

.....AMNESTY INTERNATIONAL  
AVOCATS SANS FRONTIÈRES  
EURO-MED HUMAN RIGHTS NETWORK  
INTERNATIONAL FEDERATION FOR THE LEAGUES  
OF HUMAN RIGHTS (FIDH)  
HUMAN RIGHTS WATCH  
INTERNATIONAL SERVICE FOR HUMAN RIGHTS  
OBSERVATORY FOR THE PROTECTION OF HUMAN  
RIGHTS DEFENDERS  
REPORTERS WITHOUT BORDERS  
WORLD ORGANIZATION AGAINST TORTURE (OMCT)

*Mr Louis Michel  
President of the Council of the European Union  
Minister for Foreign Affairs of Belgium*

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*October 2001*

*Dear President of the Council,*

*We are writing to you in view of your upcoming meeting with Mr Ben Yahia, the minister for foreign affairs of Tunisia, which is scheduled to take place on 25 October.*

The Association Agreement, which was signed on 17 July 1995 by the European Community and its member states on the one hand and by the Republic of Tunisia on the other hand, and which came into force on 1 March 1998, includes a legally binding human rights clause (Art. 2). This clause stipulates that relations between the parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles, which guide their domestic and international policies and constitute an essential element of the Agreement.

The deterioration of the human rights situation since the EU-Tunisian Agreement took effect poses an acute challenge to the EU policy toward Tunisia, and more generally toward the Mediterranean region. How the EU proceeds in this regard toward Tunisia, the first country where an Association Agreement came into effect, will have precedential impact on the EU's credibility and effectiveness in addressing human rights issues with its other Mediterranean partners.

The Commission communication "The EU's Role in Promoting Human Rights & Democratisation in Third Countries" (8 May 2001) states that "essential elements clauses" such as Article 2 "are meant to promote dialogue and positive measures, such as joint support for democracy and human rights, the accession, ratification and implementation of international human rights instruments where this is lacking, as well as the prevention of crises through the establishment of a consistent and long-term relationship. Discussions between the Commission and the partner country should in particular be linked to the establishment of the EC's assistance programme. The dialogue should encourage partner governments (... ) to identify opportunities for EC assistance to contribute to those objectives. Discussions should consider how ratification of the fundamental human rights instruments and of other rights-based international agreements (e.g. ILO conventions, Convention on Bio-diversity) and their effective implementation could be pursued, together with consideration of how UN recommendations should be followed up. "

The Council endorsed the Commission Communication referred to above by adopting its conclusions of 25 June 2001; in those Conclusions, the Council “recommends that respect for human rights and democracy, based on international norms and instruments, particularly those of the United Nations, be promoted through dialogue and co-operation without prejudice to the need to speak out in clear terms against violations of human rights. The Council attaches great importance to human rights dialogues with third countries. In addition, human rights and democratisation should systematically and at different levels be included in all EU political dialogues and bilateral relations with third countries” (paragraph 13).

In light of the Council’s commitment to a coherent human rights policy, we believe that the EU institutions and Member States, in particular the country holding the Presidency in the Council, share the responsibility to live up to these promising recommendations. As the President of the Council, we therefore urge you to address in concrete terms the serious concerns about the human rights situation in Tunisia when meeting your Tunisian counterpart.

In view of the resolutions adopted by the European Parliament on 15 June 2000 and 14 December 2000 echoing the degradation of the situation and in light of the increasingly grave attacks and restrictions on human rights defenders by the Tunisian authorities, the undersigned organizations (Amnesty International, Avocats sans frontières, the Euro-Med Human Rights Network, the International Federation for Human Rights, Human Rights Watch, the International Service for Human Rights, the Observatory for the Protection of Human Rights Defenders, Reporters Without Borders, and the World Organization Against Torture) call on you, as the President of the Council of the EU, to urge Tunisia to fulfil its obligations and international human rights law under the Association Agreement by, among other things:

- freeing all persons detained or imprisoned solely for the non-violent exercise of the right to speech, association, or assembly;

