

GUIDELINE ON Prevention and Resolution of Disputes for MSMEs in Tunisia



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Guideline Development Team

The development of this guideline is funded by the Ministry of Foreign Affairs of the Netherlands and supervised by the Committee of Experts, consisting of experienced Tunisian experts in the justice sector and in MSME's in Tunisia.

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Background

A Justice Needs and Satisfaction (JNS) survey on micro, small, and medium enterprises (mSMEs) in Tunisia, conducted by the Hague Institute for Innovation in Law (Hiil) in 2025¹, shows that legal problems are widespread and constitute a major barrier to business stability and growth. The study reveals that more than half of Tunisian mSMEs experienced at least one serious legal problem during the past two years. Legal problems related to contracts, debt and financing, crime, and disputes with authorities are among the most common and most impactful challenges faced by enterprises

The survey further indicates that while many mSMEs attempt to address their legal problems, access to effective resolution remains limited. Only around 20% of legal problems are resolved at least partially, and most businesses prefer informal resolution methods, such as direct negotiation, rather than engaging with formal justice institutions. Awareness and use of legal support services are especially low, particularly among informal enterprises, reflecting significant gaps in accessibility, affordability, and trust in the justice system

In response to these findings, Hiil developed this guideline to support justice practitioners, policymakers, and professionals working with mSMEs in preventing and resolving legal problems through people-centred, practical, and context-sensitive approaches. The guideline aims to translate evidence from the JNS into actionable recommendations that strengthen early resolution, reduce legal vulnerability, and improve access to justice for businesses. It is intended as a living document, to be updated as new data, reforms, and practices emerge.

¹ The Hague Institute for Innovation of Law, *Justice Needs and Satisfaction in Tunisia 2023: Legal problems in daily life*, can be accessed here: www.hiil.org/research/justice-needs-and-satisfaction-in-tunisia/

Introduction to the Guideline

National organisations and governments have developed a range of clinical guidelines containing recommendations that support medical professionals in their daily work. This approach is applied and adapted to the justice sector. Justice guidelines are sets of recommended interventions to be applied by practitioners to prevent and/or resolve people's and businesses' justice problems.

This guideline is designed for micro, small, and medium enterprises (mSMEs), as well as for justice practitioners, policymakers, and stakeholders working on business-related legal and regulatory issues.

The guideline provides practical recommendations to support the prevention and resolution of common legal problems faced by mSMEs in Tunisia, across both formal and informal justice systems. It combines the experiences of local practitioners and service providers across Tunisia (practice-based evidence) with interventions recommended by internationally conducted studies and comparative research (evidence-based practice).

This guideline builds on international best practices for addressing justice issues affecting mSMEs, fully adapted to Tunisia's legal and institutional context.

Recommendations are anchored in relevant national laws covering mSMEs, start-ups, commercial contracts, and investor protection, ongoing reforms that facilitate business operations and enhance access to justice, including modernization of commercial and administrative courts, existing institutions and mechanisms, including courts, mSME support centers, regulatory and oversight bodies, and professional organizations .

The main objective of this guideline is to strengthen the capacity of justice providers and support actors to prevent, manage, and resolve business-related disputes affecting mSMEs. The guideline is structured into three main sections covering key categories of mSME justice problems: the first section addresses contractual and commercial relationships; the second focuses on regulatory, administrative, and financial obligations; and the third section explores strategies for strengthening trust, business relationships, and early dispute resolution.

Hiil worked closely with a group of high-level experts and experienced researchers to develop the recommendations. Over the course of several working sessions, researchers shared findings from local and international legal frameworks relevant to mSME justice needs. In a second phase, members of the Committee of Experts contributed their practical experience by adapting and contextualising recommendations to the Tunisian business environment. In the third phase, best practices were collected from local service providers working directly with mSMEs, based on their operational experience. Effective interventions were then identified, compared, and tested using the PICO / GRADE method (further explained in the Methodology chapter).

How to use the guideline

The legal and regulatory framework governing micro, small, and medium enterprises (mSMEs) in Tunisia is characterised by a combination of commercial, civil, fiscal, and administrative rules, many of which are of public order and impose mandatory obligations on businesses. These rules regulate areas such as business registration, contracts, taxation, social security, financing, and relations with public authorities. All professionals using this guideline should act in accordance with the applicable Tunisian laws and regulations relevant to mSMEs.

Professionals should always rely on their own expertise and experience and act according to the circumstances of each individual case. The recommendations provided in this guideline are general in nature and do not account for specific situations that may require exceptions or tailored solutions. Therefore, professional judgement on a case-by-case basis remains essential to ensure appropriate and lawful decision-making.

The recommendations in this guideline are intended to support professionals and service providers in preventing and/or resolving legal problems and disputes affecting mSMEs. They are designed to be applied flexibly, across both formal and informal justice pathways, and to promote early resolution, compliance, and sustainable business practices. The recommendations are categorised into three main groups:

Highly recommended



Intervention is desirable and the quality of evidence is high.

Apply the recommendation and advice to the parties accordingly.

Recommended



Intervention is desirable and the quality of evidence is moderate or low.

Apply the recommendation and advice to the parties accordingly.

Context-specific recommendation



Intervention is desirable in a specific context and the quality of evidence is high, medium or low.

Apply the recommendation only in appropriate circumstances and inform the parties accordingly.

Summary of all recommendations

Recommendations	Phase	To prevent / to resolve	Classification	Page
Creation Phase				
<p>1. Support entrepreneurs and newly established companies through early legal and administrative guidance</p> <p>The Investment Law (Law No. 71/2016) providing streamlined procedures and support for enterprise creation;integrated services via One-Stop-Shop and investment facilitation mechanisms.</p>	Creation	Conflict prevention	Highly recommended	16
			★★★★★	
<p>2. Integrate and mainstream training and legal support to strengthen trust</p> <p>Aligns with Startup Act (2018) and broader entrepreneurship support frameworks promoting skills and legal compliance for startups / MSMEs</p>	Creation	Conflict prevention	Highly recommended	12
			★★★★★	
<p>3. Continue the digitization of legal procedures and simplify services</p> <p>Supported by e-governance reforms, digitization of business formalities and digital signature framework facilitating online compliance</p>	Creation	Conflict prevention	Highly recommended	13
			★★★★★	
<p>4. Co-create justice solutions with key stakeholders (JNS, Labs)</p> <p>Aligned with the Ministry of Justice’s innovation programs and reflecting Tunisia’s increasing emphasis on public private collaboration, to strengthen access to justice and enhance the effectiveness of service delivery.</p>	Creation	Conflict prevention	<i>Context-specific recommendation</i>	14
			★★★	
Development Phase				
<p>5. Standardize contract templates for the traditional crafts sector</p> <p>Supported by Commercial Code governing contracts and trade practices.</p>	Development	Dispute resolution	Highly recommended	20
			★★★★★	
<p>6. The employee and the employer establish separate criteria to determine the fair conduct of the employer around allowances and benefits.</p>	Development	Dispute resolution	Highly recommended	22
			★★★★★	

Recommendations	Phase	To prevent / to resolve	Classification	Page
7. Establish accessible mediation centers for MSMEs Arbitration is governed by a dedicated Arbitration Code, while mediation and other ADR mechanisms are practiced through private centers expected to be formally regulated once the draft mediation law is adopted.	Development	Conflict prevention	Highly recommended	23
			★ ★ ★ ★ ★	
8. Provide employment contract toolkits for MSMEs Employment relationships are governed by the Labor Code, ongoing labor reforms, and applicable collective agreements, with practical tools supporting compliance.	Development	Conflict prevention	Highly recommended	25
			★ ★ ★ ★ ★	
9. Create a central digital legal information portal Fits with Administrative Transparency Law goals and digital service strategies by ministries to centralize business law info.	Development	Conflict prevention	Highly recommended	26
			★ ★ ★ ★ ★	
10. Develop a basic risk alert tool for early detection of legal and financial risks Connected to national reforms.	Development	Conflict prevention	<i>recommended</i>	27
			★ ★ ★	
11. Produce short legal education content for MSMEs Consistent with entrepreneurship education initiatives.	Development	Conflict prevention	<i>Recommended</i>	
			★ ★ ★	
12. Improve access to credit by revising and relaunching the movable collateral law. Reforms are needed for movable collateral systems to function efficiently for MSMEs.	Development	Conflict prevention	<i>Context-specific recommendation</i>	
			★ ★ ★	
Closing / Dissolution Phase				
13. Establish a national system for structured debt relief and economic reintegration Law No. 36 of 2016 on Enterprises in Difficulty and Collective Procedures, Tunisia provides a framework for orderly debt restructuring and business rescue for distressed MSMEs.	Closing	Dispute resolution	Highly recommended	32
			★ ★ ★ ★ ★	
14. Create an early warning and business support system for MSMEs in distress Supported by ongoing economic strategies and early warning frameworks under commercial and financial law reforms.	Closing	Conflict prevention	Highly recommended	34
			★ ★ ★ ★ ★	

Target Users

Purpose: Defines who the guideline is primarily for and how they are expected to use it.

This guideline is designed as a practical reference for public and private actors involved in shaping, implementing, and supporting policies that affect micro, small, and medium-sized enterprises (SMEs) across their life cycle.

Primary users include:

- Policymakers and reform units within the Ministry of Economy, line ministries, and the Prime Minister’s Office responsible for business climate, investment, and SME policies.
- Public agencies and administrations interacting directly with SMEs, including APII, the National Business Register (RNE), tax and customs administrations, and investment promotion bodies.
- Judicial actors and court administrators involved in commercial, economic, and insolvency matters.

