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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

PRELIMINARY DRAFT CONSTITUTION OF THE TUNISIAN REPUBLIC

(published by the National Constituent Assembly the week beginning 13 August 2012)

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In the name of God, the Merciful, the Compassionate

Brothers and sisters, members of the National Constituent Assembly,

May the peace, mercy and blessings of God be upon you,

The text before you is not the new draft constitution of Tunisia. It is rather a preliminary draft, the culmination of work carried out by the six constituent committees between 13 February and 10 August 2012. Despite reservations about some of the provisions, this text does nevertheless represent the raw outcome of the committees' work. No amendments have been made to it, and there has been no co-ordination by the joint committee for co-ordination and drafting. Some of the committees are expected to make a few improvements to the text in the week beginning 3 September and ending 8 September 2012. The joint committee for co-ordination and drafting will then carry out an initial, rapid reading before submitting each theme to the Assembly's plenary session for discussion. In the light of the observations made at the session or directly to the joint committee during the national campaign to raise awareness of the content of the draft Constitution, the joint committee for co-ordination and drafting will then take a second look at the text. After that, the final wording and content of the text will be decided by the plenary session. The session will vote on the draft, one article at a time, and finally on the Constitution as a whole.

Brothers and sisters, we felt it important to point this out in order that there should be no misunderstanding with regard to this initial product of the committees' work.

Habib Khedher

General Rapporteur on the Constitution

Preamble

In the name of God, the Merciful, the Compassionate

We, the representatives of the Tunisian people, members of the National Constituent Assembly, elected following the Revolution for dignity, freedom and justice,

Taking pride in the struggles of our people, and in response to the aims of the Revolution which was the culmination of a battle for liberation from colonialism and tyranny, and which ended in victory for the free will of the people; out of loyalty to the martyrs and the sacrifices made by generation after generation; and with a view to putting an end to injustice, corruption and oppression,

Building on the fundamental principles of Islam and its open and tolerant objectives, and on noble humanitarian values; inspired by the cultural heritage of the Tunisian people over the ages, their reformist movement based on their Arab and Islamic identity and on the universal achievements of human civilisation, and by commitment to the national achievements of the Tunisian people;

With a view to building a democratic and participatory republican regime comprising a civil state based on institutions, where authority resides with the people and is exercised by the people on the basis of the peaceful alternation of power and the principle of the separation and balance of powers; where the right to govern based on pluralism, administrative impartiality, good governance and free elections form the basis of political competition; and where government is based on respect for human rights and freedoms, the rule of law, independence of the judiciary, justice, equality in rights and responsibilities between all citizens, male and female alike, and between all groups and regions;

Recognising the status of mankind as a dignified being; in order to strengthen the nation's cultural and civilizational affiliation on the basis of national unity founded on citizenship, brotherhood and social solidarity; with a view to achieving Maghreb unity as a step towards Arab unity and towards solidarity between the Muslim and African peoples and co-operation with the peoples of the world; achieving victory for the oppressed everywhere; recognising the right of peoples to self-determination and all rightful movements for liberation, in particular the Palestinian liberation movement;

Supporting the will of the Tunisian people to be the maker of their own history, to be a pioneering people, and to contribute to the advance of civilisation by caring for the environment in a manner that ensures future generations can look forward to a peaceful existence in a better future; on the basis of peace, human solidarity and independent national decision-making;

In the name of the people, and with God's blessing, we proclaim the following Constitution:

I. General principles

1.1.
Tunisia shall be a free, independent and sovereign state; its religion shall be Islam, its language shall be Arabic and its form of government shall be a Republic.

1.2.
1.2.1. The flag of Tunisia shall be red with a white circle in the middle. Inside the circle there shall be a red crescent encircling a five-point red star. It shall be determined by law.

1.2.2. The national anthem of Tunisian shall be "Humat al-Hima". It shall be determined by law.

1.2.3. The motto of Tunisia shall be: "Freedom, Dignity, Justice, Order".

1.3.
All powers shall be vested in the people, which shall exercise them through their freely elected representatives and through referendums.

1.4.
The state shall protect religion; it shall guarantee freedom of conscience and worship, protect religious sanctuaries and ensure that places of worship are neutral in relation to partisan propaganda.

1.5.
Human beings are dignified beings. It shall be strictly prohibited to cause them physical or psychological pain and suffering.

1.6.
All citizens shall have the same rights and the same duties. They shall be equal before the law.

1.7.
The state shall secure for its citizens individual and public rights and shall provide them with conditions for a decent life. It shall be prohibited for the state to deprive its citizens of their nationality, extradite them, banish them from the national territory and/or prevent them from returning to it.

1.8.
Freedom of opinion, expression, information and publication as well as freedom of assembly and demonstration shall be guaranteed.

1.9.
The right to form political parties, trade unions and associations and to engage in political opposition shall be guaranteed.

1.10.
The state shall protect the right of women, preserve the family unit and maintain the cohesion thereof.

1.11.
The state shall guarantee the rights of groups with special needs.

1.12.
The national army shall be a republican institution which shall defend the nation, its independence and territorial integrity. It shall participate in relief and development efforts, and shall support the civil authorities in accordance with the provisions of the emergency law.

1.13.
Citizens shall have a duty to preserve the unity of the nation and to defend its integrity, to observe the laws and to pay taxes.

1.14.
National service shall be compulsory for all citizens according to the procedures and conditions determined by law.

1.15.
Decentralisation shall form the basis of regional and local government while maintaining the unity of the state.

1.16.
The public administration shall serve the interests of citizens and the community at large. Its organisation and operation shall be subject to the principles of impartiality and the rules relating to transparency, integrity and efficacy.

1.17.
Peace based on justice shall form the basis of relations with other states and peoples. Compliance with international treaties shall be compulsory, provided that they do not conflict with the provisions of the present Constitution.

II. Rights and freedoms

2.1.
The right to life shall be sacred and shall not be infringed except in cases stipulated by law.

2.2.
The state shall guarantee the physical integrity and dignity of human beings. All forms of physical and psychological torture shall be prohibited.

The crime of torture shall not be subject to the statute of limitations. No person who has perpetrated torture or ordered it to be carried out shall be exempt from responsibility.

2.3.
The state shall guarantee freedom of conscience and worship and shall prohibit any violation of religious sanctuaries.

2.4.
The state shall guarantee the right to privacy, secrecy of correspondence, inviolability of the home, protection of personal data, freedom to choose one's place of residence, freedom of movement within the national territory and the right to leave the national territory and to return to it. No restriction may be placed on these freedoms except in extreme cases determined by law and on the basis of a court order.

2.5.
No Tunisian citizen may be deprived of his nationality.

2.6.
The law shall guarantee the right of appeal before a fair, independent and impartial court.

2.7.
Sentences shall be personal and shall be pronounced only by virtue of a law issued prior to the occurrence of the punishable act, except in the case of a more favourable law.

2.8.
All accused persons shall be presumed innocent until proven guilty through a fair and public trial which affords them all the guarantees necessary for their defence at every stage of the proceedings.

2.9.
No person may be placed in detention except in cases of flagrante delicto or on the basis of a court order. The person detained shall immediately be informed of his rights and of the charge brought against him. He shall have the opportunity to be assisted by a lawyer. The length of detention shall be determined by law.

2.10.
Custodial sentences shall not be grounds for subjecting detainees to degrading treatment or depriving them of their other fundamental rights. When executing sentences, the state shall consider the interests of the family and family unity. The state shall ensure that the detainee undergoes rehabilitation and reintegration into society.

