

## 1311<sup>th</sup> meeting, 21 March 2018

2 Democracy and political questions

### 2.3 Policy of the Council of Europe towards neighbouring regions

Neighbourhood Partnership with Tunisia 2018-2021

Item prepared by the GR-EXT at its meeting on 6 March 2018

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#### EXECUTIVE SUMMARY

The Neighbourhood Partnership for 2018-2021, developed jointly with the Tunisian authorities, aims to consolidate the support provided to Tunisia in the process of democratic changes and tackle the challenges linked to human rights, the rule of law and democracy.

Since 2012, the partnership forged in key areas for democratic change in Tunisia has been continually stepped up and broadened, while underpinned by enhanced political dialogue and technical co-operation in these different areas.

The progress made since then has exceeded initial expectations, particularly with regard to the harmonisation of Tunisian legislation with Council of Europe standards, helping to gradually build a common legal area between Tunisia and Europe. Tunisia has become a Contracting Party to the Council of Europe's Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and requested accession to other instruments, notably in connection with action against trafficking in human beings, the fight against cybercrime or the counterfeiting of medical products. Tunisia has also shown interest in becoming a party to Council of Europe partial agreements, thus becoming a member of the North-South Centre and requesting its accession to the Pompidou Group.

Enhanced political dialogue has opened up substantial opportunities for dialogue between the Council of Europe and the Tunisian authorities. In practice, the dialogue forged with Tunisia has developed successfully at both high level and the level of experts (in particular with their participation in Council of Europe committees), confirming Tunisia's commitment to fully implementing the Neighbourhood Partnership. The present Neighbourhood Partnership should make it possible to consolidate and develop those achievements.

Building on the solid foundations established with the Tunisian partners, the new partnership framework for 2018-2021 will seek, as a priority, to support constitutional and independent bodies, ensure continued harmonisation of Tunisian legislation with the Constitution and the relevant European and international standards and support the authorities in their efforts to fight corruption.

In these areas, further development of initiatives launched with Tunisia will pursue the key objective of supporting the setting up and running of governance bodies (particularly for the setting up of the new anti-corruption body or the effectiveness of the National Authority for the Prevention of Torture (INPT) as a National Preventive Mechanism against torture) as well as securing guarantees of their independence. It will also be geared to tackling the challenges involved in implementing the new laws passed (including legislation on combating violence against women, prepared with the assistance of the Council of Europe). The across-the-board priority given by the authorities to combating corruption forms part of the plan for Tunisia to join the Group of States against Corruption (GRECO), which is welcomed by the Council of Europe.

Where democracy is concerned, the Neighbourhood Partnership will pursue the objective of strengthening co-operation with the Assembly of the Representatives of the People (ARP), in particular to facilitate the further adoption of new legislative frameworks in line with the 2014 Constitution and European standards, support Tunisia in instituting its process of decentralisation and strengthening of citizen participation at local and regional levels and develop the capacities of stakeholders in democratic governance, particularly civil society.

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**LIST OF ACRONYMS AND ABBREVIATIONS**

ARP	Assembly of the Representatives of the People
Budapest Convention	Council of Europe Convention on Cybercrime
CCEP	Consultative Council of European Prosecutors
CCJE	Consultative Council of European Judges
CDMSI	Steering Committee on the Media and the Information Society
CEJJ	Centre for Legal and Judicial Studies
CEPA	European Convention for the Protection of the Audiovisual Heritage
CEPEJ	European Commission for the Efficiency of Justice of the Council of Europe
CFAD	Centre of Training and Decentralisation Support
CM	Committee of Ministers of the Council of Europe
CODEXTER	Committee of Experts on Terrorism – Council of Europe
Conference of INGOs	Conference of International non-governmental organisations – Council of Europe
Congress	Congress of Local and Regional Authorities of the Council of Europe
Convention 108	Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CSM	Supreme Judicial Council
ECSR	European Committee of Social Rights
ESC	European Social Charter
EU	European Union
FNVT	National Federation of Tunisian Cities
GEC	Gender Equality Commission – Council of Europe
GR-EXT	Rapporteur Group on External Relations of the Council of Europe
GRECO	Group of States against Corruption of the Council of Europe
GRETA	Group of Experts of the Council of Europe on Action against Trafficking in Human Beings
GREVIO	Group of Experts of the Council of Europe on Action against Violence against Women and Domestic Violence
HAICA	High Independent Authority for Audiovisual Communication
HELP	European Programme for Human Rights Education for Legal Professionals
IBOGOLUC	Independent constitutional body for good governance and the fight against corruption
ICA	Audiovisual Communication Authority (constitution-based body)
IDH	Human Rights Authority (constitution-based body)
INLUCC	Tunisian anti-corruption authority
INPDP	National Authority for the Protection of Personal Data
INPT	National Authority for the Prevention of Torture
IOM	International Organisation for Migration
IPAD	Authority of Foresight and Support of the Decentralisation Process
ISM	Higher Institute of the Judiciary
ISPA	Higher Institute for the Legal Profession
Istanbul Convention	Council of Europe Convention on preventing and combating violence against women and domestic violence
Lanzarote Convention	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
MAE	Ministry of Foreign Affairs
LFB	Local finance benchmarking
MAFFE	Ministry of Women, Family and Children's Affairs
MDH	Ministry responsible for relations with constitutional authorities, civil society

	and human rights
MEDICRIME Convention	Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health
MedNET	Co-operation network on drugs and drug abuse in the Mediterranean region
MENA	Middle East and North Africa region
NGO	Non-governmental Organisation
NMP	National Preventive Mechanism against torture
NSC	North-South Centre – European Centre for Global Interdependence and Solidarity of the Council of Europe
ODE	Children’s Rights Observatory
ODGP	Office of the Directorate General of Programmes of the Council of Europe
OHCHR	Office of the UN High Commissioner for Human Rights
PACE	Parliamentary Assembly of the Council of Europe
PARJ III	Programme of the European Union “Justice Reform Support Programme” (Phase III)
PATHS	Programme of Advanced Training in the field of Human Rights, the Rule of law and Democracy in the Southern Mediterranean – Council of Europe
PC-CP	Council for Penological Co-operation – Council of Europe
Pompidou Group	Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs – Council of Europe
SDG	Sustainable Development Goals
SNJT	National Union of Tunisian Journalists
T-PD	Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data
UNDP	United Nations Development Programme
UNIDEM	University for Democracy
VC	Voluntary Contributions
Venice Commission	European Commission for Democracy through Law

## **INTRODUCTION**

### **1.1 GENERAL OVERVIEW**

#### **1.1.1 COUNCIL OF EUROPE POLICY TOWARDS NEIGHBOURING REGIONS**

At its 121<sup>st</sup> Session on 11 May 2011 in Istanbul, the Committee of Ministers of the Council of Europe (CM) endorsed the proposals made by the Secretary General regarding a Council of Europe policy towards its immediate neighbourhood, aimed at promoting dialogue and co-operation with the countries and regions in the vicinity of Europe which express the will to co-operate with the Council of Europe, based on the common values of human rights, democracy and the rule of law. The Committee of Ministers further invited the Secretary General to draw up action plans for the implementation of this policy.

The Council of Europe policy towards neighbouring regions, which is demand-driven and country-specific, is designed for partners in North Africa, the Middle East and Central Asia, and pursues the following three objectives:

- to facilitate democratic political transition in the countries concerned;
- to help promote good governance through the protection of human rights and the rule of law; and
- to reinforce and enlarge Council of Europe regional action in combating transborder and global threats.

The policy has been implemented in close partnership with the European Union (EU), on the basis of the modalities endorsed by the CM, in particular its two key components:

- the Neighbourhood Co-operation Dialogue, carried out at political level; and
- the Neighbourhood Co-operation Priorities, setting out specific co-operation activities to be carried out in the fields of human rights, democracy and the rule of law.

At its 127<sup>th</sup> Session, held in Nicosia on 19 May 2017, the CM invited the Ministers' Deputies and the Secretary General of the Council of Europe to evaluate the results of the policy towards neighbouring regions in order to decide what follow-up action to take. On 3 October 2017 the Ministers' Deputies expressed broad support for the Secretary General's proposals for building on the results achieved within the framework of the Istanbul principles of 2011, and in particular renewing the Partnership with Tunisia, a move initially envisaged for the period 2015-2017 (see section on "the Council of Europe and Tunisia", below).

The document "Neighbourhood Partnership with Tunisia 2018-2021" was endorsed by the CM on 21 March 2018. The Neighbourhood Partnership document is divided into two parts:

#### **PART I – ENHANCED POLITICAL DIALOGUE**

#### **PART II – CO-OPERATION**

The first part, on Enhanced Political Dialogue, offers wide opportunities for dialogue between the Council of Europe and the Tunisian authorities, ranging from High-level strategic dialogue with the Secretary General of the Council of Europe and the CM, on topics on the bilateral agenda and political issues of common interest to more technical consultations relevant to the implementation of the Neighbourhood Partnership. The second part focuses specifically on co-operation priorities identified during discussions between the Council of Europe and the Tunisian national authorities concerned.

#### **1.1.2 CO-OPERATION OBJECTIVES**

The main objective of the co-operation between Tunisia and the Council of Europe, in line with the Council of Europe's policy towards its neighbouring regions, is to assist Tunisia in the process of democratic changes underway by helping the country to tackle challenges related to human rights, the rule of law and democracy and in particular:

- to consolidate the achievements of the co-operation implemented since 2012 in the context of “2012-2014 co-operation priorities for Tunisia within the framework of the neighbourhood co-operation” and the Neighbourhood Partnership with Tunisia 2015-2017” and to initiate new areas of co-operation in line with national reform priorities, based on the demand-driven approach, in the fields of expertise of the Council of Europe;
- to continue the efforts made to facilitate the creation of a common legal area between Europe and Tunisia, encouraging the authorities to bring Tunisian legislation into line with European and international standards and to ratify the conventions of the Council of Europe open to non-member States, with due regard for the procedures set out in the relevant conventions;
- to provide support to the development and to the effective implementation of new legislation in accordance with European and other international standards;
- to provide support to the setting-up and to the effective functioning of human rights institutions and new governance structures; paying particular attention to the independent bodies created 2011 and provided for in the 2014 Constitution;
- to consolidate Tunisia’s presence in Council of Europe’s instances of which it is already a member or observer (European Commission for Democracy through Law (Venice Commission), European Centre for Global Interdependence and Solidarity of the Council of Europe (North-South Centre), European Commission for the Efficiency of Justice (CEPEJ), Co-operation network on drugs and drug abuse in the Mediterranean region (MedNET)) and to encourage it to participate in other Council of Europe structures, according to needs.

The present framework of co-operation is a flexible, dynamic strategic tool setting out priorities for co-operation between Tunisia and the Council of Europe for the period 2018-2021. The main areas of co-operation presented have been identified on the basis of high-level consultations as well as of detailed technical consultations between the Tunisian authorities concerned and the Council of Europe.

Consultations have also been carried out with other international organisations - the European Union (EU) in particular, as the main partner of the Council of Europe’s action in the region - and with bilateral actors, including those who are contributing to the financing of the Council of Europe action in the country, so as to ensure a co-ordinated approach. Close consultations with the main international agencies working in related fields in Tunisia took place in various forms over the period 2015-2017, in order to identify synergies and avoid duplication of efforts. It will be recalled that joint events were organised with the International Organisation for Migration (IOM), the United Nations Development Programme (UNDP), UN-Women and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

On 29 November 2017, the CM examined the final report on the implementation of the Neighbourhood Partnership in 2015-2017, took note of the outcomes and the paved the way for the new Neighbourhood Partnership for the period 2018-2021.

### **1.1.3 THE COUNCIL OF EUROPE AND TUNISIA**

The relationship between the Council of Europe and Tunisia has been enhanced in the context of the implementation of the Neighbourhood Policy established by the Council of Europe in 2011, making Tunisia a privileged partner in the region. Tunisia, however, already had relations with the Council of Europe prior to that date, even if the opportunities for co-operation on subjects related to human rights, democracy and the rule of law were fairly limited. Tunisia has been a member of the Venice Commission since 2010. The country has ratified several Council of Europe conventions. It has also held observer status with the European Pharmacopoeia since 1987 and has been part of the Pompidou Group’s MedNET network since 2006.