Secondary users include:

- Business associations and chambers (including UTICA) engaged in advocacy, service provision, and public-private dialogue.
- Development partners and technical assistance providers supporting reforms related to the business climate, access to justice, and SME development.
- The Guidelines can be used to:
 - Identify justice-related barriers faced by SMEs at different stages of their life cycle.
 - Prioritize legal, institutional, and procedural reforms with high impact on SME outcomes.
 - Design pilots, legal innovations, and coordination mechanisms aligned with people-centred justice principles.
 - Support monitoring and dialogue around national reform strategies and international benchmarks related to the business environment.

To whom is the guideline directed?

Purpose: Describes the full ecosystem involved in implementation and who is affected or engaged.

The implementation of this guideline involves a wide range of stakeholders across the MSME justice ecosystem. These include central government institutions and line ministries; regulatory and administrative authorities; judicial and alternative dispute resolution bodies; financial institutions; business and employer organizations; chambers of commerce and professional associations; entrepreneurship support structures; civil society organizations; research and academic institutions; digital and legal-tech service providers; media and communication platforms; and international partners.

Micro, small, and medium enterprises—including entrepreneurs, sole proprietors, artisans, women-owned businesses, and young entrepreneurs—are the primary beneficiaries of the guideline. Public authorities, justice system actors, financial institutions, and business support organizations play a key enabling role in the prevention, early resolution, and management of legal and economic problems across the MSME lifecycle.

Stakeholder Mapping

Stakeholders	Specified stakeholder parties
Government	Ministry of Justice
Ministries	Ministry of Justice Ministry of Finance Ministry of Economy and Planning Ministry of Trade and Export Development Ministry of Industry, Mines and Energy Ministry of Employment and Vocational Training Ministry of Social Affairs Ministry of Tourism and Handicrafts
Regulatory, administrative, and public agencies	National Business Register (RNE) Agency for the Promotion of Industry and Innovation (APII) National Office of Handicrafts (ONAT) General Directorate of Taxes General Directorate for Regulatory Reform (Prime Ministry) CICAD (regulatory coordination and information) CNSS / Social Security Funds Labor Inspection services Relevant regional and local administrative offices Judicial bodies and specialized judicial structures
Justice system and legal profession actors	Judges Courts Lawyers National Bar Association Mediators Mediation centers Arbitration bodies Legal advisors University legal clinics



Stakeholder Mapping

Stakeholders	Specified stakeholder parties
Financial and economic actors	<ul style="list-style-type: none"> Central Bank of Tunisia Commercial banks Public and semi-public banks Microfinance institutions Participatory finance providers Credit institutions and lenders Financial restructuring and debt management actors
Business and employer organizations	<ul style="list-style-type: none"> Chambers of Commerce, Industry, and Handicrafts Professional unions and federations Artisan associations Tunisian Union of Industry, Trade, and Handicrafts (UTICA) Sectoral and professional associations
MSMEs and entrepreneurs (direct beneficiaries)	<ul style="list-style-type: none"> Micro, Small, and Medium Enterprises (formal and informal) Entrepreneurs and newly established companies Sole proprietors Artisans and micro and small craft enterprises Women-owned businesses Young entrepreneurs Workers employed by MSMEs Micro-Enterprises in the informal economy, including those operating partially or fully outside formal registration, tax, and social protection systems Enterprises facing legal uncertainty and limited awareness of obligations Enterprises with limited access to credit and financial services Enterprises vulnerable to disputes due to absence of formal contracts Enterprises having difficulty engaging with regulatory and judicial systems



Stakeholder Mapping

Stakeholders	Specified stakeholder parties
Business support and entrepreneurship ecosystem	<ul style="list-style-type: none"> Business support centers Entrepreneurship spaces Incubators and accelerators Enterprise-support agencies Financing and support agencies NGOs supporting MSMEs
Digital, technical, and innovation actors	<ul style="list-style-type: none"> Government technical units specialized in service digitization Legal-tech service providers Technical service providers and technology companies Digital platforms (including TEJ, SENDA, and related systems) Media outlets Social media platforms
Civil society, research, and international actors	<ul style="list-style-type: none"> Civil society organizations Research institutions Universities International organizations, including: <ul style="list-style-type: none"> Hiil OECD IFC Coface
Data, monitoring, and early warning contributors	<ul style="list-style-type: none"> Tax administration Social security funds Public and semi-public banks Microfinance institutions Regulatory and data coordination bodies





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Recommendations



In line with Hiil’s people-centred justice approach, this guideline focuses on improving concrete justice outcomes for SMEs, rather than legal compliance alone. Justice outcomes refer to the extent to which SMEs are able to prevent, manage, and resolve legal and regulatory problems in a timely, fair, and predictable manner.

- Across the SME life cycle, the following justice outcomes are prioritized:

At the creation stage, SMEs are able to:

- Access clear, reliable, and timely information on legal requirements and obligations.
- Obtain rapid clarification on regulatory uncertainties before making irreversible investments.
- Enter the formal economy without facing disproportionate legal risks or administrative burdens.

At the development stage, SMEs are able to:

- Operate within a predictable regulatory environment where rules are applied consistently.
- Resolve commercial and regulatory disputes early, without escalation into prolonged conflict.
- Access support mechanisms that help address financial or legal distress before insolvency.

At the dissolution stage, SMEs are able to:

- Exit the market through transparent, efficient, and proportionate procedures.
- Resolve insolvency, tax, and social security obligations without undue delay or stigma.
- Preserve the possibility of re-entrepreneurship and economic reintegration.

Cross-cutting reforms presented in this guideline aim to strengthen these outcomes systemically, by improving institutional coordination, judicial efficiency, data quality, and access to justice tools.

Chapter 1: Creation of MSMEs

RECOMMENDATION 1: Supporting Entrepreneurs and Newly Established Companies

★★★★★ *Highly recommended*

Recommendation: Enhance legal support and advisory services during the early stages by linking legal awareness tools to the commercial registration platform through integration with the National Business Register. Expand the dissemination of model commercial contracts and administrative requirements (grants, tax obligations, etc.) needed for opening a business. This support should target companies that are registered but have not yet completed the establishment procedures with the Agency for the Promotion of Industry and Innovation.

Strengthen legal support and advisory services for entrepreneurs and newly established companies during the early stages of business creation, with a particular focus on prevention, compliance, and early risk reduction. This can be achieved by integrating legal awareness tools and practical guidance into the commercial registration process through the National Business Register, ensuring that legal information is accessible at the moment of formalisation.

This support should include the structured dissemination of simplified and standardised model commercial contracts, as well as clear guidance on key administrative and regulatory requirements related to business establishment, including access to public grants, tax obligations, and financial reporting duties.



Special attention should be given to companies that are formally registered but have not yet completed all establishment procedures with the Agency for the Promotion of Industry and Innovation, as this group is particularly exposed to legal uncertainty and compliance-related disputes.

By embedding legal awareness and advisory services within existing registration and establishment pathways, this recommendation aims to reduce information asymmetries, prevent early-stage disputes, and support the sustainable formalisation and growth of micro, small, and medium-sized enterprises.

Key Stakeholders

- National Business Register
- Agency for the Promotion of Industry and Innovation
- Presidency of the Government
- Ministry of Finance
- Central Bank
- Commercial banks

RECOMMENDATION 2: Integrating and Mainstreaming Training and Legal Support to Strengthen Trust

★★★★★ *Highly recommended*

Launch media campaigns and training programmes targeting

Association leaders and chambers of commerce and crafts concerned with MSME owners; representatives of financing and support agencies and NGOs; mediators; and professionals in legal and economic fields.

The objective is to enhance awareness of legal rights and available support services, and to adopt a dedicated digital portal to improve access to accurate legal information. This also includes integrating legal consultations into financing and support programmes directed at small and emerging enterprises, in cooperation with university legal clinics and chambers of commerce, to ensure access to specialised legal assistance.

Micro, small, and medium-sized enterprises often operate in an environment marked by limited legal awareness, fragmented support services, and low levels of trust in formal dispute prevention and resolution mechanisms. These gaps are reinforced by the absence of coordinated training initiatives and by uneven access to reliable legal information across different regions and sectors.

To address these challenges, it is recommended to launch coordinated media campaigns and targeted training programmes aimed at key actors within the MSME ecosystem. These initiatives should specifically target association leaders, chambers of commerce and crafts representing MSME owners, representatives of financing and support agencies and non-governmental organisations, mediators, as well as professionals working in legal and economic fields. Strengthening the legal literacy and mediation capacity



these intermediaries is essential to ensure that accurate information and appropriate guidance reach enterprises at an early stage.

The primary objective of these actions is to enhance awareness of legal rights, obligations, and available support services, while fostering confidence in formal advisory and dispute resolution pathways. In parallel, a dedicated digital portal should be adopted and promoted as a central access point for reliable and up-to-date legal information, thereby reducing reliance on informal sources and improving consistency in legal guidance provided to MSMEs.

This recommendation also calls for the integration of legal consultations into existing financing and business support programmes targeting small and emerging enterprises. Such integration should be carried out in cooperation with university legal clinics and chambers of commerce, in order to ensure access to specialised, practical, and affordable legal assistance tailored to the needs of MSMEs.

By mainstreaming training, legal awareness, and advisory services across institutional, professional, and digital channels, this recommendation aims to strengthen trust between MSMEs and support institutions, promote early prevention of disputes, and improve the effective use of mediation and other non-judicial mechanisms.

