



Doc. 12497

25 January 2011

The situation in Tunisia

Report¹

Political Affairs Committee

Rapporteur: Mrs Anne BRASSEUR, Luxembourg, Alliance of Liberals and Democrats for Europe

Summary

The report pays tribute to the courage and determination of the Tunisian people who, despite violent repression, have shown the will to transform Tunisia into a free, open and democratic country.

Political forces in Tunisia must not fail the people's expectations and should quickly start political reforms. Tunisians expect full democratisation of the society and demand comprehensive political reforms which would make the changes irreversible.

The report encourages all political forces to contribute in a constructive way to the setting up of an agenda for reform and it suggests some elements that could be considered by the Tunisian authorities in this process. It also encourages the Tunisian authorities to intensify and broaden co-operation with the Council of Europe and to take advantage of its experience in the transition of their country towards democracy.

¹ Reference to Committee: Reference 3728 of 24 January 2011.

A. Draft resolution²

1. In the last few weeks, Tunisia, one of Europe's closest Mediterranean neighbours, has undergone major changes. Local unrest over poor social and economic conditions evolved into a nation-wide protest movement which finally forced the former President Ben Ali to flee the country. The situation in Tunisia remains fragile and uncertain and street protests continue.
2. The Parliamentary Assembly pays tribute to the courage and determination of the Tunisian people who, despite violent repression, have clearly shown the will to put an end to authoritarian rule and to transform Tunisia into a free, open and democratic country. The attitude of the Tunisian army, which offered protection to the people during the troubles without interfering in politics, is also to be commended.
3. The Assembly condemns unequivocally the use of violence against protesters, regrets the loss of dozens of lives, and expresses its sympathy to the families of the victims and those injured. The use of arms against peaceful citizens and the police action need to be thoroughly investigated and those responsible must be called to account. It also regrets incidents of violence, looting and destruction of property on the part of some elements among the protesters.
4. Even if the main causes for the events in Tunisia have their origin in Mr Ben Ali's policies, Europe also has its share of responsibility since it failed to condemn the nature of the regime, preferring to take advantage of its apparent stability to carry out its business.
5. Political forces in Tunisia must not fail the people's expectations and should quickly start political reforms. Political pluralism should express itself. In this context, the Assembly takes note of the formation of a transitional government, which includes several leaders of the opposition. It also takes note with satisfaction that politicians and public figures who had lived in exile can now return to the country.
6. The first steps announced by the provisional government, such as the release of political prisoners, the lifting of restrictions on the activities of political parties and human rights groups and the pledge to guarantee the freedom of the media, are welcome.
7. However, Tunisians expect full democratisation of the society and demand far more comprehensive political reforms which would make the changes irreversible. Moreover, many Tunisians, both in the country and abroad, are disappointed that members of the former ruling RCD party retain key positions in the transitional government, even if all of them have now left that party.
8. The provisional authorities of Tunisia must move quickly towards political liberalisation with a view to creating conditions for a pluralist political process involving the whole spectrum of Tunisian society. This includes a speedy announcement of a date for elections and the holding of free and fair elections fully in line with international standards. The Assembly encourages all political forces to contribute in a constructive way to the setting up of the agenda for reform.
9. The Assembly has repeatedly called for, and expressed support for, democratic transformation in neighbouring countries, including in Tunisia. It has a unique experience of accompanying countries in transition and young democracies on the path of reform, which it is ready to extend to Tunisia. In this respect, the recently established Partner for Democracy status provides a concrete framework for sharing this experience with the parliaments of Europe's neighbours.
10. The Assembly hopes that political transformation in Tunisia may set in motion similar processes in other countries of the region.
11. It recalls its Resolution 1731 (2010) "Euro-Mediterranean region: call for a Council of Europe strategy", whereby it stated that peace and stability in the Mediterranean can only be secured on the basis of democracy and the respect for human rights and the rule of law. In this context, the Assembly welcomes the readiness of the European Union to assist Tunisia in the process of reform, and in particular to help it in organising elections, and reiterates its call that the activities of the Union for the Mediterranean should be extended in order to include the promotion of democracy, human rights and the rule of law. It further appeals to the European Union and its member states, and the Council of Europe member states taking part in the Union for the Mediterranean, to involve the Council of Europe in its activities.