2.11.
Political parties, trade unions and associations may be freely established.

2.12.
Political parties, trade unions and associations shall undertake in their statutes and activities to respect:

- the provisions of the Constitution and the fundamental principles thereof,
- the sovereignty of the state, the unity of the nation and democratic principles,
- financial transparency and the principle of non-violence.

2.13.
The right of peaceful assembly and demonstration shall be guaranteed.

2.14.
Every citizen shall have the right to work. The state shall make every endeavour to ensure the exercise of this right in decent and fair conditions.

2.15.
The right to organise, including the right to strike, shall be guaranteed provided that it does not endanger the life, health and safety of individuals.

2.16.
Everyone shall have the right to access information provided that national security and/or the rights guaranteed under the present Constitution are not compromised.

2.17.
The state shall guarantee everyone the right to all stages of education, free of charge.
Education shall be compulsory until at least the age of sixteen.

2.18.
Academic freedom and freedom of scientific research shall be guaranteed.
The state shall provide the necessary resources for the development of academic work and scientific research.

2.19.
Health shall be a fundamental human right.

- The state shall ensure prevention and health care as well as social cover for all citizens irrespective of the region.

- The state shall ensure free health care for persons on low incomes.

2.20.
Everyone shall have the right to a healthy and balanced environment, and to sustainable development.

- Protection of the environment and the rational exploitation of natural resources shall be an obligation of the state, enterprises and individuals.

2.21.
The state shall guarantee the rights of families as the natural and basic unit of society.

- The state shall strive to preserve and ensure the stability of families and to enable them to function in a manner that ensures equality between spouses.

- The state shall strive to provide conducive conditions for marriage, to ensure that every family has decent housing and to provide a minimum level of income sufficient to preserve the dignity of family members.

2.22.
Citizens shall have the same rights and the same duties before the law without any discrimination.

2.23.
The state shall take care to ensure the impartiality of the administration, public institutions, public enterprises and places of worship. None of these institutions may be used for the purpose of propaganda or the pursuit of partisan or political interests.

2.24.
All citizens shall have a duty to defend the homeland and safeguard its inviolability, independence, unity, sovereignty and territorial integrity.

- National service shall be compulsory for citizens according to the procedures and in the manner determined by law.

2.25.
Everyone shall have a duty to pay taxes and contribute to public expenditure. Such taxes and contributions shall be determined on the basis of a fair and equitable system.

- The state shall introduce appropriate mechanisms for the recovery and proper management of public funds and for combating corruption and tax evasion.

2.26.
- Freedom of opinion, expression, information and creative endeavour shall be guaranteed.

- Freedom of information and publication may be restricted only by legislation which protects the rights of third parties, their reputation, safety and health.

- It shall be prohibited to subject such freedoms to any prior control, irrespective of its form.

- The state shall encourage artistic and literary creative endeavour in such manner as to serve the national culture and its openness to universal culture.

- Intellectual and literary property shall be protected.

2.27.
All forms of normalisation with Zionism and the Zionist entity shall be a crime punishable by law.

2.28.
The state shall provide protection for women's rights and support for their achievements as a real partner of men in the task of building the nation. Their roles within the family shall be complementary.

- The state shall ensure equality of opportunity between women and men in assuming the various responsibilities.

- The state shall ensure the elimination of all forms of violence against women.

2.29.
The right of ownership shall be guaranteed and shall be exercised within the limits of the law.

2.30.
The state shall protect persons with disabilities against any form of discrimination.

- Every citizen with disabilities shall be entitled to benefit, depending on the nature of his disability, from all measures ensuring his fully integration into society. The state shall take all necessary measures to ensure equality between persons with disabilities and other citizens.

2.31.
Children shall be entitled to receive from their parents a guarantee as to dignity, care, education and health care.

The state shall ensure legal, social, material and non-material protection for all children.

2.32.
The state shall guarantee cultural rights for all citizens.

- The state shall encourage cultural creative endeavour, in terms of its production and consumption, in such manner as to foster cultural identity in all its diversity and its regeneration, and to entrench the values of tolerance, non-violence, openness to different cultures and dialogue between civilisations.

- The state shall protect the cultural heritage and shall guarantee the right of future generations.

2.33.
The state shall strive to provide the necessary resources for the pursuit of sport and physical activities, and also for leisure and tourism.

III. The legislature

Matters on which there is agreement	First opinion	Second opinion	Other opinions
Article 20: The people shall exercise legislative authority through their representatives in the People's Assembly or by means of a referendum.			
Article 21: Members of the People's Assembly shall be elected by universal, free, direct and secret suffrage in the manner stipulated in the electoral law.			
Article 22: Any citizen of Tunisian nationality who has reached the age of eighteen and meets the conditions stipulated in the electoral law shall be eligible to vote.			
Article 23: Any voter born of a Tunisian father or Tunisian mother, who is at least twenty-three years of age on the day he submits his candidacy and who does not fall into any of the prohibited categories shall be eligible for election to the People's Assembly.			
Article 24: The People's Assembly shall be elected for a five-year term during the last sixty days of the parliamentary term. If elections cannot be			

held because of war or imminent danger, the term of the Assembly shall be extended by a law.			
Article 25: The seat of the People's Assembly shall be in Tunis and its suburbs. However, in exceptional circumstances, it may hold its sessions at any other location within the territory of the Republic.			
Article 26: Prior to taking up office, every member of the People's Assembly shall swear the following oath: "I swear by Almighty God to serve the nation loyally, to abide by the Constitution and to pledge allegiance exclusively to Tunisia".			
Article 27: Every member of the People's Assembly shall represent the entire nation. The state shall provide each member of the People's Assembly with the necessary human and material resources to enable him to perform his duties properly.			
Article 28: The People's Assembly shall enjoy administrative and financial independence within the framework of the state budget.			

It shall draft its rules of procedure and adopt them by an absolute majority of its members.			
Article 29: Members of the People's Assembly shall not be subject to civil or criminal proceedings and shall not be arrested or tried for opinions expressed, proposals made or acts carried out in the performance of their parliamentary duties.			
Article 30. No member of the People's Assembly may, during his term of office, be prosecuted or arrested for a crime or offence unless the member no longer enjoys immunity. However, in the event of flagrante delicto, the member may be placed under arrest, in which case the Assembly shall be notified immediately. The member shall be released if the Assembly so requests. During the parliamentary recess, the Assembly shall be replaced by its bureau.			
Article 31.	**Article 31.** Organic and ordinary draft laws shall be presented by not less than ten members of the People's Assembly or by the government. The government	**Article 31.** The right to initiate legislation shall be vested in the President of the Republic and in at least five per cent (5%) of the members of the People's	

	shall be competent to present draft laws ratifying treaties and the draft finance law, which shall be approved by the Assembly by 31 December at the latest. If the Assembly fails to adopt the draft within this period, the Prime Minister shall proceed to implement provisions of the finance law in renewable quarterly instalments. It shall be for the bureau of the Assembly to determine the order of priority in which draft laws are to be dealt with. Members of the People's Assembly shall exercise their full power to amend draft laws provided they do not affect the budgetary balances of the state, as stipulated in the finance law. One tenth of the electorate registered in the electoral rolls may present the People's Assembly with a draft law divided into articles. One sixth of the electorate registered in the electoral rolls may present a draft law divided into articles and request that it be put to a referendum. The draft shall be presented to the Speaker of the People's Assembly who shall submit it to	Assembly. Drafts presented by the President of the Republic shall have priority. These rules shall apply to any amendments made to the draft laws.	

