



**Doc. 12949 – Compendium of written amendments**

**(Final version)**

## **Political transition in Tunisia**

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## A. Draft Resolution

1. In January 2011, the “Jasmine Revolution” ended the authoritarian regime in Tunisia and paved the way for democratic changes. The revolution also gave the impetus for the Arab Spring – a wave of mass protest movements which sought to promote freedom and dignity in a number of countries in North Africa and the Middle East.
2. In Resolutions 1791 (2007) and 1819 (2011) and Recommendation 1972 (2011) on the situation in Tunisia, the Parliamentary Assembly gave its backing to the democratic aspirations of the Tunisian people and affirmed its readiness to place its experience of accompanying democratic transition at the disposal of Tunisia's institutions and civil society. It called on the Committee of Ministers and the Secretary General of the Council of Europe to strive to help secure a successful transition in Tunisia.
3. A year and a half after the revolution, Tunisia is well advanced in the reform process. Tunisians now enjoy the main democratic freedoms denied to them under the former regime. However, democratic transition and the achievement of conditions allowing people to lead a dignified life – the goals that inspired the Tunisian revolution – will take time.
4. The Assembly took particular note of the elections to the National Constituent Assembly (NCA) held on 23 October 2011, which it observed and which it hailed as free and well organised. These elections conferred democratic legitimacy on the transition process triggered by the revolution of January 2011. The NCA's primary role is to prepare and adopt the country's new constitution within a reasonable time frame. It also fulfils legislative responsibilities. It elected the President of the Republic and passed a vote of confidence in the new provisional coalition government.
5. The Assembly congratulates the Tunisians for having been the first of the Arab Spring nations to endow itself with institutions which, albeit provisional, derive their legitimacy from a democratic and generally accepted process.
6. The Assembly hopes that the future constitution, which will shape the political and institutional system for years to

### Amendment 3

**Tabled by Mr José MENDES BOTA, Mr António BRAGA, Mr Ferenc KALMÁR, Ms Gülsün BİLGEHAN, Ms Carina HÄGG, Ms Carina OHLSSON, Ms Lise CHRISTOFFERSEN, Mr Håkon HAUGLI, Ms Josette DURRIEU, Mr René ROUQUET, Mr Jean-Pierre MICHEL, Mr Deniz BAYKAL, Ms Nataša VUČKOVIĆ, Mr Yanaki STOILOV, Ms Alena GAJDŮŠKOVÁ, Mr Pavel LEBEDA, Ms Snežana JONICA, Ms Maria de Belém ROSEIRA, Mr Arcadio DÍAZ TEJERA, Mr Haluk KOÇ, Ms Christine MARIN, Ms Muriel MARLAND-MILITELLO, Ms Carmen QUINTANILLA, Ms Ingjerd Schie SCHOU, Mr Andrej HUNKO, Ms Deborah BERGAMINI**

*In the draft resolution, paragraph 1, replace the words "and dignity" with the following words: ", dignity and equality".*

come, will reflect, as far as possible, the expectations of the majority of Tunisians and enshrine the universal values of respect for human rights and fundamental freedoms, democracy and the rule of law. It encourages the elected members of the NCA and civil society to draw on the constitutional experience of the countries of Europe and to take advantage of the expertise and advice offered by the European Commission for Democracy through Law (Venice Commission), in which Tunisia holds full membership.

