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Council of Europe Neighbourhood Partnership with Tunisia (2015-2017) – Interim progress report

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EXECUTIVE SUMMARY

The Committee of Ministers adopted the Neighbourhood Partnership 2015-2017 with Tunisia in its 1218th meeting on 4 February 2015. Developed jointly with the Tunisian authorities, the Neighbourhood Partnership aims at assisting Tunisia with the process of democratic changes underway and tackling challenges related to human rights, the rule of law and democracy. The co-operation established with the Tunisian authorities since 2012² in key areas for the democratic transition -preparation of the new Constitution and support to the electoral process- has been continuously consolidated and expanded.

The Enhanced Political Dialogue offers widespread opportunities for dialogue between the Council of Europe (CoE) and the Tunisian authorities, ranging from high-level exchanges on topics on the bilateral agenda and political issues of common interest and discussions on concrete co-operation activities relevant to the implementation of the Neighbourhood Partnership, to participation in CoE expert bodies. In practice, the Enhanced Political Dialogue with Tunisia has developed successfully both at political and expert level, hence confirming the commitment of Tunisia to its full implementation. Participation of Tunisian experts in relevant CoE intergovernmental committees and working groups is probably a less visible but very important dimension of the dialogue, since it contributes to the institutional involvement of the partner country in the Organisation and to the further development of a common legal space.

The Neighbourhood Partnership is financed for the most part by a regional European Union/Council of Europe Joint Programme ("Towards Strengthened Democratic Governance in the Southern Mediterranean"). This has been complemented by the financial support of several member States, in particular Norway, Estonia, France, Italy, Malta, Monaco and Portugal also contributed. For 2015-2017, the estimated needs total €5 443 000 of which €4 993 000 are currently secured.

Tunisia has benefited from country-specific and regional actions aimed at supporting the development of effective legal frameworks, facilitating the creation of a common legal space with Europe, reinforcing the capacity of national institutions, improving training and promoting best practices.

Co-operation with Tunisia in 2015 and in the first half of 2016 can be seen as very positive. The CoE received increased demand from Tunisia, including in areas in which co-operation was not foreseen when co-operation first started because they are related to human rights sensitive issues. Nevertheless, the good co-operation with Tunisia was somewhat hindered by the security situation in the country.

¹ This document has been classified restricted until examination by the Committee of Ministers.

² Under the previous co-operation framework, the "Neighbourhood Co-operation Priorities with Tunisia 2012-2014".

In 2015, the Assembly of the Representatives of the People (ARP) requested support of the CoE on the constitutional process, and in particular the Venice Commission for the preparation of the Organic Law on the Supreme Judicial Body and Organic Law on the Constitutional Court. In both cases, the Venice Commission played an important, acclaimed role in providing recommendations, and remains involved in the process.

The CoE also supported the drafting of the law establishing the independent constitutional institutions in the areas of media and fight against corruption.

Judicial reform remained a priority, with CEPEJ expanding its scope from four to ten pilot courts.

Co-operation activities began in previously considered “sensitive” areas, such as: the National Prevention Mechanism on Torture, terrorism prevention; legislation against trafficking in human beings, violence against women and sexual abuse against children.

Increased co-operation resulted in stronger institutional ties. Tunisia was granted observer status with the CEPEJ. The Committee of Ministers has invited Tunisia to become a contracting party to the Convention on data protection, and Tunisia has expressed increasing interest in CoE conventions in general.

Thanks to recent voluntary contributions, CoE intervention in Tunisia has been strengthened in several areas in 2016 – violence against women, violence against children, children’s rights, women’s rights, freedom of expression and of the media and in the field of Schools of Political Studies.

Table of contents

LIST OF ACRONYMS AND ABBREVIATIONS.....	3
1. INTRODUCTION	4
2. MAIN ACHIEVEMENTS (ASSESSMENT OF RESULTS)	5
3. MODALITIES FOR IMPLEMENTATION AND CO-ORDINATION	6
4. FUNDING AND PARTNERS	7
5. LESSONS LEARNED.....	9
6. PROGRAMMING OUTLOOK.....	9
7. SECTOR REVIEW.....	10
HUMAN RIGHTS	10
RULE OF LAW	12
DEMOCRACY.....	14
Appendix: Financial table	16

LIST OF ACRONYMS AND ABBREVIATIONS

APT	Association for the Prevention of Torture
ARP	Assembly of the Representatives of the People
CEPEJ	European Commission for the Efficiency of Justice
CM	Committee of Ministers of the Council of Europe
CODEXTER	Committee of Experts on Terrorism
CoE	Council of Europe
DCAF	Geneva Centre for the Democratic Control of Armed Forces
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
EUD	European Union Delegation
GEC	Gender Equality Commission
GR-EXT	Rapporteur Group on External Relations
HAICA	Tunisian audiovisual authority
IFES	International Foundation for Electoral Systems
INLUCC	Tunisian anti-corruption authority
INPT	National Authority for the Prevention of Torture
IOM	International Organisation for Migration
MedNet	The Mediterranean network for co-operation on drugs and addictions
MedUni	Mediterranean University on Youth and Global Citizenship
NGO	Non-governmental organisation
Neighbourhood Partnership	Neighbourhood Partnership with Tunisia 2015-17
NPM	National Prevention Mechanism
NSC	North-South Centre
ODGP	Office of the Directorate General of Programmes
OHCHR	Office of the UN High Commissioner for Human Rights
OMCT	World Organisation against Torture
PACE	Parliamentary Assembly of the Council of Europe
PATHS	Programme of Advanced Training in the field of Human rights, the rule of law and democracy for Southern Mediterranean
PC-CP	Council for Penological Co-operation
SPS	School of Political Studies
T-PD	Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data
UN	United Nations
UNDP	UN Development Programme
Venice Commission	European Commission for Democracy through Law

1. INTRODUCTION

The Enhanced Political Dialogue offers widespread **opportunities for dialogue** between the CoE and the Tunisian authorities, ranging from high-level exchanges on topics on the bilateral agenda and political issues of common interest and discussions on concrete co-operation activities relevant to the implementation of the Neighbourhood Partnership, to participation in CoE expert bodies. Implementation of this framework for dialogue ultimately depends on the political will of the CoE and the Partner country.

