

EUROPEAN PARLIAMENT

Delegation for relations with the Maghreb countries and the Arab Maghreb Union (including Libya)

12th European Union - Tunisia Interparliamentary Meeting

14 - 17 September 2005

Tunisia

Report by Luisa Fernanda Rudi Úbeda, Delegation Chairperson

Introduction

The Delegation for relations with the Maghreb countries visited Tunisia from 14 to 17 September 2005 in response to an invitation from the Tunisian Parliament. That visit had originally been scheduled for June, but had been postponed owing to the holding of municipal elections in Tunisia.

The delegation, which was headed by its chairwoman, Luisa Fernanda Rudi Úbeda, also comprised Alain Hutchinson and Simón Busutill, the first and second vice-chairmen respectively, John Attard-Montaldo of the PSE Group, H el ene Flautre of the Verts/ALE Group and Girts Kristovkis of the UEN group.

The visit had become all the more relevant following the statements made the previous week, at the plenary sitting of the European Parliament, on the human rights situation in Tunisia and the sending by the President of Parliament, via the Delegation Chairwoman, of a letter to the Tunisian Ambassador (see annex).

The delegation had many meetings, both with representatives of the Commission and the British Council Presidency and with representatives of the Tunisian Parliament and Government and of civil society.

Meeting with the Commission and the Council Presidency

The visit began with an information meeting in the offices of the Commission Delegation, which were also attended by a representative of the British Presidency, and which covered the following subjects:

- recent developments in the political situation, including human rights issues;
- the economic situation in Tunisia; and
- bilateral relations between Tunisia and the EU.

Meeting with representatives of various non-governmental organisations

In general, the various representatives of the non-governmental organisations expressed their concern at what they described as a serious deterioration in the human rights situation since 2003. They gave the following examples of this:

- cancellation of the congress of the Tunisian League for the Defence of Human Rights and the suspected infiltration by persons close to the government of NGO decision-making bodies with a view to obstructing their work, and which had seen legal action being initiated;
- refusal of the authorities to recognise some NGOs;
- freezing by the Tunisian authorities of Community funds intended for NGOs;
- the situation in prisons, which was considered to be catastrophically bad - as had been confirmed by the Red Cross;
- an only apparent freedom of the press, since journalists had to censor themselves if they wanted to continue carrying on their profession. The official justification for restricting the freedom of the press and organisations' activities was that of combating terrorism, which the representatives of the NGOs considered to be merely a pretext.

The situation of the Tunisian League for the Defence of Human Rights (TLDHR) has become a particularly pressing issue. That organisation, which was the first of its kind in the Arab world and has existed for 28 years, wanted to hold its congress in September 2005. The Tunisian President confirmed this point to the President of the European Parliament during his visit in April 2005. However, in early September 2005, after a judicial decision had been sought by certain members of the organisation considered to be close to the government, the police had surrounded the TLDHR's offices. Commission staff and the representatives of various diplomatic missions were on the premises, in a show of support for the TLDHR. Already in January 2005, the Minister for Justice had notified the TLDHR that it was not legally entitled to receive Community funding.

The representatives of the NGOs expressed the following wishes to the Members of the European Parliament:

- that the European Parliament should take the human rights situation in Tunisia more seriously, since it seemed to accord less importance to the clauses in the Association Agreement relating to that area than it did to the clauses on economic matters;
- that it lend support to the Action Plan, on the basis of the neighbourhood policy, especially in view of the plan to create a Subcommittee on Human Rights. It was hoped that the EP Delegation would support the creation of that Subcommittee, which should address not only general issues but also concrete cases.

The Commission representative said that the finer points of the creation of the Subcommittee on Human Rights still had to be clarified with the Tunisian authorities. It was expected that an agreement would be reached before the end of the year.

Working session in the Tunisian Parliament

The following issues were addressed at the meeting:

a) Association Agreements (AA)

Tunisia was the first country to sign an association agreement with the EU (in 1995) and received a substantial share of the Community funds allocated to the Mediterranean countries (14% of the overall budget). Those funds were intended for the modernisation of the economy and the consolidation of civil society. Generally speaking, Tunisia was satisfied with the association agreement, even if the opening-up of markets had posed certain problems for its economy and, following the enlargement of the EU, it wanted greater access to the new Member States.