	the Constitutional Court. If the Constitutional Court approves the draft, the Speaker of the People's Assembly shall, as the case may be, submit it to the People's Assembly or forward it to the President of the Republic in order that a referendum may be called. The People's Assembly may not make any amendment to the draft law which must be adopted by the requisite majority depending on the subject matter of the law. The draft law shall have absolute priority over any draft laws presented by the government or members of the People's Assembly. If the Constitutional Court declares the draft unconstitutional, it shall be sent back by the Speaker of the People's Assembly to the party which presented it. The revised version of the draft may not be presented until the necessary signatures have once again been collected. Ordinary laws shall not be discussed by the Assembly meeting in plenary until fifteen days have elapsed since they were submitted to the parliamentary committee. This time-limit shall		

	be twenty days in the case of organic laws.		
Article 32.	**Article 32.**	**Article 32.**	
	The People's Assembly may, for a limited period and for a specific purpose, authorise **the Prime Minister to adopt legislative decrees** operating in the field of law and submit such decrees to the Assembly for approval upon expiration of the above-mentioned period. An application may be made to the Constitutional Court by one tenth of the members of the Assembly if, in their opinion, the duration or purpose of the delegation undermines the principle of the separation of powers.	The People's Assembly may, for a limited period and for a specific purpose, authorise **the President of the Republic to adopt legislative decrees** operating in the field of law, **except for the first chapter of the Constitution**, and submit such decrees to the Assembly for approval upon expiration of the above-mentioned period. An application may be made to the Constitutional Court by one tenth of the members of the Assembly if, in their opinion, the duration or purpose of the delegation undermines the principle of the separation of powers.	
Article 33. The People's Assembly shall adopt organic laws by an absolute majority of its members and ordinary laws by a majority of members present, with the proviso that this majority shall not be less than one third of the members of the Assembly. Draft organic laws shall not be discussed in the People's Assembly			

until fifteen days have elapsed since they were forwarded to the competent parliamentary committee.			
Article 33: The People's Assembly shall adopt organic laws by an absolute majority of its members and ordinary laws by a majority of the members present, with the proviso that this majority shall not be less than one third of the members of the Assembly. No draft organic law shall be submitted to the People's Assembly for deliberation until fifteen days have elapsed since it was referred to the competent parliamentary committee.			
Article 34	**Article 34:** The People's Assembly shall adopt draft finance laws in the manner provided for in the organic budget law. The budget shall be adopted by 31 December at the latest. If the People's Assembly has not voted on the budget by that date, the draft finance laws may be implemented **by decree**, in renewable quarterly instalments.	**Article 34:** The People's Assembly shall adopt draft finance laws in the manner provided for in the organic budget law. The budget shall be adopted by 31 December at the latest. If the People's Assembly has not voted on the budget by that date, the draft finance laws may be implemented **by republican decree**, in renewable quarterly instalments.	
Article 35: The People's Assembly shall meet every year in			

ordinary session beginning during the month of October and ending during the month of July. However, the first session of the parliamentary term of the People's Assembly shall begin within fifteen days following the announcement of the final results of the elections. In the event that the beginning of the first session of the parliamentary term of the People's Assembly should coincide with its recess, a fifteen-day session shall be opened. During its recess, the People's Assembly shall meet in extraordinary session if so requested by the President of the Republic or the Prime Minister or by one third of its members for the purpose of considering a specific agenda.			
Article 36. Votes within the Assembly shall be cast in person. They may not be delegated. The People's Assembly shall elect from among its members a Speaker and standing committees which shall operate continuously, including during parliamentary recesses.			

The Assembly may set up special investigatory committees independent from all the authorities which shall assist them in the performance of their tasks.			
Article 37:	**Article 37:** If the Assembly is dissolved or unable to meet, the **Prime Minister** may adopt **legislative decrees** which shall be submitted to the Assembly for approval during the next ordinary session.	**Article 37:** **The President of the Republic** may, during parliamentary recesses, adopt **legislative decrees** which shall be submitted to the Assembly for approval during the next ordinary session. He may also adopt legislative decrees if the Assembly is dissolved or unable to meet.	
Article 38: The President of the Republic shall ratify treaties and may order them to be published. Treaties relating to the borders of the state, to international organisation, to the financial obligations of the state and treaties containing provisions of a legislative nature or concerning the status of individuals may be ratified only after being approved by the People's Assembly. Treaties shall come into force only after being ratified. Treaties ratified by the President of the Republic and approved by the People's Assembly			

shall have a higher authority than laws. The Constitutional Court shall review treaties to ensure that they are in conformity with the Constitution and laws to ensure that they are in conformity with the treaties.			
Article 39: The Speaker of the People's Assembly shall notify the President of the Republic of the adoption by the Assembly of a draft law and shall submit it to him for promulgation. The notification shall be accompanied by the adopted text and all relevant documents.			
Article 40: The People's Assembly shall adopt ordinary laws and its rules of procedure by a majority of the members present, with the proviso that this majority shall not be less than one third of the members of the Assembly. Organic laws shall be adopted by a majority of the members of the Assembly. The following texts shall be adopted in the form of organic laws: - texts relating to the ratification of treaties, except for treaties reserved for the President of the Republic or the government; - texts relating to the			

organisation of the justice system and the judiciary; - texts relating to the organisation of the media, the press and publishing; - texts relating to the organisation of political parties, associations, organisations and professional associations and the funding thereof; - texts relating to the organisation of the national armed forces, except for specific arrangements which shall be adopted by republican decree; - texts relating to the organisation of the internal security forces, except for specific arrangements which shall be adopted by decree; - texts relating to the electoral system; - texts relating to freedoms, human rights, the right to work and the right to organise; - texts relating to personal status; - texts relating to the fundamental duties of citizens; - texts relating to local governance. The following shall be adopted in the form of ordinary laws: - texts relating to the application of the Constitution; - texts relating to the creation of different categories of public			

institutions and public enterprises; - texts relating to nationality and obligations; texts relating to proceedings in various types of courts; - texts relating to the determination of crimes and offences and the applicable penalties, and the determination of criminal offences which carry custodial sentences. - texts relating to amnesties; - texts relating to determination of the tax base, taxation rates and the procedures for collecting tax, save where delegation has been granted to the Prime Minister under the finance laws or fiscal laws. - texts relating to the arrangements governing the issuance of currency. - texts relating to loans and financial obligations of the state. - texts relating to the basic guarantees granted to civil servants and military personnel. - texts relating to arrangements governing the ratification of international treaties. The law shall stipulate the fundamental principles: * of the arrangements			

governing property and rights in rem; * of education, scientific research and culture; * of public health, the environment, spatial and urban planning and energy; * of labour law and social security.			
Article 41			**Article 41:** Subjects other than those which fall within the domain of the law shall come under the general regulatory power. Texts relating to these subjects may be amended by decree on the recommendation of the Constitutional Court. The **Prime Minister** may challenge the admissibility of any draft law or amending law introduced in the field of general regulatory power. **The President of the Republic** shall submit the matter to the Constitutional Court which shall rule within a maximum period of ten days from the date of receipt.
Article 42: The law shall authorise state income and expenditure in the manner provided for in the organic budget law.			