As regards the high-level dialogue, the Neighbourhood Partnership provides that “The **Committee of Ministers** may invite the Minister of Foreign Affairs of Tunisia, or other high level representatives of the government, to attend its sessions; The **Secretary General** of the CoE and the Minister of Foreign Affairs of Tunisia will hold consultations, at least once a year, on issues on the bilateral agenda and topics of common interest”; and “Ministers of Tunisia may be invited to participate as observers in the **Specialised Ministers’ Conferences** relevant to the implementation of the Neighbourhood Partnership, in accordance with the terms of Resolution CM/Res(2011)7.”

In addition, “the **Ministers’ Deputies** may invite representatives of Ministries and relevant Tunisian institutions for consultations on any subject relevant to the implementation of the Neighbourhood Partnership”; and “The **Rapporteur Group on External Relations** (GR-EXT) of the Committee of Ministers will hold exchanges of views with representatives of Ministries and relevant Tunisian institutions when discussing items relevant to the co-operation with Tunisia and following up the implementation of the Neighbourhood Partnership. The other Rapporteur Groups may also hold such exchanges of views.”

As regards consultations at more technical level, the Neighbourhood Partnership provides that “Representatives of Tunisia may also participate as observers in the parts of the meetings of relevant **intergovernmental committees of experts** when discussing issues of relevance to the implementation of the Neighbourhood Partnership.”

Finally, Tunisia is invited to “designate a **Neighbourhood Partnership Representative** to the CoE as a contact point for the implementation of the Neighbourhood Partnership.”

The co-operation between Tunisia and the CoE, in line with the CoE’s policy towards its neighbouring regions, aims to assist Tunisia in the process of democratic changes underway by helping the country tackle challenges related to human rights, the rule of law and democracy. In particular, the objectives identified in consultation with the Tunisian authorities under the “Neighbourhood Partnership 2015-2017” are to:

- consolidate the achievements of the “Neighbourhood Co-operation Priorities with Tunisia 2012-2014” and initiate new areas of co-operation in line with national reform priorities, based on the demand-driven approach;
- facilitate the creation of a common legal area between Europe and Tunisia, encouraging the authorities to bring Tunisian legislation in line with European and international standards and ratify CoE conventions open to non-member States, with due regard to the procedures set out in the relevant conventions;
- support the development and the effective implementation of new legislation in accordance with European and other international standards;
- support the setting-up and to the effective functioning of human rights institutions and new governance structures;
- consolidate Tunisia’s presence in the CoE instances of which it is already a member or observer (the Venice Commission, the European Pharmacopoeia, the Pompidou Group’s MedNet network) and encourage participation in other relevant CoE structures.

In 2015 and in the course of the first half of 2016, activities have been undertaken to contribute to these objectives in continuity with Neighbourhood Co-operation Priorities 2012-2014 and in new areas such as the prevention of torture and inhuman or degrading treatment or punishment.

2. MAIN ACHIEVEMENTS (ASSESSMENT OF RESULTS)

PART I – ENHANCED POLITICAL DIALOGUE

In accordance with point 4 of the Enhanced Political Dialogue, shortly after the adoption of the Neighbourhood Partnership, Tunisia designated its Consul in Strasbourg as **Neighbourhood Partnership Representative** to the CoE, the contact point for the implementation of this Neighbourhood Partnership. The Neighbourhood Partnership Representative has played an important role in the implementation of the Enhanced Political Dialogue.

The Enhanced Political Dialogue with Tunisia has developed successfully **both on political and expert levels**. A regular **high-level dialogue** has developed with Tunisia involving, on the Organisation's side, the Committee of Ministers and the Secretary General. On 4 March 2015, the Ministers' Deputies held an exchange of views with Mr Mohamed Ezzine Chelaifa, Secretary of State for Foreign Affairs. In September 2015, the Secretary General had a meeting with Ms Samira Merai Friaa, Minister for Women, Family and Child Affairs, and a telephone conversation with President Essebsi. In addition, the then Chairman of the Committee of Ministers, the Minister of Foreign Affairs of Bosnia and Herzegovina, Mr Igor Crnadak, visited Tunis on 21-22 September 2015. Political dialogue was also developed at a more technical level in Strasbourg and Tunis with representatives of the Ministry of Foreign Affairs. Political dialogue focused on the situation in the country in the fields covered by the Neighbourhood Partnership, as well as on the situation in the region and its influence on Tunisia. The visit of the Secretary General to New York in September 2016 on the occasion of the session of the UN General Assembly could offer another opportunity for high-level political dialogue. An exchange of views could also be foreseen with the Rapporteur Group on External Relations (GR-EXT) in the autumn to follow up on both the political dialogue and the co-operation further to the adoption of the present interim report.

At technical level, a list of relevant CoE **intergovernmental committees of experts and working groups**, in areas at the core of the common legal space, has been established by the CoE Secretariat in consultation with the Tunisian authorities. These CoE bodies have adjusted their mandate where relevant in order to reflect the possibility of Tunisia's participation as observers, as provided by the Neighbourhood Partnership. Tunisian specialised ministries reacted quickly and positively to these opportunities. Tunisian experts attended in particular meetings on terrorism (CODEXTER), Gender Equality (GEC), Penological Co-operation (PC-CP), the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD), on the Lanzarote Convention and CEPEJ meetings. Participation in these expert bodies is probably a less visible but very important dimension of the dialogue, since it contributes to the **institutional involvement** of the Partner country in the Organisation and to the further development of a **common legal space**.

Tunisia confirmed its commitment to the Enhanced Political Dialogue at all levels. This Dialogue reflects the high quality of Tunisia's co-operation with the CoE.

