

Draft of the Constitution of the Republic of Tunisia

14 August 2012

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ROUGH DRAFT CONSTITUTION

In the Name of God, the Merciful, the Compassionate

Brothers and sisters, members of the National Constituent Assembly, may the peace and blessings of Allah be upon you,

The text before you is not the new draft constitution of Tunisia; rather, it is a phase prior to that. The present text is the culmination of work performed by the six constituent committees between 13 February 2012 and 10 August 2012. Despite reservations about some of the provisions, the text provides outcomes in their raw form, to which no amendments or coordination has been applied by the Joint Commission for Coordination and Drafting. Some of the committees are expected to introduce possible improvements to these outcomes during the week starting 3 September and ending 8 September, 2012. The Joint Commission for Coordination and Drafting will then take a quick preliminary look into the text prior to bringing each point to discussion at the plenary session. In light of the observations made during the session or brought directly to the Joint Commission within the framework of the national campaign for raising awareness of the contents of the Constitution, the Commission will then take a second look into the text. The final drafting and contents of the text will be settled by the plenary session. The session will vote on each chapter and finally on the Constitution as a whole.

Brothers and sisters, we have found it necessary to bring to your attention this clarification so as to avoid any ambiguity with respect to the preliminary outcome.

Habib Khedher
Normal Rapporteur of the Constitution

Preamble

In the Name of Allah, the Merciful, the Compassionate

We, the representatives of the Tunisian people, members of the National Constituent Assembly, electees of the revolution of dignity, freedom and justice:

Taking pride in the struggles of our people; in response to the objectives of the revolution that has crowned a battle for liberalization from colonization and tyranny and that has achieved victory for the free will of the people; out of loyalty towards the martyrs and the sacrifices made by generation after generation; with a view to putting an end to injustice, corruption and oppression,

Building on the fundamentals of Islam and its open and moderate objectives and on the sublime human values; inspired by the civilization of the Tunisian people over the various epochs of history; emanating from its reformist movement based on its Islamic-Arab identity and on universal civilizational accomplishments; adhering to the national accomplishments achieved,

With a view to building a participatory, democratic, republican regime for a civil state that is based on institutions, where power belongs in the hands of the people on the basis of the peaceful alteration of rule and the principle of separation and balance of powers; where the right to govern is based on plurality, administrative impartiality and good governance; where free elections are the basis of the political race; where the system of rule is governed by respect for human rights and freedoms, sovereignty of the law, independency of the judiciary; where justice and equality in rights and obligations prevail between all citizens, male and female alike, and between all segments of the society and its authorities,

Recognizing the dignified status of mankind; in line with the cultural and civilizational affiliation to the *ummah* on the basis of national unity based on statehood, brotherhood and social solidarity; with a view to attaining a Maghreb unity as a step towards achieving an Arab unity, to integrating fully with the Muslim and African peoples and to cooperating with the peoples of the world; achieving victory for the oppressed; recognizing the people's right to self-determination; recognizing all rightful movements for liberation, especially the rightful movement for liberation, with special emphasis on the Palestinian Liberation Movement,

Supporting the will of the people to be a maker of history; seeking leadership; opting to contribute to civilization by caring for the environment in such a manner that guarantees a safe life and better tomorrow for future generations; on the basis of peace, human solidarity and independency of the national decree,

We, in the name of the people, draft the following Constitution.

Draft of the Constitution of the Republic of Tunisia

14 August 2012

Chapter 1 – General Provisions

Article 1.1 Nature of the Tunisian state¹

Tunisia is a free, independent and sovereign state. Its religion is Islam, its language is Arabic and its form of government is a Republic.

Article 1.2 Flag, anthem and motto

1.2.1

The flag of Tunisia, in accordance with the provisions governed by law, is red centered with a white circle containing a red crescent surrounding a five-pointed red star.

1.2.2

The national anthem of Tunisia, in accordance with the provisions governed by law, is *Himat Al-Hima* (Defenders of the Homeland).

1.2.3

The motto of the nation is: Freedom, Dignity, Justice, Order.

Article 1.3 Democracy

All powers shall be vested in the people of Tunisia. The powers shall be exercised via representatives elected by the people by means of free elections and of referenda.

Article 1.4 Patron of religion

The state shall be the patron of religion, the guarantor of freedom of belief and practice of religious rites, the protector of religious sanctuaries and the assurer of the neutrality of houses of worship from partisan propaganda.

Article 1.5 Sanctity of human being

The human being is an honorable creature whose physical and moral sanctity shall not be violated.

¹ Titles for each article have been included by International IDEA along with this translation solely for ease of reference. The article titles are not to be attributed to the authors of the draft constitution or used to inform interpretation. Chapter and section titles were translated from the original draft constitution.

Article 1.6 Equality

All citizens shall have equal rights and obligations and shall be equal before the law.

Article 1.7 Citizen rights

The state shall, to all citizens, guarantee individual and normal rights and shall furnish means to the good livelihood thereof. The state shall not revoke the nationality of, extradite, expatriate and/or deny repatriation of any citizen.

Article 1.8 Guaranteed rights and freedoms

Freedom of thought, expression, media and publication as well as freedom of assembly and demonstration shall be deemed guaranteed rights and freedoms.

Article 1.9 Freedom of association

The organization of parties, syndicates and associations as well as the exercise of political opposition shall be deemed guaranteed rights.

Article 1.10 Rights of women and family

The state shall protect the rights of women as well as protect family structures and maintain the coherence thereof.

Article 1.11 Rights for persons with special needs

The state shall guarantee the rights of social groups of special needs.

Article 1.12 Army

The national army is a republican institution that shall defend the nation and the independence, unity and land thereof. The army shall contribute to all efforts exerted in the areas of relief and development and shall support the civil authorities in accordance with the provisions stipulated under the Emergency Law.

Article 1.13 Citizen duties

Citizens shall maintain the unity of the nation, defend the sanctity thereof, comply with the law and pay all due taxes.

Article 1.14 National service

The National Service shall be obligatory upon citizens in accordance with the provisions and terms of the law.

Article 1.15 Decentralization

Decentralization shall, on the regional and local levels, be the basis of administrative organization while maintaining the unity of the state.

Article 1.16 Normal Administration for Citizens and Public Interest

The Normal Administration for Citizens and Public Interest shall be organized and shall work in accordance with the principle of impartiality and the rules of transparency, integrity and efficacy.

Article 1.17 International relations and law

Peace, based on justice, shall be the basis of relations with other countries and peoples. International treaties shall, where no contradiction with the provisions of the present Constitution exists, be respected.

Chapter 2 – Rights and Obligations

Article 2.1 Right to life

The right to life is sacred and shall not be prejudiced unless provided for by the law.

Article 2.2 Prohibition on torture

The state shall guarantee the physical and moral sanctity of the human self and shall prevent all forms of physical and/or moral torture.

No crime of torture shall be subject to the statute of limitations and no person having ordered or perpetrated such crime shall be exempt from the responsibility.

Article 2.3 Freedom of religion

The state shall guarantee the freedom of belief and the exercise of religious rites. The state shall also incriminate all acts of violation against any religious sanctuaries.

Article 2.4 Right to private life and freedom of movement

The state shall guarantee the right to live a private life, exchange confidential correspondences, enjoy the sanctity of domiciles, protect personal data and choose a place of residence. The state shall also guarantee the freedom of movement within the nation or outside such as well as the right to leave the country or return thereto. Such freedoms may not be restricted unless under extreme circumstances provided for by law and backed with a judicial order.

Article 2.5 Nationality

No Tunisian citizen may be denied the nationality thereof.

Article 2.6 Right to litigation

The law shall guarantee the right to litigation based on two levels before a just, independent and impartial judiciary.

Article 2.7 No punishment except by law

Punishments shall be personal and shall not be executed unless by virtue of a legal provision issued prior to the occurrence of the punishable act, except in the case of a more favorable provision.

Article 2.8 Presumption of innocence and right to fair trial

A defendant shall be presumed innocent until proven guilty by virtue of a fair and public trial that offers the accused all the guarantees of defense during all the phases of trial.

Article 2.9 Detention

No person may be arrested unless in *flagrante delicto* or by virtue of a judicial order. The person placed under arrest shall immediately be read the rights thereof and shall be informed of the relevant charges. The person may request the services of a lawyer. The term of arrest shall be defined by law.

Article 2.10 Punishment

Freedom-depriving punishments shall not be grounds for treating detainees in an undignified manner or for depriving such from the other human rights entitled thereto. In execution of a punishment, the state shall take into consideration the interests of the relevant family and the unity thereof. The state shall guarantee the rehabilitation of the detainee and the containment thereof into society.

Article 2.11 Freedom of association

The establishment of parties, syndicates and associations shall be free.

Article 2.12 Governance of parties, syndicates and associations

The statutes and activities of parties, syndicates and associations shall be governed by the following:

- Provisions of the Constitution and the fundamental principles thereof.
- Sovereignty of the state, unity of the nation and principles of democracy.
- Financial transparency and rejection of violence.