IV. The executive

Section 1

The President of the Republic

Matters on which there is agreement	First opinion	Second opinion	Other opinions
Article 45:	**Article 45:** The President of the Republic shall be elected by a majority of two thirds of the members of the People's Assembly in a single round. In the event that none of the candidates should obtain a two-thirds majority in the first round, there shall be a second round, to be decided by a majority, between the two candidates who obtained the greatest number of votes, taking into account any withdrawals if necessary. The President of the Republic shall be elected within fifteen days following the opening of parliament. The President of the Republic shall be elected for a five-year term. He may be re-elected only once.	**Article 45:** The President of the Republic shall be **elected directly by the people,** by universal, free, direct, secret suffrage and by an absolute majority of the votes cast, for a once-renewable **five-year term** during the last sixty days of the presidential term of office. In the event of failure to obtain such a majority in the first round of the ballot, a second round shall be held on the second Sunday following the day of the ballot. Only the two candidates who obtained the greatest number of votes in the first round may participate in the second round, in accordance with the procedures laid down in the electoral law. If the elections cannot be held in good time because of war or imminent danger, the presidential term of office shall be extended by a law adopted by the People's Assembly until such time as elections can be held. The rule limiting the	

		number of presidential terms to two shall not be subject to constitutional amendment.	
Article 46:	**Article 46:**	**Article 46:**	**Article 46:**
	Candidates for the office of President of the Republic, whether male or female, shall be voters, of Tunisian nationality only, Muslim, born to a Tunisian father and mother and be at least forty years of age. They shall be nominated by at least ten members of the People's Assembly. No member of the People's Assembly may nominate more than one candidate.	Candidacy for the office of President of the Republic shall be the right of **any man or woman who is a Tunisian by birth and who is a Muslim.** On the day on which their candidacies are submitted, candidates must be not less than forty and not more than seventy-five years of age and be in possession of all their civil and political rights. Candidates shall be nominated by a number of members of the People's Assembly and of heads of municipal councils elected according to the procedure and in the manner determined by the electoral law. Candidacies shall be recorded in a special register at the Independent High Authority for Elections.	Candidacy for the office of President of the Republic shall be the right of every Tunisian. **4th opinion regarding Article 46:** Candidacy for the office of President of the Republic shall be the right of every citizen who has exclusively Tunisian nationality. **5th opinion:** Candidacy for the office of President of the Republic shall be the right of every Tunisian who has exclusively Tunisian nationality, is of the Muslim religion and was born to a Tunisian father and mother, and paternal and maternal grandparents, all of whom were Tunisian nationals without interruption.
Article 47: The President of the Republic shall be the head of state. He shall embody its unity, guarantee its independence and continuity and shall ensure that the Constitution, treaties			

and human rights are observed. The President of the Republic shall enjoy judicial immunity during his term of office. He shall also enjoy such judicial immunity after leaving office in respect of acts carried out by him in the performance of his official duties. The office of President of the Republic shall be incompatible with any leadership position within a political party.			
Article 48: The elected President of the Republic shall swear the following oath before the People's Assembly: "I swear by Almighty God to safeguard the independence of the homeland and its territorial integrity, to abide by the Constitution of Tunisia and its legislation and to watch scrupulously over its interests."			
Article 49: The official seat of the Presidency of the Republic shall be in Tunis and its suburbs. In exceptional circumstances, however, it may be transferred temporarily to any other location within the territory of the Republic.			
Article 50:	**Article 50:**	**Article 50:**	

	The President of the Republic shall have the following duties: - He shall promulgate laws, including laws approving treaties, and shall ensure that they are published in the official gazette of the Tunisian Republic. - It shall be mandatory for him to put to referendum draft laws approving international treaties whose approval necessitates amendment of the Constitution. - He shall chair the High Council of Security and Defence, and shall be commander-in-chief of the armed forces. - He shall make appointments to senior military posts on a proposal from the Prime Minister. - He shall make appointments to posts attached to the office of President of the Republic. - He shall declare war and conclude peace following approval by a majority of two thirds of the members of the People's Assembly. He shall have the right to grant pardons. - He shall appoint the Prime Minister and members of the government, upon a vote of confidence by the People's Assembly. - On a proposal from	The President of the Republic shall be competent in the following matters: - representation of the state; - appointment of the Mufti of Tunisia; - high command of the armed forces and the internal security forces; - the declaration of war and the conclusion of peace following approval by a majority of three fifths of the members of the People's Assembly, and the sending of forces abroad with the agreement of the Speaker of the People's Assembly and the Prime Minister. However, the Assembly shall meet to discuss the matter within a period of not more than sixty days; - proclamation of a state of emergency; - direction of national defence and security policy and chairmanship of the High Council of Security and Defence; - appointments to senior military and security posts, and in public institutions affiliated to the ministry of defence, and dismissal from these same posts, after consulting the competent parliamentary committee; - senior posts shall be designated by	

	the government, he shall accredit diplomatic representatives to foreign states and representatives of foreign states shall be accredited to him.	law. - the appointment of the head of the intelligence agency subject to the approval of the majority of the members of the competent parliamentary committee; - appointments to senior posts in the office of President of the Republic and affiliated institutions, and dismissal from these same posts; - dissolution of the People's Assembly in the cases provided for in the Constitution; - the award of decorations.	
Article 51:	**Article 51:** The President of the Republic shall perform the following duties: - representation of the state; - high command of the armed forces; - appointments to posts attached to the office of President of the Republic; - on a proposal from the government, he shall accredit diplomatic representatives to foreign states and representatives of foreign states shall be accredited to him.	**Article 51:** The President of the Republic shall determine national foreign policy. He shall accredit ambassadors to foreign states with the approval of the majority of the members of the competent parliamentary committee. He shall appoint senior officials of the ministry of foreign affairs, public institutions affiliated thereto, diplomatic and consular missions to foreign states and regional and international organisations, after consulting the minister of foreign affairs. Representatives of	

		foreign states and of regional and international bodies and organisations shall be accredited to him.	
Article 52:	**Article 52:**	**Article 52:** In the event of an imminent danger threatening national institutions, security and independence and impeding the proper functioning of the public authorities, the President of the Republic may take the measures necessitated by these circumstances, after consulting the Prime Minister, the Constitutional Court and the Speaker of the People's Assembly. He shall deliver a message to this effect to the nation. Such measures shall ensure the swiftest possible return to properly functioning constitutional public authorities. The Constitutional Court shall be consulted regarding these measures. Throughout this period, the People's Assembly shall be deemed to be in permanent session. Thirty days after these measures have entered into force, the Speaker of the People's Assembly may request the Constitutional Court to ascertain whether the circumstances referred to in the first	

		paragraph of this article still exist. The decision of the Court shall be adopted in public within a period of not more than fifteen days. Upon expiration of a period of sixty days from the date of adoption of the measures, the Constitutional Court shall take it upon itself, at any time, to ascertain whether the said circumstances still exist. During this period, the President of the Republic may not dissolve the People's Assembly and no motion of censure may be tabled against the government. Such measures shall cease to have effect once the circumstances which engendered them have come to an end. The President of the Republic shall deliver a message to this effect to the People's Assembly.	
Article 53: The President of the Republic may, directly or at the request of the Government, and on the recommendation of the Constitutional Court, put to a public referendum draft laws related to rights and freedoms or to public authorities and/or draft laws on authorisation to ratify			

treaties provided that they do not conflict with the Constitution. In the event that the referendum should lead to the draft being approved, the President of the Republic shall promulgate it and publish it within a period of not more than fifteen days from the date on which the results of the referendum are announced. It shall be mandatory for the President of the Republic to put to a public referendum any treaties liable to entail an amendment of the Constitution, following their approval by the People's Assembly in accordance with the procedures provided for in the Constitution. The electoral law shall stipulate the procedures for conducting the referendum and announcing its results.			
Article 54:	**Article 54:** The Prime Minister shall ratify treaties. Ratified treaties shall have a higher authority than laws. The President of the Republic shall have the right to grant pardons.	**Article 54:** The President of the Republic shall ratify treaties. Ratified treaties shall have a higher authority than laws. The President of the Republic shall have the right to grant pardons.	
Article 55: The President of the Republic may communicate with the People's Assembly and the			

