



Justice Needs in **Tunisia** - 2017

Legal problems in daily life



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This study would not have been a success without the considerable support of our the Dutch Ministry of Justice.

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Disclaimer

This report is a living document and subject to revision. Whenever the report is revised it will be posted at www.hiil.org/publications/data-reports. This version of the report was generated on 4 July, 2017.



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Executive summary

EXECUTIVE SUMMARY

1

Executive summary

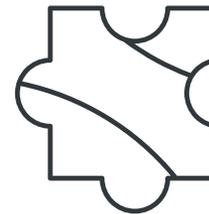
This report captures the voices of more than 6,700 Tunisians and tells us about the justice needs they face, how they go about meeting those needs, and the extent to which they are satisfied with the outcomes that they receive. These voices come from people from all walks of life: men and women, rich and poor, residents of rural and urban areas, and from the north, south, east and west of Tunisia. As far as we have been able to assess, this is the first study of its kind and size since the new Constitution of Tunisia was adopted.

This nationwide Justice Needs and Satisfaction survey (hereafter the JNS survey) was undertaken by HiIL as part of a sustained international effort to collect rigorous evidence based on a bottom-up approach. Our approach focuses on capturing the needs and experiences of the ordinary people who encounter various justice needs on a daily basis. It measures in great detail how Tunisians experience the costs and quality of the available justice journeys. Our justice data reports are

widely disseminated and are intended to provide the foundation for improvement strategies and to serve as a benchmark against which improvements and progress can be measured.

Based on the JNS data, we found that four out of ten Tunisians encountered one or more serious legal problems in the past four years. This clearly indicates a great demand for accessible, quick and fair dispute resolution mechanisms. Employment conflicts are the most frequent situations for which the people of Tunisia need protection under the law. 18% of all legal problems are about protecting the fundamental right to work. Legal problems connected to the use of public services are the second most prevalent category of legal problems: 11% of those interviewed had a dispute relating to essential public services. The third most prevalent category of legal problems is disputes with neighbors. 9% of the reported legal problems are quarrels and disagreements with neighbors. The sheer prevalence of the legal

problems in Tunisia is compatible with the situation in countries with developed economies where similar studies have been conducted. A closer look, however, shows that most of the legal problems in Tunisia are related to people's basic livelihood. People need the law to protect their ability to work and sustain their families, to use basic public services or to receive vital social benefits. This indicates that the legal problems that people in Tunisia encounter are not only frequent, but are also impactful. To safeguard the livelihood of its citizens, Tunisia needs human and social development that is accessible, but at the same time the country also needs affordable basic justice care.



Access to legal information and advice

There is a clear need for adequate and timely legal information and legal advice for Tunisian citizens who encounter legal problems. In the period covered by this survey almost six out of ten Tunisians sought legal information and advice in order to resolve legal problems. The rest, however, say that, for different reasons, legal information and advice were neither sought nor received. Some individuals deliberately chose not to seek legal information and legal advice. Others, however, were discouraged from pursuing legal recourse because of various barriers and obstacles. Those who seek legal information and advice predominantly approach sources such as lawyers, the police or the municipality, with lawyers being the most consulted source (15%). Lawyers provide qualified legal assistance, and, understandably, they play a significant role in the resolution of legal problems in courts. However, the data show that those people who were represented by a lawyer and who did not themselves participate directly in the process, evaluate the court proceedings and outcomes as less fair compared to those who were present in the court rooms. Justice users assess family members as the second most helpful source of legal information (11%) after employers. Although Internet penetration in Tunisia is relatively high (50%), and the

country has one of the most developed telecommunication infrastructures and the lowest prices in North Africa, the Internet remains an untapped source of legal information and advice. This can also be an area in which innovative approaches can be developed to provide legal information.

Access to legal information and advice

The Tunisian people actively pursue resolution of their legal problems – almost three out of four take some active steps to find a fair resolution for their disagreements or grievances. Those who do not take action are mostly dissuaded by the subjective belief that they cannot achieve positive results. Added to this, lack of information is another barrier: many people remain passive because they do not know how to go about seeking a resolution of their problem.

For more than half of the legal problems, attempts are made to resolve the dispute through some sort of self-action, i.e. asking the other party for compensation, contacting a public office, taking some action to remove the cause of the problem, etc. A significant proportion of legal problems (25%) are presented to courts for resolution. This is particularly prevalent for land problems, family disputes and personal injuries and accidents.

Three general forms of justice journeys can be seen in the responses of the justice users: *informal*, *formal* and *hybrid*. People apply informal justice journeys to some of the most prevalent categories of legal problems, which are legal problems relating to employment, public services, land disputes and social security grievances. These journeys alternate between various forms of own actions and the involvement of the social network of the various parties.

On the other hand, the formal justice journeys involve lawyers and Courts of Law. 92% of the people who contacted lawyers as a first step say that the next step was to file a lawsuit. The formal path is frequently used for land problems, family disputes, crimes and accidents. The hybrid path to justice is more nuanced and the steps alternate between informal and formal steps. In general, the users of justice are not particularly satisfied with the quality of the justice journeys nor the quality of the outcomes of such journeys. The people need greater opportunity to express their voice in the procedures and to see that their concerns have been taken into consideration. In court procedures, it is particularly challenging to ensure a fair distribution of the outcome for the different parties. Another area of concern is the high costs of justice. People in Tunisia have to expend a lot of time, stress and emotion in order to resolve their legal problems.

Focus area: Women as users of justice

Tunisian women report slightly fewer legal problems than men. Women more often encounter legal problems relating to family disputes, claiming social benefits and disagreements with neighbors. They are also more likely to suffer from stress-related illnesses as a consequence of legal problems. Another gender difference can be seen in the patterns of seeking legal information and legal advice. Women seek information more often than men about the problem and its resolution from family members.

The justice journeys which women and men pursue are not very different. Tunisian women more often use some kind of response strategies based on self action. Men, on the other hand, more often contact the other party in the dispute directly. Respondents from both genders are equally unsatisfied with the cost and quality of the dispute resolution mechanisms available. Women are, however, slightly more satisfied with the quality of the outcomes – particularly in the dimensions of the fair distribution of and compensation for damages.

Focus area: Employment problems

The report takes a closer look at one of the most prevalent justice needs that emerges from the data: needs relating to employment. It is obvious that employment justice should be a priority when making strategic choices about justice and legal reform. If we generalise the findings of the study, there are between one and 1.2 million serious disputes relating to employment every four years. This ratio is high for a country of 11 million inhabitants.

The data reveals regional and age differences regarding the distribution of the problem. People from the south-west of the country are particularly affected by employment disputes. Employment is a serious problem mainly for younger people: almost 40% of individuals between 18 and 34 years of age who encountered legal problems had to deal with disputes relating to employment. In absolute numbers, this constitutes a large proportion of the population: almost 40% of the population of Tunisia is younger than 25 years of age.

Focus area: Legal problems of young people

The justice journeys used by young Tunisians can and have to be significantly improved. Young urban residents are particularly likely to encounter legal problems. Young people are disillusioned users of justice: they regard the quality of the justice procedures, the outcomes of such procedures and the costs as particularly poor. Furthermore, almost a quarter of the young people who reported a legal problem had to deal with harassment by the police. Compared with other age groups, young people appear to be at higher risk of unfair or unlawful treatment by the police. This indicates the existence of a continued complex relationship between the young generation and the post-revolution law enforcement services.

Summary of recommendations

Firstly, the data shows the need to **prioritize justice reform in accordance with the needs of the people of Tunisia**. Tunisia is undergoing profound change and its justice system also needs to be reformed. However, resources are limited and not everything can be tackled at once. The focus should therefore be on the most prevalent justice problems that affect the majority of the people. This initiative has to be based on robust evidence, clear theories of change and a continual search for innovative solutions. Our data suggest that significant results can be achieved if the focus of the stakeholders is directed towards innovating and improving justice journeys for issues relating to **employment and family justice**.

Coalitions for change have to be built to deal with employment and family justice problems: these are organisations and people that **take ownership** of a specific justice need and work to deal with the challenges revealed by the data. Dealing with this challenge and improving the



situation will not only provide fairer resolutions for the users of justice, it will also have a positive impact on economic development. An effective system for dealing with disputes relating to employment will contribute to economic development. Similarly, better family justice will provide for stable and secure relationships. Within such relationships, the people of Tunisia, and particularly Tunisian women, will be better able to develop their human potential.

Once coalitions for change are in place, **change processes** have to be set in motion. Justice innovators can lead the way towards improvements that will help the people of Tunisia achieve fair and just resolutions for their legal problems. Such innovations can take many different forms. Using the Internet to provide targeted and timely information, hybrid forms of legal aid, new forms of neutral third-party dispute resolution, online support for dispute resolution and objective criteria for fair solutions are some of the strategies that we found effective.



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Introduction to
the **Justice Needs
and Satisfaction**
research in Tunisia

INTRODUCTION TO THE JUSTICE NEEDS AND SATISFACTION SURVEY

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The Justice Needs and Satisfaction Survey

At the end of 2016, HiiL conducted a nationwide Justice Needs and Satisfaction (JNS) survey in Tunisia. This report contains an overview of the legal problems that people in Tunisia experienced over the past four years, with a specific focus on their justice journeys. In particular, this report focuses on the most frequent and most serious legal problems, the extent to which people sought legal information and advice, their strategies of dispute resolution, and how they evaluated the resolution process.

Based on a mixed-method approach, combining a population-wide survey and in-depth interviews, this report serves three main purposes:

- 1) To increase overall understanding of the justice needs of Tunisians;
- 2) To inspire stakeholders to develop targeted plans of action towards innovative justice strategies;
- 3) To enhance visibility on how to use current knowledge to improve justice journeys in Tunisia, for both users and providers of justice.

Our approach aims to understand justice in the lives of ordinary citizens. It is based on problem areas highlighted by citizens themselves, and consequently enables decision-makers to focus on justice when and where it is most needed.

We include both formal and informal justice providers in our study. We believe that justice is about justice providers in the broadest sense, not only formal institutions, and we therefore argue that change needs to happen where justice happens. Apart from delivering traditional legal services in non-traditional settings, changing where justice happens also means recognizing that many influences on justice lie outside the realm of 'traditional' legal services.

Our approach also provides robust evidence that can support programming and policy-making in the areas of justice and the Rule of Law. It builds on local knowledge about what works and

what does not work, enables users to be informed about where to go to for assistance and helps service providers improve their activities.

Moreover, we offer a cost-effective alternative to monitoring progress in the justice sector. Our standardised and repeatable instrument leads to economies of scale, a reduction in operational costs, increased efficiency and a reduction in operational risk as well as enabling cross-country benchmarking.



INTRODUCTION TO THE JUSTICE NEEDS AND SATISFACTION SURVEY

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Navigation of the report



This report starts with a description of the justice problems faced by the people of Tunisia. In *Chapter 3* we describe how 41% of our respondents encountered one or more legal problems during the past four years. We also outline which legal problems are most prevalent. The data show that employment-related problems are particularly frequent, especially among young people, followed by disputes relating to public services and land issues. Moreover, we find that the types of problems experienced correlate strongly with socio-economic status.

The first step in people's justice journeys is the search for legal information and advice. *Chapter 4* of the report describes the ways in which they learn about their rights and how they work out what they can do. Armed with information, people either lose heart and give up, or they take their first steps towards finding solutions and resolving the issues. Around 59% of those with a justice problem seek legal information

and advice. Interestingly, formal sources of legal information are used more often than informal sources, and lawyers and employers were considered to be the most useful source of information. The Internet, on the other hand, was hardly consulted. Nonetheless, almost one-third of the respondents indicated they were not at all satisfied with the legal information and advice provided to them.

In *Chapter 5* we describe how many people give up attempting to resolve their legal problems and how many continue. For those who continue, we show what they opted for in terms of dispute resolution. We also assess whether people experience the process and outcome as fair, using a rating process with ten fairness factors. Our findings indicate that about three-quarters of the respondents with a problem take some form of action. Most people attempt to resolve the issue themselves, but younger people are somewhat less likely to do this.

Interestingly, people who sought legal information and advice were much more likely to attempt to solve the problem themselves than those who did not look for legal information and advice. The main reason for not undertaking any action is that people do not believe they will achieve a positive result.

In *Chapter 6* we look closely at employment issues, which are the most prevalent justice problems in Tunisia. The most common issues related to employment are lack of equal opportunity in recruitment, precarious work situations and dismissals. The effects on people were mainly loss of time, loss of income and a high degree of stress and emotional upset. With regard to dispute resolution, people are most satisfied about the relatively low costs of procedures, while they are least satisfied about the time the procedure cost and the stress involved, as well as the lack of a voice in the proceedings and the neutrality of the courts.

In *Chapter 7* we shed light on the justice needs of women. The most prevalent issues faced by women are in the area of social welfare, neighbors and family-related problems whereas among men employment disputes, land disputes and police-related problems are more common. Women tend to rely more on their social networks for legal information and resolution. What we also notice is that women are slightly more satisfied than men about the quality of the outcomes.

In *Chapter 8* we focus on the young people of Tunisia. The findings show that employment, crime and police harassment are considered to be the most serious problems. However, only one in five young people take any action to resolve their problem. It is very rare for young Tunisians to seek legal information and advice.



In *Chapter 9* we investigate regional differences. Special attention is paid to the North-West since this is a focus region for the Dutch Embassy in Tunis. In general, employment is the most prevalent legal problem in all regions of Tunisia, although the evidence points to a clear difference in the frequency of people seeking legal information and advice between the regions.

Chapter 10 zooms in on trust and empowerment questions. Overall, the government is the most trusted institution in Tunisia. Over half of the respondents believe the court system serves the interests of the rich. Interestingly, people who experienced a legal problem in the past four years were more optimistic about finding a solution to hypothetical problems than those who did not experience a problem during this period.

We end our report with a list of 'bright spots' and recommendations for innovation. The most urgent justice

problem in Tunisia, namely employment, needs to be prioritized, and a detailed analysis has to be made of the bottlenecks to dispute resolution. We also need to identify key stakeholders and a problem owner to lead this issue forward. Measurable targets should also be defined, in order for problem owners to start working towards the set goals.

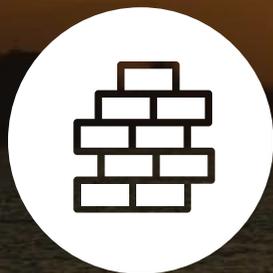
We also recommend that the 'knowledge infrastructure' be strengthened. By this we mean the development and delivery of legal information, the development of a network of hybrid providers of justice services, the support of dispute resolution with online tools and continuous assessment of the evidence about needs for and supply of justice services.



Research methodology

The research has been divided in four different phases:

1. The 'Project Foundation' phase
2. The 'Research' phase
3. The 'Data validation' phase
4. Report & Presentation



Project Foundation

We conducted background research on the Tunisian judicial system and the local context in which it operates.

We adapted the research instruments to the local context and language through pilot testing and use of local expertise.



Research

We collected Quantitative data: **6770** randomly selected adult individuals were interviewed in October and November 2016.

We collected Qualitative data: 32 in-depth, qualitative interviews were conducted.



Data Validation

We organized two triangulation workshops: one in Tunis in February 2017 and one in The Hague in March 2017. We sparred with local experts to validate the data and gather their feedback. We incorporated this feedback and insights into the report.



Report & Presentation

We presented the final report at an official launch in May 2017. Participants include key stakeholders from the Tunisian justice sector: academics, CSOs, policy-makers and legal experts.

INTRODUCTION TO THE JUSTICE NEEDS AND SATISFACTION SURVEY

2

Demographics

| Level of education | | Age | |
|---|-----|-------|-----|
| Uneducated | 11% | 28-18 | 16% |
| I can read and write, but did not go to school officially | 3% | 34-25 | 24% |
| Preparatory and primary education | 32% | 44-35 | 19% |
| Secondary education | 31% | 54-45 | 17% |
| Professional training | 5% | 64-55 | 13% |
| University degree | 15% | 74-65 | 8% |
| Masters/Ph.D degree | 4% | 84-75 | 3% |
| | | 85+ | 0% |
| | | Women | Men |
| | | 50% | 50% |





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**Most frequent
legal problems in
Tunisia**

MOST FREQUENT LEGAL PROBLEMS IN TUNISIA

3

Main findings

In Tunisia, 41% of the people encountered one or more legal problems in the past four years. This places Tunisia at more or less the same place as countries with developed economies where similar studies have been conducted. In comparison, however, there is a major difference in the structure and type of the experienced legal problems, given its unique nature. In Tunisia, the people need the law most often for protection of their livelihood, access to critical public services and benefits. In countries like The Netherlands, England and Wales and Canada, most of the legal problems occur around protection of consumer rights, disputes with family members, neighbours and employment relationships.

Employment is the most widespread type of dispute in which the people of Tunisia need the protection of the law. When the individual has to respond to more than one problem, they report problems evolving around employment to be the most serious.

Those who encounter legal problems experience on average 1.7 legal problems. Looking at the most prevalent justice needs, this adds up to more than a million employment disputes, around 700.000 disputes around public services and more than half a million legal disputes between neighbours. Every four years. Accessible and effective paths to justice are required in order to bring fair and just resolutions to this considerable volume of legal problems.

We look at legal problems also across a set of demographic factors. Thus, gender is a significant factor with regards to the needs for justice in Tunisia. Men encounter more legal problems and experience, in particular, more employment legal problems. Women are disproportionately affected by disputes based on family relationships, social security entitlements and disputes with neighbours.

In general, age significantly influences the needs for justice in Tunisia. Young urban residents are particularly likely to encounter a legal problem. The middle-age is the period in life when the risk for encountering a legal problem is particularly high. Employment is a serious problem mainly for younger people: almost 40% of the individuals between 18 to 34 years old, who encountered legal problems, had to deal with disputes around employment. Social class is related to how people need protection from the law. People who assess themselves as well-off are almost three times more likely to report legal problems around neighbour, land and public services, than those who have difficulties making the ends meet. Employment and social security legal problems, on the other hand, are mostly reported by the lower income groups. Not surprisingly, there is an increased likelihood of experiencing one or more legal problems for the people who are in an employment relationship.

There is a tangible geographical dimension in the spread of legal problems in the daily life of Tunisians. People from the South-West are particularly affected by disputes around employment. Legal problems around public services are much more frequent in the North-East.



MOST FREQUENT LEGAL PROBLEMS IN TUNISIA

3

Prevalence of legal problems

As shown in the pie chart, slightly more than four out of ten respondents encountered one or more legal problems in the past four years (these figures are based on the total number of respondents). Men encounter legal problems significantly more often than women - 45% said they experienced a legal problem, for women, it was 38%. Later in the report we will delve further into the gender dimension of experiencing and dealing with legal problems.

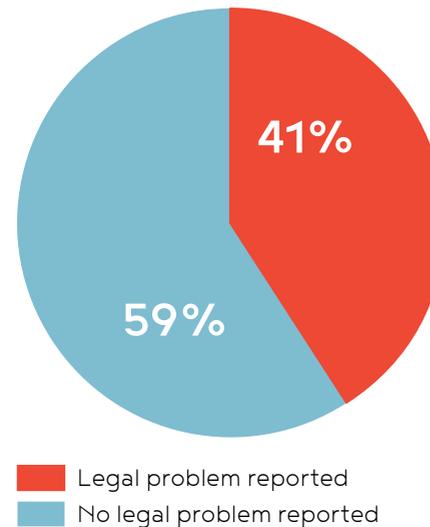
Respondents from the youngest (18-24) and the oldest (85+) age brackets are the least likely to face a legal problem. 32% and 22%, respectively, encountered one or more legal problems. There is an increasing trend of the experience of legal issues in the middle-age category. The prevalence slightly increases throughout the 25-34, 35-44 age brackets, reaching a prevalence of 45% for the 45-54 age bracket.

The education level does not significantly affect the experience of legal problems, but the employment status does. People who work are significantly more likely to encounter a legal problem - 47% v. 39% who do not work. Disputes around employment are only one possible explanation. Having a stable income is the basis for more active and denser economic and social transactions and relationships, which, in turn, can lead to legal problems. On the other hand, the people who self-report their economic situation as dire are also the most likely to say that they had to deal with one or more legal problems.

In the governorates of Tunis (50%), Ariana (50%) and Monastir (57%), more than half of the respondents had to deal with one or more legal problem. More than a quarter of the respondents had to deal with one or more legal problems in Manouba (29%) and Gabes (26%). Slightly less than a quarter of respondents in Ben Arous

(24%) reported having encountered one or more legal problem. There is no significant difference between rural and urban residents when it comes down to experiencing legal problems.

PREVALENCE OF PROBLEMS



MOST FREQUENT LEGAL PROBLEMS IN TUNISIA

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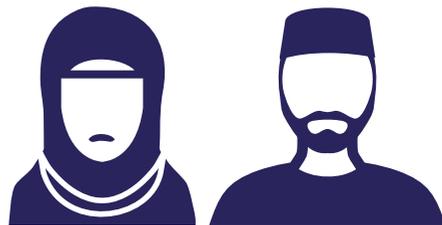
The most serious categories of legal problems

Many Tunisians report that they had to deal with more than one serious legal problem in the past four years. To better understand the nature, impact and resolution of people's justice legal problems, we asked the respondents to tell us which was the most serious problem. Hence, the people who had more than one legal problem have to select the one which had the most impact on their lives.

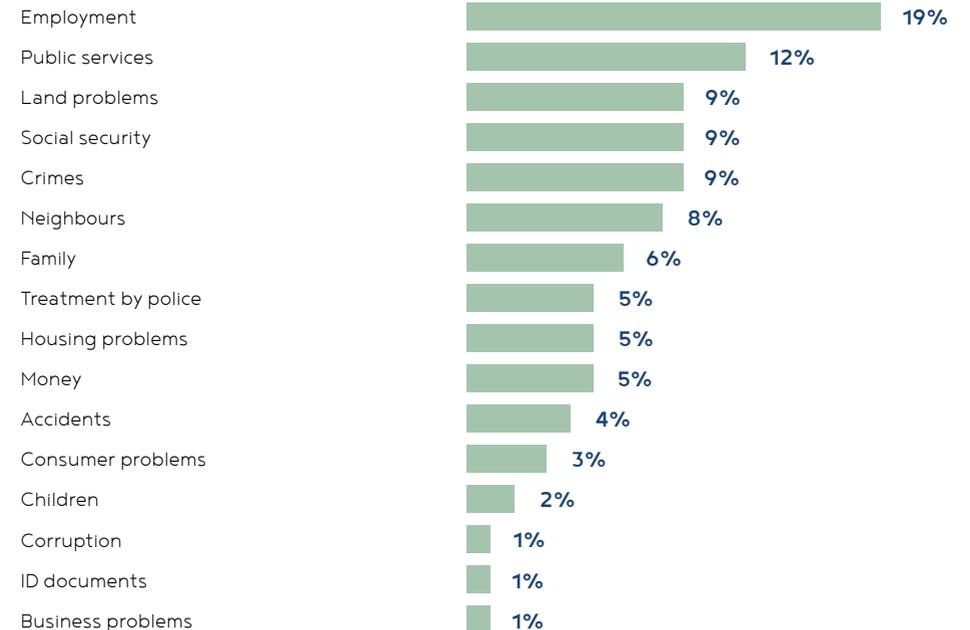
Disputes arising from employment and public services are the two most frequent categories from the serious legal problems. Third come land disputes which are at fifth position when we ask about all legal problems. This shows that even if there are less land disputes in the universe of legal problems, their impact is higher and more individuals would say that the land dispute was the most serious from the two or more legal problems they have encountered.

When we look at the most serious legal problems, we see that the people from urban areas encounter significantly

more often disputes with neighbours, crimes and housing legal problems. Rural residents are more affected by social security legal problems and grievances around public services. Men report more often that the most serious problem they had to deal with was about employment, land, harassment by the police and money. Women had to deal with disputes with neighbours, children and family disputes more often than men. Robberies are the most frequent problem in urban environments. Women report more frequently social welfare legal problems and robberies.



THE MOST SERIOUS PROBLEMS



MOST FREQUENT LEGAL PROBLEMS IN TUNISIA

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Categories of legal problems

HiIL identifies which are the justice needs that occur most frequently in the lives of the Tunisian people. We present the findings by counting the unique responses for each legal problem (first strategy) and, because each respondent could select more than one legal problem, we present the findings based on the total number of respondents (second strategy).

Here we showcase the second strategy that we applied. We look at the same cluster of legal problems, based on the total number of individuals who had to deal with legal problems. The chart on the right reveals that from all respondents who reported one or more legal problems, 24% had to deal with disputes around employment and almost one in five with disputes around public services.

MOST FREQUENTLY OCCURRING LEGAL PROBLEMS: % OF ALL RESPONDENTS WITH PROBLEMS

| | | |
|---------------------|-----|---|
| Employment | 24% | ● |
| Public services | 17% | ● |
| Crimes | 12% | ● |
| Neighbours | 12% | ● |
| Land problems | 11% | ● |
| Social security | 11% | ● |
| Money | 9% | ● |
| Treatment by police | 8% | ● |
| Family | 8% | ● |
| Consumer problems | 8% | ● |
| Housing problems | 8% | ● |
| Accidents | 6% | ● |
| Corruption | 3% | ● |
| ID documents | 3% | ● |
| Children | 3% | ● |
| Business problems | 1% | ● |



MOST FREQUENT LEGAL PROBLEMS IN TUNISIA

3

Categories of legal problems by gender and urbanization

MOST FREQUENTLY OCCURRING LEGAL PROBLEMS BY GENDER: % OF ALL RESPONDENTS WITH LEGAL PROBLEMS

| | Female | Male |
|---------------------|--------|------|
| Land problems | 8% | 13% |
| Housing problems | 8% | 7% |
| Neighbours | 15% | 10% |
| Employment | 21% | 26% |
| Family | 12% | 5% |
| Children | 4% | 2% |
| Social security | 14% | 8% |
| Public services | 16% | 17% |
| Crimes | 13% | 12% |
| Consumer problems | 7% | 9% |
| Accidents | 5% | 7% |
| Money | 6% | 12% |
| ID documents | 3% | 3% |
| Business problems | 0% | 2% |
| Treatment by police | 3% | 12% |
| Corruption | 2% | 4% |

When it comes down to gender, given the different social roles that people in Tunisia hold, men and women encounter legal problems differently. Women significantly have to deal with family legal problems, disputes with neighbours, disputes around social security and children more often. They are also slightly more frequently victimized. Men, on the other hand, experience a lot more disputes around

employment, money-related disputes, treatment by the police, disputes around land and corruption.

Rural citizens encounter more legal problems relating to social security and public services. In the cities, the people have to deal more often with disputes around employment, crimes, money-related legal problems, treatment by the police, disputes with neighbours and housing disagreements.

MOST FREQUENT OCCURRING LEGAL PROBLEMS BY AREA

| | Rural | Urban |
|---------------------|-------|-------|
| Land problems | 12% | 11% |
| Housing problems | 5% | 9% |
| Neighbours | 8% | 14% |
| Employment | 24% | 24% |
| Family | 5% | 10% |
| Children | 3% | 2% |
| Social security | 14% | 9% |
| Public services | 20% | 15% |
| Crimes | 10% | 14% |
| Consumer problems | 7% | 8% |
| Accidents | 6% | 6% |
| Money | 7% | 11% |
| ID documents | 2% | 3% |
| Business problems | 1% | 1% |
| Treatment by police | 6% | 9% |
| Corruption | 2% | 3% |

MOST FREQUENT LEGAL PROBLEMS IN TUNISIA

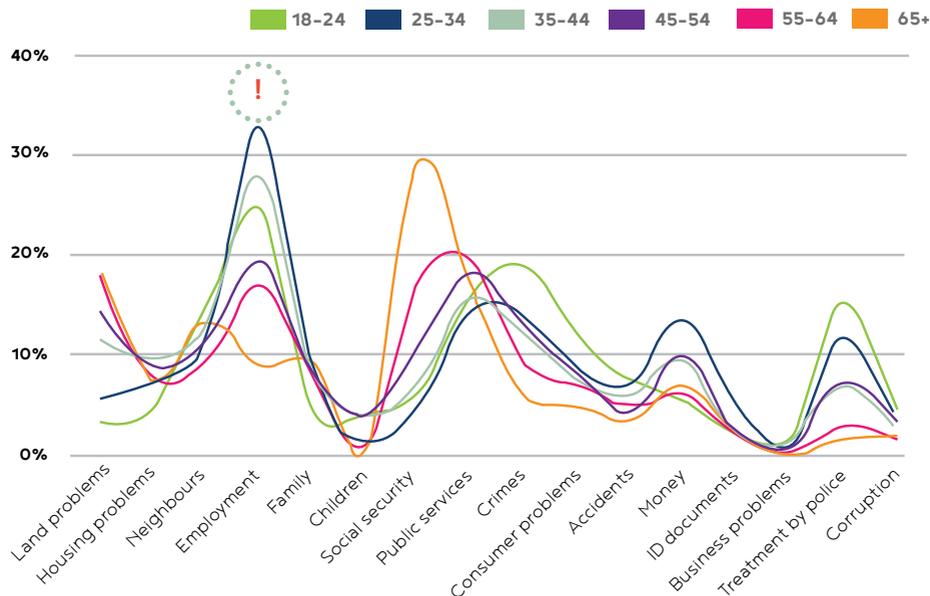
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Categories of legal problems by age



* Problems specifically affecting younger Tunisians

AGE AND EMPLOYMENT DISPUTES



Age affects significantly how the people encounter legal problems in daily life. The survey shows that younger people especially need the protection of the law for disagreements around employment relationships. Unfair dismissal, non-payment of wages and benefits, workplace discrimination are very frequent among the young Tunisians. They need fair material laws and effective dispute resolution processes to guarantee that in case of a dispute, a just, fair, transparent and inclusive solution will be found for such problems. Harassment by the police is also a very worrisome problem reported by many young Tunisians. The mere fact of this problem indicates distrust in the public authorities which are supposed to protect and provide security.