Co-operation between Tunisia and the Council of Europe on subjects core to the Organisation’s work saw a sharp upswing after 2011. The preparation of the document “Neighbourhood co-operation priorities for Tunisia in 2012-2014”, approved by the Secretary General of the Council of Europe and Tunisia’s Foreign Minister in April 2012, formalised the strengthening of co-operation. The subsequent signing of the Memorandum of Understanding made it possible for the Council of Europe to open an office in Tunis in 2013. Political dialogue and technical co-operation with Tunisia were further strengthened within the framework of the “Neighbourhood Partnership with Tunisia 2015-2017”.

Since 2012, co-operation has focused mainly on supporting constitutional reforms, setting up new governance bodies and promoting common standards in the fields of human rights, the rule of law and democracy, particularly through Council of Europe conventions, with a view to creating a common legal area. Today Tunisia is bound to the Council of Europe by several conventions and partial agreements and has asked to be invited to accede to other instruments (see appendix IV).

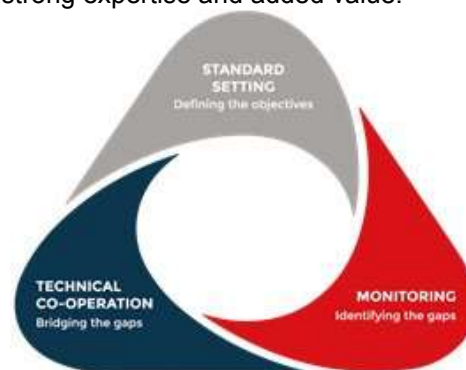
In 2015, further to the fruitful political dialogue held between the Council of Europe and Tunisian authorities and the successful implementation of the Neighbourhood Co-operation Priorities 2012-2014, the CM considered it necessary to give a new momentum to the relationship with this country, which shares with the Council of Europe the values of human rights, rule of law and democracy. On 4 February 2015, at its 1218th meeting, the CM adopted a “Neighbourhood Partnership with Tunisia 2015-2017” combining and strengthening the two pillars of the Council of Europe’s Policy towards neighbouring regions – political dialogue and co-operation – along the lines fixed in Istanbul in 2011. The Partnership proposed, on the one hand, a framework for “Enhanced Political Dialogue”, and on the other hand, co-operation activities in the field of human rights, the rule of law and democracy.

Following the successful implementation of the partnership with Tunisia, the CM supported the Secretary General’s proposal to renew it for the period 2018-2021. This initiative was welcomed by Tunisia, which had expressed its desire to pursue co-operation and enhanced political dialogue.

The “Neighbourhood Partnership with Tunisia 2018-2021” was approved by the CM on 21 March 2018. This framework of co-operation is structured into two parts, with one part devoted to enhanced political dialogue and the other to co-operation priorities in the fields of human rights, the rule of law and democracy.

#### 1.1.4 ADDED VALUE OF THE TECHNICAL ASSISTANCE PROGRAMMES OF THE COUNCIL OF EUROPE

Council of Europe technical assistance programmes form an integral part of the unique strategic triangle (Fig. 1) of standard-setting, monitoring and co-operation: the development of legally binding standards is linked with their monitoring by independent mechanisms and supplemented by technical co-operation to facilitate their implementation. The Council of Europe’s actions are developed and implemented in areas where the Council of Europe has strong expertise and added value.



**Figure 1: Council of Europe strategic triangle**

In the case of Tunisia, as a non-member State of the Council of Europe, monitoring mechanisms will not apply until this country becomes a contracting party of relevant conventions. However, the methodology of a number of monitoring mechanisms, such as the one of the Group of States against Corruption (GRECO) has been used to assess the country’s situation in key areas and to formulate recommendations in line with European legislation and practices. In addition, other tools and methodologies such as those developed by the European Commission for the Efficiency of Justice (CEPEJ) have been fully used in Tunisia.

The co-operation projects are designed to help the country, through concrete action taken within the framework of projects implemented jointly by the Council of Europe’s specialised teams and the relevant partners in Tunisia, to develop tools and competencies suited to the national context and capable of addressing the problems identified.



## 1.2 NEIGHBOURHOOD PARTNERSHIP GOALS

The present Neighbourhood Partnership is a strategic programming instrument for the period between 1 March 2018 and 31 December 2021. Its goal is to support the underway democratic reforms in the Tunisia, in particular to ensure that Council of Europe standards are taken into account in its legislation, and to bring its institutions and practice further into line with European standards in the areas of human rights, the rule of law and democracy.

The main aims of the Neighbourhood Partnership are as follows:

- to pursue political dialogue at high-level and through different means including Tunisian experts' participation in relevant intergovernmental committees and conventional structures of the Council of Europe;
- to continue to assist Tunisia with the reforms underway in strategic areas where a sound basis has been established through co-operation with the Council of Europe, including: promoting equality between women and men; combating violence against women and children; promoting children's rights; combating trafficking in human beings; preventing torture; promoting the independence, efficiency and quality of justice; fighting organised crime (corruption, money laundering, terrorism); combating drug abuse and trafficking; promoting freedom of expression and pluralism of the media; training politicians and civil society in democratic governance;
- to initiate and strengthen co-operation in priority areas covered by the national reform agenda, as and when the demand exists, in Council of Europe fields of expertise, such as: cybercrime; training legal professionals in human rights; local and regional governance;
- to continue to promote the gradual creation of a common legal area between Europe and Tunisia, by supporting the development and effective implementation of new laws in keeping with European standards, including laws drafted in co-operation with the Council of Europe, and by encouraging Tunisia's accession to Council of Europe conventions open to non-member States, in compliance with the procedures laid down in the conventions concerned;
- to support the setting-up and the efficient running of the human rights protection agencies and new governance structures, paying particular attention to the independent authorities created since 2011 and those provided for in the 2014 Constitution;
- to support the government's efforts to combat corruption as an across-the-board priority.

The Neighbourhood Partnership presents the priorities for co-operation following the structure of the Council of Europe's Programme of Activities.

## PART I – ENHANCED POLITICAL DIALOGUE

### 2.1 INTRODUCTION

The Neighbourhood Partnership proposes a framework for enhanced political dialogue between the Council of Europe and the relevant Tunisian authorities, the intensity of which could reflect the quality of the co-operation between Tunisia and the Council of Europe.

This enhanced political dialogue opens up a number of possibilities, ranging from high-level dialogue on topics included in the bilateral agenda and political issues of common interest, to more technical consultations on the implementation of the Neighbourhood Partnership. In addition, the measures listed below cover the whole range of the Council of Europe's intergovernmental bodies, from political bodies to expert committees.

The Committee of Ministers of the Council of Europe (CM) will closely follow the implementation of the enhanced political dialogue.

### 2.2 HIGH-LEVEL DIALOGUE

The CM may invite the Minister of Foreign Affairs of Tunisia, or other high-level government representatives, to attend its sessions.

The Secretary General of the Council of Europe and the Minister of Foreign Affairs of Tunisia will hold consultations at least once a year on the issues covered by the bilateral agenda and subjects of common interest.

Ministers from Tunisia may be invited, as observers, to attend conferences of specialised ministers relevant to the implementation of the Neighbourhood Partnership, as provided for in Resolution [CM/Res\(2011\)7](#).

### **2.3 CONSULTATIONS**

In addition to the high-level dialogue, the Ministers' Deputies may invite the relevant Tunisian ministries and institutions to consultations on matters related to the implementation of the Neighbourhood Partnership.

The CM Rapporteur Group on External Relations (GR-EXT) will hold exchanges of views with representatives of the Tunisian ministries and institutions concerned when examining issues relating to co-operation with Tunisia and follow-up to the implementation of the Partnership. The other rapporteur groups may also hold such exchanges of views.

### **2.4 PARTICIPATION IN INTERGOVERNMENTAL COMMITTEES OF EXPERTS**

Representatives of Tunisia will be able to attend certain parts of relevant meetings of intergovernmental committees of experts as observers when matters relating to the implementation of the Neighbourhood Partnership are being discussed.

### **2.5 NEIGHBOURHOOD PARTNERSHIP REPRESENTATIVE**

The Consul General of Tunisia in Strasbourg has been appointed by the Tunisian authorities as the Neighbourhood Partnership representative to the Council of Europe to liaise on its implementation.

## **PART II- CO-OPERATION PRIORITIES FOR 2018-2021**

### **3.1 HUMAN RIGHTS**

Tunisia has made significant advances in the field of human rights since 2011. The Constitution of 2014 and a series of laws passed since then have also created institutions whose task is to ensure respect for human rights and their promotion in specific areas. One particularly interesting measure was the Law on the elimination of violence against women,<sup>1</sup> drafted with the support of the Council of Europe and whose provisions were inspired by the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). Adopted unanimously by the members of the Assembly of the Representatives of the People (ARP) present on 11 August 2017, it marks the culmination of a period of heated debate and significant advances for women victims of violence in terms of prevention, protection and prosecution. The fact that the new law repeals Article 227 bis of the Criminal Code – which required rape charges to be dismissed if the rapist married the victim – is highly symbolic.

In terms of legislation, however, much still remains to be done: Tunisia is currently engaged in a vast reform process that should eventually bring its legislation into line with the Constitution and with European and international standards. Implementing the new laws will also be a major challenge in the coming years. The co-operation established between Tunisia and the Council of Europe since 2012 has made it possible to address in depth most of the human rights-related issues that were identified as priorities, such as combating violence against women, children's rights, and the prevention of torture. The invitation by the CM for Tunisia to accede to the Convention on the protection of children against sexual exploitation and sexual abuse (Lanzarote Convention) is tangible proof of this and, together with other requests from the country to accede to Council of Europe conventions, shows Tunisia's determination to work closely with the Council of

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<sup>1</sup>Organic law no. 2017-58 of 11 August 2017 on the elimination of violence against women

Europe by joining its convention system. Requests from Tunisia to join partial agreements, such as the Pompidou Group in October 2017, are further evidence of the country's interest in joining the co-operation machinery.

Against this propitious backdrop, the main aim of the partnership over the period 2018-2021 will be to consolidate and build on co-operation in those fields where a sound working basis has been established with partners inside the country, such as combating violence against women, and children's rights – particularly protecting them against sexual abuse and exploitation – and the prevention of torture, in conformity with Council of Europe standards, as well as combating drug abuse and trafficking. Specialised training in human rights for the legal professions will be provided during this period under the European Programme for Human Rights Education for Legal Professionals (HELP). Because of the interest expressed by the national partners, moreover, awareness of European standards with regard to social rights, based on the European Social Charter, is another of the areas of co-operation envisaged.

### 3.1.1 PROTECTING HUMAN RIGHTS

#### HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

Training in human rights and governance organised in connection with the Programme of Advanced Training in the field of human rights, the rule of law and democracy for Southern Mediterranean (PATHS Programme) from 2015 onwards has highlighted the interest of partners in the region in training for legal professionals that focuses more specifically on the human rights protection system in Europe. The HELP Programme will accordingly be used to enhance the capacities of Tunisian judges, prosecutors and lawyers in their everyday work, as well as to help improve the competencies of the relevant governance bodies, including notably the independent authorities. HELP will thus give legal professionals the benefit of high-quality training tools that have been tried and tested in Council of Europe member States, via both traditional-style classes and an "e-learning" platform on human rights, which will be tailored to Tunisia's specific needs.

**Overall objective: to strengthen understanding of human rights standards among legal professionals and build up the competencies of independent authorities *inter alia***

#### **Expected outcomes**

- **Expected outcome 1:** The abilities of legal professionals to protect and promote human rights are strengthened;
- **Expected outcome 2:** The abilities of relevant governance bodies, including independent authorities, to protect and promote human rights within their respective remits are strengthened.

