

The Impact of the European Union Neighborhood and UN Human Rights Policies on the Human Rights situation in Tunisia, 2011-2020

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Received: 12 December 2018

Accepted: 17 May 2019

Abstract

The European Neighborhood Policy (ENP) seeks, among other things, to promote human rights in the EU's closest eastern and southern neighbors. The European Union (EU) was formed in 1993. The ENP, on the other hand, was first outlined by the European Commission in 2003. Respecting human rights is considered to be one of the most basic criteria that Europe's neighboring countries must meet, in order to join the ENP. This article examines the impact of the ENP on the human right situation in one of the EU's neighbors in the south, Tunisia. It also assesses the extent to which Tunisia has been committed under relevant UN human rights conventions. This article argues that the EU has not been successful in distributing and promoting norms such as respect for human rights in Tunisia. It clarifies how the EU has failed to meet its main objectives with regard to the human rights situation in this country.

Keywords: European Union, Normative Power, EU Neighborhood Policy, Human Rights, Tunis

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Introduction

The ENP was first outlined in 2003.³ It was further developed in 2004,⁴ and then revised in 2015.⁵ The main objective of this policy is to “promote prosperity, stability and security within the EU's neighbors and to avoid new dividing lines between the enlarged EU and its neighbors”, building upon common values (democracy and human rights, rule of law, good governance, market economy principles and sustainable development).⁶

In order to join the ENP, each country must meet the membership criteria, including political and economic conditions. Political requirements include stable institutions guaranteeing democracy, rule of law, human rights, and minority protection. The economic requirements concern an efficient market economy, the capacity to face competition and market forces, administrative capacity, an institution for effective negotiation, and the ability to comply with membership obligations.⁷ In this sense, the ENP governs the Union's relations with the EU's closest eastern and southern neighbors, while attempting to transfer the Union's values, protect its interests and preserve stability in the region. The EU's eastern neighbors are

³ “Beyond Enlargement: Commission shifts European Neighbourhood Policy into higher gear”, available at https://ec.europa.eu/commission/presscorner/detail/en/IP_04_632.

⁴ “What is the European Neighbourhood Policy”, available at <http://www.euforneighbourhood.eu/enp>.

⁵ See: “Press material from the Commission Spokesperson's Service”, available at https://ec.europa.eu/commission/presscorner/detail/en/IP_17_1334\5.

⁶ “Migration and Home Affairs”, available at https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/european-neighbourhood-policy_en.

⁷ See: “Conditions for membership”, available at https://ec.europa.eu/neighbourhood-enlargement/policy/conditions-membership_en.

Azerbaijan, Armenia, Georgia, Belarus, Moldova, and Ukraine.⁸ The EU's southern neighbors are Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria, and Tunisia.⁹

Introducing the concept of “normative power Europe”, Manners argues that “The EU is founded on and has as its foreign and development policy objectives the consolidation of democracy, rule of law, and respect for human rights and fundamental freedoms”.¹⁰ In order to further examine the ENP, we have chosen the theory of “normative power Europe” as our framework.

I. The EU's Normative Theory

Manners observes that the EU represents a normative power. He further explains that the concept of “European Society” and the idea of the EU's international role can be viewed as a “norm”, not an economic or military one.¹¹ Manners believes that the EU's broader normative framework over the past five decades has been developed through a series of treaties, declarations, standards, policies, and conditions.¹²

In addition, Manners introduces 6 ways to convey the desired norms:

Contagion - unintentional diffusion by EU

⁸ See: “Eastern Partnership: What is it?” available at https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/eastern-partnership_en.

⁹ See: “A stronger partnership for a stronger neighbourhood”, available at <https://euneighbours.eu/en>.

¹⁰ Ian, MANNERS, “Normative Power Europe: A Contradiction in Terms?” (2002) *Journal of Common Market Studies*, Vol. 40, at 241.

¹¹ *Ibid.*, at 253.

¹² *Ibid.* at 242.

Informational - strategic and declaratory communications by EU

Procedural - institutionalization of relationship by EU

Transference - exchange of benefits by EU and third parties

Overt - physical presence of EU in third states and organizations

Cultural Filter - cultural diffusion and political learning in third states and organizations.¹³

It would make it more likely that the EU could reach goals such as transmitting the Union's core values, maintaining the interests of the Union, maintaining stability in the region, and communicating with its neighbors.¹³

II. The European Neighborhood Policy (ENP)

The ENP was launched in 2004 with the purpose of strengthening the prosperity, stability and security of all. It is based on fundamental values such as rule of law, democracy and respect of human rights, which rely on the Universal Declaration of Human Rights (UDHR).