Stakeholders

- Lawyers and their professional bodies
- Ministry of Trade and Export Development
- Ministry of Industry, Mines and Energy
- Ministry of Employment and Vocational Training
- Professional unions and federations
- Media outlets
- Digital platforms
- MSME support and financing agencies
- Chambers of commerce and crafts

RECOMMENDATION 3: Continuing the Digitization of Legal Procedures and Simplifying Services

★★★★★ *Highly recommended*

In recent years, several initiatives have been undertaken to digitize business-related administrative procedures, including the establishment of the National Business Register (RNE), the development of online services by the Agency for the Promotion of Industry and Innovation (APII), and the introduction of digital platforms aimed at streamlining registration and information access. These efforts represent important progress toward modernizing public service delivery.

However, digital services remain fragmented across institutions, uneven in their functionality, and often limited to specific procedures. Users must still navigate multiple portals, interpret complex legal requirements without adequate guidance, and reconcile inconsistent information across administrative bodies. As a result, the current level of digitization has not yet fully resolved accessibility, clarity, and coordination challenges—particularly for first-time entrepreneurs and micro-enterprises.

Develop easy-to-use digital tools to manage administrative and registration procedures through a unified electronic portal, with the addition of tailored procedural steps suitable for the early stages of a potential business activity. Make available services that include the necessary legal advice, along with a clear presentation of tax incentives based on the type of activity, so that investors can understand the appropriate company form and the implications and consequences of their choice.

Administrative and legal procedures related to business creation and operation remain complex, fragmented, and difficult to navigate for many micro, small, and medium-sized enterprises. These challenges are particularly acute during the early stages of a potential business activity, where entrepreneurs often lack the legal and procedural knowledge needed to make informed decisions, leading to delays, errors, and increased compliance risks.

To respond to these challenges, it is



recommended to continue the digitization of legal and administrative procedures by developing easy-to-use digital tools within a unified electronic portal. This portal should allow users to manage registration and administrative processes in an integrated manner, while offering tailored procedural pathways adapted to the early stages of business creation.

These digital services should include access to basic legal advice and practical guidance, as well as a clear and structured presentation of applicable tax incentives based on the type of economic activity. Providing this information in a transparent and user-friendly format enables investors and entrepreneurs to better understand the different legal forms available to them, as well as the legal, financial, and administrative implications of their choices.

In particular, the portal should support users in assessing the consequences of selecting a specific company form, including obligations related to taxation, social security contributions, and regulatory compliance. This contributes to reducing misunderstandings, preventing early-stage disputes, and limiting the risk of non-compliance.

By simplifying access to legal information and administrative services through digital solutions, this recommendation aims to improve accessibility, enhance legal certainty, and support informed decision-making for MSME owners and new entrepreneurs, while strengthening the efficiency and coherence of public service delivery.

Stakeholders

- Ministry of Employment and Vocational Training
- National Bar Association
- Government technical units specialised in service digitisation
- Legal-tech service providers
- MSME owners and new entrepreneurs
- National Business Register (RNE)
- Agency for the Promotion of Industry and Innovation (APII)
- Relevant regional and local administrative offices

RECOMMENDATION 4: Co-Creating Justice Solutions with Key Stakeholders

★★★ *Context-specific recommendation*

Establish Justice Innovation Labs¹ in partnership with actors across the economic, social, and legal ecosystem—including institutions, judges, lawyers, and policymakers—to identify legal challenges and improve services. These labs would organize co-creation workshops² by bringing together key justice stakeholders, incubators, and innovators. These workshops translate Justice Needs and Satisfaction (JNS) evidence into tangible, people-centered reforms as practical innovative solutions.

Legal and administrative challenges faced by micro, small, and medium-sized enterprises are often complex, systemic, and poorly addressed through isolated or top-down reforms. The absence of structured spaces for collaboration between public institutions, justice actors, and economic stakeholders limits the ability to identify real user needs and to design practical, people-centred solutions.

To address these challenges, it is recommended to establish Justice Innovation Labs in partnership with key actors across the economic, social, and legal ecosystem, including public institutions, judges, lawyers, policymakers, and MSME representatives. These labs should function as structured platforms for collaboration, enabling stakeholders to jointly identify priority legal challenges and gaps in existing services.

Within this framework, co-creation workshops—such as Justice Needs Surveys (JNS) and innovation labs—should be organised in collaboration with the Ministry of Justice, entrepreneurship incubators, and relevant public institutions. These participatory processes should apply user-centred and evidence-based approaches to design, test, and refine practical and innovative justice solutions that respond to the realities faced by MSMEs.



Relevant entities involved in business registration, support, and regulation, including the National Business Register (RNE), the Agency for the Promotion of Industry and Innovation (APII), and other concerned institutions, should be actively engaged in these processes to ensure institutional anchoring, feasibility, and pathways for implementation.

By promoting co-creation and cross-sector collaboration, this recommendation aims to strengthen trust between institutions and MSMEs, improve the quality and accessibility of justice-related services, and support the development of sustainable, context-responsive solutions that enhance prevention and early resolution of legal and administrative disputes.

Stakeholders

- Ministry of Economy and Planning
- Ministry of Trade and Export Development
- Ministry of Tourism and Handicrafts
- National Handicrafts Office
- Judicial bodies and specialised structures
- Entrepreneurship spaces, support centres, and incubators
- Representatives of MSMEs
- The Hague Institute for Innovation of Law (Hiil)

¹Justice innovation labs bring together a diverse group of key stakeholders in the justice system of a country to co-design solutions following the Design Thinking process (Scope, Ideation, Prototyping, Roadmap). The solutions are innovative, financially feasible, scalable and have the buy-in and ownership of the majority of the stakeholders.

²Workshops in collaboration with the Ministry of Justice, incubators, and relevant institutions to design practical and innovative solutions. Relevant entities such as the RNE, APII, and others would also be involved.

Best Practices: Preventing future disputes through clarity and early support

Justice problem:

At the creation stage, SMEs face fragmented, unclear and sometimes contradictory rules on registration, licensing, foreign exchange and early compliance. Legal uncertainty at entry often leads to costly disputes later with tax, FX and social security authorities.

Centralized and accessible legal information at entry

- ✔ Provide clear, plain-language guidance on registration, sector-specific licensing and early compliance obligations.
- ✔ Link legal awareness tools directly to entry platforms (e.g. RNE, investment declaration systems).

Rapid clarification mechanisms for legal “grey areas”

- ✔ Establish channels where entrepreneurs can obtain authoritative answers (e.g. FX status, treatment of foreign payments) before investing.
- ✔ Create Sectoral legal helpdesks within business associations (e.g. UTICA) serve as effective first-line support.

Harmonized definition and legal framework for SMEs

- ✔ Adopt a unified SME definition across all public institutions from the outset of the business life cycle.
- ✔ Consolidate and “recentre” SME-related legal texts to reduce contradictory obligations and improve predictability.

Inclusive entry rules across sectors and firm sizes

- ✔ Use revisions of the Investment Code as a window to embed equitable and transparent entry conditions for industrial, service, micro and small enterprises.
- ✔ Ensure that creation-stage systems do not exclude smaller or non-industrial SMEs from visibility and support.



Chapter 2: List of recommendations in relation to the second phase of the MSME lifecycle: Development

RECOMMENDATION 1: Standardizing Contract Templates for the Traditional Crafts Sector

★★★★★ *Highly recommended*

This recommendation proposes the creation of unified contract templates specifically designed for the traditional crafts sector, with the aim of reducing commercial disputes arising from contractual ambiguity. It includes the provision of clear contract models tailored to the needs of artisans and small craft enterprises, accompanied by simplified guidance materials. This intervention will help mitigate risks related to delayed payments and delivery disputes, while strengthening legal security for artisans—particularly women, who represent 85% of workers in the sector. These templates will also support the transition from informal practices to reliable and enforceable contractual relationships.

Rationale

This recommendation is grounded in Hiil's people-centred justice methodology, which highlights that contractual ambiguity is the primary cause of commercial disputes among artisans. The traditional crafts sector represents 4% of the national GDP and employs 11% of the workforce, with an exceptionally high concentration of micro-enterprises (over 90%). Comparative experiences from Morocco and Jordan show that sector-specific contract templates significantly reduce the frequency, cost, and duration of disputes. This sector was chosen over others because it has the highest penetration of micro-enterprises, unlike sectors such as banking, large-scale manufacturing, or export-oriented textiles, which are dominated by medium and large firms that typically have access to internal legal counsel.

Enterprises operating in the traditional crafts sector frequently rely on informal or unclear contractual arrangements, which exposes artisans and small craft enterprises to a high risk of commercial disputes. Contractual ambiguity is a common source of conflicts related to delayed payments, delivery conditions, and performance obligations, particularly affecting micro and small enterprises with limited legal capacity.

To address these challenges, it is recommended to develop and disseminate unified and standardised contract templates specifically tailored to the traditional crafts sector. These templates should be designed to reflect the realities of artisans and small craft enterprises, providing clear and enforceable contractual models that can be easily used in day-to-day commercial transactions.

The contract templates should be accompanied by simplified guidance materials explaining key contractual clauses, rights, and obligations in accessible language. This approach will support artisans in understanding and applying contractual standards, while reducing dependence on informal practices and verbal agreements.

Particular attention should be given to the protection of women artisans, who represent approximately 85% of the workforce in the sector and are disproportionately affected by payment delays and contractual disputes. By strengthening legal certainty and predictability, this intervention contributes to improving working conditions, income security, and trust in commercial relationships.

By supporting the transition from informal arrangements to reliable and enforceable contracts, this recommendation aims to prevent commercial disputes, reduce transaction risks, and promote sustainable growth within a sector that plays a significant economic and social role.