**Main national partners:** Ministry of Justice and other specialised ministries (on request), Ministry of the Interior, Human Rights Authority (IDH), Higher Institute of the Judiciary (ISM), national bar association, Higher Institute for the Legal Profession (ISPA), Centre for Legal and Judicial Studies (CEJJ), national training institutions, faculties of law.

#### PREVENTION OF TORTURE

The setting-up of the National Authority for the Prevention of Torture (INPT), provided for in the law of October 2013,<sup>2</sup> brought its share of controversy. The close co-operation between the Council of Europe and the electoral Commission of the ARP from June 2015 onwards to share the Council of Europe's expertise on National Preventive Mechanisms (NPM) against torture in Europe helped to get it established. Following the election of its members by the ARP in March 2016, the Council of Europe set about putting in place a group of international partners of the INPT to co-ordinate international support for the new structure in the interpretation of its remit, the establishment of its budget and the training of its members.

<sup>2</sup>Organic law no. 2013-43 of 23 October 2013, on the INPT

Under a training programme initiated in 2016, the Council of Europe drew on the know-how of the European NPMs and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to offer the INPT a series of training sessions during its first years of operation. As with other independent authorities in Tunisia, however, there are currently numerous challenges to the smooth running of the INPT, due to both outside forces and problems specific to the new body itself. Developments over the period 2018-2021 will be crucial in determining the ability of the INPT to meet European and international standards and do its job effectively. The Council of Europe will continue its dialogue with the INPT and assist it as developments require, while at the same time maintaining close co-ordination with the main international partners involved in the process of supporting the body. The Council of Europe will also seek to foster the establishment of constructive relations between the INPT and the other national stakeholders involved (ministries, other state authorities, civil society organisations).

**Overall objective: to ensure that the INPT is able to protect and promote human rights in accordance with its remit**

**Expected outcomes**

- **Expected outcome 1:** The INPT plays a central role in the prevention of torture in Tunisia and is able to effectively fulfil its remit; the co-operation plan agreed between the INPT and the Council of Europe contributes to this;
- **Expected outcome 2:** The competencies of INPT members are enhanced thanks to the training plan implemented with the Council of Europe, including through exchanges with similar institutions in Council of Europe member States and in the Middle East and North Africa (MENA) region;
- **Expected outcome 3:** The quality of the reports produced by the INPT within the framework of its international commitments improves;
- **Expected outcome 4:** The INPT has established sustainable institutional relations with similar bodies in Council of Europe member States.

**Main national partners:** INPT, Ministry responsible for relations with constitutional authorities, civil society and human rights (MDH), Ministry of Justice (Department of Criminal Affairs, Department of Prisons and Rehabilitation), Ministry of the Interior, civil society.

## SUPPORT FOR THE HUMAN RIGHTS AUTHORITY

Article 128 of the Constitution of 2014 provides for the institution of a human rights authority (IDH), to replace the current body responsible for human rights and fundamental freedoms. In June 2013, the Venice Commission contributed to the discussion on the plans for the new authority in its [opinion on the law of 2008](#) relating to the Higher Committee for Human Rights and Fundamental Freedoms and the changes required to ensure the conformity of its work with the Paris Principles.<sup>3</sup>

The Venice Commission and other relevant Council of Europe bodies will make their expertise available to the IDH to assist it in its task. An important feature of this co-operation will be fostering synergies with the other independent Tunisian authorities working in the field of human rights.

<sup>3</sup> Paris Principles relating to the status and operation of national institutions for the protection and promotion of human rights, adopted by the UN General Assembly (Resolution A/RES/48/134 of 20 December 1993).

**Overall objective: to support the implementation of the IDH and its ability to protect and promote human rights in accordance with its remit**

**Expected outcomes**

- **Expected outcome 1:** The IDH is set up with the support of the Council of Europe in accordance with the recommendations of the Venice Commission;
- **Expected outcome 2:** The rules of procedure of the IDH are prepared with the support of the Council of Europe to enable it to play its role to the full;
- **Expected outcome 3:** The competencies of the members of the IDH are enhanced by the training plan set in motion in co-operation with the Council of Europe;
- **Expected outcome 4:** The IDH establishes relations with similar bodies in Council of Europe member States.

**Main national partners:** IDH, civil society, ARP.

### 3.1.2 PROMOTING HUMAN RIGHTS AND DIGNITY

#### EQUALITY AND HUMAN DIGNITY

As regards gender equality, Article 46 of the Tunisian Constitution provides for “equality of opportunity between women and men in access to all responsibilities and in all areas”. The co-operation initiated in 2015 between the Council of Europe and the Ministry of Women Family and Children’s Affairs (MAFFE) to develop and integrate an approach mindful of equality between women and men in policies and in practices will be continued in synergy with the other international partners working together in this field to combat gender stereotypes and sexism.

The co-operation initiated in 2013 to combat violence against women will also continue. The enactment of the organic law of August 2017<sup>4</sup> was an important step, but its effective implementation, be it through regulatory measures or through new institutional bodies yet to be set up (shelters, national Observatory for the prevention of violence against women), throws up major challenges which the Council of Europe’s expertise could help to address. The Istanbul Convention is a benchmark in the matter, known to the national partners working in this field and used in the preparation of the law. Significant recent advances justify increased investment by the Council of Europe in this field to help Tunisia achieve its ambitious goals. Subject to a request and a subsequent invitation from the CM, Tunisia’s accession to the Istanbul Convention, which would allow representatives from Tunisia to take part in the work of the Committee of the Parties and in exchanges with the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), could also contribute, through in-depth exchanges between parties to the Convention, to the implementation of the provisions of the organic law of August 2017. As a platform for intercultural and inter-agency dialogue, the North-South Centre will also help to boost the capacity of civil society organisations in Tunisia active in combating and preventing violence against women through the sharing of experience and good practices between Europe and the Southern Mediterranean.

<sup>4</sup>Organic law no. 2017-58 of 11 August 2017, on the elimination of violence against women.

**Overall objective: to promote equality between women and men and combat violence against women by adapting the relevant legislative frameworks and raising awareness among target groups**

**Expected outcomes**

- **Expected outcome 1:** An approach conducive to equality between women and men is encouraged in the legislation, policies and practices, in particular through communication and training initiatives aimed at a wide range of professions (including civil servants) at the central and local levels;
- **Expected outcome 2:** The introduction of implementing legislation and the setting-up of the structures provided for in the law on violence against women (Observatory for the prevention of violence against women, shelters and so on) is supported by the Council of Europe;
- **Expected outcome 3:** The capacities of the institutions and professionals responsible for assisting women victims of violence, and those of civil society stakeholders, are strengthened in line with European best practices;
- **Expected outcome 4:** The media are made more aware of issues related to equality and violence against women, and contribute to the promotion of a positive, non-stereotypical image of women and men in the media.

**Main national partners:** Ministry of Foreign Affairs, MAFFE and other relevant ministries, ARP, civil society, High Independent Authority for Audiovisual Communication (HAICA) and its successor, the Audiovisual Communication Authority (ICA), National Union of Tunisian Journalists (SNJT), Press Council.

## CHILDREN'S RIGHTS

Co-operation between the Council of Europe and national partners has been very close in this field since 2014, especially when it comes to combating the sexual abuse of children. Several events have provided opportunities to present the provisions of the Lanzarote Convention and discuss their relevance and implementation in the context of the reforms underway in Tunisia.

Following the country's request in December 2016, the CM officially invited Tunisia to accede to the Lanzarote Convention in May 2017. The completion of this process and the appointment of a Tunisian representative to the Committee of the Parties to the Convention will help to further the work undertaken in this field. The harmonisation of standards, structures and practices with the provisions of the Convention will be one of the main priorities of co-operation in this area over the period 2018-2021.

Tunisia has also made efforts to adapt its judicial practices to the needs of children, based largely on the [Guidelines of the CM of the Council of Europe on child-friendly justice](#) and on the [Council of Europe Strategy for the Rights of the Child \(2016-2021\)](#). Thought is also being given to the protection of children in the digital environment, based on the relevant Council of Europe texts on children's rights in the digital environment, such as the European Convention for the Protection of the Audiovisual Heritage (CEPA) and the Convention on Cybercrime.

**Overall objective: to promote children's rights and protect children against all forms of violence by adapting the relevant legislative framework and increasing awareness among target groups**

**Expected outcomes**

- **Expected outcome 1:** Tunisia finalises the ratification process of the Lanzarote Convention and joins the Committee of the Parties to the Convention;
- **Expected outcome 2:** The legislative and institutional framework and the structures for the protection of children against exploitation and sexual abuse are strengthened and further efforts made to bring them into line with the Lanzarote Convention;
- **Expected outcome 3:** The capacities of the institutions and professionals responsible for assisting child victims of violence are strengthened in line with European best practices;
- **Expected outcome 4:** The public, parents, children and child welfare professionals are made more aware of the effort to prevent the sexual abuse and exploitation of children;
- **Expected outcome 5:** The media are made more aware of issues related to the sexual abuse and exploitation of children and take steps to ensure they receive appropriate coverage.

**Main national partners:** MAFFE and other relevant ministries, MAE, ARP, civil society, the HAICA (and its successor, the ICA), SNJT, Press Council, Children's Rights Observatory (ODE), CEJJ.

### 3.1.3 GUARANTEEING SOCIAL RIGHTS

#### EUROPEAN SOCIAL CHARTER

The Tunisian Constitution guarantees a number of social and economic rights. The right to health and social assistance is guaranteed by Article 38, the right to education by Article 39 and the right to work and a fair wage by Article 40. Article 48 requires the State to guarantee the social integration of people with disabilities.

Effectively guaranteeing these rights can be a considerable challenge in many countries, particularly when faced with economic difficulties. Even though it is not open to non-member States of the Council of Europe, the European Social Charter (ESC) could provide useful input for the exploratory process underway in Tunisia.

Within the framework of the present Neighbourhood Partnership, activities will aim to present the Council of Europe standards and foster discussion about their relevance to the Tunisian context at specialised conferences and workshops. In a second phase, depending on the interest expressed by the partners and the availability of funding, more specific activities could be organised.

**Overall objective: to improve awareness of Council of Europe social rights standards among target groups**

**Expected outcome**

- **Expected outcome 1:** Representatives of the government, Parliament and civil society have a sound knowledge of the Council of Europe's standards on social rights.

**Main national partners:** Ministry of Social Affairs, Ministry of Employment and Vocational Training, Ministry of Health, Ministry of Education, Ministry of Higher Education, ARP, civil society.

## 3.2 RULE OF LAW

Tunisia is a fully-fledged member of the Venice Commission and the different requests for opinions and advice that body receives show that it has become a key figure in the reforms underway in the country. It should be remembered here that the Venice Commission took part in the preparation of the Constitution adopted by the ARP in January 2014 and that more recently, at the request of the Tunisian authorities, it contributed its ideas on the constitutional and independent authorities and produced several opinions, including one which would lead to the establishment of the Supreme Judicial Council (CSM).

Assisting the constitutional and independent authorities is one of the main priorities of this Neighbourhood Partnership, as these bodies are a reflection of the new institutional landscape created by the Constitution of 2014. Many challenges still remain, however, not only because creating any new body is a difficult process, but also because there is some resistance to them. The period 2018-2021 will be an opportunity to intensify the efforts already underway since 2015 to safeguard the independence of these bodies (the five constitutional authorities but also the INPT, the future body responsible for access to information, the National Authority for the Protection of Personal Data (INPDP), and the Administrative Mediator, among others).

In addition, the action developed by the European Commission for the Efficiency of Justice (CEPEJ) in close collaboration with the EU under South Programmes I and II will contribute during the reference period to the execution of the EU's Justice Reform Support Programme (PARJ III).<sup>5</sup>

Lastly, the gradual creation of a common legal area will continue to be one of the fundamental features of the co-operation, in line with the objectives of the Council of Europe's Policy towards neighbouring regions.

### 3.2.1 ENSURING JUSTICE

#### INDEPENDENCE AND EFFICIENCY OF JUSTICE

Co-operation has been underway since 2013 between the CEPEJ and several pilot courts<sup>6</sup> to carry out projects identified jointly with the courts in order to improve the everyday functioning of the justice system, using tools and methods developed by the CEPEJ for the 47 member States of the Council of Europe.