Expectedly, the senior citizens are much more frequently involved in disputes around social security. Disputes arise around benefits, pensions and other social security services which should guarantee security in life at older age. What is concerning, is that one in five of the senior citizens (who reported a problem) also encountered a dispute around housing.

MOST FREQUENT LEGAL PROBLEMS IN TUNISIA

3

Categories of legal problems and socio-economic status

Legal problems do not affect the poor, middle-class and rich in the same way.

The data clearly shows that people with higher socio-economic status experience more legal problems with public services, neighbours, crime, land, money, consumer disagreements and corruption. For some of the legal problems the differences are dramatic. People who assess themselves as well-off are almost three times more likely to report disputes around neighbours and public services than those who have difficulties making the ends meet. These trends require a careful investigation in order to better understand the root causes of the legal problems and to design effective justice journeys that resolve the legal problems in a sustainable way.



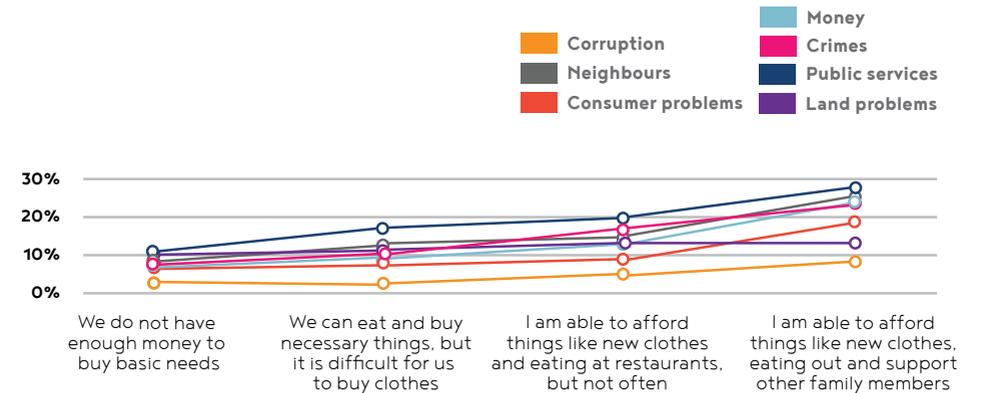
Some categories of legal problems predominantly affect the people who self-report themselves as poor. Employment is the most clear example. Of those who categorize themselves as coming from the two least privileged categories, 27% and 25% reported that they encountered legal problems related to employment, in the past four years. This is significantly more than the 18% and 17% of the respondents from the other two categories of self-assessed socio-economic status.

Social security grievances are another example of a legal problem which affects the poor disproportionately. Almost one in four of those in the lowest socio-economic status category reports legal problems with social security. 2% of the people from the most well-off category have encountered such problem. Less dramatic is the difference with regard to family-related legal problems, but the trend is still visible; poorer respondents encounter significantly more frequently family-related disputes.

LEGAL PROBLEMS THAT DECREASE WITH SOCIO-ECONOMIC STATUS



LEGAL PROBLEMS THAT INCREASE WITH SOCIO-ECONOMIC STATUS



MOST FREQUENT LEGAL PROBLEMS IN TUNISIA

3

Categories of legal problems by region

- Justice needs are not evenly spread through the country. Below we highlight the spread over Tunisia of the most serious problems that the people encounter.
- Disputes around employment are particularly severe in the South-West: 29% of the respondents who encountered one or more legal problems had to deal with a dispute arising out of an employment relationship. Other areas with elevated prevalence of disputes around employment are in the Center West (27%), Center East (26%) and Great Tunis (21%).
- People from the North-East experience significantly more disputes (28%) around public services than those from the rest of the country.
- Significant differences exist in the distribution of disputes around neighbours across the regions of Tunisia: from 19% prevalence in Great Tunis to only 5% in the South-West.
- Harassment by the police is a serious problem in Great Tunis. 14% of the respondents with legal problems report ill-treatment by the police.
- In the North-East, the prevalence of consumer legal problems is significantly higher (16%) than in the other regions.
- Grievances around social security are one of the second most serious legal problems in the Center West. Almost one in five (19%) respondents who report a legal problem, had to deal with legal problems about receiving welfare benefits, employment and disability compensations or pensions.
- In the South-East, after disputes around employment, the category of land-related legal problems is the most prevalent: 16% of the people who encountered legal problems, reported a dispute around owning, using or transferring land.



MOST FREQUENT LEGAL PROBLEMS IN TUNISIA

3

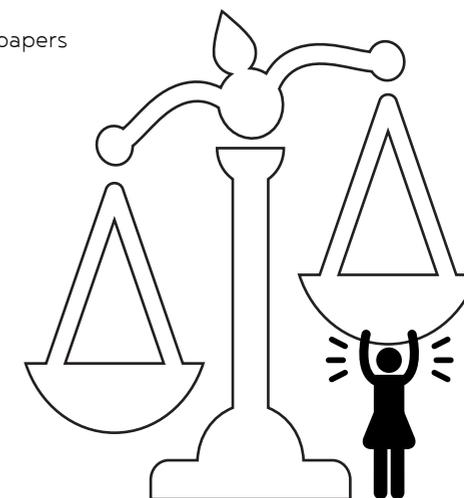
Most serious individual legal problems

The distributions discussed so far are based on categories of legal problems. A category combines several instances of similar legal problems. For instance, the category land disputes includes border disputes, disputes on land title, confiscation of land etc. It should be noted that the 16 categories of legal problems contain 134 specific instances of problematic situations which potentially can be resolved with some sort of legal process. The chart here depicts the 15 most frequently occurring individual legal problems which defines as most serious. Again, this means that if an individual had to deal with more than one legal problem, he or she reports here the one that had most impact on his or her life. The percentages are based on all 3.102 individuals who experienced legal problems in the past four years.

The most serious individual legal problem is 'other public service legal problems'. This is a catch-all answer category designed to capture the public services which do not fall within the predefined set in the questionnaire. Content analysis of the verbal description of many of these legal problems reveals that many of these legal problems are grievances about public infrastructure, such as lightning, public roads, water and sewage, garbage collection and similar. The next most serious legal problems are about petty crime (robbery), social security, employment, housing etc.

MOST FREQUENT INDIVIDUAL PROBLEMS

- 8% Other public service problems
- 6% Problems with social welfare rights
- 4% Precarious work/not guaranteed
- 3% Other housing problems
- 2% Traffic accidents
- 2% I did not get administrative papers within the legal deadlines
- 2% Other work problems



MOST FREQUENT LEGAL PROBLEMS IN TUNISIA

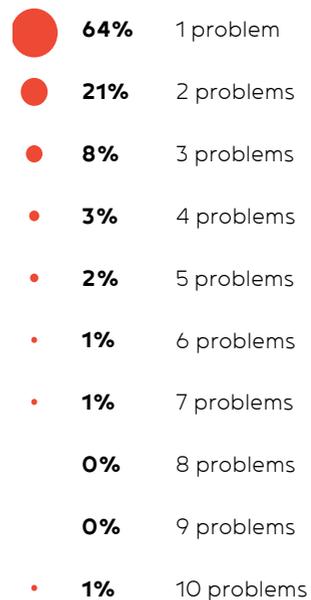
3

Average number of legal problems

To summarize this large amount of data into a single value, we calculated the average of encountered legal problems (5.301) for the individuals (3.102) who experienced one or more legal problems. Thus, on average, these people encountered 1.7 legal problems. About one third had to deal with more than one legal problem. 21% had to deal with two legal problems, while 8% faced three legal problems.

When it comes to age, young people from 25-34 age bracket are at a higher risk of encountering more than one legal problem. Interestingly, people who perceive themselves as well-off, encounter significantly more often multiple legal problems. Urban residents experience slightly more frequently multiple legal problems in comparison to those living in rural areas.

HOW MANY LEGAL PROBLEMS DID YOU EXPERIENCE?



MOST FREQUENT LEGAL PROBLEMS IN TUNISIA

3

Generalizing the total number of legal problems that Tunisian encounter every four years

If we generalise the findings of the study, we conclude that every four years there are between one and 1.2 million serious disputes around employment. This is a huge amount of labour-related justice needs for the country that counts 11 million inhabitants. Considering the increasing share of youth in the overall demographics of Tunisia, we can realistically expect that the demand for employment justice will only rise.

The other categories of legal problems also add up to a considerable amount of legal problems, for which the people of Tunisia expect to find fair and just resolutions. Using the conservative

scenario, which we see in four years time, we expect at least five million serious and difficult to resolve legal problems for which accessible, fair and effective justice journeys are needed. These problems are listed in the table on the next page.

The aggregated figures clearly shows which type of legal problems' demand will be high in the coming years. The Tunisian people encounter sizeable number of legal problems, which require fair resolutions. Failing to respond to this demand, it is likely to result in erodes of the social fabric and lead to considerable economic losses.



| Type of problem | Lower estimate | Higher estimate |
|---------------------|----------------|-----------------|
| Employment | 1,087,699 | 1,222,819 |
| Public services | 613,992 | 749,112 |
| Neighbours | 493,119 | 628,239 |
| Crimes | 448,735 | 583,854 |
| Land problems | 390,293 | 525,413 |
| Social security | 360,443 | 495,562 |
| Treatment by police | 344,352 | 479,417 |
| Money | 325,156 | 460,276 |
| Family | 301,529 | 436,648 |
| Consumer problems | 290,917 | 426,036 |
| Housing problems | 288,662 | 423,782 |
| Accidents | 150,211 | 285,330 |
| Corruption | 61,849 | 196,969 |
| ID documents | 48,761 | 183,881 |
| Children | 38,288 | 173,408 |
| Business problems | 29,356 | 105,763 |



4

**Seeking
information and
advice**

SEEKING LEGAL INFORMATION AND ADVICE

4

Main findings

Almost six out of ten Tunisians seek legal information and advice when faced with a legal problem

The first thing most people do when they are faced with a legal problem is to seek information about their potential rights, and how they might best resolve the problem. The degree to which they do this depends on their subjective legal empowerment: the extent to which they are aware that they may have a right and a way of resolving their dispute or grievance relating to that right. In Tunisia, in the period covered by this report legal information and advice were sought by 59% of the people who encountered a justice problem. Interestingly enough, for people between 18 and 74 years of age, a positive trend can be observed in the likelihood of seeking legal information and advice. In other words, seeking information increases with age. Of the

people aged 85 years and older, 25% seek legal information and advice. This last figure is in line with the findings of previous research: the elderly are unaware that they have information needs, and they have low awareness of services and sources of information that are available to them. *

People seek legal information and advice predominantly from formal sources

While 35% of the people who faced a legal problem looked for legal information and advice from an informal source, 45% searched for legal information and advice from a formal source. Lawyers (13%) top the list of formal sources of information and advice, followed by the police (9%) and the mayor/municipality (9%). Family members (17%), friends (11%) and neighbors (9%) top the list of informal

sources of legal information and advice. The prominent role of lawyers in providing legal information and advice in Tunisia is rather unique from an international perspective. This may well be related to their active engagement in crucial political developments during the post-revolution transition period.**

Representation by a lawyer in court proceedings affects the users' perception

Most people who present their problem to a Court of Law for resolution were advised or represented by a lawyer. People of higher socio-economic status are more likely to contract the services of a lawyer. However, the presence of a lawyer does not affect the perceived ratio of a satisfactory resolution of the legal problems.

People who were represented by a lawyer and did not participate directly in the court proceedings perceive the costs and quality of these processes as

much lower, compared to those who had a lawyer but participated directly.

The Internet is hardly used as a public source for legal information and advice

Internet penetration in Tunisia is almost 50%, and the country has one of the most developed telecom infrastructures and lowest prices in North Africa.*** Internet usage is, however, fairly low in the landscape of sources of legal information and advice. Only 4% of people (predominantly those with higher levels of education, and younger people) faced with a legal problem use the Internet to search for legal information and advice.



* *Legal Information Needs of Older People*: by Susan Edwards and Antonia Fontana Law and Justice Foundation of NSW 2004

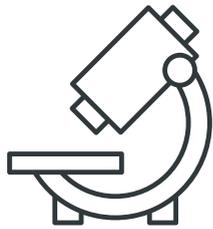
** *The Role of Lawyers as Transitional Actors in Tunisia*, August 2015: www.academia.edu/16074646/The_Role_of_Lawyers_as_Transitional_Actors_in_Tunisia

*** www.internetlivestats.com/internet-users/tunisia/

SEEKING LEGAL INFORMATION AND ADVICE

4

Almost six in ten people seek legal information and advice for resolving their legal problem



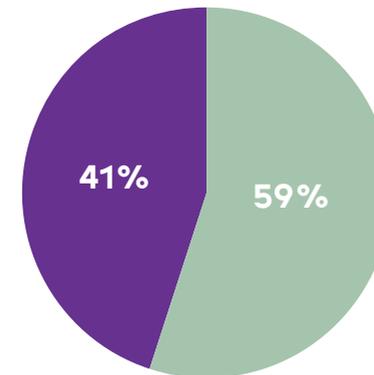
We asked those people who encountered legal problems whether they searched for legal information and advice from a wide array of sources.

- 59% of people went on to seek legal information and advice. No significant differences were found between people in rural and urban areas.
- Surprisingly, people without education and those who did not go to school officially seek legal information and advice more often than those with higher levels of education.
- People faced with legal problems related to land (77%), business (74%), family (73%) and crimes (71%) are most likely to actively seek legal information and advice. This may be due to the often complex nature of these problems. People who encountered consumer-related problems (15%) seek legal information and advice the least.

Information and advice by legal problem

| | |
|--|------------|
| Uneducated..... | 65% |
| I can read and write/I did not go to schools officially..... | 64% |
| Preparatory and primary education..... | 57% |
| Secondary education..... | 59% |
| Professional training..... | 52% |
| University degree..... | 57% |
| Masters/PhD degree..... | 66% |
| I do not want to answer..... | 0% |

SEEKING LEGAL INFORMATION AND ADVICE



No, did not seek legal information and advice
Yes, sought legal information and advice

Seeking legal information and advice slightly increases with age

- In the 18 to 74 age bracket, a slight but consistent increase can be observed in the propensity to search for information and advice (from 55% to 72%).
- Almost three-quarters (72%) of people in the 65 to 74 age bracket indicated they had sought information and advice.
- Only 25% of people of 85 years and older sought information and advice.

Formal sources used most often as a source of legal information and advice

- 45% of the respondents look for legal information and advice through a formal source, which we define as an institutional or formal provider of legal advice or information. We find the following differences in terms of searching for legal information and advice through formal sources:
- Men slightly more often than women (F: 44% vs. M: 46%).
- People in rural areas (47%) slightly more often than people in urban areas (45%).
- People with legal problems related to land (66%), crimes (60%) and family (57%) search for information and advice from formal sources the most often.
- 35% look for legal information and advice through an informal

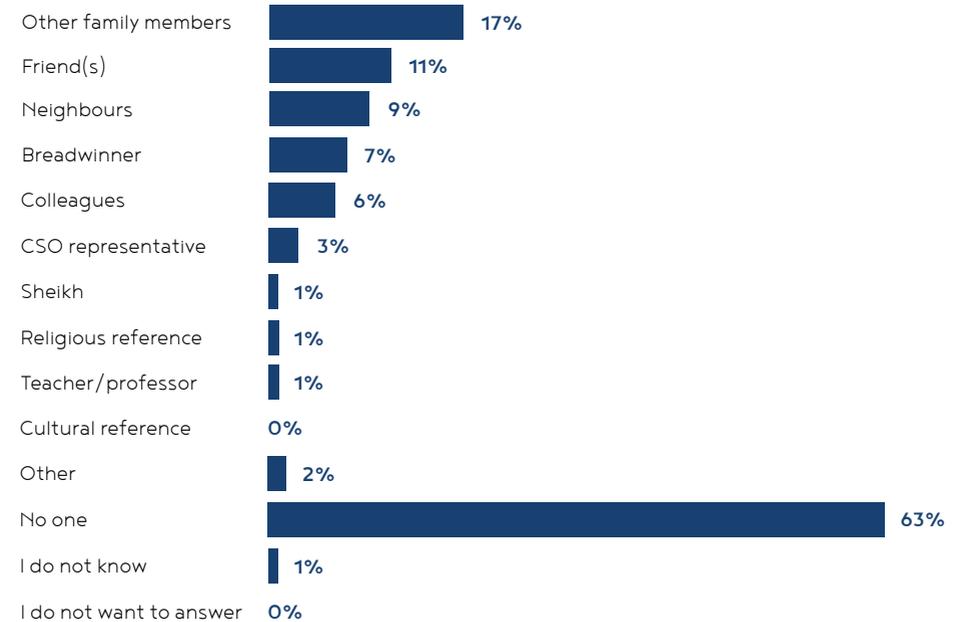
source which is a broad range of sources from the social network of the individual dealing with a legal problem. We find the following differences in terms of searching for legal information and advice through informal sources:

- No significant differences for people in urban areas compared to people from rural areas.
- Women seek information through informal sources more often than men (F: 39% v. M: 33%).
- People with legal problems related to family (52%), land (44%), and children (42%) search for information from informal sources most often.
- In terms of public sources of legal information and advice, the use of Internet, TV, radio, newspapers and magazines add up to a total of 7%. In particular, people with disputes relating to employment (11%), legal problems connected with corruption (10%) and business-related legal problems (8%) search for information and advice via Internet.

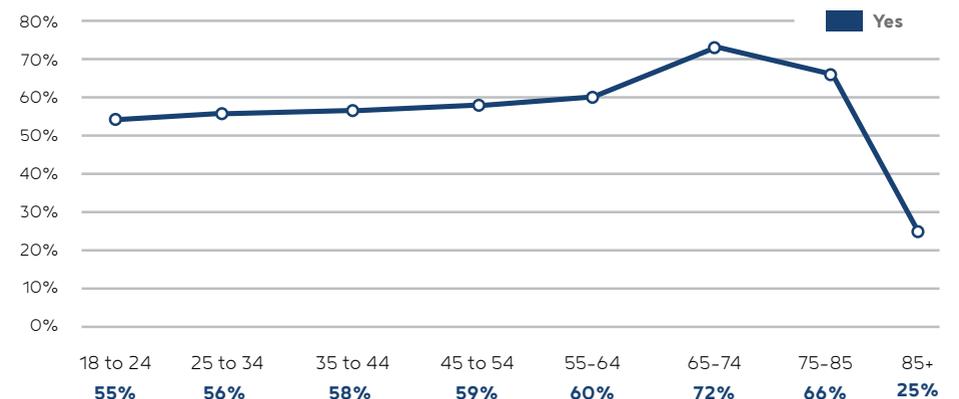
Family members and friends consulted most often for legal information and advice

- Two-thirds of people faced with a justice problem do not consult any informal source of legal information or advice.
- When people do use informal sources, they most often turn to family members (17%), friends (11%) and neighbors (9%).

INFORMAL INFORMATION SEEKING



DID YOU LOOK FOR INFORMATION AND ADVICE?



SEEKING LEGAL INFORMATION AND ADVICE

4

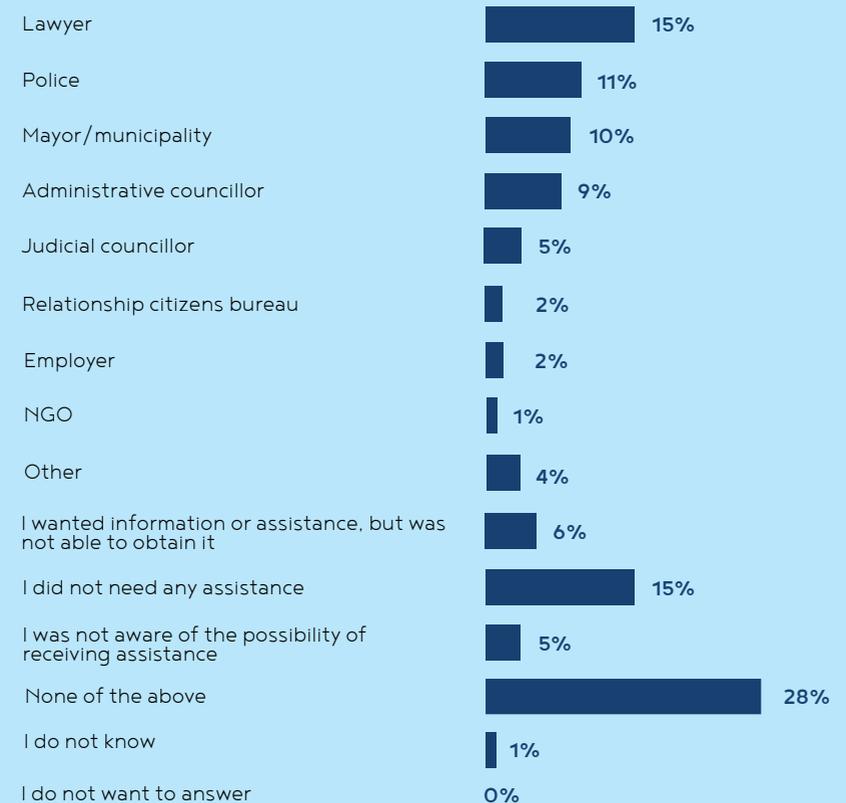
Almost half (45%) consults a formal source of information



Interestingly, people look for information and advice more often through formal sources than informal sources.

Formal sources that are most often consulted are lawyers (13%), the police (9%) and the mayor/municipality (9%). NGOs are hardly ever used as sources of information and advice (1%).

FORMAL INFORMATION SEEKING



Lawyers more consulted for legal information and advice in urban than in rural areas

Lawyers are consulted significantly more often in urban areas (17%) compared to rural areas (12%). On the other hand, administrative councillors are more often used in rural areas (12%) compared to urban areas (8%).

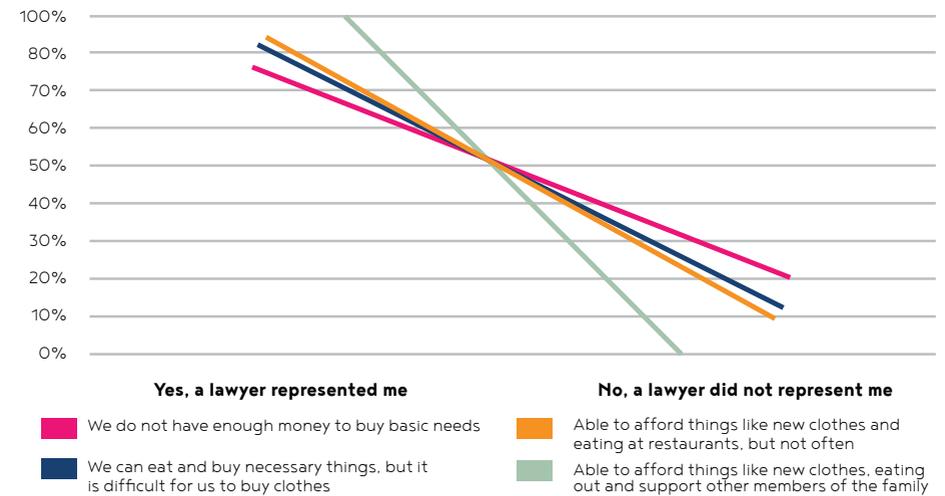
Having a lawyer does not increase the likelihood that the legal problem would be reported as resolved.

| Formal information seeking | Rural | Urban |
|---|-------|-------|
| Lawyer | 12% | 17% |
| Mayor/municipality | 15% | 8% |
| Police | 11% | 11% |
| Administrative councillor | 12% | 8% |
| Judicial councillor | 5% | 5% |
| Relationship with citizens bureau | 3% | 2% |
| NGO | 1% | 1% |
| Employer | 1% | 2% |
| Other | 6% | 3% |
| I wanted information or assistance, but was not able to obtain it | 6% | 6% |
| I did not need any assistance | 12% | 17% |
| I was not aware of the possibility of receiving assistance | 5% | 4% |
| None of the above | 30% | 27% |
| I do not know | 0% | 1% |
| I do not want to answer | 0% | 0% |

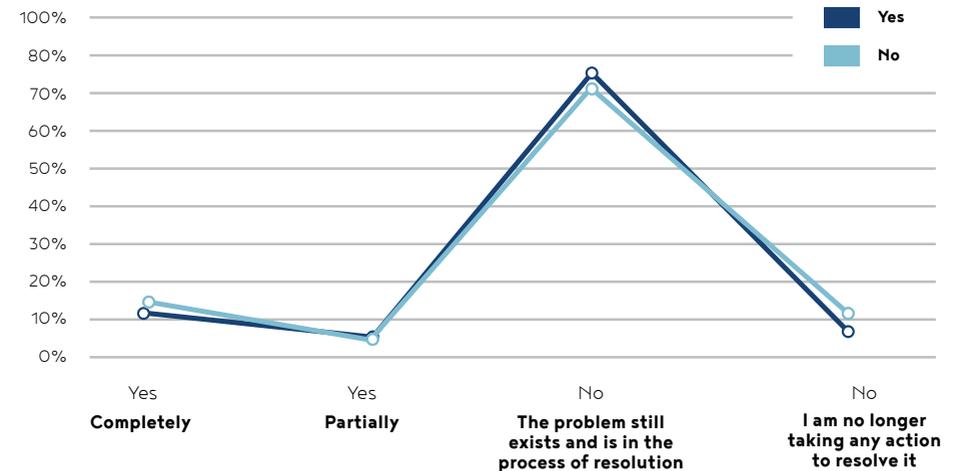
We asked the individuals who used courts to resolve their problems whether they were represented, and what their lawyer(s) did for them. As can be expected, affluent people

are more likely to be represented by a lawyer in a court case. Users of justice were least likely to hire a lawyer when the other party in the dispute was a colleague.

PERCEIVED WELL-BEING AND PRESENCE OF A LAWYER



PRESENCE OF A LAWYER IN COURT PROCEEDINGS DOES NOT AFFECT THE PERCEIVED OUTCOME OF THE CASE





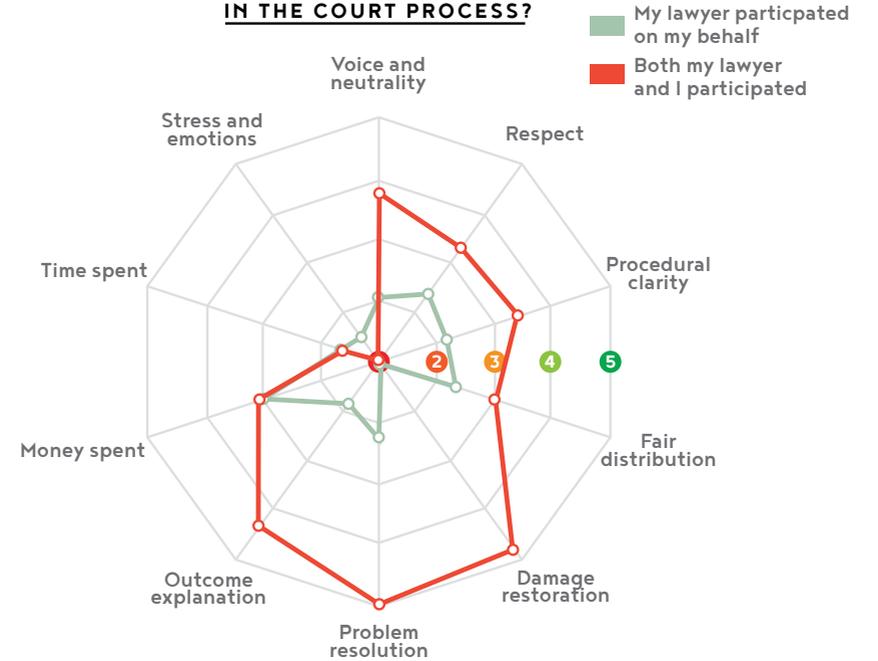
How the users of justice perceive the services performed by their lawyers

We asked the respondents who used courts and had a lawyer about the services of the lawyer. Representation during all procedural stages is the most frequent type of activity performed by lawyers. About half (the sum of percentages exceed 100, because multiple answers were possible) of the respondents say that the lawyer provided some kind of legal advice. 39% of the users of justice say that the lawyer prepared documents for them. One in four report that their lawyer negotiated on their behalf out of court.

WHAT DID YOUR LAWYER DO FOR YOU?

| | | |
|---|-----|---|
| Represented in the whole procedure | 65% | ● |
| Provided advice | 48% | ● |
| Prepared documents | 40% | ● |
| Negotiated on my behalf with the other parties out of the court | 27% | ● |
| Represented in part(s) of the procedure | 7% | ● |

MODE OF PARTICIPATION IN COURT PROCEDURES: HOW DID YOU PARTICIPATE IN THE COURT PROCESS?



Most of the respondents who resolved their problem in a Court of Law were represented by a Tunisian lawyer. Three out of four of these individuals say that they were completely represented by a qualified lawyer in the court proceedings. Others participated in the hearings themselves. There is a striking contrast between the perceptions of

those who participated and those who were represented. People who actually went to courts are significantly more satisfied with the quality of the process and the quality of the outcome. The area in which they give lower scores are the time spent and the stress and negative emotions experienced.

People above 55 years of age look for legal information and advice more often from administrative councillors than people below this age. Also, lawyers and the mayor/municipality are used more by elderly people.

The police on the other hand are used significantly more often by people under 64 years of age, but especially by younger people, among those between

18 and 24 years of age.

People with less education consult administrative councillors more often than people with higher levels of education. The same applies to the mayor/municipality.

