

# **Draft Constitution of the Tunisian Republic**

Tunis on 1 June 2013

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## Preamble

In the Name of God, the Merciful, the Compassionate

We, the representatives of the Tunisian people, members of the National Constituent Assembly,

Taking pride in the struggle of our people to gain independence and to build the state, autocracy was eliminated to achieve its free will, in response to the objectives of the revolution of freedom and dignity, and out of loyalty towards the blood of our blessed martyrs and the sacrifices of Tunisians over generations, with a view to eliminate injustice, corruption, and oppression.

Building on the fundamentals and the open and moderate objectives of Islam, on sublime human values, and on universal human rights that are in harmony with the Tunisian people's cultural specificity, inspired by the civilization stock that is enriched with the epochs of our history from our enlightened reformist movements that are based on the elements of our Islamic-Arab identity to human civilization gain, and adhering to the national gains achieved by our people;

With a view to building a participatory, democratic, republican regime, where the state is civil and is based on the law and institutions; where sovereignty is granted to the people through peaceful rotation of power on governance and free elections, and on the principle of the segregation of authorities and balance between them; where the right to govern is based on plurality, objectivity of administration and good governance representing the basis of the political race; and where the state ensures freedoms, human rights, independence of the judiciary, justice, equality of rights and duties between all male and female citizens and between all groups and regions;

Recognizing the dignified status of mankind; enhancing our cultural and civilizational affiliation to the Arab Islamic nation on the basis of national unity that is based on citizenship, brotherhood, solidarity, and social justice; with a view to attaining the Maghreb unity as a step towards achieving Arab unity, integrating with the Muslim and African people, and cooperating with the peoples of the world; achieving victory for the oppressed everywhere, for the people's right to self-determination, and for rightful liberation movements including the Palestinian Liberation Movement; and fighting all forms of occupation and racism ;

Being aware of the importance of keeping the environment safe to ensure the sustainability of our natural resources and the sustainability of a safe life for coming generations; and supporting the will of the people to be the makers of their own history, while believing in knowledge, work, and creativity as sublime human values, seeking to become pioneers, and aspiring to civilization adding on the basis of the independence of the national decision, world peace, and human solidarity;

We, in the name of the people, draft this Constitution with God's blessings.

## Chapter One – General Principles

### **Article 1 Nature of the Tunisian state<sup>1</sup>**

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 2 Civil state**

Tunisia is a civil state that is based on citizenship, the will of the people, and the supremacy of law.

### **Article 3 Popular sovereignty**

Sovereignty belongs to the people, who are the source of powers that shall be exercised through its freely elected representatives and by referendum.

### **Article 4 Flag, anthem and motto**

The flag of the Tunisian Republic is red and bears in its midst a white circle in which is inscribed by a five-pointed star surrounded by a red crescent, as provided for by law.

The national anthem of the Tunisian Republic is “Defenders of the Homeland”, in accordance with the provisions defined by law.

The motto of the Tunisian Republic of is: freedom, dignity, justice, and order.

### **Article 5 Maghreb region**

The Republic of Tunisia is a part of the Arab Maghreb region and work on achieving its unity and takes all measures to ensure its realisation.

### **Article 6 Patron of religion**

The state sponsors religion, guarantees freedom of belief and religious rituals, protects sanctities, and ensures the impartiality of Mosques and places of worship away from partisan use.

### **Article 7 Family**

The family is the basic structure of society and the State shall protect it.

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<sup>1</sup> International IDEA has included titles for each article 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 8      Youth**

Youth are an active force in building the homeland.

The state shall work on expanding and disseminating the contribution of youth in social, economic, cultural, and political development, and shall be keen on providing conducive environment to activate the energy and responsibility thereof.

**Article 9      Unity of the homeland**

Protecting the unity of the homeland and defending its dignity shall be a sacred duty for all citizens. Conscription shall be a duty to be regulated by methods and terms stated by the law.

**Article 10      Obligation to pay taxes**

Paying taxes and ensuring the affordability of expenditures are an obligation in accordance with a fair and equitable system.

The state shall develop the mechanisms necessary to ensure the collection of taxes and public expenditures, the proper use of public funds, fighting corruption, and tax evasion.