Stakeholders

- National Office of Handicrafts (ONAT): key partner for development, distribution, and implementation
- Artisans and owners of micro and small craft enterprises: direct beneficiaries (approximately 300,000 workers)
- Professional unions and artisan associations: awareness-raising and dissemination channels
- Ministry of Social Affairs
- Ministry of Trade and Export Development

RECOMMENDATION 2: Expanding Digital Tax Declaration Systems

★★★★★ *Highly recommended*

This recommendation calls for expanding and simplifying digital platforms for tax declaration (such as the TEJ platform related to withholding at source) for micro, small, and medium enterprises. The intervention includes developing mobile-friendly interfaces, providing multilingual support (including the local dialect), and conducting outreach programs through “digital ambassadors.” This will facilitate tax compliance, reduce administrative errors and burdens, and increase tax inclusion, particularly for rural and micro-enterprises. Simplified platforms will also help strengthen trust in the tax system and reduce administrative costs for both businesses and the state.

Stakeholders

- Ministry of Finance and the General Directorate of Taxes: Development and management of the digital platform
- Chambers of Commerce, Industry, and Handicrafts: Support in awareness-raising and training
- Technical service providers and technology companies: Development of applications and interfaces

Rationale

This recommendation is based on strong evidence from comparative studies in Morocco, Rwanda, and Nigeria, where digitizing tax declarations led to concrete improvements in compliance rates and filing accuracy. In the Tunisian context, although the TEJ platform exists, uptake remains low due to complexity, digital illiteracy, and insufficient awareness. According to Hiil’s methodology, digital solutions designed with a user-centered approach reduce compliance costs, improve tax morale, and create a positive feedback loop: the more enterprises join the system, the better the state can provide targeted support and the stronger public trust becomes in the tax system.



RECOMMENDATION 3: Accessible Mediation Centers

★★★★★ *Highly recommended*

This recommendation proposes activating and expanding mediation mechanisms tailored for micro, small, and medium enterprises, with simplified procedures and geographic coverage across regions. This intervention will accelerate the resolution of commercial disputes, reduce reliance on slow and costly courts, and strengthen business continuity. The centers would offer professional mediation services at affordable costs, clear and simplified procedures, multi-channel access (in-person and digital), and ongoing awareness campaigns. This aligns with Hiil’s approach to provide accessible justice solutions.

Stakeholders

- Lawyers
- Chambers of commerce and professional federations: Partners in operation and awareness-raising
- Ministry of Justice: Regulatory framework and accreditation

Rationale

National and international studies show that resolving disputes through courts in Tunisia is time-consuming and costly, discouraging small businesses from asserting their rights. Comparative experiences from Morocco, Kenya, and Turkey demonstrate that mediation centers dedicated to small enterprises can reduce cost and time by up to 80% compared to litigation, with significantly higher satisfaction rates. According to Hiil’s methodology, alternative dispute resolution (ADR) mechanisms preserve business relationships, enable economic activities to resume quickly, and ease the burden on the judicial system. Although Tunisia has an advanced legal framework for mediation and arbitration, uptake remains low due to limited awareness, geographic centralization, and insufficient adaptation to the needs of small enterprises.

RECOMMENDATION 4: Employment Contract Toolkits for Micro, Small, and Medium Enterprises

★★★★★ *Highly recommended*

This recommendation proposes providing comprehensive employment contract toolkits that include standardized templates and simplified explanatory guides. This intervention will increase compliance with labor law, reduce employment-related disputes, and strengthen inclusion in social protection systems, particularly among women-owned businesses and young entrepreneurs. These tools will help employers understand their legal obligations and avoid penalties, while enabling workers to know their rights. This aligns with Hiil’s approach to legal empowerment—helping people find fair solutions to their problems.

According to Hiil’s methodology, these tools “demystify” legal obligations, help businesses avoid penalties, and enable both employers and workers to resolve issues (such as wage disputes or termination) before escalation. The toolkits also reduce procedural delays and ease the workload of labor inspectors.

Stakeholders

- Ministry of Social Affairs and Labor Inspection: Preparation of templates and regulatory oversight
- Workers and labor unions: Rights protection and participation in design
- Chambers of commerce and business support centers: Distribution and training

Rationale

International and local evidence indicates that micro-enterprises in Tunisia often operate with informal, unclear, or non-existent employment contracts, contributing to labor disputes and gaps in social protection. Studies from Morocco, South Africa, and Ghana show that simplified employment contract toolkits, when paired with community-based training, significantly improve formalization levels and reduce disputes.



RECOMMENDATION 5: Central Digital Legal Information Portal

★★★★★ *Highly recommended*

This recommendation proposes creating a unified digital portal that consolidates all legal, tax, and regulatory information relevant to micro, small, and medium enterprises. The portal would include step-by-step guides, ready-to-use templates, regular updates, and sector-specific categorization, with multilingual support (Arabic, French, and the local dialect). This intervention will improve legal awareness, strengthen regulatory compliance, prevent unintentional errors, and reduce reliance on costly or unreliable intermediaries. It aligns with HiIL’s approach to provide accessible legal information.

Stakeholders

- Prime Ministry and regulatory bodies (CICAD): Content coordination and portal management
- General Directorate for Regulatory Reform at the Prime Ministry: Entity responsible for information coordination
- Multiple ministries (Finance, Trade, Social Affairs, Justice): Providers of legal and regulatory content
- Chambers of commerce and civil society organizations: Partners in promotion and feedback

Rationale

The fragmentation of legal and regulatory information is a major barrier to compliance for micro-enterprises in Tunisia. Comparative reviews by the OECD, World Bank, and Open Government Partnership show that user-friendly centralized portals significantly increase legal awareness, improve formalization, and reduce unintentional violations. Examples from Estonia, Morocco, and Rwanda demonstrate that portals offering multilingual support (including local dialects), clear sectoral categorization, and cross-referenced content see rapid growth in traffic and user engagement. In the Tunisian context, micro-enterprises often rely on informal channels or intermediaries for legal guidance, leading to repeated misunderstandings, missed deadlines, and avoidable fines. According to HiIL’s methodology, centralization, accessibility, and clarity enhance self-help, reduce dependence on costly legal consultations, and foster a culture of rights and compliance essential for MSME growth.



RECOMMENDATION 6: Basic Risk Alert Tool

★★★★★ Highly recommended

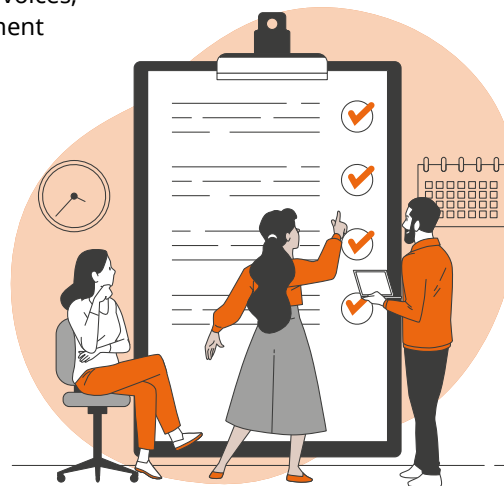
This recommendation proposes developing a simple, automated digital “risk alert” tool that notifies business owners of overdue invoices, upcoming deadlines, and early signs of payment disputes. The tool would operate through SMS, email, or simple applications and could be linked to billing systems or the tax portal. This intervention will help businesses reduce cash-flow shocks, address disputes before they escalate, and improve liquidity and financial planning. It aligns with Hiil’s proactive justice approach to preventing legal problems.

Stakeholders

- Ministry of Finance and government digital platforms (TEJ & SENDA): Integration of the tool into existing systems
- International organizations (IFC, OECD, Coface): Technical support and international models

Rationale

Late payments and overlooked obligations are major sources of cash-flow crises, breakdowns in commercial relationships, and even bankruptcy among micro-enterprises in Tunisia and worldwide. Evidence shows that “risk alert” tools—simple applications that flag overdue invoices, upcoming deadlines, and early signals of payment disputes—significantly reduce outstanding receivables. Reports from the IFC, OECD, and tech-sector studies document that deploying automatic reminders and basic real-time analytics enables even small businesses to act proactively. In the Tunisian context, most micro-enterprises lack ERP systems or advanced credit management tools, yet they use basic internet and mobile phones. According to Hiil’s methodology, providing a lightweight early-warning system, supported by the government or chambers of commerce, can deliver high impact with minimal friction.



RECOMMENDATION 7: Production of Legal Education Content

★★★★★ Highly recommended

This recommendation proposes producing a series of 10–12 very short educational units (2–3 minutes each), in video or audio format, covering high-risk, critical moments in the business lifecycle (such as signing new contracts, hiring workers, paying taxes, and resolving disputes). This intervention will improve practical legal knowledge, enhance compliance, and prevent common mistakes—especially for very small businesses with limited time and limited legal awareness. This aligns with Hiil’s approach to providing “just-in-time” legal education.

Stakeholders

- Multiple ministries and enterprise-support agencies: Content development and funding
- Entrepreneurship associations and incubators: Distribution channels
- Media outlets and social media platforms: Broadcasting and dissemination of the units

Rationale

Low legal awareness at critical “pain points” in the MSME lifecycle significantly increases exposure to error, loss, and disputes. A growing body of evidence—including OECD skills studies and comparative research on digital learning—shows that very short (2–3 minute), highly focused legal education units, especially those designed around high-risk steps, lead to measurable improvements in knowledge retention and day-to-day business decision-making. Recent international pilots in Indonesia and Sub-Saharan Africa have demonstrated measurable impact on compliance and dispute prevention when content is delivered in small, context-specific, mobile-accessible modules.