Finally, it should be noted that Tunisia has already reiterated its **interest in longer-term institutional relations** with the CoE beyond 2017.

PART II – CO-OPERATION PRIORITIES

Very good progress has been achieved in the area of human rights.

- In the field of trafficking in human beings, the CoE has assisted the authorities in drafting the national legislation in line with the CoE standards and has initiated support to the operational and organisational setting up of the interim commission on the fight against trafficking in human beings.
- Co-operation has been fruitful in the process of setting up of a National Prevention Mechanism (NPM) in Tunisia in which the CoE took a co-ordinating role among all the international actors involved. A milestone in the setting up of the NPM was reached on 30 March 2016 with the selection of NPM members by the Assembly of the Representatives of the People (ARP). At a first meeting with the members of the INPT organised by the CoE, initial co-operation activities were agreed.

Work initiated in 2015 in the area of gender equality, violence against women and violence against children has been strengthened since the beginning of 2016 thanks to voluntary contributions received at the end of 2015.

In the sector of rule of law, progress has been tangible during the period of reference, in particular:

- Tunisia was granted observer status with the CEPEJ.
- Strengthening the efficiency of justice, primarily by disseminating CEPEJ tools and methodologies with a view to improving day-to-day court functioning, has successfully continued, and additional courts have joined the project as “CEPEJ pilot courts”.
- The CoE is facilitating the legislative transition of the anti-corruption authority to a new constitutional status with an expanded mandate. The assessment of Tunisia’s anti-corruption system based on GRECO methodology has made significant progress.
- The Venice Commission supported the drafting of the Organic Law on the Supreme Judicial Body and Organic Law on the Constitutional Court, which the Tunisian Parliament adopted in 2015.

Limited progress was achieved in the area of freedom of media and expression due to the delayed setting up of the new broadcasting legislative and institutional framework and the general political circumstances.

The sector of democracy has seen good progress:

- The CoE’s action has contributed to the strengthening of participatory democracy and civil society stakeholders thanks to the School of Political Studies in Tunis and the Lisbon Forum organised by the CoE’s North-South Centre.
- Training in democratic governance and human rights education has taken form under the Programme of Advanced Training in the field of Human rights, the rule of law and democracy for Southern Mediterranean (PATHS).

ARP representatives participated in inter-parliamentary activities related to CoE conventions and played an important role in the setting up of an NPM. A delegation from the ARP attended meetings of the PACE Committee of Political Affairs and Democracy and the Sub-Committee on the Middle East (April 2015), showing an interest in strengthening links with PACE.

From a transversal perspective, and notably regarding the creation of a common legal area, Tunisia has been invited to become a contracting party to the Convention on data protection and has confirmed its interest in being invited to accede to several other CoE conventions. A working group has been established to better accompany authorities in these processes.

3. MODALITIES FOR IMPLEMENTATION AND CO-ORDINATION

Responsibility for monitoring the implementation of the Neighbourhood Partnership lies with the Committee of Ministers, particularly its Rapporteur Group on External Relations (GR-EXT). The Secretariat kept the latter up to date with the progress made. The present report constitutes an interim implementation report.

Implementation of the Neighbourhood Partnership is consulted on regular basis with Tunisian authorities including on the highest level (see main achievements – enhanced political dialogue). Technical consultations took place in Tunis on 26 November 2015 between the Secretariat and the authorities. These exchanges confirmed Tunisia’s commitment to co-operation with the CoE.

Following the current practice and in accordance with standard commitments under Joint Programmes with the EU, Steering Committees bring together Tunisian authorities, the CoE and the EU regularly to support and evaluate the implementation of projects backed by the EU. A regional launch event of the South Programme II was organised in Strasbourg in April 2015, and the first bilateral Steering Committee Meeting took place in Tunis at the end of November 2015.

Despite an unstable security situation that sometimes caused delays in the implementation of CoE activities, Tunisian authorities remained committed to co-operation. Activities have continued as far as possible, although we had to make some adjustments and cancellations at the end of 2015. November terrorist attack in Tunis caused the cancellation of the majority of CoE staff travel plans, and the bilateral Steering Committee of the South Programme II was conducted by videoconference. The CoE security advisor conducted a mission to Tunisia to identify places in conformity with specific requirements in terms of safety and security.

Special focus was put on cross-cutting issues, in particular gender mainstreaming, both in the planning and in the implementation of activities. The implementation of projects also facilitated the involvement of civil society when and where possible, and aimed at decentralising implementation of the activities to increase the visibility of the CoE beyond the capital. The latter is unfortunately limited by security challenges in the country.

The CoE office in Tunis plays a crucial role in implementing the Neighbourhood Partnership by liaising with national authorities, implementing activities and ensuring donor co-ordination. The Memorandum of Understanding of 2014 strengthened its activities, and in 2015 local staff was recruited to strengthen the office's operational capacities.

The CoE co-ordinates very closely on the ground with all main international actors in the field: the EU Delegation in Tunis, UN agencies, IOM, DCAF, IFES and others. Thematic information meetings between international organisations active in a given area take place regularly in Tunis, e.g. women rights, media, trafficking in human beings.

4. FUNDING AND PARTNERS

In line with the CoE resource mobilisation strategy, the Office of the Directorate General of Programmes (ODGP) has focused its fundraising efforts on the entire action plan. The overall NP budget totals €5 443 000. Funding of more than €4 993 000 has been secured.