**Article 11      Disclosure of assets**

Those who become in charge of the Presidency, the Cabinet or its membership or a membership of the National Council or a membership in independent constitutional bodies or any higher positions shall declare their earnings according to the regulations of law.

**Article 12      Social justice**

The state shall seek to achieve social justice, sustainable development, and balance between regions, and to make good use of national riches.

**Article 13      Decentralisation**

The state shall be obliged to support decentralization and apply it throughout the country within the unity frame of the state.

**Article 14      Public administration**

The public administration shall serve citizens and the public interest, and shall be organized and operate in accordance with the principles of impartiality and equality, and the rules of transparency, integrity, efficiency and accountability.

**Article 15      Politicisation of education**

The state shall ensure the impartiality of educational institutions away from party use.



**Article 16      Exclusivity of state security forces**

Only the state may establish the Armed Forces, National Security Forces or any other forces as per the law and in service of the public interest.

**Article 17      Armed forces**

The national army is a disciplinary-based armed military force that is composed and structurally organized in accordance with the law. The army must defend the nation, its independence and the integrity of its territory. It must remain politically impartial. The national army supports the civil authorities in accordance with the provisions set out by law.

**Article 18      National security forces**

The national security forces are assigned the duty of maintaining public order, to ensure the security and the protection of individuals, institutions, and property, of law enforcement while ensuring that freedoms are respected within the frame of total impartiality.

**Article 19      Status of international law**

The international agreements approved and ratified by the Chamber of Deputies shall be superior to laws and inferior to the Constitution.

## Chapter Two – Rights and Freedoms

### **Article 20      Equality**

All citizens, male and female alike, have equal rights and duties, and are equal before the law with no discrimination. The state guarantees to citizens individual and collective rights. It provides them with the conditions to lead a dignified life.

### **Article 21      Right to life**

The right to life is sacred and shall not be prejudiced except in exceptional cases regulated by law.

### **Article 22      Prohibition on torture**

The state shall protect human dignity and the sanctity of the body, and shall prohibit all types of moral and physical torture.

No crime of torture shall be subject to the statute of limitations.

### **Article 23      Right to private life and freedom of movement**

The state shall protect the sanctity of domiciles and private life, and the confidentiality of correspondence and communications, and personal information.

Every citizen shall have the right to choose a place of residence and to move across the country, and shall have the right to leave the country. These rights and freedoms shall not be prejudiced unless under circumstances provided for by law and a judicial order, except in cases of flagrant delicto.

### **Article 24      Nationality and international protections for citizens**

No citizen shall be stripped of his nationality, exiled, handed over or prevented from returning to his country.

### **Article 25      Political asylum**

The right to political asylum shall be guaranteed by law. Surrendering political refugees shall be prohibited.

### **Article 26      Presumption of innocence and right to fair trial**

A defendant shall be presumed innocent until proven guilty by virtue of a free trial where he is granted all defense guarantees during all phases of prosecution and trial.

**Article 27      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 case of a more favorable provision with the defendant.

**Article 28      Detention**

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

**Article 29      Detention**

Every prisoner shall have the right to humane treatment that preserves his dignity.

In executing a freedom-depriving punishment, the state shall take into account the interests of the family and shall guarantee the rehabilitation and containment of the prisoner into society.

**Article 30      Freedom of opinion**

The right to freedom of opinion, thinking, expression, and media shall be guaranteed.

Freedom of expression, media, and publication may not be restricted unless by virtue of a law protecting the rights, reputation, safety, and health of others.

Such freedoms shall not be subject to prior censorship.

**Article 31      Right to access information**

The right of access to information shall be guaranteed within limits that do not prejudice national security, or the rights that are guaranteed by this constitution

**Article 32      Academic freedoms**

Academic freedoms and freedom of scientific research shall be guaranteed.

The state shall seek to provide the necessary means to develop scientific and technological research.

**Article 33      Right to candidacy**

The right to run for elections, voting, and candidacy are guaranteed, in accordance with the law.

**Article 34      Freedom of association**

The freedom to establish political parties, syndicates, and associations is guaranteed.

The law shall regulate the procedures of establishing political parties, syndicates, and associations without prejudice to the essence of this freedom.

The statutes and activities of parties, syndicates, and associations commit to the provisions of the Constitution, to financial transparency, and to the renunciation of violence.