In that context, in partnership with Tunisia's Ministry of Justice and the Higher Institute for the Judiciary (ISM), the CEPEJ has regularly organised seminars, training sessions, study visits and other events to familiarise judges, prosecutors and registry staff in the pilot courts with the tools and methods of the CEPEJ and help them master the use of those tools and methods.

Tunisia was granted observer status with the CEPEJ in April 2015 and has since taken an active interest in that body's activities.

The priorities proposed for the period 2018-2021 are aimed at consolidating, building on, extending and perpetuating the action taken over the last five years in order to improve the efficiency and quality of the public justice service the courts deliver to the people. Based on the experience acquired via the pilot courts between 2013 and 2017, and thanks to the training and awareness-building efforts deployed throughout the country, it will be possible to roll out the CEPEJ's tools and methods (with regard to court management, length of proceedings and quality of justice) on a larger scale in Tunisia. The expertise of the Venice Commission, the CEPEJ and also the Consultative Council of European Judges (CCJE) and the Consultative Council of European Prosecutors (CCPE) will be enlisted to strengthen the operational capacity of the newly created Supreme Judicial Council (CSM), through co-operation designed *inter alia* to make its members fully aware of their responsibilities, help them to prepare the statutory documents on their internal organisation and provide them with the tools they need to accomplish their task. In the same way, the CEPEJ, together with other Council of Europe bodies and international partners, will be able to assist the Ministry of Justice in steering structural reform of the justice system.

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<sup>5</sup> European Union's Justice Reform Support Programme, phase 3

<sup>6</sup> Court of Cassation; courts of first instance of Gabes, Kairouan, Nebeul, Sidi Bouzid, Tunis and Zaghouan; district courts of Gabes, Sidi Bouzid and Zaghouan.



**Overall objective: to promote the independence, the efficiency and the quality of justice by improving the functioning of the courts and supporting the implementation of judicial reform and the review of the relevant legislative framework in keeping with European standards**

**Expected outcomes**

- **Expected outcome 1:** The laws and policies pertaining to justice are brought into line with European standards thanks to the legislative expertise contributed by experts from Council of Europe bodies such as the Venice Commission or the CEPEJ;
- **Expected outcome 2:** The capacities of CSM judges regarding the remit and functioning of the CSM and modern court management methods are strengthened through training and other activities (provision of tools for measuring and evaluating the functioning of the justice system, the courts and the work of the judges) and the sharing of European best practices in these areas;
- **Expected outcome 3:** The everyday functioning of the judicial system in Tunisia is improved as a result of the implementation of an enhanced programme to introduce specific CEPEJ tools on a wider scale to many more courts throughout the country;
- **Expected outcome 4:** Tunisia takes part in the CEPEJ peer evaluation exercise for judicial systems.

**Main national partners:** Pilot courts, Ministry of Justice, Ministry of the Interior, national Bar association, civil society, CSM, ISM.

### 3.2.2 STRENGTHENING THE RULE OF LAW

#### EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION)

##### Setting-up of new institutions and independence of justice

Chapter V of the Constitution of 2014 provides for the establishment of a Constitutional Court (Articles 118-124) and a Supreme Judicial Council (Articles 112-114). Chapter VI deals with the independent constitutional bodies (Articles 125-130).

Tunisia is a full member of the Venice Commission. In addition to assisting with the drafting of the revised Constitution of 2014, the Venice Commission has given its opinion on a number of texts, including the draft law on the CSM at a hearing before the ARP committee responsible for that law in March 2015. The adoption of organic law no. 2016-34 of 28 April 2016 paved the way for the election of the members of the CSM, which has been in place since 2017. At the request of the Ministry of Justice, the Venice Commission also adopted an opinion in October 2015 on the draft law on the Constitutional Court. Organic law no. 2015-50 on the Constitutional Court was passed by the ARP and promulgated on 3 December 2015.

Over the period 2018-2021 the Constitutional Court, once established, could make use of the Venice Commission's expertise to assist its members in the performance of their duties, through seminars and conferences on specific themes geared to their priorities.

As regards the independent bodies, the period 2018-2021 could be used to build on the actions already undertaken since 2015 to guarantee the independence of these bodies (the five constitutional authorities but also the INPT, the future body responsible for access to information, the National Authority for the Protection of Personal Data (INPDP), the future authority on sustainable development and the rights of future generations and the Administrative Mediator, among others). In addition to the individual support given to these bodies to help them fulfil their respective remits (specific to each of the areas concerned), a broader approach was developed, under the aegis of the Venice Commission, concerning the provisions required to guarantee the genuine independence of these bodies in the performance of their tasks.

Pursuant to the workshops and consultations organised since 2015, specific actions will be taken with the independent bodies, the Ministry responsible for relations with the constitutional bodies, civil society and human rights, as well as with other parties working on matters related to guarantees of independence, means of accomplishing their tasks and financial independence criteria.

In addition, the Venice Commission will continue to organise UNIDEM campuses (University for Democracy) designed to build up the competencies of senior officials on subjects within the Venice Commission's areas of expertise, in which Tunisia will be fully involved.

**Overall objective: the Venice Commission supports the implementation of the 2014 Constitution, including the Constitutional Court**

**Expected outcomes**

- **Expected outcome 1:** Laws with a view to the preparation of new legislation and the smooth implementation and functioning of the constitutional and independent governance bodies are drafted with the help of the Venice Commission, where necessary in co-ordination with other specialised Council of Europe bodies;
- **Expected outcome 2:** The rules of procedure and internal organisation of the Constitutional Court are prepared in such a way as to enable it to fully perform its task;
- **Expected outcome 3:** The competencies of the judges and staff of the Constitutional Court and the members and staff of the constitutional governance bodies are enhanced;
- **Expected outcomes 4:** The Constitutional Court and the other constitutional governance bodies establish a network of relations with similar bodies in Council of Europe member States and other regions (MENA in particular).

**Main national partners:** Constitutional Court, relevant constitutional and independent governance bodies.

## COMMON STANDARDS AND POLICIES

One of the priorities for the co-operation with Tunisia since 2012, as in other neighbouring countries, has been to give Tunisian partners the opportunity, in their various fields of competence, to be made aware of those Council of Europe instruments and structures that may be of particular benefit in supporting the reforms underway in Tunisia.

Since 2013, conferences and expert workshops have been held to present the Council of Europe conventions in fields such as the fight against corruption, money laundering and terrorism, cybercrime and counterfeiting of medical products, torture, trafficking in human beings, trafficking of human organs or violence against women. These activities have also covered issues such as the promotion of children's rights, the protection of children from sexual abuse and personal data protection.

These awareness-raising activities had two aims: firstly, to ensure that the main provisions of the Council of Europe conventions can be considered when national legislation is drafted; and secondly, to explain the relevance for Tunisia of signing up to these conventions in order to support the reforms underway, including by benefiting fully from the recommendations made by the bodies responsible for monitoring some of these conventions.

The developments in this field have been considerable over the past two years. Since 2015, Tunisia has signed up to several legal instruments of the Council of Europe which were a priority for the co-operation initiated through the Neighbourhood Partnership and asked to be invited to accede to several other conventions and partial agreements (see Appendix IV). Judging by the interest expressed in other conventions and partial agreements, hopefully significant advances will be made during the period covered by the Neighbourhood Partnership 2018-2021 in expanding the common legal area with Tunisia.

The working group on conventions, which is co-ordinated by Tunisia's Ministry of Foreign Affairs (MAE) and the Office of the Directorate General of Programmes (ODGP) of the Council of Europe, has played a key role in the planning of the work to raise awareness of conventions and partial agreements in order to address the partners' needs and Tunisia's priorities. This working group, which meets once a year on the sidelines of the Steering Committee of the South Programme, should continue to play an important role within the present framework for co-operation.

It should be highlighted that Tunisia's ratification of Council of Europe conventions which have a monitoring mechanism will eventually lead to such mechanisms being introduced in Tunisia, thereby helping to anchor the country more firmly in the European legal area. In addition, even before it signs up to the conventions officially, Tunisia has participated in several convention committees of the Council of Europe, such as the Committee of the Parties to the Lanzarote Convention, the Consultative Committee of the Convention for Data Protection, the European Committee on Crime Problems or the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters. This participation, which supplements Tunisia's representation at meetings of steering committees and committees of experts of the Council of Europe in priority fields of co-operation, is contributing to a better understanding of European standards by Tunisia and is wholly in line with the aims of the enhanced political dialogue that began in 2015.

Over the 2018-2021 period, the gradual creation of a common legal area will continue to be a fundamental feature of the co-operation in line with the aims of the Council of Europe's policy towards neighbouring regions. In addition to action to make the implementation of the standards adopted by Tunisia effective, priority will be given to raising awareness of specific conventions in relation to the co-operation priorities in which interest has been shown, with a view to possible ratification.

**Overall objective: to gradually create a common legal area between Tunisia and the Council of Europe**

**Expected outcomes**

- **Expected outcome 1:** Tunisia asks to be invited to sign up to conventions and partial agreements of the Council of Europe in priority fields covered by the Neighbourhood Partnership, in accordance with the roadmap drawn up by the working group on the conventions;
- **Expected outcome 2:** Legislative frameworks that conform to European standards are adopted in priority fields covered by this Neighbourhood Partnership and implemented effectively;
- **Expected outcome 3:** Ministries, independent authorities and civil society have acquired a sound knowledge of the conventions and partial agreements of the Council of Europe within their respective fields of responsibility.

**Main national partners:** Ministry of Foreign Affairs, relevant ministries and independent authorities, ARP, civil society.

## INFORMATION SOCIETY AND INTERNET GOVERNANCE

### Promotion of freedom of expression and media pluralism

Since 2012, the Council of Europe has supported Tunisia in the process of strengthening freedom of expression and the independence and diversity of the media, in close co-ordination with other international partners, namely by providing support and expertise to the HAICA. The Council of Europe has sought to sensitise the main Tunisian stakeholders to the principles arising from European standards and the sharing of good practice from Council of Europe member States, and has provided expertise in relation to the legal guarantee of freedom of expression, the independence of the audiovisual regulatory authority and the creation of a pluralistic media landscape.

In 2016, several activities aimed at Tunisian MPs focused on their role in promoting freedom of expression and media freedom in a context of democratic transition. For the first time, representatives of the authorities participated as observers in the Steering Committee on Media and Information Society (CDMSI).

At the same time, the training workshops for journalists which have been held, according to the topics covered, in partnership with either the National Union of Tunisian Journalists (SNJT), the HAICA, ministries or civil society organisations, have provided an opportunity to address human rights issues in depth: media coverage of terrorism, violence against women or sexual abuse of children. These activities have attracted a high level of interest from journalists and help to raise public awareness of topics which are central to the Council of Europe's work in Tunisia.

Over the 2018-2021 period, the co-operation activities will focus on strengthening the legal and institutional framework for the media and its implementation, in accordance with the relevant European standards. Co-operation with the HAICA and its successor the Audiovisual Communication Authority (ICA) will continue to be a priority.

The capacities of the newly-created Press Council, journalists and professionals in the public and private media in areas related to the protection of journalism and journalistic ethics will be built up in a targeted manner and developed in line with needs.

In addition, on the basis of Article 31 of the 2014 Constitution guaranteeing the right to information and the right to access information, Organic Law no. 2016-22 of 24 March 2016 makes provision for the creation of a body responsible for access to information. The nine members, including the president of this authority, have been elected by the ARP. Particular attention will be paid to supporting the establishment of this body and strengthening the capacities of its members so that they can perform their task under optimum conditions.

New avenues may also be explored, including any interest that Tunisia may express in signing up to some partial agreements such as the European Audiovisual Observatory.