The abundant flow of Community funds into Tunisia could be explained by that country's ability to design projects eligible for funding and by the quality of cooperation with the Commission delegation.

b) Human rights situation

As was the case in all the meetings, this was a major theme in the discussions.

The representatives of the Tunisian Parliament pointed out that pluralism and democratic principles, along with respect for human rights, had been incorporated into the Constitution in 1992.

The EP Delegation raised the issue of the situation of the oldest human rights organisation in the Arab world, the Tunisian League for the Defence of Human Rights (TLDHR). According to the members of the Tunisian Parliament, the problem was an internal one relating to that organisation. Following the elections to the organisation's governing bodies, some of its members had appealed to the courts, who had ruled that the elections should be rerun. That ruling had to be upheld, precisely because justice was one of the three pillars of the Tunisian democratic system. Still on the same subject, reference was made to the complaints from the TLDHR and other human rights organisations over the freezing of EU funds by the Tunisian authorities. The Tunisian MPs justified this by saying that the organisations concerned had failed to present sufficient information.

The issue of 'exception laws' was then addressed. The Tunisian MPs pointed out that these had been passed to combat terrorism, drew their inspiration from the Western democracies and did not affect other areas. As for the definition of terrorism, there was a need to distinguish between terrorism which claimed the lives of children and other innocent people, and a struggle against an occupying power, such as the one being waged by the Palestinians against Israel.

c) Other matters

The following subjects were also addressed:

- *immigration*, which was an issue of major importance for Tunisia. According to the Tunisian MPs, there were no detention centres in Tunisia and none were going to be set up;
- *trade unions*, which should be able to carry on their activities freely and were an important influencing factor in society; unlike in other countries, Tunisia had a single united trade union;

- *progress towards democracy*, which according to the Tunisian MPs should be tailored to the each country's circumstances. In any event, despite understanding the need to continue the natural process of democratic development, Tunisians did not wish to be reprimanded by the EU, which they felt should appreciate the steps taken to date.
- the policy on the *granting of visas* for visits to the EU Member States, which was the subject of criticism. According to some of the Tunisian MPs, travellers to the EU did not normally need a visa, but the EU required Tunisian citizens to obtain one and that process took an excessive amount of time.

The Vice-President of the Tunisian Parliament expressed the hope that regular and more frequent meetings could be held between the parliamentary members in the future. The chair of the European Parliament delegation said that she shared that hope.

Meeting with the Minister for Social Affairs

The Minister began by providing the following figures:

- 20 % of GDP was used for education and research;
- the rate of school enrolment stood at almost 100 %. There were currently 380 000 university students in Tunisia, 47 000 of whom would complete their studies this year.
- 33 % of all schoolchildren were girls.

However, despite these very positive figures, unemployment could be considered one of the country's major problems, being the root cause behind the emigration of 10 % of the population. Tunisia had signed an agreement with Italy under which 4 000 Tunisians could emigrate to that country each year.

The Minister did not view the illegal emigration of Africans to Europe as a problem. Tunisia was working in cooperation with Italy and Malta on this issue and repatriation agreements had been signed with several countries.

On the basis of World Bank criteria, 4.1 % of the Tunisian population would fall into the category of 'poor'. In any event, the state offered assistance to such people.

The Commission representative said that the Commission was seeking to design a support programme for the sickness insurance system, but that the project had temporarily stalled owing to a lack of information.

Meeting with the Minister for Development

The Minister painted a very positive picture of economic development in Tunisia:

- after coming through a difficult year in 2002, the economy had not ceased to grow, at rate of 5,6 % in 2003 and 6 % in 2004, with a forecast of 4,8 % for 2005;
- the budget deficit stood at less than 3 %, while the rate of inflation oscillated between 1,9 % and 2,6 %;
- the unemployment rate, which was 16 % in 1998, had fallen to 13,9 % in 2005.