**Article 35 Right to join syndicates and strike**

The right to join and form syndicates shall be guaranteed including the right to strike.

**Article 36 Freedom of assembly**

The right to peaceful assembly and demonstration shall be guaranteed and exercised as per the procedural regulations provided for by law without prejudice to the essence of this right.

**Article 37 Right to health**

Health shall be a right to every person.

The state shall guarantee prevention from diseases and shall provide health care and the means necessary to ensure quality health services.

The state shall ensure free health care for those without support and indigents. It shall guarantee the right to social coverage as specified by law.

**Article 38 Right to education**

Education shall be mandatory until at least the age of sixteen.

The state shall guarantee the right to free public education at all stages and shall seek to provide the necessary means to offer quality education and training, and to establish and support the Arabic language.

**Article 39 Right to work**

Work is a right to every citizen. The state shall take the necessary measures to ensure the availability of work in a suitable and fair environment.

**Article 40 Property rights**

The right to property including intellectual property shall be guaranteed in accordance with the law.

**Article 41 Right to culture and creativity**

The right to culture shall be guaranteed. The right to creativity shall be guaranteed. The state shall encourage cultural creativity and support national culture in its originality, diversity and renewal, in

what devotes the values of tolerance, renounce of violence and the openness to different cultures and dialogue between civilizations.

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

**Article 42 Sports**

The state shall seek to provide all of facilities necessary for the exercise of physical activity and shall furnish means of entertainment.

**Article 43 Water**

The right to water shall be guaranteed.

Conservation and the rationale use of water shall be a duty of the State and society.

**Article 44 Environment**

The right to a sound and balanced environment shall be guaranteed.

**Article 45 Women's rights**

The state shall ensure the protection of women and support their gains.

The state shall ensure equal opportunities for men and women in carrying different responsibilities.

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

**Article 46 Children's rights**

Children are entitled to dignity, care, education, and health from their parents and the state.

The state shall provide legal, social, financial, and moral protection to all children with no discrimination according to the best interest of the child.

**Article 47 Rights of persons with special needs**

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

Every disabled citizen shall have the right to benefit, based on the nature of the disability, from all of the measures guaranteeing their full integration into society.

**Article 48 Limitations clause**

The law will determine the limitations that can be imposed on the rights and freedoms that are included in this Constitution and their application on the condition that it does not compromise their essence. The law can only take away from these rights to protect the rights of others or based on the

requirements of public order or national defense or public health. The judicial authorities ensure that rights and freedoms are protected from all violations.

### **Chapter Three – Legislative Authority**

#### **Article 49 Legislative body and referenda**

The people shall exercise legislative power through their representatives in the Chamber of Deputies or through referenda.

#### **Article 50 Headquarters**

The headquarters of the Chamber of Deputies shall be located in Tunis and its suburbs. In the event of exceptional circumstances, the Chamber may hold the sessions thereof in any other place in the Republic.

#### **Article 51 Financial and administrative independence, rules of procedure**

The Chamber of Deputies shall enjoy financial and administrative independence within the framework of the state budget.

The Chamber of Deputies shall prepare its rules of procedure and ratify them by an absolute majority of the members of the Chamber.

The state shall assign sufficient human and financial resources to allow for representatives to satisfy their obligations.

#### **Article 52 Right to candidacy**

Running for the membership of the Chamber of Deputies shall be a right to every voter who has acquired Tunisian nationality at least ten years prior and is no younger than twenty three years of age on the day of candidacy, provided that they are not subject to any form of denial specified by the law.

#### **Article 53 Eligibility to vote**

Every Tunisian citizen aged eighteen years shall be deemed a voter in accordance with the conditions set by the Election Law.

#### **Article 54 Election of Chamber of Deputies' members**

Members of the Chamber of Deputies shall be elected in a secret, direct, free, transparent, fair and general elections in accordance with the Elections Law.

#### **Article 55 Term**

The Chamber of Deputies shall be elected for five years within the last sixty days of the term of the mandate thereof.

In the event of failure to hold the elections as a result of war or imminent danger, the mandates of the Chamber shall be extended by law.

**Article 56      Sessions**

The Chamber of Deputies shall hold an ordinary session starting in October and ending in July, provided that the first session of the mandate of the Chamber of Deputies shall begin by invitation from the Speaker of the preceding Chamber during the fifteen-day period following the announcement of the final results of the elections.