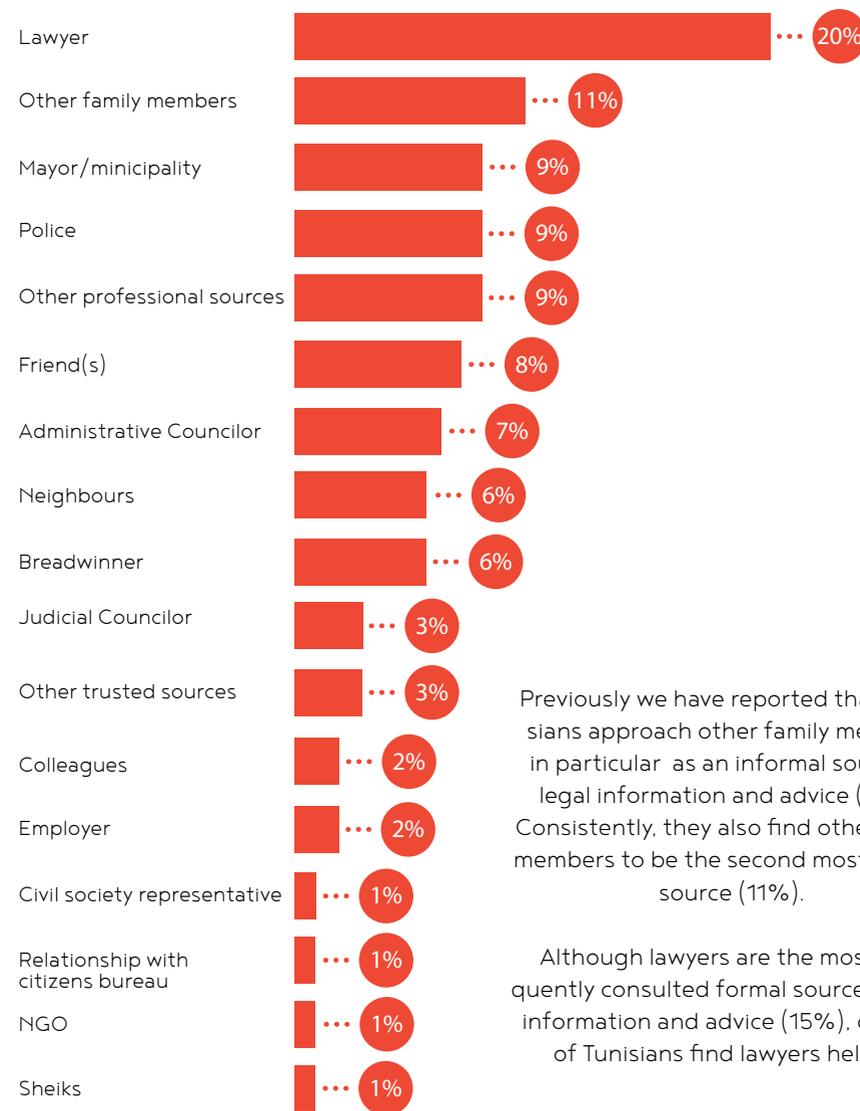
Those with lower education levels more often indicate that they wanted information or assistance, but that they were not able to obtain it.

| Formal information seeking | 18-24 | 25-34 | 35-44 | 45-54 | 55-64 | 65-74 | 75-84 | 85+ |
|--|-------|-------|-------|-------|-------|-------|-------|-----|
| Administrative councillor | 7% | 9% | 6% | 8% | 12% | 17% | 17% | 0% |
| Judicial councillor | 1% | 5% | 4% | 6% | 8% | 7% | 5% | 0% |
| Relationship with citizens bureau | 1% | 2% | 2% | 3% | 3% | 4% | 0% | 0% |
| Police | 13% | 11% | 12% | 12% | 10% | 7% | 8% | 0% |
| NGO | 1% | 2% | 1% | 1% | 0% | 0% | 0% | 0% |
| Lawyer | 9% | 14% | 15% | 17% | 17% | 24% | 18% | 0% |
| Employer | 1% | 3% | 2% | 1% | 1% | 0% | 2% | 0% |
| Mayor/municipality | 5% | 8% | 10% | 13% | 11% | 17% | 20% | 11% |
| Other | 2% | 4% | 6% | 4% | 4% | 4% | 6% | 0% |
| I wanted information or assistance, but was not able to obtain it | 4% | 5% | 6% | 8% | 6% | 6% | 4% | 0% |
| I did not need any assistance | 21% | 16% | 17% | 14% | 11% | 10% | 8% | 17% |
| I was not aware of the possibility of receiving assistance | 5% | 4% | 4% | 3% | 7% | 5% | 9% | 20% |
| None of the above | 34% | 32% | 28% | 27% | 27% | 15% | 20% | 40% |
| I do not know | 2% | 0% | 0% | 0% | 1% | 0% | 1% | 12% |
| I do not want to answer | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |

Two in ten people find employers the most helpful source of legal information and advice. While only 2% of Tunisians consult their employer as a formal source of legal information and advice,

surprisingly, the employer proves to be the most helpful. This may be explained by the prevalence of disputes relating to employment and given that the employer has the most potential to resolve such disputes.

MOST HELPFUL SOURCE OF INFORMATION



Previously we have reported that Tunisians approach other family members in particular as an informal source of legal information and advice (17%). Consistently, they also find other family members to be the second most helpful source (11%).

Although lawyers are the most frequently consulted formal source of legal information and advice (15%), only 1% of Tunisians find lawyers helpful.

SEEKING LEGAL INFORMATION AND ADVICE

4

Public sources hardly used for information

The Internet is the most commonly used source of public information. Nevertheless, only 4% of the Tunisian people who have to deal with serious and difficult to resolve legal problems searched for information via Internet. Radio, TV, newspapers and magazines are used by 1% of the people to seek information and advice.

Two-thirds of people indicate that they did not need information and advice, and almost a quarter did not know where to look for it.

No significant gender differences were found, except that women more often do not know where to seek legal information and advice (F: 70% v. M: 60%). Men indicate more often that they do not need legal information and advice (F: 21% v. M: 27%).

People living in rural areas with lower education levels and more advanced in age have little knowledge of where to find legal information and advice. People search for legal information and advice in the environments where the disputes take place, such as the workplace, administrative agencies and

police stations. This raises the question of whether readily available and competent legal information and advice is present in these places.

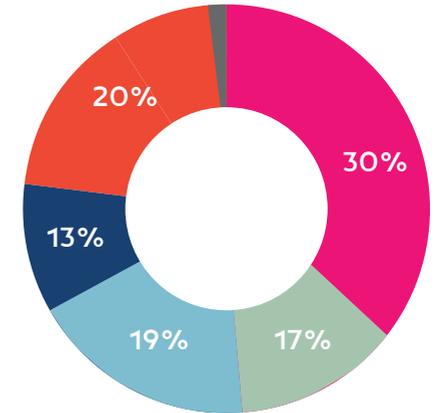
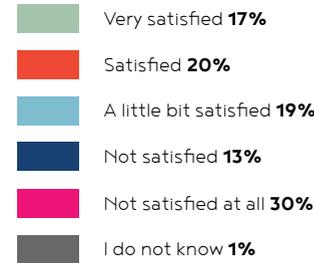
The Internet is very rarely used as a source of legal information and advice for resolving legal problems. It is mainly used by the highly educated and younger population (up to 44 years of age).

Almost a third not at all satisfied with the legal information and advice received

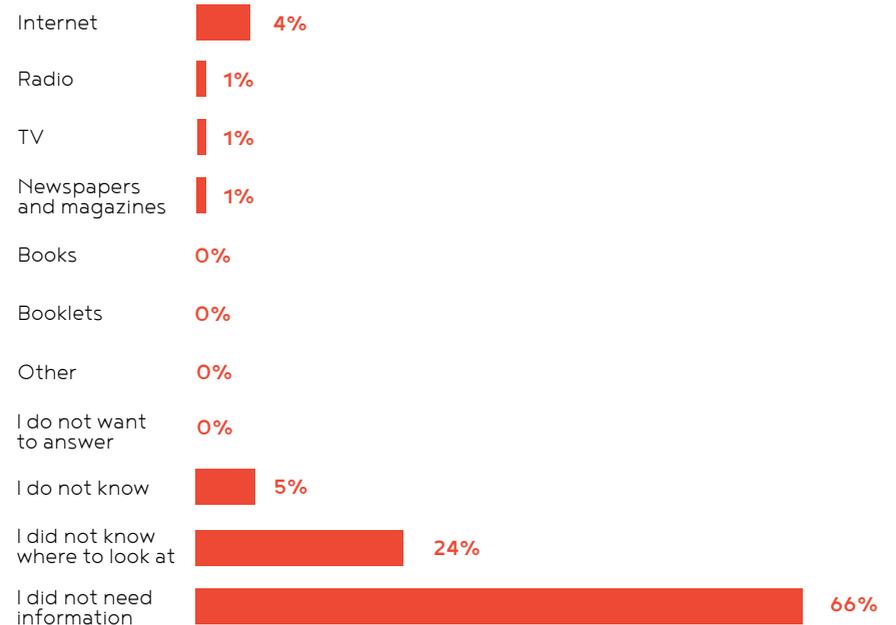
Almost a third of the people who sought legal information or advice were not at all satisfied with the information and/or advice provided to them.

In terms of expressing satisfaction with the legal information and advice received, Tunisians seem to make use of the subtle difference between being very satisfied and satisfied. This explains the small difference between these two scales (17% v. 20%).

WERE YOU SATISFIED WITH THE INFORMATION AND ADVICE YOU RECEIVED?



PUBLIC SOURCES OF INFORMATION AND ADVICE





7

Dispute resolution strategies

DISPUTE RESOLUTION STRATEGIES

7

Main findings

- Tunisian people actively pursue resolution of their legal problems – almost 3 out of 4 take some active steps to find a fair resolution for their disagreement or grievance.
- Those who remain passive mostly do so because they do not feel that they can achieve anything. Around one-quarter simply do not believe that they are capable of achieving a positive and empowering resolution of their legal problem. Many people remain passive because they do not know what to do to resolve the problem.
- More than half of the legal problems of the Tunisian people are dealt with through some kind of self-action.
- A very high proportion of legal problems are taken to the courts for resolution. This is particular so for land problems, family disputes and personal injuries and accidents. Those problems most likely to be directed to a court of law are disputes regarding children, public services, consumer problems and grievances relating to social security
- On average the justice journeys for Tunisian people consist of two steps.
- The analysis of the sequence of the dispute resolution steps shows that there are three general paths of dispute resolution – informal, formal and hybrid. These approaches are selected according to the specifics of the legal problem. Each of the strategies has its own structure and dynamics.
- People who search for legal information and advice generally seem to be able to resolve problems themselves. On the other hand, people who do not search for legal information and advice require others to help resolve the matter.
- The vast majority of legal problems are not resolved. Harassment by police and consumer problems have a particularly high risk of remaining unresolved.
- The overall satisfaction with the justice journeys is not high. Notably, the users of justice experience the court procedures as costly and stressful.

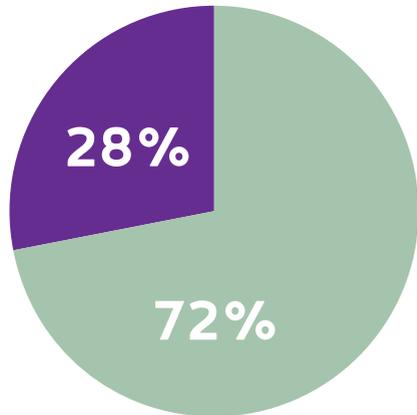


DISPUTE RESOLUTION STRATEGIES

7

Strategies adopted in dispute resolution

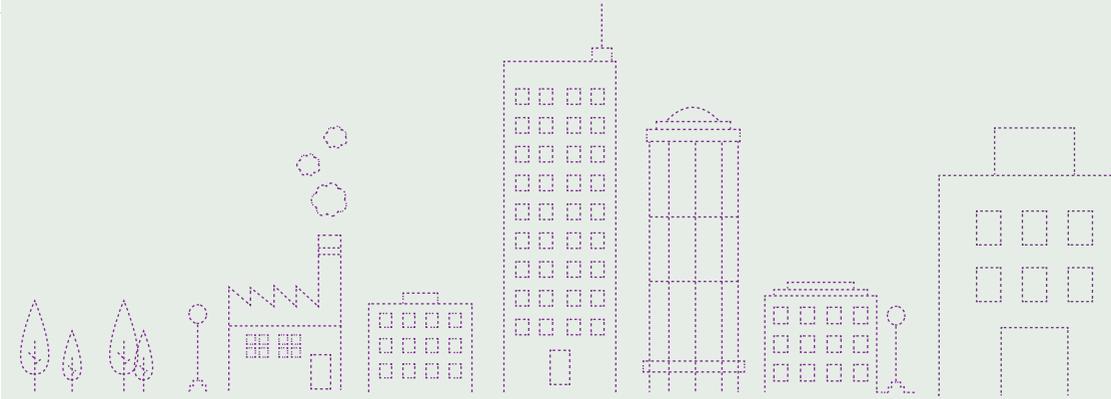
HAVE YOU DONE ANYTHING TO SOLVE THE PROBLEM?



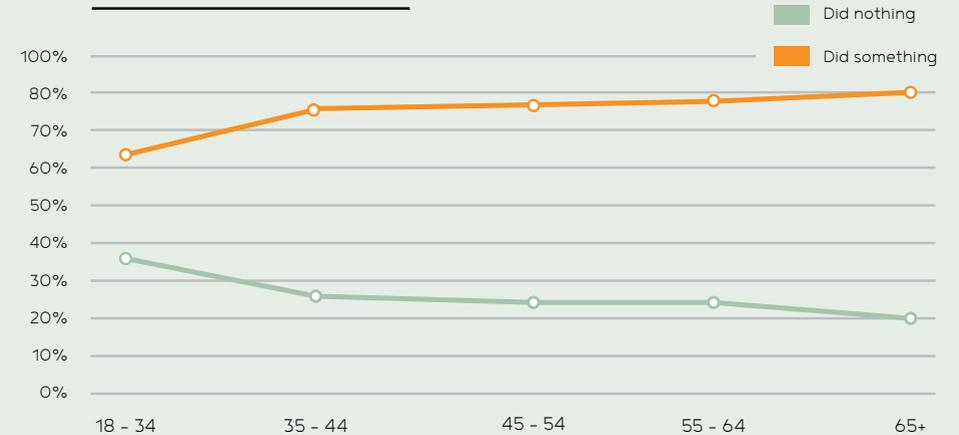
Did nothing
 Did something

Once people realize that they have a legal problem, they need to make a decision to either take action to resolve it through some justice process, or to leave it and do nothing. In this chapter we explore which justice journeys people use to find fair resolutions to their legal problems.

Our data shows that 41% of Tunisian people encountered one or more legal problems in the past four years. Of those who had to deal with legal problems, 72% say that they did actively pursue resolution - through formal or informal means.



RESPONSE STRATEGY BY AGE



The legal problems that Tunisian people are most likely to take active steps to resolve are: land disputes, family problems and housing. In all of these categories of problems, more than 80% of the respondents say that one or more active dispute resolution strategies were pursued.

On the other hand, problems that are likely to be left unresolved are: harassment by police, consumer problems, employment disputes and corruption.

Young people more often choose to do nothing in the event of a legal problem. One possible cause is that young Tunisians become involved relatively less frequently in serious and grave legal problems which on their own are more likely to provoke action. But this is also an indication that young people need different mechanisms for legal empowerment and support when dealing with legal problems.

DISPUTE RESOLUTION STRATEGIES

7

Reasons for not taking action

Men v. women

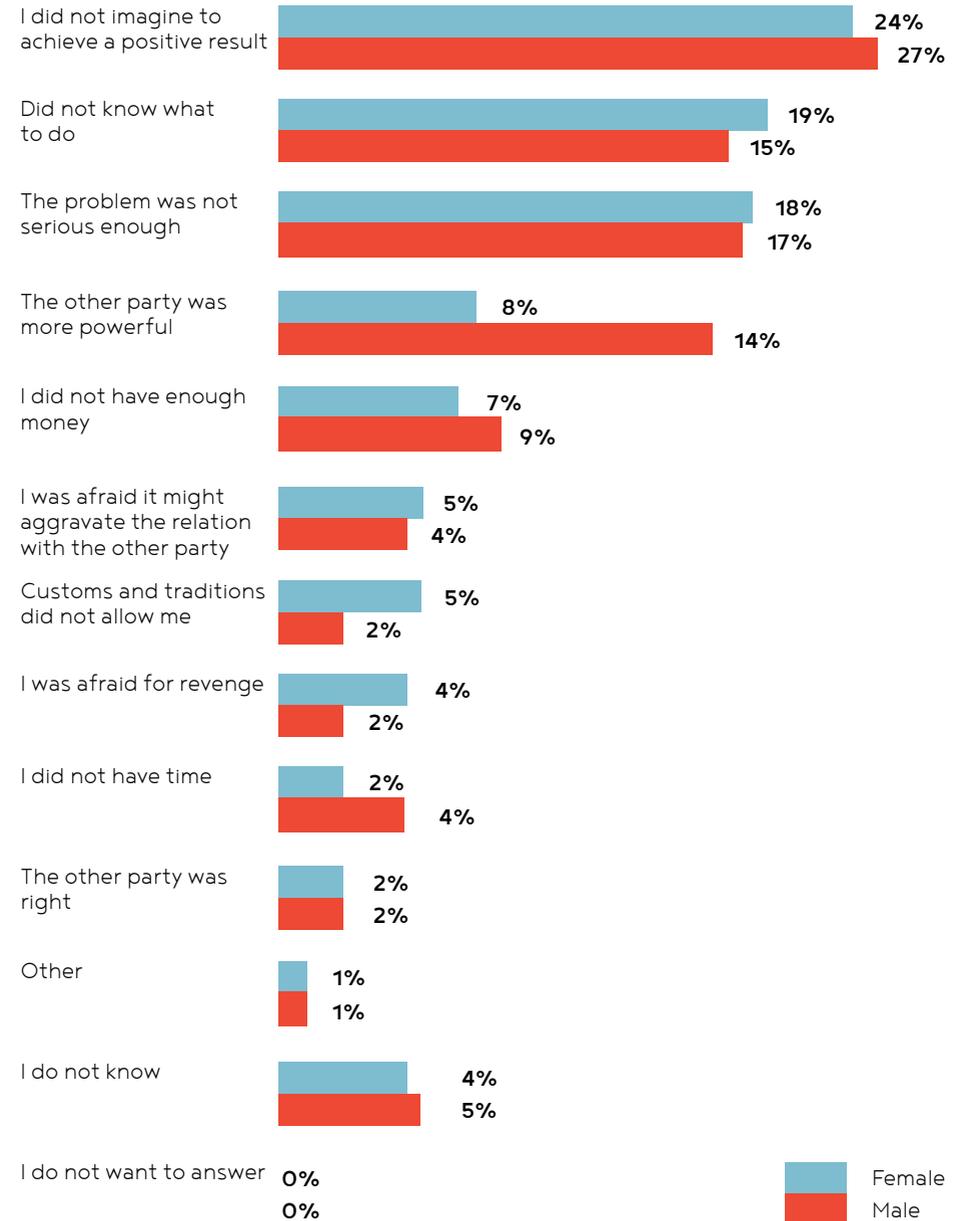
In general, 28% of the Tunisian people who experienced at least one legal problem did not seek dispute resolution, because they did not think it would achieve a positive result.

Men (27%) give the main reason for not taking action ('I did not imagine I would achieve a positive result) to a similar extent as women (24%).

Looking at the second reason for not taking action, there is a gender difference: most women did not take action because they did not know what to do (19%), while most men did not take action because the problem was not serious enough (17%).



REASONS FOR NOT TAKING ACTION



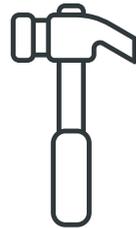
Female
Male

DISPUTE RESOLUTION STRATEGIES

7

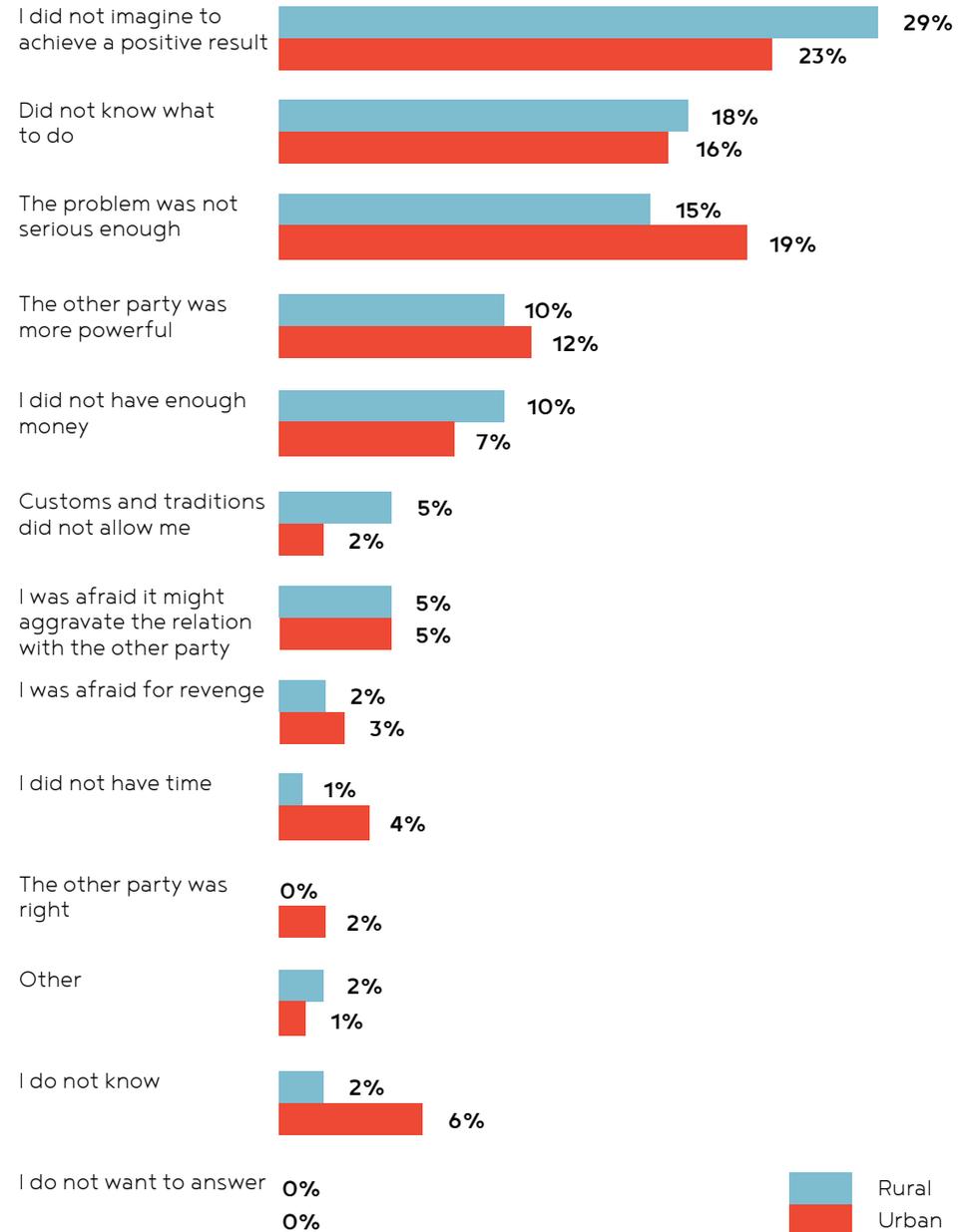
Reasons for not taking action

Urban v. rural



People living in rural areas appear to have less faith in the legal system than people from urban areas: 29% of people in rural areas did nothing because they did not think they could achieve a positive result. In urban areas, 23% of people held this belief. The percentage of people who took no action because they did not know what to do is also higher in rural areas. Money also appears to more of an impediment to taking action believe this more often compared with those living in the urban areas (23%).

REASONS FOR NOT TAKING ACTION



Rural
Urban

DISPUTE RESOLUTION STRATEGIES

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Own actions - most frequently used strategy

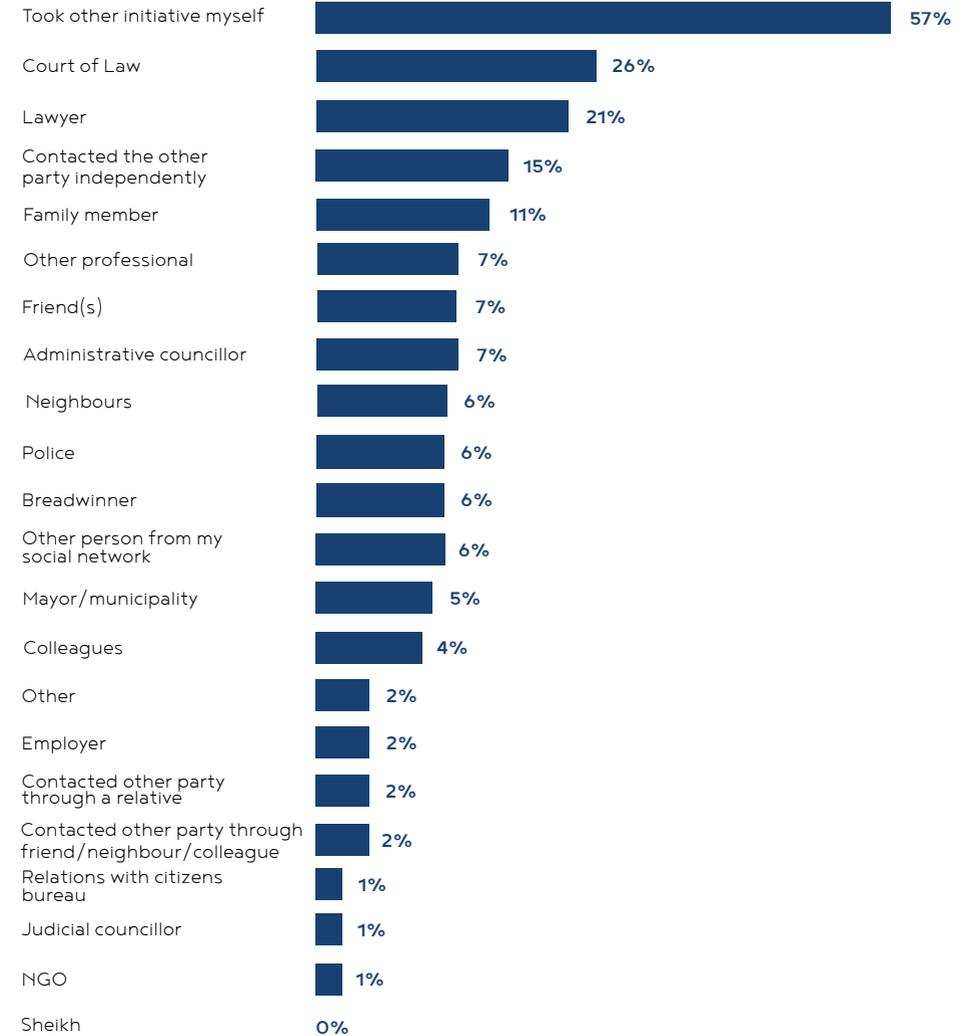
In general, Tunisians who encounter legal problems take active steps towards fair resolution. To map out these steps we asked them about the structure and content of their justice journeys. Most respondents tried to resolve the problem alone - either through contacting the other party or some other actions. Self-actions are followed in terms of frequency by taking the problem to a court of law, consulting a lawyer and contacting the other party.

The most frequently used strategy to respond to a legal problem is to take personal initiative to resolve the problem. Examples of such actions are:

- Asking the other party for compensation
- Cleaning the trash that was causing the problem
- Contacting a public office
- Giving the tenant additional time to pay the rent
- Receiving or serving a document



WHAT DID YOU DO TO RESOLVE THE PROBLEM?



DISPUTE RESOLUTION STRATEGIES

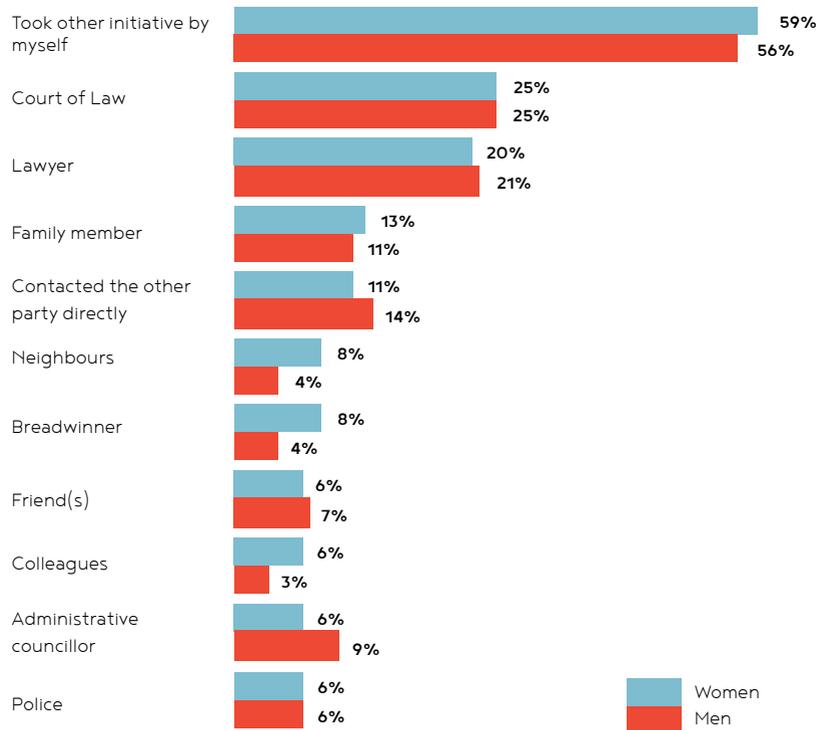
7

Gender and dispute resolution strategies

More women (39%) than men (37%) try not to solve the legal problem independently.