² Draft resolution adopted unanimously by the committee on 25 January 2011.

12. The Assembly, aware of the danger that extremist elements may take advantage of any political void and in order, *inter alia*, to avoid any risk of the military being involved in politics, calls on the provisional Tunisian authorities to respond to the people's aspiration for democratic reforms, and as a matter of priority to:

12.1. guarantee fundamental political freedoms, such as freedom of assembly, freedom of association, freedom of religion, freedom of expression and freedom of the media, as well as the protection of individual rights;

12.2. abolish the death penalty and, in the meantime, maintain the moratorium on executions;

12.3. set up a Truth and Reconciliation committee in order to establish the facts and the responsibilities of those involved in abuses committed by the former regime, as well as the means of redress for those who suffered from such abuses;

12.4. create the conditions for citizens' participation in political and public life;

12.5. engage in a comprehensive constitutional reform with a view to creating genuinely representative political institutions, and to consolidating the rule of law and the judiciary;

12.6. take resolute steps to curb corruption and nepotism, to investigate abuses of power committed by the former ruling elites, and to implement urgent social and economic reforms with a view to creating normal and equitable conditions for economic operators;

13. The Assembly encourages the Tunisian authorities to intensify and broaden co-operation with the Council of Europe and to take advantage of its experience in the transition of the country towards democracy, and in particular to:

13.1. accede to those Council of Europe legal instruments which are open to non-member states, in particular to those in the fields of democracy, human rights and the rule of law;

13.2. make full use of Tunisia's membership in the European Commission for Democracy through Law (Venice Commission) in the future constitutional reform process;

13.3. accede to the Council of Europe's enlarged partial agreements such as the North-South Centre and the European and Mediterranean Major Hazards Agreement (EUR-OPA);

13.4. establish contacts between the Council of Europe and the authorities in Tunisia responsible for questions of justice, sustainable development, culture, education and higher education, youth and sport, gender equality and the rights of the child;

13.5. study and use, in their respective activities, the experience of Council of Europe human rights institutions and monitoring mechanisms, including notably the European Court of Human Rights and the Commissioner for Human Rights;

13.6. foster contacts between Tunisian and European parliamentary and civil society representatives;

13.7. consider the prospects for parliamentary dialogue offered by the Partner for Democracy status recently established by the Assembly.

14. The Assembly resolves to follow closely the political developments in Tunisia, strengthen its dialogue with the Parliament of that country and, in particular, with the new institutions following the forthcoming elections – which the Assembly expects to be free and fair – and find appropriate ways for assisting it in its progression towards democracy.

B. Explanatory memorandum by Mrs Brasseur, rapporteur

1. On 14 January 2011, the President of Tunisia, Mr Ben Ali, fled the country and flew to Jeddah, Saudi Arabia. His departure was the culminating point in what the Tunisians now call “the Jasmine Revolution”.

2. In this memorandum, I will first provide a timeline of events in Tunisia which, starting as local unrest over poor social and economic conditions, have evolved into a nation-wide protest movement and put an end to Mr Ben Ali’s 23 years of rule over the country:

- On 17 December 2010, a young street fruit vendor, Mohamed Bouazizi, set himself on fire in a town called Sidi Bouzid, in Central Tunisia, in a protest against the seizure of his merchandise by the police. This desperate move triggered a wave of protests mobilising local youth. Mr Bouazizi was taken to hospital in a critical condition.
- On 19 December, as protests in Sidi Bouzid got stronger, the police made use of tear gas to disperse the crowd.
- On 24 December, as protests spread across the country, the police fired at the protesters in Bouziane (Central Tunisia), killing one.
- On 27 December, mass protests spread to Tunis, the capital of the country. A rally of about 1 000 young jobless graduates was brutally dispersed by the police.
- On 28 December, President Ben Ali made a first televised speech and referred to protesters as “a minority of extremists and agitators paid by others and being against their country’s interests”.
- On 29 December, Prime Minister Ghannouchi dismissed four ministers, including the Minister for Information. However, the protest movement continued to spread over the provinces.
- On 31 December, President Ben Ali made a new speech on television and promised “to better take into account the needs of the vulnerable categories of the population”, and “to start in 2011 a new round of social negotiations”. In the meantime, another protester was shot dead during a stand-off between the police and the demonstrators.
- On 4 January 2011, Mohamed Bouazizi died in hospital.
- On 6 January, thousands of lawyers went on strike to protest against the police repression. In addition to demands for jobs, the protesters started to put forward political slogans, demanding public liberties.
- On 9 and 10 January, violent clashes between the police and the protesters spread to various regions of the country and dozens of deaths were reported. The government acknowledged 14 deaths. President Ben Ali spoke on television again, and referred to “terrorist acts by foreign elements”, while promising to create 300 000 new jobs within two years.
- On 11 January, as the protest movement hit the suburbs of Tunis, the government acknowledged 21 deaths since the beginning of the unrest.
- On 12 January, President Ben Ali dismissed the Minister of the Interior and introduced a curfew in and around Tunis.
- On 13 January, as mass protests continued to gain ground, President Ben Ali appeared on television again and promised not to seek a new term of office after 2014. He also ordered the police not to shoot at protesters, and promised to guarantee the freedom of the media.
- On 14 January, contrary to the expectations of the President, a new large-scale demonstration was organised in the capital, asking him to quit. Mr Ben Ali dismissed the government, dissolved the parliament and called early parliamentary elections in six months. He then decreed an emergency situation and a curfew throughout the whole country. In the late afternoon, Prime Minister Ghannouchi announced that President Ben Ali was “not in a capacity to fulfil his duties”. Rumours of Mr Ben Ali’s departure from Tunisia spread over the capital.

- On 15 January, the Speaker of the Parliament, Foued Mebazaa, was sworn in as interim President and he asked the former Prime Minister Ghannouchi to form a “national unity government”. Several members of Mr Ben Ali’s inner circle were arrested. Several clashes between the Army and the presidential Guard sparked in the suburbs of Tunis. There were also instances of looting of villas and shops by the crowds.
 - On 17 January, Mr Ghannouchi unveiled the composition of the new government. For the first time, leaders of three major opposition parties were invited to join it. At the same time, several key figures of the former regime, including the ministers for the Interior and for Foreign Affairs, remained in power. In the meantime, demonstrations continued in Tunis and other cities, demanding the dismissal of those politicians linked to the former regime, and the disbanding of the former ruling RCD party.
3. I wish to pay tribute to the courage and determination of the Tunisian people who, despite violent repression, have clearly shown the will to put an end to authoritarian rule and to transform Tunisia into a free, open and democratic country. I also wish to commend the attitude of the Tunisian army which offered protection to the people during the troubles without interfering in politics. On the contrary, the role played by the police and by the presidential guard needs to be thoroughly investigated.
 4. The first steps announced by the leader of the provisional government included the release of political prisoners, the lifting of restrictions on the activities of political parties and human rights groups (such as the Tunisian League for Human Rights), and the pledge to guarantee the freedom of the media. The Ministry of Information, which had combined the functions of censorship and propaganda, has reportedly been dissolved.
 5. In this connection, we must insist on the importance of a free flow of, and a full and unhindered access to, information, including on the Internet. The Web played a significant role in mobilising the people across the country.
 6. The return to the country of a number of politicians and public figures who had lived in exile is an encouraging sign of change in Tunisia.
 7. That said, since its establishment, there has been some confusion about the provisional government, as several of the newly appointed ministers said they were resigning. The government first met some days ago and it is not clear whether the meeting was actually attended by all members.
 8. The authorities announced that, during the four weeks of protests, a total of 78 people were killed and ordered three days of national mourning for the victims. However, according to the United Nations High Commissioner for Human Rights, more than one hundred people were killed in these events.
 8. We must condemn unequivocally the use of violence against protesters. We regret the loss of dozens of lives, and express our sympathy to the families of the victims and to those injured. The use of arms against peaceful citizens needs to be thoroughly investigated and those responsible must be called to account. Incidents of violence, looting and destruction of property on the part of some elements among the protesters are of course also to be regretted as these acts are detrimental to the cause of the protest movement.
 10. The provisional authorities must now move quickly towards political liberalisation with a view to creating conditions for a pluralist political process involving the whole spectrum of Tunisian society. This includes a speedy announcement of a date for elections and the holding of free and fair elections fully in line with international standards.
 11. We should encourage all political forces to contribute in a constructive way to the setting up of an agenda for reform. Based on our experience, and without trying to interfere in Tunisian affairs, I suggest, in the draft resolution, some elements that could be considered by the Tunisian authorities in the process of reform.
 12. We should also not lose sight of the fact that the political transformation in Tunisia may set in motion similar processes in other countries of the region.
 13. I should stress that, even if the main causes for the events in Tunisia have their origin in Mr Ben Ali’s policies, Europe has also its share of responsibility since it failed to condemn the nature of the regime, preferring to take advantage of its apparent stability for carrying out its business.

