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To the attn. of:

Mr Josep Borrell Fontelles

EU High Representative for Foreign Affairs and Security Policy/ Vice-President
European External Action Service (EEAS)

Ministers of Foreign Affairs

EU Member States

14 March 2023

Dear High Representative,

Dear Ministers of Foreign Affairs,

EU FOREIGN MINISTERS SHOULD TAKE EFFECTIVE MEASURES TO ADDRESS THE RAPIDLY GROWING HUMAN RIGHTS CRISIS IN TUNISIA

The 20th of March 2023 Foreign Affairs Council's exchange of views on the situation in Tunisia will take place amid an unprecedented campaign to crush dissent and roll back human rights and freedoms Tunisians have worked hard to secure since the country's 2011 revolution. We are deeply concerned, in particular, about the undermining of judicial independence, the arrests of critics and political opponents, the military trials of civilians, and the ongoing crackdown on freedom of expression and threats to civil society.

We welcome the forthcoming Foreign Affairs Council's discussion and call upon the EU and its Member States to use it as an opportunity to clearly express their concern over the further deterioration of the human rights situation in the country, to urge the Tunisian government to immediately halt and reverse its crackdown on fundamental human rights and freedoms, and to ensure that EU and its Member States' cooperation with Tunisia does not lead to human rights violations.

To this end, we urge you to consider our recommendations below, which reflect the EU's stated commitment to advancing human rights in foreign policy, as in the new [EU Action Plan on Human Rights and Democracy](#). To remain true to their human rights commitments, the EU and its Member States should devise a unified, coherent, and strategic policy towards Tunisia, using all instruments to address the systematic dismantling of the rule of law and separation of powers in the country, and the rapidly growing crackdown on rights and freedoms.

In line with the [EU-Tunisia Strategic Priorities](#), endorsed at the EU-Tunisia Association Council in July 2018 and prolonged in December 2021, we call on the EU and its Member States to:

- 1) **Firmly and unequivocally condemn the crackdown on peaceful dissent and free expression, including by adopting a strong public statement following the Foreign Affairs Council calling out the most pressing human rights concerns in Tunisia, as detailed above.** With respect to this, while we welcome the recent public statements condemning certain human rights violations in Tunisia by some EU Member States, statements delivered by the European Commission in the past month have failed to reflect the gravity of the situation, including the patterns of human rights violations, or even to mention the ongoing breakdown of the rule of law. Therefore, it is key for European leaders to take a joint high-level position denouncing the growing repression in

the country and calling upon the Tunisian authorities to respect human rights and fundamental freedoms. Tunisia should also be called to extend a standing invitation to the UN Special Rapporteur on the Independence of the Judiciary and Lawyers.

- 2) **Proactively press, both publicly and privately, for the release of detained lawyers, politicians, journalists and activists.** In addition, the EU Delegation and Member States' Embassies in Tunisia should observe the ongoing trials of those arbitrarily detained or prosecuted.
 - 3) **Ensure that cooperation with Tunisia** including lending strategies by the European Bank for Reconstruction and Development (EBRD), the European Investment Bank (EIB), and other international financial institutions in which the EU and Member States have a voice- **is tied to the respect for the EU-Tunisia strategic priorities under Democracy, good governance and human rights to encourage Tunisia to adopt policies that protect and advance human rights, namely:**
 - a. **Reform of the judicial system, including approximation to international standards, including those of the Council of Europe:** By immediately ending all executive interference in the functioning of the judiciary, revoking the President's powers to dismiss judges unilaterally; reinstating all judges whom the president has dismissed summarily and without a legal process; and ending all forms of harassment or reprisal against Tunisian judges asserting their independence and respect their freedom of expression, association, and assembly. Immediately ending the use of military courts to investigate and prosecute civilians, including all ongoing investigations and trials and undertaking the necessary reforms to explicitly restrict the jurisdiction of military courts to strictly and narrowly defined military offenses by military personnel.
 - b. **Protection of freedom of expression and freedom of association:** By repealing Decree-Law 2022-54 and repealing or amending all other laws that criminalise the legitimate exercise of the right to freedom of expression, ending all investigations and prosecutions based solely on the legitimate exercise of the right to freedom of expression, and immediately and unconditionally releasing all those detained for exercising the rights freedom of expression and/or association.
 - c. **Finalisation of the legislative harmonisation process in line with international standards:** By amending the constitution and all laws recently adopted to bring them in line with Tunisia's international obligations.
 - d. **Establishment of the Constitutional Court:** The Tunisian authorities must amend the constitution to ensure the independence of the judiciary, including the Constitutional Court, at least to the degree guaranteed by the 2014 Constitution, as required by international standards.
 - 4) **Ensure more transparency and prior human rights impact assessments for all forms of financial support or training provided by the EU to Tunisia, both directly and indirectly:** The EU Commission should review and publicly assess the impact of its bilateral assistance to Tunisia, and suspend such aid that it finds it supports or empowers institutions and practices that contribute to human rights violations.
- Promoting good governance and the rule of law is one of the three priority areas of the EU's €600 million [bilateral assistance](#) to Tunisia under the Neighbourhood, Development and International Cooperation Instrument (NDICI), with the specific objectives to enhance the independence of the judiciary and improve access to justice. The ongoing third phase of the Justice Reform Support Program, which amounts to 100€ million, provides for a 60€ million budget in direct assistance to the Ministry of Justice. By providing such support to an institution which has become a key tool of repression, the EU risks contributing to further violations.
- 5) **Ensure that respect for human rights and the involvement of independent civil society are key components in all areas of the EU's cooperation with Tunisia.**
 - 6) **Member States step up engagement on Tunisia at the UN Human Rights Council, including by raising concern under relevant general and thematic debates and in particular during** the 24 March adoption of Tunisia's Universal Periodic Review to follow up on the recommendations addressed to Tunisia in light of the alarming recent developments in the country and calling on Tunisia to accept the visit request made by the Special Rapporteur on the Independence of the Judges and Lawyers.

We stand ready to meet you anytime to discuss our concerns detailed above. In addition, we remain at your disposal to provide any further information.

Yours sincerely,

Amnesty International

Euromed Rights

Human Rights Watch

International Commission of Jurists