

# ERF Policy Brief

## National Social Dialogue on Social Protection Reform in Jordan and Tunisia

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### About the authors

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### In a nutshell

- *Historically, civil society organizations in both Jordan and Tunisia have experienced periods of significant suppression and increased freedoms, causing variant levels of influence within the policy sphere throughout each nation's history.*
- *In Jordan, Civil Society Organizations (CSOs) fulfill an essential role in the provision of social protection services, particularly for groups uncovered by national protection mechanisms, such as refugees.*
- *Tunisia's current social dialogue mechanism – the National Council for Social Dialogue – represents a positive step towards the increased role of CSOs in social protection policy formation but is largely dominated by trade unions and thus lacks comprehensive representation of the Tunisian population, particularly informal workers.*
- *Tunisia's civil society has played an important role in generating legislative reforms for social protection, particularly for women in rural areas and agricultural workers.*
- *Jordan's current social dialogue mechanisms are sporadic, generally reactive rather than proactive, and are largely unformalized. Formal platforms for dialogue, such as the Economic and Social Council and the Tripartite Committee, have failed to adequately provide a forum for dialogue. Furthermore, past instances of social dialogue for the creation of social protection policies – such as that of the 2019 National Social Protection Strategy – have been non-comprehensive or superficial.*
- *Restrictions on association in Jordan put significant strain on the advocacy capabilities of CSOs to influence social protection policy. Conversely, Tunisian organizations face considerably fewer governmental constraints when conducting operations.*
- *The relevant civil society actors working in social protection policy in each country are similar but have variant levels of importance. For example, trade unions dominate Tunisia's social dialogue sphere, while they are quite weak within Jordan.*
- *CSOs face a number of additional challenges in both Jordan and Tunisia, such as poor communication with governmental bodies as well as limited capacities due to financial and technical constraints.*

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## Introduction

Social protection systems within the Arab region have broadly suffered from significant shortcomings, including low coverage, fragmentation, and financial instability. Jordan and Tunisia, however, are broadly considered regional leaders in the development of social protection schemes, with both nations providing several social benefits for their citizens, including social insurance, social assistance, and healthcare benefits. However, the coverage rates vary considerably between the two nations (Table 1).

Both Jordan and Tunisia face similar challenges regarding the stability, sustainability, and effectiveness of their social protection systems. In particular, high rates of informal employment result in a significant portion of the population being excluded from traditional social protection, such as social security benefits, unemployment benefits, and work injury benefits. These challenges represent critical areas in which civil society organizations may advocate for improvements.

Jordan has tightened restrictions on civic space and civil society organizations over the past several years, which has prevented civil society from playing an actual partnership role in shaping social protection policies and COVID-19 response measures. The legal framework that regulates the activity of civil society organizations imposes limitations on the freedom to form and participate in non-governmental organizations and constraints on the resources these organizations can access. Rules are often vague, rapidly changing, bureaucratic, and arbitrarily applied. CSOs involved in policy dialogues are often treated with more scrutiny than CSOs that provide simple services to beneficiaries (such as food, shelter, healthcare, etc.), especially for organizations that criticize government decisions.

On the other hand, Tunisia's civil society has flourished in recent years following democratization. In the wake of the Arab Spring, Tunisia has been working to create a more inclusive development model, which civil society has been active in pushing for – particularly after the enactment of the constitution of 2014 and other regulations broadening the freedom of civil society. However, while Tunisia's social dialogue system may serve as an example for the rest of the region, it is by no means perfect. Lessons can be learned from both Tunisia and Jordan, as a comparative approach can facilitate knowledge-sharing and provide new insights on successful strategies. To this end, this policy brief seeks to identify similarities and differences between social protection systems in Jordan and Tunisia and determine

*Table 1: Rates of Coverage*

Rates of Coverage	Jordan	Tunisia
Population Covered by at least one social protection benefit	35%	50%
Persons of Retirement Age receiving pensions	57%	85%
Persons with severe disabilities collecting benefits	14%	5%
Employed Covered in the event of work injury	58%	29%
Children/households receiving cash benefits	9%	29%
Poor persons covered by some form of social protection	N/A	66%
Vulnerable persons covered by social assistance	17%	21%

Source: ILO, *Social Protection Data Dashboards*

the role of civil society in promoting social protection reforms in both countries, based on the findings from the Working Paper “The Role of Civil Society in Promoting Social Protection Reforms: A Comparative Study Between Jordan and Tunisia.” (2022).

