

## **“Insights into the CRPD Implementation in Tunisia: Qualification Opportunities for an Inclusive Adult Education”**

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## Abstract:

This paper aims to point out weaknesses and strengths in the policy adopted in the implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD, 2006) in Tunisia. Although many countries signed the CRPD, as is also the case with Tunisia, and are committed to ensuring that persons with disabilities have equal access with others to adult education and vocational training, according to UN monitoring reports, there is still a gap between those aims and the local contexts in one hand, and between countries' own implementation of CRPD, on the other. Through this study, we, first, aim to give an insight into the different modes of implementation at the policy level and to suggest possible reasons for this gap. Secondly, we will elaborate on the status quo of structures in Tunisia that provide opportunities for (further) qualification for working in the context of inclusive adult education.

**Keywords:** CRPD Implementation, Adult education, Policy, Inclusion, disability

## Introduction:

Social inclusion is a critical challenge in modern society, as it directly influences community cohesion and the overall health of a society. However, reducing feelings of isolation among marginalized groups has been a challenge in modern society to avoid disintegration (Baum, 2005). Many countries, through major organizations, are committed to establishing rules and regulations to ensure equity for individuals. Processes and policies are developed to avoid the threat of social exclusion and to ensure that all individuals, regardless of their background or circumstances, have equal opportunities to participate in social, economic, and cultural life. Several legislative initiatives aim to improve the situation of vulnerable individuals in this context. In this study, we develop the framework of the implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD, 2006), as it's the essential document that establishes a new paradigm for persons with disability rights and creates an operational model based on their rights (Curto & Marchisio, 2021). According to the World Health Organization (WHO), approximately 1 billion people (15% of the world's population) live with some form of disability. The situation of persons with disabilities around the world varies significantly based on factors such as geography, culture, and socioeconomic status. Research has shown that disability is more prevalent in low-income countries, where access to healthcare and support services is often limited (Parnes et al., 2009).

In 2006, the United Nations General Assembly adopted the Convention on the Rights of Persons with Disabilities (CRPD), which became effective in 2008. The CRPD is an international human rights treaty that aims to encourage, safeguard, and guarantee the complete and equal enjoyment of all human rights and fundamental freedoms for individuals with disabilities (United Nations, 2006). Since its adoption, the implementation of the CRPD has been a topic of extensive research and discussion. (Curto & Marchisio, 2021; Gómez et al., 2020; Hussey et al., 2016). Several studies have examined the progress made by countries in adopting and implementing the CRPD (Cogburn & Reuter, 2017; Ferri, 2018; Schreiber et al., 2019; Sumskiene et al., 2019).

Those studies prove that while many countries have made progress in aligning their laws and policies with the CRPD, significant challenges remain in areas such as legal capacity, access to justice, and independent living. They also highlighted the need for more effective monitoring and enforcement mechanisms to ensure the full implementation of the CRPD. A report by the United Nations Department of Economic and Social Affairs (2018) observed that the CRPD has been widely ratified, but the way it is implemented has been uneven across countries. While progress has been made, significant challenges remain in ensuring the full and effective implementation of the convention. The same report posits that the CRPD's full implementation in many countries has been hindered by a lack of awareness, insufficient resources, and insufficient political will. The involvement of civil society organizations and the participation of persons with disabilities in the implementation process might be identified as key factors in promoting the rights of persons with disabilities (Chaney, 2020).

According to Lang (2009), several factors are involved in the effective implementation of the CRPD which include legislation and infrastructure for service delivery. However, the first challenge regarding implementation is the existence of social and economic disability policy founded on human rights promotion. The role of the state in policymaking may not be enough. The involvement of civil society organizations and the participation of persons with disabilities in the implementation process have been identified as key factors in promoting the rights of persons with disabilities (Chaney, 2020).

As it's the first human rights treaty that recognizes the right to education for persons with disabilities, the CRPD through article 24, demands that State Parties comply with an inclusive educational system and "enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education". Although the CRPD does

not provide a standard definition of inclusive education, article 24 describes a list of measures that state parties are required to take to guarantee an inclusive education system (Ferri, 2018). The implementation of the right to education must be assured through the effective allocation of adequate financial and human resources, and the establishment of monitoring mechanisms (Broderick 2014). We propose to examine the effectiveness of the implementation process in Tunisia, considering both opportunities and challenges. This study, we aim through a qualitative, exploratory approach to describe legislative grounds and institutions, related to the CRPD implementation, developed in Tunisia with a focus on the adult education domain to further understand the impact of those factors on the effective implementation of the CRPD in inclusive adult education.

### Legislative ground

Through the CRPD, disability policies and practices are framed and implemented by the transition from a medical to a social model paradigm which adopts rights-based approaches. (Haegele & Hodge, 2016). According to the social model, disability is caused by societal barriers and attitudes, rather than inherent individual limitations (Oliver et al., 2012). Haegele and Hodge (2016) also consider that understanding of disability is shaped by the perspectives and actions of professional organizations and influential individuals who have the authority to establish the accepted conceptualizations of disability within society. This means that signing the CRPD does not necessarily reflect an immediate paradigm shift in countries' policies and strategies regarding disability. In fact, "The CRPD provides a clear contrast to the dominant international conceptualization of disability" (Tichá et al., 2018, p. 3).