Council of Ministers either directly or via messages addressed to them.			
Article 56:		**Article 56:** The President of the Republic shall chair the Council of Ministers in respect of matters within his competence.	
Article 57:	**Article 57:** The President of the Republic shall promulgate laws within not less than seven days and not more than fifteen days from the date on which they are forwarded to him by the Speaker of the People's Assembly. During this period, he may send the draft back to the People's Assembly for a second reading. If the draft is adopted by the People's Assembly on the same terms as those of the first reading, the Speaker of the Assembly shall promulgate it.	**Article 57:** The President of the Republic shall promulgate laws, including treaties, adopt legislative decrees and ensure that they are published in the official gazette of the Tunisian Republic within not more than fifteen days from the date on which they are forwarded to him by the Speaker of the People's Assembly. The President of the Republic may, during the period allowed for promulgation, send the draft back to the People's Assembly for a second reading. If the draft is adopted by an absolute majority of the members in the case of ordinary laws and a majority of two thirds of the members in the case of organic laws, it shall be promulgated and published within not more than fifteen days from the date on which it is forwarded to the President of the Republic. If the matter is referred to the	

		Constitutional Court, the law shall be published once its compatibility and conformity with the Constitution have been established. Otherwise it shall be sent back to the People's Assembly for a second reading.	
Article 58: Draft laws shall be discussed by the Council of Ministers. Decrees of a regulatory nature shall be countersigned by the minister concerned.			
Article 59:	**Article 59:** The Prime Minister shall make appointments to senior civil posts.	**Article 59:** The President of the Republic shall make appointments to senior civil posts, on a proposal from the Prime Minister and after consulting the competent parliamentary committees. Failure to issue an opinion within a maximum period of 20 days from the date on which the matter is referred to the Assembly shall be deemed to constitute tacit assent.	
Article 60:	**Article 60:** If the President of the Republic is temporarily unable to discharge his duties, he shall delegate his powers to the Prime Minister.	**Article 60:** If the President of the Republic is temporarily unable to discharge his duties, he may delegate his powers to the Prime Minister. The President of the Republic shall notify the Speaker of the People's Assembly of such temporary	

		delegation of his powers.	
Article 61:	**Article 61:** Should the office of President of the Republic become definitively vacant for any reason, the Constitutional Court shall adopt a decision whereby the powers of the President of the Republic shall be transferred to the Prime Minister. During the period of definitive or temporary vacancy, the People's Assembly may not be dissolved and no motion of censure may be tabled against the government.	**Article 61:** Should the office of President of the Republic become vacant because of death, resignation or total incapacity, the Constitutional Court shall meet immediately and shall confirm the definitive vacancy by an absolute majority of its members. It shall send a statement to this effect to the Speaker of the People's Assembly who shall immediately be vested with the functions of interim President of the Republic, for a period ranging from a minimum of forty-five days to a maximum of ninety days.	
Article 62: In the case of definitive vacancy, the interim President of the Republic shall swear the constitutional oath before the People's Assembly and, if necessary, before the bureau of the Assembly.			
Article 62 bis:	**Article 62 bis:**	**Article 62 bis:** The interim President of the Republic may not stand for the office of President of the Republic, even in the case of resignation.	
Article 63:	**Article 63:** A new President of the Republic shall be elected within 20	**Article 63:** During the period of the temporary or definitive vacancy,	**Article 63:**

	days after the definitive vacancy is announced by the Constitutional Court.	the interim President of the Republic shall act as President of the Republic without, however, being able to amend the Constitution, call a referendum, dismiss the government, dissolve the People's Assembly or take the exceptional measures provided for in Article (X) of the Constitution. During the period of the interim presidency, a new President of the Republic shall be elected directly by the people for a five-year term.	He may dissolve the People's Assembly and hold early parliamentary elections in accordance with Article (X) of the Constitution.
Article 64:	**Article 64:** The President of the Republic may be revoked upon a reasoned application submitted by one third of the members of the People's Assembly. The revocation shall be decided by a majority of two thirds of the members of the Assembly and on a recommendation from the Constitutional Court concerning the violation of the Constitution by the President of the Republic.	**Article 64:** The People's Assembly may, at the initiative of one third of its members, accuse the President of the Republic of high treason. A decision in this regard shall not be adopted unless approved by two thirds of the members of the Assembly. In that case, the President of the Republic shall be sent before the Constitutional Court which shall decide [***] considered high treason: - serious abuse of	

		power and deliberate violation of the Constitution threatening state institutions or the proper functioning of the constitutional institutions. - corruption, financial corruption and supporting the interests of foreign parties to the detriment of the higher interests of the homeland. In the event of conviction, the Constitutional Court may only remove the President from office. Any decision to remove the President from office shall deprive him of the right to stand for re-election.	

Section 2:

The government

Article 65:	**Article 65:**	**Article 65:**	**Article 65:**
	- The government shall determine the general policy of the nation. - The government shall ensure the execution of court judgments, including judgments issued against the administration. It shall be accountable in this respect to the People's Assembly. - The Prime Minister shall ensure the execution of laws and shall exercise general regulatory power. - The Prime Minister shall govern the administration and internal security forces. He shall direct the activities of the government and chair the Council of Ministers. - The Prime Minister shall be competent in matters relating to the establishment, modification and abolition of ministries and state secretariats and the designation of their powers and prerogatives, after discussing the matter with the Council of Ministers and notifying the President of the Republic. - The Prime Minister shall be competent in matters relating to the establishment,	The Prime Minister shall determine the general policy of the state and shall ensure the execution thereof, except for matters assigned to the President of the Republic. He shall exercise general regulatory power, govern the administration and issue regulatory and individual decrees which he shall sign after discussing the matter with the Council of Ministers and notifying the President of the Republic. He shall conclude treaties of a technical nature. The government shall ensure the enforcement of laws. The Prime Minister may delegate some of his prerogatives to ministers. In addition to the foregoing, the Prime Minister shall have sole competence in the following matters: 1) Establishment, modification and abolition of ministries and state secretariats within his competence, and designation of their powers and prerogatives, after discussing the matter with the Council of Ministers and notifying the	International treaties of a technical nature shall not be subject to discussion by the People's Assembly for ratification. They shall be executed immediately upon being signed by the Prime Minister, or by the relevant minister in the case of technical treaties of a sectoral nature.

	modification and abolition of public institutions, public enterprises and administrative services, and the designation of their powers and prerogatives, after discussing the matter with the Council of Ministers and notifying the President of the Republic. - The Prime Minister or his authorised representative shall conclude treaties. - The Prime Minister shall endorse ministerial decisions of a regulatory nature.	President of the Republic. 2) Establishment, modification and abolition of public institutions, public enterprises and administrative services, and designation of their powers and prerogatives, after discussing the matter with the Council of Ministers and notifying the President of the Republic. 3) Endorsement of ministerial decisions of a regulatory nature.	
Article 66:	**Article 66:** The government shall consist of a Prime Minister, ministers and state secretaries. The Prime Minister and the other members of the government may be chosen from among the members of the People's Assembly or from outside the Assembly. After each parliamentary election, the President of the Republic shall entrust the candidate of the political party or of the electoral coalition which obtained the greatest number of seats in the People's Assembly to form the government. The designated	**Article 66:** The government shall consist of a Prime Minister, ministers and state secretaries, appointed by the President of the Republic on a proposal from the Prime Minister and in consultation with him as regards sectors within the competence of the President of the Republic. The President of the Republic shall entrust the candidate of the political party or coalition which obtained the greatest number of seats in the People's Assembly to form a government within a one-month period which may be extended only once.	