RECOMMENDATION 8: Improving and Facilitating Access to Credit Through Revising and Relaunching the Secured Transactions (Movable Collateral) Draft Law

★★★ *Context-specific recommendation*

This recommendation focuses on revisiting the draft law on movable collateral and rewriting it in a simplified version tailored to the reality of micro, small, and medium enterprises (MSMEs). The revised law would allow businesses to use their movable assets (equipment, inventory, intellectual property rights, commercial receivables, etc.) as collateral to obtain financing and would establish a unified national electronic registry to record and verify such collateral. This requires reviewing and updating the previous provisions of Draft Law No. 43/2018 on movable collateral in light of comparative experiences (especially the Moroccan model), simplifying procedural and digital requirements, and linking the framework with financial institutions (banks, microfinance, participatory finance) so that movable assets become an effective and recognized form of security. This would expand the range of possible guarantees for enterprises and reduce their exclusive reliance on real estate or personal guarantees.

Stakeholders

Ministry of Justice: Preparing the final legal drafting of the movable collateral law and ensuring its consistency with the legislative framework

Ministry of Finance and the Central Bank: Aligning the banking and regulatory systems with the use of movable assets as credit collateral and defining prudential standards

Parliament (Assembly of the Representatives of the People): Reviewing and approving the amended secured transactions law

Financial institutions, banks, microfinance institutions, and participatory finance providers:



Integrating movable collateral into lending policies and financing products for MSMEs

Rationale

MSMEs in Tunisia face structural difficulties in accessing credit due to limited real estate collateral and the heavy reliance on personal guarantees, despite owning movable assets of significant economic value that are not legally recognized as sufficient collateral. Comparative experiences (such as Morocco) show that adopting a modern secured transactions framework—supported by a unified, transparent electronic registry—facilitates the creation of non-possessory security interests, simplifies enforcement procedures, and increases banks' confidence in financing small enterprises by expanding the pool of eligible collateral. Relaunching and revising the movable collateral draft law in Tunisia represents a high-impact institutional reform for improving MSMEs' access to credit. It is aligned with Hiil's methodology, which focuses on removing practical barriers to fair and effective solutions to people's economic problems and designing simplified, transparent rules that strengthen the ability of enterprises to exercise their rights in daily economic life.

Best practices

Simplification and clarification of economic regulations

- ✔ Review restrictive or outdated rules (notably foreign exchange regulations) that create structural justice barriers.
- ✔ Ensure consistent interpretation and application by regulators and financial institutions.

Institutionalized dialogue for recurring disputes

- ✔ Establish permanent public-private dialogue platforms where business associations and line ministries co-design implementing texts and practical solutions.
- ✔ Use these forums to anticipate and resolve systemic conflicts rather than treating them case by case.

Early dispute resolution and diagnostic mechanisms

- ✔ Promote mediation, conciliation and advisory services as default pathways before disputes escalate.
- ✔ Introduce early warning and diagnostic tools to identify firms in distress and guide them toward support.

Judicial modernization and Legal Tech

- ✔ Modernize judicial processes through digital tools that speed up procedures and improve access to information.
- ✔ Align reforms with international benchmarks (e.g. Business Ready indicators on contract enforcement and insolvency).

Improved data for evidence-based reform

- ✔ Expand SME data collection beyond industrial firms to include services and micro-enterprises.
- ✔ Use barometers and administrative data to identify legal bottlenecks during growth and adjust policies accordingly.



Chapter 3: List of recommendations in relation to the third phase of the MSME lifecycle: Dissolution

RECOMMENDATION 1: A National System for Structured Debt Relief and Economic Reintegration of Entrepreneurs After Business Failure

★★★★★ Highly recommended

This recommendation proposes the establishment of a clear and transparent national system that enables entrepreneurs whose businesses have failed to exit, in an orderly manner, from unsustainable debt and to return to the formal economy within a reasonable timeframe, provided they meet standards of good faith and fully cooperate with authorities and creditors.

This system would be based on a dedicated “debt relief and reintegration” pathway, primarily targeting micro, small, and medium-sized enterprises (MSMEs) and sole proprietors. It would be activated after the completion of liquidation or dissolution procedures and would be defined in law as a pathway distinct from fraudulent bankruptcy or cases of gross mismanagement.

The framework would rest on three core pillars:

- *A time-bound monitoring and cooperation period** (for example, 3 to 5 years), during which the debtor commits to full and transparent disclosure of all income and assets, refrains from concealing information, and engages in reasonable repayment or settlement arrangements with creditors to the extent of their actual capacity;*
- *Partial or full discharge of remaining unsecured debts** once cooperation requirements are met and in the absence of fraud or asset concealment, while maintaining specific protections for debts of a sensitive social or family nature;*
- *Economic reintegration support programs**, including financial literacy, simplified legal counselling, and assistance with professional repositioning (such as launching a smaller-scale venture or re-entering the labour market with minimal barriers).*

In addition, the system would introduce a temporary protection phase for MSMEs

facing financial distress, suspending debt enforcement and judicial proceedings for a defined period to allow for restructuring and negotiation with creditors.

Entrepreneurs whose businesses have failed often face prolonged exposure to unsustainable debt, legal uncertainty, and exclusion from the formal economy. In the absence of a clear and structured exit and reintegration mechanism, business failure can result in long-term economic marginalisation, discourage entrepreneurship, and increase informality, even in cases where failure occurred in good faith.

To address these challenges, it is recommended to establish a clear, transparent, and legally defined national system that enables entrepreneurs whose businesses have failed to exit unsustainable debt in an orderly manner and to reintegrate into the formal economy within a reasonable timeframe. Access to this system should be conditional on standards of good faith, including full cooperation with authorities and creditors and the absence of fraudulent behaviour.

By offering a structured, fair, and predictable pathway for debt relief and reintegration, this recommendation aims to reduce the social and economic costs of business failure, encourage responsible entrepreneurship, prevent long-term exclusion from the formal economy, and strengthen trust in the legal and economic system.

Key Stakeholders

- Ministry of Justice: legislative reform, judicial training, and policy coordination
- Parliament
- National Social Security Fund (CNSS): coordination of reintegration support and unemployment-related measures
- Ministry of Finance
- National Business Registry (RNE)

RECOMMENDATION 2: Establishing an Early Warning and Business Support System for Small and Medium Enterprises

★★★★★ *Highly recommended*

This recommendation proposes the establishment of a national early warning and business transformation support system for micro, small, and medium-sized enterprises (MSMEs) that begin to show signs of financial distress before reaching the stage of liquidation or permanent closure.

The system would be based on the automated linking of data from the tax administration, social security funds, and public and semi-public banks in order to detect early risk signals, such as repeated delays in filing or payment, returned cheques, and a near-total suspension of declared business activity. Instead of allowing enterprises to gradually slide into unstructured bankruptcy, they would be automatically directed toward a structured, voluntary support pathway.

By joining this pathway, the business owner would benefit from a support period of 6 to 12 months, which would include a review of the business model, assistance with financial restructuring (including settlements with public and private creditors), and simplified legal and commercial advice. The possibility of subsequently resorting to simplified liquidation procedures or to a debt relief and economic reintegration pathway would remain available if the activity proves to be non-viable.

Key Stakeholders

- Ministry of Finance (General Directorate of Taxes) and Social Security Funds: provision of unified data on payment delays and tax and social indicators, and the design of flexible settlement arrangements for enterprises participating in the system.
- Public and Semi-Public Banks and Microfinance Institutions: reporting of critical financial indicators, implementation of the new Cheques Law, and participation in the development of financial restructuring plans for distressed enterprises with realistic prospects of continuity.
- Prime Ministry
- National Agency for the Promotion of Industry and Innovation
- Tunisian Union of Industry, Trade, and Handicrafts (UTICA)

Many micro, small, and medium-sized enterprises begin to experience financial distress well before reaching the stage of liquidation or permanent closure. In the absence of structured early intervention mechanisms, these difficulties often escalate into unmanageable debt, abrupt business failure, and unplanned exit from the formal economy.

To address this gap, it is recommended to establish a national early warning and business transformation support system designed to identify MSMEs showing early signs of financial distress and to provide timely, coordinated support. The objective of this system is to intervene before enterprises reach irreversible failure, while preserving viable economic activity whenever possible.

The system should be based on the automated and secure linking of data from the tax administration, social security funds, and public and semi-public banks in order to detect early risk signals. These signals may include repeated delays in tax or social security filings and payments, returned cheques, or a near-total suspension of declared business activity. Rather than allowing enterprises to progressively slide into unstructured bankruptcy, the system would trigger a referral to a structured and voluntary support pathway.

Enterprises that join this pathway would benefit from a defined support period of six to twelve months. During this period, business owners would receive assistance in reviewing their business model, support for financial restructuring—including negotiated settlements with public and private creditors—and access to simplified legal and commercial advice adapted to the scale and capacity of the enterprise.

Where recovery or continuity proves unviable, the system should preserve the possibility for enterprises to subsequently resort to simplified liquidation procedures or to a debt relief and economic reintegration pathway, in accordance with applicable legal frameworks. This ensures that early support does not delay necessary exit but rather facilitates orderly decision-making.

By enabling early detection, structured support, and informed transition options, this recommendation aims to reduce the economic and social costs of business failure, increase the survival rate of viable enterprises, and promote responsible entrepreneurship through prevention rather than late-stage intervention.

Best practices Enabling honest exit and re-entrepreneurship

Justice problem:

Slow, opaque and stigmatizing insolvency and closure procedures discourage formal exit, distort statistics and trap resources in non-viable firms.