In Tunisia, the main legislation governing the rights and protections of persons with disabilities is the Orientation Law No. 2005-83 of August 15, 2005, on the Promotion and Protection of Disabled Persons. This law aims to guarantee the rights of people with disabilities and promote their inclusion in Tunisian society. The law defines disability as "any limitation or reduction of ability to perform an activity in the manner or within the range considered normal for a human being, as a result of a deficiency in his or her physical, mental or sensory capacities." Which is a definition that is not consistent with the social model. The law was revised in 2021 to strengthen the legal framework for supporting and protecting the rights of persons with disabilities in the country. The definition of disability was expanded to be more inclusive and align with the UN Convention on the Rights of Persons with Disabilities (CRPD), which the country ratified in 2010. Through the revised Law No. 2005-83, Article 5, anti-discrimination provisions were strengthened to prohibit discrimination against persons with disabilities in all areas of life, including employment, education, healthcare, and access to public facilities. The law also mandates that all new public buildings and infrastructure must be designed and constructed to be accessible for persons with disabilities. It also requires existing facilities to be retroactively adapted (Revised Law No. 2005-83, Article 11)

Examining local laws, we may note that the Tunisian context does not meet the CRPD's standard yet, despite the revisions and improvements. The revisions focused mainly on employability and infrastructure and did not consider the tangible progress made in terms of rights. In addition, certain articles of law No. 2005-83, have still not been applied, such as the sanctions imposed on institutions and spaces that do not facilitate access to their premises for people with disabilities.

### Institutional framework

In Tunisia, both the Ministry of Social and the Ministry of Higher Education interfere in adult education inclusion. The Ministry of Higher Education and Scientific Research participates essentially in the training of qualified staff: (Special educators, psychiatrists, speech therapists) and research in the adult education field. However, the Ministry of Social Affairs is the essential provider through the International Centre for research, study, documentation, and training on disability. The center was originally a non-governmental organization and has been transformed into a public institution through government decree No. 2019-819 of 15 August 2019, establishing the Centre for Research, Study, Documentation, and Training on Disability. The decree announced that "The Centre's mission is to carry out research, studies, documentation, and training as part of the implementation of the policy of the Ministry of Social Affairs in the field of disability by the legislative in force." This transition has led to improved institutional organization, resulting in the inclusion of several special education centers around the country "The 'center' may create regional subsidiaries on the proposal of its general manager and after the approval of the supervisory authority." (Decree 2022-930 of 7 December 2022, amending and supplementing government 2019-819 of 15 August 2019). The new decree also enriches and promote the mission of the center which became "the implementation of special education programs for people with disabilities who are unable to integrate into the normal educational process, and the carrying out research, studies, documentation, and training, as part of the implementation of the policy of the Ministry of Social Affairs in the field of disability" This mission seeks to align with the new strategy that the ministry is developing, on collaboration with national and international NGOs. Despite the progress made, further efforts

must be made to coordinate the various providers involved mainly in formal adult education. However, this institutional achievement shows promising potential in terms of evaluation and monitoring of the CRPD implementation.

### Achievements and Limits

After ratifying the CRPD and, over the past few years, Tunisia has adopted an inclusive, multi-sectoral approach to fully including people with disabilities. This approach aims to ensure the effective participation of people with disabilities and their full inclusion in all sectors. Despite the legislative adjustments and the institutional development previously mentioned, there are still several shortcomings to be overcome. To better describe the achievements and limits, we focused on three major areas: education, vocational training, and employment.

In the field of education, Ben Abderrahman (2012) notes Tunisia considers the inclusion of people with disabilities to be a national priority. In recent years, several programs have been set up to ensure the inclusion of disabled students. These include the preschool education program (ME & MFFEPA, 2018), a preparatory education program (ME, 2021), and the Collective decrees between the Ministries of Social Affairs, Education, and Health on measures to facilitate the inclusion of disabled pupils in schools (2004). However, no program for adult learners, including university students, has been developed.

In vocational training, the State has set aside 3% of places in public training centers; in the field of accessibility, measures have been taken to promote transport and accessibility of spaces (JORT, 2006). In this context, the Ministry of Social Affairs has established four vocational training centers for persons with disability: the International Centre for the Advancement of Persons with Disabilities, the special education and rehabilitation center “La volonté”, the vocational rehabilitation center for persons with motor disabilities and life accidents of Manouba and the vocational training center for the deaf de Kassar Hlal, Monastir. These centers offer training in several fields, including patisserie, carpentry, sewing, banking, workplace safety, etc. These courses can be short or long-term. Unfortunately, not all training programs are adapted to people with disabilities, which goes against the principles of the CRPD (Committee on the Rights of Persons with Disabilities, 2023). Moreover, according to Ammar (2019), those programs are influenced by two opposing attitudes: that of the State, which is committed to inclusion in the mainstream education and training system, and that of society (teachers, trainers, students, etc.). This can be considered as another factor that limits the effectiveness of the CRPD implementation. The Committee on the Rights of Persons with Disabilities report on Tunisia for 2023 also noted that Tunisia's legislation still supports segregated education (public schools and specialized education centers) and does not support inclusive education and the absence of reasonable accommodations in educational institutions.