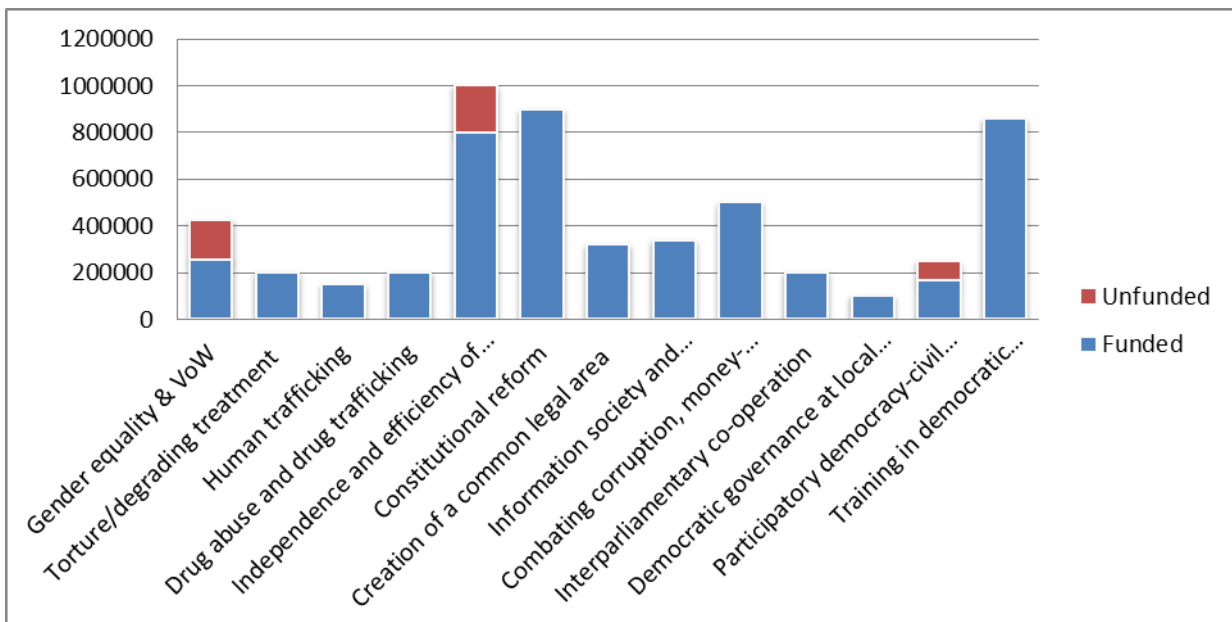


Figure 1: Funding at the sector level of the Neighbourhood Partnership as of March 2016

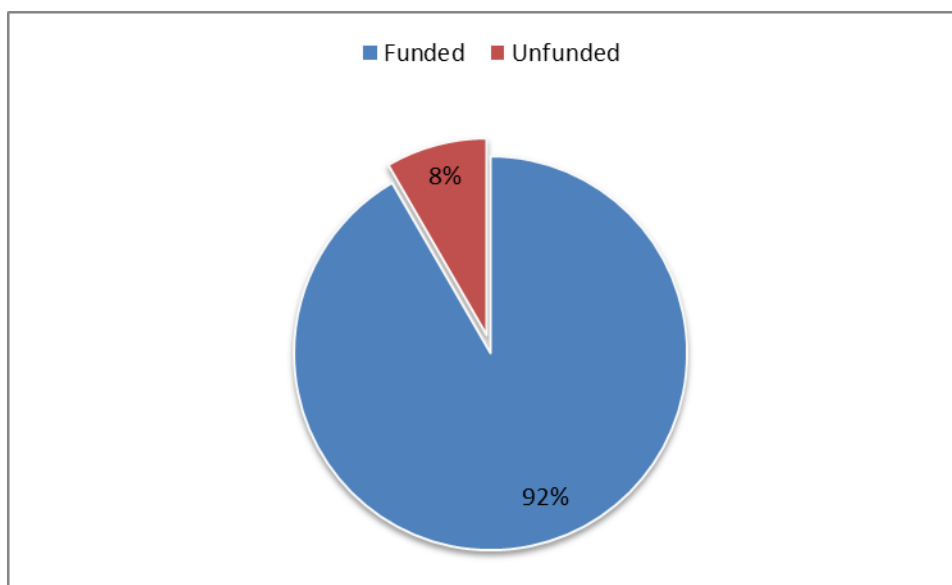


Figure 2. Funding at the Neighbourhood Partnership level as of March 2016

A very significant part of the co-operation priorities is implemented under the regional programme “Towards strengthened democratic governance in the Southern Mediterranean” (South Programme II)³.

Several voluntary contributions have funded Neighbourhood Partnership implementation. Norway has funded several activities conducted by the Venice Commission to support democratic reforms, in particular on constitutional matters and the creation of new instances, and a project on freedom of expression and of the media. Norway, France and the EU contributed together to activities of the Schools of Political Studies. In December 2015 Norway, also made an un-earmarked contribution, giving significant support to the Neighbourhood Partnerships with Morocco and Tunisia. Italy supported the MedNet network; Malta and Portugal supported activities of the North-South Centre in particular with regard to youth and women empowerment and Monaco and Estonia contributed to the fight against violence against women and children.

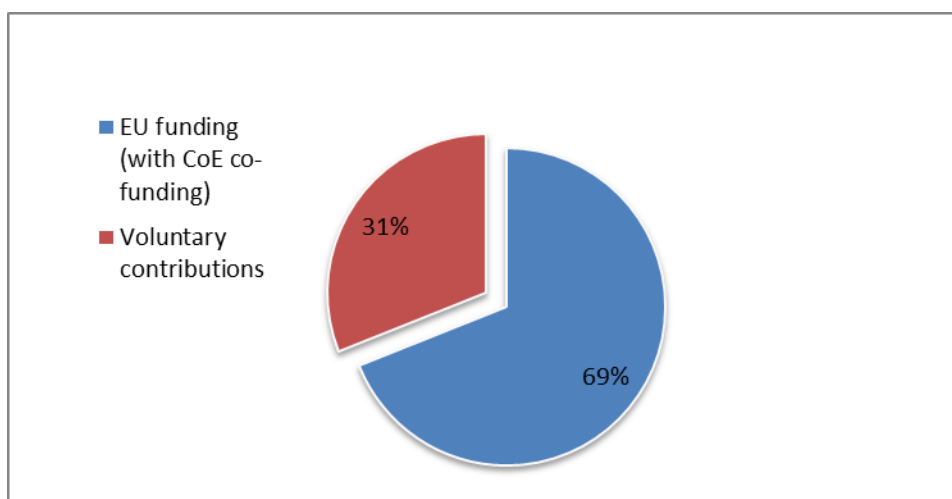


Figure 3. Funding sources for the Neighbourhood Partnership as of March 2016

The financial table covering the needs and secured funding is enclosed in Appendix.