In the event that the beginning of the first session of the mandate of the Chamber of Deputies coincides with the recess thereof, an extraordinary session shall be held for the purpose of giving confidence to the government.

The Chamber of Deputies shall, during its recess, convene in 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.

**Article 57      Oath**

Every member in the Chamber of Deputies shall upon assuming the functions thereof, swear in on the following oath: "I do solemnly swear that I will work diligently to serve the nation, that I will abide by the provisions of the Constitution, and that I will bear full allegiance to Tunisia."

**Article 58      Speaker and committees**

The Chamber of Deputies shall elect a Speaker from amongst its members in its first session.

The Chamber of Deputies shall form standing and special committees. Their responsibilities shall be distributed on the basis of proportional representation.

The Chamber of Deputies may form investigation committees. All authorities shall assist such committees in undertaking their missions.

**Article 59      The role of the opposition**

The opposition shall be an integral element of the Chamber of Deputies and shall enjoy the rights that enable it to undertake its tasks in parliamentary work. The opposition is granted an appropriate quota in the Chamber's internal and external activities including the right to establish and head an investigating committee annually and duties to ensure its active and constructive contribution in parliamentary work.

**Article 60      Voting in person**

The process of voting in the Chamber of Deputies shall be done in person and may not be delegated.

**Article 61      Legislative initiative and the introduction of bills**

Legislative initiative shall be practiced with proposals for laws by no less than ten members, or with draft laws by the president, or by the prime minister.



The head of the government is exclusively competent to present draft laws related to the ratification of treaties and on the draft budget law. Draft laws by the executive authority shall be given priority.

#### **Article 62      Legislative proposals with a financial implication**

Proposed laws or amendments presented by the members of the Chamber shall not be admitted in the event their ratification may cause prejudice to the state's financial balance as determined by the budget law.

#### **Article 63      Voting on organic laws and on ordinary laws**

The Chamber of Deputies shall, by an absolute majority of the members thereof, ratify draft organic laws, and shall, by a majority of the attending members thereof, ratify normal draft laws, provided that such a majority is no less than one-third of the members of the Chamber.

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 competent committee.

#### **Article 64      Laws and organic laws**

Laws relating to the following areas are deemed laws:

- Classification of public institutions and facilities and the provisions regulating sales thereof.
- Nationality.
- Civil and commercial obligations.
- Procedures taken before various types of courts.
- Containment of felonies and misdemeanors and the punishments applicable thereto, in addition to criminal offences if necessitating a freedom-depriving punishment.
- General pardon.
- 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 or collection laws.
- The system to issue currency.
- Loans and financial obligations of the state.
- Basic guarantees given to civil and military employees.
- Declaration on earnings
- Organization of the ratification of treaties.
- Laws of finance and closure of budget, and the ratification of development plans.
- The fundamental principles of the system of ownership, in kind rights, scientific research, culture, public health, the environment, land and urban planning, energy, the Labor Law, and social security.

Laws relating to the following areas are deemed organic laws:

- Ratification of treaties.
- Organization of justice and the judiciary.
- Organization of the media, press and publications.
- Organization and funding of parties, associations, organizations, and professional bodies.

- Organization of the national army.
- Organization of the internal security forces and customs department.
- Election laws.
- Extension of term for the parliament according to article 55.
- Extension of presidential term according to article 74.
- Freedoms and human rights.
- Personal affairs.
- Fundamental duties of citizens.
- The local government.
- Organization of constitutional agencies.

The general dispositional power may intervene with the articles not included in this Chapter.

#### **Article 65      Ratification of draft budget laws**

The law determines the state's resources and its expenses in conformity with the provisions set out in the organic budget law.

The Chamber of Deputies shall ratify the draft budget laws and the closure of the budget in accordance with the terms stipulated under the organic budget law.

The draft budget law shall be presented to the Chamber no later than 31 October and shall be ratified no later than 20 December. The constitutional court renders a decision on the constitutionality of the draft budget law within no more than one week.

If the ratification does not take place by 31 December, the draft finance law may be enforced in three-month installments renewable by virtue of a governmental decree.