	Prime Minister shall form the government and submit to the President of the Republic a record of his work, indicating the composition of the government and a summary of his programme, which he shall present to the People's Assembly. Immediately upon receiving the record of formation of the government, the President of the Republic shall submit it to the Speaker of the People's Assembly. The Speaker of the People's Assembly shall convene a general meeting to pass a vote of confidence in the government by an absolute majority of its members. In the event that the government should fail to win the vote of confidence, the President of the Republic shall nominate, following consultation with the groups represented in the Assembly, another person to form the government. If, within three months following the opening of parliament or within two months following the resignation of the government, the members of the Assembly fail to agree on a government, the President of the	If the said period expires without a government having been formed, or if the People's Assembly fails to pass a vote of confidence in the government, the President of the Republic shall initiate consultations with the political parties, the coalitions and parliamentary groups with a view to entrusting the person considered most capable with the task of forming a government within a maximum period of one month. If, upon expiration of a period of three months after the parliamentary elections, the members of the People's Assembly have failed to form a government, the President of the Republic may order the People's Assembly to be dissolved and early parliamentary elections to be held.	

	Republic may order the People's Assembly to be dissolved and early parliamentary elections to be held.		
Article 67: Members of the government shall swear an oath before the President of the Republic. The government shall be accountable to the People's Assembly.			
Article 68:	**Article 68:** Membership of the government may be combined with membership of the People's Assembly. It shall be prohibited for the Prime Minister and members of the government to hold any other office.	**Article 68:** Membership of the government shall be incompatible with membership of parliament. Any member of the People's Assembly who is appointed to the government shall be replaced in accordance with the provisions of the electoral law.	
Article 69[1]	**Article 69**		
Article 70:	**Article 70:** Any member of the People's Assembly may put written and oral questions to the government. Members of the government shall have the right to be present at meetings of the parliamentary committees and the plenary assembly. Their attendance shall be compulsory if requested by the majority of the members of the Assembly.	**Article 70:** Members of the government shall be required to attend sessions of the Assembly if the Assembly requests to them to do so. Any member of the People's Assembly may put written or oral questions or present requests for information to the government. A session shall regularly be devoted to communication between the People's Assembly and members of the	

[1] No provisions under Article 69 in the Arab text.

		government.	
Article 71:	**Article 71:** A motion of censure against the government may be tabled by one third of the members of the People's Assembly and passed by a majority of its members. The vote on the motion of censure may not be held until at least 20 days from the date of tabling, after hearing the government and after the majority of the members of the Assembly have come to an agreement on the replacement government which shall win a vote of confidence in the same ballot.	**Article 71:** A vote may be held on a motion of censure against the government or a minister, if at least one third of the members of the People's Assembly make a reasoned request to this effect to the Speaker of the Assembly. The motion of censure may not be voted on until fifteen days after it is tabled with the Speaker of the Assembly. A vote of no confidence in the government shall be passed by an absolute majority of the members of the Assembly. It shall be conditional upon the nomination of a replacement Prime Minister who shall win a vote of confidence in the same ballot. If the requisite majority is not achieved, no further motion of censure may be tabled against the government until a six-month period has elapsed. The Assembly may not table more than two motions of censure against the government during any one parliamentary term. The People's Assembly may withdraw its confidence in a member of the	**Article 71:** It shall not be necessary to nominate a replacement Prime Minister in order for the motion of censure to be admissible.

		government if at least one third of its members submit a reasoned request to this effect to the Speaker of the Assembly. A vote of no confidence shall be passed by an absolute majority.	
Article 72:	**Article 72:** If the Government decides to seek a vote of confidence in connection with a governmental draft law being put to the vote in the People's Assembly, failure to adopt this draft law shall be equivalent to a vote of no confidence in the government which shall be required to resign. In that event, voting on the draft law shall be by an absolute majority of the members of the People's Assembly. Upon the termination of its mandate, for any reason whatsoever, the government shall continue to manage day-to-day affairs until the People's Assembly passes a vote of confidence in the new government, and until the members of that government are appointed to their posts by the President of the Republic.	**Article 72:** This article has been expunged because its provisions are incompatible with the adoption of the system of constructive censure motions.	**Article 72:** The government may request a vote of confidence from the People's Assembly in order to continue its activities. Voting shall be by a majority of the members of the Assembly. In the event that a vote of no confidence should be passed, the government shall be deemed to have resigned. The President of the Republic shall instruct a new Prime Minister according to the same procedures as those stipulated in Article (X) of the Constitution.
Article 73:	**Article 73:** If the Prime Minister of the Republic is temporarily unable to discharge his duties,	**Article 73:** In the event that the post of Prime Minister should become vacant	

	he shall delegate his powers to one of his ministers. If, for any reason, the post of Prime Minister becomes definitively vacant, the Constitutional Court shall make a decision in this respect. The President of the Republic shall appoint the candidate of the political party or electoral coalition which obtained the greatest number of seats in the People's Assembly to act as Prime Minister following a vote of confidence by the Assembly.	through total incapacity, death or resignation, the President of the Republic shall appoint the candidate of the political party or coalition which obtained the greatest number of seats in the People's Assembly to act as Prime Minister in accordance with the provisions of Article (X) of the Constitution.	
Article 74: Any disputes relating to the powers of the President of the Republic and the Prime Minister shall be submitted, at the request of the first party to take action, to the Constitutional Court which shall settle the dispute through a decision adopted by the majority of its members.			

V. The judiciary

5.1.
The judiciary shall be an independent authority. It shall ensure the delivery of justice, compliance with the Constitution, the rule of law and protection of rights and freedoms.

5.2.
Judges shall be independent. In the performance of their duties, they shall be subject only to the authority of the Constitution and the law.

5.3.
Judges shall be competent, impartial and fair.

5.4.
Judges shall not be removed from office, even in the case of promotion or appointment to a functional post, except with their agreement. However, they may be transferred if operational needs so require and in accordance with the decision of the High Council of the Judiciary.

5.5.
Judges may not be suspended from duty or subjected to disciplinary action except by decision of the High Council of the Judiciary.

They shall be accountable for any failure in the performance of their duties.

5.6.
The right to take part in court proceedings and the right to defence shall be guaranteed and may not be infringed.

Parties to litigation shall be deemed equal before the judiciary.
Everyone shall have the right to a fair trial, to be conducted within a reasonable time.

5.7.
Court hearings shall be public unless otherwise provided by law.

5.8.
The different categories of courts shall be established by law. No special courts may be established and no exceptional procedures may be introduced.

5.9.
Any interference in the justice system shall be a criminal offence not subject to the statute of limitations.

5.10.
1st proposal:

. Judgments shall be rendered and executed in the name of the people. Any failure on the part of the competent authorities to execute them without legal grounds shall be a criminal offence not subject to the statute of limitations.