Article 2.13 Freedom of assembly

The right to peaceful assembly and demonstration shall be guaranteed.

Article 2.14 Right to work

Every citizen is entitled to work. The state shall exert all effort to ensure the availability of work in a sound and fair environment.

Article 2.15 Right to establish syndicates and strike

The right to establish syndicates, as well as the right to stage strikes, shall be guaranteed provided the life, health and safety of individuals is not in jeopardy.

Article 2.16 Right to access information

Each person shall have the right to access information without prejudice to national security and/or the rights stipulated under the present Constitution.

Article 2.17 Right to education

The state shall guarantee the right of all persons to all stages of education, free of charge.

Education shall, until the age of no less than sixteen years, be compulsory.

Article 2.18 Academic freedoms

Academic freedoms and freedom of scientific research shall be guaranteed.

The state shall furnish all means necessary for the advancement of academic work and scientific research.

Article 2.19 Right to health

Health shall be a fundamental right to all persons.

- Prevention from diseases, availability of health care and social coverage shall, by the state, be guaranteed to all citizens without discrimination.
- Free health treatment shall, by the state, be guaranteed to underprivileged persons.

Article 2.20 Right to environment and development

Each person shall have the right to live in a peaceful and balanced environment and shall be entitled to sustained development.

Article 2.21 Rights of families

The state shall guarantee the rights of families being a natural and fundamental component of society.

- The state shall seek to care for families and the stability thereof and shall enable families to undertake the role thereof in an environment of equality between spouses.
- The state shall seek to furnish favorable circumstances for marriage, shall guarantee a suitable place of residence for each family and shall provide a minimum level of income to maintain the dignity of family members.

Article 2.22 Equality between citizens

Citizens shall, before the law, be equal in rights and obligations without any discrimination of any form.

Article 2.23 State impartiality

The state shall guarantee the impartiality of public administrations, institutions and facilities as well as houses of worship. Such institutions may not be used in any propaganda and/or any partisan or political employment.

Article 2.24 Citizen obligations to the nation

All citizens shall defend the nation and protect the sanctity, independence, unity, sovereignty and integrity thereof.

- The National Service shall be compulsory on all citizens in accordance with the texts and provisions stipulated by law.

Article 2.25 Taxes

All persons shall pay taxes and contribute to public expenditures based on a fair and just tax system.

- The state shall develop mechanisms suitable for the extraction of public funds and for the optimal use of such funds as well as mechanisms to fight against corruption and tax evasion.

Article 2.26 Freedom of expression

- Freedoms of opinion, expression, media and creativity shall be guaranteed.
- Freedom of the media and of publication may not be restricted unless by virtue of a law protecting the rights, reputation, safety and health of others.
- Such freedoms shall, under no circumstance, be subject to prior censorship.
- The state shall encourage the acts of artistic and literary creativity in such manner serving the national culture and the openness thereof upon the universal culture.

- Intellectual property rights shall be guaranteed.

Article 2.27 Zionism

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

Article 2.28 Women's rights

The state shall guarantee the protection of the rights of women and shall support the gains thereof as true partners to men in the building of the nation and as having a roll complementary thereto within the family.

- The state shall guarantee the provision of equal opportunities between men and women in the bearing of various responsibilities.
- The state shall guarantee the elimination of all forms of violence against women.

Article 2.29 Right to ownership

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

Article 2.30 Persons with special needs

The state shall protect persons with special needs against any form of discrimination.

- All persons with special needs are, in accordance with the nature of the disability thereof, entitled to benefit from all measures guaranteeing the full integration thereof into society. The state shall undertake all procedures necessary to achieve equality between persons with special needs and other citizens.

Article 2.31 Children's rights

Children are entitled to dignity, care, rearing, education and health from the parents thereof.

The state shall provide legal, social, physical and moral protection for all children.

Article 2.32 Right to culture

The state shall, to all citizens, guarantee the cultural right thereof.

- The state shall encourage the creation and utilization of cultural creativity in such manner fostering the variation and renovation of the cultural identity and entrenching the values of tolerance, non-violence, openness towards various cultures and dialogue between civilizations.
- The state shall protect the cultural heritage and guarantee the right of future generations thereto.

Article 2.33 Physical activity, entertainment and tourism

The state shall seek to make available the facilities necessary for the exercise of athletic and physical activities as well as furnish various means of entertainment and tourism.

ROUGH DRAFT CONSTITUTION

Chapter 3 – Legislative Power

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p>Article 20 Legislative body and referenda</p> <p>The legislative power shall be vested in the people through the representatives thereof in the Chamber of Deputies or by means of referenda.</p>			
<p>Article 21 Members</p> <p>Members of the Chamber of Deputies shall be elected under a system of normal, free, direct and secret elections in accordance with the terms stipulated under the Elections Law.</p>			
<p>Article 22 Eligibility to vote</p> <p>Any Tunisian citizen no younger than eighteen years of age and meeting the terms stipulated under the Elections Law shall be deemed eligible to vote.</p>			
<p>Article 23 Eligibility for candidacy</p> <p>Any person born to Tunisian parents, no younger than twenty three years of age on the day of nomination and</p>			

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p>not in any way denied the right to run for elections is entitled to run for membership of the Chamber of Deputies.</p>			
<p>Article 24 Elections Elections of the Chamber of Deputies shall, for a five-year period, be held during the last sixty days of the term of mandate thereof.</p> <p>In the event of failure to hold the elections as a result of war or imminent danger, the mandates of the Chamber shall, by a law, be extended.</p>			
<p>Article 25 Legislative seat</p> <p>The headquarters of the Chamber of Deputies shall be located in Tunis and the suburbs thereof. In the event of exceptional circumstances, the Chamber may hold the sessions thereof in any other place on Tunisian land.</p>			
<p>Article 26 Oath</p> <p>All members of the Chamber of Deputies shall, prior to assuming the functions thereof, swear in the following oath: <i>"I do solemnly swear that I will work diligently to serve the nation, that I will abide by the provisions of the</i></p>	<p>Article 26</p>	<p>Article 26</p>	

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p><i>Constitution and that I will bear full allegiance to Tunisia”.</i></p>			
<p>Article 27 Nature of representation</p> <p>Each member of the Chamber of Deputies shall be deemed a representative of all people of the nation.</p> <p>The state shall, for each member of the Chamber, furnish the human and physical resources necessary for the member to carry out the functions thereof adequately.</p>			
<p>Article 28 Independency</p> <p>The Chamber of Deputies shall, within the framework of the Normal State Budget, enjoy independency on the administrative and financial levels.</p>			
<p>Article 29 Legislative immunities</p> <p>No member of the Chamber of Deputies may be prosecuted on the civil or criminal levels, arrested or tried for opinions or proposals suggested and/or for the work performed thereby during the performance of the functions thereof.</p>			

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p>Article 30 Legislative immunities</p> <p>No member of the Chamber of Deputies may, during the term of office thereof, be prosecuted or arrested for any crime or misdemeanor unless the member no longer enjoys immunity.</p> <p>In the event of <i>flagrante delicto</i>, the member may be arrested and the Chamber of Deputies shall be notified promptly on the proviso that the member be released if the Chamber so requests. During the recess of the Chamber of Deputies, the relevant bureau shall undertake the mandates thereof.</p>			
<p>Article 31 Procedure for introduction of draft laws</p>	<p>Article 31</p> <p>Organic and normal draft laws shall be presented by no less than ten members of the Chamber of Deputies or by the government. The government shall have jurisdiction over the presentation of draft laws related to the ratification of treaties and of the Finance Act ratified by the Chamber by no later than 31 December of every year. In the event of failure to ratify the Finance Act by the due date, the Prime Minister shall enter the provisions thereof into force in installments renewable on a quarterly basis.</p>	<p>Article 31</p> <p>The President of the Republic, as well as no less than five percent (5%) of the members of the Chamber of Deputies, may be entitled to initiate draft laws and submit such to the Chamber.</p> <p>Any draft law submitted by the President shall have priority.</p> <p>The present rules shall apply to all amendments introduced to draft laws.</p>	

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
	<p>The bureau of the Chamber of Deputies shall define the priority of cognizance over draft laws.</p> <p>The members of the Chamber shall exercise the full powers thereof in the introduction of amendments to the draft laws without prejudice to the financial budgets of the state set under the Finance Act.</p> <p>One-tenth of the electorates registered on the election rosters may, to the Chamber of Deputies, present a draft law divided into chapters.</p> <p>One-sixth of the electorates registered on the election rosters may present a draft law divided into chapters and request that such be proposed for referendum.</p> <p>The draft law shall be presented to the Chair of the Chamber of Deputies who shall in turn present such to the Constitutional Court.</p> <p>If the Constitutional Court approves the draft law, the Chair of the Chamber of Deputies shall, as the case may be, submit the law to the Chamber or refer the law to the President of the Republic with a view to calling for a referendum.</p>		

