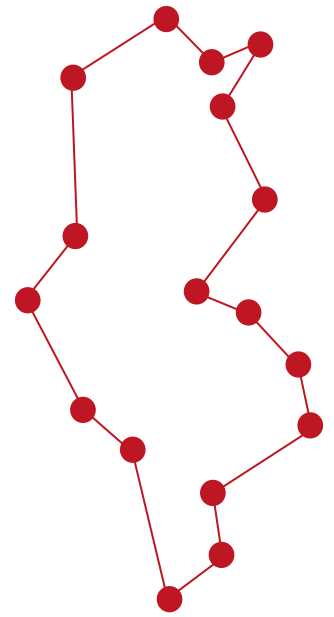


# COUNTRY STUDY



## TUNISIA

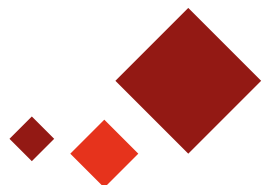
# Social Rights Monitor

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Within their Partnership, the EU should support the Tunisian government in:

- Enlarging the coverage of social protection to all groups and promoting social protection floors which would offer basic protection for all while promoting higher levels of protection in further steps;
- Reforming the health system in such a way that it is more easily accessible for all, with better infrastructure and better trained staff;
- Intensifying efforts to offer young people and women more opportunities by creating jobs that match their skills and vice versa;
- Reallocating public finances that are being inefficiently used towards investment that would create new job opportunities and contribute to sustainable development;
- Ensuring the integration of the voices of the most vulnerable (informal workers) into social dialogue.
- Strengthening the steps allowing for a strong enabling environment while fighting against opposite trends.



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## Introduction

In this report, we aim at assessing the overall situation in terms of social protection, decent work and civil society space in Tunisia. In particular, we wish to track the progress that has been made since the implementation of the European Neighbourhood policy. Relations with the European Union (EU) started in 1976 and economic and trade relations materialized further with the signature of the Association Agreement in 1995. Following the 2011 Revolution, EU-Tunisia bilateral relations became stronger and in 2012, Tunisia became a Privileged partner of the EU. Subsequently, an Action plan (2013-2017) covering trade, security, rule of laws, education, etc. was set in the framework of the European Neighbourhood policy.

With the revised European Neighbourhood policy of 2015, there are now four main domains at the heart of the cooperation with the Eastern and Southern Neighbourhood, which are (1) good governance, democracy, rule of law and human rights; (2) economic development for stabilization; (3) security and (4) migration and mobility. As the Privileged Partnership Action Plan draws to an end, the EU and Tunisia have 'agreed on the importance of making progress in identifying a new framework for the future EU-Tunisia Partnership to replace the current Action Plan, to define priorities that reflect the scale and the depth of our privileged relations, and to meet their ambitions for the future in respect of the principle of a differentiated approach as provided for in the revised European Neighbourhood Policy'<sup>1</sup> at the EU-Tunisia Association Council held on 11 May 2017. This offers a new opportunity to redefine joint priorities that correspond to Tunisian's needs, based on a sound assessment of the current situation.

In order to assess the situation in Tunisia, consultations with civil society organizations, including SOLIDAR members and project partners, have been conducted within the seven countries covered by the project 'Decent Work, Social Protection and Freedom of Association in the Middle East and North Africa: Mobilizing for Social Justice by strengthening and promoting civil society organisations (CSOs), social movements and independent trade unions' role in reforms and democratic changes'. Qualitative feedback was collected on the basis of a questionnaire, the so-called 'Social Rights Monitor', offering room for civil society organizations to explain and provide input. This report summarizes the results and feedback received upon which recommendations are built.



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1. <http://www.consilium.europa.eu/en/press/press-releases/2017/05/11/eu-tunisia-association/#>

## Report

### Social Protection

Social protection can be defined as a set of public measures, policies and programmes that are designed to protect, prevent and “transform” poverty and vulnerability across the life cycle<sup>2</sup>. It seeks to guarantee ‘access to essential goods and services, promote active socio-economic security and advance individual and social potentials for poverty reduction and sustainable development’<sup>3</sup>. The international Labour Organisation (ILO) has now established the notion of social protection floors, which aims to promote access to services and goods that meets the criteria of availability, accessibility, acceptability and quality, ensure income security for children, persons in active age and persons in old age while ensuring a vertical shift to higher levels of protection (increasing social potential and opportunities while reducing poverty). The latter criteria were used to assess social protection in Tunisia. The following issues were reported by respondents to the social rights monitor. Respondents to the social rights monitor reported that the social protection system in Tunisia does not fully adopt a human rights-based approach, despite its key role in putting in place reforms that would improve accessibility, admissibility, quality of services, etc.