Faster and more predictable insolvency procedures

- ✔ Revise the collective proceedings framework to reduce delays and procedural complexity.
- ✔ Ensure transparent and predictable treatment of entrepreneurs and creditors.

Specialized economic and commercial justice

- ✔ Establish economic/commercial chambers or poles within first-instance courts.
- ✔ Train judges specialized in commercial and insolvency law to improve consistency and quality of decisions.

Effective use of mediation and alternative mechanisms

- ✔ Strengthen mediation and arbitration as tools to manage business failure without unnecessary litigation.
- ✔ Reduce stigma by framing insolvency as part of a normal business cycle.

Data-driven identification of distress

- ✔ Use monitoring data (e.g. from APII and other agencies) to identify distress earlier and guide firms toward appropriate procedures.
- ✔ Improve coordination between institutions involved in tax, social security and closure processes.



Cross-cutting Enablers:

Cross-cutting Enablers:

Strengthening SME access to justice across all stages

These enablers apply across creation, development and dissolution and are essential for a coherent SME justice ecosystem.

Harmonized definitions and shared data

- ✔ Adopt a unified SME definition across institutions.
- ✔ Build a comprehensive national SME database, integrating administrative, sectoral and justice-related data.

Clear institutional roles and coordination

- ✔ Clarify mandates and coordination mechanisms between APII, RNE, DGI, Customs and other agencies.
- ✔ Reduce overlaps and gaps that create uncertainty for SMEs.

Judicial modernization and Legal Tech

- ✔ Deploy Legal Tech tools for case management, information access and early diagnostics.
- ✔ Invest in specialized judicial infrastructure aligned with SME needs.

Structured public-private dialogue and monitoring

- ✔ Maintain permanent consultation mechanisms with clear agendas, data inputs and follow-up.
- ✔ Link reform monitoring to international benchmarks (e.g. Business Ready) and national strategies.



Conclusion:

Improving access to justice for micro, small, and medium-sized enterprises is not a standalone legal reform agenda. It is a core component of a healthy business climate, economic resilience, and inclusive growth. SMEs interact with the legal system continuously: when they are created, as they grow, and when they face distress or exit the market. How well justice institutions respond at each of these stages directly affects investment decisions, firm survival, and trust in public institutions.

This guideline demonstrates that many of the justice barriers faced by SMEs in Tunisia are not rooted in the absence of laws, but in fragmentation, lack of clarity, inconsistent implementation, and limited coordination between institutions. From the perspective of entrepreneurs, these issues translate into uncertainty, delays, recurring disputes, and high exit costs — all of which undermine formalization, growth, and re-entrepreneurship.

By applying a people-centred justice methodology and mapping problems across the SME life cycle, the guideline identifies concrete and realistic recommendations and best practices that can reduce these barriers. The consultations with UTICA, the Ministry of Economy, and APII confirm that meaningful improvements are possible through better information, clearer rules, faster and more predictable dispute resolution, and earlier support for firms in distress.

Cross-cutting enablers — including harmonized SME definitions and data, stronger institutional coordination, judicial modernization, Legal Tech solutions, and structured public-private dialogue — are essential to ensure that reforms deliver system-wide impact rather than isolated improvements. When combined with appropriate sequencing and risk mitigation, these enablers can help translate policy commitments into tangible justice outcomes for SMEs.

Ultimately, strengthening SME access to justice supports a virtuous cycle: entrepreneurs are more willing to formalize and invest; disputes are resolved earlier and at lower cost; resources are reallocated more efficiently; and trust between businesses and the state is reinforced. This guideline offers a practical roadmap for advancing this agenda in Tunisia, while remaining adaptable to future reforms and evolving economic conditions.



Glossary of terms

Best practices: refer to interventions demonstrated by practitioners to provide a specific solution to a problem.

Intervention: The word ‘intervention’ is used in this guideline to describe any action or activity taken with the aim of resolving or preventing an employment dispute.

GRADE: Grading of Recommendations, Assessment, Development and Evaluation. A method used to assess the quality of the best evidence available.

PICO: Person or Patient, Intervention, Comparison, Outcome. Abbreviation for the phrases: patient or person, intervention, comparison and result. A method used in the medical sector to compare different interventions applied to the justice sector.

Recommendation: An intervention-based call for a specific treatment that practitioners and users must apply to address a particular type of justice problem.

Access to Justice

The ability of individuals and businesses to understand, use and obtain fair, effective and timely resolution of legal and justice problems, through formal or informal mechanisms, without excessive cost, delay or complexity.

Alternative Dispute Resolution (ADR)

Non-judicial mechanisms such as mediation, conciliation and arbitration that help parties resolve disputes consensually, faster and at lower cost than traditional court proceedings.

Business Climate

The legal, regulatory, institutional and economic conditions that affect the creation, operation, growth and closure of enterprises.

Collective Proceedings (Insolvency Procedures)

Legal mechanisms that address situations of business distress or insolvency, aiming to restructure viable firms or organize orderly liquidation while balancing the interests of creditors, employees and entrepreneurs.

Commercial Justice

The part of the justice system dealing with business-related disputes, including contracts, insolvency, debt recovery and corporate governance.

Development Stage (SME Life Cycle)

The phase during which an SME operates and grows, facing legal and regulatory issues related to contracts, finance, taxation, labour relations, foreign exchange, and compliance.

Dissolution Stage (SME Life Cycle)

The phase in which an enterprise exits the market through liquidation, insolvency or closure, requiring predictable, transparent and efficient procedures to enable “honest exit” and economic reallocation.

Early Warning System

A set of tools, data and institutional mechanisms designed to detect early signs of financial or legal distress in enterprises, enabling timely support, restructuring or referral to appropriate procedures.

Legal Empowerment

The process through which people and businesses gain the knowledge, tools and confidence to understand their rights and obligations and to act on them effectively.

Glossary of terms

Legal Needs / Justice Problems

Everyday problems people or businesses experience that have a legal dimension, such as disputes, regulatory barriers or administrative conflicts, whether or not they are recognized as “legal” by those affected.

Legal Tech

The use of digital technologies to improve access to legal information, justice services and dispute resolution, including online platforms, digital case management, diagnostic tools and decision support systems.

Micro, Small and Medium-Sized Enterprises (MSMEs / SMEs)

Enterprises defined by size (employees, turnover or assets), whose exact thresholds depend on national law. Harmonized definitions are essential for consistent policy application and access to justice.

People-Centred Justice

An approach to justice that starts from the experiences, needs and capabilities of users, focusing on fair outcomes, prevention of disputes, and solutions that work in practice rather than on legal procedures alone.

Prevention of Disputes

Policies, services and tools that reduce the likelihood of legal conflicts arising, including clear rules, accessible information, advisory services and early dialogue mechanisms.

Public-Private Dialogue (PPD)

Structured and ongoing engagement between public authorities and private-sector actors to identify legal and regulatory barriers, co-design solutions and monitor reform implementation.

Regulatory Clarity and Predictability

The extent to which laws and regulations are understandable, consistent and applied uniformly, allowing enterprises to plan and operate without undue legal uncertainty.

SME Life Cycle

The sequence of stages an enterprise passes through: creation, development and dissolution, each associated with specific justice needs and risks.

Specialized Economic or Commercial Chambers

Dedicated judicial units with trained judges handling commercial, insolvency and economic disputes, aimed at improving expertise, efficiency and consistency of decisions.

Stakeholders

Public institutions, private-sector organizations, civil society actors and justice providers involved in shaping, delivering or using justice and business support services.

Systemic Justice Barriers

Structural issues in laws, institutions or practices that repeatedly generate justice problems, such as outdated regulations, fragmented mandates or procedural delays.

User Journey

The sequence of steps a person or business takes when facing a justice problem, from recognizing the issue to achieving an outcome, used to identify bottlenecks and opportunities for improvement.

Methodology



1. Establish a Committee of Experts

The guideline development process starts by gathering a diverse group of local practitioners and justice experts. This group is referred to as the guideline's Committee of Experts (CoE). The Committee of Experts co-creates the guideline, performs quality control, and helps to establish local ownership. Assembling and engaging a committed Committee of Experts at an early stage is essential and helps to increase buy-in from local justice providers.

The Committee is composed of eight to twelve members. The Committee should include academic experts, mediators, legal professionals, judges, government officials, NGO providers, and providers within the justice system. A Chair is appointed with full endorsement of the Committee. The Chair will serve in that capacity for three years, and may extend his or her term on the Committee for up to six years. The Committee of Experts also reviews and advises on:

- a. Overall scope and purpose of the guideline
- i. Topics are clearly defined
- ii. Target group is clearly defined

- i. b. Stakeholder involvement
- i. Throughout the development process, individuals from all relevant professional groups are included
- ii. Proper tests of the guideline have been conducted with the target group.
- ii. c. Rigour of development
- i. Systematic methods were used to gather evidence
- ii. Criteria for selecting and grading evidence are clearly described
- iii. Formulation and categorization of recommendations are clear
- iv. The desirable and undesirable outcomes for recommendations have been clearly described
- v. The guideline has been reviewed externally prior to publication
- d. Clarity of presentation
- i. The recommendations are specific, actionable and unambiguous
- ii. Key recommendations are easily

identifiable- iii. Suggested best practices are easily identifiable

- iii. e. Applicability
- i. The guideline is supported with tools for application (such as sufficient introductions, categorizations and infographics)
- ii. The guideline clearly presents opportunities for further research
- iii. The guideline clearly presents opportunities for further development (adding topics, justice area or geographical area)
- iv. f. Editorial independence
- i. The views of the funding body have not influenced the content of the guideline
- ii. Competing interests of guideline developers have been recorded and addressed.