The UDHR is a common standard of achievements for all nations and all people, which has served as a foundation for human rights:

The Universal Declaration begins by recognizing that 'the inherent dignity of all members of the human family is the foundation of freedom, justice and peace in the world'. It declares that human rights are universal – to be enjoyed by all people, no matter who they are or where they live. The Universal Declaration includes civil and political rights, like the right to life, liberty, free

¹³ Ibid. at 262.

speech and privacy. It also includes economic, social and cultural rights, like the right to social security, health and education.¹⁴

The European Convention on Human Rights (ECHR), as proposed by Winston Churchill,¹⁵ was based on the UDHR as well. The ECHR protects and promotes the human rights of people in countries that belong to the Council of Europe.¹⁶ The EU has acceded to the ECHR; according to Article 6 of the Treaty on European Union (TEU), “the Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms”.¹⁷

The EU utilizes the standards, which are referred to in the relevant human right treaties, in its external policy and international agreements as well as in its internal legislation. It does so through the EU Charter of Fundamental Rights.¹⁸ Article 21 of the TEU commits the EU to protect and promote human rights when developing and

¹⁴See: “What is the Universal Declaration of Human Rights?”, available at <https://humanrights.gov.au/our-work/what-universal-declaration-human-rights>.

¹⁵“Originally proposed by Winston Churchill and drafted mainly by British lawyers, the Convention was based on the United Nations’ Universal Declaration of Human Rights. It was signed in Rome in 1950 and came into force in 1953.” See: The Universal Declaration of Human Rights, available at <https://www.un.org/en/universal-declaration-human-rights/>.

¹⁶ “What is the European Convention on Human Rights?”, available at <https://www.equalityhumanrights.com/en/what-european-convention-human-rights>.

¹⁷ “2. The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union’s competences as defined in the Treaties.” See: “Consolidated version of the Treaty on European Union”, available at <https://www.legislation.gov.uk/eut/teu/article/6>.

¹⁸“The Charter of Fundamental Rights of the European Union (the Charter) brings together the fundamental rights of everyone living in the European Union (EU). It was introduced to bring consistency and clarity to the rights established at different times and in different ways in individual EU Member States.” See: “What is the Charter of Fundamental Rights of the European Union?”, available at <https://www.equalityhumanrights.com/en/what-are-human-rights/how-are-your-rights-protected/what-charter-fundamental-rights-european-union>.

implementing its foreign policies. This Article is mainly focused on promoting the universality of human rights through the EU external policies.¹⁹

The ENP seeks to avoid the emergences of new dividing lines between the EU and its neighbors.²⁰ It governs the EU's foreign relations with its eastern and southern neighbors in order to have closer economic and political cooperation with them. Through the ENP, these neighboring countries may have access to the EU's market,²¹ supervisory framework, standards, agencies, and internal programs. The ENP, moreover, protects the EU's interests in the region. In 2015, the ENP was revised so as to concentrate more on "differentiation amongst partner countries, flexibility, joint ownership, greater involvement of the EU Member States, and shared responsibility".²² Through this revision, the EU seeks effective partnerships with its neighbors in socioeconomic, political, and security terms.²³

¹⁹ "Consolidated version of the Treaty on the Functioning of the European Union - PART TWO: NON-DISCRIMINATION AND CITIZENSHIP OF THE UNION - Article 21 (ex Article 18 TEC)", available at <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12008E021:en:HTML>.

²⁰ See: "European Neighbourhood Policy - East countries", available at <https://op.europa.eu/en/publication-detail/-/publication/5e161ca7-b9fa-4258-95f9-435fcac1d06b>.

²¹ "The single market refers to the EU as one territory without any internal borders or other regulatory obstacles to the free movement of goods and services." See: "The European single market", available at https://ec.europa.eu/growth/singlemarket_en#:~:text=The%20single%20market%20refers%20to,quality%2C%20and%20helps%20cut%20prices.

²² See: "European Neighbourhood Policy (ENP)", available at https://eeas.europa.eu/diplomatic-network/european-neighbourhood-policy-enp/330/european-neighbourhood-policy-enp_en.

²³ Loes DEBUYSERE, "Tunisia: Should the EU do more?" CEPS (13 December 2019), available at <https://www.ceps.eu/tunisia-should-the-eu-do-more/>.