**The right to health** is recognized by the Tunisian Constitution in article 38<sup>4</sup> but also through the state’s ratification of international conventions. Despite improvements in the health care sector since the independence of the country, an important part of the population still faces considerable difficulties in accessing quality health care<sup>5</sup>. Access to health care is not universal and the criteria of affordability, availability, accessibility, acceptability and quality are not fulfilled. Only residents or regular foreigners may access health care, while migrants or refugees cannot access decent services. Moreover, the territorial distribution of health care is rather unequal, negatively impacting people living in rural areas, women and the elderly. A shortage

of specialized staff, materials, human resources, and also the lack of access to drinking water and sanitation are reported as additional challenges. Poor governance has weakened the health system in Tunisia. The situation has not improved, and has even deteriorated since the Revolution in 2010/2011. This goes alongside a rapid urbanization which has led to more pollution and a change in consumption behaviour, exacerbating health issues.

**Income security**, should it be for people of working age or in old age, is considered insufficient. Consumption smoothing when contingencies or retirement occur proves difficult. For example, unemployment benefits are limited to workers/employees who have registered with the CNSS<sup>6</sup> (Caisse nationale de Sécurité Sociale). Only registered workers benefit from it, excluding a large range of people such as recent graduates and unregistered workers. Other benefits or compensations exist such as family allowances but only for those registered and contributing to the CNSS. This also means that income security for young people of working age, especially recent graduates, is almost inexistent. In most cases, they cannot afford to live on their own and it is reported that more and more young people are willing to leave the country.

2. <http://www.ilo.org/public/english/protection/download/lifecycl/lifecycle.pdf> (see pp. 13-14); <http://www.social-protection.org/gimi/gess/RessourcePDF.action?ressource.ressourceId=54887>;

3. <http://www.ilo.org/public/english/protection/download/lifecycl/lifecycle.pdf> (see p. 22)

4. Tunisian Constitution, art. 38: ‘Tout être humain a droit à la santé. L’État garantit la prévention et les soins de santé à tout citoyen et assure les moyens nécessaires à la sécurité et à la qualité des services de santé. L’État garantit la gratuité des soins pour les personnes sans soutien ou ne disposant pas de ressources suffisantes. Il garantit le droit à une couverture sociale conformément à ce qui est prévu par la loi.’

5. <http://ftdes.net/rapports/ATDDS.pdf>

6. [http://www.cleiss.fr/docs/regimes/regime\\_tunisie\\_salaries.html#assurances-sociales](http://www.cleiss.fr/docs/regimes/regime_tunisie_salaries.html#assurances-sociales)

Although the law foresees a couple of measure meant to ensure dignity for the elderly, the reality is quite different. Pensions for older persons are insufficient to cover their basic needs. Moreover, it also excludes a large portion of old age people, including workers working in the informal economy or in rural zones. With the number of elderly growing, the situation is becoming worrying.

Overall, 'the population not yet covered by social security legislation includes casual and seasonal agricultural workers, workers on development sites, domestic employees, home helpers, religious officials, the unemployed' because of 'their marginal nature, their limited ability to pay contributions and their reliance on alternative forms of social protection'<sup>7</sup>. The social protection system in Tunisia remains limited and inefficient in reducing regional disparities, inequalities, poverty and in reaching the most vulnerable groups. Moreover, deficits have been reported in the existing social security funds, which add another challenge to achieving universal social protection.

## Decent Work

Looking at the four strategic objectives of decent work (promotion of rights at work, employment, social protection and social dialogue) as defined in the Report of the Director-General, 87th Session, Geneva, June 1999, the following main issues were highlighted.