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
	<p>The Chamber of Deputies may not introduce any amendment to the draft law. The law shall be voted on in accordance with the majority of votes required to be cast for the subject matter thereof. The draft law shall have an absolute priority of cognizance over other draft laws presented by the government or members of the Chamber of Deputies.</p> <p>If the Constitutional Court establishes the unconstitutionality of the draft law, the Chair of the Chamber of Deputies shall return the law to the proposing entity. No amended version of the draft law may be resubmitted unless the necessary number of signatures is once again established.</p> <p>Normal laws shall not be subject to deliberation during the normal session of the Chamber of Deputies unless upon the elapse of a fifteen-day period as of the date of being studied by the competent parliamentary committee.</p> <p>Such period shall be extended to twenty days with respect to organic laws.</p>		
Article 32 Ratification of	Article 32	Article 32	

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p>presidential decrees</p>	<p>The Chamber of Deputies may, for a specific period of time and for a specific purpose, authorize the Prime Minister to issue decrees intervening in the field of law and submit such for ratification by the Chamber upon the elapse of the specified period of time.</p> <p>Ten members of the Chamber of Deputies may submit the matter to the Constitutional Court if found that the period of time or the purpose prejudice the principle of separation of powers.</p>	<p>The Chamber of Deputies may, for a specific period of time and for a specific purpose, authorize the President of the Republic to issue decrees intervening in the field of law, <i>with the exception of in Section I of the Constitution</i>, and submit such for ratification by the Chamber upon the elapse of the specified period of time.</p> <p>Ten members of the Chamber of Deputies may submit the matter to the Constitutional Court if found that the period of time or the purpose prejudice the principle of separation of powers.</p>	
<p>Article 33 Ratification of organic laws</p> <p>The Chamber of Deputies shall, by an absolute majority of the members thereof, ratify organic laws and shall, by an absolute majority of the attending members, ratify normal laws on the proviso that such majority is no less than one-third of the members of the Chamber.</p> <p>No draft organic law shall be presented to the Chamber of Deputies for deliberation unless upon the elapse of a fifteen-day period as of the date of referral to the</p>			

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
competent parliamentary committee.			
<p>Article 34 Ratification of budget laws</p>	<p>Article 34</p> <p>The Chamber of Deputies shall ratify the draft laws of the budget in accordance with the terms stipulated under the organic Budget Law.</p> <p>The ratification process of the budget shall occur by no later than 31 December. If the due date elapses and the Chamber has not come to a resolution, the draft laws of the budget may, by virtue of an order, be enforced in installments renewable on a quarterly basis.</p>	<p>Article 34</p> <p>The Chamber of Deputies shall ratify the draft laws of the budget in accordance with the terms stipulated under the organic Budget Law.</p> <p>The ratification process of the budget shall occur by no later than 31 December. If the due date elapses and the Chamber has not come to a resolution, the draft laws of the budget may, by virtue of a presidential decree, be enforced in installments renewable on a quarterly basis.</p>	
<p>Article 35 Sessions and recess</p> <p>The Chamber of Deputies shall, each year, hold an ordinary session starting as of the month of October and ending during the month of July, provided that the first session of the mandate of the Chamber starts during the fifteen-day period following the announcement of the final results of the elections.</p> <p>In the event that the beginning of the first session of the mandate of the Chamber of Deputies coincides with the recess thereof, a session shall, for</p>			

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p>a fifteen-day period, be open.</p> <p>The Chamber of Deputies shall, during the period of recess thereof, hold an extraordinary session upon the request of the President of the Republic, the Prime Minister or one-third of the members with a view to looking into a specific agenda.</p>			
<p>Article 36 Voting, Chair and committees</p> <p>The process of voting in the Chamber of Deputies shall be done in person and may not be delegated.</p> <p>The Chamber of Deputies shall, from amongst the members thereof, elect a Chair as well as elect standing committees to work uninterruptedly even during the period of recess of the Chamber.</p> <p>The Chamber may establish special fact-finding committees independent from all authorities that should help such in undertaking the tasks thereof.</p>			
<p>Article 37 Law making during recess or dissolution</p>	<p>Article 37</p> <p>In the event of the dissolution of the Chamber of Deputies or the impossibility of holding the sessions thereof, the President of the</p>	<p>Article 37</p> <p>The President of the Republic may, during the period of recess of the Chamber of Deputies, issue decrees to be submitted for ratification by</p>	

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
	<p>Republic may issue decrees to be submitted for ratification by the Chamber during the subsequent ordinary session thereof.</p>	<p>the Chamber during the subsequent ordinary session thereof.</p> <p>The President of the Republic may also issue decrees in the event of the dissolution of the Chamber or the impossibility of holding the sessions thereof.</p>	

ROUGH DRAFT CONSTITUTION

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p>Article 38 Treaties</p> <p>The President of the Republic shall ratify all treaties and may permit the publication thereof.</p> <p>Treaties related to the borders of the country, to international organization and to the financial obligations of the country as well as treaties containing provisions of legislative nature or related to the status of individuals may not be ratified unless approved by the Chamber of Deputies.</p> <p>Treaties shall not be deemed enforced unless upon the ratification thereof.</p> <p>Treaties ratified by the President of the Republic and approved by the Chamber of Deputies shall be deemed more powerful than laws.</p> <p>The Constitutional Court shall ensure that treaties are in conformity with the Constitution and that laws are in conformity with treaties.</p>			
<p>Article 39 Sealing</p> <p>The Chair of the Chamber of Deputies shall notify the President of the Republic of any draft law ratified by the Chamber and shall refer the law</p>			

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
to the President for sealing. The text of the ratified draft law as well as any pertinent documents shall be attached to the notification sent to the President.			

ROUGH DRAFT CONSTITUTION

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p>Article 40 Normal and organic laws</p> <p>The Chamber of Deputies shall, with the majority of attending members, vote on normal draft laws and on the statute of the Chamber on the proviso that the majority of votes is no less than one-third of the members. The Chamber of Deputies shall, with the majority of members, also vote on organic draft laws.</p> <p>Provisions related to the following aspects shall be deemed organic laws:</p> <ul style="list-style-type: none"> - Ratification of treaties, with the exception of treaties entrusted to the President of the Republic. - Organization of justice and the judiciary. - Organization of the media, press and publication. - Organization and funding of parties, associations, organizations and professional bodies. - Organization of the national army, with the exception of any special, fundamental organizational matter issued by virtue of a presidential decree. - Organization of the internal security forces, with the exception of any special, 			

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p>fundamental organizational matter issued by virtue of an order.</p> <ul style="list-style-type: none"> - Election systems. - Freedoms, human rights, the right to employment and the right to form syndicates. - Personal affairs. - Fundamental duties of citizens. - The local government. <p>Provisions related to the following aspects shall be deemed normal laws:</p> <ul style="list-style-type: none"> - Application of the Constitution. - Classification of public institutions and enterprises. - Nationality and obligations. - Procedures taken before various types of courts. - Containment of felonies and misdemeanors and the punishments applicable thereto. In addition to criminal offenses if necessitating a freedom-depriving punishment. - Legislative amnesty. - Regulation of the payment basis, the percentage and the procedures for extraction thereof, unless authority to such end is given to the Prime Minister by virtue of financial 			

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p>or collection laws.</p> <ul style="list-style-type: none"> - The system of issuance of the currency. - Loans and financial obligations of the state. - Basic guarantees given to civil and military employees. - Organization of the ratification of international treaties. <p>The law shall specify the fundamental principles of the following:</p> <ul style="list-style-type: none"> - The system of ownership and in kind rights. - Education, scientific research and culture. - Public health, the environment, land and urban planning and energy. - The Labor Law and social security. 			