Events such as the rise of the Islamic State²⁴ and Russia's military intervention in Ukraine²⁵ triggered a massive flood of migrants moving to the borders of Europe. Similarly, these events made it necessary to review the ENP by reconsidering the proposed benefits, revising the effective use of the reconsidered mechanism, creating adequate monitoring mechanisms, and interacting with a large number of partners inside and outside the region.²⁶

The revised ENP focuses on the following domains in political terms: good governance, rule of law, democracy and human rights, economic development for stabilization, migration and mobility, and security.²⁷ As noted earlier, in order to join the ENP, each country must meet the main conditions for membership. In 1993, these conditions were defined at the Council of Europe meeting in Copenhagen where they were referred to as the "Copenhagen criteria".²⁸

It must be recalled that these criteria include political elements such as stable institutions, the rule of law, guaranteeing democracy, human rights and protection minority rights as well as economic criteria such as the ability to engage and perform membership obligations, an efficient market economy, and the capacity to deal with competition

²⁴“ISIS gained global prominence in early 2014 when it drove Iraqi government forces out of key cities in its Western Iraq offensive, followed by its capture of Mosul and the Sinjar massacre.” See Ali ZALME, *Home and Sense of Belonging among Iraqi Kurds in the UK* (Lexington Books, 2020), at 12.

²⁵The Russo-Ukrainian War is a prolonged armed conflict between Russia and Ukraine that began in February 2014.

²⁶ Nathalie TOCCI, Jean-Pierre CASSARINO, “Rethinking the EU’s Mediterranean Policies Post-1/11” (2011) Institute Affair International.

²⁷ See: “European Neighbourhood Policy (ENP)”, available at https://eeas.europa.eu/diplomatic-network/european-neighbourhood-policy-enp/330/european-neighbourhood-policy-enp_en.

²⁸ “Copenhagen criteria are the rules that define whether a country is eligible to join the European Union.” See: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017AE4948&rid=2>.

and market forces in the Union.²⁹ Implementing this policy requires the joint efforts of the Union and its neighbors.

This policy is carried out with the participation of the European External Action Service,³⁰ the European Commission, member states, and in line with the EU's agreed foreign and security policy. The main task of the European External Action Service is to support the High Representative of the Union for Foreign Affairs and Security Policy, the Vice-President of the European Commission, and also the EU Commissioner for Neighborhood Policy and Negotiations for Enlargement.³¹

In 2014, the EU supported its partners through the European Neighborhood Instrument (ENI),³² which its total 7-year ENI budget exceeds € 15 billion. The Union also implements significant additional funding through cooperation with international financial institutions and the Neighborhood Investment Fund. Moreover, the EU allocates subsidies to its neighbors through the Neighborhood Investment

²⁹ See: “Conditions for membership”, supra note 5.

³⁰ “European External Action Service (EEAS) is the diplomatic service and combined foreign and defense ministry of the European Union.” See: “About the European External Action Service (EEAS)”, available at https://eeas.europa.eu/headquarters/headquarters-homepage/82/about-european-external-action-service-eeas_en.

³¹ “The Commissioner for Neighborhood and Enlargement is the member of the European Commission in charge of overseeing the accession process of prospective new member states and relations with those bordering the EU”. See: “European neighbourhood policy”, available at https://ec.europa.eu/info/policies/european-neighbourhood-policy_en.

³² “It is the financial arm of the European Neighborhood Policy, the EU’s foreign policy towards its neighbors to the East and to the South.” See: “European neighbourhood policy”, available at https://ec.europa.eu/info/policies/european-neighbourhood-policy_en.

Facility (NIF),³³ cooperating with some international financial institutions.

a) Justice and Fundamental Rights

In terms of the rule of law and respect for human rights, the EU's policy guidelines on justice and fundamental rights are aimed at further preserving and developing the EU as territory in which freedom, security and justice are guaranteed. So it is important to establish an impartial, independent, and efficient judiciary. Member states must guarantee respect for the fundamental rights and citizenship rights of the EU. After the Cold War ended, the EU as a normative power placed human rights and democratic principles as the basic pillars of its identity. In the Lisbon Treaty,³⁴ for example, the issues of human rights and democracy were characterized as the two primary goals of the Union's foreign policy. It is worth mentioning that in 2010, the EU's diplomatic service, known as the European External Action Service, was founded with the aim of making EU foreign policy “more coherent and effective, thus increasing Europe's global influence”.³⁵

III. Tunisia's Commitments to UN Human Right instruments

³³ “The Neighborhood Investment Facility (NIF) is one of the ENP tools designed to offer more EU support for the economic development of its Southern and Eastern Neighborhood.” See: “Neighbourhood Investment Facility: Operational Annual Report 2014”, available at <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/neighbourhood/pdf/key-documents/nif/20151022-2014-report-optimised-final.pdf>.