The minimum **wage** is far too low for Tunisian households to live a decent life. Although the minimum wage has been increased since 2015, it is not systematic and is limited to the formal sector. Since 1 August 2017, the inter-professional minimum wage, or SMIG, in Tunisia has been set at 357,136 TND (± 120 EUR) when working 48-hour a week and 305,586 TND (± 103 EUR) for 40-hour a week while the agricultural minimum wage, the so-called SMAG, is set at 14,468 TND a day. Moreover, wage schemes remains fragmented and discriminatory. The economic situation of the country is worrisome and the ability of the Tunisian population to cover their needs is not expected

to improve. **Working conditions** in Tunisia as such mainly depend on the sector. The main issues being reported are inadequate salaries, the lack of social security, gender inequality, regional disparities, the exploitation of immigrant workers and the lack of security norms.

**Social dialogue** in Tunisia has become more diversified since the 2011 Revolution. Key milestones have been achieved thanks to social dialogue, include a new Constitution (2013), a new Social Contract (2013) and the continuation of the practice of "framework agreements", which ensure central guidance for wage developments<sup>8</sup>. The leading social partner is the UGTT, which won, with three other Tunisian organizations, the Nobel Prize in 2015 for ensuring peaceful process and promoting human rights. Social partners can therefore exert a real influence in the country. However some weaknesses persist such as the lack of representation of informal and young workers and the misunderstanding of social dialogue by some working groups as reported by members and partners.

7. <http://www.social-protection.org/gimi/gess/ShowCountryProfile.action?sessionId=R2BDYL5RTFVNGv06mgJLGF19bpbQZdpJ2Y7yRwFG4cdP-t8JyQ9Q1!79209976?id=310>

8. See De koster A. (2015). Social dialogue in Morocco, Tunisia and Jordan: Regulations and realities of social dialogue, p. 40.



**Employment policy** is described as inefficient and inadequate. According to the national centre of statistics in Tunisia, the unemployment rate for graduates from higher education reached 31.2% in the first trimester of 2017, being disproportionately higher for women. Taking into account the whole population, the unemployment rate reached 15.3%, in 2017. Despite the creation of new job opportunities, it has been insufficient to reduce unemployment. Indeed, the changes are not in line with young graduates' needs, as the jobs created are often low-skilled jobs. Innovative projects or personal initiatives are difficult to implement due to heavy bureaucracy, lack of infrastructure and lack of support. There is a need to raise public investment and resources while reducing public debt by implementing measures against tax evasion and contraband and stopping the financing of ineffective and inefficient public facilities that absorb too much public money. Moreover, more serious and responsible dialogue should be in place with current social movements while encouraging entrepreneurship, personal initiative and a social and solidarity-based economy as reported by members and partners.

## Enabling Environment

The Office of the United Nations High Commissioner for Human Rights (OHCHR)<sup>9</sup>, has identified five ingredients essential to creating and maintaining an enabling environment for civil society: a robust legal framework compliant with international standards and a strong national human rights protection system that safeguards public freedoms and effective access to justice; a political environment conducive to civil society work; access to information; avenues for participation by civil society in policy development and decision-making processes; and long-term support and resources for civil society. Looking at the above criteria, respondents to the monitor reported the following: Civil society has gained more weight since the 2011 Revolution which is probably one of the most visible achievements. The state allows and guarantees an enabling environment for civil society and related laws are respected and protected. Consultations

are also in place and information is more accessible (Tunisia ranks 97 out of 180 in the "Reporters Without Borders" rating against 164 in 2010<sup>10</sup>). Decree № 88 (2011), which replaces the very restrictive law on associations (1959) is considered one of the most enabling civil society laws in the Middle East and North Africa region, providing a wide range of guarantees regarding the exercise of freedom of association<sup>11</sup>. Despite this openness, obstacles remain: the right to peaceful assembly is still governed by a restrictive law from 1969; Tunisia is in a state of emergency since November 2015 limiting individuals' and organizations' freedoms and there is some talk about making Decree № 88 (2011) more restrictive with a better control on foreign funding for example; finally, some journalists may be under pressure. Nevertheless, members and partners consider that civil society will continue growing and getting stronger with more expertise and more experience.

9. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/073/52/PDF/G1607352.pdf?OpenElement>

10. <https://rsf.org/en/ranking>

11. <http://www.icnl.org/research/monitor/Tunisia.html>

## Recommendations

With the action plans for the Privileged Partnership coming to an end and with the revised neighbourhood policy, there is now room for the EU and Tunisia to redefine their joint priorities, which should guide their future relationship. Based on the above report, EU-Tunisia bilateral relations, either through partnership priorities or other agreed commitments, should be shaped based on the following recommendations.

