights. In this perspective, SOLIDAR members and partners in Tunisia highlight the importance of the Article 46 of the Tunisian Constitution which guarantees the respect for women's rights, by ensuring their full participation in political, economic and social life, especially in decision-making. They also take into account the Article 48 that specifies the role of the state in protecting disabled people's rights, by promoting their participation in Tunisian society and in the definition of planning, implementation, monitoring and evaluation of public policies.

In terms of legal framework with regard to establishing associations, SOLIDAR's members and partners in Tunisia stress that legislative and legal measures have been taken to frame the associative work in Tunisia. For instance, the Article 35 of the Tunisian Constitution guarantees the freedom of creating associations, while different decrees are important in this regard: the Decree Law No. 2011-88 (24<sup>th</sup> September 2011) on associations; the Decree No. 2013-5183 (18<sup>th</sup> November 2013) laying down the criteria, procedures and conditions for granting public funding for associations and the

Decree No. 2012-640 (25<sup>th</sup> June 2012) establishing a specific structure at the presidency of the government for associations and political parties. Moreover, they underline how CSOs represent the main actors of the democratic transition since 2011. The democratic opening of the country generated a strong Tunisian citizens' engagement in the association field: 8056 associations born between January 2011 and March 2015<sup>9</sup>. However, if the current legal framework has surely improved the enabling environment for CSOs to operate, a lot should be still done in terms of strengthening the CSOs' capacity in their participation to the consultation process.

While the EU highlights the importance of the civil society's role in terms of social dialogue and CSOs consultations<sup>10</sup>, SOLIDAR's members and partners in Tunisia point out that the "new" Tunisian civil society constitutes a real social and political force in the country that - together with national human rights organizations (AFTURD, ATFD, namely LTDH) and trade unions (UGTT) - led to the fall of Ben Ali's dictatorship. Particularly, the Tunisian civil society plays a major role at three levels. Politically, during 2013, it facilitated a dialogue between political parties following the political assassinations of Chokri Belaid and Mohamed Brahmi. As such, some organizations involved in this national dialogue (LTDH, Ordre des Avocats, UGTT, UTICA) were awarded the Nobel Peace Prize for the conduct of the dialogue. Constitutionally, it is the civil society mobilization which allowed a new constitution that made consensus in the country and which, if implemented, will be a model for the sub-region in terms of fundamental freedoms and male / female parity. Economically and socially, trade unions and Tunisian associations work for reducing the widened inequalities of recent years.

Nevertheless, SOLIDAR's members and partners in Tunisia are afraid that the EU will promote a security-oriented approach. Hence, to ensure a really consultative approach and given the urgency of the security crisis in the country, they recommend

<sup>8</sup> Ibid., pp.22-24

<sup>9</sup> In particular, according to some surveys published by the *Centre d'Information, d'études et de documentation sur les associations en Tunisie (IFEDA)*, the existing local associations in Tunisia until 7<sup>th</sup> March 2015 were 17.906, along with 119 foreign associations for a total of 18.025 associations.

<sup>10</sup> European Commission and EEAS (2015), p.4

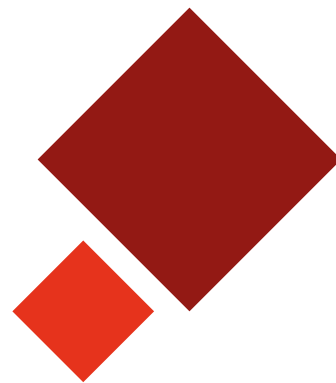
the EU to take a more effective action in order to redefine the priorities of the European migration policy in full and open consultation with CSOs: namely, prioritizing actions aimed at tackling root causes of insecurity and focusing on co-development and balanced cooperation with southern countries. For this, SOLIDAR's members and partners in Tunisia specify that one of the top priorities of the EU-Tunisia Partnership should be a reinforced support to the European and Mediterranean civil society to raise awareness of European public opinion on these issues, by preventing and combating xenophobia, poverty and illegal migration. They also point out the importance to strengthen trust between civil society and state actors along with the CSOs' capacity to participate in the consultation process. However, some questions arise among many Tunisian associations around the role of the PASC program - funded by the EU in strengthening the role and capacities of Tunisian civil society.



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