³⁴ “The Treaty of Lisbon is an international agreement that amends the two treaties which form the constitutional basis of the European Union. The Treaty of Lisbon was signed by the EU member states on 13 December 2007, and entered into force on 1 January 2009.” See: “The Treaty of Lisbon”, available at https://www.europarl.europa.eu/factsheets/en/sheet/5/the-treaty-of-lisbon_.

³⁵ See: “European External Action Service (EEAS)”, available at https://europa.eu/european-union/about-eu/institutions-bodies/eeas_en.

The International Bill of Human Rights consists of the International Covenant on Civil and Political Rights (which has two Optional Protocols), the International Covenant on Economic, Social and Cultural Rights, and the Universal Declaration of Human Rights. Tunisia has signed and ratified these conventions. It is also among the Organization of Islamic Cooperation (OIC) member states.³⁶

Tunisia has ratified several other conventions, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of Persons with Disabilities, the Convention against Torture, and the Convention on the Elimination of All Forms of Racial Discrimination. At the same time, however, the new constitution emphasizes Tunisia's cultures and principles of human rights instead of international human rights law and the relevant treaties.³⁷ Indeed, since the Arab Spring began, the human rights situation in Tunisia has improved to some extent. However, it is clear that Tunisian officials could not protect and respect human rights as expected. Therefore, there are still numerous shortcomings such as lack of respect for women rights etc.³⁸

Likewise, while Tunisia has ratified some major international human rights conventions, a number of international organizations have reported that systematic human rights violations have been committed in this country. Reflecting on a series of wrongdoings

³⁶ “The ILO Governing Body has identified eight “fundamental” Conventions, covering subjects that are considered to be fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labor; the effective abolition of child labor; and the elimination of discrimination in respect of employment and occupation.” See: “Conventions and Recommendations”, available at <https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>.

³⁷ See: “Human Rights in Tunisia”, Fanack (12 April 2016), available at <https://fanack.com/tunisia/human-rights/>.

³⁸ Ibid.

committed by Tunisian authorities between 1957 and 2013, for example, the Truth and Dignity Commission has referred to several grave human rights violations such as using unnecessary force and prosecutions against peaceful protesters, detaining refugees for irregular entry, wrongful convictions, torture, enforced disappearances, and extrajudicial executions.³⁹

***a) Cooperation between Tunisia and the European Union in
Human Rights***

Tunisia is located in northern Africa, bordering the Mediterranean Sea. The demographic, economic, and cultural realities guarantee strong political relations between this country and Europe. Some European countries have played a major role in critical periods in the contemporary history of Tunisia.⁴⁰

For example, during the 2011 Revolution,⁴¹ Tunisian people demanded a modern democracy based on social justice, freedoms, and economic development. In response, the EU made the following statement:

The EU has been Tunisia's key partner in this process: it used all its instruments to support the Tunisian people, accompany the electoral process, promote human rights, support democratic and

³⁹ See: “Amnesty International: Tunisia”, available at <https://www.amnesty.org/en/countries/middle-east-and-north-africa/tunisia/report-tunisia/>.

⁴⁰ Walid HADDOUK, “Letter from Tunis”, Carnegie Europe (5 February 2016), available at <https://carnegieeurope.eu/strategieurope/62681>.

⁴¹ The Tunisian Revolution, also called the Jasmine Revolution, was an intensive 28-day campaign of civil resistance.

socioeconomic reforms, enhance economic and trade integration, improve security, and strengthen civil society.⁴²

It is worth noting that in 2018, the strategic priorities of the EU and Tunisia were approved. These strategic priorities have offered a useful guide to the EU-Tunisia's excellent partnership for the period 2018-2020. Tunisia has also become a major beneficiary of the "More for More" incentive mechanism or "Umbrella" budget among the EU's neighbors in the south.⁴³ This mechanism is aimed at accompanying social and economic reforms, maintaining economic stability, and protecting tourism industry in Tunisia.⁴⁴

b) The Human Rights Situation in Tunisia: Universalism and Local Perspectives

Tunisia has managed to reach an agreement with the EU with the goal of pursuing its domestic and international policies in accordance with human rights and democratic principles. Additionally, in the context of the Barcelona Process,⁴⁵ it had likewise pledged to respect

⁴² See: "European Neighbourhood Policy and Enlargement Negotiations: Tunisia", available at https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/tunisia_en.