## Historical Contexts

### Tunisia

Civil society organizations within Tunisia have a significant and formidable history of involvement with social dialogue and social protection policies in particular. Since the independence period, the Tunisian General Labor Union has played an essential and pivotal role in creating a social protection system that guarantees the rights of a significant proportion of workers, especially in the agricultural sector, and that supports working conditions and guarantees fair and equitable wages. This achievement is particularly remarkable when considering the pressures that civil society organizations experienced during this time, especially in terms of restrictions on involvement in public affairs and the government's fear of the formation of opposition forces to the state.

However, despite the success of some CSOs in advocating for policies, the broad enabling environment for civil society activities during this time was quite limited. Notably, the formation of new associations was prevented and freedoms of existing associations were restricted, which led them to increasingly fall under the



ruling party's control and serve their interests. Despite these restrictions, however, a few of these organizations sustained their struggles for the causes they had adopted and pressured the ruling party to establish new policies. For example, the Economic and Social Council contributed to implementing societal dialogue between organizations and the state and enabled organizations to advise on government decisions and evaluate the state's social and economic policies. Organizations representing workers, employers, and experts from various fields participated in this Council. They contributed to approving significant measures, including the National Pension Fund (1959), the National Fund for Retirement and Social Insurance (1960), the Labor Code (1966), and the National Office for Vocational Training and Employment (1967).

Despite the success of this Council in supporting social and economic advancement and building the foundations of the social protection systems, the undemocratic policies of the state continued, ultimately generating worsening societal conditions during the seventies. These conditions resulted in the emergence of several human rights organizations that demanded a change in the orientation and policies of the state, and laid the foundations of a modern democracy that guarantees the freedoms and rights of Tunisians in several areas. During the Ben Ali period, the human rights approach prevailed on the social and political stage, and was one of the main tools used by President Ben Ali to reassure the people, community, and international organizations after he assumed power.

During the Ben Ali period, Tunisia witnessed a remarkable increase in the number of civil society organizations in several new fields, particularly those concerned with women's rights, such as The Tunisian Association of Democratic Women. Despite this apparent commitment to democracy, the new state placed significant pressures on freedoms of expression by preventing the activities of associations, public funding, and even the formation of branches in the interior regions. These restrictions narrowed the capacity of these organizations to participate in public affairs, thus ensuring that the state is the sole decision-making power, and, once again, causing the absence of civil society in the development of social and political policies.

## Jordan

Unlike Tunisia, Jordan's current social protection system has evolved largely outside the influence of civil society organizations: the most significant social protection

measures were developed during periods of significant restriction on social freedoms, between the late 1950s until liberalization in 1989.

After independence (1946), Jordanian society experienced significant social shifts in the years immediately following independence. Notably, the 1948 war and mass migration of Palestinian refugees into the newly-formed Jordanian state resulted in not only a sharp increase in the fledgling country's population, but also a marked shift in demographics, with Palestinians coming from more urban and professional backgrounds. This demographic changes also prompted an increase in the number of both formal and informal associations, whose right to operate was formally granted within 1952 Jordanian Constitution through the explicit permission to establish societies and associate freely. In the years immediately following the new constitution, a number of labor unions, professional associations, and women's organizations were formed.

However, in response to political instability in the late 1950s, many of these organizations, particularly student and labor unions, were dissolved, and the remaining civil society organizations' leaders faced considerable scrutiny. Civil society was treated with general distrust, not only by the state apparatus but also by the general public. These restrictions only worsened after the declaration of Martial Law in 1970, with a number of other organizations also facing forced dissolution. During this time period (1957-1989), Jordan developed the majority of its social protection reforms. These reforms often coincided with reduced public freedoms, and, alongside public sector employment, served as a tool for state-building and generating social and political acquiescence.