Nevertheless, the set target had yet to be reached, meaning that continued efforts had to be made to reform the tax system and on deregulation. This was important from the point of view of trade relations with the EU.

Foreign investment in Tunisia was extraordinarily important, especially if the country was going to extend the range of goods it produced for exportation: textiles, olive oil and electric cables, etc.

In order to do this, a climate of trust had to be created, in which corruption was eradicated and a high level of transparency guaranteed. Tunisia was 35th on the 'Transparency list', which was viewed as auspicious.

The Minister emphasised how important the EU was for his country: every year it received 70 million euros from the Union in aid. It was thanks to that aid and the broad consensus among the population on many major issues, such as the role of women in society, that Tunisia had been able to develop.

Meeting with representatives of the legal profession and the judiciary

a) Meeting with representatives of the legal profession

In the opinion of the lawyers, the situation with regard to working conditions had been deteriorating since 1987. The ruling political class was wielding increasing influence and it was not unusual for the police to interfere in lawyers' work. In general, justice was used for political ends.

Lawyers' living conditions had deteriorated: their fees had not increased, acting as defence counsels in court did not pay, there were no continuous training programmes and they were not covered by social security arrangements or sickness insurance. On the other hand, those belonging to the governmental faction had no material difficulties. The promise to build a law school, for which plans had been presented, had not been fulfilled.

The lawyers described the following situations in support of what they had said:

- if a lawyer allowed himself to criticise a judge in court, measures would be imposed against him;
- the police had recently searched the office of a lawyer acting as defence counsel for a journalist;
- the lawyer Mohamed Abbou had denounced the situation in prisons and the justice system in general. He had been condemned to three years in prison; during the oral examination, the President of the College of Lawyers had come close to being physically assaulted;
- the situation in prisons was open to severe criticism; besides this, prisoners were kept in jails a long way from their homes. Very long distances had to be travelled for a 15 minute visit; children of school age were not entitled to visit their parents;
- the conditions in which lawyers had to work were so difficult that the College of Lawyers had called a strike. Those lawyers sympathetic to the regime had appealed to the courts to

ban the strike. They had set up a parallel body to the current College of Lawyers in order to increase still further the governing party's influence over the legal profession.

Tunisia had previously been the most advanced country in the Arab world in terms of respect for human rights, but was now lagging behind Algeria and Morocco. The lawyers' representatives called on the Members of the European Parliament for it to exert the necessary political and financial to enable democracy to be restored to Tunisia.

The Commission's representative said that the Commission had developed a programme designed to improve this situation.

b) Meeting with representatives of the judiciary

The Tunisian Association of Judges, which comprises 1 875 members of that profession, had been in existence since 1990 and its independence was guaranteed by the law. Since the proceedings against Mohamed Abbou, its relations with the authorities had been deteriorating. That trial, which had been of a political nature, had provoked a reaction from the Association of Judges. The authorities had responded in turn, and on 31 August 2005 had issued a decree closing the Association's office sited in the Palace of Justice. The Attorney-General had in fact called for the keys to be handed over. This had been viewed as a violation of the freedom of assembly.

At the same time, the opponents of the Association of Judges were making preparations for a congress that would be held in December 2005 and at which certain governing bodies sympathetic to the government would be elected. Judges who did not side with the political regime were experiencing severe retaliation.

One judge attending the meeting said that, as a punishment, she had been forced to transfer to a locality 460 km from her home, far from her husband and children. Four out of five practising judges had been subject to disciplinary measures. Nevertheless, the majority of judges continued to do their job without letting themselves be influenced, and continued to be guided solely by justice and the law.

The judges stated that the manipulation of the justice system through political bodies had to stop and that the members of the EP Delegation should help to restore its independence.

Meeting with the Minister for Trade and Craft Industries

The Minister made reference to the Tunis Declaration, adopted as an annex to the Euromed Conference conclusions, which proposed the approximation of EU laws and those of the Mediterranean countries, improved access to the European market and the application of common rules such as the ones laying down a prohibition on social dumping.