ROUGH DRAFT CONSTITUTION

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p>Article 41 General dispositional power</p>			<p>Article 41</p> <p>Articles not included in the area of law shall be governed by the general dispositional power. Provisions pertinent to such articles may be revised by virtue of an order based on the opinion of the Constitutional Court.</p> <p>The Prime Minister may take exception to the approval of any draft law or any amendment constituting an intervention in the general dispositional power.</p> <p>The President of the Republic shall present the matter to the Constitutional Court for settlement in a period no longer than ten days as of the date of having been notified thereof.</p>
<p>Article 42 Resources and expenditures</p> <p>The law shall, in accordance with the terms stipulated under the organic Budget Law, grant authorities the resources and expenditures of the state.</p>			

**Chapter 4 – Executive Power
President of the Republic**

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p>Article 45 Election and term</p>	<p>Article 45</p> <p>The election of the President of the Republic shall, in one round, be by a two-third majority of the members of the Chamber of Deputies. In the event of failure to do so in one round, the elections shall, between the two candidates having won the highest number of votes, be held, taking into consideration any withdrawals if necessary.</p> <p>Election of the President of the Republic shall be within a fifteen-day period as of the date of the commencement of the parliamentary term.</p> <p>The President of the Republic shall be elected for a five-year term subject to renewal no more than one time.</p>	<p>Article 45</p> <p>The President of the Republic shall, by the people directly and for a five-year period renewable only once during the last sixty-day period of the term of presidency thereof, be elected by means of general, free, direct and secret elections. The election process shall be by an absolute majority of valid votes. In the event of failure to do so during the first round, a second round shall be organized on the second Sunday following the ballot day. No candidates other than the two having won the highest number of votes during the first round may, in accordance with the terms stipulated under the Elections Law, run for elections.</p> <p>In the event of failure to hold the elections on the set date as a result of the prevalence of a state of war or the existence of imminent danger, the term of presidency shall, by virtue of a law ratified by the Chamber of Deputies, be extended until the time at which the elections can be held.</p> <p>Limitation of the term of presidency</p>	

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
		to two terms shall not be subject to any constitutional amendment.	
Article 46 Candidacy requirements	<p>Article 46</p> <p>Any person running for Presidency of the Republic shall bear no nationality other than the Tunisian and shall be a Muslim, born to a Tunisian mother and father and of age no less than forty years.</p> <p>The runner shall also be recommended by at least ten members of the Chamber of Deputies. No member may recommend more than one candidate.</p>	<p>Article 46</p> <p>Running for Presidency of the Republic shall be a right entitled to all persons who bear the Tunisian nationality by birth and who embrace Islam.</p> <p>The candidate shall, on the day of submission of candidacy, be no less than forty years of age and no more than seventy five and shall be enjoying all civil and political rights.</p> <p>The candidate shall be presented by a number of members of the Chamber of Deputies and heads of municipal councils elected in accordance with the terms specified by the Elections Law.</p> <p>Candidacies shall be recorded in a special record at the Supreme Independent Electoral Authority.</p>	<p>Article 46</p> <p>Running for Presidency of the Republic shall be a right entitled to all Tunisians.</p> <p>A Fourth Opinion within the Framework of Chapter 46 Running for Presidency of the Republic shall be a right entitled to all persons who bear only the Tunisian nationality and no other.</p> <p>A Fifth Opinion Running for Presidency of the Republic shall be a right entitled to all Muslim Tunisians born to a Tunisian mother, father and paternal and maternal grandfather, without discontinuance.</p>
Article 47 Role and immunity			
The President of the Republic shall be the Head of State and shall represent the unity, secure the independence and continuity and respect the Constitution, treaties and human rights thereof.			

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p>The President of the Republic shall, when exercising the mandates thereof, enjoy judicial immunity. Upon termination of the mandates, the President shall continue to benefit from the judicial immunity with respect to all actions performed in the course of carrying out the mandates thereof.</p> <p>The President of the Republic may not combine between the post thereof and any other party leadership responsibility.</p>			

ROUGH DRAFT CONSTITUTION

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p>Article 48 Oath</p> <p>The elected President of the Republic shall, before the Chamber of Deputies, swear in the following oath: “I do solemnly swear to maintain the independence of the nation and the safety of its territories, to respect its Constitution and legislation and to safeguard fully its interests”.</p>			
<p>Article 49 Seat</p> <p>The official seat of the Presidency of the Republic shall be Tunis and the suburbs thereof. In the event of exceptional circumstances, the headquarters may be transferred to any other location on Tunisian land.</p>			
<p>Article 50 Duties</p>	<p>Article 50</p> <p>The President of the Republic shall have the following mandates:</p> <ul style="list-style-type: none"> - Seal laws, including, inter alia, laws on the ratification of treaties as well as authorize the publication thereof in the Official Gazette of the Republic of Tunisia. - Submit for a referendum draft laws on the ratification of international treaties necessitating the amendment of the Constitution for ratification. 	<p>Article 50</p> <p>The President of the Republic shall have the following terms of reference:</p> <ul style="list-style-type: none"> - Represent the country. - Appoint the Grand <i>Mufti</i> of Tunisia. - Be the Commander-in-Chief of the armed forces and internal security forces. - Declare war and establish peace, upon the approval of a majority of three-fifths of the members of the Chamber of 	

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
	<ul style="list-style-type: none"> - Head the Supreme Council of Security and Defense as the Commander-in-Chief of the armed forces. - Appoint individuals to higher military posts, upon the recommendation of the Prime Minister. - Appoint individuals to posts affiliated to the Presidency of the Republic. - Declare war, establish peace, and, upon the approval of a majority of two-thirds of the Chamber of Deputies, exercise the right to grant special pardons. - Name the Prime Minister and the members of the Council of Ministers, each to the post thereof, upon being designated the vote of confidence of the Chamber of Deputies. - Adopt, upon the proposal of the government, foreign diplomatic representatives and approve the adoption of representatives of foreign countries in Tunisia. 	<ul style="list-style-type: none"> Deputies as well as send troops abroad, upon the approval of the Chair of the Chamber of Deputies and the Prime Minister provided that the Chamber convene with a view to making a decision on the matter within a period of no more than sixty days. - Declare the state of emergency. - Direct the defense and security policies of the state as well as chair the Supreme Council of Security and Defense. - Appoint and exempt individuals with respect to senior military security positions and public institutions affiliated to the Ministry of Defense, after taking the opinion of the competent parliamentary committee. - Specify higher posts by virtue of a law. - Appoint the Head of the Intelligence Agency, upon the agreement of the majority of the members of the competent parliamentary committee. - Appoint individuals in the senior positions of the Presidency of the Republic and the institutions affiliated thereto. - Dissolve the Chamber of Deputies as per the conditions stipulated under the Constitution. 	

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
		- Award decorations.	
Article 51 Additional duties relating to international relations	<p>Article 51</p> <p>The President of the Republic shall have the following mandates:</p> <ul style="list-style-type: none"> - Represent the country. - Be the Commander-in- Chief of the armed forces. - Appoint individuals to positions affiliated to the Presidency of the Republic. - Adopt, upon the proposal of the government, foreign diplomatic representatives and approve the adoption of representatives of foreign countries in Tunisia. 	<p>Article 51</p> <p>The President of the Republic shall lay down the foreign policy of the state and adopt ambassadors abroad, upon the agreement of the majority of members of the competent parliamentary committee. The President shall also appoint the senior officials of the Ministry of Defense and the institutions affiliated thereto, as well as appoint the diplomatic missions and consulates to foreign countries and regional and international organizations, upon the recommendation of the Ministry of Foreign Affairs. The President shall also approve the adoption of representatives of foreign countries and regional and international organizations to Tunisia.</p>	
Article 52 Powers in context of imminent danger	Article 52	<p>Article 52</p> <p>In the event of an imminent danger threatening the entity, security and independence of the homeland in such manner preventing the normal operation of the entities of the state, the President of the Republic may undertake any procedures necessitated by the prevailing circumstances, upon consulting the Prime Minister, the President of the</p>	

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
		<p>Constitutional Court and the Chair of the Chamber of Deputies. In such context, the President shall address the nation.</p> <p>The procedures shall aim at securing the reoperation of the general constitutional authorities as soon as possible. The Constitutional Court shall, with respect to such procedures, be consulted. The Chamber of Deputies shall be deemed in a state of continuous convention throughout such period and after the elapse of a thirty-day period as of the implementation of the procedures. The Chair of the Chamber of Deputies, or thirty of the members thereof, are entitled to resort to the Constitutional Court with a view to verifying whether the circumstances specified in Paragraph (1) of the present Chapter still exist. The Court shall issue the decision thereof publicly within a period no later than fifteen days. The Constitutional Court shall pledge to verify, in person, the continuity of the circumstances upon the elapse of a sixty-day period as of taking the decision and at every time thereafter.</p> <p>In such event, the President of the Republic may not dissolve the Chamber of Deputies and may not</p>	

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
		<p>bring a motion of censure against the government.</p> <p>The procedures shall be terminated by termination of the reasons for existence thereof. In such context, the President of the Republic shall address the nation.</p>	

ROUGH DRAFT CONSTITUTION

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p>Article 53 Referendum</p> <p>The President of the Republic may, directly or upon a request made by the government, submit to a public referendum any draft law on rights, freedoms or general authorities and/or any draft law on the authorization of the ratification of international treaties, provided such treaties are not in contradiction with the Constitution based on the opinion of the Constitutional Court.</p> <p>If the result of the referendum is the ratification of the draft law, the President of the Republic shall seal and publish the law within a period exceeding no more than fifteen days as of the date of announcement of the results.</p> <p>The President of the Republic shall submit, for a public referendum, any treaty that may result in the introduction of amendments to the Constitution, after the approval of the Chamber of Deputies, in accordance with the provisions and terms stipulated under the Constitution.</p> <p>The Elections Law shall specify the means of conducting referenda and announcing the results thereof.</p>			