14. In this respect, I recall that, in Resolution 1731 (2010) "Euro-Mediterranean region: call for a Council of Europe strategy", which was adopted in April 2010 (report by Mr Badré, France, ALDE), the Assembly stated that peace and stability in the Mediterranean can only be secured on the basis of democracy and the respect for human rights and the rule of law, and pointed to the fact that those issues were almost absent in the framework of the Barcelona Process and the Union for the Mediterranean.

15. After the fall of Mr Ben Ali, the European Union has expressed its readiness to assist Tunisia in the process of reform, and in particular to help it in organising elections. Taking this into account, we should reiterate the call contained in Resolution 1731 (2010) that the activities of the Union for the Mediterranean should be extended in order to include the promotion of democracy, human rights and the rule of law. We should further appeal to the European Union and its member states, and the Council of Europe member states taking part in the Union for the Mediterranean, to involve the Council of Europe in its activities.

16. It is worth recalling that Tunisia has been co-operating with the Council of Europe in a number of areas, and is party to four Council of Europe conventions. Tunisia is a member of the Venice Commission; it also participates in the Mediterranean network for co-operation on drugs and addictions (MedNET) set up in the framework of the Pompidou Group.

17. For its part, the Assembly has repeatedly called for, and expressed support to, democratic transformation in neighbouring countries, including in Tunisia. The recently established Partner for Democracy status provides a concrete framework allowing our Assembly to share with parliaments of Europe's neighbours its unique experience of accompanying countries in transition and young democracies on the path of reform.

18. In the draft resolution, I suggest encouraging the Tunisian authorities to intensify and broaden co-operation with the Council of Europe and to take advantage of its experience in the transition of their country towards democracy, and in particular:

- to accede to those Council of Europe legal instruments which are open to non-member states, in particular to those in the fields of democracy, human rights and the rule of law;
- to make full use of Tunisia's membership in the European Commission for Democracy through Law (Venice Commission) in the future constitutional reform process;
- to accede to the Council of Europe's enlarged partial agreements such as the North-South Centre and the European and Mediterranean Major Hazards Agreement (EUR-OPA);
- to establish contacts between the Council of Europe and the authorities in Tunisia responsible for questions of justice, sustainable development, culture, education and higher education, youth and sport, gender equality and the rights of the child;
- to study and use, in their respective activities, the experience of Council of Europe human rights institutions and monitoring mechanisms, such as the European Court of Human Rights and the Commissioner for Human Rights, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Commission against Racism and Intolerance, the Advisory Committee of the Framework Convention for the Protection of National Minorities and the European Committee of Social Rights;
- to foster contacts between Tunisian and European civil society representatives.

19. I also recall that the Tunisian Parliament has initiated a dialogue with the Assembly on a number of issues of mutual interest, in particular through its Political Affairs Committee. This dialogue has become more or less regular following the adoption, in January 2008, of Assembly Resolution 1598 (2008) on strengthening co-operation with the Maghreb countries, presented by this committee (rapporteur: Mrs Josette Durrieu, France, SOC). Since then, members of the Parliament of Tunisia have been systematically invited to attend the sessions of the Assembly and also to participate in committee meetings. It is worth noting that the President of our Assembly paid an official visit to Tunisia only two weeks ago, from 10 to 12 January 2011.

20. In view of the latest developments, however, I believe that these contacts should be intensified. I therefore suggest that we continue to follow closely the political developments in Tunisia, strengthen our dialogue with the parliament of that country and, in particular, with the new institutions following the forthcoming elections – which we expect to be free and fair.

21. We should also find appropriate ways of assisting Tunisia in its progression towards democracy. For this purpose, the Political Affairs Committee should, in my opinion, organise, at one of its forthcoming meetings, a hearing with the participation, *inter alia*, of representatives of the civil society and human rights activists from Tunisia with a view to identifying priority actions for the months to come.