When it comes down to adopting self-help strategies to solve disputes, men (33%) contact the other party independently as often as women (33%). However, men (25%) more often take other initiatives independently than women (20%) do. Men (6%) also involve relatives in dispute resolution much less than women (10%).

DISPUTES RESOLUTION STRATEGIES BY GENDER



DISPUTE RESOLUTION STRATEGIES

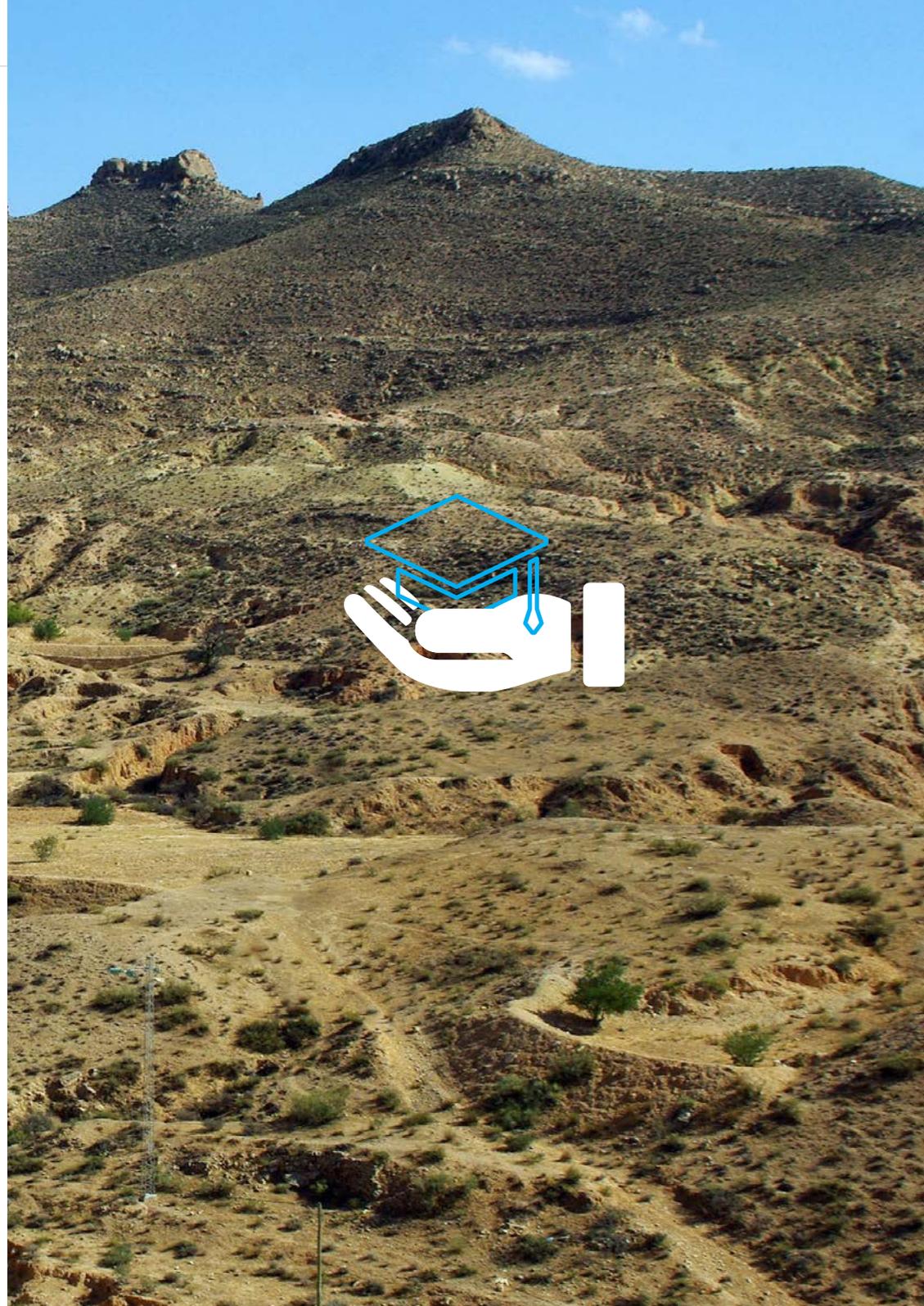
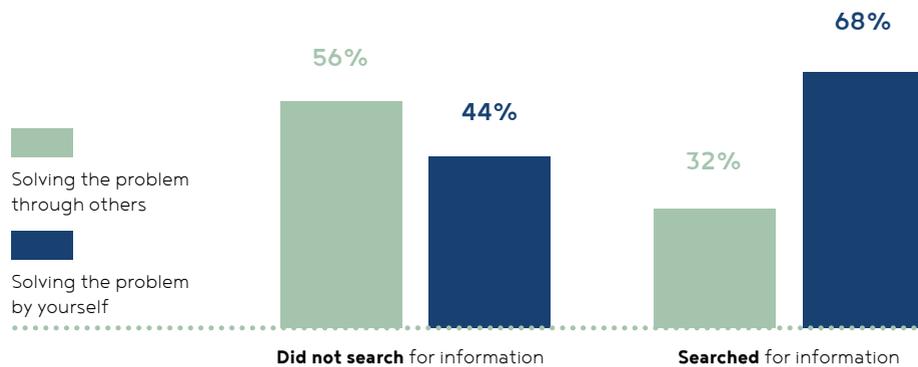
7

Seeking information and type of strategy taken

There is a very strong association between seeking legal information and advice and the type of strategy adopted by people in Tunisia towards resolving their legal problems. Our data indicate that 68% of the people who sought legal information and advice preferred to take active steps themselves to find a fair

resolution to the legal problem. On the other hand, more than half of the respondents (56%) who did not seek legal information and advice preferred to solve the problem through others than to take action to solve it independently (44%). This relationship indicates the importance of targeted and timely legal information and advice.

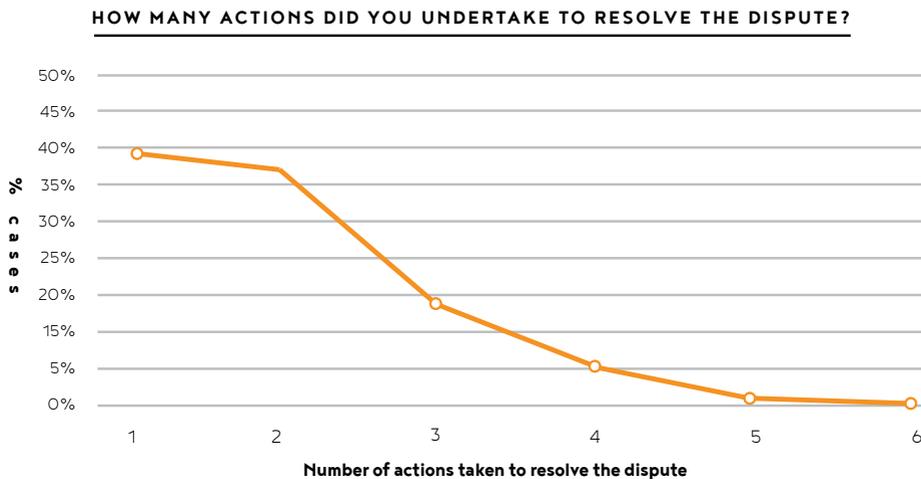
SEEKING LEGAL INFORMATION AND ADVICE AND TYPE OF STRATEGY



DISPUTE RESOLUTION STRATEGIES

7

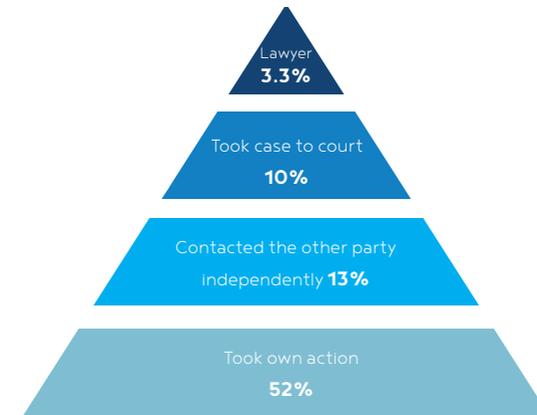
Density of justice journeys



Many people in Tunisia encounter serious and difficult-to-resolve legal problems. Resolving these problems requires combinations of various steps. We call these steps journeys towards justice. On average, the justice journeys of the people in Tunisia consist of 2 actions. Thirty-eight percent of the legal problems are tackled with one action. Two actions are employed in 37% of the legal problems, three in 19%, four in 5% and in less than 1% of the reported legal problems. 5 or more actions were involved.

The justice journeys for resolving land disputes are most intensive - on average the people in Tunisia employ 2.4 dispute resolution processes to reach a fair outcome for their land-related legal problems. Close to that are legal problems related to employment (2.3 steps) and disputes with neighbors (2.3 steps). The least complex paths to justice related to housing problems (1.5 steps), child-related legal problems (1.6 steps) and social security (1.6 steps).

How the justice journeys of Tunisians progress



Understanding the structure and dynamics of the justice journeys is key to analysing and improving the processes that the Tunisian people use to resolve legal problems.

Not surprisingly, the justice journeys in Tunisia start most often with some sort of action taken by the user of justice. Own actions are in general the most frequently used dispute resolution strategy. More than half of the users of justice who experienced a problem and

took some kind of action report that they took action themselves.

In one in six occurrences of a legal problem, the first action is to contact the other party. It is important to note that this is a direct contact - the respondent went to the other party (or parties) without the support of family or friends.

Interestingly, the respondents say that in one out of ten legal problems the first action is to file a lawsuit in a court.



 **Step 1 - Took own action**

 **2. Family members (11%)**

 **2. Someone else in social network (7%)**

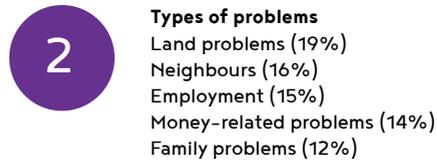
 **2. Other professional (5%)**



 **Step 1 - Court**

 **2. Lawyer (71%)**

 **2. Took own initiative (4%)**

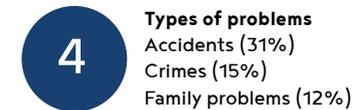


 **Step 1 - Contacted other party directly**

 **2. Lawyer (26%)**

 **2. Court (11%)**

 **2. Other professional (5%)**



 **Step 1 - Lawyer**

 **2. Court (92%)**

The perceptions of the justice users show a clear distinction between three shapes of the justice journeys: **formal**, **informal** and **hybrid**.

The perceptions of the justice users show a clear distinction between three forms of the justice journeys: **formal, informal and hybrid.**

The first involves informal actions – own activities reinforced by the involvement of members of social network, friends and colleagues. The informal justice journey is used mostly for employment disputes and grievances relating to public services but also land and housing disputes.

A hybrid strategy is to contact the other party in an attempt to resolve the problem. If this does not work, a lawyer is consulted. A lawyer is consulted in a quarter of the situations in which the first action is to contact the other party. Other strategies – used less often used, but still visible – are filing a claim in a court or involving neighbors. Apparently, the type of problem determines the set of responses and how exactly the justice journey alternates between formal and informal dispute resolution steps.

The formal path (last two sections of the chart) revolves around the use of courts. The data outlines two entries into the courts in Tunisia. Some people report first filing a lawsuit or considering such a suit and then involving a lawyer. In 71% of the cases in which the first strategy is to take the problem to a court the respondents say that the second strategy is to involve a lawyer. Courts are the first resort used for land disputes, family problems and crimes. Similarly, when people contact lawyers, for 92% the next step would be to refer the dispute to a court of law. This strategy has been applied in cases of accidents, crimes and family problems.

7

A deeper look at the formal justice journeys

We asked the respondents who encountered a legal problem whether they considered filing a lawsuit. On average, 22 % said that they considered at some point taking the problem to a court. There are, however, significant differences between the various categories of legal problems. In almost half of the land and family disputes, the respondents considered filing an action in a court of law. Other categories in which Tunisian people are more likely to consider going to court are accidents, disagreements with neighbors and crimes.

Types of legal problems for which the users of justice are less likely to contemplate going to a court are disputes regarding children, public services, consumer problems and grievances related to social security. Fewer than 5% of the people who had to deal with such problems said that they considered formal legal actions. One in five individuals who encountered a legal problem relating to employment considered filing a law suit.

We also asked the respondents whether they actually filed a law suit.

| Considered resolving the problem in a Court of Law | |
|--|-----|
| Land problems | 47% |
| Family | 47% |
| Accidents | 44% |
| Neighbours | 30% |
| Crimes | 30% |

The story of Mr. Al-Haoui

*Male, 33, single, working part-time, having a seasonal job in North-West of Tunisia.
His legal problem: spent time in prison, being accused of stealing a car.*

He works at a car wash station in Tunis, and once had to go visit his mother who was sick in hospital. Because he had problems with his own car, he borrowed the car of another person who was a friend of his boss. Being drunk and having stopped at a gas station, he filled the tank with the wrong fuel. He tried to solve the problem and informed his boss about it too. Despite the fact that he tried to show how this happened, his boss hired a lawyer and he was arrested by the police on charges of having stolen the car from the car wash station. The case went to court and despite challenging the verdict, he was imprisoned for 6 months. He avoids any contact with his boss, he has plans to get married but he finds it difficult to find a job with his criminal record.

DISPUTE RESOLUTION STRATEGIES

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Gender and inclination to resolve legal problems through court

Women are willing to use courts for:

- Accidents - 60%
- Land problems - 50%
- Family disputes - 41%.

Women not willing to use courts for:

- Consumer problems - 100%
- Children - 100%
- Corruption 100%
- Public services - 98%
- Employment - 92%
- Social security - 94%.

Men are willing to use courts for

- Family disputes - 77%
- Land problems - 47%
- Accidents - 39%
- Crimes - 38%

Men are not willing to use courts for:

- Children 100%
- ID docs 100%
- Public services 98%
- Consumer problems 93%
- Social security - 91%

Actual use of courts

Virtually all respondents who considered using a Court of Law to resolve a legal problem say that they actually submitted the problem to a court. This is a striking correlation. One might expect that the users of justice select their dispute resolution strategy very carefully, in particular since using a court entails significant legal, financial, emotional and personal time implications. The overlap might be the result of hindsight. With the knowledge that a particular action has already been selected, it may be that the respondent focuses on (and thus reports) only the strategy that was employed. Hence, the implication might be that the people who actually considered courts as one of the possible strategies but did not use them did not recount that experience. Another possibility is that the respondents were somehow limited by the court options and it appeared undesirable to admit that they had considered pursuing action in court but had not actually implemented this.



DISPUTE RESOLUTION STRATEGIES

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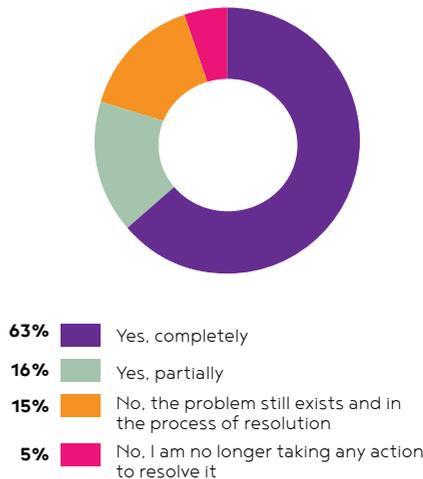
How are the legal problems resolved



Only around one in five legal problems are perceived as completely (16%) or partially (5%) resolved. The vast majority of the situations in which Tunisian people need fair and just solutions are considered ongoing (63%) or the people involved simply lost hope of any resolution (15%).

Problem categories which are most likely to be considered completely or partially resolved are harassment by police and consumer problems. On the other hand, the types of problems that are least likely to be resolved are grievances relating to social security, employment, land problems and money.

HAS THE PROBLEM BEEN RESOLVED?



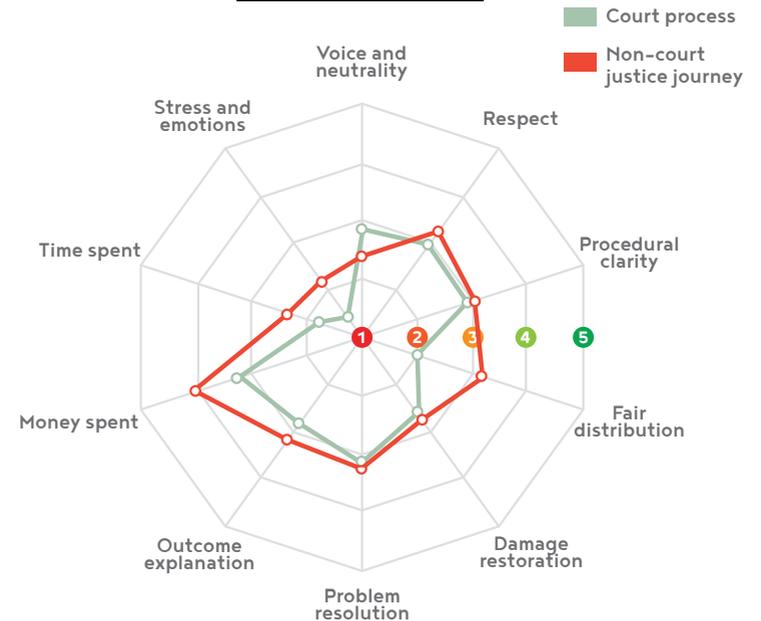
Cost and quality of the justice journeys in Tunisia

Further in the text, we will focus on the perceived costs and quality of justice of specific legal problems such as employment and the experiences of women, young Tunisians and individuals residing in the north-west of the country. The diagram below represents the perceptions of the users of justice about their experiences with accessing justice. The analysis compares two categories - court procedures and other justice journeys that take place outside of court rooms.

- In general the users of justice give rather low scores for both court and

- non-court justice journeys
- Highest ranking indicators are the monetary expenses for non-court procedures - people regard them as inexpensive
- Interpersonal justice (respect) is relatively high for the non-court procedures
- Court procedures are seen as particularly challenging in terms of the stress and negative emotions and the time that people have to spend trying to resolve their problems
- However, courts provide people with more opportunities to have their voice heard. The Voice and Neutrality indicator also includes such items equal application of the law, the opportunity to influence the outcome and the neutrality of the third party.

COMPARING COURT AND NON-COURT JUSTICE JOURNEYS





8

Employment
disputes

EMPLOYMENT DISPUTES

8

Main findings

23% of employment-related justice needs are issues related to guaranteeing equal opportunity and recruitment, followed by precarious work (22%) and being sacked or made redundant (15%).

Issues relating to unequal opportunity are more prevalent among women (30%) than men (17%). These findings are in line with the estimates provided by the Tunisian National Institute of Statistics (INS) about the unemployment gender gap. Essentially, the INS's data shows that in the second quarter of 2016, the female net unemployment ratio was 23.5% in comparison to the almost two times lower percentage of male unemployment (12.4%)*.

Representatives from civil society (14%) are evaluated as the most helpful source of information and advice, followed by employers (13%), friends (11%) and family members (9%). However, only

half of the Tunisian people is satisfied with the quality of the information and advice they received.

Most respondents took self-help strategies (49% took other initiatives themselves) to resolve their employment dispute. Almost 18% report contacting some other professional while 15% approach the Courts of Law. Tunisian people are not very satisfied with the amount of time they spent to solve their employment-related problem. Furthermore, stress and emotions but also voice and neutrality are high.

Employment dispute narratives

People of Tunisia describing employment issues in their own words



"At our work, employees over the age of 50 were dismissed almost automatically. When we complained, the employer agreed to pay us quarter the amount we were entitled to. In return, we had to drop our case. When we approached a lawyer for help he ripped us off. Lawyers and judges that are supposed to represent us are taking the side of the employers."

"I worked for 11 years for my employer. He did not pay any social security and when I told him I was pregnant, he fired me"

"I worked for five years for the slaughterhouse in Akouda, Sousse. For a very meagre salary: 360 Dinars a month and without any social security. When other employees and I asked for better working conditions they fired us."

* International Institute of Statistics. (2016). Unemployment rate evaluation by sex (%): www.ins.tn/en/themes/emploi#sub-3617

EMPLOYMENT DISPUTES

8

Employment-related legal problems affect life mostly in terms of loss of time and stress-related illness

Employment-related legal problems, rank amongst the most prevalent in Tunisia. There are many reasons why the justice needs may arise at work should be dealt with daily and effectively. Good employer-employee relationships contribute significantly to economic development, social cohesion, stability and health. The research shows that there is room for significant improvement in this area; an opportunity to achieve considerable positive impact. More than 23% of employment-related justice needs are issues related to guaranteeing equal opportunity in recruitment, followed by precarious work (22%) and being sacked or made redundant (15%).

Issues relating to equal opportunity on the job market are slightly more prevalent in the rural (24%) than in the urban (22%) areas. Whereas we found a similar pattern for precarious work: poor working environments and conditions are more prevalent in the rural (24%) than in the urban (21%) areas. Issues relating to being sacked or made

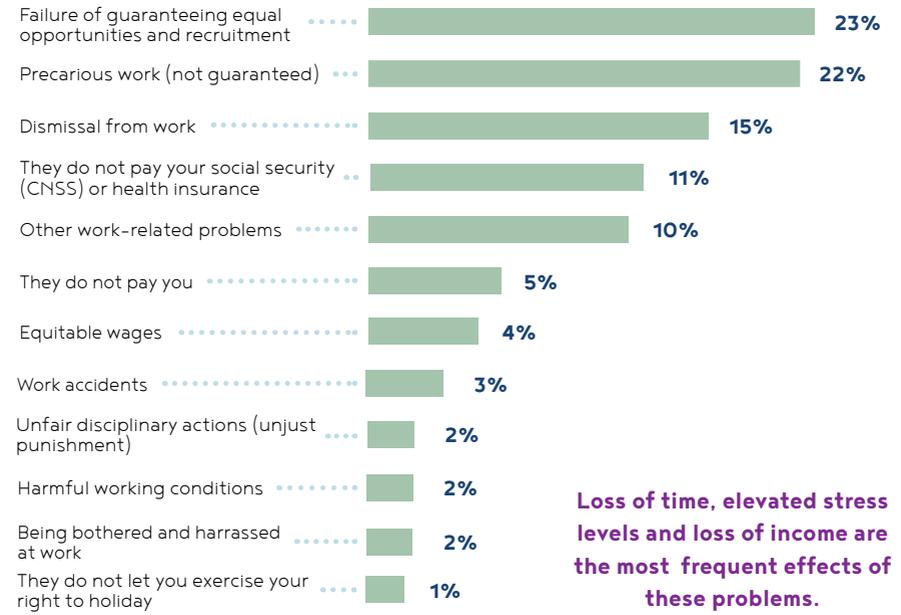
redundant are slightly more prevalent in the urban (16%) than in the rural (12%) areas.

Issues relating to unequal opportunity are more prevalent among women (30%) than men (17%). The young (those aged 18-34) are more likely to face unequal opportunity on the job market (between 38% and 30%) as well. Furthermore, those with a professional training and upwards, complain more about unequal opportunity and recruitment than, for instance, the uneducated, for whom precarious work is more common.

The regions differ from each other. Precarious work and dismissal are more frequent in regions such as Tunis and the North-East. Unequal opportunity is most common in the South-East. Those living in the North-West mainly protest on the lack of social security.

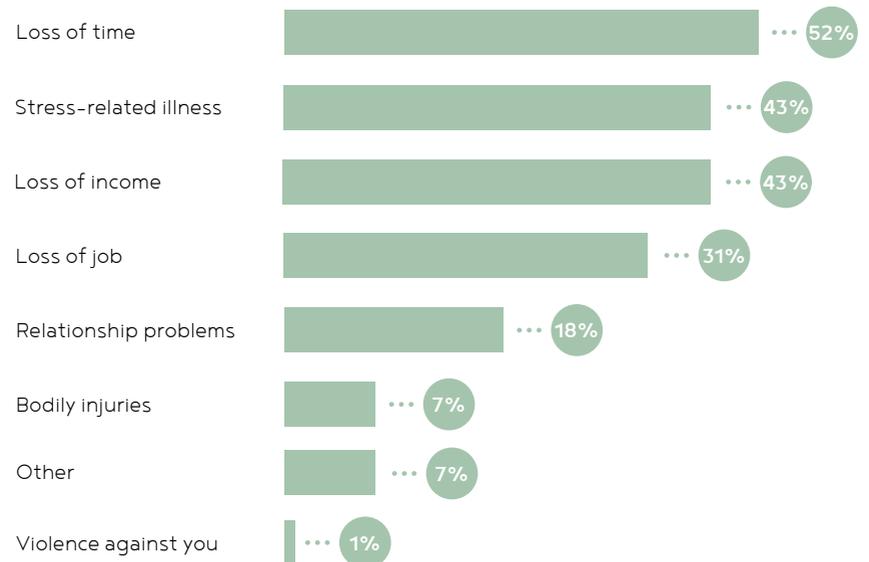
Loss of time, elevated stress levels and loss of income were the most frequent effects of these legal problems.

TYPES OF EMPLOYMENT PROBLEMS



Loss of time, elevated stress levels and loss of income are the most frequent effects of these problems.

WHAT EFFECT DID IT HAVE ON YOUR LIFE?



Mohamed's Story

A year ago, I was hospitalized and underwent two surgeries on my lungs. I worked at a factory that used a lot of chemicals and this affected my lungs. When I got sick, they just got rid of me.

They didn't pay my social security and when I asked about it they could not explain it. I explained that I need my social security to be paid to have my health benefits, but they refused.

They told me to sue them and made a scene in front of the other workers. They said I can only be back once I am healed. I went to the hospital and got a certificate that I was being treated, and they refused to accept it. They said it was not authentic and that they needed to talk to the doctor.

None of my co-workers supported me - out of fear of losing their jobs. When I sued them, the state appointed a lawyer for free. Now, the case is in the hands of a judge.



EMPLOYMENT DISPUTES

8

Most helpful sources of legal information and advice

67% of Tunisians with an employment problem did not search for any information and advice from informal sources of information. Those who used informal sources of information, especially consulted friends (16%), colleagues (12%) and other family members (12%).

31% did not approach any formal authority, among those who did, approached the administrative councillor (10%), the mayor/municipality (10%) or the lawyer (9%).

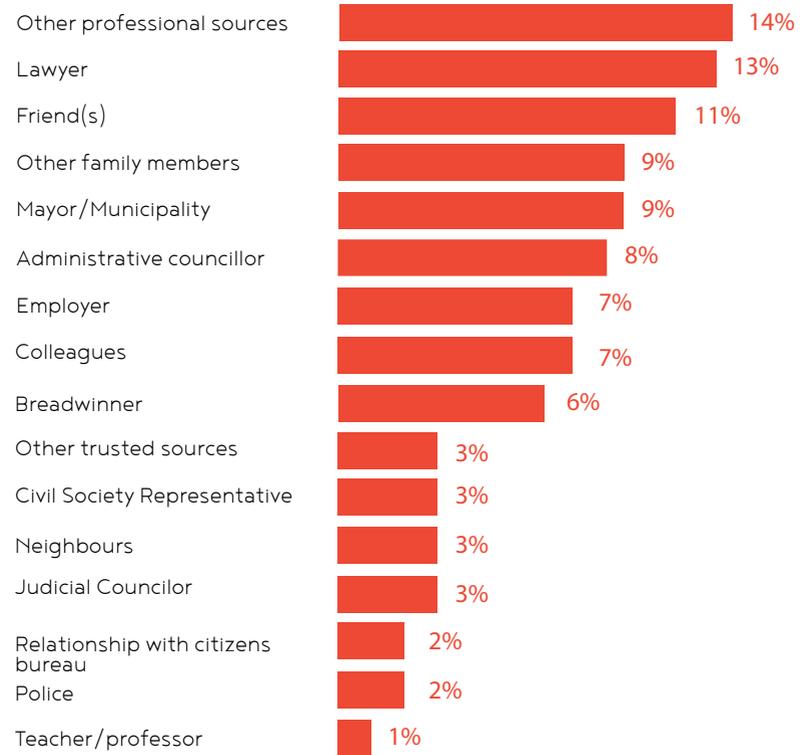
Although women with an employment problem consult other family members (16%), men prefer to turn to friends (16%) as informal sources of legal information and advice. With regard to formal authorities, women approach the mayor/municipality (14%) to search for legal information and advice while men consult a lawyer (11%) or an administrative councillor (11%).

For those who did seek information, representatives from civil society organisations (14%) - are evaluated as the most helpful source of legal information and advice. Other helpful sources of legal information and advice are employers (13%), but also friends (11%) and family members (9%).

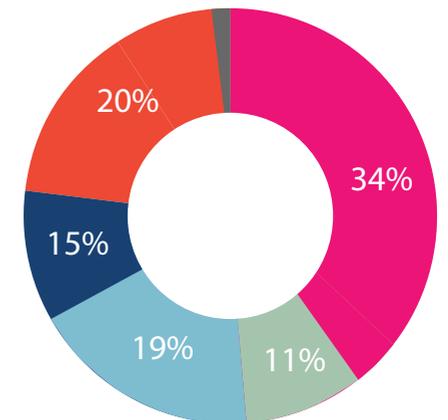
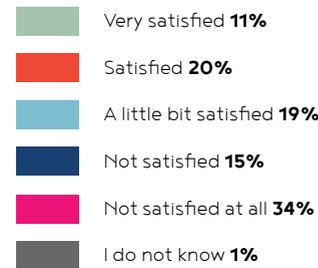
We later asked them to assess the quality of the information and advice they received. Almost half (34% not satisfied at all and 15% not satisfied) is not satisfied while the other half is satisfied to a varying level (19% a little bit, 20% satisfied and 11% very satisfied).