Following political liberalization in 1989, Jordan witnessed a civic renaissance, with the emergence of a number of new types of civil society organizations. This notably included a number of human rights organizations and charities and aid organizations who emerged to fill the social protection gaps left behind in the wake of Jordan's economic crisis and IMF-enforced austerity measures. Furthermore, increased societal dependence on non-governmental social service providers also helped quell both governmental and public distrust of civic organizations, creating an environment that allowed civil society to flourish through the 1990s and early 2000s.

In more recent years, however, the protections offered to civic organizations have been diminishing. Since the passage of the highly restrictive 2008 Societies Law,



civil society activities have become increasingly limited. Furthermore, unlike Tunisia, Jordan did not institute any significant regulatory reforms to civic freedoms following the Arab Spring; as such, Jordanian CSOs continue to face immense challenges when conducting operations, particularly those which may be dissident or critical of existing state policies.

### *Civil Society and Social Protection Policy*

#### **Recent Influence of Civil Society on Social Protection**

Tunisian civil society has seen markedly improved success in the development and advocacy for social protection. Since the 2011 revolution, Tunisian civil society has emerged as a leading voice for addressing economic and social problems as well as the development of Tunisia's new democracy. Furthermore, CSOs have played a pivotal role in strengthening and affirming the country's revolutionary policies and disposing of the contentious former policies. This shift has created new spaces centered around the role of civil society in building a state of freedoms that contribute to the promotion of human rights and public freedoms, especially for vulnerable groups that did not receive full economic and social rights in the previous era.

Tunisian CSOs have had a clear contribution to the development of the social contract, which is based on regional development and guaranteeing the rights of decent work, education, health and health insurance coverage. Through their contribution to the development and evaluation of the country's social and economic policies, CSOs have been able to generate a social contract which preserves the rights of Tunisians and supports social equality. For example, CSOs participated in shaping new frameworks that strengthen and establish social protection, such as the Social and Solidarity Economy law (SSE law). The SSE Law creates a legal and social framework for marginalized groups of workers that wish to form cooperatives and receive the advantages of formalization, including access to social protection measures, finance, markets, business development programs offered by INGOS. Similarly, CSOs have been responsible for developing the self-entrepreneur law, which targets self-employed entrepreneurs and offers simplified registration procedures to allow for economic formalization. In particular, this law takes into consideration the needs of self-employed individuals, such as ensuring that the Ministry of Employment will cover social security contributions during the first year of registration, providing registration through an online platform, and a tax system which is based on actual

income being generated. Together, both the SSE and Self-Entrepreneurship Law offer previously-excluded informal workers access to a comprehensive social protection model that relies on their sectoral and actual needs. Notably, civil society helped to moderate between workers and decision makers in order to propose and advocate for a new model of bottom-up policy.

The impact of civil society organizations on Jordanian social protection policy, however, have been considerably more limited than in Tunisia. In recent years, there has been some effort to incorporate civil society organizations into a broader social dialogue, such as the posting of draft legislation on the prime ministry website with calls for input and feedback, as well as the invitation of some organizations to consult on national action plans. However, while local organizations may be invited to partake in some form of dialogue, their input may be completely disregarded and their presence considered more of a formality than a legitimate effort to generate social dialogue. For example, CSOs were invited to consult on the 2019-2025 National Social Protection Strategy, but were largely excluded from the decision-making or steering apparatus for the strategy. Those organizations, which did have the opportunity to actively engage were predominantly Royal NGOs, who can be considered para-governmental rather than truly independent, as well as international NGOs and organizations. This confirms the privileged status that these organizational types often have within the broader social and political system in Jordan. However, despite these challenges, CSOs have had some notable successes within the advocacy arena, notably the addition of the 2021 Agricultural Bylaw to the Jordanian Labor Code, which expanded social protections to agricultural laborers.