³ funded mainly by the European Union (EU) (95 %) and co-funded (5 %) and implemented by the CoE.

5. LESSONS LEARNED

A summary of the main lessons learned during the Neighbourhood Partnership implementation follows:

- The successful implementation of the Enhanced Political Dialogue was facilitated by the availability at **political and technical levels**, both in the Tunisian Foreign Affairs Ministry and in specialised ministries and by the presence of the **Neighbourhood Partnership Representative in Strasbourg** and the presence of a **CoE Office in Tunis**, beneficial for both the co-operation and the Enhanced Political Dialogue.
- The CoE confirmed its capacity to respond to the interest of specialised ministries and share the expertise through its **intergovernmental expert bodies**. In that respect, the involvement of Tunisian experts in CoE intergovernmental expert bodies is an important feature of the dialogue and should be further encouraged. It contributes to the institutional integration of the Partner in relevant networks and to the development of a common legal space.
- On the basis of its commitment to the full implementation of the Neighbourhood Partnership, Tunisia has already reiterated its **interest in longer-term institutional relations** with the CoE beyond 2017.
- The fact that the Council of Europe has a well-established presence in Tunisia based on partnerships with the government and civil society places it in a position to be flexible and adaptable.
- Political dialogue with the authorities contributes to continued co-operation in a context of political instability⁴.
- As the CoE policy towards its neighbouring regions is based on demand, it is important to maintain a flexible framework of co-operation. In this respect, un-earmarked voluntary contributions are welcomed as they allow adjusting to the needs and dynamics of the reform processes.
- Flexibility in working methods and the timing of interventions to the current security situation is necessary to counter the delays in implementing some co-operation activities.
- Co-ordination with other international actors is crucial on daily basis and appears to be fundamental in achieving tangible results⁵. It is to be noted, however, that this sometimes leads to delays in implementation⁶.
- Sufficient capacities of national partners to absorb reforms have to be ensured.
- The CoE human rights-based approach to technical assistance is an important complement to existing international programmes of assistance in Tunisia.
- The CoE could act as a bridge between different state and non-state actors.

6. PROGRAMMING OUTLOOK

Thanks to recent contributions from Norway, Monaco, Estonia and France, CoE intervention in several areas will be further strengthened in 2016 and 2017, and focus on violence against women and children, children's rights, women's rights, freedom of expression and of the media, and Schools of Political Studies. Activities in areas in which no activities have yet taken place due to lack of funding will be launched, for example strengthening local and regional governance. Moreover, a regional project on cybercrime is in discussion with the EU, Tunisia would be one of its beneficiaries.

⁴ Three ministers of justice were appointed in 2015.

⁵ For example, co-ordination regarding the establishment of the NPM (section 1.4)

⁶ For example, co-operation with IOM in organising a joint conference on trafficking in human beings

7. SECTOR REVIEW

HUMAN RIGHTS

Co-operation with Tunisia in the field of human rights has increased since 2015, compared to the previous period (2012-2014). Indeed, increased demand from Tunisian authorities has been observed in this field, notably related to sensitive issues such as trafficking in human beings or prevention of torture. Co-operation has aimed at bringing the Tunisian legal framework closer to European standards, which facilitates the creation of a common legal area through Tunisia's accession to relevant CoE conventions.

1.1. and 1.2. Promoting gender equality and combating violence against women

Tunisia confirmed its interest in acceding to the Istanbul Convention. Awareness raising, capacity building and technical assistance activities have been implemented to facilitate exchange of views, share information and good practices, promote the Council of Europe standards and guidelines: a targeted awareness-raising activity for media representatives on the CoE convention and standards on violence against women was organised in 2015; in February 2016 Tunisian participants attended a seminar on Combating Sexist Hate Speech; in May 2016, a seminar on violence against women, child sexual exploitation and abuse and trafficking in human beings was organised by the CoE looking at Tunisian legal and institutional framework in the light of relevant CoE conventions. In parallel, support to the authorities with the drafting of the draft law on violence against women was provided (March 2016) and Participation of Tunisian representatives in the Gender Equality Commission (GEC) meetings and CoE events (Women access to justice, October 2015 in Bern) have allowed them to develop working contacts and benefit from Council of Europe standards and the member states expertise.

1.3. Promotion of children's rights and protecting children against violence

Tunisia expressed its willingness to be invited to accede to the Lanzarote Convention and started internal consultations and an analysis of its national legal framework. The Lanzarote Convention was therefore extensively presented to national experts and civil society opening prospects for targeted follow-up action. Capacity building and technical assistance focus on providing training on media coverage of child sexual exploitation and abuse. Child sexual exploitation and abuse was one of the main topics of a seminar for representatives of Ministries, Parliament, Local authorities, civil society and international organisations organised by the CoE, with a focus on Tunisian legal and institutional framework in the light of Lanzarote Convention. Tunisia participated at the high-level conference launching the new CoE children's rights strategy 2016-2021 and was regularly present at the meetings of the Lanzarote Committee.