The free circulation of goods between the Arab countries had been in place since 1 January 2005.

The Minister spoke of the importance of the Tunisian textile industry, which employed 500 000 people. 50 % of all exports originated from this sector, which was now suffering from competition from China. In the same way that Tunisia had opened up its market to products

originating from the EU, the Minister trusted that the European market would not be shut off to Tunisian textile products.

Meeting with the Secretary of State in the Ministry of Foreign Affairs

The Secretary of State responsible for European Affairs made the following points:

- from an economic viewpoint, Tunisia was experiencing a difficult period owing to the increase in the price of crude oil and competition from China in the textile sector. The country was pursuing two objectives: stability and economic growth;
- in the political sphere, significant progress had been made since 7 November 1987 with regard to the establishing of a multiparty system and the combating of religious extremism. During the last presidential election campaign, the Minister had for the first time heard criticisms being levelled at the political parties and the President;
- NGOs received funding not only from the European Union but also from Saudi Arabia. The government insisted on having information on that funding in order to exercise closer control. The Minister cited, by way of example, the bad experiences the government had had with some transfers from abroad which were thought to be intended for Koranic schools. The TLDHR was in a restructuring phase. Some of its members believed themselves to be above the law. The League had to resolve its own problems and respect the laws of the land if it wanted to receive funding;
- the Subcommittee on Human Rights was the first of its kind to be endorsed in a MEDA country. The Minister hoped that constructive cooperation could be maintained with it;
- great importance was attached to the independence of justice: no Tunisian would ever dream of questioning that independence;
- illegal immigration was a serious problem; agreements had already been signed with Italy and a similar agreement was soon to be signed with Spain.

Meeting with the Minister for Justice

The meeting basically revolved around the independence of the justice system, its workings and the situation of lawyers. The Minister's replies to the questions put by the Members of the European Parliament were as follows:

- Independence of justice: this was something guaranteed by the Constitution and this principle was adhered to in practice. The 'Conseil Supérieur de la Justice' (High Council of Justice) was responsible for appointments, transfers and the adoption of disciplinary measures. Furthermore, matters were being complicated by the fact that judges were seeking to form political movements and operate in areas which were not their responsibility;

- Rights of the defence: it had been asserted that at some trials lawyers had been unable to exercise their rights. These were cases involving several different lawyers, each of whom had spent between five and six hours presenting the case for the defence. The courts had been obliged to intervene since they considered that the lawyers had been exploiting their rights in order to prolong the trials;
- Situation of lawyers: social security issues were governed by a presidential law and were outside the remit of his Ministry. The decision on opening a law school had had to be deferred on several occasions owing to the lawyers' failure to appear;
- EU aid: the Commission had put forward a programme to improve the workings of the justice system which the Minister thought would be underwritten by 31 December 2005.

Conclusions

The discussions were in part characterised by the adoption of conflicting stances on human rights issues and on the working methods of the state institutions.

The Delegation considers that the utmost priority should be awarded to the issue of respect for human rights. While major progress has been achieved in this respect in neighbouring countries such as Algeria and Morocco, Tunisia, which was the first Arab country to have a non-governmental organisation dedicated to the protection of human rights, the TLDHR, now seems to be lagging behind in respect of those rights. Similarly, the independence of justice, free exercise of the legal profession and freedom of the press are issues of major importance for Tunisia's development.

In this connection, the EP Delegation formulated an excellent opinion of the work done by the Commission Delegation in Tunisia which, through programmes and the personal involvement of its members, was providing considerable support to Tunisian society.

The European Parliament Delegation was able to establish, on reading the articles published after the various meetings held, that the criticisms made were not echoed in the national press.

The European Parliament Delegation views this report as a purely summary recapitulation of the information gathered during the visit, and hopes that the cooperation between the European Parliament and the Tunisian Authorities will be to the benefit of all members of Tunisian society.