While the capacity of civil society organizations to engage in social protection policy decisions may be somewhat limited in Jordan, their role in the actual provision of social services is not. In fact, civic organizations are one of the primary providers of social protection, particularly for non-Jordanians, such as Jordan's significant Palestinian, Syrian, and Iraqi refugee populations who are often excluded from social protection schemes within the country. These organizations often have intimate understandings of the needs of vulnerable peoples, such as refugees and informal workers, but are often limited in their capacity to influence policy and advocate for the populations they serve.

#### *Enabling Environment for Social Dialogue*

Despite the significant contributions of civil society actors in development of social protection policies within both Jordan and Tunisia, the enabling environment for





*Table 2: Enabling Environment Comparative Analysis*

	Jordan	Tunisia
<b>Formation of CSOs and Regulation of Activities</b>	<b>2008 Societies Law, MOSD MOL (Labor Unions)</b>	<b>Decree-Law on Associations (No. 2011-88)</b>
Ability to form CSOs	Somewhat limited	Yes
Access to foreign funding for CSOs	Very limited	Yes (due diligence is required)
Freedom of assembly	Somewhat Limited	Yes
Ability to host board meetings without supervision / interference	No	Yes
Ability to host and organize activities without permission	No	Yes
Freedom of protest	Very limited	Yes
<b>Formalized Mechanism for Social Dialogue</b>	<b>The Economic and Social Council; The Tripartite Committee</b>	<b>National Council for Social Dialogue</b>
Regular meetings	Somewhat	Somewhat
Independent	Somewhat	Yes
Obligatory consultation	No	Yes
Diverse representation of CSOs	Somewhat	No

Source: Author's Compilation

engagement in social dialogue suffers from a number of shortcomings. Within Jordan, the most significant hurdle to organizations' engagement with the policymaking processes lies in their ability to organize in the first place: the 2008 Societies Law requires that all organizations must register with the Ministry of Social Development (MOSD), which, alongside the security forces, has authority to approve or disapprove of organizational requests. The government has also imposed a number of restrictions on activities that CSOs/CBOs can conduct, and can even delay their activities; all activities, including board meetings, general assemblies, events, and, of course, protests, need approval from MOSD. These approval times greatly limit activities- for example, it can take between 1-3 months to receive approval for hosting a board meeting. Conversely, Tunisia has significantly fewer regulatory restrictions on both the formation and operations of CSOs, with the most significant restrictions being around the acquisition of foreign funding.

Both Jordan and Tunisia have formalized mechanisms for social dialogue. In Jordan, this role is filled by the Economic and Social Council (ESC). However, the ESC is limited in its capacity to affect change; importantly, the ESC does not hold meetings by established, regular schedule, nor is the government of Jordan obligated to consult with the Council regarding any decisions. Furthermore, while the Council is not a branch of the government, its members are appointed directly by the prime ministry.

Conversely, within Tunisia, the National Council for Social Dialogue serves as the foremost mechanism for

conducting social dialogue. While this Council does enjoy independence from the government, as well as obligatory consultation regarding any policies related to the social contract, membership in the Council is limited exclusively to Tunisia's three recognized unions (UGTT, UTICA, and UTAP) alongside the Government of Tunisia. This presents considerable issues, particularly regarding the inclusion of informal laborers in the development of the social contract, as these individuals are not covered by any existing union. Thus, while Tunisia broadly has more enabling regulatory environment for social dialogue than Jordan, this does not necessarily indicate that the dialogue is representative of the population as a whole.

### *Challenges in Contribution to Social Dialogue*

Despite the pivotal role played by CSOs in Tunisia in supporting peace, social resilience, and effective participation in public affairs, they are subject to several challenges that significantly affect their capacity to formulate social protection policies, in particular, and their participation in national policies and strategies, in general. Notably, the exclusion of certain CSOs from the national social dialogue prevented these organizations from playing an appropriate role in the reformulation of the Tunisian social contract after the revolution. On this basis, these organizations have opposed the outcomes of the social contract dialogues, noting that the content is too general and does not address the real problems witnessed by the economic situation in Tunisia.



Furthermore, in recent months, CSOs within Tunisia have faced a new restriction under the pretext of national security and power through the creation of Decree Law 88. This law monitors and controls the activities of associations, taking punitive measures against those who conduct activities without clarifying their foreign funding sources.