#### **Article 66      Ratification of international treaties**

Commercial treaties and treaties related to international organizations, the borders of the state, the financial obligation of the state, the status of individuals, or provisions of a legislative nature shall be submitted for approval to the Chamber of Deputies.

Treaties shall not be deemed enforced unless upon their ratification

#### **Article 67      Immunity from prosecution**

No member of the Chamber of Deputies may be prosecuted at a civil or criminal level, arrested or tried for opinions or proposals suggested or for the work performed thereby because of the performance of the parliamentary functions thereof.

#### **Article 68      Flagrante delicto**

If the member maintains criminal immunity in writing, he may not be prosecuted or arrested during his term of office for a criminal charge unless his immunity is lifted.

In the event of flagrante delicto, the member may be suspended and the Chamber of Deputies shall immediately be notified on the provision that the member be released if the Bureau of the Chamber so requests.

**Article 69      Decrees**

In the event of the Chamber's dissolution or during its recess, the Prime Minister may issue decrees to be submitted for ratification to the Chamber during its subsequent ordinary session. The electoral system cannot be amended by decrees.

The Chamber of Deputies may with three-fifths of its members authorize by law for a limited period and for a certain purpose the Prime Minister to issue decree-laws to be submitted for ratification to the Chamber upon the end of the period mentioned.

## **Chapter Four – The Executive Authority**

### **Article 70 Executive authority**

Executive authority is exercised by the President of the Republic and a government which is presided by the prime minister.

### **Section One – The President of the Republic**

#### **Article 71 Head of state**

The President of the Republic shall be Head of State, shall represent its unity and secure its independence and continuity, and shall respect the Constitution.

#### **Article 72 Seat**

The official seat of the Presidency of the Republic shall be Tunis and its suburbs. In the event of exceptional circumstances, the headquarters may be transferred to any other location in the Republic.

#### **Article 73 Right to candidacy**

Running for the position of President of the Republic shall be a right entitled to every male and female voter who holds Tunisian nationality by birth and no other, who embraces Islam, and whose age, on the day of submission of candidacy, is no less than forty years and no more than seventy five.

The candidate shall be supported by a number of members of the Chamber of Deputies or heads of elected local municipal group councils or the voters designated in accordance with the manner and terms specified by the elections law.

#### **Article 74 Term and election**

The President of the Republic shall be elected for a five-year period during the last sixty-day period of the presidential term 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 of any candidate to achieve an absolute majority in the first round, a second round shall be organized during the two weeks following the announcement of the final results of the first round. The two candidates having won the highest number of votes during the first round shall run for elections.

In the event of the death of one of the candidates in the first round, or being prevented from continuing by force majeure, candidate registration shall be reopened and new dates for elections shall be set. In the event of the withdrawal, death, or prevention by force majeure of any of the candidates in the runoff, the other candidate shall be announced as a winner.

In the event of failure to hold the elections on the set dates as a result of the prevalence of a state of war or imminent danger, the term of presidency shall, by virtue of a law, be extended.

It is forbidden to assume the Presidency of the Republic for more than two successive or separate terms.

#### **Article 75 Oath**

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 Tunisia and the safety of its territories, to respect its Constitution and legislation, to safeguard its interests, and to remain loyal to it.”

#### **Article 76 Mandate**

The President of the Republic is responsible for representing the state. He is responsible for outlining the general policies on the aspects of defense, foreign relations and national security related to protecting the State and the homeland from internal and external threats in compliance with the general policy of the State.

He is also responsible for:

- Dissolving the Chamber of Deputies in accordance with the constitution’s provisions.
- Presiding the National Security Council.
- Being the Commander-in-Chief of the armed forces.
- Declaring war and establishing peace, upon the approval of a three-fifths majority of the Chamber of Deputies, as well as sending troops abroad, upon the approval of the Chamber of Deputies and the government provided that the Chamber shall convene with a view to deciding on the matter within a period of no more than sixty days.
- Taking measures that are required by exceptional circumstances, and to declare such measures in accordance with article 79.
- Ratifying treaties and organizing their publication.
- Awarding decorations.
- Granting special pardon.