1.4. Prevention of torture and inhuman or degrading treatment or punishment

The CoE supported the setting up of the Tunisian National Prevention Mechanism (NPM). In particular, the CoE organised a workshop on criteria for setting up a strong, independent NPM with all stakeholders, including civil society. The workshop also gave an opportunity to discuss budgetary considerations and funding for NPM implementation, and to clarify the provisions on NPM members' functions, remuneration and privileges. Following this event, the CoE positively replied to the APR's request to help prepare a roadmap for establishing the National Authority for the Prevention of Torture (INPT) in 40 days. Through regular consultations, the CoE closely followed the process of calls for membership in the NPM that was re-launched in 2015, with the full list of candidates published at the end of the year. A milestone in the setting up of the NPM was reached in March 2016 with the selection of NPM members by the ARP, after four earlier attempts that failed in the last two years. The CoE took the lead in international co-ordination involving the OHCHR, the OMCT, the APT and the UNDP. This partnership has clearly increased the impact of the CoE's efforts and facilitated the Tunisian authorities' work, since the CoE could provide co-ordinated assistance instead of scattered advice and recommendations. Shortly after members of the INPT had been sworn in the CoE organised a first meeting between them and the international actors which resulted in a call for immediate assistance by the INPT to help it prepare its draft budget to be submitted to the Government.

1.5. Fight against human trafficking

The Council of Europe provided comments and proposals, which were upheld by the preparation of a draft law on trafficking in human beings. The final document was submitted to the Parliament at the end of 2015. The activities organised and the support provided over the past two years resulted in a strong correlation between the draft law and CoE convention standards. Pending final adoption of the draft law, the Council of Europe has continued to support the organisational and operational setting up of the interim commission on the fight against trafficking in human beings. In this respect, and to raise awareness and relevant capacities of national stakeholders a second international conference was organised by the Council of Europe in co-operation with IOM in January 2016. Trafficking in human beings was one of the main topics of a seminar organised by the CoE with a focus on Tunisian legal and institutional framework in the light of Warsaw Convention (May 2016).

1.6. Data protection

In 2015 the Committee of Ministers invited Tunisia to accede to Convention 108 and its Additional Protocol. Tunisia participated in the 32nd plenary meeting of the Consultative Committee of Convention 108, represented by the President of the Data Protection Supervisory Authority. This meeting raised awareness and ensured compliance with personal data protection principles in accordance with European and international standards. Furthermore, the Council of Europe closely follows the revision of the data protection legal framework and the CoE stands ready to further cooperate with the Tunisian authorities in view of the accession of Tunisia to Convention 108 and to its Additional Protocol.

1.7. Drug abuse and drug trafficking

In 2015, 59 Tunisian medical professionals were trained in addictology at university level with Pompidou Group/MedNET. The training resulted in a new network of addiction care. Doctors holding the university addictology diploma have set up consultation services in various regions and institutions. A study visit to Malta also allowed Tunisian medical staff to exchange on a peer-to-peer level with their counterparts on Opiate Substitution Treatment widely offered in Europe for heroin users. In April 2016 the Pompidou Group provided expertise on the draft new law of drug use and trafficking, which is currently under consideration by the ARP.

Tunisia participated actively in regional activities which allow enhancing the sharing of experiences between representatives from the two shores of the Mediterranean, in particular, Tunisia took part in the regional seminar on Opiate Substitution Treatment in Algiers. The first MedSPAD regional report, "A first glance at the situation in the Mediterranean region in relation to the prevalence of alcohol, tobacco and drug use among adolescents," which covers nine countries (Cyprus, France, Greece, Italy, Malta, Portugal, Lebanon, Morocco and Tunisia), was produced by the MedSPAD Regional Committee, as part of the MedNET 2015 work programme with support from CoE.

1.8. Promotion of public health and the fight against the counterfeiting of medical products

Tunisia took part, along with Morocco, Algeria and Israel, in the fourth Regional Conference on the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (MEDICRIME Convention) held on 10-11 November 2016 in Larnaca, Cyprus. The event allowed raising awareness and discussing the benefits and challenges of ratifying the MEDICRIME Convention.

In the light of the interest shown by Tunisia in this convention, a representative was invited to attend a MEDICRIME Regional Roundtable in June in Tbilisi, to consolidate the single points of contact (SPOCs) structure foreseen in the MEDICRIME Convention. An additional seminar to combat the counterfeiting of medical products and similar crimes will be organised in autumn 2016 in Tunis.

The Council of Europe is ready to provide further expertise and support to Tunisian authorities in this particular field.

RULE OF LAW

Under the “Neighbourhood Co-operation Priorities with Tunisia 2012-2014”, the co-operation established with the Tunisian authorities was mainly focused on rule of law issues which were – and remain – key for the democratic transition, namely through preparing the new Constitution and supporting the electoral process. Since 2015 this co-operation has been continuously consolidated, particularly in the fields of efficiency and quality of justice, the drafting of new legislation, anti-corruption and the creation of a common legal space.

2.1. Independence and efficiency of justice

Despite an unstable political environment, the Tunisian authorities remained committed to the co-operation with the Council of Europe in the field of justice and confirmed the position of the CoE as one of the partners for the implementation of the Ministry of Justice’s action plan “Réforme du système judiciaire et pénitentiaire 2015-2019”. In addition, Tunisian authorities expressed their interest to deepen and further develop the co-operation initiated with the CEPEJ under the South Programme I with a view, primarily, to improving the day-to-day functioning of courts. The Tunisian authorities requested observer status with the CEPEJ in January 2015 (immediately after the start of South Programme II) – a request to which the CoE Committee of Ministers agreed in April 2015. The Tunisian authorities also increased the number of the “CEPEJ pilot courts” (from four in 2013, to ten as from November 2015) and the geographical coverage of the CEPEJ project (the designated pilot courts being located in the northern, central and southern parts of the country).

With the “older” CEPEJ pilot courts, the work has continued on court and case management. Moreover, since the end of 2015- beginning of 2016, the Ministry of Justice and pilot courts are being familiarised with the CEPEJ tools on time management. Data relating to length of proceedings are being collected (for the first time) in some of the pilot courts. As for the “newer” pilot courts, they are progressively becoming acquainted with the CEPEJ tools and methodologies. However, the needs assessment missions to those courts could not take place during the first quarter of 2016 as planned. It had to be postponed due to security concerns.