7. The Assembly pays tribute to the efforts of Mr Beji Caïd Essebsi's interim government and the work done by the Higher Authority for Realisation of the Objectives of the Revolution, Political Reform and Democratic Transition, presided by Mr Yadh Ben Achour, as well as the Independent High Authority for the Elections (ISIE) chaired by Mr Kamel Jendoubi, to prepare the legal framework and material conditions for holding elections. It encourages the new transitional authorities to make full use of the intellectual potential and the skills accumulated within these bodies to advance and consolidate the reforms, including as regards the drafting of the new constitution.
8. The results of the elections held in October 2011, in which the moderate Islamic party "Ennahda" obtained the largest number of seats in the NCA, could cause fears of an Islamisation of the country and of a limitation of freedoms. The Assembly notes nonetheless that the Tunisians have learned to make use of the political freedoms they won during the revolution and are ready to defend them against any attempted restriction, and that the ruling coalition takes this into account. The country's politics are very dynamic and the various political forces and popular movements are grouping together and making themselves heard.
9. The Assembly particularly welcomes the active role played by Tunisian civil society, which it regards as a key asset for transition. It encourages civil society to remain vigilant and positively committed to the reform process.
10. The Assembly notes that Tunisia's new transitional authorities still have to face a number of challenges:
  - 10.1. The economic and social situation remains extremely difficult in Tunisia and continues to have serious implications in terms of political stability. Achieving a successful economic recovery, reversing growth in unemployment and restoring hope of a dignified life to the young people are key issues on which the success of the political transition depends.
  - 10.2. Far-reaching reforms in the areas of justice and security are necessary to restore the Tunisian people's confidence

#### **Amendment 4**

**Tabled by Mr José MENDES BOTA, Mr António BRAGA, Mr Ferenc KALMÁR, Ms Gülsün BİLGEHAN, Ms Carina HÄGG, Ms Carina OHLSSON, Ms Lise CHRISTOFFERSEN, Mr Håkon HAUGLI, Ms Josette DURRIEU, Mr René ROUQUET, Mr Jean-Pierre MICHEL, Mr Deniz BAYKAL, Ms Nataša VUČKOVIĆ, Mr Yanaki STOILOV, Ms Alena GAJDŮŠKOVÁ, Mr Pavel LEBEDA, Ms Snežana JONICA, Ms Maria de Belém ROSEIRA, Mr Arcadio DÍAZ TEJERA, Mr Haluk KOÇ, Ms Christine MARIN, Ms Muriel MARLAND-MILITELLO, Ms Carmen QUINTANILLA, Ms Ingjerd Schie SCHOU, Mr Andrej HUNKO, Ms Deborah BERGAMINI**

*In the draft resolution, paragraph 8, after the words "limitations of freedom", insert the following words: ", particularly for women".*

in the judiciary and the police, do justice to the victims of the former regime, eradicate insecurity and impunity and thus re-establish the authority of the State.

- 10.3. Radical elements claiming to belong to the Salafi Islamist movement are seeking to take advantage of both the newly won freedom and a degree of instability of various State authorities in order to impose on Tunisian society certain religious choices and practices based on their own interpretation of religious doctrine, which may jeopardise fundamental freedoms.

**Amendment 5**

**Tabled by Mr José MENDES BOTA, Mr António BRAGA, Mr Ferenc KALMÁR, Ms Gülsün BİLGEHAN, Ms Carina HÄGG, Ms Carina OHLSSON, Ms Lise CHRISTOFFERSEN, Mr Håkon HAUGLI, Ms Josette DURRIEU, Mr René ROUQUET, Mr Jean-Pierre MICHEL, Mr Deniz BAYKAL, Ms Nataša VUČKOVIĆ, Mr Yanaki STOILOV, Ms Alena GAJDŮŠKOVÁ, Mr Pavel LEBEDA, Ms Snežana JONICA, Ms Maria de Belém ROSEIRA, Mr Arcadio DÍAZ TEJERA, Mr Haluk KOÇ, Ms Christine MARIN, Ms Muriel MARLAND-MILITELLO, Ms Carmen QUINTANILLA, Ms Ingjerd Schie SCHOU, Mr Andrej HUNKO, Ms Deborah BERGAMINI**

*In the draft resolution, paragraph 10.3, after the words "fundamental freedoms", insert the following words: ", particularly for women".*

11. The Assembly, however, considers that, despite these challenges, the transition process in Tunisia is on the right path. It reiterates its full support and encourages all the country's political forces and civil actors to continue making a positive contribution to democratic transition while seeking to maintain political stability.
12. The Assembly calls on the elected members of the National Constituent Assembly to:
- 12.1. intensify their efforts to ensure that the Tunisian people are given, as soon as possible and in any case not later than the deadlines agreed by the main forces represented within the NCA, a constitution commensurate with the revolutionary ideals and consistent with international constitutional standards and practice,
- 12.1.1. guarantees of protection of human rights and fundamental freedoms;