2nd proposal:

Judgments shall be rendered in the name of the people and executed in the name of the President of the Republic. Any failure on the part of the competent authorities to execute them without legal grounds shall be deemed a criminal offence not subject to the statute of limitations.

5.11.
Judges shall be appointed by the President of the Republic (on a proposal from/at the choosing of/upon a decision of) the High Council of the Judiciary.

The High Council of the Judiciary

5.12.
1st proposal:

There shall be established a High Council of the Judiciary which shall have legal personality and shall enjoy administrative and financial independence.

2nd proposal:

The High Council of the Judiciary shall have legal personality and shall enjoy administrative and financial independence.

3rd proposal:

The High Council of the Judiciary shall have legal personality and shall enjoy administrative and financial independence within the framework of the state budget.

5.13.
1st proposal:

The High Council of the Judiciary shall consist of a plenary Assembly and two Councils: the Judiciary Council and the Administrative and Financial Judicial Council.

2nd proposal:

The High Council of the Judiciary shall consist of the Judiciary Council and the Administrative and Financial Judicial Council.

5.14.
1st proposal:

The High Council of the Judiciary shall comprise equal numbers of judges and non-judges.

2nd proposal:

The High Council of the Judiciary, with its two Councils, shall comprise judges and non-judges.
The competence of each Council, the number of members thereof and the method of appointing them shall be stipulated by an organic law.

3rd proposal:

Two thirds of the High Council of the Judiciary shall consist of judges and the remaining one third shall consist of non-judges.

4th proposal:

Two thirds of the High Council of the Judiciary shall consist of elected judges and the remaining one third shall consist of non-judges.

The Judiciary Council shall consist of judges elected according to a method of election stipulated by an organic law.

The Administrative and Financial Judicial Council shall consist of judges elected according to a method of election stipulated by an organic law.

The plenary Assembly shall consist of members of the Judiciary Council and the Administrative and Financial Judicial Council.

5.15.

1st proposal:

The High Council of the Judiciary shall ensure the proper functioning of the judiciary and respect for its independence. It shall be consulted with regard to draft laws relating to reform of the judicial system.

2nd proposal:

The High Council of the Judiciary shall ensure, through its plenary Assembly, the proper functioning of the judiciary and the safeguarding of its independence. It shall be consulted with regard to draft laws relating to reform of the judicial system.

5.16.
Each Council shall be competent to rule on matters relating to the career and discipline of judges.

5.17.
1st proposal:

The chair and members of the High Council of the Judiciary shall be appointed by the President of the Republic.

2nd proposal:

The High Council of the Judiciary shall elect its chair from among those of its members who have senior judge status.

The Constitutional Court

5.18.
The Constitutional Court shall consist of twelve members chosen from among persons who have at least twenty years of high-level legal experience.

The President of the Republic and the Prime Minister shall each nominate four members, the Speaker of the People's Assembly shall nominate eight members and the High Council of the Judiciary shall nominate eight members.

The People's Assembly shall elect twelve members from among the persons nominated, by a two-thirds majority, for a non-renewable nine-year term.

1st proposal:

If the requisite majority is not obtained, the candidates shall be ranked in order of merit according to the number of votes received.

2nd proposal:

If the requisite majority is not obtained, a further vote shall be held to elect the remaining candidates by the same majority. In the event of failure to reach a quorum, other members shall be nominated and a new election held according to the same method.

The terms of office of one third of the members of the Court shall be renewed every three years.

Membership of the Constitutional Court shall be incompatible with holding any other office.

5.19.

1st proposal:

The Constitutional Court shall be presided over by the eldest member thereof.

2nd proposal:

The President of the Republic shall appoint the president and vice-president of the Constitutional Court from among its members.

3rd proposal:
The president and vice-president of the Court shall be elected by and from among its members.

4th proposal:

The president and vice-president of the Constitutional Court shall be elected from among its members by the People's Assembly.

Any vacancies in the composition of the Court shall be filled according to the same method of appointment.

5.20.
The Court shall be competent to carry out **a priori** and **a posteriori** reviews of the constitutionality of laws.

It shall carry out a priori reviews of the constitutionality of treaties prior to their conclusion.

The Court shall examine the constitutionality of the rules of procedure of the People's Assembly and of the constitutional authorities.

It shall examine the conformity of drafts amending the Constitution and give its opinion on any proposed referendum.

It shall confirm cases of vacancies in the office of President of the Republic.

It shall confirm cases of state of emergency or exceptional circumstances.

Where requested, it shall rule on conflicts of jurisdiction between the legislature and the executive, and conflicts of jurisdiction between the Prime Minister and the President of the Republic.

5.12.
Prior to promulgation, draft laws may be submitted to the Constitutional Court by the President of the Republic, the Speaker of the People's Assembly, the Prime Minister or ten members of the People's Assembly.

Prior to their entry into force, the rules of procedure of the People's Assembly may be submitted to the Constitutional Court by ten members of the Assembly or by its Speaker.

5.22.
The constitutionality of laws may be challenged by way of exception in connection with any (**ongoing)** dispute before the courts, in accordance with the procedures determined by law.

5.23.
Any final judgments rendered in violation of the rights and freedoms enshrined in the Constitution may be the subject of direct appeals, filed by individuals, before the Constitutional Court, after all other remedies have been exhausted.

5.24.
Any draft law which is unconstitutional shall be sent back to the People's Assembly for a second reading and for amendment in accordance with the decision of the Constitutional Court. The President of the Republic shall refer the draft law, prior to its promulgation, to the Constitutional Court which shall examine the amendment made to it in order to establish whether it is compliant with the decision of the Court, within a period of one month.

Where the Constitutional Court finds that a law is unconstitutional, its application shall be suspended, within the limits specified by the Court.

5.25.
The Constitutional Court shall rule on any charges brought against the President of the Republic in cases of violation of the Constitution and high treason.

5.26.
The Court shall consider only the arguments relied upon and shall rule on them within a period of three months. This time-limit may be extended upon a reasoned decision of the Court.

5.27.
Decisions of the Court shall be adopted by a majority. In the event of a tie, the president shall have the casting vote.

Decisions of the Court shall state the reasons on which they are based and shall be binding on all authorities. They shall be published in the official gazette of the Tunisian Republic.

5.28.
The rules governing the organisation of the Constitutional Court and the procedures to be followed before it shall be stipulated by an organic law.

The judiciary

5.29.
The judiciary shall consist of a Court of Cassation based in Tunis, courts of appeal, property courts, courts of first instance and cantonal courts.

5.30.
1st proposal:

The prosecution service shall form part of the judiciary.

Members of the prosecution service shall perform their duties in accordance with the statutory guarantees and procedures.

2nd proposal:

The prosecution service shall form part of the judiciary. It shall operate in a manner (wholly) independent of the executive.

The guarantees granted to the judiciary shall apply to judges and public prosecutors.

3rd proposal:

The prosecution service shall form part of the judiciary.

The guarantees granted to the judiciary shall apply to judges and public prosecutors.
Public prosecutors shall apply the law.

In addition, they shall comply with any written, legal instructions issued by the authority to which they are attached.

Administrative judiciary

5.31.
The administrative judiciary shall be competent to rule on any abuse of power by the administration and on any disputes of an administrative nature.

The administrative judiciary shall act in an advisory capacity in accordance with the law.

5.32.
An organic law shall stipulate the rules governing the organisation and competence of the administrative judiciary, and the conditions of office of its judges.