A regional seminar organised by the CEPEJ and the Tunisian Ministry of Justice (June 2015, Monastir) was attended by representatives of the Ministries of Justice and of pilot courts from Morocco and Jordan, thus providing an opportunity for exchanges at regional level.

Throughout the period of reference, Tunisian representatives regularly participated in CEPEJ plenary sessions and meetings of the CEPEJ working group on the quality of justice. For the first time, a Tunisian delegation also attended a meeting of the Steering Group of the SATURN Centre for judicial time management (April 2016).

2.2. Supporting constitutional reform, the drafting of new legislation, the establishment and efficient functioning of new governance bodies

In 2015, the Venice Commission continued to support several legislative reforms on implementing the new constitution and provided support on the draft organic law on the Constitutional Court. The Venice Commission has exchanged with Tunisian authorities on the state of advancement of work on the draft organic law on the Supreme Judicial Council. The draft organic law on the constitutional court has been adopted and provides for a constitutional court with much larger jurisdiction than the current court. The setting up of the constitutional court was linked to the adoption of the organic law on the Supreme Judicial Council, which was promulgated on 28 April 2016. In addition, the Truth and Dignity Body⁷ of Tunisia requested a Venice Commission opinion on the draft organic law related to specific proceedings regarding reconciliation in economic and financial areas. The Venice Commission adopted an interim opinion on the institutional aspects of the draft law during its plenary session in October 2015.

⁷ L’Instance Vérité et Dignité

The Venice Commission continued support on electoral issues through regular exchanges with the Independent Electoral Institution (ISIE). Discussions included contributions to the Conference on the Financing of electoral campaigns. Following on the 2014 Lisbon Forum organised by the NSC, the Conference produced concrete proposals that meet the requirements of a democratic, transparent and fair electoral process. A Tunisian delegation was present at the 13th European Electoral Management Bodies Conference "New Technologies in Elections: Public Trust and Challenges for Electoral Management Bodies" co-organised by the Permanent Electoral Authority of Romania and the Venice Commission. Participants shared experiences of regional networking and discussed different issues of common interest for national electoral administrations.

Venice Commission representatives were invited to participate in the official launching of the Regional Organisation of the Arab Electoral Management Bodies. The main topics of the event were the establishment of the organisation, and strategies for regional co-operation in the field of elections in the Arab world. In October 2015, the Venice Commission and the Organisation of Arab Electoral Management Bodies signed a Memorandum of Understanding setting out the terms and conditions for their co-operation.

In 2016 the Venice Commission will assess the legislation on the Administrative Mediator in the light of Paris principles and European as well as other international standards. Organisational structure of the institution in terms of management, procedures and training needs will be also assessed.

2.3. Creation of a common legal area

In 2015, a structured process was established to facilitate the harmonisation of Tunisian legislation with CoE standards and promote the creation of a common legal space with the setting up of a working group on CoE conventions between the CoE and Tunisia. Several seminars on key CoE conventions were also organised throughout the year and in the first half of 2016 (cf. sub-sector review for more details).

Tunisia took part in several CoE conventional committees (Lanzarote Committee, Gender Equality Committee, Consultative Committee of the Convention on Data Protection, European Committee on Crime Problems and the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters). These meetings have increased intergovernmental co-operation of the two shores of the Mediterranean, and they allow Southern Mediterranean representatives to fully participate in intergovernmental dialogue and work with their European counterparts.

As a result of such activities, Tunisia confirmed its interest in several CoE conventions, particularly those relating to the fight of violence against women and children, cybercrime, prevention of torture, terrorism, and especially the new protocol on foreign terrorist fighters. In December 2015, the Committee of Ministers invited Tunisia to accede to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

In 2016 Tunisia requested more information on the CoE Convention on the counterfeiting of medical products and similar crimes involving threats to public health and on the CoE Convention against Trafficking in Human Organs. The CoE is ready to organise specific seminars on these conventions and provide expertise on the draft law on trafficking in human organs. A second meeting of the working group on CoE conventions between the CoE and Tunisia is planned to take place in the second half of 2016.

2.4. Information society and Internet governance, freedom of expression and independence of the media

The CoE accompanied Tunisia in the process of consolidating freedom of expression and media independence and plurality by providing support and expertise to the Board of the Haute autorité indépendante de la communication audiovisuelle (HAICA) in its efforts of improving of the existing legislation on audiovisual communication in line with the 2014 Constitution and with international standards. The CoE raised awareness among key Tunisian stakeholders on principles emerging from CoE standards and exchanges of best practices from CoE member States on legal guarantees to freedom of expression, independence of the regulatory body and on conditions for the independence and adequate functioning of the public media. A specific workshop for journalists on media coverage of terrorism focusing on the role of journalists, their rights and responsibilities in the context of terrorism was organised in May 2016 in Tunis (c.f. 2.5).

2.5. Combating corruption, money laundering and terrorism

Based on the GRECO methodology, in 2015, the CoE initiated the assessment of Tunisia's anti-corruption system. A team of CoE experts visited Tunisia in February 2016 and a first draft of the report is to be presented to the authorities during the summer. The CoE also focused on facilitating the legislative transition of the anti-corruption authority (INLUCC) to a new constitutional status with an expanded mandate. For this purpose, a draft legislative text was prepared based on six rounds of expert drafting sessions. The text includes the mandate, its scope of functions, procedures for electing the President and members of the new authority, and other provisions. Discussion about the draft law text took place at a public event with the participation of all national stakeholders. In May 2016 the capacities of Tunisian inspectors and state auditors to conduct administrative anti-corruption inquiries were enhanced through a regional training involving their Moroccan and Jordanian counterparts.

A working seminar on terrorism was organised to promote the CoE Convention on the Prevention of Terrorism. It resulted in an intensive policy discussion on parameters for the Tunisian counterterrorism framework, in particular the draft anti-terrorism law initiated in 2014. A specific workshop focusing on media coverage of terrorism was organised in May 2016 (c.f. 2.4).