2. Identifying the Main Axes and Topics of the Guideline

The main axes of this guideline focus on the most pressing legal and regulatory challenges faced by micro, small, and medium-sized enterprises (MSMEs) in the course of their economic activities — particularly those relating to contractual and commercial relationships, administrative, regulatory and financial obligations, the resolution of commercial disputes, and the building of trust in economic transactions. Additional topics may be included or excluded as needed, such as access to finance, intellectual property protection, or digitization and tax compliance, provided that such adjustments are accompanied by methodological adaptations ensuring the guideline’s coherence and relevance to the national context.

The Committee of Experts is responsible for identifying the axes and topics of the guideline, drawing on a range of data and evidence provided by the Hague Institute for Innovation of Law (Hiil), including in particular the findings of justice

needs surveys specific to MSMEs, satisfaction levels with existing services, data-driven studies, economic reports prepared for this purpose, national strategies related to the business environment, and the outputs of the justice innovation lab. Topics are understood, in this context, as sub-issues falling under the broader axes, representing the practical problems that MSMEs or their supporting bodies need to address in order to prevent or effectively resolve disputes. This list is grounded in years of practical experience, engagement with justice service providers, professionals, and enterprise support structures, as well as in-depth research conducted by the Institute into the most significant legal and regulatory challenges facing these enterprises and the nature of the solutions they require.

On the basis of this preliminary list, the Committee of Experts identifies the topics to be prioritized in light of the business environment in Tunisia, with the possibility of incorporating additional topics where necessary. The final decision on the list of topics to be covered by the guideline is then made based on the Committee’s recommendations, available resources, technical expertise, and Hiil’s methodology.

In this framework, three main categories of topics are distinguished:

CATEGORY ONE:

Category One: Preventive and Foundational Topics, covering matters related to establishing economic activity on sound legal foundations, such as choosing the legal form of the enterprise, drafting contracts, and complying with fundamental obligations.

CATEGORY TWO:

Category Two: Operational and Regulatory Topics, covering issues related to the day-to-day management of the enterprise, such as tax and social compliance, relations with public administration, and the management of legal and financial risks.

CATEGORY THREE:

Dispute Resolution and Sustainability Topics, covering the management of commercial disputes, alternative resolution mechanisms, enforcement, and the building of trust and sustainable commercial relationships.

³ Hiil, Justice Needs and Satisfaction in Uganda, accessible via: www.hiil.org/projects/justice-needsand-



3. Developing a Shared Understanding of Outcomes through Outcome Measurement Cards

Identifying and achieving user-centered outcomes constitutes a fundamental element in ensuring effective and high-quality justice for micro, small, and medium-sized enterprises (MSMEs). In this context, the guideline adopts an approach based on identifying the practical outcomes that MSMEs require throughout the different stages of their economic activities, drawing on comparative research, empirical evidence, and the field experience of practitioners.

These outcomes include, for example, improving legal and regulatory compliance, securing contractual relationships, reducing commercial risks, enhancing access to information and services, protecting economic rights, resolving disputes effectively, and ensuring the continuity of economic activity. Such outcomes vary depending on the nature of the legal or regulatory issues faced by the enterprise, whether related to commercial contracts, tax and administrative obligations, financing, or disputes involving partners, public administration, or clients.

The Hague Institute for Innovation of Law (Hiil) shall organize an initial workshop with the Committee of Experts with the aim of developing a shared understanding of the key outcomes required by MSMEs within the Tunisian context, based on international research findings on user needs as well as the specific characteristics of the local business environment. The objective of this phase is to assess the relevance of the proposed outcomes to the national context and adapt them in line with the actual legal and regulatory challenges faced by enterprises.

This shared understanding of outcomes will guide the process of identifying both practice-based evidence and research-based evidence, ensuring that subsequent interventions and recommendations are directly linked to the results that enterprises seek to achieve.

Based on the outcomes agreed upon, the Committee of Experts shall, during a second workshop, develop “Outcome Measurement Cards,” which are practical assessment tools through which the identified outcomes are translated into clear, concise, and user-oriented indicators from the perspective of beneficiary enterprises. These cards will enable justice practitioners, service providers, and enterprise support structures to assess the extent to which the desired outcomes have been achieved, using standardized indicators that help measure levels of satisfaction and effectiveness and identify areas for improvement.

The outcome measurement cards will be incorporated into the guidance manual as a practical tool for monitoring impact and evaluating the extent to which the proposed interventions are capable of achieving the desired outcomes for MSMEs. In this way, the manual becomes not only a reference document for recommendations, but also a tool for continuous evaluation and performance improvement.



4. Collecting Practice-Based Evidence

Following the identification of outcomes and scorecards, the process moves to the phase of collecting practice-based evidence by identifying the best practices employed by local justice service providers — from both the formal and informal sectors — in addressing the most significant legal and regulatory challenges faced by micro, small, and medium-sized enterprises (MSMEs).

To this end, the Institute organizes a series of participatory workshops bringing together government officials, practitioners, representatives of local structures, and non-governmental organizations, with the aim of sharing practical experience regarding successful interventions. These workshops are held in diverse working groups designed to ensure a variety of experiences and complementary perspectives, with particular attention to regional and national representation that reflects the reality of the different regions of the Tunisian Republic.

The workshops are structured according to a unified model that encompasses the prioritization of issues, discussion of justice needs survey findings, analysis of outcomes and scorecards, and the alignment of core concepts relating to the manual, best practices, and recommendations — followed by applied sessions aimed at identifying best practices linked to specific cases, procedural pathways, and practical complexities.





5. Collect evidence from the literature and propose recommendations (evidence-based practice)

There are many different steps in the path to resolving a justice problem.

Each problem is broken down into a broad range of topics (such as mediation, adjudication, arrangements for raising children etc.) For each of these topics a number of possible interventions can be identified to help prevent or resolve the problem. Internationally available literature contains evidence which supports or invalidates interventions to justice issues. We test these interventions, rate the quality of evidence that underlies them, and define actionable recommendations. The following steps explain this process.

i. First literature search: Identifying the most common interventions

HiiL conducts a first literature search to identify all possible interventions for each topic. This is done in accordance with the search strategy (explained in step three).

For each topic, the team selects the two or three most effective interventions. Two interventions are then compared with each other in PICO format and - if applicable - similarly compared to a third intervention.³

ii. Defining the PICO question⁷

In order to assess the effectiveness of interventions, HiiL compares selected interventions using PICO questions. The PICO-approach is used in the medical sector to help define the effectiveness of an intervention. PICO stands for:

- Population
- Intervention
- Comparison
- Outcome

These four elements should always be present in the PICO questions. The standard

structure of a PICO question is: For [population/person], is [intervention 1] more effective than [compared intervention 2] for [outcome/goal]?

iii. Search strategy⁸ and literature selection⁹

After identifying the PICO question, HiiL reviews and selects the literature. HiiL first defines which keywords are used for the literature search.

The literature search is conducted in a hierarchical manner. HiiL starts with looking into existing evidence-based guidelines, systematic reviews and meta-analyses.

In case this results in insufficient evidence, the search extends to randomized controlled trials. If this is not available, the team searches for observational studies and empirical research. Lastly, if needed, HiiL gathers relevant opinions by international experts.

Steps taken in the process of selecting literature are (in this order):

1. Screening of titles and abstracts: A first selection is made where non-relevant titles are excluded.
2. Selection on methodology, based on titles and abstracts: The researcher selects sources according to their methodology⁴.
3. Selection on substance: A substantive and definitive selection based on the title, abstract and the substance⁵.
4. Rating of selected literature: The quality and quantity of the literature are assessed. If not sufficient, the search strategy and criteria are altered. HiiL consults several (legal and psychology-related) databases, which are accessible through Google Scholar. The most relevant databases are defined on a topic by topic basis.⁶

³ HiiL Justice Needs and Satisfaction of Micro, Small and Medium Enterprises in Tunisia 2025 Legal problems in the informal and the formal sectors of the economy Justice Needs and Satisfaction in Tunisia - HiiL 4-9 The literature selection-process is similar to the selection-process used in developing guidelines for family doctors in The Netherlands, accessible via: https://www.nhg.org/sites/default/files/content/nhg_org/uploads/Handleiding_ontwikkelen_nhg-behandelrichtlijnen_0.pdf

⁵ The search strategy is similar to the strategy used in developing guidelines for family doctors in The Netherlands, accessible via: https://www.nhg.org/sites/default/files/content/nhg_org/uploads/Handleiding_ontwikkelen_Nhg-behandelrichtlijnen_0.pdf

⁶ How to phrase a PICO question is explained in: Schunemann, Brozek, Guyatt and Oxman, GRADE Handbook, Chapter 2, accessible via: <http://gdt.guidelinedevelopment.org/app/handbook/handbook.html#h.1yd7iw8n8pxp>

Hiil consults several (legal and psychology-related) databases, which are accessible through Google Scholar. The most relevant databases are defined on a topic by topic basis.

iv. Assessing and grading the evidence

The literature contains evidence. Following the selection of literature, the quality of the evidence is evaluated. Hiil grades the quality of evidence for each PICO question, based on the GRADE (Grading of Recommendations Assessment, Development and Evaluation) system. The GRADE-manual (accessible on www.guidelinedevelopment.org/handbook) provides an elaborate description of this method.

GRADE is used extensively by the medical sector for developing guidelines. The GRADE system provides a definition of the quality of evidence. The quality of evidence reflects the level of confidence in the effect of the intervention on people’s well-being. The evidence is graded according to a three-step process.