⁴³ See: "European Neighborhood Policy And Enlargement Negotiations", available at <https://ec.europa.eu>.

⁴⁴ See: "EU provides €70 million to support socio-economic reforms and tourism in Tunisia", available at https://ec.europa.eu/commission/presscorner/detail/en/MEMO_15_6374.

⁴⁵ "The Barcelona Process was launched in 1995 with the aim of strengthening such relations between Europe and the Southern Mediterranean countries." See: "Union for the Mediterranean (UfM)", available at https://eeas.europa.eu/headquarters/headquarters-homepage/329/union-for-the-mediterranean-ufm_en.

fundamental freedoms and human rights in accordance with the United Nations Charter⁴⁶ and the UDHR.

Under the ENP Action Plans,⁴⁷ Tunisia has agreed to work with the EU on common values such as good governance, rule of law and respect for human rights. Similarly, in 2008, Tunisia pledged to strengthen democracy by adhering to human rights and fundamental freedoms. In 2012, the EU and Tunisia established the Privileged Partnership Action Plan for the period 2013-2017. The two sides also entered into a “Mobility Partnership”:

This Mobility Partnership aims to facilitate the movement of people between the EU and Tunisia and to promote a common and responsible management of existing migratory flows, including by simplifying procedures for granting visas. The EU will also support the Tunisian authorities in their efforts in the field of asylum, with a view to establishing a system for protecting refugees and asylum-seekers.⁴⁸

⁴⁶ “The Charter of the United Nations was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945. The Statute of the International Court of Justice is an integral part of the Charter.” See: “Charter of the United Nations”, available at <https://www.un.org/en/charter-united-nations/>.

⁴⁷ “ENP Action Plans (or Association Programs for Eastern Partners): The country's agenda is a partner for political and economic reform, with short-term and medium-term priorities of 3 to 5 years, as well as reflecting the country's needs and capacities and the interests of the union. Europe.” See: “The European Neighbourhood Policy”, available at https://eeas.europa.eu/diplomatic-network/european-neighbourhood-policy-enp/8398/enp-action-plans_en.

⁴⁸ See: “EU and Tunisia establish their Mobility Partnership”, available at https://ec.europa.eu/commission/presscorner/detail/en/IP_14_208.

It should be noted that Tunisia has reached some other partnership agreements with the EU, “addressing the root causes of irregular migration and displaced people in Africa”.⁴⁹

The Ben Ali regime increased restrictions for civil society in Tunisia. Thus, the EU sought to increase support for NGOs and civil society in Tunisia. However, according to a human rights report, five years after the Action Plan was adopted, none of the intended democratic reforms were implemented. Likewise, in 2009, it was reported that the situation of human rights defenders and public freedoms had been deteriorated. Ultimately, in 2010, the Tunisian government passed a bill, threatening to punish citizens who they believed had links with foreign institutions, organizations or a foreign country; it was assumed that these citizens intended to damage Tunisia’s interests and economic security.⁵⁰

In addition, Tunisia has signed a cooperation agreement with the EU, focusing on illegal immigration, but this country couldn’t perform at the expected level. EU-Tunisia cooperation policies concern European security-oriented priorities such as border control, migration management, fight against human trafficking and smuggling, return and readmission. Issues such as immigration to Tunisia or the situation of Sub-Saharan migrants in the country were ignored, however. While acting in accordance with these priorities could have reduced immigration to Europe,⁵¹ a UN report revealed in 2020 that the mortality rate of people crossing the Mediterranean Sea had increased

⁴⁹ “EU Emergency Trust Fund for Africa”, available at https://ec.europa.eu/trustfundforafrica/index_en.

⁵⁰ See: “Inconsistent European policies fail to address human rights abuses in Tunisia”, available at <https://euromedrights.org/wp-content/uploads/2018/03/Inconsistent-European-Policies-fail-to-address-human-rights-abuses-in-Tunisia-EN.pdf>.

⁵¹ Ferruccio PASTORE, Emanuela ROMAN “Framing migration in the southern Mediterranean: how do civil society actors evaluate EU migration policies? The case of Tunisia” (2020) *Comparative Migration Studies*, Vol. 8.