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p>Article 54 Treaties and pardons</p>	<p>Article 54</p> <p>The Prime Minister shall ratify international treaties. Ratified treaties shall be deemed more powerful than laws.</p> <p>The President of the Republic shall have the right to exercise special pardon.</p>	<p>Article 54</p> <p>The Prime Minister shall ratify international treaties. Ratified treaties shall be deemed more powerful than laws.</p> <p>The President of the Republic shall have the right to exercise special pardon.</p>	
<p>Article 55 Chamber of Deputies</p> <p>The President of the Republic may address the Chamber of Deputies and the Council of Ministers directly or through a statement addressed thereto.</p>			
<p>Article 56 Council of Ministers</p>		<p>Article 56</p> <p>The President of the Republic shall, in issues over which said has cognizance, preside over the Council of Ministers.</p>	
<p>Article 57 Seal</p>	<p>Article 57</p> <p>The President of the Republic shall duly seal all laws during a period no less than seven days and no more than fifteen days as of receipt thereof from the Chair of the Chamber of Deputies. The President may, once having received the text of a law, return the law to the Chamber</p>	<p>Article 57</p> <p>The President of the Republic shall duly seal all laws including, inter alia, treaties, as well as issue decrees. The President shall issue such in the Official Gazette of the Republic of Tunisia during a period no later than fifteen days as of the date of receipt thereof from the Chair of the</p>	

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
	<p>for a second reading.</p> <p>If the Chamber of Deputies ratifies the law in accordance with the first ratification draft, the Chair of the Chamber shall seal the law.</p>	<p>Chamber of Deputies.</p> <p>The President of the Republic is entitled, during the period designated for the act of sealing, to return a draft law to the Chamber of Deputies for a second reading. If the law is ratified by an absolute majority of the members of the Chamber, with respect to normal laws, and by a majority of two-thirds of the members, with respect to organic laws, the law shall be passed and published within a period of no more than fifteen days as of the date of receipt by the President of the Republic.</p> <p>In the event the law is entrusted to the Constitutional Court, the law shall be published in a relevant manner and shall be in conformity with the Constitution or the law shall be returned to the Chamber of Deputies for a second reading.</p>	
<p>Article 58 Draft laws and decrees Discussions of draft laws shall be undertaken by the Council of Ministers. Decrees of dispositional nature shall be countersigned by the relevant minister.</p>			
<p>Article 59 Appointments</p>	<p>Article 59 The Prime Minister shall assign civil</p>	<p>Article 59 The President of the Republic shall,</p>	

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
	senior positions.	upon the proposition of the Prime Minister, assign civil senior positions after taking the opinion of the competent parliamentary committees. If the opinion of the committees fails to be delivered within a twenty-day period as of the date the file is received by the Chamber of Deputies, the opinion shall be deemed an acceptance.	

ROUGH DRAFT CONSTITUTION

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p>Article 60 Delegation</p>	<p>Article 60</p> <p>The President of the Republic shall, in the event of a temporary inability to perform the tasks thereof, delegate the relevant authorities to the Prime Minister.</p>	<p>Article 60</p> <p>The President of the Republic may, in the event of a temporary inability to perform the tasks thereof, delegate the relevant authorities to the Prime Minister.</p> <p>The President of the Republic shall inform the Chair of the Chamber of Deputies of the temporary delegation of authority.</p>	
<p>Article 61 Vacancy</p>	<p>Article 61</p> <p>Upon the permanent vacancy of the office of the President of the Republic, for any reason it may be, the Constitutional Court shall issue a decision in such context thereby transferring the authorities of the President of the Republic to the Prime Minister.</p> <p>During the term of vacancy, temporary or permanent, the Chamber of Deputies may not be resolved and no motion of censure may be brought against the government.</p>	<p>Article 61</p> <p>Upon the vacancy of the office of the President of the Republic as a result of the demise, resignation or absolute disability thereof, the Constitutional Court shall hold a prompt meeting and acknowledge the permanent vacancy of the office by an absolute majority of the members thereof. The Court shall, by virtue of a statement, notify the Chair of the Chamber of Deputies who shall, on a temporary basis, immediately undertake the tasks of presidency for a duration no less than forty five days and no more than ninety days.</p>	
<p>Article 62 Permanent vacancy</p> <p>In the event of a permanent vacancy of the office of the President of the</p>			

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p>Republic, the person undertaking the tasks of presidency shall be sworn in before the Chamber of Deputies and, whenever necessary, before the bureau of the Chamber.</p>			
<p>Article 62 (bis) Temporary vacancy</p>	<p>Article 62 (bis)</p>	<p>Article 62 (bis)</p> <p>The person undertaking the tasks of the President of the Republic may not, on a temporary basis, run for presidency even in the event of resignation.</p>	
<p>Article 63 Vacancy and new president</p>	<p>Article 63</p> <p>A new President shall be elected within a twenty-day period as of the date the Constitutional Court acknowledges the permanent vacancy of the office.</p>	<p>Article 63</p> <p>The person undertaking the tasks of the President of the Republic, during the temporary or permanent vacancy of the office, shall exercise all presidential tasks without being entitled to adjust the Constitution, resort to a referendum, dismiss the government, dissolve the Chamber of Deputies and/or take any of the exceptional measures stipulated under Chapter (A) of the Constitution.</p> <p>A new President for the Republic shall, during the interim presidential period, be elected directly by the people for a five-year term.</p>	<p>Article 63</p> <p>The new President may dissolve the Chamber of Deputies and may call for holding early legislative elections, in accordance with Chapter (A) of the Constitution.</p>
<p>Article 64 Resignation and dismissal</p>	<p>Article 64</p> <p>The President of the Republic may,</p>	<p>Article 64</p> <p>Upon the initiation of one-third of</p>	

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
	<p>upon the request of one-third of the members of the Chamber of Deputies, be requested to be relieved of the duties thereof. The President shall not be relived unless upon ratification of a majority of two-thirds of the members of the Chamber and unless the Constitutional Court is of the opinion that the President was in breach of the Constitution.</p>	<p>the members of the Chamber of Deputies, the Chamber may accuse the President of the Republic of high treason. A decision in such regard shall not be issued unless approved by two-thirds of the members of the Chamber. In such event, the President of the Republic shall be referred to the Constitutional Court for sentencing. The acts of flagrant abuse of power and intentional breach of the Constitution, by virtue of which the entity of the state and the sound functioning of the constitutional institutions thereof are threatened, shall be considered acts of high treason.</p> <p>Bribery, financial corruption and favoring the interests of foreign parties to the higher interests of the nation shall also be deemed acts of high treason.</p> <p>The Constitutional Court may find the accused guilty only by way of ousting.</p> <p>No President sentenced with ouster is entitled to run for Presidency once again.</p>	

The Government

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p>Article 65 Duties</p>	<p>Article 65</p> <ul style="list-style-type: none"> - The government shall lay down the general policy of the nation. - The government shall ensure the execution of judicial sentences, including, inter alia, any sentence issued against the administration. The government shall be held responsible in such regard before the Chamber of Deputies. - The Prime Minister shall ensure the application of all laws and shall exercise the general dispositional power. - The Prime Minister shall govern administrative entities and the internal security forces and shall attend to the work of the government and head the Council of Ministers. - The Prime Minister shall have jurisdiction over establishing, dissolving and introducing changes to ministries and state bureaus as well as over regulating the terms of reference and authorities thereof upon discussing the matter with the Council of Ministers and notifying the President of the Republic. - The Prime Minister shall have 	<p>Article 65</p> <p>The Prime Minister shall regulate the general policy of the nation and shall ensure the execution thereof, with the exception of matters entrusted to the President of the Republic. The Prime Minister shall also exercise the general dispositional power, govern the administration and issue dispositional and individual decrees signed thereby upon discussing the matter with the Council of Ministers and notifying the President of the Republic. The Prime Minister shall conclude international agreements of technical nature. The government shall ensure the enforcement of all laws. The Prime Minister may delegate some of the authorities thereof to ministers.</p> <p>The Prime Minister alone shall, in addition to the aforementioned, have the following terms of reference:</p> <ol style="list-style-type: none"> 1) Introduce changes to and dissolve ministries and bureaus of the state over which said has cognizance, as well as regulate the terms of reference and authorities thereof upon discussing the matter with the Council of Ministers and notifying the 	<p>Article 65</p> <p>No international agreements of technical nature shall be presented to the Chamber of Deputies for discussion. The agreements shall enter into force once signed by the Prime Minister or by the minister concerned in the case of sectoral technical agreements.</p>