**Amendment 6**

**Tabled by Mr José MENDES BOTA, Mr António BRAGA, Mr Ferenc KALMÁR, Ms Gülsün BİLGEHAN, Ms Carina HÄGG, Ms Carina OHLSSON, Ms Lise CHRISTOFFERSEN, Mr Håkon HAUGLI, Ms Josette DURRIEU, Mr René ROUQUET, Mr Jean-Pierre MICHEL, Mr Deniz BAYKAL, Ms Nataša VUČKOVIĆ, Mr Yanaki STOILOV, Ms Alena GAJDŮŠKOVÁ, Mr Pavel LEBEDA, Ms Snežana JONICA, Ms Maria de Belém ROSEIRA, Mr Arcadio DÍAZ TEJERA, Mr Haluk KOÇ, Ms Christine MARIN, Ms Muriel MARLAND-MILITELLO, Ms Carmen**

**QUINTANILLA, Ms Ingjerd Schie SCHOU, Mr Andrej HUNKO, Ms Deborah BERGAMINI**

*In the draft resolution, paragraph 12.1.1, after the words "human rights", insert the following words: ", particularly for women,".*

- 12.1.2. the abolition of the death penalty;
- 12.1.3. international treaties' precedence over national law, and respect for the international treaties signed by Tunisia;

**Amendment 7**

**Tabled by Mr José MENDES BOTA, Mr António BRAGA, Mr Ferenc KALMÁR, Ms Gülsün BİLGEHAN, Ms Carina HÄGG, Ms Carina OHLSSON, Ms Lise CHRISTOFFERSEN, Mr Håkon HAUGLI, Ms Josette DURRIEU, Mr René ROUQUET, Mr Jean-Pierre MICHEL, Mr Deniz BAYKAL, Ms Nataša VUČKOVIĆ, Mr Yanaki STOILOV, Ms Alena GAJDŮŠKOVÁ, Mr Pavel LEBEDA, Ms Snežana JONICA, Ms Maria de Belém ROSEIRA, Mr Arcadio DÍAZ TEJERA, Mr Haluk KOÇ, Ms Christine MARIN, Ms Muriel MARLAND-MILITELLO, Ms Carmen QUINTANILLA, Ms Ingjerd Schie SCHOU, Mr Andrej HUNKO, Ms Deborah BERGAMINI**

*In the draft resolution, at the end of paragraph 12.1.3, add the following words: ", including the Convention on Elimination of all forms of Discrimination Against Women (CEDAW)".*

- 12.1.4. the effective separation of powers, including financial and administrative autonomy of the future Tunisian Parliament;
- 12.1.5. the authorities' transparency, periodic reappointment and accountability;
- 12.1.6. guarantees of political pluralism;
- 12.1.7. the effective independence and impartiality of the judiciary;
- 12.1.8. gender equality and consolidation, and enhancement of advances in the status of women;

**Amendment 8**

**Tabled by Mr José MENDES BOTA, Mr António BRAGA, Mr Ferenc KALMÁR, Ms Gülsün BİLGEHAN, Ms Carina HÄGG, Ms Carina OHLSSON, Ms Lise CHRISTOFFERSEN, Mr Håkon HAUGLI, Ms Josette DURRIEU, Mr René ROUQUET, Mr Jean-Pierre MICHEL, Mr Deniz BAYKAL, Ms Nataša VUČKOVIĆ, Mr Yanaki STOILOV, Ms Alena GAJDŮŠKOVÁ, Mr Pavel LEBEDA, Ms Snežana JONICA, Ms Maria de Belém ROSEIRA, Mr Arcadio DÍAZ TEJERA, Mr Haluk KOÇ, Ms Christine MARIN, Ms Muriel MARLAND-MILITELLO, Ms Carmen**