“from 2.6% in 2017 to 3.5% in 2018 and, by April 2019, it had reached 10 per cent”.⁵²

The outsourcing to North Africa of the enforcement of the migration policy of the EU and its member states, along with the Libyan conflict, have increased the number of asylum seekers entering Tunisia. However, due to the lack of asylum law in Tunisia, “the right to work of persons recognized as refugees by UNHCR is not guaranteed” in this country. Furthermore, “no real psychological support is provided to persons in vulnerable situations” at the same time that “minors, including unaccompanied minors, are deprived of their liberty in unofficial centers.” It is worth noting that Tunisia plays an important role in programs designed to strengthen border controls under the EU Emergency Trust Fund for Africa, or to enhance security cooperation and support the fight against terrorism.

According to Powel, the observation that the EU can act as a democracy promoter in Tunisia has been challenged, in part because sometimes the EU chooses not to engage with Tunisian Islamism; rather, it interacts with the government and the secular actors of Tunisian society. Powel argues that such attitude toward other Islamic political actors in the Mediterranean undermines the role of the EU as a democracy promoter in the region as well as its nature as a conceptualization of democracy especially through its foreign policy.⁵³

Powel, moreover, argues that, since EU officials have little understanding of Islamism and its role in Tunisian civil society and politics, they fail to engage with Islamist groups in this country. He also points out that in case of the Islamist administration in Tunisia, EU officials fear of a “Mediterranean Taliban” or another “Algeria”,

⁵² World Migration Report 2020, Report of the UN (2020).

⁵³ Brieg POWEL, “A clash of norms: Normative power and EU democracy promotion in Tunisia” (2009) *Democratization*, Vol.16, at 135.

this fear has extended to the NGO sector in Europe. For this reason, Islamist NGOs are not being trusted.⁵⁴

Haddouk, a Tunisian independent researcher and civil society activist, observes that the aim of the European Neighborhood and Partnership Instrument is to achieve progress on governance, political and economic reforms by promoting free trade agreements and increasing their financial support.

Despite more than two decades of partnership, it is difficult to say that the EU's approach toward Tunisia has strengthened its affected economy and social wealth. Some studies have even maintained that this approach didn't have any significant positive impact on employment, productivity, or manufacturing growth. In fact, many Tunisians believe that, by supporting local civil society, the EU has sought to maintain its cultural hegemony.⁵⁵

Conclusion

This article has explored the impact of the European Union Neighborhood Policy on the human rights situation in Tunisia. It did so through an assessment of relevant human rights documents such as the International Bill of Human Rights and some other UN treaties. It was argued that different violations of human rights have occurred in Tunisia since 1957. This – in part – has been on the basis that Tunisia's new constitution places great emphasis on domestic cultural norms, rather than on universal norms, including international human right laws and treaties.

Although the EU has reached various agreements and tools regarding refugees with Tunisia, the situation of refugees in Tunisia is very unclear due to the lack of needed laws and regulations. In terms

⁵⁴ Ibid.

⁵⁵ HADDOUK, *supra* note 38.

of the EU's financial assistance for trade prosperity, the lack of equality and equal rights of citizens in receiving such loans is obvious, since these loans are given to applicants who either have special affiliations in the country or support a specific political party. Moreover, the relevant decisions made by the EU would suggest that it has ignored Tunisian Muslims, instead choosing the secularists to implement its policies in Tunisia.

Likewise, while Tunisia has ratified various international human rights conventions,⁵⁶ it is clear that local officials have failed to protect and respect the basic human rights of Tunisians. It, therefore, seems clear that the EU has not been successful in distributing and promoting main norms such as "respect for and promotion of human rights" in Tunisia. This suggests that the ENP has failed to meet its main objectives with regard to the human rights situation in Tunisia.

As this article has demonstrated, the EU could not play an effective role in preventing human rights abuses in Tunisia; it has not utilized all of its capabilities to promote and protect human rights in this country. Indeed, it appears that EU policymakers consider security and stability as the main EU's priority in the course of implementing the Neighborhood Policy.

It thus seems prudent to recommend that the EU take into account the specific social conditions of Tunisia, a country with a majority of Muslim population. It could, for example, concentrate on promoting equality by allowing Tunisians to receive loans and access to the EU's market, while urging political elites to fulfill their human rights commitments.

⁵⁶ See: "Tunisia: International treaty status", available at <https://www.icj.org/cijlcountryprofiles/tunisia/tunisia-introduction/tunisia-international-treaty-status/>.