**Overall objective: to promote freedom of expression, the independence of the audiovisual regulatory authority and the creation of a pluralistic media landscape**

**Expected outcomes**

- **Expected outcome 1:** The creation of the ICA, in line with European standards, is completed;
- **Expected outcome 2:** The capacities of the members and staff of the HAICA – and its successor the ICA – and the members of the Press Council are built up through specialised training;
- **Expected outcome 3:** A network is formed between the HAICA/ICA and the Press Council on the one hand, and their European counterparts on the other. The HAICA/ICA have formed close relationships with the European Audiovisual Observatory, including in areas related to audiovisual archiving;
- **Expected outcome 4:** The public and private media are more aware of human rights issues and ethical issues in relation to media coverage and have taken steps to comply with the law.

**Main national partners:** HAICA/ICA, Press Council, SNJT.

**Personal data protection**

The Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108) and the Additional Protocol thereto (ETS 181) were ratified by Tunisia on 18 July 2017 and entered into force on 1 November 2017.

Over the 2018-2021 period, the priorities for co-operation in this field will focus on support for national stakeholders, especially INPDP.

The legislative reform that is underway will be supported so that the law on personal data protection can be brought into line with the most recent international and European standards in this area (Convention 108, which is currently being updated, and the new legislative framework of the European Union: Regulation 2016/679 on the protection of natural persons with regard to the processing of personal data and the free movement of such data (General Data Protection Regulation) and EU Directive 2016/680 on the protection of natural persons with regard to the processing of personal data by the competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data).

The independence and the strengthening of the means of action of INPDP will be central to the co-operation, to enable this authority to perform its task and make the law on personal data protection in Tunisia more effective.

**Overall objective: to implement international and European standards on personal data protection**

**Expected outcomes**

- **Expected outcome 1:** The legislative and institutional framework for personal data protection in Tunisia is brought into line with Convention 108;
- **Expected outcome 2:** The rules of procedure and tools enabling INDP to perform its task, such as procedural manuals, are prepared;
- **Expected outcome 3:** The capacities of the members and staff of INPDP are enhanced.

**Main national partners:** INPDP, Ministry of Justice and other relevant ministries, independent authorities, civil society.

### 3.2.3 COUNTERING THREATS TO THE RULE OF LAW

#### **TERRORISM, CORRUPTION AND ORGANISED CRIME – MONEYVAL – GRETA – GRECO – ABUSE AND ILLEGAL TRAFFICKING OF DRUGS (Pompidou Group)**

##### **Action against trafficking in human beings**

At the invitation of the Ministry of Justice, the Council of Europe was very closely involved in the drafting of the law on the prevention of and combating trafficking in human beings that was adopted by the ARP on 21 July 2016, and which is broadly in line with the Council of Europe Convention on Action against Trafficking in Human Beings. The conferences and expert workshops on trafficking in human beings that have been held since 2014 have provided opportunities to present the provisions of the Convention to the main national actors. The Chair and members of the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) and members of national anti-trafficking authorities have, on several occasions, shared the experience – both legislative and institutional – of the Council of Europe member States which are parties to this Convention and highlighted the importance of the national co-ordinating bodies in this area. Tunisia asked to be invited to accede to the Council of Europe Convention on Action against Trafficking in Human Beings at the beginning of October 2017. Subject to an invitation from the CM and the completion of the relevant procedures, Tunisia's accession to this Convention could pave the way for the country's involvement in the work of the Committee of the Parties and exchanges with GRETA. In addition, close co-operation allowing for support and specialised training for its members has been established with the National authority against trafficking in human beings since its creation, which was announced by the Ministry of Justice in February 2017.

The priority for co-operation in this field over the 2018-2021 period will be to continue with the activities to build up the capacities of members of the national authority against trafficking in human beings and enable ties to be forged between them and their counterpart authorities in Council of Europe member States. Activities will also be pursued in order to meet the specific needs of the main actors involved in combating trafficking in human beings (including the security forces, judges and civil society). In this context, the partnership with the University of Tunis will also provide an opportunity to train law students on this issue and make them aware of the responses that are available at international level.

**Overall objective: to strengthen efforts to combat trafficking in human beings by enforcing the law and building the capacities of all relevant stakeholders**

**Expected outcomes**

- **Expected outcome 1:** Subject to an invitation from the CM, Tunisia's ratification of the Convention could pave the way for the country's participation in the work of the Committee of the Parties and exchanges with GRETA;
- **Expected outcome 2:** The preparation of the national strategy to combat trafficking in human beings and that of the victim referral and guidance mechanism and implementation guides are supported;
- **Expected outcome 3:** The competencies of members of the national authority against trafficking in human beings are enhanced through training organised by the Council of Europe, including during exchanges with counterpart bodies in Council of Europe member States;
- **Expected outcome 4:** The capacities of the institutions and professionals with responsibility for dealing with victims of trafficking are built up in line with European best practice, with support from the Council of Europe;
- **Expected outcome 5:** The national authority against trafficking in human beings is encouraged to create a network with counterpart bodies in Council of Europe member States.

**Main national partners:** National authority against trafficking in human beings, IDH, Ministry of Justice and other relevant ministries, Ministry of the Interior, civil society, ARP, Ministry of Foreign Affairs, CSM, CEJJ, universities.

**ACTION AGAINST CORRUPTION, MONEY LAUNDERING AND TERRORISM**

The co-operation priorities of the Council of Europe in Tunisia in relation to action against corruption were set in 2012 and have been implemented since then in co-ordination with two main partners: the anti-corruption authority (INLUCC), which was created pursuant to a Decree-Law at the end of 2011, and the good governance and action against corruption departments which are under the authority of the Head of Government. Support for the preparation of the draft law on the future independent constitutional body for good governance and the fight against corruption, the first version of which was presented in November 2015, has been an important focus of co-operation. Since 2016, the appropriate Council of Europe bodies have also organised numerous specialised training sessions for members of INLUCC, in particular for its team of investigators. INLUCC and the good governance departments were the Council of Europe's two main partners and interlocutors in the assessment of the anti-corruption framework in Tunisia which was officially presented in February 2017 and prepared using GRECO methodology through an extensive consultation process involving all the parties concerned over a period of nearly two years. This report includes 69 recommendations setting out a roadmap for the reforms which have been discussed and accepted by all stakeholders to improve the legal and institutional framework for action against corruption in Tunisia.

The invitation extended by the CM to Tunisia to join GRECO in November 2017 should help to entrench this process of convergence as regards anti-corruption standards.

Active efforts to raise awareness of the Council of Europe instruments for combating money laundering and the financing of terrorism, in which Tunisia has expressed an interest, will also continue within the framework of this Neighbourhood Partnership.

**Overall objective: to promote good governance and the prevention of corruption, money laundering and terrorism**

**Expected outcomes**

- **Expected outcome 1:** Tunisia joins GRECO; the legislative and institutional framework for action against corruption in Tunisia is brought into line with GRECO standards;
- **Expected outcome 2:** The capacities of the members and staff of INLUCC – and its successor, the Independent constitutional body for good governance and the fight against corruption (IBOGOLUC) – are strengthened;
- **Expected outcome 3:** The capacities of the judges at the Financial and Economic Judiciary Court are built up through specialised training;
- **Expected outcome 4:** The capacities of the National Counter-Terrorism Commission and those of the judges at the Counter-Terrorism Judiciary Pole are built up through specialised training.

**Main national partners:** INLUCC/IBOGOLUC, Good Governance Department of the Head of the Government, Ministry of Justice, Ministry of the Interior, National Counter-Terrorism Commission, Counter-Terrorism Judiciary Pole, National Counter-Terrorism Commission, civil society.

**ACTION AGAINST CYBERCRIME**

In October 2017, Tunisia asked to be invited to accede to the Council of Europe Convention on Cybercrime. The CyberSouth<sup>7</sup> regional programme, whose main beneficiaries include Tunisia, was launched in July 2017. Its overall aim for the Southern Mediterranean region is to strengthen legislation and institutional capacities on cybercrime and electronic evidence in line with human rights and rule of law requirements.

**Overall objective: to promote Tunisia's application of European standards on cybercrime and its participation in co-ordinated action in collaboration with European and Southern Mediterranean countries**

**Expected outcomes**

- **Expected outcome 1:** The criminal law framework is strengthened in accordance with the provisions of the Council of Europe Convention on Cybercrime, including the rule regarding compliance with safeguards provided for by domestic law;
- **Expected outcome 2:** Specialised police and prosecution departments are created and inter-departmental co-operation is strengthened;
- **Expected outcome 3:** The competencies of judges in relation to tackling cybercrime and dealing with electronic evidence are enhanced;
- **Expected outcome 4:** Round-the-clock contact points are strengthened to make international co-operation on cybercrime and electronic evidence more effective;
- **Expected outcome 5:** Priority strategies on cybercrime and electronic evidence are identified;
- **Expected outcome 6:** Awareness-raising and prevention actions are developed in line with the relevant provisions of the Council of Europe Convention on Cybercrime.

**Main national partners:** Ministry of Justice, Ministry of the Interior, Ministry of Communication Technologies and the Digital Economy, other relevant ministries, INPDP.

<sup>7</sup> Joint programme between the EU and the Council of Europe, "CyberSouth – Co-operation on Cybercrime in the Southern Neighbourhood Region", 36 months, EUR 3 350 000.

### Action against the counterfeiting of medical products

The advances in this field have not been sufficient to achieve the ambitious goals set by the Neighbourhood Partnership 2015-2017, namely Tunisia's accession to the Convention on the counterfeiting of medical products and similar crimes involving threats to public health (MEDICRIME Convention) and the upgrading of its legislation in this field. However, in October 2017, Tunisia informed the Secretary General of its desire to be invited to accede to this convention.

Like other countries of the region, Tunisia participated in the fourth Regional Conference on the Council of Europe MEDICRIME Convention which was held in November 2015 in Larnaca, Cyprus. This conference looked at the advantages and challenges of ratifying the MEDICRIME Convention and was followed, due to the interest expressed in this instrument by Tunisia, by two specialised round tables on action against the counterfeiting of medical products and similar crimes and human organ trafficking, which were held in November 2016 in Tunis.

**Overall objective: to promote Tunisia's application of European standards on action against the counterfeiting of medical products**

**Expected outcomes**

- **Expected outcome 1:** Subject to an invitation from the CM, Tunisia completes the process of accession to the MEDICRIME Convention;
- **Expected outcome 2:** The legislation in this field is aligned with the provisions of the MEDICRIME Convention;
- **Expected outcome 3:** Co-operation between competent authorities is strengthened, including through the creation of national and international networks.

**Main national partners:** Ministry of Justice, Ministry of Health, Ministry of the Interior.

### ACTION AGAINST THE ABUSE AND ILLEGAL TRAFFICKING OF DRUGS

Tunisia has been a member of the Pompidou Group's Co-operation Network on Drugs and Drug Addiction in the Mediterranean Region (MedNET) since the latter was created in 2006 and participates in its activities in this capacity. In October 2017, it asked to join the Pompidou Group.

The MedNET network, which covers 15 countries, aims to promote co-operation and the exchange and mutual transfer of knowledge between countries on both sides of the Mediterranean as part of South-South, North-South and South-North co-operation in a way that respects human rights and incorporates the gender dimension. Its long-term goal is to develop and implement consistent policies on addictive behaviours.

Many activities have been organised in Tunisia and other Southern Mediterranean beneficiaries (Algeria, Morocco, Egypt, Jordan, Lebanon and Palestine)\* with Tunisian participation in this network, in relation to primary prevention for young people, education in the field of addiction science (university degree) for healthcare personnel, training of magistrates in the new scientific concepts of addiction, raising the awareness of the public and the authorities with regard to the public health approach to drug users as persons suffering from an illness, and school surveys to assess the situation regarding the consumption of alcohol, tobacco and other drugs among young people attending school. All of these actions are pursued through a partnership between the different stakeholders: the Ministries of Health, Education, Justice and civil society. The Pompidou Group provided two legal opinions on a draft Tunisian law on drugs in 2016. Another draft law, 42-2017, which will enable judges to hand down non-custodial sentences in certain circumstances for first-time drug users, was passed and entered into force in June 2017.

The 2018-2021 period will provide an opportunity to continue with the actions initiated through the MedNET network.