In employment, Tunisia has developed a national strategy to promote the inclusion of people with disabilities in the labor market. In this context, the national social and economic empowerment program came into being in 2022, with Decree No. 715 of September 20, 2022, establishing the Economic Empowerment Program for poor and low-income groups benefiting from the Social Security Program and for people with disabilities, and regulating the conditions and procedures for access to this program. This program aims to finance projects for people with disabilities. In the same context, Tunisia adopted Law 41 of 2016 which guarantees 2% of work positions for people with disabilities in the public and private sector. However, in their comparative study between Tunisia and Morocco, Trani & al. (2017) indicate that people with disabilities find it difficult to access employment, these difficulties can be at the origin of the attitudes and prejudices of employers towards the abilities of people with disabilities, and the lack of accessibility to the work environments.

The inclusion of people with disabilities in Tunisia is a national responsibility, according to the law of orientation No. 83-2005, which calls for a collaborative and multi-sectoral approach that requires an effort on the part of the various players. This is why coordination between stakeholders in various sectors is required. Especially between ministries (social affairs, education, vocational training, employment, etc.), civil society (associations working in the field of disability, non-governmental organizations, etc.), and people with disabilities. The inclusion of persons with disabilities also requires according to the social model of disability, an accessible environment to guarantee their effective participation and to exercise their social roles. In this context, Tunisia must adopt a perspective based on the rights of people with disabilities, which calls for the deinstitutionalization of disability, guaranteeing inclusion, autonomy, self-determination, and quality of life for these people. The current institutional form of disability in Tunisia may not guarantee any form of autonomy and well-being. This institutional form will reinforce the confinement of people with disabilities in centers, which will increase segregation.

## Conclusion

The literature on the CRPD implementation suggests that while progress has been made, significant challenges remain in ensuring the full and effective implementation of the convention. This paper gives insights into the legislative ground and the institutional context related to UNCRPD implementation in Tunisia. We suggest that efforts to improve those two factors can be crucial in improving the situation of persons with disabilities in Tunisia. Through the current state of the UNCRPD implementation's description, we showed that while Tunisia ratified the CRPD, committing to the principles of accessibility, participation, and equality, these commitments are not fully reflected in adult education programs. As a result, individuals with disabilities often still face significant barriers to accessing quality education, perpetuating social exclusion and hindering their ability to fully participate in societal life. Thus, there remains a clear disconnect between the international standards set by the CRPD and the realities of adult education in Tunisia. Understanding both, weaknesses and strengths in the policy adopted, and existing qualification opportunities in Tunisia should contribute to insights into the CRPD's implementation mechanism considering the different relationships between the various stakeholders and the complexity of local contexts.

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## "رؤى حول تطبيق اتفاقية حقوق الأشخاص ذوي الإعاقة في تونس: فرص التأهيل من أجل تعليم شامل للكبار"

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### ملخص البحث:

تهدف هذه الورقة إلى تحديد نقاط الضعف والقوة في السياسة المتبعة في تنفيذ اتفاقية الأمم المتحدة لحقوق الأشخاص ذوي الإعاقة (اتفاقية الأمم المتحدة لحقوق الأشخاص ذوي الإعاقة، 2006) في تونس. على الرغم من أن العديد من البلدان الموقعة على اتفاقية حقوق الأشخاص ذوي الإعاقة، كما هو الحال في تونس، ملتزمة بضمان حصول الأشخاص ذوي الإعاقة على قدم المساواة مع الآخرين على تعليم الكبار والتدريب المهني، فوفقًا لتقارير الرصد الصادرة عن الأمم المتحدة، لا تزال هناك فجوة بين هذه الأهداف والسياقات المحلية من جهة، وبين تنفيذ الدول نفسها لاتفاقية حقوق الأشخاص ذوي الإعاقة من جهة أخرى. نهدف من خلال هذه الدراسة، أولاً، إلى إعطاء نظرة ثاقبة على أنماط التنفيذ المختلفة على مستوى السياسات واقتراح الأسباب المحتملة لهذه الفجوة. وثانياً، سنقوم ثانياً بتوضيح الوضع الراهن للهياكل في تونس التي توفر فرصاً للتأهيل للعمل في سياق تعليم الكبار الشامل.

**مصطلحات البحث:** الإعاقة، تنفيذ اتفاقية حقوق الأشخاص ذوي الإعاقة، تعليم الكبار، سياسة، الدمج.