



Plenary sitting

B9-0525/2021

18.10.2021

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 132(2) of the Rules of Procedure

on the situation in Tunisia
(2021/2903(RSP))

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on behalf of the Renew Group

**European Parliament resolution on the situation in Tunisia
(2021/2903(RSP))**

The European Parliament,

- having regard to its previous resolutions on Tunisia,
 - having regard to the declaration of 27 July 2021 by the High Representative of the Union for Foreign Affairs and Security Policy on behalf of the European Union, and his statements to the press in Tunis on 10 September 2021,
 - having regard to the joint communication of 9 February 2021 by the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) entitled ‘Renewed Partnership with the Southern Neighbourhood – a new Agenda for the Mediterranean’ (JOIN(2021)0002) and the joint staff working document annexed thereto entitled ‘Renewed Partnership with the Southern Neighbourhood – Economic and Investment Plan for the Southern Neighbours’ (SWD(2021)0023),
 - having regard to the Euro-Mediterranean Agreement of 1998 establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part (EU-Tunisia Association Agreement)¹,
 - having regard to the Constitution of Tunisia of 2014,
 - having regard to the International Covenant on Civil and Political Rights of 1966, to which Tunisia is a party,
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas Tunisia became the birthplace of the Arab Spring by peacefully overthrowing President Zine al-Abidine Ben Ali in January 2011; whereas despite a shaky transition, Tunisia has been the only country in the region that has managed to become a democracy; whereas its young democratic institutions remain fragile;
- B. whereas as a result of Tunisia’s second free parliamentary and presidential elections of October and November 2019, President Kais Saied came to power; whereas as a result of a fragmented parliament, three heads of government were appointed between these elections and July 2021; whereas under the 2014 Constitution, both the President and the Prime Minister share executive powers;
- C. whereas the Mechichi Government (2020-2021) was responsible for significant human rights violations; whereas according to Amnesty International, protesters were tortured in custody in January 2021;
- D. whereas corruption has plagued the country for decades; whereas Imed Boukhris,

¹ OJ L 97, 30.3.1998, p. 2.

former President of the National Anti-Corruption Agency, was dismissed without explanation in June 2021 and was immediately replaced by the son-in-law of one of the advisers of then-Prime Minister Mechichi;

- E. whereas an increasing number of Tunisians have been leaving their country, sometimes risking their lives by crossing the Mediterranean; whereas Tunisia suffers from one of the highest rates of brain drain among Arab countries;
- F. whereas Tunisia has suffered the world's second highest rate of COVID-19 deaths; whereas numerous anti-government protests took place in July 2021 in support of President Kais Saied, expressing shared anger against corruption and against the economic, social and health crisis;
- G. whereas in a televised speech on 25 July 2021, President Kais Saied decided to dismiss Prime Minister Mechichi and his government, and to temporarily suspend the Tunisian Parliament for an extendable period of 30 days and lift the immunity of all its Members; whereas the army subsequently blocked access to the parliament; whereas several Members have since been tried in military courts; whereas Article 80 of the Constitution of Tunisia states that the parliament must convene continuously throughout the emergency period, and that the President of the Republic cannot dissolve parliament; whereas on 24 August 2021, the President extended the suspension of the parliament 'until further notice';
- H. whereas on 26 July 2021, the Tunis office of the television channel Al Jazeera was closed by the police; whereas in reality, however, its crew has been allowed to continue operating in the country;
- I. whereas the offices of the National Anti-Corruption Agency were forced to close on 20 August 2021 and no reasons were provided; whereas the personal data of thousands of whistleblowers has been seized by the Ministry of the Interior;
- J. whereas thousands of public figures and businessmen have allegedly been put under a travel ban without a warrant, while dozens have been put under house arrest and state surveillance;
- K. whereas on 22 September 2021, the President issued Presidential Decree 117 suspending the Constitution with the exception of its preamble and its first two chapters on general provisions, rights and freedoms; whereas the President granted himself full legislative power to modify by decree the laws governing political parties, elections, the judiciary, unions and associations, freedom of the press and freedom of information, the organisation of the justice department, internal security forces, human rights and freedoms, the personal status code, the internal security forces, customs and the state budget;
- L. whereas Presidential Decree 117 does not allow any appeals against presidential decisions in a court of law, including before Tunisia's highest Administrative Court and its Court of Cassation; whereas the decree ordered the closure of the *Instance provisoire de contrôle de constitutionnalité des lois* (provisional body for the review of the constitutionality of laws), which was established by the Constitution in 2014 pending the formation of Tunisia's Constitutional Court;