When we asked the Tunisian people whether they used any public sources of legal information advice, 60% mentioned they did not need it, while 23% did not know where to look. 11% used the internet and only around 3% used sources like radio, TV or newspapers.

MOST HELPFUL SOURCE OF INFORMATION AND ADVICE



WERE YOU SATISFIED WITH THE INFORMATION AND ADVICE YOU RECEIVED?



EMPLOYMENT DISPUTES

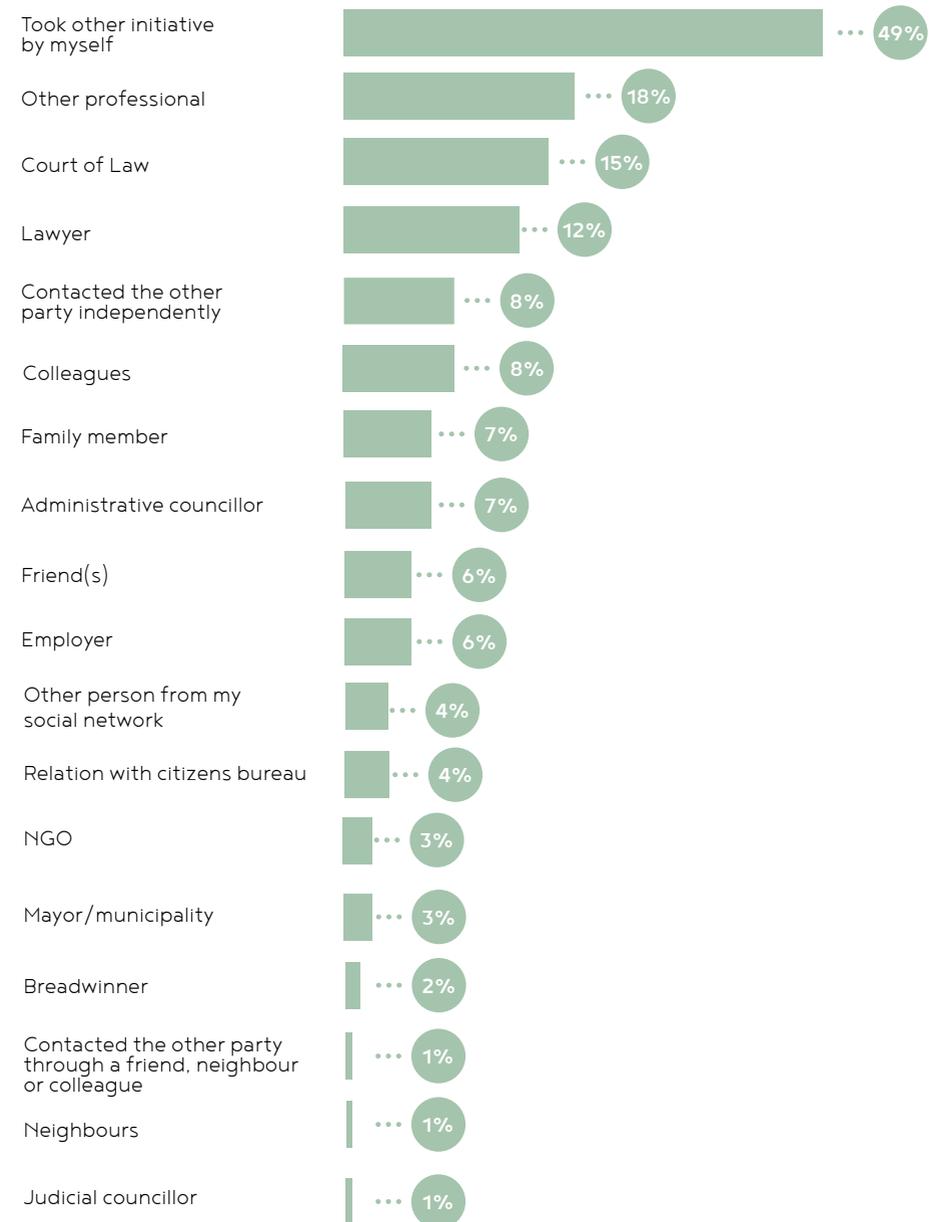
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Dispute resolution mechanisms for employment issues



When faced with an employment problem, people in Tunisia prefer to adopt especially self-help strategies as dispute resolution mechanisms: 49% took other initiative themselves. Almost 18% report contacting other professionals. Seeking to solve their disputes related to employment, 15% of Tunisians approach the Court of Law while 12% approach a lawyer.

EMPLOYMENT: DISPUTE RESOLUTION STRATEGIES



EMPLOYMENT DISPUTES

8

Cost and quality of access to justice when experiencing employment legal problems

The procedure the people follow to resolve disputes around employment is not considered too expensive. Referring to the Courts of Law in particular, they do not appear to be an impediment for Tunisians taking this path in finding

resolution. Likewise, overall, Tunisians are relatively satisfied with the outcome explanations (3.43) and fair distribution (3.21). However, on the whole, the quality of the available procedures dealing with disputes around employment is not very high.

In particular, Tunisians experienced a lot of stress and emotions given the procedures they followed to resolve their disputes around employment (2.0). The same procedures required Tunisians to invest a lot of time as well (2.0).

EMPLOYMENT: COSTS AND QUALITY OF ACCESS TO JUSTICE



Fatma's Story

My employer pressured me into resigning. He told me he could not give me a permanent contract. The relationship started deteriorating, so I decided to resign. It was not personal - this happen would any employee asking for a permanent contract.

I did not ask anyone for help and I did not sue my employer. My knowledge was limited. I did not know whom to reach out to.

I do not want to work in the private sector anymore. The laws in force protect companies instead of employees. I am thinking about starting my own business. I just hope we can figure out a way to stop these types of problems from happening.

Dalel's Story

My employer fired me because I allegedly caused disturbance, but this was not true. The factory wanted to let us all go. It is closed now. They fired me with eight other girls, then they fired 14, then they fired another 20. I worked there for 24 years, I expected them to honour and thank me, not to fire me.

I went to the mayor and the governor but they did not let me in the governor's office. My family told me I was sick and that I should give up. The union helped me the most. They sent me to the employment inspectorate which filed the case at the court.

I became sick, I got high blood pressure and diabetes from going to court all the time. The court eventually ruled in my favour. They said it was an abusive dismissal. The court ordered the employer to pay me 12.000 Dinars. I really need that amount because my son is sick. We are just waiting on the order to sell the confiscated equipment. This has been going on for 12 years. I have spent a lot of money only for waiting.





9

Justice and Tunisia's women

Main findings

This chapter specifically zooms in on the justice needs of Tunisian women. We present our findings by comparing women to men.

Women experience less often legal problems (38%) than men do (45%). Also, the types of legal problems are different for women and men. Women are more often faced with problems related to social welfare, neighbours and family problems, whereas men more often face disputes around employment and land.

We previously showed that patterns in seeking legal information and advice are different per gender. When it comes down to seeking legal information and advice, women especially approach family members, while men approach friends and colleagues more often.

Sources of public information are used in a similar fashion by women and men. There are no significant gender differences in using the Internet.

Tunisian women and men adopt similar strategies for resolving their legal problems. Own actions are the most prevalent dispute resolution strategy, followed by filing a case to a Court of Law and engaging a lawyer.

Women and men are equally unsatisfied with the costs and quality of available dispute resolution mechanisms. Women are, however, slightly more satisfied with the quality of the outcomes - particularly in the dimensions of fair distribution (according to needs, equity and equality criteria) and restoration of the damages.



WOMEN'S JUSTICE NEEDS IN TUNISIA

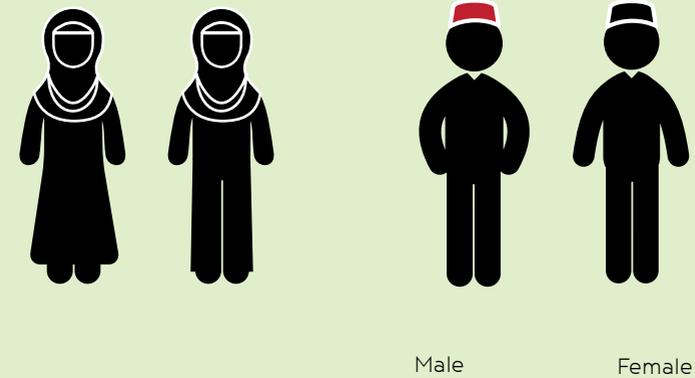
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Disputes experienced by men and women

Employment problems for both men and women most prevalent



Whereas for men the most serious problem is more often related to employment, land, police and money, for women the most serious problem is more often related to social welfare, neighbours, family problems, and problems related to children.



| | Male | Female |
|-----------------------------|------|--------|
| Employment | 21% | 18% |
| Public services | 12% | 12% |
| Land problems | 10% | 7% |
| Crime | 8% | 9% |
| Social welfare | 6% | 12% |
| Neighbours | 6% | 10% |
| Family | 3% | 10% |
| Police-related problems | 9% | 1% |
| Housing | 5% | 6% |
| Money | 6% | 4% |
| Accidents/personal injuries | 4% | 3% |
| Consumption | 4% | 3% |
| Children | 1% | 3% |
| Corruption | 2% | 1% |
| ID documents | 1% | 2% |

WOMEN'S JUSTICE NEEDS IN TUNISIA

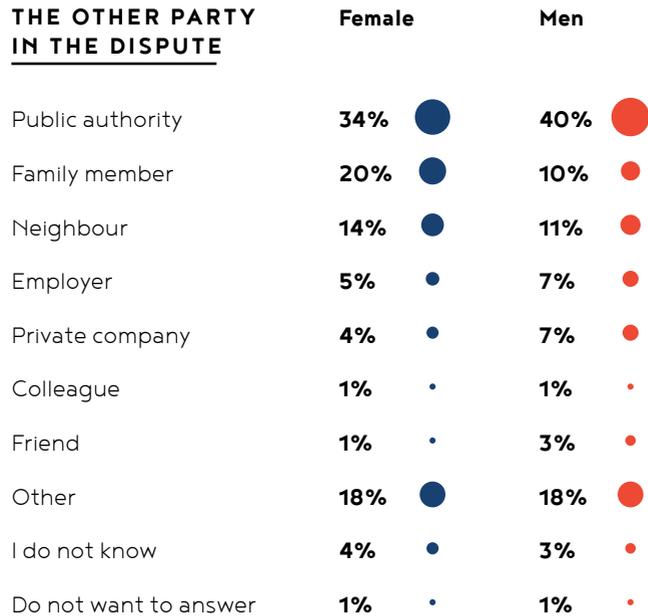
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Disputes with family members occur twice as often for women than for men

Women are more often in dispute with family members (20%) than men (10%). Men on the other side are more often

in dispute with public authorities, their employer and private companies than women.

THE OTHER PARTY IN THE DISPUTE



Almost half of the women suffer from stress-related illnesses as a consequence of their problem

Stress-related illnesses as a consequence of the legal problem are more frequent among women (46%) than among men (35%).

30% of women report a loss of income, while men report a loss of income more often (40%). Women (12%) reported to lose their job less often than men (18%).

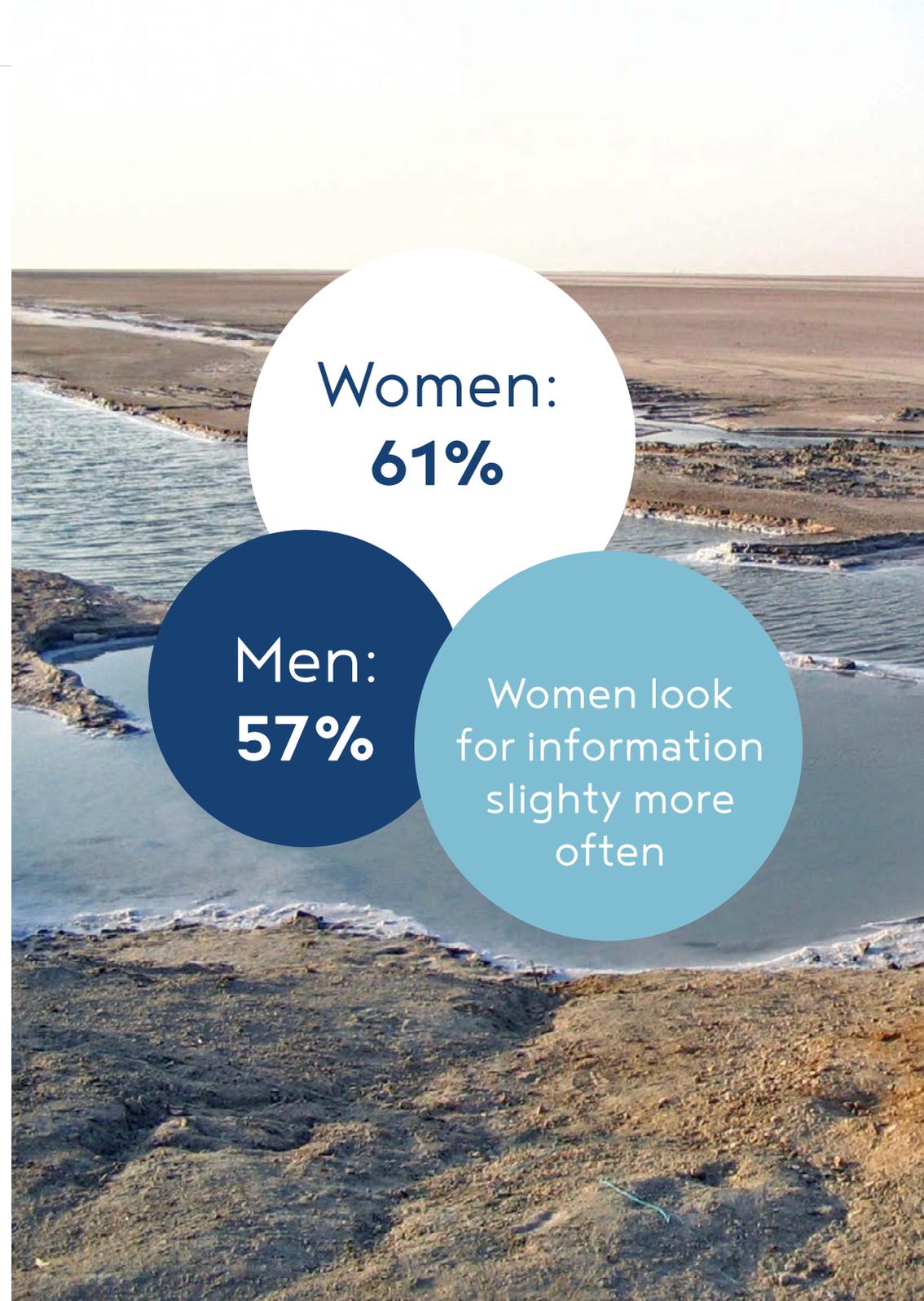
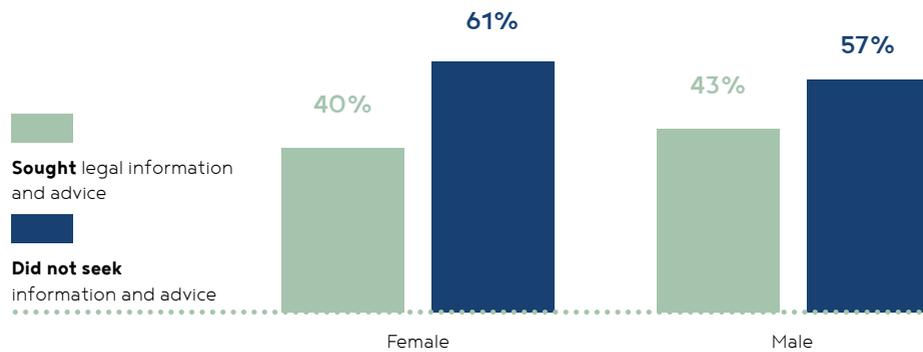
| Consequences of legal problems | Female | Male |
|--------------------------------------|--------|------|
| Stress-related illness | 46% | 35% |
| Loss of time | 46% | 51% |
| Loss of income | 30% | 40% |
| Relationships trouble | 22% | 22% |
| Loss of job | 12% | 18% |
| Bodily injuries | 11% | 12% |
| Violence against you | 7% | 9% |
| Vandalism against you | 6% | 7% |
| Violence against your family members | 6% | 4% |
| Other | 11% | 7% |
| I do not know | 6% | 5% |
| I do not want to answer | 0% | 0% |

WOMEN'S JUSTICE NEEDS IN TUNISIA

9

Core of the problem similar for men and women

SEEKING LEGAL INFORMATION AND ADVICE



Women:
61%

Men:
57%

Women look for information slightly more often

WOMEN'S JUSTICE NEEDS IN TUNISIA

9

Informal sources: Family members and breadwinner most consulted by women

Women search for information and advice more often among family members and the breadwinner. Men on the other hand search for information and/or advice more often among friends and colleagues.

Friends are approached more often by people with higher education levels. Neighbours are more popular among people with lower education levels, and people in rural areas.

| Informal information seeking | Female | Male |
|------------------------------|--------|------|
| Other family members | 21% | 13% |
| Breadwinner | 10% | 4% |
| Friend(s) | 9% | 13% |
| Neighbours | 9% | 9% |
| Colleagues | 4% | 7% |
| CSO representatives | 2% | 3% |
| Sheikh | 2% | 1% |
| Teacher/professor | 1% | 1% |
| Religious reference | 1% | 1% |
| Cultural reference | 0% | 0% |
| Other | 2% | 2% |
| No one | 60% | 66% |
| I do not know | 2% | 1% |
| I do not want to answer | 0% | 0% |

Formal sources: Lawyers used by women less often than men

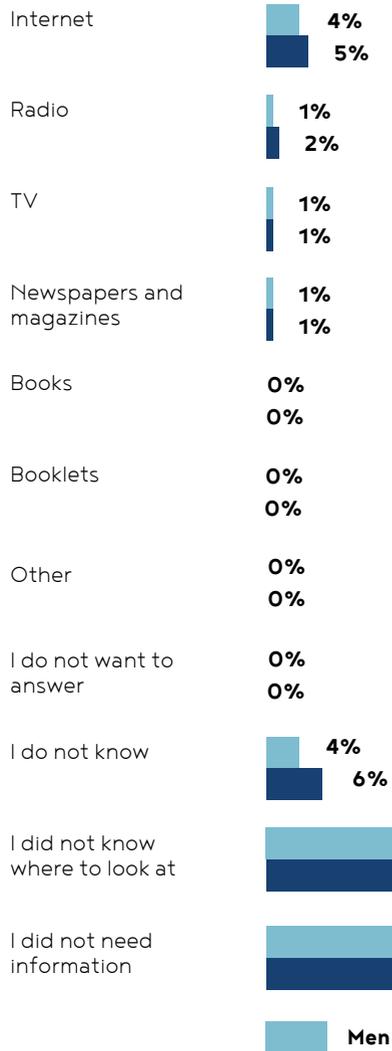
Women (12%) more often approach the mayor/municipality than men (9%) do. Men (17%) search for information and advice from a lawyer more often than women (13%).

Consequently, there are no great differences between men and women in searching for information from formal sources.

| Formal information seeking | Female | Male |
|---|--------|------|
| Lawyer | 13% | 17% |
| Mayor/municipality | 12% | 9% |
| Police | 11% | 11% |
| Administrative councillor | 10% | 9% |
| Judicial councillor | 5% | 5% |
| Relationship with citizens bureau | 2% | 3% |
| NGO | 1% | 1% |
| Employer | 1% | 2% |
| Other | 4% | 4% |
| I wanted information or assistance, but was not able to obtain it | 7% | 6% |
| I did not need any assistance | 14% | 16% |
| I was not aware of the possibility of receiving assistance | 5% | 4% |
| None of the above | 30% | 27% |
| I do not know | 1% | 1% |
| I do not want to answer | 0% | 0% |

More than a quarter of women did not know what public sources to look at

PUBLIC SOURCES OF INFORMATION



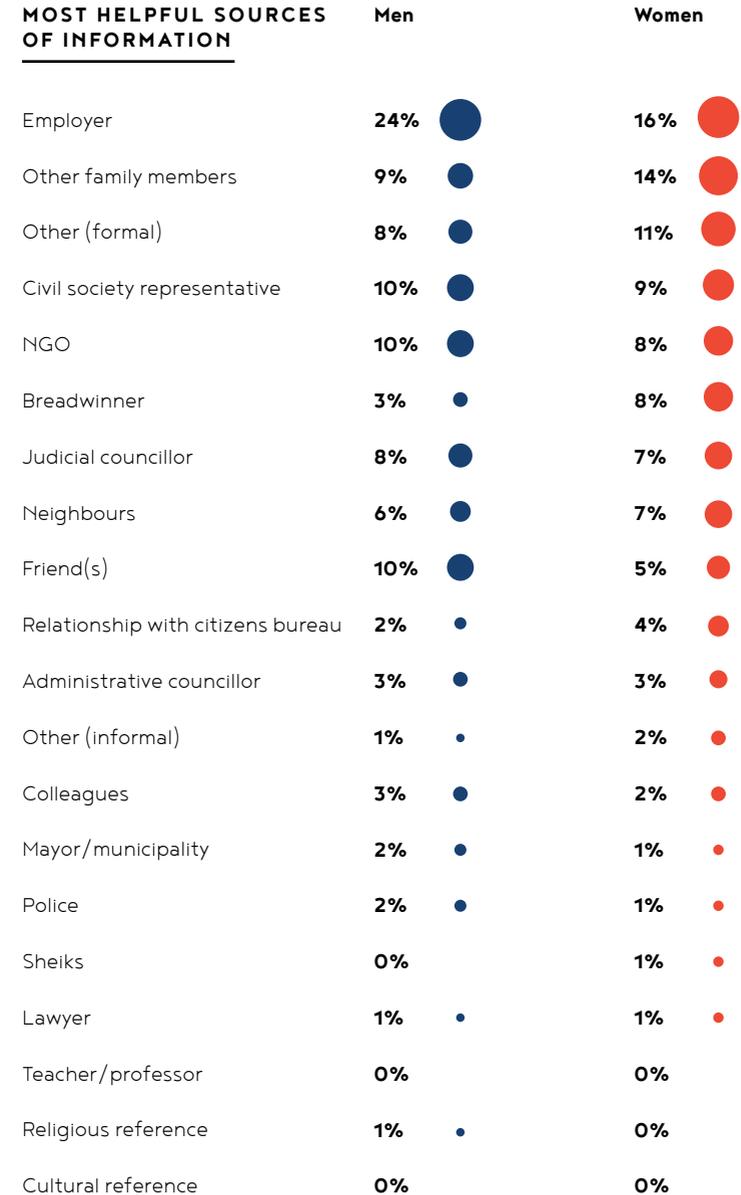
We have previously reported that the internet is very rarely used as a source of legal information and advice. However, both men and women use the internet equally often. The frequent use of the other sources of legal information and advice is equal for both women and men. On the other hand, more than a quarter (27%) of women report that they did not know where to search for legal information and advice in public sources, compared to 21% of men.

60% of women report they did not need legal information and advice from public sources.

The employer is considered to be the most helpful source of legal information and advice by 18% of women, compared to almost 24% of men. Women opt for family members and the breadwinner significantly more often than men.

Employer most helpful source of information for both women and men

MOST HELPFUL SOURCES OF INFORMATION

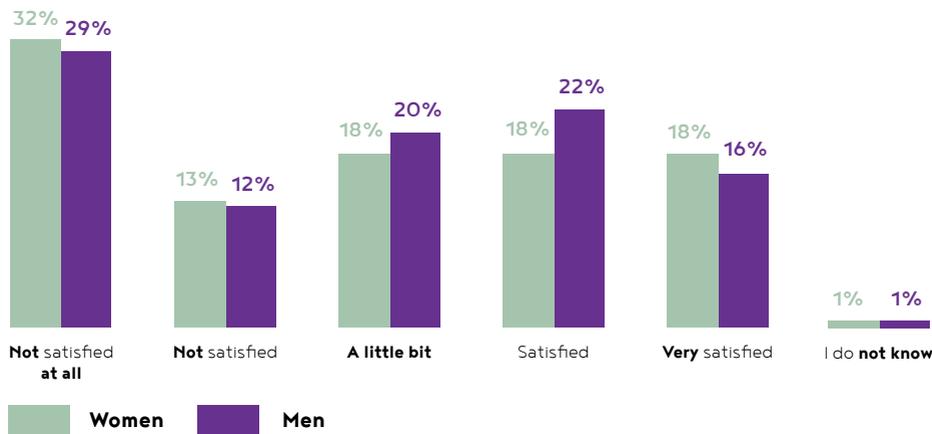


WOMEN'S JUSTICE NEEDS IN TUNISIA

9

Women and men equally dissatisfied with legal information and advice

TO WHAT EXTENT ARE YOU SATISFIED WITH THE INFORMATION AND ADVICE?



There are no significant differences between women and men in expressing satisfaction with legal information and advice.

The dissatisfaction with legal information and advice is high: almost one third is not satisfied at all.

When looking at the other side of the scale, women and men are roughly equally satisfied with the legal information and advice they received.

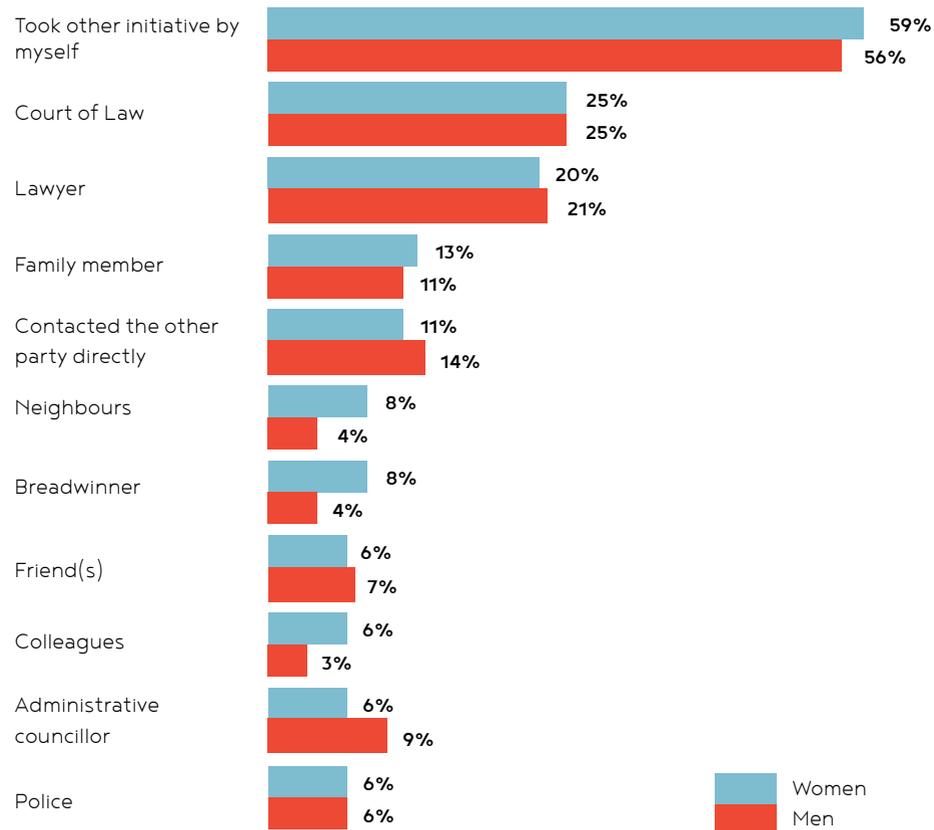


WOMEN'S JUSTICE NEEDS IN TUNISIA

9

Gender and dispute resolution strategies

DISPUTES RESOLUTION STRATEGIES BY GENDER



Tunisian women and men adopt similar strategies for resolving their legal problems. Own actions are the most prevalent adopted dispute resolution strategy, followed by filling a case to a Court of Law and engaging a lawyer.

There are differences in the individual response strategies between gender. Women are more often taking own actions to resolve the problems whereas men more often contact the other party in the dispute directly.

Men are more likely to engage a lawyer whereas women more frequently involve a family member to act as a neutral third party.

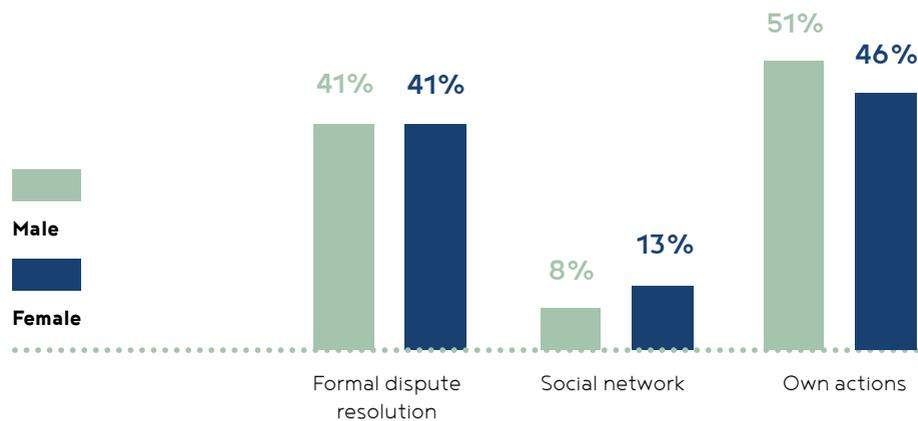


WOMEN'S JUSTICE NEEDS IN TUNISIA

9

Informal dispute resolution used more often by women than men

HOW MEN AND WOMEN USE DISPUTE RESOLUTION STRATEGIES



The people of Tunisia are very active when it comes down to strategies for resolving legal problems. More than 70% of the individuals who report experiencing a legal problem, said that they took actions to resolve it through either formal or informal means. Overall, informal dispute resolution strategies are the least popular compared with formal dispute resolution strategies and with other actions.