Like in Jordan, CSOs in Tunisia are an underutilized resource. Many CSOs have made considerable efforts to establish, strengthen, and improve social protection systems, often through the evaluation of current policies and proposal of alternatives. However, the state apparatus has failed to take these proposals into consideration. For example, Tunisia civic organizations have proposed the Self-Entrepreneur Law to provide protections for Tunisia's large informal labor force, allowing the formalization of self-employed individuals and their integration into the broader social protection system. Despite pressure from the international community to improve the living and working conditions of informal laborers, particularly in light of the COVID-19 pandemic, this law has yet to be implemented despite its publication in the Official Gazette in June 2020. Notably, this lack of action has also deprived social security system of a new source of contributions through expansion of the funding base, despite the fact that these systems currently have a vast budget deficit. Given the fact that self-employed individuals contribute significantly to the GDP of Tunisia, as well as the absence of a serious national employment strategy, the incorporation of self-employed workers into the social protection system and provision necessary safeguards during crisis periods is of the utmost importance.

Within Jordan, challenges towards participation in social dialogue as well as advocacy of social protection measures also lie within the regulatory frameworks which limit civic participation, as well as overall poor coordination mechanisms with governmental bodies. For example, civil society leaders noted that the lack of government correspondence and coordination during the COVID-19 pandemic limited their ability to target and provide services to individuals who were greatly in need. Even when CSOs formed a coalition to directly petition the government for a greater role in providing assistance to Jordan's most vulnerable during this extraordinarily difficult time, they were not granted the necessary permissions to deliver services and move freely. This seeming lack of communication and consultation with civil society may in fact be indicative of a larger governmental apathy towards the expansion of social protection measures.

Furthermore, the specific regulatory frameworks that exist for the formation of Civil Society Organizations may limit Jordanian's capacities for self-advocacy even prior to the formation of an association. For example, Jordanian authorities can and do limit the formation of organizations which are deemed against the interests of the state, such as an organization which advocates for the citizenship recognition of children of Jordanian mothers and non-Jordanian fathers. Even after forming associations, organizations are scrutinized and limited in their capacities to conduct activities, and fundraising; a fact which is particularly true for those which provide a dissenting voice. Through these limitations, the overall capacity of CSOs within Jordan is significantly weakened, with many CSOs representatives reporting that they face significant financial, administrative, and capacity hurdles to conducting the advocacy activities that they would like to.

### *Key Policy Recommendations*

#### *Tunisia*

Civil society organizations have played an important role in establishing social justice and resilience over the years through comprehensive dialogue spaces for their involvement and representation in the development of national and local policies. However, these spaces are threatened nowadays and thus threaten the representation of marginalized groups of workers. In this regard, policy considerations may include:

- Effective and comprehensive involvement of all civil society organizations in social dialogue, taking into account their recommendations for the formulation of the new social contract.
- Involving workers in the informal sector or the organizations that represent them in the social dialogue to establish comprehensive policies that facilitate their transition to the formal economy in accordance with the reality of their sectors and the nature of fragility that the informal economy holds.
- Take into consideration society policy proposals because they complement state policies and provide viable alternatives to ineffective policies.

#### *Jordan*

Within Jordan, CSOs are an underutilized resource for the development of social policies. Often, CSOs are given limited consultative opportunities in the development of



social policies, and although they may find mechanisms to do so, their advocacy success and impact varies significantly. Despite this, CSOs play a key role in the provision of social services, particularly to vulnerable Jordanians as well as refugees. In order to ensure that Jordan is able to harness the expertise of these organizations within its policymaking processes, the following policies are recommended:

- Institution of a formalized and regular social dialogue mechanism, representative of civil society as a whole, which is obligated to be consulted on all draft legislation.
- Amendment of the 2008 Societies Law in order to provide for increased freedoms of association and thus capacity for CSOs to conduct activities without fear of repercussion, scrutiny, or outright dissolution.
- Improved communication and supports for CSOs in order to maximize their efficiency, capacity, and role within the Jordanian social fabric.

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