2.6. Combating cybercrime

There were no activities in this field during the reporting period.

Tunisia will be integrated in a new co-operation project on cybercrime, especially designed for Southern Neighbourhood, which is under discussion with the EU.

DEMOCRACY

Co-operation with Tunisia on democracy in 2015 and the first half of 2016 mainly aimed at strengthening the capacities of governmental and civil society representatives involved in the democratic reform processes, especially through activities of the Tunisian School of Political Studies, the North-South Centre and the launching of the Programme of Advanced Training in the field of Human rights, the rule of law and democracy for Southern Mediterranean (PATHS).

3.1. Inter-parliamentary co-operation

In 2015, contacts were established between the PACE and the ARP. An ARP delegation took part in meetings of the PACE Committee of political affairs and Sub-Committee on the Middle East during the PACE April 2015 session. Tunisian representatives expressed their desire to co-operate on the reinforcement of the ARP counsellors' capacities to improve assistance and communication and to develop legislative texts.

Tunisian parliamentarians benefitted from the seminar on the CoE Convention on the Prevention of Terrorism which was organised by the CoE in the context of the resumption of legislative work on the draft anti-terrorism law (see 2.5).

3.2. Democratic governance at local and regional level

Due to lack of funding, there were no actions in this during the reporting period. Actions should be initiated in the second half of 2016.

3.3. Strengthening of participatory democracy and of civil society stakeholders

Upon invitation of the Tunisian authorities, the North-South Centre organised a conference in Tunis as a follow-up to the 2014 Lisbon Forum to discuss political party financing and electoral processes, which emerged as priority issues for this country. The conference resulted in tangible proposals on the requirements of a democratic, transparent and equal electoral process. Tunisian representatives also took part in the 2015 Lisbon Forum dedicated to democratic responses and legal frameworks to combat radicalisation.

The NSC organised regional activities with Tunisian representatives fostering women's participation in political life and promoting women empowerment, and supporting youth organisations and activists to become full-fledged actors of governance in the Southern Mediterranean. The Mediterranean University on Youth and Global Citizenship (MedUni) provided space for young people and youth organisations from around the world to meet, debate, learn and co-operate on youth policy issues. The NSC gave training on the participation of young women in democratic processes, and 198 women participated in the NSC Global Education online courses.

3.4. Training in democratic governance and human rights education

In 2015, the Tunisian School of Politics provided training to about 30 young democratic leaders from various civil society organisations and from political parties. The group explored challenges to the democratic transition in the country. Special training modules contributed to strengthening participants' leadership and public management skills. The 2016 session is in progress. In co-operation with its Moroccan sister school, the Tunisian School hosted the third regional seminar on "Democratic local governance: what perspectives?" which gathered 30 young democratic leaders from different fields and countries – Tunisia, Morocco, Algeria, Egypt and Libya – to explore ways to strengthen participatory democracy and the administrative and financial autonomy of local governments. The event contributed to regional co-operation in the field of democratic reform, as it built networks between civil society in the five participating countries. The capacities of young Tunisian leaders were also strengthened through various peer-exchange events organised within the SPS Network, such as the Summer Academy for Strengthening Democracy in the Euro-Med Region hosted by the Bulgarian SPS, the 2nd International SPS Alumni Conference and the World Forum for Democracy.

The comprehensive Programme of Advanced Training in the field of Human rights, the rule of law and democracy for Southern Mediterranean (PATHS) was launched in 2015. This regional project provides a structured, comprehensive framework for training, based on demand and tailored to the needs of Southern Mediterranean partner countries. Representatives from Algeria, Egypt, Lebanon, Jordan, Morocco and Tunisia attended the first two modules, which focused on 'Constitutional justice, transitional justice and the legislative process' and on 'Introduction to the European Convention of Human Rights and other international systems for the protection of human rights and fundamental freedoms'.

Appendix: Financial table

Neighbourhood Partnership with Tunisia 2015-2017	Estimated needs (adjusted end of 2015 according to TU's demand)	EU funding (with CoE co- funding)	Voluntary contributions*	To be funded
HUMAN RIGHTS				
Gender equality	100 000			100 000
Combating violence against women + Promotion of children's rights and protecting children against violence	325 000	**	255 000	70 000
Prevention of torture and inhuman or degrading treatment or punishment	200 000	200 000		0
fight against human trafficking	150 000	150 000		0
Data protection	**	**		**
Drug abuse and drug trafficking	200 000***	140 000	60 000	0
Promotion of public health and fight against the counterfeiting of medical products	**	**		**
Subtotal Human Rights	975 000	490 000	315 000	170 000
RULE OF LAW				
Independence and efficiency of justice	1 000 000	800 000		200 000
Supporting constitutional reform, the drafting of new legislation, the establishment and efficient functioning of new governance bodies	900 000	700 000	200 000	0
Creation of a common legal area	320 000	250 000	70 000	0
Information society and Internet governance; freedom of expression, independence of the media	338 000		338 000	0
Combating corruption, money-laundering and terrorism	500 000	500 000		0
Combating cybercrime	**	**		**
Subtotal Rule of Law	3 058 000	2 250 000	608 000	200 000
DEMOCRACY				
Interparliamentary co-operation	200 000***	200 000		0
Democratic governance at local and regional level	100 000		100 000	0
Strengthening of participatory democracy and of civil society stakeholders (including North-South Center)	250 000***	100 000	70 000	80 000
Training in democratic governance and human rights education (including Schools of Political Studies and Programme on Advanced Training on Human Rights -PATHS)	860 000***	400 000	460 000	0
Subtotal Democracy	1 410 000	700 000	630 000	80 000
TOTAL	5 443 000	3 440 000	1 553 000	450 000

* Donors : Norway, Estonia, France, Italy, Malta, Monaco, Portugal

**under "creation of a common legal area"

*** including regional activities