There is a significant difference in the informal strategies preferred by women and men: women are more likely to use their social network than men. This difference is most visible on the paths to justice for resolving legal problems like employment, social welfare and crime. It should be noted that in the area of legal problems around employment, social welfare and crime, the relationship with the other party is unequal. In such situations, women seek resolution in their social networks, whereas men rely on own actions or formal institutions for resolving legal problems. Another

interesting difference is in the field of family legal problems. In this respect, women are significantly more likely to refer the legal problem to a formal institution.

Women contact the other party through a relative more often than men (M: 6% v. F: 10%). Men contact the other party through a friend, neighbour or colleague slightly more often than women (M: 25% v. F: 20%).

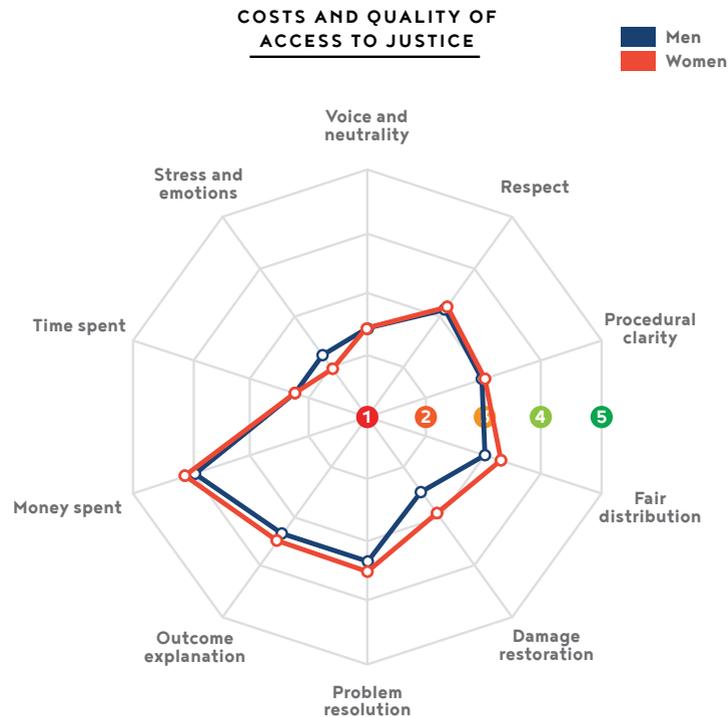
With regards to dispute resolution through informal parties, the pattern is similar as for seeking legal information and advice. Essentially, women seek dispute resolution through family members and the breadwinner more often than men.

With regards to dispute resolution through formal bodies, women consult with the mayor/municipality more often than men (M: 8% v. F: 10%); women consult with lawyers less often than men (F: 12% v. M: 15%).

WOMEN'S JUSTICE NEEDS IN TUNISIA

9

Costs and quality of access to justice: Women experience more stress and emotion than men



The quality of justice procedures – both formal and informal – are not rated very high. In fact, in some areas, they are rated worryingly low, either by women or by men.

The procedures appear to cost a lot of stress and emotions, especially for women.

Similar for both women and men, the procedures appear to also mark a lack of perception of neutrality – a key factor for any justice procedure.

For women as well as for men, the procedures are rated very low for the time they take – this is also a key factor for an effective justice procedure.

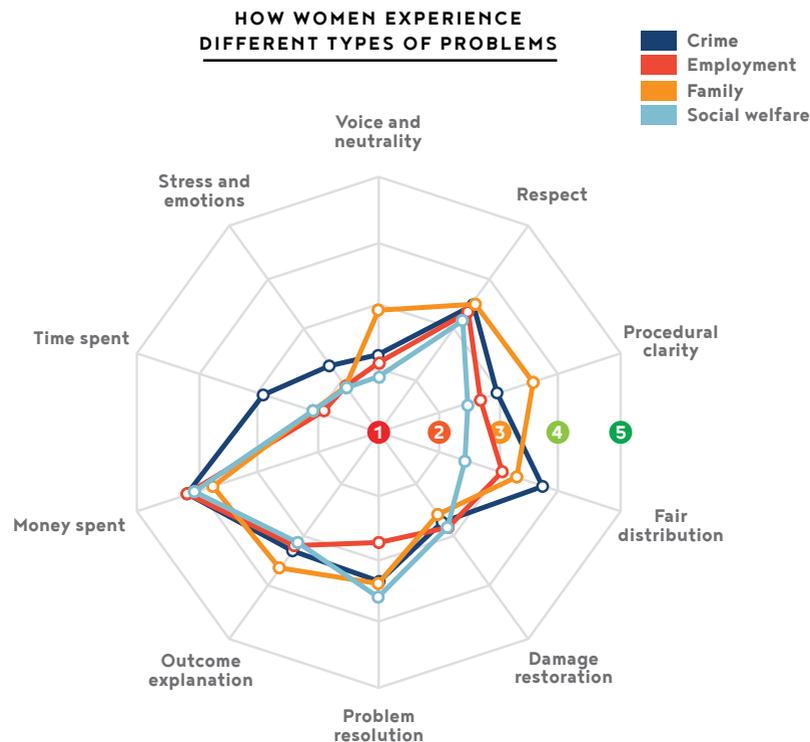
Satisfaction with the outcomes are not rated high either. However, women are slightly more satisfied with the quality of the outcomes than men, particularly in the dimensions of fair distribution and restoration of the damages. On the bright side, the assessment of the financial costs is fairly positive – they are not seen as excessively high – slightly more for women than for men.



WOMEN'S JUSTICE NEEDS IN TUNISIA

9

Costs and quality of access to justice for women across specific types of legal problems



These spider webs show women's perceptions of the procedure concerning four of the legal problems that are particularly frequent and impactful. These are critical legal problems having to do with livelihood, family and security.

slightly less bad when it comes down to procedures addressing family legal problems.

In terms of outcomes, women provided low rates especially for procedures on problem resolution addressing disputes around employment.

The perceptions of neutrality of the procedures are very low rated by women, especially related to legal problems around social welfare and employment.

Women experience a lot of stress and emotions when follow procedures to solve legal disputes around employment, family and social welfare.

Women provide very low rates for the time taken by the procedures related to legal problems around employment, family and social welfare.

Procedural clarity does not get higher rates either especially when referring to legal problems around social welfare; the rates provided by women are

WOMEN'S JUSTICE NEEDS IN TUNISIA

9

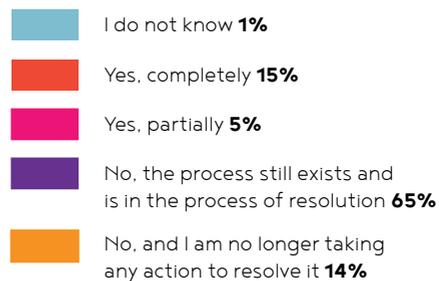
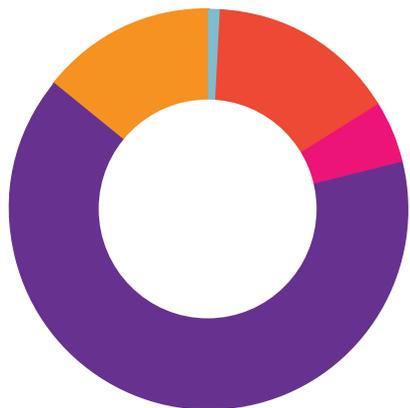
Are women capable of resolving their own problems?

Most of the women say that they did not manage to resolve their legal problem. Around two thirds (65%) report that the legal problem is still ongoing and they are trying actively to resolve it. One in six women gave up any hope to resolve the legal problem and just have abandoned it.

Tunisian women find legal problems around crime, social welfare and employment particularly difficult to resolve.

Men report very similar resolution rates. Both genders are equally unable to find closure for their justice needs.

HAS THE PROBLEM BEEN RESOLVED?





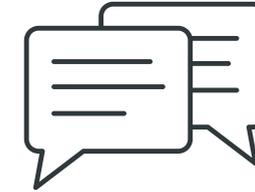
10

Disputes
experienced
by youth

DISPUTES EXPERIENCED BY THE YOUTH

10

Main findings



The most prevalent legal problems reported by young people concern employment.

Almost 40% of the population of Tunisia is younger than 25 years of age. Millions of young people, however, face growing inequalities which strongly influences their chances for finding jobs. The unemployment rate for young people has been at almost 40%, for more than two years in row. In some regions of the country, the employment situation is particularly dire. Young women experience higher unemployment rates than young men.

Surprisingly, the second most prevalent legal problem reported by young Tunisians is harassment by the police. This may indicate the existence of a complex relationship with the post-revolution law enforcement services. Being a victim of a crime constitutes the third most prevalent legal problem. A third of the young people who experienced one or more legal problems report stress-related illness as consequence of this experience. Rarely do young Tunisians seek information and advice to resolve their legal problems. Compared to other age groups, there is a visible gap in

the access to legal information. In the relatively rare occasions when young people seek for information and advice, the police is their first choice. Lawyers and public services are the next choices. Somewhat surprisingly, the Internet is not a particularly popular source of legal information and advice.

Four out of five young people do not take any action to resolve their legal problems. Only around 20% choose to do something. The most wide used reasons for not taking action are: 1) *"The problem was not serious enough"*, 2) *"I did not imagine to achieve a positive*

result" and 3) *"Did not know what to do"*.

For those that take action to resolve the legal problem, it mostly consists of self-help. Rarely do they involve informal or formal third parties. The paths to justice for young Tunisians can be significantly improved. The assessment of the processes, of the outcomes and of the costs of justice are low.



DISPUTES EXPERIENCED BY THE YOUTH

10

Prevalence of legal problems of young people

The World Bank defines youth as individuals between 15-24 years of age. For our study we only interviewed adults who are older than 18. Therefore our definition of young people comprises those who are between 18 and 24 years of age. Almost 40% of the Tunisian population is younger than 25 years. Unemployment is high among young people.

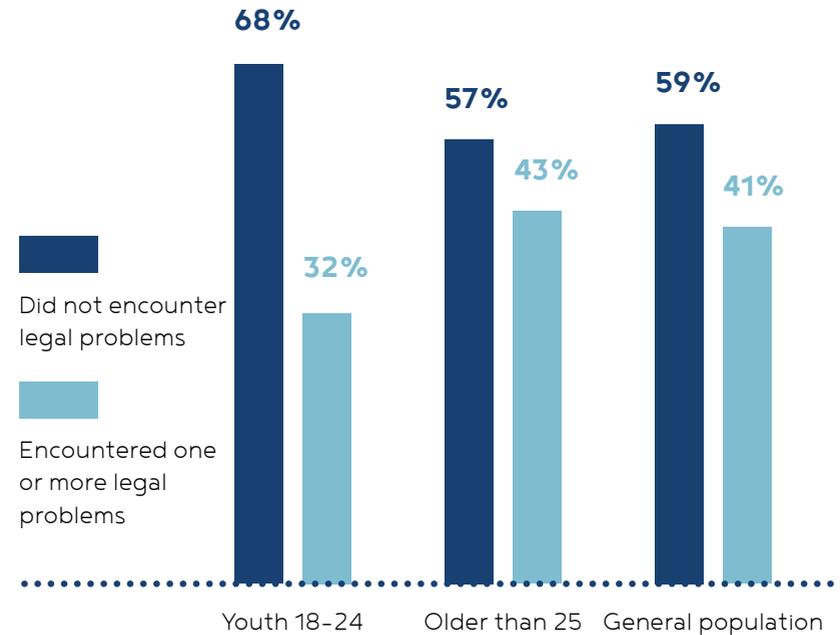
In our sample of 7.485 respondents, 16% are youth between 18 and 24 years of age. Young people report less legal problems than those from the other categories.

About one in three young Tunisians had a serious legal problem in the past four years, whereas in the overall population the proportion is 41%.

Similar to the trend in the overall population, young men encounter legal problems more often than young women (35% compared with 30%).

Young people who work report more legal problems. This probably reflects the increased likelihood of legal problems related to employment, money, consumption and other consequences of having a paid job.

EXPERIENCE WITH LEGAL PROBLEMS



DISPUTES EXPERIENCED BY THE YOUTH

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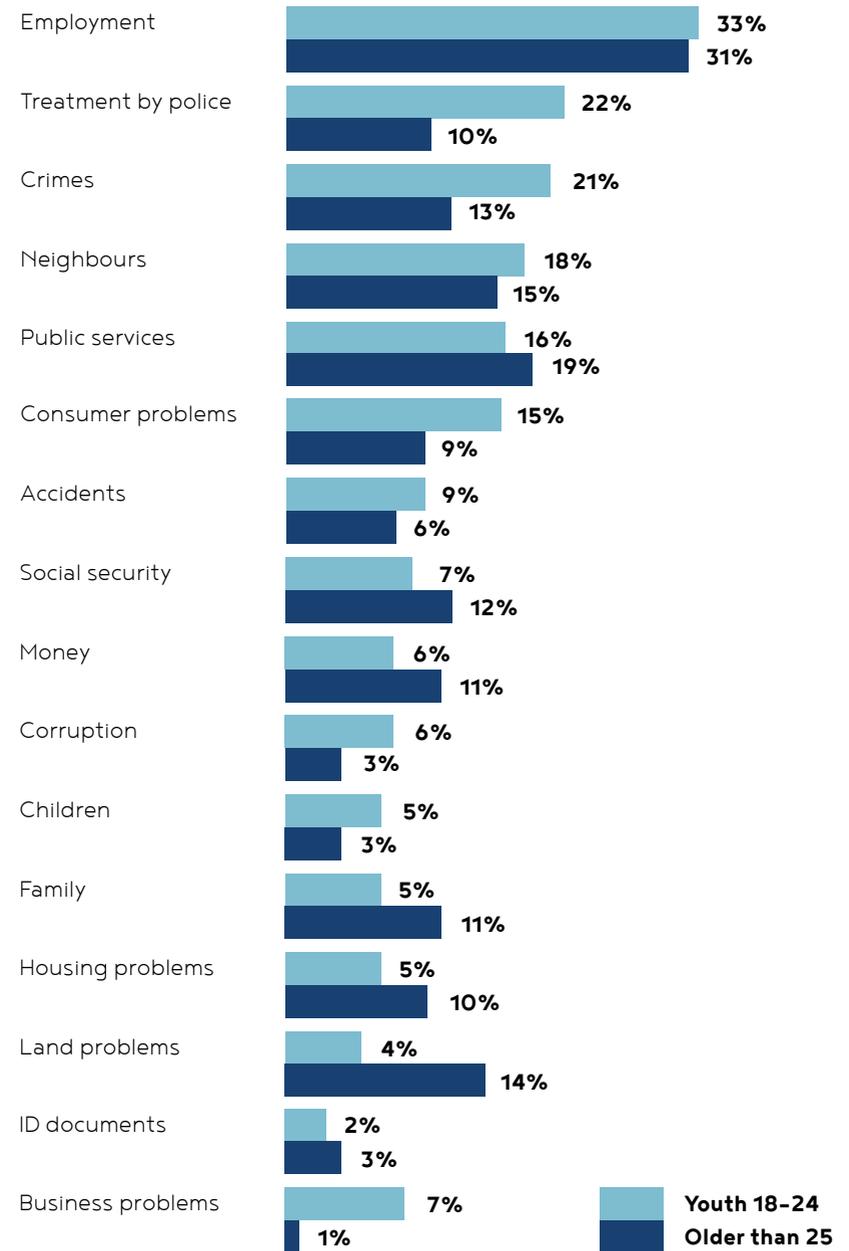
Most frequently occurring categories of legal problems of young Tunisians

One third of the youth who reported one or more legal problems had to deal with employment disputes - slightly more than the other age groups. Almost a quarter of the youth who reported a legal problem had to deal with harassment by the police. Compared with the other age groups, the youth appear to be at a particularly higher risk of unfair or unlawful treatment by police.

Young Tunisians also become victims of crimes more often and experience more frequent legal problems around consumption of goods and services and disputes with neighbours. Young people report corruption legal problems twice as much.



LEGAL PROBLEMS OF YOUNG PEOPLE



DISPUTES EXPERIENCED BY THE YOUTH

10

Most serious problems

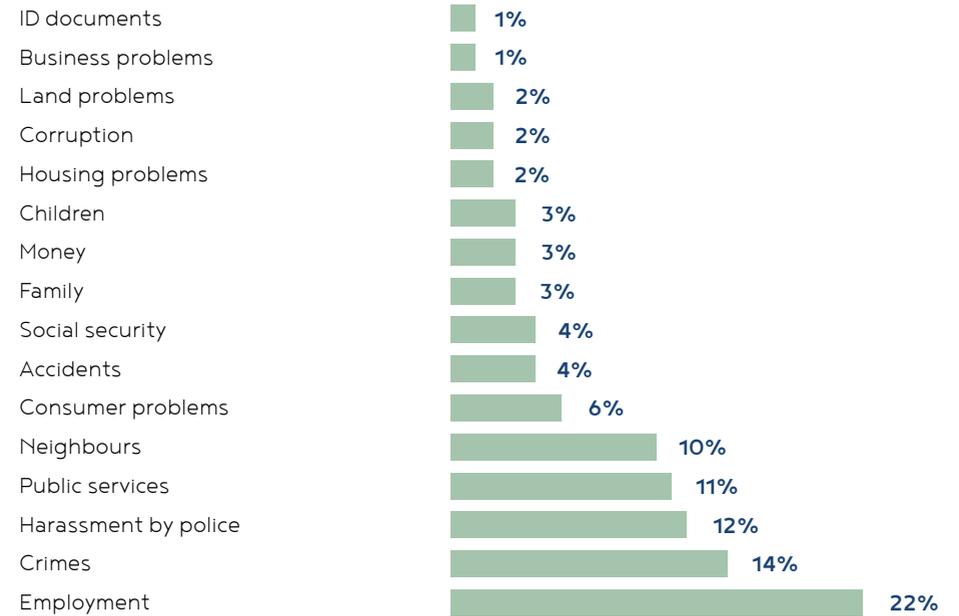
When a respondent reported more than one legal problem we asked which one was considered the most impactful. The response tells us that the most serious categories of legal problems which young people have to deal with are:

- Disputes around employment
- Crime-related disputes
- Harassment by the police

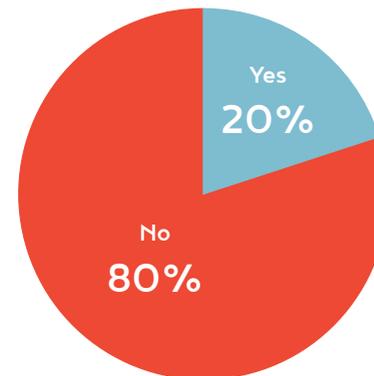
Very few of the young Tunisians take active steps to resolve the legal problem. Only one in five say that they used some form of formal or informal dispute resolution.



MOST SERIOUS LEGAL PROBLEMS OF YOUNG TUNISIANS



DID YOU TRY TO SOLVE THE PROBLEM?

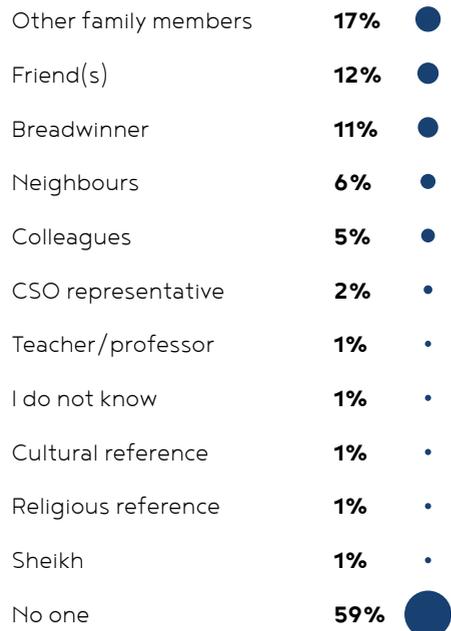


DISPUTES EXPERIENCED BY THE YOUTH

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Young people consult mostly the police for legal information and advice

INFORMATION AND ADVICE AMONG YOUTH BETWEEN 18-24

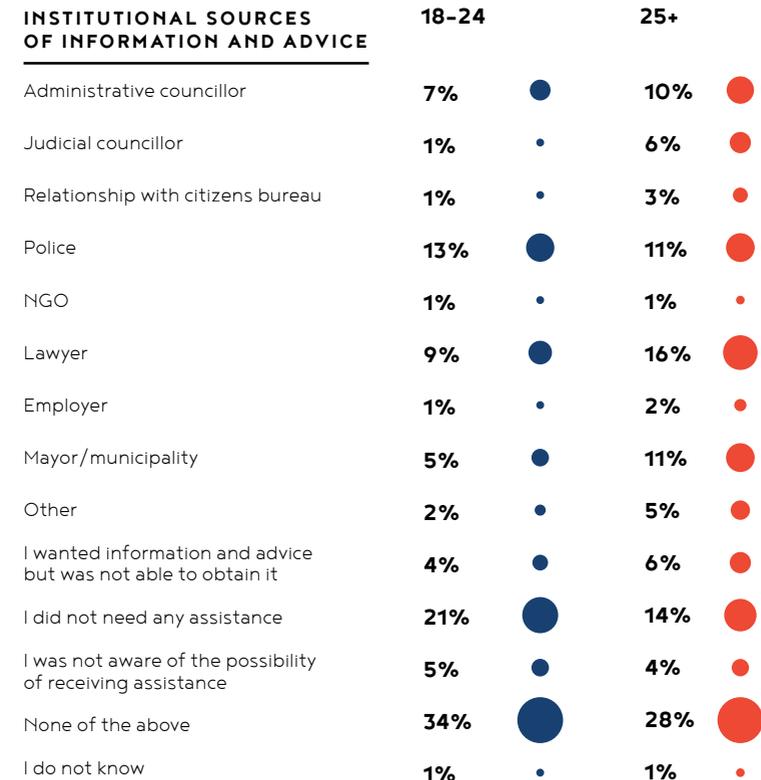


Almost 60% of the youth who reported one or more legal problems, say that they did not seek support from the people around them. Family members and friends are the most prevalent source for legal information and advice, but only a small fraction of the youth is actually referring to these sources.

If young Tunisians do not seek legal information and advice from their social networks do they do so from institutional providers of such services? The chart on the institutional sources provides a rather negative answer. Few young Tunisians in fact contact formal institutions in an attempt to resolve their legal problems. The police is the most often cited provider of legal information and advice. Indeed in about half of the cases in which young people become victims of crimes, these young people seek legal information from the police. Other sources, such as lawyers,

local authorities, NGOs and judicial councillors, are rarely used. Less than 10% of the young people who report a legal problem, say that they were informed or advised by a lawyer. On the other hand, the young people are much more likely to think that they did not need legal information and advice. The overall picture when it comes down to getting legal information and advice indicates that the majority of young people do not look for it and those who do appear to, have limited access to formal bodies.

INSTITUTIONAL SOURCES OF INFORMATION AND ADVICE



DISPUTES EXPERIENCED BY THE YOUTH

10

Public sources of legal information and advice

The internet is the most prolific source of knowledge when it comes down to resolving legal problems. 7% of the young people say that they searched on the internet to respond to the legal problem. There is an enormous potential here considering the penetration of the internet and mobile services. Also, the proclivity of young Tunisians toward using the internet and social media.

However, looking at the overall picture, the public sources of information such as the internet, radio, TV are rarely used.

Clearly the most frequent strategy is not to search for legal information in such sources. This is a concerning finding, especially after considering that an additional 20% say that they did not know where to look for legal information.

SOURCES OF LEGAL INFORMATION

| | | |
|---------------------------------|-----|---|
| Internet | 7% | ● |
| Radio | 2% | ● |
| Other | 1% | ● |
| TV | 1% | ● |
| Books | 0% | |
| Newspapers and magazines | 0% | |
| I do not know | 5% | ● |
| I did not know where to look at | 21% | ● |
| I did not need information | 65% | ● |



DISPUTES EXPERIENCED BY THE YOUTH

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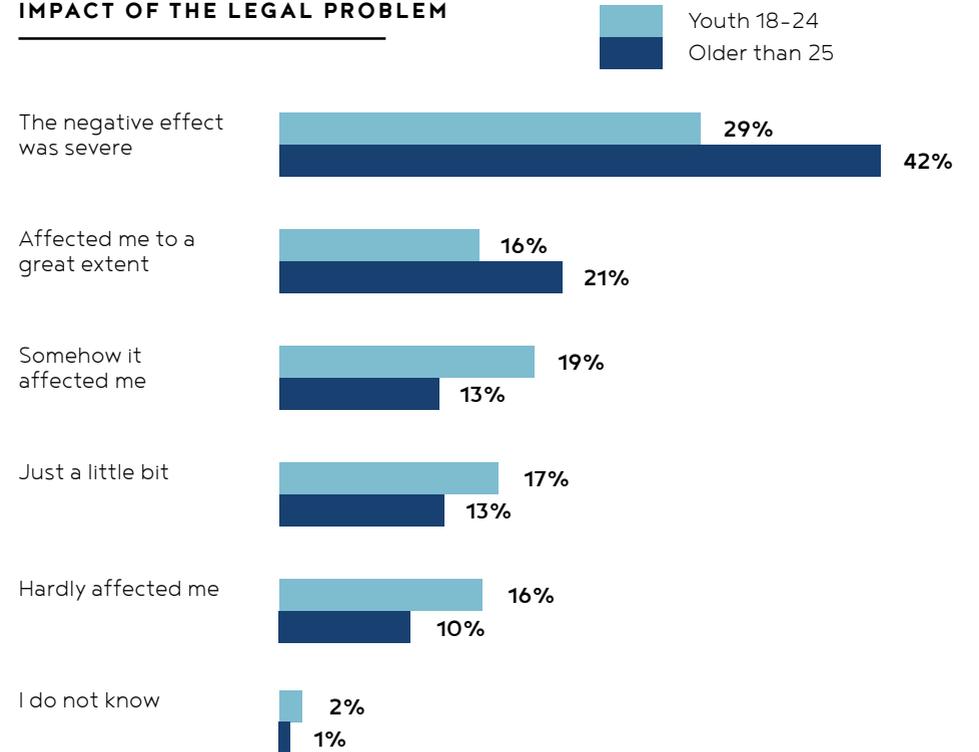
Parameters of the legal problems of young people

Young people experience the impact of the legal problems as less serious than the individuals from the older age groups. Various explanations are possible for this more optimistic outlook. First, as we already saw, the young people come across different types of legal problems. With the exception of the disputes around employment, the legal problems in which youngsters are involved are more often of transactional nature (i.e. consumer-related problems, police harassment) than about long lasting relationships or assets (i.e. land or family legal problems). At an earlier age, people in general have less assets which means a lower risk of legal problems with significant material or intangible interest. Another possible explanation might be that the young people perceive the impact of the legal problems more optimistically and have higher confidence in their abilities to successfully resolve legal problems.

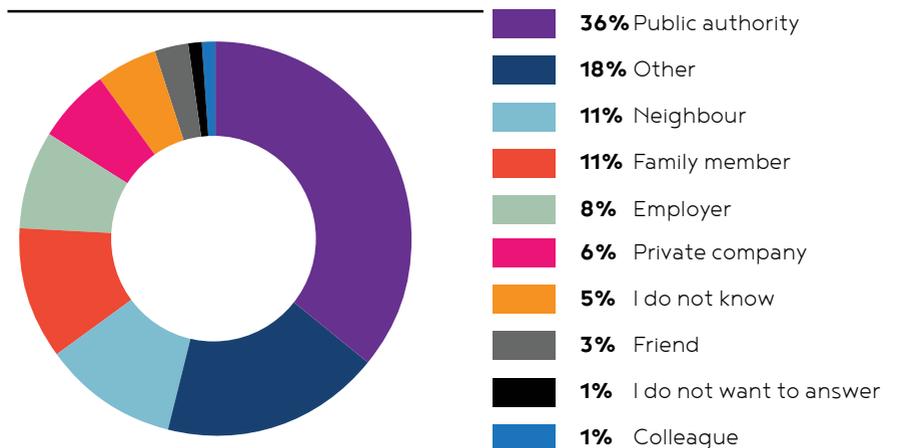
Loss of time is the most often cited consequence of experiencing a legal problem - almost half of the young respondents report this negative effect. Almost a third complains about a stress-related illness and another third had to deal with loss of income. Adding to that, one in five experienced trouble with relationships, experiencing a legal problem having quite profound effects on the young Tunisians.

The young Tunisians have disputes with public authorities most often. This finding is understandable in the context of police harassment and grievances over public services and social security. Interestingly, we see that in more than a third of the disputes around employment, the young people engage with central or local public authorities. A quarter of the housing legal problems and traffic accidents also involve some sort of a public authority. Two thirds of the land disputes are with a family member.

IMPACT OF THE LEGAL PROBLEM



WHO WERE YOU IN A DISPUTE WITH?