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
	<p>jurisdiction over establishing, dissolving and introducing changes to public institutions, public entities and administrative departments as well as over regulating the terms of reference and authorities thereof upon discussing the matter with the Council of Ministers and notifying the President of the Republic.</p> <ul style="list-style-type: none"> - The Prime Minister, or the representative thereof, shall conclude international treaties. - The Prime Minister shall endorse all decisions issued by ministers. 	<p>President of the Republic.</p> <ol style="list-style-type: none"> 2) Establish, dissolve and introduce changes to public institutions, public entities and administrative departments as well as regulate the terms of reference and authorities thereof upon discussing the matter with the Council of Ministers and notifying the President of the Republic. 3) Endorse any dispositional decisions issued by ministers. 	
<p>Article 66 Composition, formation and dissolution</p>	<p>Article 66</p> <p>The government shall be constituted comprising a Prime Minister, ministers and state clerks.</p> <p>The Prime Minister and the remaining members of government may be chosen from amongst the members of the Chamber of Deputies or otherwise.</p> <p>The President of the Republic shall, after each legislative election, entrust the candidate of the electoral party or coalition having won the most number of seats in the Chamber of Deputies with the task of forming the</p>	<p>Article 66</p> <p>The government shall be constituted comprising a Prime Minister, ministers and state clerks appointed by the President of the Republic upon the proposition of the Prime Minister and in conformity therewith on the sectors over which the President of the Republic has cognizance.</p> <p>The President of the Republic shall entrust the candidate of the electoral party or coalition having won the most number of seats in the Chamber of Deputies with the task of forming the government within a</p>	

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
	<p>government.</p> <p>The Prime Minister entrusted with the task shall form the government and shall report the results to the President of the Republic by virtue of a file indicating the members of the government and a brief statement on the program thereof. The file shall be presented to the Chamber of Deputies.</p> <p>The President of the Republic shall refer the file to the Chair of the Chamber of Deputies immediately after the receipt thereof.</p> <p>The Chair of the Chamber of Deputies shall invite the Chamber to a general session to give a vote of confidence to the government with an absolute majority of the members.</p> <p>In the event the government fails to receive the vote of confidence, the President of the Republic, shall, upon consultation with groups represented within the Chamber, propose another person to form the government.</p> <p>The President of the Republic may dissolve the Chamber of Deputies and call for new legislative elections to be held if the members of the Chamber fail to agree on a</p>	<p>one-month period extendable only once.</p> <p>If the specified period of time elapses without the formation of the government or in the event of failure to receive the vote of trust of the Chamber of Deputies, the President of the Republic shall consult with the parties, coalitions and blocks within the Chamber with a view to entrusting the person most capable of forming a government within a period of no more than one month.</p> <p>If a three-month period elapses from the date of the legislative elections and the members of the Chamber of Deputies fail to agree on the formation of the government, the President of the Republic may dissolve the Chamber and call for new legislative elections to be held.</p>	

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
	<p>government within a period of three months as of the date of commencement of mandates or within a period of two months as of the date of resignation of the government.</p>		
<p>Article 67 Swearing and accountability</p> <p>The members of the government shall be sworn in before the President of the Republic.</p> <p>The government shall be held accountable before the Chamber of Deputies.</p>			
<p>Article 68 External membership and activities</p>	<p>Article 68</p> <p>Membership of the government and of the Chamber of Deputies may be combined.</p> <p>The Prime Minister and the members of the government may not be employed in any other profession regardless of the nature thereof.</p>	<p>Article 68</p> <p>Membership of the government and of the Chamber of Deputies may not be combined.</p> <p>Any member of the Chamber of Deputies who is a member of the government shall be compensated in accordance with the provisions of the Elections Law.</p>	
<p>Article 69 [none]</p>			
<p>Article 70 Role of members</p>	<p>Article 70</p> <p>Every member of the Chamber of</p>	<p>Article 70</p> <p>In the event of a request submitted</p>	

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
	<p>Deputies shall have the right to pose oral and written questions to the government.</p> <p>All members of the government shall have the right to be present during committee meetings and during the general session. Attendance shall be deemed obligatory upon a request submitted by the majority of the members of the Chamber of Deputies.</p>	<p>by the Chamber of Deputies, the members of the government shall be obliged to attend.</p> <p>Every member of the Chamber of Deputies may pose oral and written questions to the government and/or may present briefings thereto.</p> <p>A session shall be devoted periodically with a view to holding discussions between the Chamber of Deputies and the members of the government.</p>	
Article 71 Censure	<p>Article 71</p> <p>One-third of the members of the Chamber of Deputies may bring a motion of censure against the government. The motion shall be voted on by the majority of the members of the Chamber and only after the elapse of no less than a twenty-day period as of the date of submission thereof, after hearing the government and having the majority of the members of the Chamber come to an agreement on the replacing government which shall receive a vote of confidence during the same voting process.</p>	<p>Article 71</p> <p>Votes may be taken on a motion of censure brought against the government or against one of the ministers after at least one-third of the members of the Chamber of Deputies make a justified request to the Chair of the Chamber. The voting process shall not take place except after the elapse of a fifteen-day period as of the date the request has been presented to the Chairmanship of the Chamber.</p> <p>Withdrawal of the vote of confidence given to the government shall be conditional upon the approval of an absolute majority of the members of the Chamber of Deputies and upon the presentation of a candidate</p>	<p>Article 71</p> <p>Presenting an alternative candidate to the Prime Minister shall not be necessary for the motion of censure to be accepted.</p>

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
		<p>alternative to the Prime Minister and who shall receive a vote of confidence during the same voting process.</p> <p>In the event the specified majority is not attained, the motion of censure may not be reintroduced against the government except after the elapse of a six-month period.</p> <p>The Chamber of Deputies shall not bring more than two motions of censure against the government during the same term of mandate.</p> <p>The Chamber of Deputies may withdraw the vote of confidence given to any of the ministers after at least one-third of the members of the Chamber of Deputies make a justified request to the Chair of the Chamber. Withdrawal of the vote of confidence shall be by an absolute majority of votes.</p>	

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
<p>Article 72 Vote of confidence</p>	<p>Article 72</p> <p>If the government requests a vote of confidence as a result of the Chamber of Deputies voting on a draft law presented thereby, down votes against the law shall be deemed a withdrawal of the vote of confidence given to the government and the government shall be obliged to resign.</p> <p>In such event, voting on the draft law shall be by an absolute majority of the votes of the members of the Chamber of Deputies.</p> <p>The government shall, upon the termination of the mandates thereof for any reason, continue to govern the work until a new government receives the vote of confidence of the Chamber of Deputies and until the members of the government are appointed by the President of the Republic.</p>	<p>Article 72</p> <p>The Chapter has been canceled as a result of failure of the provisions thereof to be in line with the adoption of the constructive motion of censure.</p>	<p>Article 72</p> <p>The government may, from the Chamber of Deputies, request that a vote of confidence be given for the government to continue the activities thereof. Voting shall be by a majority of the members of the Chamber.</p> <p>In the event of failure to receive a vote of confidence, the government shall be deemed a resigned government and the President of the Republic shall entrust a new Prime Minister with the same procedures of Chapter () of the Constitution.</p>
<p>Article 73 Prime Minister</p>	<p>Article 73</p> <p>If the Prime Minister is unable to perform the duties thereof on a temporary basis, said shall delegate the relevant authorities to one of the ministers.</p> <p>If, for any reason, the post of Prime</p>	<p>Article 73</p> <p>Upon the vacancy of the post of Prime Minister as a result of the absolute disability, demise or resignation thereof, the President of the Republic shall entrust the candidate of the electoral party or coalition having the majority of seats</p>	

Matters Agreed Upon	First Opinion	Second Opinion	Other Opinions
	<p>Minister is permanently vacant, the Constitutional Court shall issue a decision in such respect.</p> <p>The President of the Republic shall appoint the candidate of the electoral party or coalition having won the most number of seats in the Chamber of Deputies to undertake the tasks of Prime Ministership after receiving the vote of confidence of the Chamber.</p>	<p>in the Chamber of Deputies to undertake the tasks of Prime Ministership in accordance with the provisions of Chapter (A) of the Constitution.</p>	
<p>Article 74 Dispute regarding terms of reference</p> <p>Any disputes arising with respect to the terms of reference of the President of the Republic and the Prime Minister shall be submitted to the Constitutional Court. The Court shall resolve the dispute by virtue of decision taken by the majority of the members thereof based on a request presented thereto by the keenest of the parties.</p>			

ROUGH DRAFT CONSTITUTION

Chapter 5 – Judicial Power

Article 5.1 Role of judiciary

The judiciary is an independent authority that ensures the prevalence of justice, the supremacy of the Constitution, the sovereignty of the law and the protection of rights and freedoms.

Article 5.2 Independence of judiciary

Judges are independent. No power shall be exercised over the rulings thereof other than the power of the Constitution and of law.

Article 5.3 Judge duties

A judge shall be competent, impartial and fair.

Article 5.4 Prohibition on judge transfer

No judge may be transferred, even by way of promotion or within the framework of a functional plan, unless with the consent thereof, with the exception of such cases deemed necessary for the interest of work, in accordance with the decisions of the Supreme Judicial Council.

Article 5.5 Discipline of judges

No judge may be suspended or subjected to disciplinary punishment and deposed unless by virtue of a decision issued by the Supreme Judicial Council.

Any shortcomings by any judge in the performance of the duties thereof shall be grounds for questioning.

Article 5.6 Fair trial

The right to litigation and the right to defense shall be guaranteed and may not be prejudiced.