- 12.1.9. the independence of the electoral body;
- 12.2. conduct the constitutional process in consultation with civil society and political groups not represented within the NCA, so as to ensure that the future constitution meets Tunisians' expectations as far as possible;
- 12.3. use the Venice Commission's competence and experience in these matters.
13. The Assembly expresses its satisfaction at the initial contacts established with the NCA. It encourages the NCA to pursue these contacts on a regular basis and to request partner for democracy status. For its part, it intends to promote dialogue with the NCA, to remain attentive to its practical needs in the legislative and regulatory sphere, and to provide it with assistance through a specific co-operation programme.
14. The Assembly calls on the Tunisian authorities to prepare the institutional and legislative framework for the future elections sufficiently in advance, taking account of the experience they gained from the elections held in October 2011, and in particular to:
  - 14.1. establish an independent electoral body, including by drawing on the ISIE's experience and skills;
  - 14.2. compile accurate and complete electoral rolls;
  - 14.3. train the staff of the electoral commissions;
  - 14.4. ensure that the future electoral body interacts with civil society and establishes international co-operation with other similar bodies.
15. The Assembly is willing to observe future elections in Tunisia.
16. The Assembly welcomes the approval, by the Committee of Ministers, of the "Neighbourhood Co-operation Priorities for Tunisia for the period 2012-2014", an action

**QUINTANILLA, Ms Ingjerd Schie SCHOU, Mr Andrej HUNKO, Ms Deborah BERGAMINI**

*In the draft resolution, insert paragraph 12.1.8 after paragraph 12.1.1.*

**Amendment 9**

**Tabled by Mr José MENDES BOTA, Mr António BRAGA, Mr Ferenc KALMÁR, Ms Gülsün BİLGEHAN, Ms Carina HÄGG, Ms Carina OHLSSON, Ms Lise CHRISTOFFERSEN, Mr Håkon HAUGLI, Ms Josette DURRIEU, Mr René ROUQUET, Mr Jean-Pierre MICHEL, Mr Deniz BAYKAL, Ms Nataša VUČKOVIĆ, Mr Yanaki STOILOV, Ms Alena GAJDŮŠKOVÁ, Mr Pavel LEBEDA, Ms Snežana JONICA, Ms Maria de Belém ROSEIRA, Mr Arcadio DÍAZ TEJERA, Mr Haluk KOÇ, Ms Christine MARIN, Ms Muriel MARLAND-MILITELLO, Ms Carmen QUINTANILLA, Ms Ingjerd Schie SCHOU, Mr Andrej HUNKO, Ms Deborah BERGAMINI**

*In the draft resolution, paragraph 12.2, after the word "NCA", insert the following words: ", including women's organisations".*

plan prepared by the Secretary General of the Council of Europe, which includes a parliamentary dimension. It resolves to monitor the implementation of this co-operation programme between the Council of Europe and the Tunisian authorities.

17. The Assembly reiterates its call on the main international partners of Tunisia, particularly the European Union, to provide real support to stimulate the economy and tourism, and invites the member and observer States of the Council of Europe to encourage investments in the Tunisian economy and to support and facilitate the economic, social and political development of Tunisia.

**Amendment 1**

**Tabled by Ms Anne BRASSEUR, Mr Roman JAKIČ, Mr Tiny KOX, Lord John E. TOMLINSON, Mr Andreas GROSS**

*In the draft resolution, after paragraph 17, insert the following paragraph:*

*"The Assembly calls on the authorities of the member and observer states of the Council of Europe to speed up legal procedures for the restitution to Tunisia of misappropriated assets and unlawfully acquired property held abroad by the former President Ben Ali and members of his entourage."*

18. The Assembly encourages the parliaments of member States of the Council of Europe and other parliamentary bodies to develop co-operation with the National Constituent Assembly of Tunisia with a view to sharing with it experiences in legislation and organisation.

**Amendment 2**

**Tabled by Ms Anne BRASSEUR, Mr Roman JAKIČ, Mr Tiny KOX, Lord John E. TOMLINSON, Mr Andreas GROSS**

*In the draft resolution, after paragraph 18, insert the following paragraph:*

*"Taking into account the crucial importance of Tunisia's transition for the democratic processes throughout the Mediterranean region and the Middle East, and consequently for Europe, the Assembly decides to continue to follow closely developments in Tunisia."*