



CONFERENCE OF INGOs
OF THE COUNCIL OF EUROPE

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CONSEIL DE L'EUROPE

**Recommendation adopted on 27 June 2013
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Situation of the police and police trade unions in Tunisia

The Conference of International Non-Governmental Organisations (INGOs) of the Council of Europe,

Considering that:

- there can be no democratic state without a police respectful of human rights and the rule of law;
- the criminal justice system plays a decisive part in protecting the rule of law and that the police have a key role to play in that system;
- the reform of the security system is one of the main challenges still to be addressed in the post-revolutionary phase in Tunisia;
- police personnel must be subject to the same legislation as ordinary citizens; any exceptions to this principle being justified solely with a view to ensuring the smooth performance of police work in a democratic society;
- accountability mechanisms, based on communication and mutual understanding between the public and the police, shall be promoted.

Noting that :

- the Council of Europe has been co-operating with Tunisia for many years in a wide range of areas;
- Tunisia joined the Venice Commission in 2010;
- the Committee of Ministers, at its 121st Session in Istanbul on 11 May 2011, took note of the Secretary General's proposals regarding the Council of Europe's policy towards its immediate neighbourhood;¹
- the Assembly recommends that the Committee of Ministers steps up co-operation with the Tunisian Higher Authority for Realisation of the Objectives of the Revolution, Political Reform and Democratic Transition and provide it with relevant information on practical experiences of constitutional processes in Europe².

Noting the neighbourhood co-operation priorities agreed for Tunisia for 2012-2014 whose objectives amongst others are:

- to facilitate the political transition to democracy;

¹ *Neighbourhood Co-operation Priorities for Tunisia 2012-2014, Office of the DG of Programmes.*

² *Recommandation 1972 (2011) de l'APCE.*

- to help promote good governance on the basis of the relevant Council of Europe standards and mechanisms;
- to reinforce and broaden the regional work of the Council of Europe in combating transfrontier and global threats;
- to improve the legislative and institutional framework and human resources of the police based on the relevant European and international standards and on Council of Europe expertise;

Recalling that after the events of 14 January 2011, which the Tunisians called the “Dignity Revolution”, two police trade unions came into being:

- Le Syndicat National des Forces de Sécurité Intérieure (SNFSI)
- L’Union Nationale des Syndicats des Forces de Sûreté Tunisienne (UNSFST).

Decree No. 2011-42 of 25 May 2011 then substantially amended Law No. 82-70 of 6 August 1982 and granted the police the right to engage in trade union activity.

Recalling that at that date, although the two above-mentioned unions “have the right to exist”, no regulations have been adopted to define the scope of action of police trade unions or govern their relations with the relevant ministry.

Recalling that

- the Tunisian police are seriously lacking in the logistical, legal and material resources needed for performing their task of protecting the public;³
- the Tunisian police officers are not allowed to vote and, accordingly, are not regarded as fully-fledged citizens;

Invites the Tunisian authorities to take note of the recommendation and make sure that:

- the Tunisian police are granted the most basic rights, including the right to vote;
- the capacity of the police and other law-enforcement agencies is boosted so as to ensure respect for fundamental rights following assessment of the relevant legislative framework;
- a national strategy on police development is adopted and implemented, in consultation with the police trade unions;
- regulations are drawn up to establish and govern relations between the police trade unions and the authorities responsible for them, modelled on the relevant European⁴ and international standards.
- accountability mechanisms are implemented to bring the police closer to the community and to create dialogue between them.⁵

Invites the Council of Europe and notably the Secretary General, the President of the Parliamentary Assembly, the Commissioner for Human Rights and the President of the European Committee of Social Rights

to mobilise the most relevant means in order to lead the Tunisian authorities to implement these recommendations.

³ Source: Observatoire Tunisien de la Sécurité Globale (OTSG)

⁴ European Code of Police Ethics – **Recommendation Rec. (2001)10** (adopted by the Committee of Ministers on 19 September 2001 at the 765th meeting of the Ministers’ Deputies).

⁵ CommDH(2009)4 du 12 mars 2009, Opinion of the Commissioner for Human Rights concerning independent and effective determination of complaints against police