\* This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of Council of Europe member States on this issue.



**Overall objective: to strengthen the human rights approach in policies on drug abuse and trafficking and addictive behaviours**

**Expected outcomes**

- **Expected outcome 1:** Tunisia completes the process of joining the Pompidou Group and participates fully in the work of the Partial Agreement;
- **Expected outcome 2:** National legislation on drugs respects the right to health and access to treatment for all persons suffering from addiction problems and is implemented effectively;
- **Expected outcome 3:** The capacities of institutions and professionals are strengthened in line with European best practice through education courses which lead to qualifications (degree in addictology) and through expanded care provision;
- **Expected outcome 4:** Networking and communication between state-run care facilities and civil society are strengthened and supported by surveys on addictions among the general population and the school population.

**Main national partners:** Ministry of Health, Ministry of Education, Ministry of Justice, Ministry of the Interior, Ministry of Finance (Customs), Ministry of Foreign Affairs, ARP, faculties of medicine, civil society.

### 3.3 DEMOCRACY

#### 3.3.1 STRENGTHENING DEMOCRATIC GOVERNANCE AND FOSTERING INNOVATION

##### PARLIAMENTARY ASSEMBLY

Close relationships between members of the ARP and the PACE have been forged on issues relating to the national legislative agenda, such as freedom of expression, efforts to combat violence against women and trafficking in human beings, and the protection of children's rights. Members of the ARP have also participated in regional initiatives organised by the PACE with regard to the role of parliamentary institutions, and meetings of the PACE committees on issues such as migration (in particular the role of diasporas in countries of origin and host societies). While the ARP has no plans to apply for Partner for Democracy status with the PACE, co-operation between the PACE and the ARP could be continued under PACE Resolution 1598 (2008) "Strengthening co-operation with the Maghreb countries".

Over the 2018-2021 period, themed exchanges (including in the form of workshops and national or regional conferences) will be organised by the PACE to support the priorities of this Neighbourhood Partnership, in particular for the purpose of raising awareness in order to facilitate the adoption of new laws prepared with Council of Europe's support.

**Overall objective: to facilitate the adoption of new legislative frameworks in accordance with European standards by strengthening the role, capacities and awareness of MPs and parliamentary officials**

**Expected outcomes**

- **Expected outcome 1:** The capacities of members of the ARP are enhanced with a view to the adoption of legislation derived from the Constitution through, in particular, the sharing of experience and relevant practices with representatives of the parliaments of the member States and experts from the Council of Europe;
- **Expected outcome 2:** The competencies of the members and staff of the ARP with regard to human rights, democracy and the rule of law are strengthened through themed workshops and exchanges with members of the PACE and officials from Council of Europe member State parliaments.

**Main national partners:** ARP.

## LOCAL AND REGIONAL DEMOCRACY

Chapter VII of the 2014 Tunisian Constitution provides that local authorities shall be run by councils elected by direct suffrage at the local and regional levels, and by indirect suffrage at district level (Article 133). The first municipal elections since the Revolution have been postponed several times. They are now due to take place during the first half of 2018. Raising citizens' awareness of the importance of these elections and the associated local issues is a major challenge for these first elections. The participation of women in particular, as both voters and candidates, is also a challenge because electoral law establishes horizontal and vertical equality between women and men. These issues featured prominently among the topics that were addressed at the "Women and Local Government" conference organised by the Council of Europe in September 2017. The representation of young people in local government is another challenge due to the representation requirements laid down by electoral law. In 2017, the Congress worked closely with the Ministry of Local Affairs and the Environment and the ARP to draft the Code on Local Authorities, with a view to its adoption prior to these elections. The principles and standards of the European Charter of Local Self-Government are the central reference point for this.

Like the drafting of the Code's implementing decrees, this work was carried out in close co-ordination with other international actors as part of the sharing of responsibilities in support of the decentralisation process. The Congress is also providing support to the National Federation of Tunisian Cities (FNVT) with a view to revising its Charter and training its staff and future members.

Over the 2018-2021 period, which should coincide with the set-up phase for elected city and regional councils, priority will be given to continuing to draft implementing decrees for the Code on Local Authorities and other relevant legislation (Law on the Territorial Civil Service, Law on Local Finances, among others), including at regional level. The Congress will also provide electoral expertise, including through (local and regional) election observation missions. The support for the training of elected representatives and staff of local authorities and the efforts to build the capacities of FNVT to enable it to perform its tasks, as set out in its Charter, once revised, will continue. The participation of Tunisian city councils in sessions of the Congress – possibly in the capacity of Partner for Local Democracy – will be encouraged, in order to facilitate contact with local elected representatives in the Congress. In addition, workshops, study visits and seminars to provide information and raise awareness of local democracy principles and good practice will be held for local elected representatives and their authorities and for young people and women in particular, in order to promote participatory and inclusive democracy. The co-operation in Tunisia will also benefit from the intervention of the Centre of Expertise for Local Government Reform of the Directorate General of Democracy of the Council of Europe and the Venice Commission, in co-ordination with the Congress.

The Centre of Expertise for Local Government Reform, in particular, will support, on the basis of the initiatives that have already been implemented with Tunisia, the strengthening of good governance and the decentralisation process. Its efforts will be directed primarily at introducing and developing modern systems and methods for the management of human resources at local level, supporting responsible local financial management through indicators (local finance benchmarking, LFB), introducing the E-learning tool on good governance and adapting it to the local context (on the basis of the Council of Europe's 12 Principles), and promoting leadership skills. Among other things, this support will take the form of legislative assistance and political advice, peer meetings, training programmes and study visits and the promotion of contextualised use of the Council of Europe's special toolkits for good governance and decentralisation.

**Overall objective: to support the decentralisation process in accordance with European standards, the strengthening of the involvement of local authorities and the development of mechanisms to encourage citizen participation at local and regional levels**

**Expected outcomes**

- **Expected outcome 1:** The Local Authorities Code is adopted by the ARP; the Code's implementing decrees and other relevant local and regional legislation are drafted and implemented;
- **Expected outcome 2:** The capacities of new local and regional elected representatives are built up through the training programmes implemented by different actors, including FNVF and CFAD, with support from the Council of Europe;
- **Expected outcome 3:** Citizens, the media and civil society are made aware of the role and powers of local authorities and their elected councils through awareness-raising campaigns, workshops and events organised in co-ordination with the Congress, including as part of Local Democracy Week;
- **Expected outcome 4:** Local and regional elected representatives participate in the work of the Congress, through Partner for Local Democracy status where appropriate, and the institutional relationships between the Congress and Tunisian local authorities are strengthened;
- **Expected outcome 5:** The Tunisian authorities, at central and local levels, acquire a sound understanding of European best practice on democratic good governance through the use of the E-learning tool in relation to the 12 Principles of Good Local Governance of the Council of Europe; through the principles and tools developed by the Centre of Expertise for Local Government Reform of the Council of Europe, they also have the necessary knowledge and competencies to implement modern methods of human resource management and responsible local financial management.

**Main national partners:** Local authorities, Ministry of Local Affairs and the Environment, Ministry of Women, Family and Children's Affairs, Ministry of the Interior, Authority of Foresight and Support of the Decentralisation Process (IPAD), FNVF, Centre of Training and Decentralisation Support (CFAD), ARP, INLUCC, ISIE, the media, civil society.

## DEMOCRATIC GOVERNANCE

### 3.3.2 PROMOTING PARTICIPATION AND DIVERSITY

Since the co-operation began in 2012, the involvement of civil society has been an important focal point in the implementation of the Council of Europe's programmes in Tunisia. In all of the activities organised in relation to action against violence against women, action against exploitation and sexual abuse of children, prevention of torture or freedom of expression, the Council of Europe has sought to promote the role of civil society actors and facilitate their interaction with state partners of the Council of Europe (ARP, ministries and independent authorities). Advances have been made, with the creation, at the instigation of the Council of Europe, of a group of civil society partners around the HAICA and the Ministry of Women Affairs, Family and Children's Affairs with regard to the problem of child sex abuse. At the same time, the Council of Europe has also given direct support to several initiatives which actively involve civil society: the Tunisian School of Politics (see below), whose training programmes on democratic governance are aimed at political and civil society leaders, and support for the work of the North-South Centre (NSC) which aims, through the Mediterranean University on Youth and Global Citizenship and the Lisbon Forum, to encourage dialogue between civil society and other democratic governance actors on issues of relevance to the MENA region.

#### Support for the Tunisian School of Politics

The Council of Europe has been supporting the Tunisian School of Politics since 2013. In addition to the training sessions for participants from political parties, the Tunisian School of Politics also runs a "mixed" session which is supported by the Council of Europe and attended by participants from political parties and civil society, on the basis of a programme which includes modules on basic knowledge and current political and institutional issues (State, Constitution, elections, human rights).

In the context of the institutional and political developments that have been occurring in Tunisia since 2011, the training of leaders within political parties and in civil society organisations, based on equality between women and men, is an opportunity to make actors who are involved in public life in Tunisia aware of democratic governance issues. This support will continue over the 2018-2021 period.

## **EDUCATION FOR DEMOCRACY – NORTH-SOUTH CENTRE**

### **Mediterranean University on Youth and Global Citizenship**

As part of the Euro-Mediterranean Youth Co-operation project, the NSC has been organising the Mediterranean University on Youth and Global Citizenship (MedUni) since 2013, in co-operation with the Tunisian National Youth Observatory and in partnership with other international youth organisations based in Europe and Southern Mediterranean countries. The University's sessions are attended by around a hundred participants from both sides of the Mediterranean, the aim being to build the capacities of young people and youth organisations, promote the participation of young people in politics, and encourage Euro-Mediterranean youth co-operation and the development of trans-Mediterranean networks. This initiative will continue over the 2018-2021 period, and will seek to create synergies between the participation of youth organisations during the University and other programmes implemented by the Council of Europe in Tunisia.

The Lisbon Forum, which promotes the “quadrilogue” between governments, parliaments, local and regional authorities and civil society, is the only assembly of its kind and has, since it was launched, openly addressed matters of interest to the main Southern Mediterranean partners concerned with a view to finding solutions based on consensus.

### **No Hate Speech Movement**

The Tunisian authorities could ask to benefit from the No Hate Speech Movement which the Council of Europe has developed in its 47 member States. This campaign could, if appropriate, be adapted and implemented in Tunisia within the framework of this Neighbourhood Partnership, having regard to other existing initiatives such as the Machrek-Maghreb civil coalition against the incitement of hatred and for the promotion of tolerance in the MENA region, which was created as part of the Plan of Action that was launched at the instigation of the Office of the United Nations High Commissioner for Human Rights.<sup>8</sup>

### **Network of Intercultural Cities**

The network of Intercultural Cities provides an opportunity for experts to lend support to, and for municipalities to share their experience with, cities which have decided to learn to manage diversity better and reap the benefits it brings. The network offers a methodology which has been tried and tested at international level and a range of analysis and learning tools, as well as help in reshaping policies and municipal services to make them more effective in a context of diversity and encourage citizens to view this diversity as a competitive advantage.

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<sup>8</sup> Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

**Overall objective: to promote the participation of civil society and young people**

**Expected outcomes**

- **Expected outcome 1:** Participants in the Tunisian School of Politics are better able, within their respective organisations and functions, to play an active role in upholding human rights, the rule of law and democratic standards in Tunisia and contribute to the implementation of the Council of Europe's programmes in Tunisia;
- **Expected outcome 2:** The capacities of participants in the Mediterranean University on Youth and Global Citizenship of the NSC are enhanced and networks of organisations in Europe and the Southern Mediterranean are strengthened;
- **Expected outcome 3:** The Lisbon Forum adopts conclusions which can address the problems of the Southern Mediterranean region in an innovative way and a monitoring process ensures that its recommendations are implemented;
- **Expected outcome 4:** Tunisian cities join the Intercultural Cities network and participate in events and study visits organised within this framework;
- **Expected outcome 5:** Representatives of non-governmental organisations (NGOs) forge ties and share their experience with the Conference of INGOs of the Council of Europe, if necessary by attending sessions of the Conference and other activities.