The financial judiciary/The Financial Court/Auditor-General's Department

5.33.
The Financial Court shall supervise the management of public funds and punish any failures related thereto.

It shall assist the legislature and the executive in supervising the enforcement of finance laws and taking budgetary decisions[2].

5.34.
The Court shall draw up an annual general report and specific reports which it shall submit to parliament and to the President of the Republic. These reports shall be published.

5.35.
An organic law shall stipulate the rules governing organisation, competence and procedures relating to the Court, and the conditions of office of its judges.

VI. Local authority
VII.

6.1.
Local administrative organisation shall be based on the principles of decentralisation within the framework of unity of the state.

[2] Taking budgetary decisions or closing accounts.

Decentralisation shall be achieved through local authorities comprising municipalities, regions and districts[3] which shall cover the entire territory of the Republic in accordance with a system of division specified by law.

Other types of local authorities may be established by law.

6.2.
Local authorities shall have legal personality and shall enjoy financial and administrative independence. They shall manage local affairs in accordance with the principle of self-government.

6.3.
Local authorities shall be managed by councils elected by universal, free, secret and direct suffrage.

District[4] councils shall be elected by the members of local and regional councils.

Local authorities shall operate by means of deliberative and executive structures organised by law.

6.4.
Local authorities shall have their own powers, powers to be exercised jointly with the state and powers which are transferred to them by the state.

Joint powers and transferred powers shall be allocated in accordance with the principle of subsidiarity and by means of blocks of powers.

6.5.
Local authorities shall have regulatory authority within the sphere of their competence.

6.6.
Local authorities shall have own resources and resources which are transferred to them by the state. The financial arrangements governing local authorities and their sources of financing shall be determined by law.

Any powers newly created or transferred from the state to local authorities shall be accompanied by a transfer of appropriate resources.

6.7.
In accordance with the principle of solidarity between regions and with a view to reducing economic and social disparities, and ensuring balanced, sustainable development, the state shall undertake to provide additional resources in support of local authorities according to the procedures relating to financial equalisation, adjustment and matching.

The state shall strive to achieve a balance[5] between local income and local expenditure.

6.8.
Local authorities shall have the freedom to dispose of their resources according to the rules of good governance and under the supervision of the financial judiciary.

6.9.
Local authorities shall have recourse to dialogue, consultation and partnership mechanisms in order to ensure the widest possible participation by citizens and civil society in the framing of development

[3] Districts or provinces.
[4] District or provincial.
[5] Balance or match.

and spatial planning programmes, in monitoring their implementation and in their evaluation, in accordance with the law.

6.10.
Local authorities may co-operate and enter into partnerships with one another, with a view to carrying out programmes or projects of mutual interest.

Local authorities may also join international and regional federations, and establish partnerships and co-operation on a decentralised basis.

The law shall determine the forms of co-operation and partnership between authorities.

6.11.
Local authorities shall be subject, with regard to the legality of their activities, to a posteriori supervisory review and to judicial review.

6.12.
There shall be established a High Council of Local Authorities competent to rule on cases relating to sustainable development and balance between regions, and to give opinions on projects relating to planning, budgeting and local finances.

The chair of the High Council of Local Authorities or his representative may attend proceedings of the parliamentary Assembly and communicate with it.

The composition and tasks of the High Council of Local Authorities shall be stipulated by law.

6.13.
The administrative judiciary shall rule on disputes of jurisdiction between local authorities and central authorities and on any disputes which may arise between local authorities.

VIII. Constitutional authorities

The High Authority for Elections

7.1.
There shall be established an independent authority responsible for managing, organising and supervising national, regional and local elections and referendums during the various stages thereof. The authority shall ensure that the electoral process is sound, fair and transparent.

7.2.
The authority shall consist of nine independent, impartial and competent members, elected by the legislature for a six-year term, with one third of its membership to be renewed every two years.

7.3.1.
The authority shall have legal personality and shall enjoy financial and administrative independence. It shall be accountable to the legislature.

7.3.2.
The composition of the authority and the manner in which it is elected and organised shall be determined by an organic law.

Independent Media Authority

7.4.
An independent public authority shall be responsible for organising, regulating and developing the media sector. It shall ensure freedom of expression and information, the right to access information and the creation of a pluralist and fair media landscape.

7.5.
The authority shall consist of nine independent, impartial, competent, experienced and honest members. These members shall be elected by the legislature for a non-renewable five-year term.

7.6.
The authority shall have legal personality and shall enjoy financial and administrative autonomy. Its composition, organisational structure and operational arrangements shall be stipulated by an organic law.

Authority for Sustainable Development and the Rights of Future Generations

7.7.
The authority shall examine the general policies of the state in the economic, social and environmental spheres in order to ensure sustainable development such as to safeguard the rights of future generations.

7.8.
It shall be mandatory to consult the authority on draft laws related to matters within its competence and on development plans. The opinions of the authority, and the reasons for any refusal by lawmakers to comply therewith, shall be published in the official gazette of the Tunisian Republic.

7.9.
The authority shall have legal personality and shall enjoy financial and administrative independence. Its composition and operational arrangements shall be stipulated by an organic law.

National Authority for Human Rights

7.10.

7.10.1.
The authority shall ensure the observance and promotion of human rights and fundamental freedoms. It shall prepare reports and propose amendments to laws relating to human rights.

7.10.2.
The authority shall investigate cases of violations of human rights with a view to settling them or referring them to the competent authorities.

7.11.
The authority shall consist of independent, impartial individuals elected by the legislature for a non-renewable six-year term.

7.12.
The authority shall have legal personality and shall enjoy financial and administrative independence. Its composition and operational arrangements shall be stipulated by an organic law.

National Authority for Good Governance and Action against Corruption

7.13.

7.13.1.
The authority shall participate in the development of policies for good governance, action against corruption and ensuring transparency. It shall monitor the implementation of such policies and foster the appropriate culture.

7.13.2.
The authority shall be responsible for detecting cases of corruption in the public and private sectors, investigating such cases and referring them to the competent authorities.

7.13.3.
The authority shall give its opinion on draft laws and regulations related to corruption.

7.14.
The authority shall consist of fair, independent and competent individuals elected by the legislature for a six-year term, to be renewed on a partial basis.

7.15.
The authority shall have legal personality and shall enjoy financial and administrative independence. Its composition and operational arrangements shall be stipulated by an organic law.

IX. Amendment of the Constitution

8.1.
The right to initiate an amendment of the Constitution shall be vested in the President of the Republic and in one third of the members of the People's Assembly.

8.2.
Any proposal to amend the Constitution shall be submitted to the Constitutional Court in order to ensure that it does not encroach on areas the amendment of which is prohibited by the Constitution. It shall also be submitted to the People's Assembly for approval of the principle of the amendment by an absolute majority.

8.3.
The Constitution may be amended only by a majority of two thirds of the members of the People's Assembly, and by an absolute majority when the amendment is put to a public referendum.

X. Final provisions

9.1.
The preamble to the present Constitution shall form an integral part thereof. It shall have the same force as the other provisions of the Constitution.

9.2.
The present Constitution may not be amended during the five years following its entry into force.

9.3.
No constitutional amendment may be prejudicial:

- to Islam as the state religion,
- to the Arab language as the official language,
- to the republican form of government,

- to the civil nature of the state,
- to the achievements in terms of human rights and freedoms guaranteed under the Constitution,
- to the number and duration of presidential terms, which may not be increased.

God is the guarantor of success