EUROPEAN PARLIAMENT

DELEGATION FOR RELATIONS WITH THE MAGHREB COUNTRIES AND THE ARAB MAGHREB UNION (INCLUDING LIBYA)

14-17 Septembre 2005
Tunis

Final Programme

Mercredi 14 Septembre Tunis

fin d'après-midi individual arrival of members and transfer to Abou Nawas Hotel :

Abou Nawas Hotel, 355 Place des Droits de l'Homme, Av Mohamed V
1080 TUNIS Tel: +216.1 350 355 Fax: +216.1 354 986 / 352 882

Jeudi 15 Septembre Tunis

- 09h15 Briefing at European Commission Delegation by:
The Presidency, P. Botson, Chargé d'affaires a.i., British Embassy
The Commission, Giacomo Durazzo and Bernard Philippe

Délégation de la CE Europe Building – Les Berges du Lac – TUNIS
Tél 960 330 / fax 960 302
- 12h30 Déjeuner de travail avec les Ambassadeurs de l'UE en poste en Tunisie
Restaurant Le Diwan Dar El Jeld
5-10 Rue Dar El Jeld ; La Kasbah Tunis
Tél 560 916/ fax 567 845
- 15h00 Session de travail avec le Parlement Tunisien

Chambre des Députés, Palais du Bardo
Tél 510 200 / fax 518 999
- 19h30 Retour à l'hôtel
- 20h30 Dîner offert par la Chambre des Députés
Restaurant Dar El Jeld
5-10 Rue Dar El Jeld ; La Kasbah Tunis
Tél 560 916/ fax 567 845

Vendredi 16 Septembre		Tunis
09h00	Monsieur Mohamed Nouri Jouini Ministre du Développement et de la coopération internationale	
10h30	Monsieur Ali CHAOUCH Ministre des Affaires Sociales	
11h45	Monsieur Mondher Zenaïdi Ministre du Commerce et de l'Artisanat	
15h30-18h30	Rencontres avec l'Ordre des Avocats, Le Barreau, les Magistrats Délégation de la CE– Les Berges du Lac – TUNIS Tél 960 330 / fax 960 302	
19h00	Cocktail à l'Abou Nawas Tunis offert par le parlement Européen	

Samedi 17 Septembre		Tunis
9h00.	Monsieur Hatem Ben Salem Secrétaire d'Etat auprès du Ministre des Affaires étrangères chargé des affaires européennes	
10h30	M. Béchir Tekkari Ministre de la Justice et des Droits de l'Homme	
11h45	Conférence de Presse conjointe à l'aéroport	

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12th Interparliamentary Meeting EP/Tunisia

Tunis, Tunisia
14-17 September 2005

Members (6)

	<u>Group</u>	<u>Country</u>
Mrs Luisa Fernanda RUDI UDEBA, Chair	EPP-ED	Spain
Mr Alain HUTCHINSON, First Vice-Chair	PES	Belgium
Mr Simon BUSUTILL, Second Vice-Chair	EPP-ED	Malta
Mr John ATTARD-MONTALTO	PES	Malta
Mrs Hélène FLAUTRE	V/ALE	France
Mr Girts KRISTOVSKIS	UEN	Latvia

EPP-ED	Group of the European People's Party (Christian Democrats) and European Democrats
PES	Group of the Party of European Socialists
ALDE	Group of the Alliance of Democrats and Liberals of Europe
Verts/ALE	Group of the Greens/European Free Alliance
UEN	Union for Europe of the Nations Group

DG III Staff (2)

Mr Hans-Hermann KRAUS	Administrator
Ms Morag DONALDSON	Administrative Assistant

Political group staff (2)

Ms Ance GULBE	Advisor, UEN group
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Interpreters (5)

Laurent BERNHARD
Andrew BOLTON
Inez CARAVIA
Melpomeni KONSTANTINIDI
Beatriz LOPEZ EWERT

Parliamentary Assistants (2)

Marisol SANTAMARIA CARRILLO	Assistant of the Chairperson of the Maghreb delegation
Chadi SIDHOM	Assistant of the Chairperson of the subcommittee on Human Rights