Parties to litigation shall be deemed equal before the judiciary.

Every individual shall have the right to a fair trial to be conducted during a reasonable course of time.

Article 5.7 Public court sessions

Court sessions shall be public unless otherwise deemed necessary by law.

Article 5.8 Establishment of courts

Courts shall be classified by virtue of law. No exceptional courts may be established and no exceptional procedures may be adopted.

Article 5.9 Prohibition on interference in judiciary

Any interference in the judiciary shall be deemed a crime not subject to the statute of limitations.

Article 5.10 Sentencing

A proposed text:

- Sentences shall be issued and executed in the name of the people. Failure of a competent authority to execute a sentence without legal grounds shall be deemed a crime not subject to the statute of limitations.

Another proposed text:

- Sentences shall be issued in the name of the people and shall be executed in the name of the President of the Republic. Failure of a competent authority to execute a sentence without legal grounds shall be deemed a crime not subject to the statute of limitations.

Article 5.11 Appointment by President

Judges shall be named by virtue of a decree issued by the President of the Republic (by way of a proposal / nomination / decision) by the Supreme Judicial Council.

Supreme Judicial Council

Article 5.12 Establishment

A proposed text:

- A supreme judicial council shall be established. The Council shall have a legal personality and shall enjoy administrative and financial independence.

A second proposed text:

- The Supreme Judicial Council shall have a legal personality and shall enjoy administrative and financial independence.

A third proposed text:

- The Supreme Judicial Council shall have a legal personality and shall enjoy administrative and financial independence within the framework of the State Budget.

Article 5.13 Organizational Composition

A proposed text:

- The Supreme Judicial Council shall be constituted comprising a general session, the Judiciary Council and the Administrative and Financial Judicial Council.

Another proposed text:

- The Supreme Judicial Council shall be constituted comprising the Judiciary Council and the Administrative and Financial Judicial Council.

Article 5.14 Individual composition

A proposed text:

- The Supreme Judicial Council shall be constituted comprising an equal number of judges and other individuals.

A second proposed text:

- The Supreme Judicial Council, including the two councils thereof, shall be constituted comprising an equal number of judges and other individuals.
An organic law shall govern the terms of reference of each council, the number of members thereof and the means of nominating the members.

A third proposed text:

- Two-thirds of the Supreme Judicial Council shall be constituted comprising judges and the remaining one-third shall be constituted comprising other individuals.

A fourth proposed text:

- Two-thirds of the Supreme Judicial Council shall be constituted comprising elected judges and the remaining one-third shall be constituted comprising other individuals.

The Judiciary Council shall be constituted comprising elected judges. The means of election of the judges shall be governed by virtue of an organic law.

The Administrative and Financial Judicial Council shall be constituted comprising elected judges. The means of election of the judges shall be governed by virtue of an organic law.

The general session shall be comprised of the members of both the Judiciary Council and the Administrative and Financial Judicial Council.

Article 5.15 Role

A proposed text:

- The Supreme Judicial Council shall ensure the prevalence of justice and respect for the independence of the judiciary. The Council shall be consulted in draft laws related to the reform of the judicial system.

Another proposed text:

- The Supreme Judicial Council shall, during the general session thereof, ensure the prevalence of justice and respect for the independence of the judiciary. The Council shall be consulted in draft laws related to the reform of the judicial system.

Article 5.16 Jurisdiction of councils

Each council shall have jurisdiction over deciding on the career path of judges and on disciplinary issues.

Article 5.17 Appointment of Head

A proposed text:

- The President of the Republic shall appoint the Head of the Supreme Judicial Council from amongst the members thereof.

Another proposed text:

- The Supreme Judicial Council shall elect the Head of the Council from amongst the members thereof.

The Constitutional Court

Article 5.18 Composition, election and terms

The Constitutional Court shall be constituted comprising twelve members having no less than twenty years of high legal expertise.

The President of the Republic shall propose four members, the Prime Minister shall propose four members, the Chair of the Chamber of Deputies shall propose eight members and the Supreme Judicial Council shall propose eight members.

The Chamber of Deputies shall, from amongst the proposed members, elect twelve members by a two-third majority. The mandate of the elected members shall be for a one-term period lasting for nine years.

A proposed text:

- In the event the majority required fails to be reached, preference shall be adopted in accordance with the number of votes cast.

A second proposed text:

- In the event the majority required fails to be reached, the remaining candidates shall, with the same majority required, be re-elected. In the event of failure to reach quorum, other members shall be proposed and the election process shall be repeated following the same pattern. One-third of the members of the Court shall be renewed every three-year period. Combining membership in the Constitutional Court and undertaking any other task shall be prohibited.

Article 5.19 Seniority amongst judges

A proposed text:

- The most senior member, in terms of age, shall preside over the Constitutional Court.

A second proposed text:

- The President of the Republic shall appoint the President of the Constitutional Court and a Vice President thereto from amongst the members of the Court.

A third proposed text:

- The members of the Constitutional Court shall, from amongst the members, elect a President and a Vice President of the Court.

A fourth proposed text:

- The Chamber of Deputies shall elect the President and Vice President of the Constitutional Court from amongst the members of the Court.
Any vacancies in the hierarchy of the Court shall be filled by virtue of the means adopted during appointment.

Article 5.20 Jurisdiction and cognizance

The Constitutional Court shall have previous and **subsequent** jurisdiction over monitoring the constitutionality of laws.

The Constitutional Court shall have previous jurisdiction over monitoring the constitutionality of international treaties prior to the signature thereof.

The Constitutional Court shall have cognizance over the constitutionality of the statutes of the Chamber of Deputies and all constitutional authorities.

The Court shall have cognizance over the degree of conformity of drafts related to the amendment of the Constitution and shall give the opinion thereof with respect to every draft referendum.

The Court shall have jurisdiction over studying cases related to the vacancy of the office of the President of the Republic.

The Court shall have cognizance over the state of emergency and exceptional circumstances.

The Court shall have cognizance over disputes arising with respect to the terms of reference of the Legislative and Executive powers from one side and the disputes arising with respect to the terms of reference of the President of the Republic and the Prime Minister from another, provided that such disputes be referred to the Court.

Article 5.21 Abstract review

The President of the Republic, the Chair of the Chamber of Deputies, the Prime Minister or ten members of the Chamber of Deputies may present draft laws, prior to being sealed, to the Constitutional Court.

Ten members of the Chamber of Deputies or the Chair thereof may present the statute of the Chamber to the Constitutional Court prior to being entered into force.

Article 5.22 Concrete review in context of legal dispute

Laws may be deemed unconstitutional in the event of the existence of an (**ongoing**) dispute arising before courts, in accordance with the procedures governed by law.

Article 5.23 Concrete review in context of alleged human rights violation

Individuals may, after all other means of appeal have been exhausted, file a direct appeal before the Constitutional Court against prevailing provisions if the provisions are in violation of the rights and freedoms prescribed under the Constitution.

Article 5.24 Unconstitutionality of draft law

Any draft law in violation of the provisions of the Constitution shall be referred to the Chamber of Deputies for a second look and for amendment in accordance with the decision issued by the Constitutional Court. The President of the Republic shall, prior to sealing the draft law and within a one-month period, resend the law to the Constitutional Court to study the extent of conformity of the amendment made with the decision issued by the Court.

If the Constitutional Court decides on the unconstitutionality of the law, the law shall, within the limits specified by the Court, no longer be applied.

Article 5.25 Charges against President

The Constitutional Court shall have cognizance over any charges brought against the President of the Republic with respect to violation of the Constitution and high treason.

Article 5.26 Cognizance and appeals

Cognizance of the Constitutional Court shall be limited to any appeals filed and decided on within a three-month period renewable by virtue of a justified decision issued by the Court.

Article 5.27 Decision

The Court shall take the decisions thereof by majority and the President of the Court shall, in the event of parity, have a casting vote.

Decisions issued by the Constitutional Court shall be justified and binding upon all authorities. The decisions shall be published in the Official Gazette of the Republic of Tunisia.

Article 5.28 Legal governance

An organic law shall govern the organization of the Constitutional Court and the procedures followed thereby.

The Judiciary

Article 5.29 Judiciary

The judiciary shall include the Court of Cassation, headquartered in the capital, courts of appeal, real estate courts, primary courts and other courts.

Article 5.30 Public prosecution

A proposed text:

- The Public Prosecution shall be a part and parcel of the judiciary. Members of the Public Prosecution shall exercise the mandates thereof in accordance with the legal guarantees and procedures.

A second proposed text:

- The Public Prosecution shall be a part and parcel of the judiciary and shall exercise the functions thereof in (complete) independence from the executive power. Guarantees given to the judiciary include, inter alia, sentencing judges and prosecution judges.

A third proposed text:

- The Public Prosecution shall be a part and parcel of the judiciary. Guarantees given to the judiciary include, inter alia, council judges and public prosecution judges. Prosecution judges shall apply the law. Prosecution judges shall also abide by the written legal instructions issued by the authority to which said belong.