**Main national partners:** Tunisian School of Politics, civil society, youth organisations, Ministry of Youth and Sports, Tunisian National Youth Observatory

## **PART III- IMPLEMENTATION**

### **4.1 METHODOLOGY**

The overall co-ordination of technical co-operation implemented by the Council of Europe falls within the remit of the Office of the Directorate General of Programmes (ODGP) which steers the programming of and fund-raising for co-operation actions whilst ensuring the good functioning of Council of Europe Offices in the field.

Neighbourhood Partnership projects are implemented by the Council of Europe's Major Administrative Entity responsible for the relevant area of expertise. The Council of Europe's Office in Tunisia plays a key role in co-ordinating and supporting the implementation of the projects in the field in accordance with the decentralisation policy applying to co-operation. As of December 2017, the Office's human resources counted 7 staff members.

The implementation of Neighbourhood Partnership projects involves, as necessary, needs assessments, legislative expertise, capacity building, awareness-raising and peer-to-peer reviews. The methodology followed, in line with the [Council of Europe Project Management Methodology](#), aims to reinforce the ownership of national stakeholders and to ensure the sustainability of the outcomes.

In addition, the co-operation designed by the Council of Europe follows a "multi-institutional approach", which allows different Council of Europe's institutions and bodies to target governmental stakeholders, parliaments, independent governance institutions such as the Ombudsman, local and regional authorities, and civil society, in order to create a unique leverage for comprehensive, inclusive, successful and sustainable reforms.

Gender equality is taken into account in all Council of Europe projects in accordance with the [Guidelines on gender mainstreaming](#). The gender mainstreaming approach will be clarified when the actions associated with the Neighbourhood Partnership are developed, but it will already be applied to certain activities regardless of the field of co-operation. For example, the standards for gender equality and women's rights will be taken into account when the various pieces of legislation and national frameworks are revised in the light of European standards. The issue of equality between women and men will also be incorporated into training and programmes. The impact of gender will be analysed when projects are designed and implemented. In addition to gender mainstreaming, specific actions will be considered in order to promote equality between women and men. Furthermore, the implementation of the Neighbourhood Partnership will seek to contribute to the Sustainable Development Goals (SDGs) of the United Nations. Particular

emphasis will be laid on the contribution to SDG 5, “Achieve gender equality and empower all women and girls” (including target 5.1, “End all forms of discrimination against all women and girls everywhere”, and target 5.2, “Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation”, and SDG 16, “Promote just, peaceful and inclusive societies” (including target 16.A, “Strengthen relevant national institutions, including through international co-operation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime”, and target 16.B, “Promote and enforce non-discriminatory laws and policies for sustainable development”). The gender mainstreaming toolkit will support Council of Europe’s efforts in this respect.

Similarly, the Organisation promotes active participation of civil society in co-operation activities, in accordance with its [Guidelines for the participation of civil society organisations](#) in the Council of Europe’s co-operation activities and the recommendations arising out of the conference entitled “Partnership for Good Governance: promoting co-operation with civil society”.

The present Neighbourhood Partnership also takes into account the **lessons learned** during implementation of the co-operation established with Tunisia since 2012.

- Tunisia’s strong desire to engage with the Council of Europe through its legal instruments and other tools and Tunisia’s ability to take on ambitious goals; this Neighbourhood Partnership has made it possible to tackle human rights issues which Tunisia was less open to address during the previous period (action against trafficking in human beings, action against torture). This change reflects developments which are conducive to human rights in Tunisia and the creation of a relationship of trust between the Council of Europe and the Tunisian authorities based on the results that have already been achieved through co-operation and political dialogue;
- the active role of a robust civil society which supports the goals of the Neighbourhood Partnership;
- progress in some areas is being hampered by internal disputes which have slowed the pace of reform. This is especially true of the support for the local democracy reforms (the municipal elections have been postponed several times and are due to take place during the first half of 2018);
- the institutional landscape established by the 2014 Constitution faces strong resistance, significantly restricting the potential for Council of Europe action;
- unlike other countries in the region, Tunisia does not have Partner for Democracy status with the PACE, making for less structured inter-agency action in co-operation programmes in Tunisia;
- security problems, especially in 2015 and 2016, have made it impossible to extend the Council of Europe’s activities to a larger number of regions, meaning that work is focused on the capital and a handful of other areas;
- the following factors have contributed to the success of the Enhanced Political Dialogue: a willingness to embrace the process, at political and technical level, both in the Tunisian Ministry of Foreign Affairs and in specialised ministries together with the presence of the Neighbourhood Partnership representative in Strasbourg and the presence of a Council of Europe Office in Tunis, beneficial for both the co-operation and the Enhanced Political Dialogue;
- the Council of Europe has confirmed that it can respond to any interest expressed by specialised ministries and provide expertise through its inter-governmental expert committees. In this regard, the participation of Tunisian experts in these bodies is an important feature of the dialogue and should be encouraged. It contributes to the partner’s institutional integration into the relevant networks and the creation of a common legal area;
- determined to implement the Neighbourhood Partnership fully, Tunisia has reiterated the interest that it had in developing, beyond 2017, longer-term institutional relationships with the Council of Europe;
- the political dialogue with the authorities is contributing to ongoing co-operation in a context of political instability. For example, three ministers of justice were appointed in 2015.

Furthermore, as is the case with other frameworks for co-operation:

- The standards and principles of the Council of Europe are both ends and means of the technical assistance and, as such, can make a significant contribution to the realisation of these rights;

- Long-term technical assistance with the implementation of comprehensive reforms also requires a long-term view of financing and effective mechanisms for co-operation between national and international partners;
- Financing under the Neighbourhood Partnership also offers a certain amount of flexibility, with funds being allocated to the projects that need them the most.

Due to the nature of its mandate, the Council of Europe has to operate at times in complex and unstable environments which expose it to risks. The analysis of risks relevant to implementation of the Neighbourhood Partnership as well as possible mitigation strategies are identified in Appendix II of the present Neighbourhood Partnership on the basis of the Council of Europe [risk management guidelines](#).

## 4.2 CO-ORDINATION

Co-ordination to ensure an efficient use of resources and the relevance of the Council of Europe's actions is performed at different levels and in different forums, including the Committee of Ministers of the Council of Europe.

The Council of Europe's actions are worked out and implemented in areas where the Council of Europe has a strong expertise and added value. Joint co-operation with the Tunisian authorities is developed based on a thorough analysis of the objectives followed by other international organisations and actors in the field and their work, implemented and/or planned to achieve these objectives.

To ensure the relevance of its actions, the Council of Europe works in close co-ordination with relevant international partners, notably the European Union and in particular the EU Delegation in Tunisia.

There is also co-ordination with other organisations, such as the IOM, with regard to action against trafficking in human beings. Wherever appropriate, platforms for co-ordination with other international organisations are created and joint activities undertaken. This will continue to be the case in particular as regards support for INPT, as indicated in section 3.1.1 above.

The Council of Europe also keeps close contact with development agencies of the Organisation's member States.

## 4.3 FUNDING

The overall budget of the Neighbourhood Partnership is approximately €14.2 million. On the basis of estimates related to ongoing negotiations of various JPs<sup>9</sup> as well as funding for the JP CyberSouth (2017-2020, 36 months), it is estimated that around €8.1 million could be financed by the EU.

Projects in the Neighbourhood Partnership are to be funded from multiple sources. Funding is to be provided mainly from voluntary contributions (VC) from donor countries and international organisations, including the EU/Council of Europe.

The co-ordination of the Neighbourhood Partnership implementation is carried out with the help of general management costs amounting to maximum 7% of the Neighbourhood Partnership's direct costs.

In line with the Council of Europe resource mobilisation strategy, fundraising efforts under the co-ordination of the ODGP are concentrated on the Neighbourhood Partnership as a whole.

The present Neighbourhood Partnership structure follows the structure of the Programme and Budget of the Council of Europe and is in line with its two biennial cycles in order to increase coherence, complementarity and co-ordination.

<sup>9</sup> South Programme III (2018-2020, 24 months), JP Support for civil society and independent constitutional bodies, phase 2 (PASC II) (2018-2022, 48 months) and PARJ III (2018-2023, 60 months).



**Figure 2:** Estimated budget per theme of the Neighbourhood Partnership with Tunisia 2018-2021

#### 4.4 GOVERNANCE

The CM is responsible, through its GR-EXT for the overall assessment of the Neighbourhood Partnership implementation.

The Council of Europe will provide regular updates on the progress and outcomes of the Neighbourhood Partnership. To this end, the ODGP will submit interim and final reports to the CM as follows:

- written information 12 months after the adoption of the Neighbourhood Partnership, to present the state of advancement after the Neighbourhood Partnership's official launching;
- comprehensive mid-term Progress Review Report, 24 months after the adoption of the Neighbourhood Partnership;
- final Progress Review Report at the end of implementation of the Neighbourhood Partnership.

Progress made under the Neighbourhood Partnership will also be jointly assessed by the Council of Europe and the Tunisian authorities. For this purpose, a Neighbourhood Partnership Steering Committee is established, composed of representatives of the Ministry of Foreign Affairs and other national stakeholders involved in the implementation of the Neighbourhood Partnership as well as of representatives of the Council of Europe.

This Steering Committee will assess the implementation of approved projects, discuss relevant proposals for future co-operation and challenges faced, and recommend any measures to improve the effectiveness of the Neighbourhood Partnership. Meetings will take place 24 months after the adoption of the Neighbourhood Partnership, to assess the mid-term implementation, and before the end of the Neighbourhood Partnership, to assess the overall implementation.

In addition, the ODGP will address annual Neighbourhood Partnership Reports to those donors contributing at the level of the Neighbourhood Partnership, in line with reporting requirements.



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**APPENDIX I: LOGFRAME OF THE NEIGHBOURHOOD PARTNERSHIP WITH TUNISIA 2018-2021****Gender equality and civil participation in decision-making** (cross-cutting issues):

- **Gender equality** is mainstreamed throughout the Council of Europe's projects in accordance with the [Guidelines on Gender Equality](#).
- **Civil society's participation** in decision making is promoted by the Organisation in line with the [Guidelines on Civil Society Organisations' participation](#).

**Impact:** Contribute to strengthening human rights, the rule of law and democracy in Tunisia, by providing ongoing assistance to the democratic reform processes, based on the demand-driven approach, in the fields of expertise of the Council of Europe.

Human rights	
Thematic result: Contribute to strengthening human rights in Tunisia by supporting the harmonisation of legislation, institutions and practices with European and international practices and standards.	
Results	Indicators
<b>1.1. PROTECTING HUMAN RIGHTS</b> <b>1.1.1.</b> Understanding of human rights standards among legal professionals is strengthened and the capabilities of independent bodies are built up through the HELP programme; <b>1.1.2.</b> The ability of the INPT to protect and promote human rights in accordance with its remit is strengthened; <b>1.1.3.</b> The IDH is implemented and its ability to protect and promote human rights in accordance with its remit is strengthened.	Existence of institutional mechanisms and bodies to protect human rights effectively, in particular setting up of the IDH. Level of interaction between the various institutional bodies protecting human rights. Extent of implementation of human rights standards by legal professionals and relevant independent bodies in their work.
<b>1.2. PROMOTING HUMAN RIGHTS AND DIGNITY</b> <b>1.2.1.</b> Equality between women and men is promoted and violence against women is combated by adapting the legislative frameworks and raising awareness among the target groups; <b>1.2.2.</b> Children are better protected against all forms of violence and their rights are protected by adapting the legislative frameworks and raising awareness among the target groups in this respect.	Accession of Tunisia to the Lanzarote Convention. Level of conformity of domestic legislation, regulations and bodies governing equality between women and men and children's rights with European and international standards and, in particular, actual implementation of the Law on the elimination of violence against women. Number of Council of Europe recommendations included in legislation.
<b>1.3. GUARANTEEING SOCIAL RIGHTS</b> <b>1.3.1.</b> Awareness of Council of Europe social rights standards among target groups is improved.	Level of awareness of Council of Europe social rights standards among target groups.