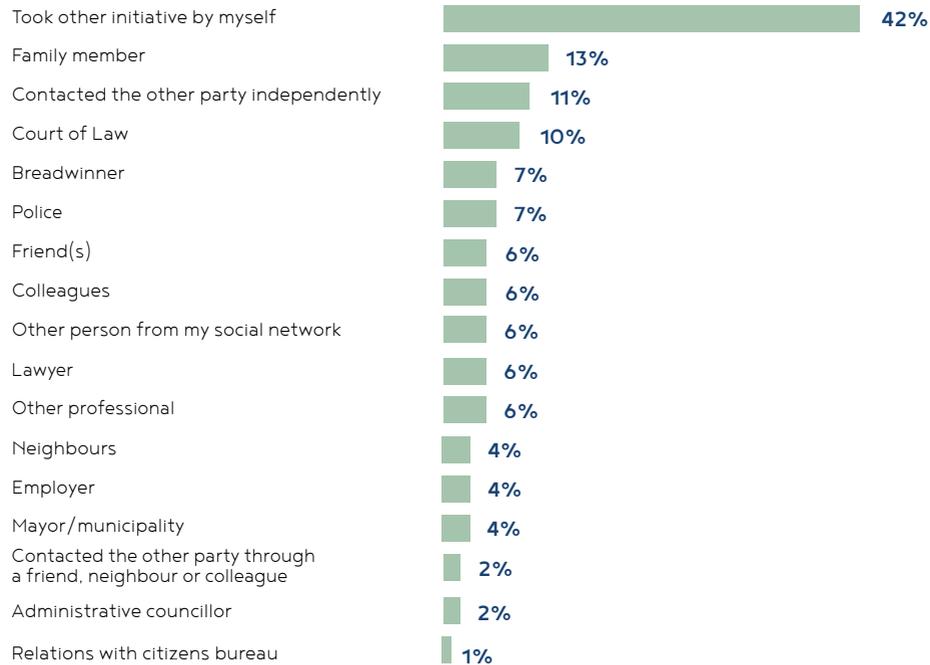
DISPUTES EXPERIENCED BY THE YOUTH

10

Which justice journeys do the young people choose?

Self-help, in particular taking some other initiative alone, is the most frequently used strategy for resolving a legal problem (42%). Courts of Law (10%), the police (7%) and lawyers (6%) are the most often used formal mechanism to reach a solution, but

they are not extremely popular. Asking help from the social network - such as family members, friends and colleagues - to resolve legal problems is also less preferred by the young Tunisians (between 13% and 6%).



Costs and quality of three modes of dispute resolution

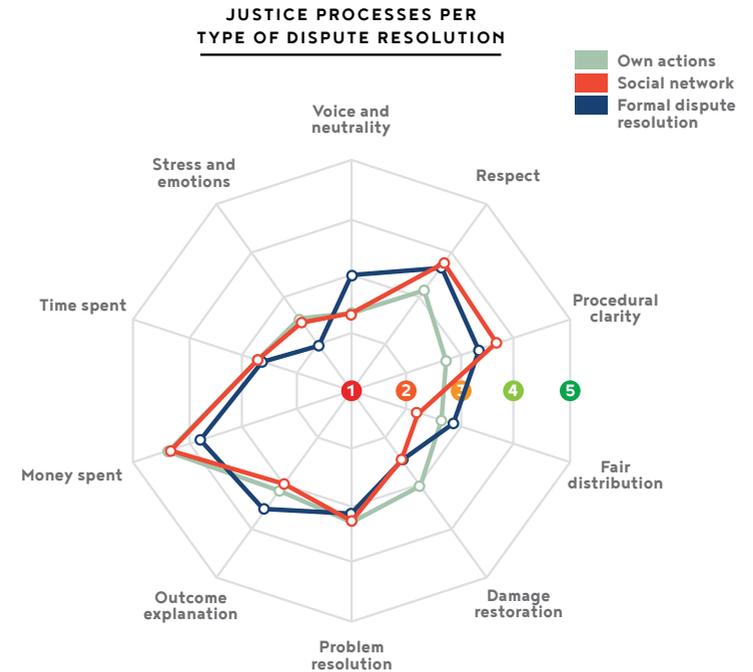
Young Tunisians who walk a path to justice notice certain differences in the costs and quality of the existing dispute resolution mechanisms.

We illustrate the differences in how young people perceive access to justice given three different dispute resolution strategies. First, young people report low scores on respect when they take own actions to solve the legal problem they experience. The same applies to how they experience procedural clarity.

Stress and emotions are particularly high for young people following a formal dispute resolution procedure.

Either taking own actions or asking the help of own social network, young people appear to be quite satisfied with the money they spend to solve their legal problem. Resolving the problem with own actions is connected to low parameters for the quality of the procedure. It is, however, connected with better restoration of the damages from the problem.

Formal processes deliver more distributive justice and score better on the explanation of the outcome.





11

Overview across
regions and
zooming in on the
North-West

Main findings

Justice needs related to employment are the most prevalent legal problems in North-West. 47% of those living in this region searched for legal information and advice from formal sources, such as, lawyers, the police and administrative councilors.

However, when it comes to dispute resolution, people in the North-West region preferred to solve the legal problem independently. About 20% approached the Court of Law. Evaluations of the justice process as a whole was low for those seeking resolution in the North-West region. Specifically, evaluations were low with regard to the stress and emotions experienced and the amount of

time spent while dealing with the legal problem. Low evaluations were made also with regard to the voice and neutrality, damage restoration, procedural clarity and respect; actually, these were amongst the lowest evaluated dimensions of the justice journey.



OVERVIEW ACROSS REGIONS AND ZOOMING IN ON THE NORTH-WESTERN REGION

11

Employment the most prevalent problem in North-West

In the North-West, 21% of the respondents reported employment-related legal problems. Legal problems related to neighbours and public services are the second and third most prevalent legal problems, respectively.

Referring to employment-related legal problems only, these appear to be the most prevalent legal problems in six out of all 7 regions of Tunisia (between 25% and 14%). They are the highest in the South-West and lowest in the South-East.

According to the European Center for Development Policy Management (ECDPM)*, the North-West, Central-West and South-West were the poorest Tunisian regions in 2015. They were housing “almost 70%” of the extremely poor in the country. Unemployment remained especially high in the rural areas of interior Tunisia.

| Problem type | Great Tunis | North East | North West | Center East | Center West | South East | South West |
|-------------------------|-------------|------------|------------|-------------|-------------|------------|------------|
| Land problems | 8% | 8% | 9% | 7% | 11% | 15% | 7% |
| Housing problems | 5% | 3% | 4% | 6% | 9% | 5% | 6% |
| Neighbours | 9% | 8% | 14% | 8% | 7% | 5% | 4% |
| Employment | 17% | 18% | 21% | 20% | 21% | 14% | 25% |
| Family | 6% | 6% | 5% | 6% | 6% | 10% | 6% |
| Children | 1% | 2% | 2% | 2% | 2% | 1% | 2% |
| Social welfare | 6% | 6% | 8% | 7% | 17% | 9% | 13% |
| Public services | 8% | 19% | 13% | 13% | 7% | 14% | 9% |
| Crimes | 12% | 8% | 7% | 12% | 7% | 7% | 7% |
| Consumer problems | 4% | 5% | 4% | 2% | 1% | 3% | 4% |
| Accidents | 5% | 6% | 3% | 4% | 2% | 1% | 3% |
| Money | 6% | 4% | 4% | 6% | 3% | 3% | 6% |
| ID documents | 2% | 1% | 1% | 1% | 1% | 3% | 0% |
| Business problems | 1% | 1% | 1% | 0% | 1% | 1% | 0% |
| Police-related problems | 10% | 5% | 3% | 4% | 4% | 4% | 6% |
| Corruption | 1% | 1% | 1% | 2% | 2% | 3% | 2% |

* European Centre for Development Policy Management (ECDPM). (2016). *Tackling Regional Inequalities in Tunisia*: www.ecdpm.org/wp-content/uploads/BN-84-Tackling-regional-inequalities-Tunisia-ECDPM-2016.pdf

OVERVIEW ACROSS REGIONS AND ZOOMING IN ON THE NORTH-WESTERN REGION

11

Neighbors and Public Services: Zooming into the most serious legal problems in North-West

When focusing on justice legal problems related to neighbours in the North-West, almost 31% of the respondents reported harms to neighbours and

the violation of the rights of the neighbourhood. This is followed by threats, violence and harassment (24%) and making noise (20%).

| Serious problems | Great Tunis | North East | North West | Center East | Center West | South East | South West |
|---|-------------|------------|------------|-------------|-------------|------------|------------|
| Construction permits | 4% | 6% | 3% | 3% | - | 8% | 10% |
| I did not get administrative papers within the legal deadlines | 36% | 5% | 19% | 13% | 29% | 20% | 15% |
| Tax | 6% | 2% | - | 4% | - | 2% | - |
| They are always asking for bribes in order for me to obtain the needed services | 17% | 4% | 5% | 3% | 4% | 9% | 10% |
| Other public service problems | 36% | 83% | 72% | 77% | 67% | 60% | 65% |

Other public service legal problems constitute the biggest category for public services-related legal problems in North-West, as well as in all other regions.

| Serious problems | Great Tunis | North East | North West | Center East | Center West | South East | South West |
|---|-------------|------------|------------|-------------|-------------|------------|------------|
| Making noise | 32% | 18% | 20% | 16% | 9% | 17% | - |
| Threats, violence, worries and harassment | 13% | 25% | 24% | 2% | 9% | 27% | 15% |
| Disputes over water allocated for irrigation | - | - | - | 5% | 5% | - | 5% |
| Neighbourhood properties damage | 2% | 5% | 10% | 5% | 27% | 17% | 15% |
| Children are making noise in the neighbourhood | 9% | 7% | 5% | 9% | 5% | 5% | - |
| Harms of neighbours and rights of neighbourhood | 23% | 20% | 31% | 27% | 41% | - | 20% |
| Chaotic building | 14% | 5% | 4% | 14% | - | 5% | - |
| Other problems with neighbours | 7% | 20% | 6% | 23% | 5% | 29% | 45% |

Rahma's Story

Rahma is 29 years old and lives in the city. She has a university degree and currently is unemployed. She studied hotel management for three years and has been unemployed since then. For four years, she has been bothered by the noise made by her neighbour. Especially when he got drunk, the noise got intense, even late at night. Her family did not feel comfortable at home anymore. They decided to even change the interior of the house - moving the living room to a different location within the house, further away from the neighbour's shared wall. Rahma did not speak to the neighbour directly, but her brother spoke to the neighbours' brother: they are good friends. Rahma said the neighbour's family is a good family and she understands they might have been under stress. The neighbour was unemployed and starting drinking as a result. Rahma believes one should always resort to amicable solutions. As Rahma's own words illustrate: "If it is really bad they might go to the police or a court, but if they can talk to their brother or dad it would be better. I mean, as long as it is not very serious, and there is no violence, it should be solved amicably."



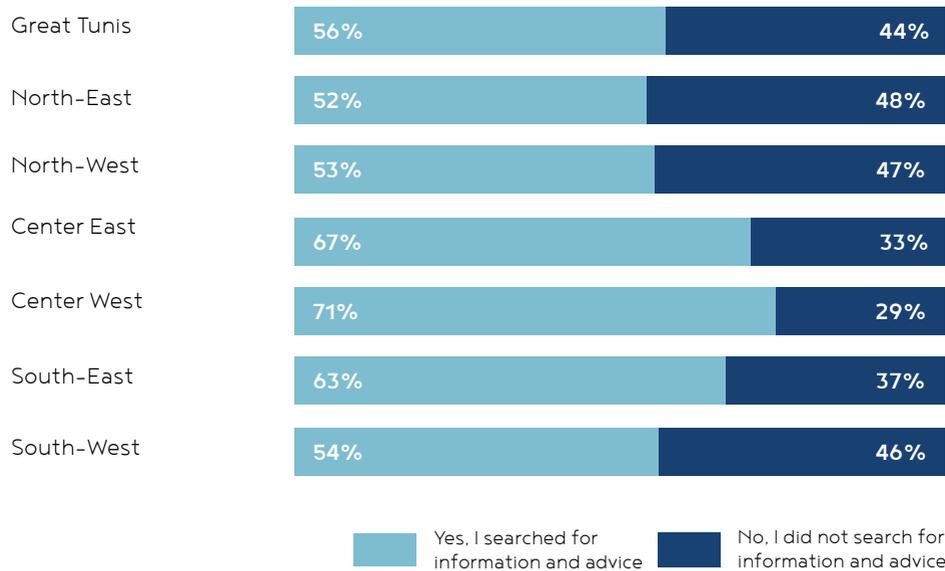
OVERVIEW ACROSS REGIONS AND ZOOMING IN ON THE NORTH-WESTERN REGION

11

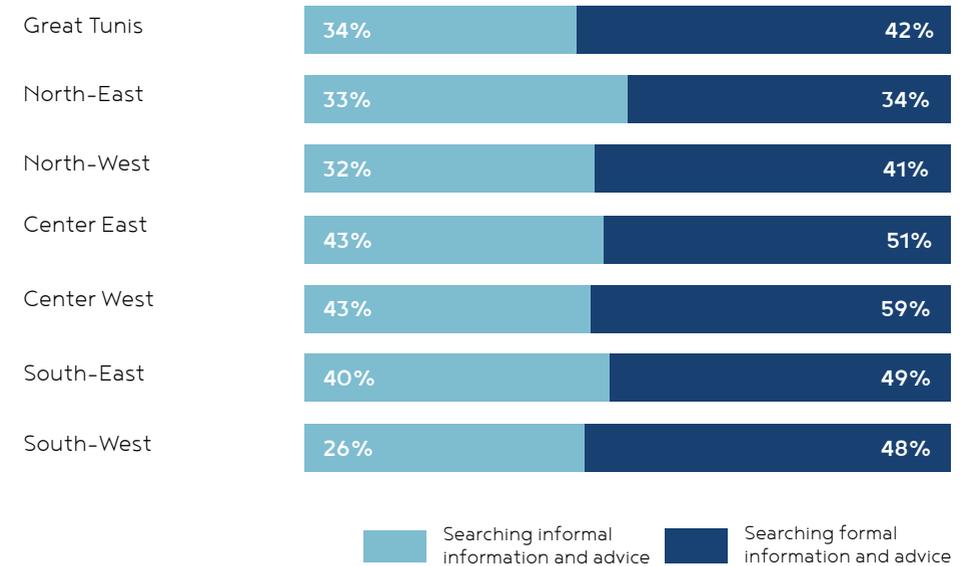
Similar with most of the regions, in the North-West, about 53% of the respondents sought information and advice. People in Center West (71%) and Center East (67%) and South-East (63%) are most active in seeking legal information and advice.

In the North-West as in all the other regions, people mostly seek legal information and advice through formal sources, rather than informal sources.

SEARCHING LEGAL INFORMATION AND ADVICE



SEARCHING LEGAL INFORMATION AND ADVICE: INFORMAL V. FORMAL

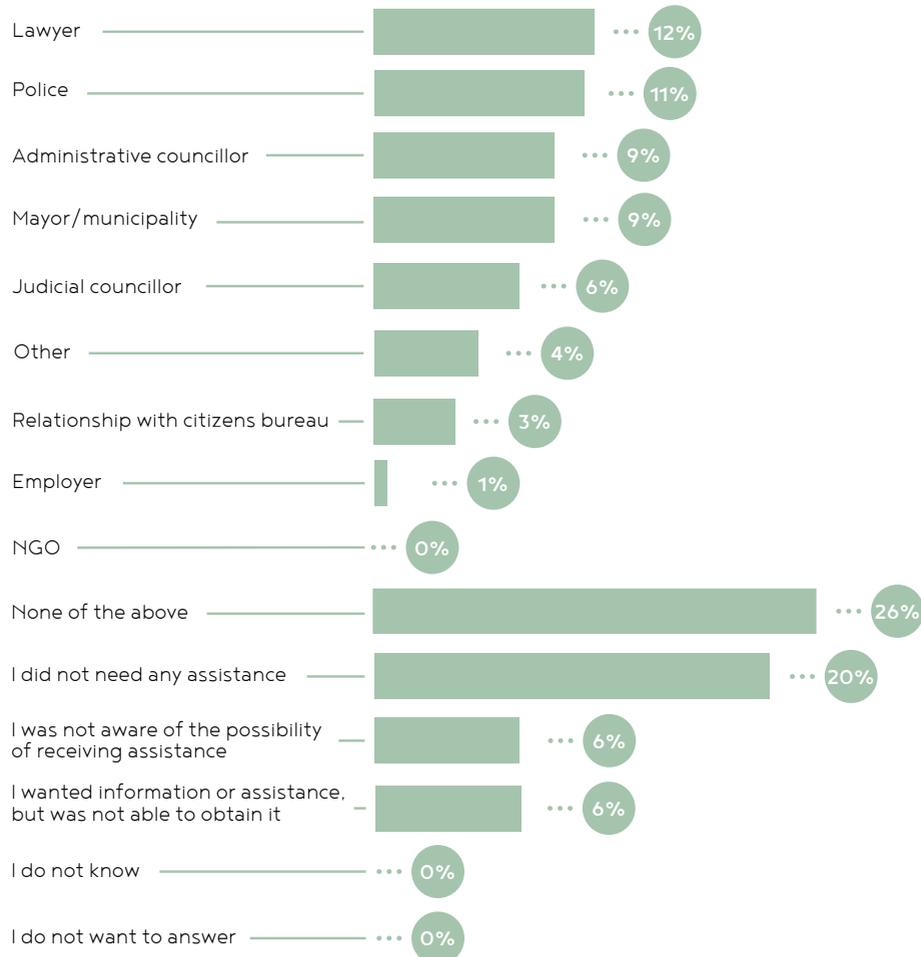


OVERVIEW ACROSS REGIONS AND ZOOMING IN ON THE NORTH-WESTERN REGION

11

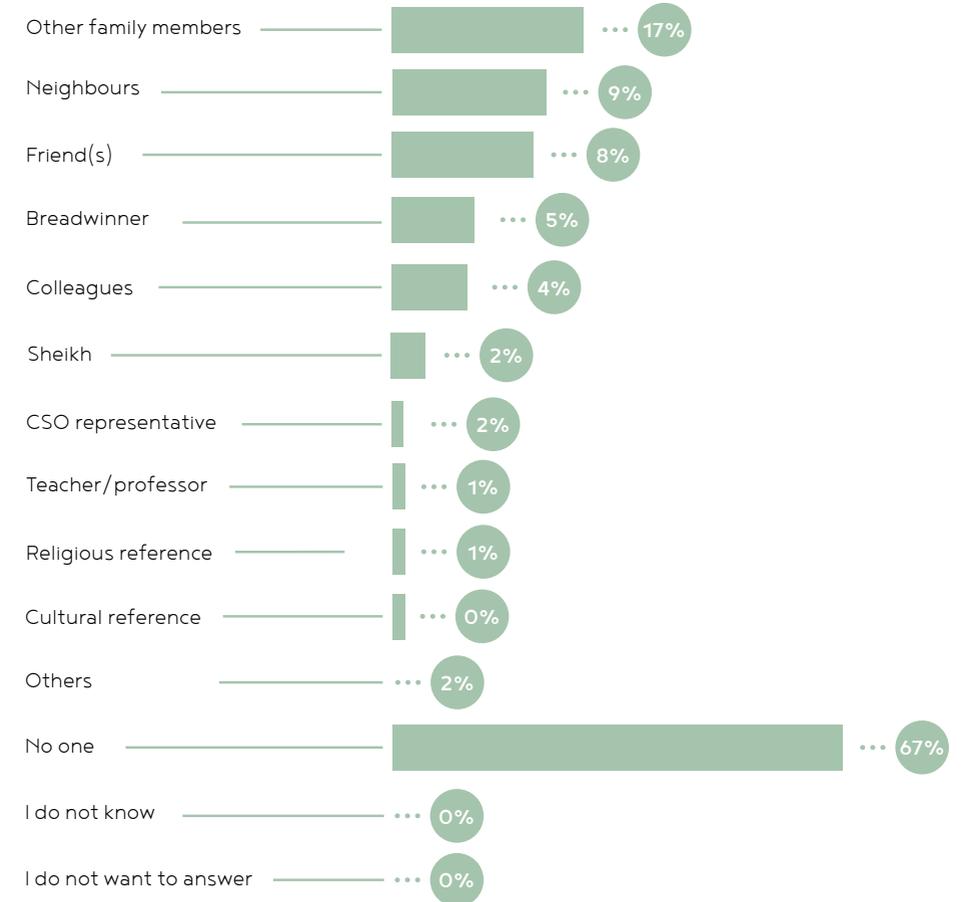
North-West: Formal & Informal sources of legal information and advice

FORMAL SOURCES OF INFORMATION AND ADVICE



When seeking for legal information and advice using formal sources, we see that people in the North-West region primarily consult lawyers (12%), the police (11%) and the administrative councillor (9%). A rather high percentage of people (20%) report not needing any assistance. 26% did not approach any formal source.

When seeking for legal information and advice using informal sources, we see that people in the North-West region primarily consult other family members (17%), but also neighbours (9%) and friends (8%). 67% reported not approaching any informal source.



OVERVIEW ACROSS REGIONS AND ZOOMING IN ON THE NORTH-WESTERN REGION

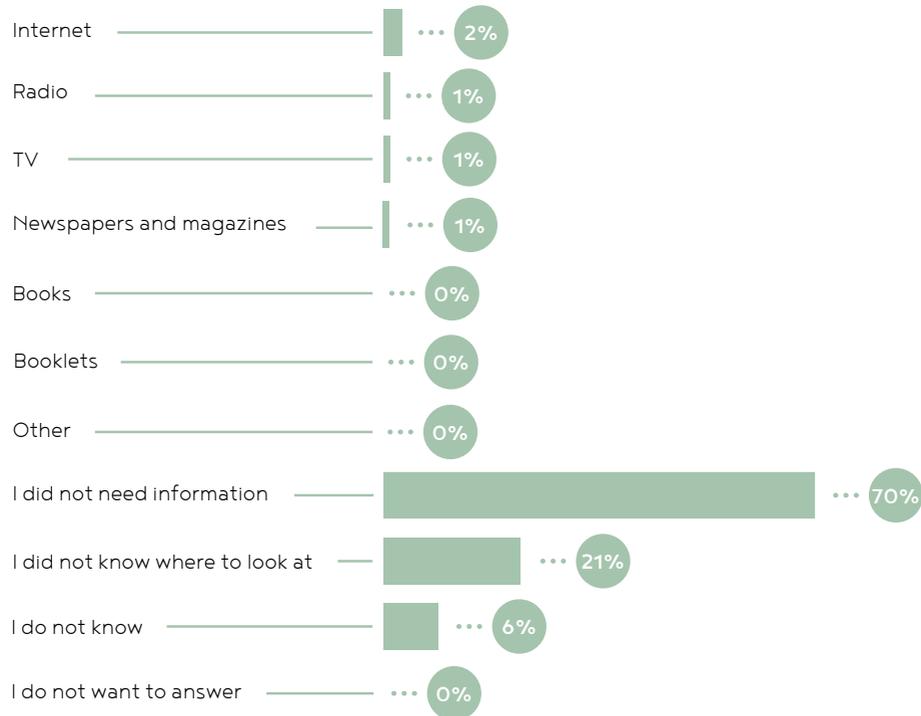
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North-West: Public sources of information

Public sources of information are hardly used to seek legal information and advice.

The internet is the most important sources of public information in North-West (2%). It is also one of the most important sources of public information in all the other regions; most accessed source in South-West (7%). As across all the other regions, in North-West, most people (70%) reported that they did not need any information when they were asked if they use public sources to seek for legal information and advice.

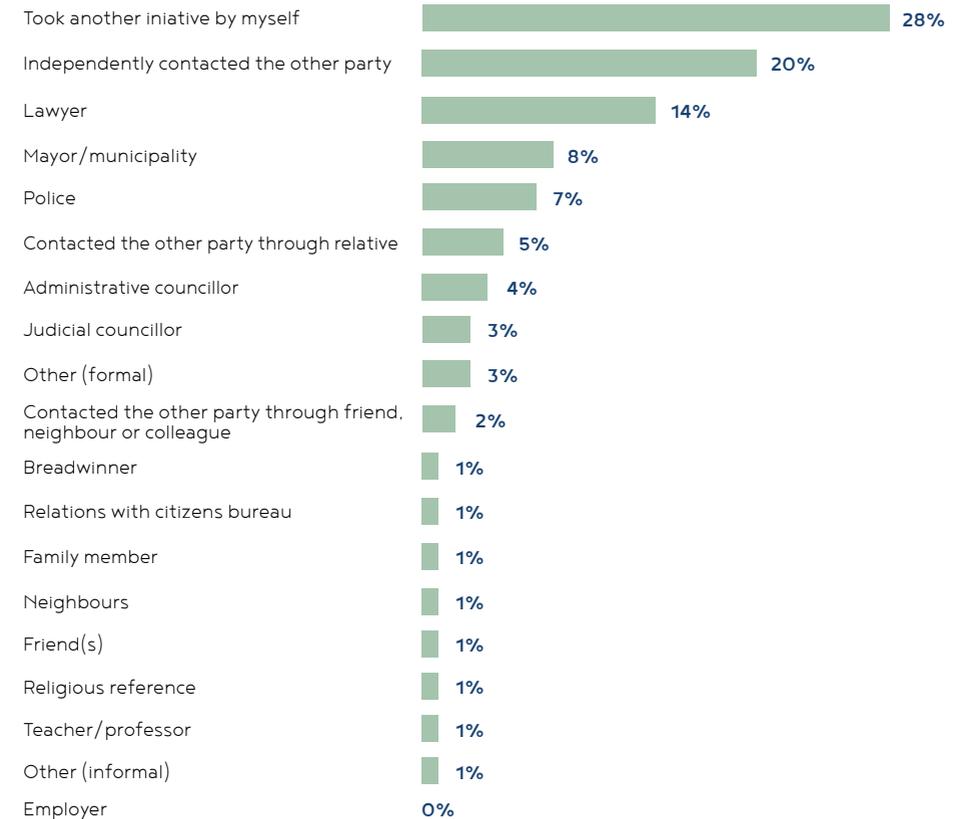
PUBLIC SOURCES OF INFORMATION AND ADVICE



The most helpful informal resolution strategies for those living in the North-West include taking other initiative independently (28%) or contacting the other party alone (20%). When we consider formal dispute resolution mechanisms - consulting a lawyer (14%), but also the mayor/

municipality (8%) or the police (7%) are considered most helpful. Similar trends are noticeable elsewhere. In the Center West, South-East and South-West regions, contacting the other party independently is found as the most helpful dispute resolution process followed by consulting lawyers.

MULTIPLE DISPUTE RESOLUTION STRATEGIES



OVERVIEW ACROSS REGIONS AND ZOOMING IN ON THE NORTH-WESTERN REGION

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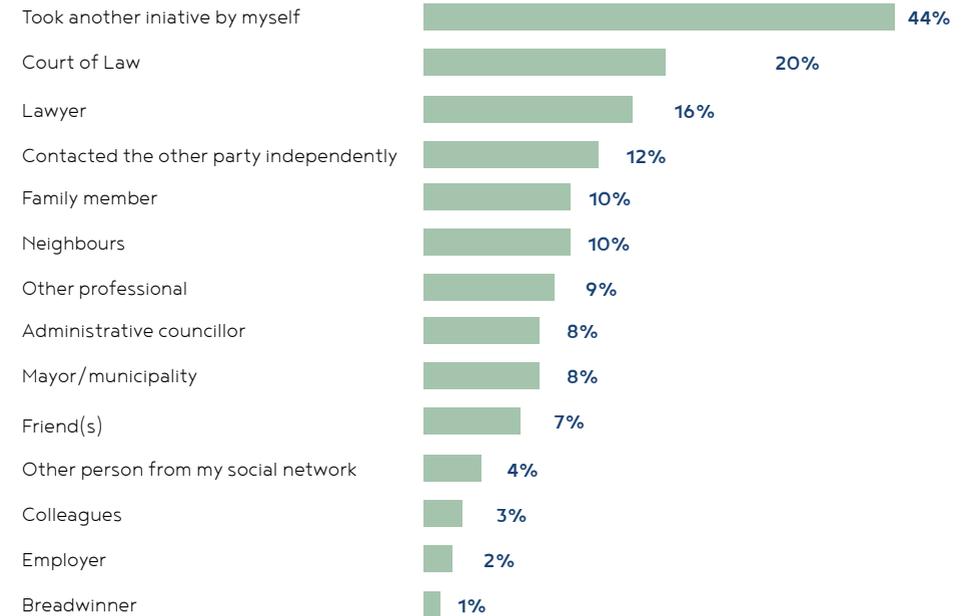
North-West and dispute resolution



A majority of people in the North West resort to self-help when they encounter a justice problem. 44% took some initiative independently and 12% contacted the other party independently.

Thereafter, people approach formal institutions such as courts (20%) and lawyers (16%).

The social network is not very popular. 10% approached family members and neighbours.



OVERVIEW ACROSS REGIONS AND ZOOMING IN ON THE NORTH-WESTERN REGION

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North-West: costs and quality of access to justice

Those who went through a dispute resolution process in the North-West experienced high levels of stress (1.82 on a scale from one to five) and they spent a lot of time trying to resolve their problem (2.09 on a scale from one to five). They were also not happy with the damage restoration and respect they received. Furthermore, procedures were not clear and they did not feel they were heard.