The EU should support the Tunisian government in:

- Enlarging the coverage of social protection to all groups and promoting social protection floors which would offer basic protection for all while promoting higher levels of protection in further steps. Moreover, a human rights based approach to social protection should be adopted as social protection is now considered a right. All regions and sectors should be taken into account in order to fight against regional disparities and inequalities. This must be considered, especially in the Tunisian government's current attempt to reform social protection<sup>12</sup>.
- Reforming the health system in such a way that it is more easily accessible for all, with better infrastructure and better trained staff.
- Intensifying efforts to offer young people and women more opportunities by creating jobs that match their skills and vice versa. This requires identifying the needs of the population and the country, while ensuring the participation of the concerned groups in designing policies.
- Reallocating public finances that are being inefficiently used towards investment that would create new job opportunities and contribute to sustainable development. Moreover, strict measures against fiscal evasion and contraband should also be put in place
- Ensuring the integration of the voices of the most vulnerable (informal workers) into social dialogue.

- Strengthening the steps allowing for a strong enabling environment while fighting against opposite trends.

Tunisia has been successful in creating democratic change, an enabling environment and promoting fundamental human rights. This has provided peace and stability since the 2011 Revolution. However, it is now clear that economic growth does not go hand in hand with social development, poverty eradication or inequality reduction. Rising unemployment, the decreasing motivation of young people and continuing territorial disparities could challenge the country significantly. The development achieved so far can only be sustainable if all parameters and groups are included. It is in the interest of the EU to support the Tunisian government in implementing appropriate economic and social policies. It is only through an open, dynamic, engaged, solidarity-based society that stability and security in the country can be achieved.



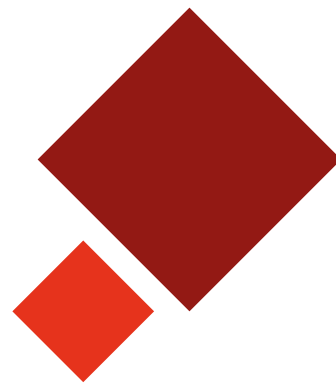
12. <https://www.tunisienumerique.com/tunisie-reforme-caisses-sociales-plan-gouvernement/>; <https://www.webmanagercenter.com/2017/07/01/407247/lancement-bientot-des-reformes-de-la-protection-sociale/>



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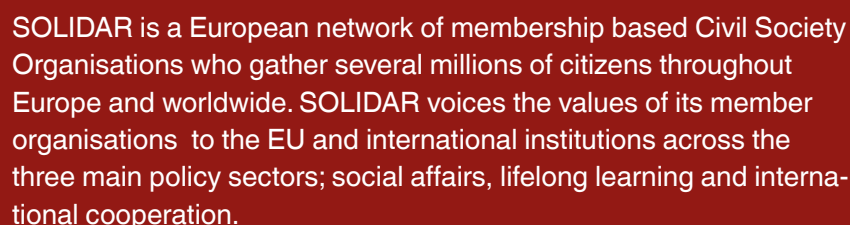
**Published by:** SOLIDAR

The Social Rights Monitor is a tool developed by SOLIDAR members and partners to allow partner organizations and allies based in the country to assess the situations in terms of social protection, decent work and an enabling environment and track the progress made since the implementation of the European Neighbourhood Policy and the partnership priorities established with the EU. This report has been developed in the framework of a regional programme “Mobilizing for Social Justice: Decent Work, Social Protection and Freedom of Association in the Middle East and North Africa region” led by SOLIDAR.

SOLIDAR is a European network of membership based Civil Society Organizations who gather several millions of citizens throughout Europe and worldwide. SOLIDAR voices the values of its member organizations to the EU and international institutions across the three main policy sectors: social affairs, lifelong learning and international cooperation.

This country profile has benefited from contributions by the following organizations\*: Association Tunisienne des Femmes Démocrates, Forum Tunisien pour les droits économiques et sociaux (bassin minier) and the Tunisian Forum for Youth Empowerment.\*

\*If your organization has contributed to the report and is not listed here, contact the SOLIDAR offices to edit the report.



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This publication has been produced with the financial support of the European Union. The information contained in this publication does not necessarily reflect the position or opinion of the European Commission.