#### **Article 77 Appointment powers**

The President of the Republic is responsible for:

- Appointing the General Mufti of the Tunisian Republic.
- Appointing and dismissing individuals with respect to senior positions in the Presidency of the Republic and affiliated institutions. These senior positions are determined by law.
- Appointing and dismissing individuals with respect to senior military and diplomatic positions that are related to national security. These appointments can only be made if the relevant parliamentary committee does not object within 20 days. These senior positions are regulated by law.
- Appointing the governor of the Central Bank upon a proposal from the Prime Minister to the president of the republic. The parliament must approve the appointment by a majority of the members present, and by no less than one third of the total number of members. The governor shall be dismissed in the same manner or upon the request of an absolute majority of the

Chamber of Deputies and by approval of a majority of the members present on the conditions and by no less than one third of the members.

**Article 78      Addressing the Chamber of Deputies**

The President of the Republic may address the Chamber of Deputies.

**Article 79      Imminent danger**

In the event of imminent danger threatening the nation's institutions, and the security and independence of the country in such a manner preventing the normal operation of the entities of the state, the President of the Republic may undertake any measures necessitated by the circumstances, after consultation with the Prime Minister and the Speaker of the Chamber of Deputies. The President shall announce the measures in an address to the nation.

The measures shall aim to secure the normal reoperation of the public authorities as soon as possible. The Chamber of Deputies shall be deemed in a state of continuous session throughout such period. In such event, the President of the Republic may not dissolve the Chamber of Deputies and may not bring a motion of censure against the government.

After the elapse of a thirty-day period as of the implementation of the measures, and at any time after such, the Speaker of the Chamber of Deputies or thirty of the members thereof shall be entitled to resort to the Constitutional Court with a view to verifying whether the circumstances specified in Paragraph 1 of the present article still exist. The Court shall issue the decision thereof publicly within a period no later than fifteen days.

The measures cease to bear effect upon the termination of the reasons causing the existence thereof. The President of the Republic shall, to that effect, address the nation.

**Article 80      Ratification of laws**

The President of the Republic shall seal and issue laws in the Official Gazette of the Tunisian Republic within a period of no more than fifteen days as of receipt thereof from the Constitutional Court.

Except for the budget law, the President of the Republic is entitled, during a period of ten days as from the receipt of the draft law from the Speaker of the Chamber of Deputies, to return the draft law to the Chamber for a second reading. If the draft law is ratified by an absolute majority of the members of the Chamber, with respect to normal laws, and by a majority of two-fifth of the members, with respect to organic laws, the President of the Republic shall seal and issue thereof within a period of no more than fifteen days as from the receipt thereof from the Constitutional Court. In the event of amending the draft law in accordance to the suggestions of the President of the Republic, it shall be ratified by an original majority.

**Article 81      Submitting draft laws to referendum**

The President of the Republic may, in exceptional circumstances, submit for a referendum, the draft laws that were ratified by the Chamber of Deputies that are not in contradiction with the Constitution

based on the ruling of the Constitutional Court, and are related to right, freedoms, or personal affairs, or in agreement with international treaties. The submission for referendum shall be deemed a waiver of the right to return the draft law.

If the result of the referendum is the ratification of the draft law, the President of the Republic shall seal and publish the draft law within a period exceeding no more than fifteen days as of the date of announcement of the results of the referendum.

The electoral law shall regulate the means of conducting the referendum and announcing its results.

#### **Article 82      Incapacity**

The President of the Republic may, in the event of a temporary inability to perform his tasks, delegate his authorities to the Prime Minister for a maximum period of 30 days, renewable for one time.

The President of the Republic shall inform the Speaker of the Chamber of Deputies of the temporary delegation of authorities.

#### **Article 83      Temporary and permanent vacancy**

In the event of a temporary vacancy of the office of the President of the Republic for reasons that prevent the President of the Republic from delegating his authorities, the Constitutional Court shall hold a prompt meeting and acknowledge the temporary vacancy of the office. The period of temporary vacancy may not exceed sixty days.

Should the temporary vacancy exceed the sixty-day period, or in the event the President of the Republic submits a written resignation to the President of the Constitutional Court, or in the event of death or absolute disability, or for any other reason that causes a permanent vacancy, the Constitutional Court shall hold a prompt meeting and acknowledge the permanent vacancy. The Court shall notify the Speaker of the Chamber of Deputies who shall, on a temporary basis, immediately undertake the tasks of the presidency for a duration of no less than forty-five days and no more than ninety days.