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- *ensuring that international standards for fair trials are met and that verdicts resulting from trials falling short of these standards are reviewed;*
- *restoring the right to freedom of movement to all persons who are arbitrarily deprived of passports or forbidden to leave the country or subjected to other arbitrary measures limiting their freedom of movement;*
- *ending all forms of harassment against human rights defenders and their relatives by, among other measures, restoring their passports, telephone, and fax service where these have been deprived; by ending police surveillance that is manifestly conducted as a form of intimidation; and by allowing all independent human rights organizations to function legally and freely, including the National Council on Liberties in Tunisia (CNLT), the Tunisian Human Rights League (LTDH), in conformity with the UN declaration on human rights defenders;*
- *ensuring that allegations of police brutality are fully investigated and putting in place effective safeguards to prevent physical assaults against human rights defenders, including delegates from international human rights organizations;*
- *instituting effective safeguards to prevent the use of torture against persons in police custody;*
- *instituting a credible and transparent system for investigating allegations of human rights abuses and ensuring that perpetrators of these abuses are identified and brought to justice;*
- *implementing the recommendations made on Tunisia by the United Nations Human Rights Treaty bodies and rapporteurs.*

The enclosed briefing note provides an update on the human rights situation in Tunisia. We hope that it will provide a basis to discuss tangible steps to improve the human rights situation in Tunisia with the Tunisian Minister for Foreign Affairs.

In addition, we call on the Belgian Presidency to initiate preparations for the next meeting of the Association Council, to take place under the Spanish Presidency to ensure that this meeting will define clear human rights objectives for Tunisia. Those detailed benchmarks should then be addressed at the next meetings to take place under the Agreement. Such an approach would be in line with the above-mentioned Commission communication of 8 May 2001, which states that "successful dialogues should include the joint establishment of certain goals depending on local circumstances. These are necessary for both the EU and the partner country to measure progress over time"... [The Commission wishes to] "take performance in the area of human rights (including economic, social and cultural rights), democracy and the rule of law into account when deciding country allocations under the main co-operation programmes".

More specifically, with regard to the Mediterranean countries, the European Commission's communication on strengthening the Barcelona process of 6 September 2000, already stressed that human rights, democracy, good governance and the rule of law should be discussed regularly with partners, notably within the Association Council. The Commission noted: "This could lead to the establishment of joint working groups on human rights" [...] [that] "would aim to agree on a number of concrete benchmarks and objective criteria to be reviewed within the various Association Councils... Cooperation on human rights, good governance and the rule of law should have as one of its main objectives the creation of a climate where NGOs can work productively."

Article 2 of the Euro-Mediterranean Agreement provides the basis for programs to enhance human rights protection and promotion. We therefore strongly encourage the EU to ensure that its bilateral cooperation with Tunisia includes a strong component aimed at strengthening human rights and the rule of law.

The serious deterioration of the human rights situation in Tunisia warrants urgent EU initiatives to give substance to its declarations of intention . We therefore call on the Belgian Presidency of the EU to propose to the Council of Ministers and the European Commission concrete mechanisms to regularly assess compliance with Article 2 by all contracting parties to the Euro-Mediterranean Agreement between the EU and Tunisia, with a view to bringing about verifiable progress. These should include:

- regular and impartial monitoring of developments in the field of human rights and civil liberties in the territory of any of the contracting parties;
- monitoring of the extent to which human rights defenders are free to act and speak out in defence of the rights of others;
- issuing specific recommendations, compliance with which can be regularly measured, that are aimed at improving the human rights situation and that take into account the recommendations made by the UN human rights bodies about the country concerned;
- making appropriate démarches towards partner countries in individual cases where violations of basic human rights standards have taken place;
- making the assessment of compliance with Article 2 a separate agenda item in all meetings held under the Agreement, and especially the Association Council meetings.

In light of the above we urge you to address these issues with the Tunisian Minister for Foreign Affairs on October 25 in order to ensure that the dialogue between the EU, its Member States and Tunisia is a forum to effectively address human rights concerns.

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We thank you for your consideration and are looking forward to hearing from you about the outcome of your exchange with the Tunisian Minister of Foreign Affairs.

Yours sincerely,

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