A. Rate the entire study design

Rating the quality of evidence starts with the study design. The evidence is categorized by the type of study, using the four GRADE classifications:

High	Existing evidence-based guidelines, meta-analyses, systematic reviews
Moderate	Random Controlled Trials (RCTs), medium-sized/large empirical research (including observational studies and experimental studies)
Low	Small empirical studies (including observational studies and experimental studies)
Very low	Opinions of international experts

B. Take into account factors for downgrading and upgrading

Next, Hiil looks for factors that reduce the quality of evidence. These being:

Risk of bias of the publication, such as: <ul style="list-style-type: none"> ▪ Use of evidence by the author to support one favoured intervention (for example: the author is clearly in favour of mediation or supporting completely equal roles of men and women in family life as a matter of principle) ▪ Reporting of outcomes is selective ▪ Samples used in the study to back up arguments are not representative 	1 or 2 levels down
Risk of true effects reported being different in other culture/ location, <ul style="list-style-type: none"> ▪ For example: the Uganda city population may not experience the same effects of an intervention as the Texas rural sample in the study 	1 level down
Inconsistent results from different studies, such as those based on: <ul style="list-style-type: none"> ▪ Geographical area (different studies report different outcomes for different geographical areas) ▪ Interventions (different studies report different interpretations of the same intervention) ▪ Outcomes (different studies report different effects of the same intervention) 	1 or 2 levels down
Studies only present indirect evidence, such as: <ul style="list-style-type: none"> ▪ Different results in different geographical areas in one study ▪ A difference in how the intervention is applied in one study ▪ A difference in the effects of the intervention in one study 	1 or 2 levels down
Imprecision <ul style="list-style-type: none"> ▪ Uncertainty about the study results 	1 or 2 levels down

Hiil also looks at factors that increase the quality of evidence:

A large magnitude of the effect of the intervention: <ul style="list-style-type: none"> The effects are consistent across different samples Consistency in the studies on the magnitude of the effect 	1 or 2 levels up
Unanimous endorsement of the Committee of Experts	0 or 1 level up
All suggested best practices are in line with the recommendation	0 or 1 level up

Studies may report different outcomes. All outcomes of the studies that are essential to a recommendation are graded separately.

Until now, the upgrading and downgrading process has not been evaluated individually. In future iterations of the guideline, Hiil will provide reasons for upgrading or downgrading a recommendation and explain the reasons.

C. Rate the quality of evidence of the entire recommendation based on step A and B

After taking into account the rating of the study design and the factors for down or upgrading the quality of evidence, Hiil determines the overall quality of evidence. Hiil provides a single grade of quality of evidence for every recommendation. The quality of evidence can be classified into the following four categories of the GRADE model:

High	There is much confidence that the true effects of the tested intervention are close to the estimations of the effects
Moderate	The true effects of the intervention are likely to be close to the estimates of the effect. There is a possibility that it is different
Low	The confidence in the estimates of the effects is limited. The true effects can be substantially different from the estimates
Very low	There is very little confidence in the estimates of the effects

Because the GRADE approach rates the quality of evidence separately for each important outcome of the studies, quality might differ across outcomes. When determining the overall quality of evidence across outcomes, Only the outcomes that are assessed as being most important are considered. These critical outcomes have been identified for each recommendation in the guideline. If the quality of evidence is the same for all critical outcomes, then this becomes the overall quality of the evidence supporting the answer to the question. If the quality of evidence differs across critical outcomes, then the overall confidence in effect estimates cannot be higher than the lowest confidence in effect estimates for any outcome that is critical for a decision. Therefore, the lowest quality of evidence for any of the critical outcomes determines the overall quality of evidence.

D. Define the research gap

After grading the evidence it is important to clarify where more research is necessary, in order to improve the quality of the recommendation. There might be a lack of good quality study designs, or there might be insufficient research on certain interventions available. This way, the research gap can support universities and research institutions in identifying impactful fields of research for in the future.

v. Propose recommendations¹¹

The recommendations can be established following the answer to the PICO question and assessment of the quality of evidence by applying GRADE.

The strength of the recommendation depends on whether the desirable effects of an intervention outweigh the undesirable effects, and on the strength of evidence.⁷

⁷ - How to go from evidence to recommendations in medical guidelines is explained in: Schunemann, Brozek, Guyatt and Oxman, GRADE Handbook, Chapter 6, accessible via: <http://gdt.guidelinedevelopment.org/app/handbook/handbook.html#h.1yd7iwhn8pxp>

Recommendations are categorized into four groups:

Strongly recommended	<p>Clear balance towards desirable outcomes of the intervention and a high/moderate quality of evidence</p> <p>Apply recommendation and advise parties accordingly</p>
Recommended	<p>Clear balance towards desirable outcomes of the intervention and a low/very low quality of evidence</p> <p>Apply recommendation and advise parties accordingly</p>
Context-specific recommendation	<p>Unclear balance towards desirable outcomes of the intervention (where desirable effects do not apply to all situations) and a high/moderate level of evidence</p> <p>Apply recommendation only in the right circumstances and advise parties accordingly</p>
Not recommended	<p>Clear balance towards undesirable outcomes of the intervention and a high/moderate level of evidence</p> <p>Beware of non-recommended practice</p>

Key factors that influence the direction and strength of a recommendation are:

<p>The balance between desirable and undesirable outcomes (trade-offs) taking into account:</p> <ul style="list-style-type: none"> Best estimates of the magnitude of effects on desirable and undesirable outcomes Importance of outcomes (estimated typical values and preferences) 	<p>The larger the differences between the desirable and undesirable consequences, the more likely a strong recommendation is warranted. The smaller the net benefit and the lower the certainty for that benefit, the more likely a weak recommendation is warranted</p>
<p>Confidence in the magnitude of estimates of the effect of the interventions on important outcomes (overall quality of evidence for outcomes)</p>	<p>The higher the quality of evidence, the more likely a strong recommendation is warranted</p>
<p>Confidence in values and preferences and their variability</p>	<p>The greater the variability in values and preferences, or uncertainty about typical values and preferences, the more likely a weak recommendation is warranted</p>
<p>Resource use</p>	<p>The higher the costs of an intervention (the more resources consumed), the less likely a strong recommendation is warranted⁸</p>

8 - See: Schunemann, Brozek, Guyatt and Oxman, GRADE Handbook, Chapter 6, table 6.2, accessible via: <http://gdt.guidelinedevelopment.org/app/handbook/handbook.html#h.1yd7iwhn8pxp>



6. Assess compatibility of local practices with proposed recommendations and define final recommendations

We make a first draft of the guideline by combining practice-based evidence and evidence-based practice. During this process we:

- a. Test whether the suggested local practices (practice-based evidence) are consistent with the recommendations (evidence-based practice). In other words, we check if the practices favored by practitioners are supported by the research;

Compatible practices are highlighted and categorized as **‘best practices in line with international literature’**, whereas incompatible suggested practices are categorized as **‘other suggested practices’**.

- b. Include an annex where we elaborate on and assess the evidence base and identify remaining gaps in international literature. Identifying the gaps in literature helps research institutes to identify where further research is needed;
- c. Draft comprehensive descriptions of the interventions tested, so that the resulting recommendations are clearly understood;
- d. Categorize and review the “strength” of recommendations, taking into account the local practices. As previously mentioned, there are four categories of recommendations (Strongly Recommended, Recommended, Context-specific Recommendation and Not Recommended). When local practices are in line with the proposed recommendations, this makes for a stronger recommendation. When practices oppose them, the final recommendation will be weaker. This reassessment is done by assessment of the Committee of Experts, facilitated by HiiL. The strength of a final given recommendation is intended to inform whether and to what extent it is applied by justice providers and users.

7. Experts review the first draft of the guideline



HiiL submits the guideline to the Committee of Experts for review. The Committee decides whether the recommendations are acceptable within the local/national context. They report their findings within three months of submission. If the Committee of Experts determines that a recommendation is incompatible with local practice, the Committee and HiiL collectively review the recommendation and determine whether it should remain the same, be modified, or be removed from the guideline entirely.



Appendix of References:

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- ✔ Justice Innovation Lab (2025, July 18). Harnessing the Power of Data to Build Innovative Solutions.
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- ✔ Ontario Community Mediation Coalition (2020). Community Mediation Research Summary Report.
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- ✔ Digital Communication as a Tool to Increase Legal Awareness Among the Community (2025).
- ✔ Mediation Skills in Businesses and Organisations (2024).

Methodological & Organizational Resources

- ✔ Schunemann, Brozek, Guyatt and Oxman. GRADE Handbook.
- ✔ Link: gdt.guidelinedevelopment.org/app/handbook/
- ✔ OECD. Equal Access to Justice for Inclusive Growth.
- ✔ Link: oecd.org/gov/equal-access-to-justice-for-inclusive-growth/
- ✔ Task Force on Justice. Justice for All.
- ✔ Link: justice.sdg16.plus/report
- ✔ Hiil. Justice Needs and Satisfaction in Uganda.
- ✔ Link: hiil.org/projects/justice-needs-and-satisfaction-in-uganda/
- ✔ Hiil. Understanding Justice Needs: The Elephant in the Courtroom.
- ✔ Link: hiil.org/projects/understanding-justice-needs-the-elephant-in-the-courtroom/
- ✔ NHG (Netherlands). Manual for Developing NHG Treatment Guidelines (Handleiding ontwikkelen nhg-behandelrichtlijnen).
- ✔ Link: nhg.org/sites/default/files/content/nhg_org/uploads/Handleiding_ontwikkelen_nhg-behandelrichtlijnen_0.pdf

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Illustrations: Storyset