Although the North-West scores low in their evaluation, in a comparative perspective, the evaluations are even much lower for the justice system in the Center-West region.

| Serious problems | Great Tunis | North East | North West | Center East | Center West | South East | South West |
|----------------------|-------------|------------|-------------|-------------|-------------|------------|------------|
| Voice and neutrality | 2,42 | 2,69 | 2,28 | 2,43 | 1,94 | 2,77 | 2,43 |
| Respect | 3,23 | 3,57 | 3,22 | 3,49 | 2,95 | 3,70 | 3,37 |
| Procedural clarity | 2,92 | 3,23 | 2,74 | 3,04 | 2,55 | 3,35 | 2,88 |
| Fair distribution | 2,86 | 3,18 | 3,04 | 3,47 | 2,81 | 3,05 | 3,78 |
| Damage restoration | 2,67 | 2,74 | 2,64 | 2,90 | 2,48 | 2,65 | 3,04 |
| Problem resolution | 3,23 | 3,52 | 3,44 | 3,14 | 3,30 | 3,37 | 3,58 |
| Outcome explanation | 3,18 | 3,38 | 3,43 | 3,28 | 3,26 | 3,42 | 3,61 |
| Money spent | 3,96 | 4,05 | 4,10 | 4,16 | 3,70 | 4,07 | 4,23 |
| Time spent | 2,48 | 2,30 | 2,09 | 2,15 | 2,10 | 2,32 | 2,12 |
| Stress and emotions | 2,14 | 2,18 | 1,82 | 2,29 | 1,90 | 2,20 | 2,15 |

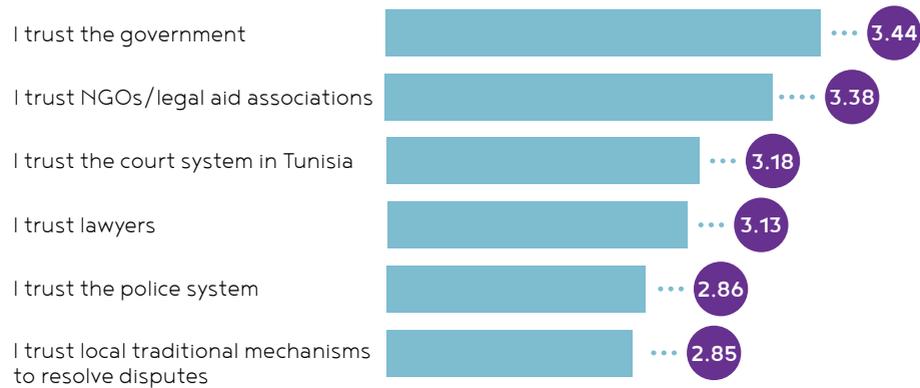
OVERVIEW ACROSS REGIONS AND ZOOMING IN ON THE NORTH-WESTERN REGION

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Trust in judicial institutions in the South-West

People in the North-West region trust the government (3.71 on a scale from one to five). The NGOs/legal aid associations are ranked second (3.34 on a scale from one to five) while the local traditional mechanisms to resolve disputes are trusted the least (2.49 on a scale from one to five).

TRUST IN JUDICIAL INSTITUTIONS: NORTH-WEST REGION





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Trust and legal
empowerment

TRUST AND LEGAL EMPOWERMENT

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Main findings

Tunisian people place the highest trust on the government.

The higher the level of education, the higher the trust in the judicial institutions in Tunisia.

On average, the judicial institutions in Tunisia are trusted more in the urban areas than in the rural areas.

Taking the perspective of a hypothetical situation presenting an experience with a legal problem, increases the overall trust people place in solving legal problems. However, the more severe the problem, the less optimism to solve it.



TRUST AND LEGAL EMPOWERMENT

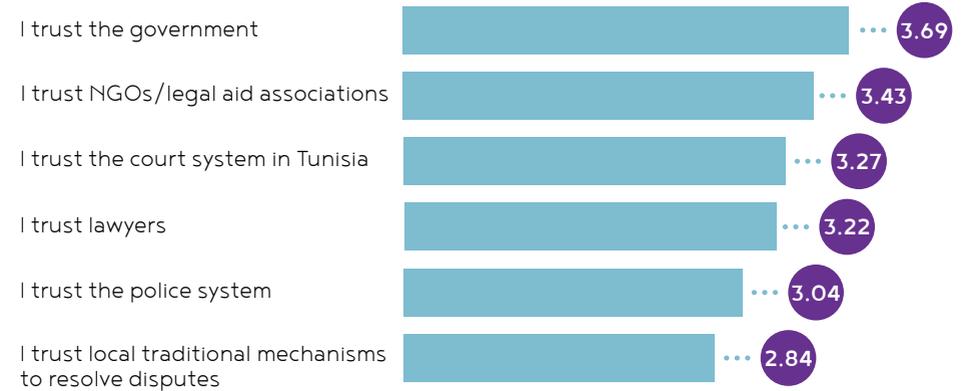
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Overall trust in judicial institutions

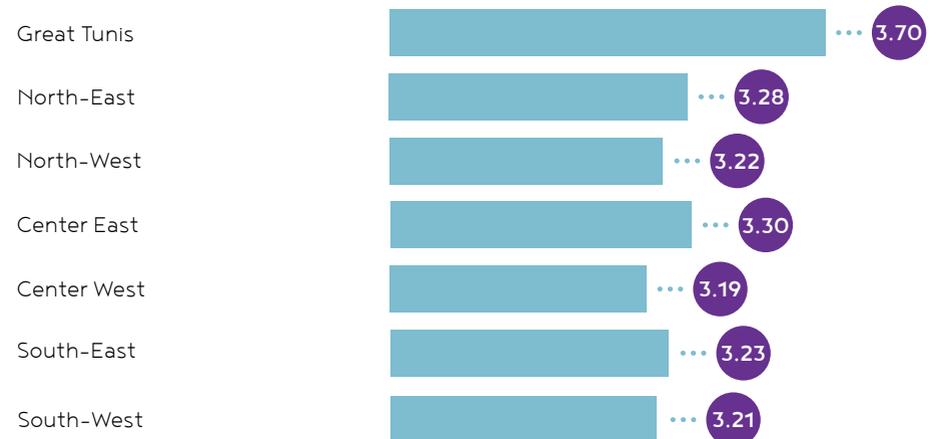
The answers we received from the people in Tunisia draw a clear picture on the trust citizens and residents have in various judicial institutions, provided that they have experienced at least one legal problem. The government enjoys the highest level of trust - 3.69 on a scale from one to five. NGOs/ legal aid associations rank second. The court system in Tunisia and lawyers rank third. The police system and the local traditional mechanisms to resolve disputes, respectively, are the least trusted institutions in Tunisia. Trust in the police seems slightly improved, since three years ago* the police was ranked as the most corrupt institution in Tunisia. More than two third of the surveyed household perceived the police to be corrupt, while one out of 10 reported having resorted to bribery to avoid legal problems.

The Great Tunis region enjoys the greatest level of trust in the judicial institutions (3.70 on a scale from one to five). Trust in the judicial institutions in the other regions range between 3.19 and 3.30.

OVERALL TRUST IN JUDICIAL INSTITUTIONS



OVERALL TRUST IN JUDICIAL INSTITUTIONS: PER REGION



* AB Survey 2013

TRUST AND LEGAL EMPOWERMENT

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Overall trust by gender and level of education

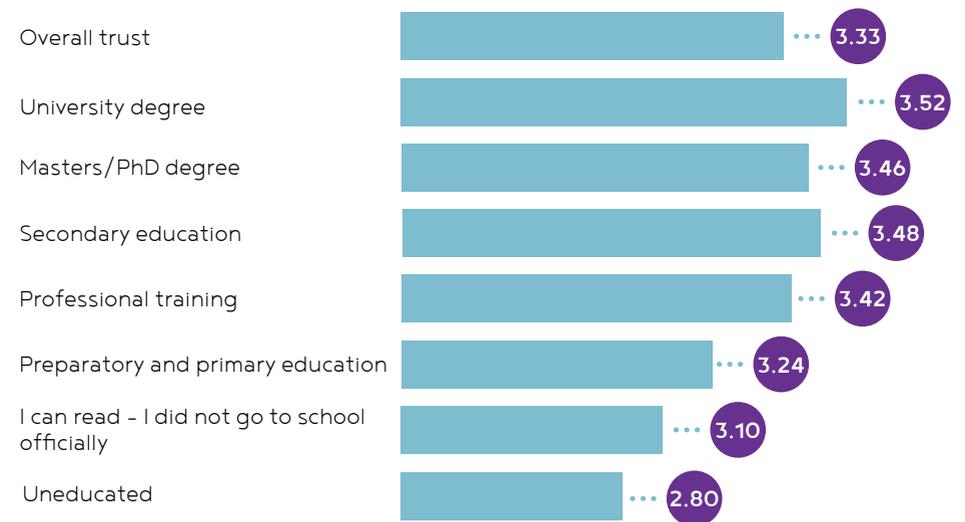
Judicial institutions enjoy an overall trust of 3.33 on a scale from one to five. Men (3.43) trust judicial institutions more than women (3.20). In general, there is a positive relationship between the level of education and trust in judicial institutions. Particularly, the higher the level of education, the higher

the trust in the judicial institutions in Tunisia. While uneducated people in Tunisia express a level of trust of 2.80 (on a scale from one to five), people in Tunisia with a university degree express a level of trust in the judicial institutions of 3.52 (on a similar scale). On average, the judicial institutions in Tunisia are trusted more in the urban areas (3.41 on a scale from one to five) than in the rural areas (3.17 on a scale from one to five).

TRUST LEVELS



LEVELS OF TRUST BY EDUCATION



TRUST AND LEGAL EMPOWERMENT

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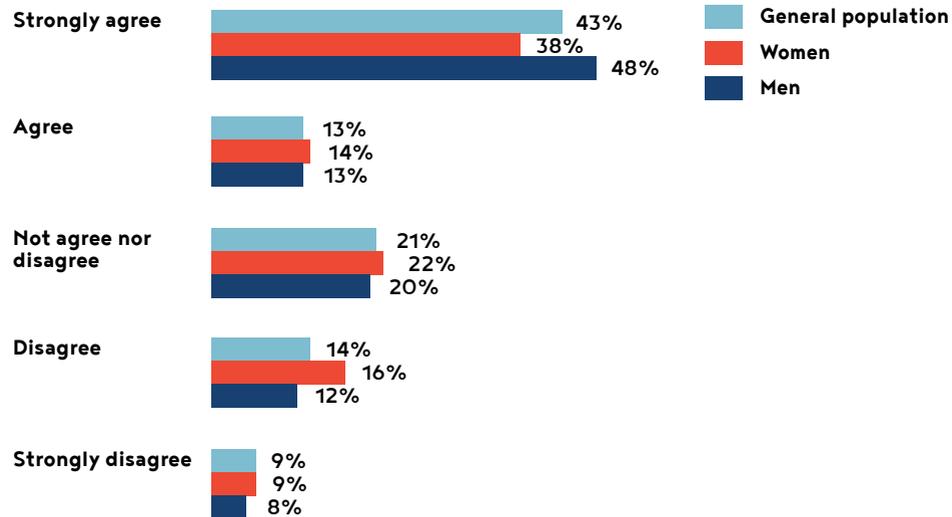
I trust the government

A little over half of the Tunisians who encountered at least one legal problem in the past four years expressed trust in the government (56%). To varying degrees, 44% of Tunisians who encountered at least a legal problem in the past four years did not express trust in the government. In terms of gender, men who express strong agreement with this opinion trust the government more (48%) than women (38%) do.

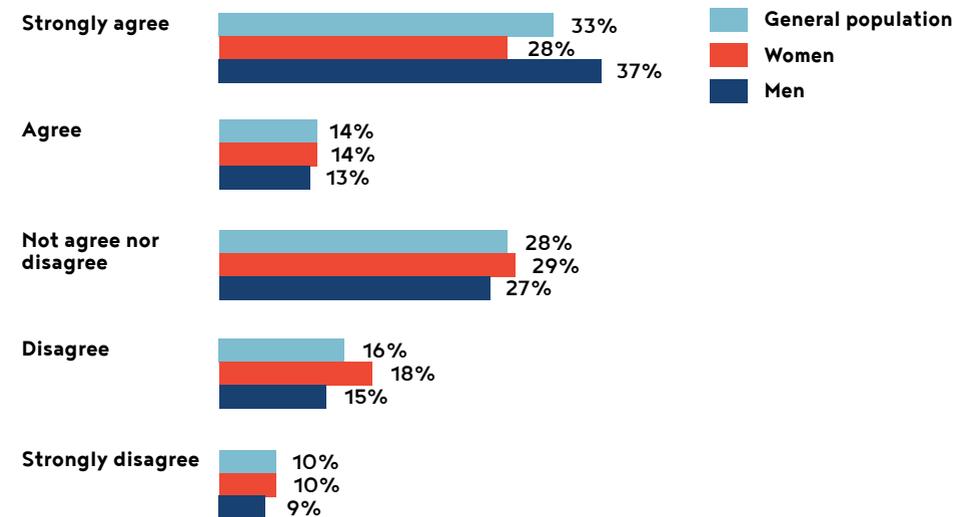
I trust NGOs and legal aid associations

There appears to be a general level of trust in NGOs/legal aid associations.

I TRUST THE GOVERNMENT



I TRUST NGOS/LEGAL AID ASSOCIATIONS



TRUST AND LEGAL EMPOWERMENT

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Trust in judicial institutions

Trust in judicial institutions and experiencing v. not experiencing legal problems

Overall, people in Tunisia who express a strong agreement toward their trust in the judicial institutions differ depending on whether they experienced a legal problem or not. Particularly, our data shows that Tunisian people who did

experience at least one legal problem (24%), trust the police twice as more than those who experienced any legal problem (13%). Even though we found that only 1% approached the police to seek for legal information and advice, it may be the case that they were satisfied and managed to solve the legal problem.

STRONGLY AGREE WITH TRUSTING JUDICIAL INSTITUTIONS

| | Experienced at least one legal problem | Experienced no legal problem |
|--|--|------------------------------|
| I trust the government | 43% | 36% |
| I trust NGOs/legal aid associations | 33% | 32% |
| I trust lawyers | 24% | 21% |
| I trust the police system | 24% | 13% |
| I trust the local traditional mechanisms to resolve disputes | 24% | 21% |
| I trust the court system in Tunisia | 28% | 22% |

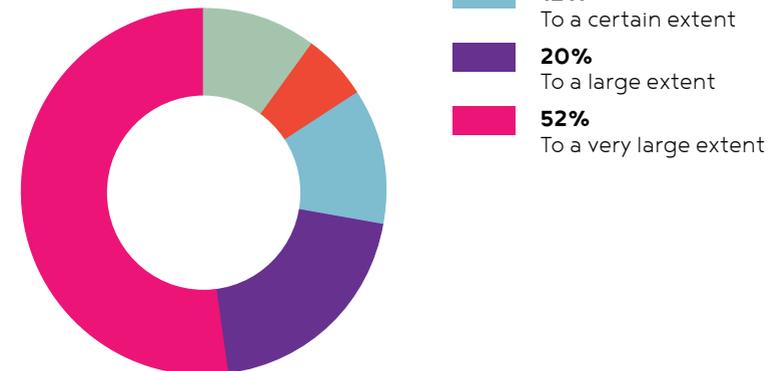
Perceptions on the court system

Court system generally protects the interests of the rich and powerful more than those of ordinary people

Our data shows that 52% of the respondents consider that the court system does not protect the interests of ordinary people. 10% consider that the court system protects the interests of ordinary people to a very small extent.

On average, respondents in the rural areas agree more with this statement (4.13 on a scale from one to five) than those in the urban areas (3.90 on a scale from one to five).

COURTS GENERALLY PROTECT INTERESTS OF THE RICH AND POWERFUL MORE THAN ORDINARY PEOPLE



TRUST AND LEGAL EMPOWERMENT

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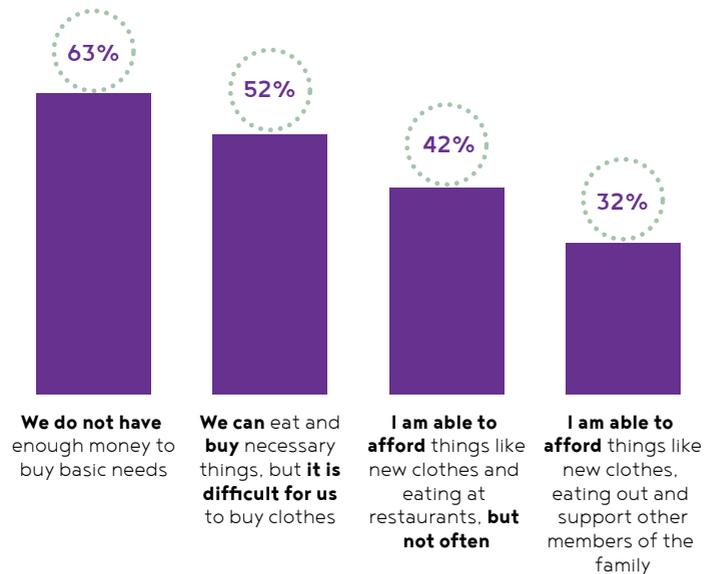
Perceptions on the court system

Through the perception of the financial situation of the family

Our data shows that, especially Tunisian people who feel to be in a difficult financial situation (63%), consider that courts side with the privileged. People who feel better off (32%) maintain this view to a lesser extent. Looking at the rural-urban distinction, this

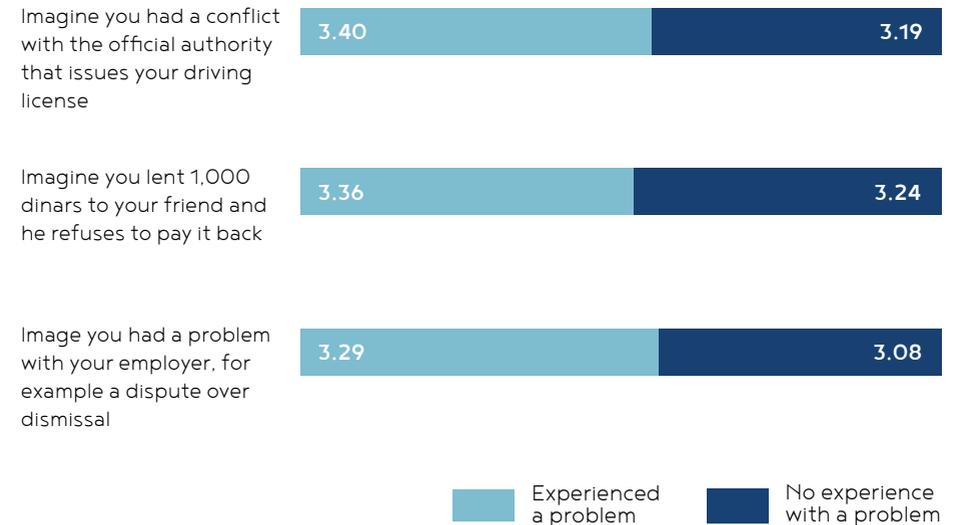
consideration is particularly applicable to the urban area and not so much to the rural area. Apart from this specific question related to whether courts side with the privilege, looking at the aggregated figures, no relationship is found between overall trust in judicial institutions and this particular socio-economic indicator.

COURTS SIDE WITH THE PRIVILEGED TO A LARGE EXTENT



Subjective legal empowerment I

SUBJECTIVE LEGAL EMPOWERMENT



In general, Tunisian people who experienced legal problems in the past four years were slightly more likely to believe that they would get a solution to a hypothetical problem than those who did not experience legal problems in the last four years.

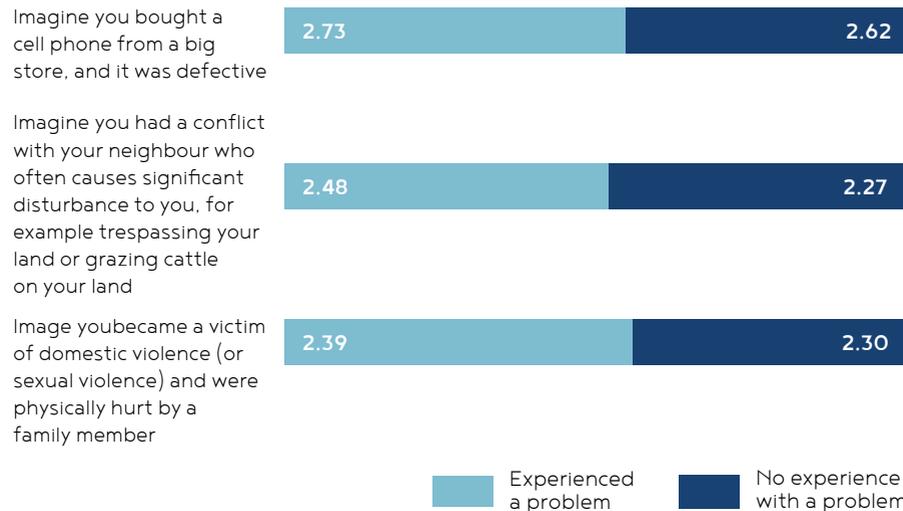
Compared with the other hypothetical situations, Tunisian people who

experienced legal problems in the past four years were slightly more optimistic about finding a solution to a possible conflict with an official authority that issues driving licenses. Tunisian people who experienced no legal problems in the past four years were slightly more optimistic about finding a solution to the situation in which a friend would refuse to pay back an amount of money.

TRUST AND LEGAL EMPOWERMENT

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Subjective legal empowerment II

SUBJECTIVE LEGAL EMPOWERMENT

Compared with the other hypothetical situations, Tunisian people who experienced legal problems in the past four years expressed slightly less optimism in solving the problem in which they would become a victim of domestic violence. For instance, there is a weak intervention by law enforcement and police officials in cases of domestic violence, which are seen as interference in private matters*. Tunisian people who experienced no legal problems in the past four years expressed the least

optimism in solving a possible conflict with the neighbour causing significant disturbances, such as trespassing your land or grazing the cattle in your land. Overall, our data shows only slightly different rankings when it comes down to the belief in solving a hypothetical problem. This is however dependent on whether people did or did not experience legal problems in the last four years and also on the severity of the problem.

* The World Organisation Against Torture (OMCT). (2002). Violence against women in Tunisia: www.omct.org/files/2002/01/2194/tunisiaeng2002.pdf

The story of Ali

Male, 52 years old, married with three kids. He built over state property as other people did in the neighbourhood.

He is the last one trying to get a property certificate. He went to the authorities, but nothing came out of it. The bank refuses to grant him a loan without a property certificate.

The mayor was the first person who he contacted to ask for help and he was told to wait. He is determined to wait and would advice everyone to follow the law. He considered no other alternatives to solve the situation. If he would be in a situation to start things all over again, he will not build on state property again.



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**Conclusion:
bright spots,
recommendations
and a call for
innovation and
action**

A CALL TO ACTION

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Bright spots



Our report reveals several challenges for access to justice in Tunisia. Much can be done to give Tunisians access to better and more affordable justice journeys. We should not, however, overlook the success stories in the field of justice. These are the justice processes that citizens experience as accessible and fair. These are the processes that deserve more attention, so that they can be better understood and replicated in order to strengthen the response to the justice needs of citizens.

- Tunisians are active in seeking information & advice and resolution. 59% sought information and advice and 74% took some kind of action to solve their legal problem.
- The social network is cohesive. People use the help of family members, friends, colleagues and employers to deal with their justice problems. There is also a culture of collaborative problem solving. Almost 58% try to solve the problem themselves. 33% even contacts the other party independently. Hypothetical questions also show that many believe trust they would be able to solve simple problems they might encounter.
- Money is not seen as a huge impediment of going to courts.
- Formal dispute resolution strategies are popular.
- Women do not encounter more legal problems than men. In many respects we do not find large differences between the genders.
- Citizens trust their Institutions. Particularly the government, NGOs, legal aid associations. This combined with a culture of compromise and interest in new approaches on the highest level provides fertile ground for successful reforms.
- Tunisia has a vibrant entrepreneurial ecosystem for legal and justice innovations. Considering the internet and mobile service penetration in the Tunisia there is an large potential for providing legal information and advice through apps and websites.

Recommendations



Firstly, the data shows the need **to prioritize the justice reform in accordance with the needs of the people of Tunisia**. Tunisia is undergoing profound change and its justice system needs to reform as well. Not everything can be tackled at once. Resources are not unlimited. For this reason, focussing on the most prevalent justice problems that affect most people is necessary. This process has to be based on robust evidence, clear theories of change and constant search for innovative solutions. Our data suggest that significant results can be achieved if the focus of the stakeholders is directed towards innovating and improving justice journeys for **employment and family justice**. Thus, concrete steps can be taken toward quantifying and aligning the innovation goals especially in these two priority areas. The survey shows that the employment is the most widespread type of dispute in which the people of Tunisia, and especially younger people, need the protection of the law. Concerted and immediate

action is required also because most regions in Tunisia are affected especially by legal problems around employment. At the same time, family members have been rated as the second most helpful source of legal information, after employers. In addition, women are disproportionately affected by disputes based on family relationships, social security entitlements and disputes with neighbours.

Around employment and family justice problems **coalitions for change** have to be built: organisations and people that **take ownership** of a specific justice need and work to deal with the challenges that the data exposes. Dealing with this challenge and improving the situation will not only provide more fair resolutions for the users of justice. It will also have a positive impact on economic development: a good system to deal with disputes around employment will contribute to economic development. Similarly, better family justice provides for stable and secure relationships.



Within such relationships, the people of Tunisia, particularly the Tunisian women, can develop their human potential. Building coalitions for change becomes timely in the context in which vulnerable employment in Northern Africa is increasing. According to the International Labour Organization, in the World Employment Social Outlook Trends 2017, the number of workers in vulnerable employment in Northern Africa is expected to increase from 21.2 million in 2016 to 21.5 million in 2017. Moreover, women in the region continue to be more likely than men in vulnerable forms of employment, due largely to the higher share of women engaged in contributing family work. As a result, the vulnerable employment rate for women in the region in 2017 is projected to be just below 45 per cent, compared with almost 29 per cent for men. The findings of our JNS survey coupled with these trends indicate a serious need for innovation in the area of employment and family justice.

Following the formation of coalitions for change, **change processes** have to be set in motion. Justice innovators can lead the way towards improvements, which help the people in Tunisia achieve just and fair resolutions of such problems. Such innovations can take many different ways. Using the Internet to provide targeted and timely information, hybrid forms of legal aid, new forms of neutral third-party dispute resolution, online support for dispute resolution and objective criteria for fair solutions are some of the strategies that we found effective. Essentially, we build on existent evidence and argue that taking advantage of the latest technological advancements, allows, nowadays more than ever, making employees part of the innovation in the area of employment; being part of the innovation has been proven to be an important pre-requisite for successfully implementing any innovation. Embracing innovation may subsequently translate in sustainable agreements between employees and employers, decreasing the high

percentages of people dealing with unequal opportunities on the job market, precarious work or dismissal from work. Likewise, arranging a divorce procedure online, for instance, it is already a reality in many countries in the world. Countries such as Canada, UK, and The Netherlands already offer online solutions to undertake divorce procedures online. As surfaced from our findings, it is also a priority to make the costs implied by the employment and family justice affordable. A clear alignment of the innovation goals in the employment and family justice area, coupled with what technology affords, offers concrete steps to reach these goals.



ABOUT HIIL AND OUR APPROACH

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About HiIL

(The Hague Institute for Innovation of Law)

Our mission is to sustainably improve the justice journeys experienced by users of the justice system when they actually need it. This means putting people first and empowering justice institutions to provide the leadership, sustainability and stability that a good justice system needs.

Our approach focuses on empowering innovation in the justice system.

We collect data about the needs and satisfaction of the users of the justice system. We aim to understand how justice works in ordinary people's lives and how they fulfil their justice needs. Our Justice Needs and Satisfaction Tool (JNST) is able to track more than 40 elements of the justice experience.

We believe that justice is about justice providers in the broadest sense, not only about courts or other formal institutions. We therefore argue that change needs to happen where justice occurs - recognising that many factors that influence justice lie outside the realm of 'traditional' legal services.

To achieve this aim, we rely on international and local expertise to identify what works best in the context we are in.

Furthermore, the JNST offers a cost-effective alternative to monitoring progress in the justice sector. This standardised and repeatable approach leads to economies of scale, a reduction in operational costs, increased efficiency (time and resources saved), a reduction in operational risk and cross-country benchmarking. We also make the data available to policy-makers through clever interfaces so they can keep working with the findings. Data gives knowledge, creates empowerment, and builds accountability.

The countries we have worked in since 2014 include: the Netherlands, Indonesia, Mali, Uganda, Ukraine and UAE. Our target countries for 2017 are: Bangladesh, Jordan, Lebanon and Kenya.



ABOUT THE AUTHORS

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About the authors

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Kavita is a Senior Justice Sector Advisor. She is an empirical political scientist by training. She currently works on topics related to the rule of law, judicial reform, access to justice, legal empowerment and dispute resolution processes (in fragile and conflict-affected states in addition to stable and developed democracies).

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Martin is the Head of Measuring Justice at HiiL. He strives to integrate both rigorous research and policy-making to promote justice and fairness in the world. Martin's main interests are in the

study of fairness of dispute resolution mechanisms, legal needs in everyday life and legal empowerment. His aspiration is to set up a system of valid and reliable indicators to predict where the law of the future will take us.

Dr. Sam Muller

Sam is the Founding Director of HiiL. An international lawyer by training, he now works on justice strategy and innovation. He connects knowledge about legal needs and what works with justice change processes that make a difference.

Ms. Johanna Piest

Johanna works as Justice Sector Advisor at HiiL. She holds a Master in International Relations and a Research Master in Psychology and is a quantitative researcher at heart. She is interested in research on fairness, gender and dispute resolution and rule of law in fragile states.

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Nicoleta is the Procedure Designer at HiiL. She has a research background in social and organisational psychology, being also trained as a researcher in the field of communication science with a focus on information sharing in online communities. She builds her experience on designing innovative procedures, shaping paths to justice, caring for people.

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