Article 5.31 Administrative judiciary

The administrative judiciary shall have the terms of reference of looking into any abuse of power by the administration as well as into any administrative disputes.

The administrative judiciary shall, in accordance with the law, exercise consultative functions.

Article 5.32 Legal governance

The organization and terms of reference of the administrative judiciary as well as the system governing the judges thereof shall be governed by an organic law.

Financial Judiciary / Financial Court / Court of Audit

Article 5.33 Role

The Financial Court shall supervise the expenditure of public funds and shall prevent any errors related thereto.

The Financial Court shall also assist the legislative and executive powers in supervising over the enforcement and closure of financial laws.

Article 5.34 Reports

The Court shall prepare an annual report as well as special reports that shall be submitted to the Chamber of Deputies and the President of the Republic. The reports shall be published for the public.

Article 5.35 Legal governance

The organization, terms of reference and procedures of the Court as well as the statute of the judges thereof shall be governed by an organic law.

Chapter 6 – Local Government

Article 6.1 Decentralization

Local administrative organization shall be based on the principle of decentralization within the framework of the unity of the state.

Decentralization shall be represented in local groups made up of municipalities and regions covering the entire nation in accordance with a distribution strategy governed by law.

New local authorities may be established by virtue of a law.

Article 6.2 Local authorities

Local authorities shall enjoy a legal personality as well as financial and administrative independence and shall attend to local interests in accordance with the principle of free discretion.

Article 6.3 Councils, elections and legal governance

Local authorities shall manage councils elected by virtue of general, free, secret and direct elections.

Regional councils shall be elected by the members of the local and regional councils.

Local authorities shall exercise the functions thereof through deliberative and executive structures organized by virtue of a law.

Article 6.4 Terms of reference

Local authorities shall enjoy self-managed terms of reference, terms of reference co-managed with the state and terms of reference transferred thereto by the state.

The co-managed and transferred terms or reference shall be distributed in accordance with the principle of branching and with dependence on the technology of jurisdiction blocks.

Article 6.5 Power

Local authorities shall enjoy dispositional power in satisfying their mandates.

Article 6.6 Financial resources

Local authorities shall be furnished with self-generated resources and with resources given thereto by the state. Financial systems of local authorities and the sources of financing thereof shall be governed by law.

All terms of reference established or transferred to local authorities by the state shall be coupled with the relevant resources required.

Article 6.7 Principle of solidarity

With a view to consolidating the principle of solidarity between authorities, to dwindling the socio-economic gaps and to achieving balanced and sustained development, the state shall guarantee the provision of additional resources for the welfare of local authorities in accordance with the texts of settlement, adjustment and adequacy.

The state shall bring local resources to balance with local burdens.

Article 6.8 Resource disposal

Local authorities shall have the freedom to dispose of the resources thereof in accordance with the rules of good governance and under the supervision of the financial judiciary.

Article 6.9 Broad participation

Local authorities shall depend on the mechanisms of discussion, consultation and partnership to ensure the broadest participation of citizens and of civil society in the preparation of development programs and the development of land and shall follow up on the execution and evaluation thereof in accordance with the provisions of the law.

Article 6.10 Cooperation and partnerships

Local authorities may cooperate and enter into partnerships with each other with a view to laying down programs or executing work of common interest.

Local authorities may also join international and regional unions and establish partnerships and cooperation on a decentralized basis.

Forms of cooperation and partnerships between authorities shall be established by law.

Article 6.11 Supervision

Local authorities shall, with respect to the legitimacy of the work thereof, be subject to subsequent supervision as well as to judicial supervision.

Article 6.12 Supreme Council

A supreme council of local authorities shall be established. The council shall have jurisdiction over taking cognizance of causes related to sustained development and balance between authorities and shall give opinion with respect to any legislation related to local planning, the local budget and local financial issues.

The head of the supreme council of local authorities, or the representative thereof, may attend discussions of the Chamber of Deputies as well as address such.

The composition of the supreme council of local authorities and the mandates thereof shall be defined by law.

Article 6.13 Disputes

The administrative judiciary shall have cognizance over disputes related to the jurisdiction of local and central authorities as well as over any disputes arising between local authorities.

Chapter 7 – Constitutional Authorities

Independent Electoral Authority

Article 7.1 Role

An independent authority entrusted with the management and organization of national, regional and local elections as well as referenda shall be established. The Authority shall also supervise over the elections and referenda during all phases and ensure the soundness, integrity and transparency of the election process.

Article 7.2 Composition and terms

The Authority shall be constituted of nine independent, impartial and competent members to be elected by the legislative power for a six-year period. Three of the members shall be replaced biennially.

Article 7.3 Legal nature and governance

7.3.1

The Authority shall enjoy a legal personality as well as financial and administrative independence and shall be held accountable by the legislative power.

7.3.2

The composition, election and organization of the work of the Authority shall be governed by an organic law.

Independent Media Authority

Article 7.4 Role

An independent public authority shall supervise over the organization, modulation and development of the media sector and shall guarantee the freedom of expression and of the media and the right to access information. The Authority shall also guarantee the existence of plural and fair media.

Article 7.5 Composition and terms

The Authority shall be constituted of nine independent, impartial, competent and experienced members to be elected by the legislative power for a five-year period, non-renewable.

Article 7.6 Legal nature and governance

The Authority shall enjoy a legal personality as well as financial and administrative independence. The composition, organization and means of operation of the Authority shall be governed by an organic law.

Authority of Sustained Development and Rights of Future Generations

Article 7.7 Role

The Authority shall have cognizance over the general policies of the state, on the economic, social and environmental levels, with a view to attaining sustained development that can guarantee the rights of future generations.

Article 7.8 Consultation and opinions

The Authority shall be consulted in draft laws related to the areas under the jurisdiction thereof and in development plans. The opinions of the Authority shall be published in the Official Gazette. Failure of the judicial power to adopt the opinions of the Authority shall, with justification, also be published.

Article 7.9 Legal nature and governance

The Authority shall enjoy a legal personality as well as financial and administrative independence. The composition and organization of the work of the Authority shall be governed by an organic law.

National Authority for Human Rights

Article 7.10 Role

7.10.1

The Authority shall oversee the extent to which human rights and fundamental freedoms are respected. The Authority shall also enhance such rights and freedoms, submit reports thereon and propose amendments to the laws related to human rights.

7.10.2

The Authority shall, in the event of violation of any of the human rights, conduct investigations in the violation committed with a view to settlement or referral to the competent authority.

Article 7.11 Composition and terms

The Authority shall be constituted of independent and impartial individuals to be elected by the legislative power for a six-year period, non-renewable.

Article 7.12 Legal nature and governance

The Authority shall enjoy a legal personality as well as financial and administrative independence. The composition and organization of the work of the Authority shall be governed by an organic law.

National Authority for Governance and Anti-Corruption

Article 7.13 Role

7.13.1

The Authority shall contribute to the policies of good governance and anti-corruption and shall guarantee the existence of transparency, follow up on the implementation thereof and spread the relevant culture.

7.13.2

The Authority shall unearth all cases of corruption within both the public and private sectors and shall investigate therein and refer the cases to the competent authorities.

7.13.3

The Authority shall render the opinion thereof with respect to draft provisions of law and disposition related to corruption.

Article 7.14 Composition and terms

The Authority shall be constituted of fair, independent and competent individuals to be elected by the legislative power for a six-year period, renewable on a partial basis.

Article 7.15 Legal nature and governance

The Authority shall enjoy a legal personality as well as financial and administrative independence. The composition and organization of the work of the Authority shall be governed by an organic law.

Chapter 8 – Amendment of the Constitution

Article 8.1 Initiation of proposal

The President of the Republic, as well as one-third of the members of the Chamber of Deputies, shall have the right to initiate a request to amend the Constitution.

Article 8.2 Procedure

Each proposition to amend the Constitution shall be submitted to the Constitutional Court to ensure that such is not intended for an article to which the Constitution has banned any amendment. Each proposition shall also be submitted to the Chamber of Deputies with a view to obtaining the approval of the absolute majority of the members on the concept of amendment.

Article 8.3 Promulgation

No amendment shall be introduced to the Constitution unless approved by one-third of the members of the Chamber of Deputies and unless approved by an absolute majority of the people, based on a referendum.

Chapter 9 – Final Provisions

Article 9.1 Preamble as integral

The Preamble of the present Constitution shall be deemed an integral part thereof and shall be just as valuable as all the provisions stated hereunder.

Article 9.2 Limits on amendments

No amendment shall be introduced to the present Constitution unless after the elapse of a five-year period as of the date of entry into force thereof.

Article 9.3 Unamendable components

No amendment to the Constitution may be prejudice to:

- Islam, being the religion of the state.
- The Arabic language, being the official language.
- The republican nature of the regime.
- The civil capacity of the state.
- Human rights gains and freedoms guaranteed under the present Constitution.
- The number and duration of presidential terms. Such may not be subject to increase.

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