- M. whereas Tunisian civil society has publicly expressed strong concerns over the new restrictions on rights and freedoms; whereas civil society, including unions, non-governmental organisations and political parties, has played a fundamental role in shaping and strengthening Tunisia's democratic transition since 2011; whereas on 10 October 2021, despite significant police supervision, thousands took to the streets in Tunis to protest against President Kais Saied's power grab;
- N. whereas on 29 September 2021, the President appointed Najla Bouden Prime Minister; whereas the President declared a new government on 11 October 2021, composed of 25 Members, including the Ministers of the Interior, Education and Foreign Affairs of previous governments in 2020 and 2021;
- O. whereas the EU has provided Tunisia with EUR 2 billion in direct grants to support its democratic transition, including EUR 260 million in 2020 and EUR 200 million in 2021 (as of June) as part of its macro-financial assistance to Tunisia;
1. Is deeply concerned about the concentration of legislative, executive and judicial powers in the hands of President Kais Saied; notes that this level of concentration goes against the democratic principle of checks and balances, in particular in the absence of any control or ability to appeal against decisions;
 2. Calls on the President of Tunisia to fully respect the rights and freedoms enshrined in Tunisia's 2014 Constitution and to fully abide by Tunisia's international commitments;
 3. Calls on the President, in line with Tunisia's constitutional order, to allow a return to a fully fledged parliamentary democracy;
 4. Condemns the inflammatory statements by some Members of the Tunisian Parliament, such as Rached Khiari, co-founder of the *Karama* (dignity) movement, who justified the murder of French teacher Samuel Paty on the grounds of blasphemy;
 5. Urges the President to allow the full and proper functioning of independent regulatory state bodies, including the provisional body for the review of the constitutionality of laws and the National Anti-Corruption Agency;
 6. Urges the President to embrace an inclusive and participatory approach, involving representatives of civil society as early as possible, in all constitutional and legislative reforms, and to achieve these reforms as soon as possible; stresses that updates on the latest institutional developments in Tunisia should be provided to the VP/HR on a regular basis;
 7. Stresses the particular importance of drafting constitutional and legislative texts that provide at least as many safeguards as Tunisia's 2014 Constitution in relation to checks and balances and the protection of fundamental rights and freedoms; notes that previous constitutions in Tunisia, while officially guaranteeing such principles, failed to effectively protect them due to a number of repressive laws; calls for the EU and its Member States to stand ready to assist Tunisian institutions through technical assistance, upon request from the Tunisian authorities;
 8. Notes the appointment of Najla Bouden as Tunisia's first female Prime Minister; notes

that her powers are limited by the framework set out in Presidential Decree 117 of 22 September 2021, which concentrates executive power in the hands of the President; notes the nomination of a new government on 11 October 2021;

9. Calls on the President to reconsider his position not to support equal rights between women and men, in all areas without exception; calls for an end to legal discrimination against women in the areas of inheritance, child custody, the right to be the head of the household, the right to parental leave, and labour rights, in particular for domestic workers and women farmers; welcomes the 2017 law on the eradication of violence against women and girls, and calls for its full implementation on the ground, including by training law enforcement officials to provide effective support to victims of rape and abuse; calls for the EU to continue supporting women's shelters in Tunisia, all four of which are chronically overcrowded;
10. Regrets the fact that despite its strong partnership with Tunisia, the EU has not managed to better support the country and help it achieve good governance and inclusive growth since the Arab Spring;
11. Reaffirms the EU's full support for Tunisia as a key democratic partner in the region;
12. Calls on the Commission and the European Investment Bank to continue assisting the Tunisian authorities, including through macro-financial assistance and the COVAX initiative, provided that human rights and democratic principles are respected in line with Article 2 of the EU-Tunisia Association Agreement; stresses that the establishment of an accountable government is an essential step towards this;
13. Calls on the Commission to relaunch the tripartite dialogue between Tunisia's civil society, the Tunisian authorities and the Commission;
14. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Commission, the parliaments of the Member States, and the Government and Parliament of Tunisia.