Rule of law	
Thematic result: Contribute to strengthening the rule of law in Tunisia by supporting the harmonisation of legislation, institutions and practices with European and international practices and standards.	
Results	Indicators
<p><b>2.1. DELIVERING JUSTICE</b></p> <p><b>2.1.3.</b> The independence, efficiency and quality of justice are promoted by improving court performance and supporting the implementation of judicial reform and the revision of the relevant legislative frameworks, in line with European and international standards.</p>	<p>Level of conformity of judicial reform and of the revision of the relevant legislative frameworks with European and international standards.</p> <p>Gender mainstreaming, including access by women to justice, in the legislation and policies developed.</p> <p>Number of CEPEJ pilot courts in Tunisia.</p> <p>Number of CEPEJ tools used by Tunisian courts.</p>
<p><b>2.2. STRENGTHENING THE RULE OF LAW</b></p> <p><b>2.2.1.</b> Implementation of the 2014 Constitution, including the Constitutional Court, is supported by the Venice Commission;</p> <p><b>2.2.2.</b> A common legal area is gradually created between Tunisia and the Council of Europe;</p> <p><b>2.2.3.</b> Freedom of expression, the independence of the audiovisual regulatory authority and the creation of a pluralistic media landscape are promoted;</p> <p><b>2.2.4.</b> International and European standards on personal data protection are implemented.</p>	<p>Number of invitations to accede to Council of Europe conventions or Council of Europe partial agreements or enlarged agreements.</p> <p>Number of conventions which Tunisia has acceded to.</p> <p>Number of new draft laws aimed at the smooth implementation and functioning of the constitutional and independent governance bodies prepared with the help of the Venice Commission.</p> <p>Level of conformity of the legislative and institutional framework for personal data protection in Tunisia with Convention 108.</p> <p>Gender mainstreaming in the legislation and policies developed.</p> <p>Number of constitutional authorities actually set up.</p> <p>Level of interaction between the different constitutional authorities.</p> <p>Size of the network of relations between constitutional authorities and counterparts in Council of Europe member States.</p> <p>Number of measures taken by the media to comply with the law and Council of Europe standards.</p>
<p><b>2.3. ACTION AGAINST THREATS TO THE RULE OF LAW</b></p> <p><b>2.3.1.</b> Efforts to combat trafficking in human beings are strengthened by enforcing the law and building the capacities of all relevant stakeholders;</p> <p><b>2.3.2.</b> Good governance and the prevention of corruption, money laundering and terrorism are promoted;</p> <p><b>2.3.3.</b> Tunisia's application of European standards on cybercrime and its participation in co-ordinated action in collaboration with European and Southern Mediterranean countries are promoted;</p> <p><b>2.3.4.</b> Tunisia's application of European standards on action against the counterfeiting of medical products is promoted;</p>	<p>Accession of Tunisia to the Council of Europe's Convention on Action against Trafficking in Human Beings, the Convention on Cybercrime, the MEDICRIME Convention, GRECO and the Pompidou Group and participation in the work of the various related bodies.</p> <p>Level of conformity of the legislative framework and national bodies with Council of Europe standards in terms of combating threats to the rule of law in general.</p> <p>Gender mainstreaming in the legislation and policies developed.</p> <p>Degree of communication and interaction between national stakeholders involved in combating threats to the rule of law.</p>

<p><b>2.3.5.</b> The human rights approach is promoted in policies on drug abuse and trafficking and addictive behaviours.</p>	<p>Degree of international networking in the relevant fields. Size of the community of national experts in the various fields of combating threats to the rule of law.</p>
<p><b>Democracy</b> <b>Thematic result:</b> Contribute to strengthening democracy in Tunisia by supporting the harmonisation of legislation, institutions and practices with European and international practices and standards.</p>	
<p><b>Results</b></p>	<p><b>Indicators</b></p>
<p><b>3.1. STRENGTHENING DEMOCRATIC GOVERNANCE AND PROMOTING INNOVATION</b> <b>3.1.1.</b> The adoption of new legislative frameworks in accordance with European standards is promoted by strengthening the role, capacities and awareness of MPs and parliamentary officials; <b>3.1.2.</b> The decentralisation process is supported in accordance with European standards; and the involvement of local authorities and the development of mechanisms to encourage citizen participation at local and regional levels are strengthened.</p>	<p>Adoption and implementation of the Code on Local Authorities. Turnout at local and national elections. Percentage of women and men elected following local and national elections. Size of the network of relations which ARP members and officials and local and regional elected representatives maintain with their counterparts in Council of Europe member States.</p>
<p><b>3.2. PROMOTING PARTICIPATION AND DIVERSITY</b> <b>3.2.1.</b> The participation of civil society and young people is promoted.</p>	<p>Number of spaces for dialogue and exchange within Tunisian civil society, in particular in youth organisations. Recognition of NGOs working to promote women's rights. Adaptation of the No Hate Speech Movement campaign to the national context. Number of local initiatives promoting diversity based on Intercultural Cities tools. Degree of networking between NGO representatives and the Conference of INGOs of the Council of Europe.</p>

**APPENDIX II: RISK REGISTER OF THE NEIGHBOURHOOD PARTNERSHIP WITH TUNISIA 2018-2021**

Scenarios	Mitigation strategies
<b>Risks associated with the political context</b>	
<ul style="list-style-type: none"> <li>• Greater political instability, frequent changes at the government level.</li> </ul>	<p>Maintain contact at the highest level in order to discuss the political situation in the region and especially in Tunisia;</p> <p>Make the target groups aware of the importance of implementing European standards;</p> <p>Promote constant dialogue with authorities, MPs and civil society;</p> <p>Examine the risk mitigation strategies with international partners (especially the European Union);</p> <p>Monitor the country's situation closely and adapt the activity timetable.</p>
<ul style="list-style-type: none"> <li>• Difficulty of creating a consensus-based approach to reforms, and particularly in relation to independent and constitutional authorities.</li> </ul>	<p>Raise awareness among institutional partners who are endeavouring to promote European standards;</p> <p>Create spaces for dialogue and exchange, at the national and international levels, in particular with regard to issues that all independent and constitutional authorities face.</p>

<b>Risks associated with project/programme implementation</b>	
<ul style="list-style-type: none"> <li>• Lack of consensus between international partners with regard to the priorities and scope of programmes;</li> <li>• The mechanisms for co-ordination with national and international partners are not effective enough to prevent overlaps and create synergies between programmes;</li> <li>• Limited operational capacity of the Council of Europe;</li> <li>• Gender stereotypes have a negative impact on the implementation of the project.</li> </ul>	<p>Focus on reviewing the legislative and regulatory frameworks and building capacity in this area;</p> <p>Increase the number of joint activities involving international partners with whom projects are already being co-ordinated – in order to convey a stronger joint message, promote greater economic efficiency and increase acceptance of reforms;</p> <p>Strengthen the Council of Europe Office in Tunis and decentralise its functioning;</p> <p>Careful communication on gender issues, engaging gender experts to check materials and propose a new language.</p>
<b>Operational risks</b>	
<i>Risks associated with communication</i>	
<ul style="list-style-type: none"> <li>• Lack of knowledge, among the main national and international partners, the target groups and the population as a whole, of the Council of Europe's contribution to the reforms underway in the country;</li> <li>• Confusion between the Council of Europe and the European Union.</li> </ul>	<p>Widen the scope of communication activities in order to provide professional groups, international partners and the general public with information about the Council of Europe's contribution to the reforms (including through regular updating of the website and the distribution of newsletters);</p> <p>Give each programme its own communication strategy in order to interest the main stakeholders in the Organisation's activities;</p> <p>Apply the visibility rules agreed between the European Union and the Council of Europe in the implementation of joint programmes.</p>



<i>Risks associated with human resources</i>	
<ul style="list-style-type: none"> <li>• Lack of training for local staff;</li> <li>• Competition with other international organisations to recruit locally.</li> </ul>	<p>Increase training opportunities for local staff;</p> <p>Continue the discussions within the Council of Europe on possible ways of making the Organisation more competitive in local recruitment;</p> <p>Facilitate the recruitment of international staff at the Tunis Office;</p> <p>Anticipate recruitment procedures as much as possible.</p>
<i>Risks associated with financial aspects</i>	
<ul style="list-style-type: none"> <li>• Lack of absorption capacity of partners in Tunisia.</li> </ul>	<p>Step up efforts to increase co-ordination between actors and with donors;</p> <p>Allocate funds to programmes that have added value;</p> <p>Continue to respond to and take account of comments from partners and donors in order to improve design, implementation, results-based monitoring and reporting practices to attract and retain donors.</p>
<i>Risks associated with security and logistics</i>	
<ul style="list-style-type: none"> <li>• Limited accessibility of some areas of the country due to security issues.</li> </ul>	<p>Monitor security risk management measures in co-ordination with other international organisations working in these regions;</p> <p>Implement a security plan for the Tunis Office.</p>

**APPENDIX III: FINANCIAL TABLE OF THE NEIGHBOURHOOD PARTNERSHIP WITH TUNISIA 2018-2021**

All amounts in Euros

Sectors	Total budget	Funded EU (with Council of Europe co-funding)[1]	Funded VC	Unfunded
<b>Human rights</b>	<b>2 953 200</b>			
1. Protecting human rights*	1 619 200			
2. Promoting human rights and dignity	1 334 000			
3. Ensuring social rights**	**			
<b>Rule of Law</b>	<b>9 271 268</b>			
1. Ensuring justice	3 371 685			
2. Strengthening the rule of law	2 714 000			
3. Countering threats to the rule of law	3 185 583			
<b>Democracy</b>	<b>1 958 450</b>			
1. Strengthening democratic governance and fostering innovation	874 000			
2. Promoting participation and diversity	1 084 450			
<b>TOTAL</b>	<b>14 182 918</b>	<b>8 059 185</b>		<b>6 123 733</b>

[1] Estimates based on ongoing negotiations of the Joint Programmes South Programme III (2018-2020, 24 months), PASC II (2018-2022, 48 months) and PARJ III (2018-2023, 60 months) as well as funding of the JP CyberSouth (2017-2020, 36 months).

	Partially funded by the European Union (according to the estimates of the above-mentioned current negotiations)
	Fully funded by the European Union (according to the estimates of the above-mentioned current negotiations)

\*partially included in "2. Strengthening the Rule of Law" (Common standards and policies)

\*\* included in "2. Strengthening the Rule of Law" (Common standards and policies)



**APPENDIX IV: SITUATION OF THE ACCESSIONS OF TUNISIA TO THE RELEVANT CONVENTIONS AND PARTIAL AGREEMENTS OF THE COUNCIL OF EUROPE**

**1. Participation in Conventions**

<b>Accession</b>		
ETS 027	European Agreement concerning Programme Exchanges by means of Television Films	23/01/1969
ETS 104	Convention on the Conservation of European Wildlife and Natural Habitats	12/01/1996
ETS 108	Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data	18/07/2017
ETS 181	Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows	18/07/2017
ETS 127	Convention on Mutual Administrative Assistance in Tax Matters as amended by the 2010 Protocol	31/10/2013
ETS 135	Anti-Doping Convention	26/02/2004
ETS 188	Additional Protocol to the Anti-Doping Convention	26/02/2004
<b>Invitations to accede</b>		
CETS 201	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	1286th CM meeting 11/05/2017
<b>Requests to accede</b>		
Council of Europe Convention on Action against Trafficking in Human Beings		October 2017
Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (MEDICRIME Convention)		October 2017
Convention on Cybercrime (Budapest Convention)		October 2017
Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group)		October 2017

## 2. Enlarged Agreements, Enlarged Partial Agreements, Partial Agreements

Title	Status
European Commission for Democracy through Law (Venice Commission)	Member 1/4/2010
European Centre for Global Interdependence and Solidarity (North-South Centre)	Member 16/12/2016
Convention on the elaboration of a European Pharmacopoeia	Observer 7/11/1997
<b>Invitations to accede</b>	
Group of States against corruption (GRECO)	1299th CM meeting 8/11/2017