#### **Article 84      Procedures in case of permanent vacancy**

In case of permanent vacancy, the interim president of the republic should take his oath before the Chamber of Deputies, and in case it is necessary before the Chamber's bureau or before the constitutional court in case the Chamber is dissolved.

#### **Article 85      Powers during temporary and permanent vacancy**

The person undertaking the tasks of the President of the Republic, during the temporary or permanent vacancy of the office, shall exercise presidential tasks without being entitled to propose amending the Constitution, resort to a referendum, dissolve the Chamber of Deputies.

During the interim presidential period, no censure may be brought against the government, and a new President for the Republic shall be elected for a full presidential term. No motion to withdraw confidence from the government may be presented.

**Article 86 Immunity from prosecution**

The President of the Republic benefits from judicial immunity during his mandate. All statutes of limitations and other deadlines are suspended. Judicial measures may recommence after the end of his mandate.

The President of the Republic cannot be prosecuted for acts that were carried out in the context of his functions.

**Article 87 Deliberate violations of the Constitution**

A majority of the members of the Chamber of Deputies may initiate a justified statement approved by a majority of two thirds to bring an end to the President of the Republic's mandate for the deliberate violation of the Constitution. In such event the matter is referred to the Constitutional Court for deciding on the matter. In the event of condemnation, the Constitutional Court may not render its sentence except by way of ousting. This shall not mean an absolution of punishment when necessary. No President who has been forced from office is entitled to run in any other election.

**Section Two – The Government**

**Article 88 Government's composition, and formation**

The government shall be composed of a Prime Minister, ministers, and state clerks selected by the Prime Minister. The ministers of foreign affairs and defense shall be selected by the Prime Minister in consultation with the President of the Republic.

Within one week after the date on which the definitive election results are declared, the President of the Republic shall assign the candidate of the party or the election coalition having won the largest number of seats in the Chamber of Deputies to form the government within a one-month period extendable only once. If two or more parties or coalitions have the same number of seats, then the nomination should be made based on the numbers of votes that were cast in the election.

If the specified period of time elapses without the formation of the government or in the event of failure to receive the vote of confidence of the Chamber of Deputies, the President of the Republic shall consult with the parties, coalitions, and parliamentary blocs to entrust the person most capable of constituting a government within a period of no more than one month.

If a four-month period elapses from the date of entrusting the first candidate and the members of the Chamber of Deputies fail to agree on granting confidence to the government, the President of the Republic is entitled to dissolve the Chamber of Deputies and to call for new legislative elections to be held within at least 45 days and not more than 80 days.

The government shall present a brief programme to the Chamber of Deputies to gain confidence. When the government gains the confidence of the Chamber, the President of the Republic shall nominate the Prime Minister and members of the government.



The Prime Minister and the members of government shall be sworn in before the President of the Republic in accordance with the following oath: "I swear by Almighty God to work for the benefit of Tunisia, to respect the country's Constitution and its legislation, to scrupulously defend its interests and remain loyal to it".

**Article 89      Incompatible mandates**

Membership of the government and of the Chamber of Deputies may not be combined. The Elections Law shall regulate the process of filling vacancies.

The Prime Minister and the members of the government may not be employed in any other profession.

**Article 90      The state's general policy**

The Prime Minister determines the state's general policy and shall ensure its execution.

**Article 91      Prime Minister's mandate**

The Prime Minister is responsible for the following:

- Creating, amending and dissolving ministries and bureaus of state, as well as determining their mandates and authorities upon discussing the matter with the council of ministers.
- Removing one or more members of the government and receive the resignation of one or more members of the government.
- Creating, amending, and dissolving public institutions, public entities and administrative departments as well as regulating their mandates and authorities upon discussing the matter with the council of ministers.
- Nominating and dismissing individuals from senior civil positions. These positions are determined by law.

The Prime Minister informs the President of the Republic of the decisions taken within the abovementioned mandates.

The Prime Minister governs the administration and concludes international agreements of technical nature.

The government ensures the enforcement of laws. The Prime Minister delegates some of his authorities to the ministers.

If the Prime Minister is temporarily unable to carry out his tasks, he shall delegate his authorities to one of the ministers.

**Article 92      Presiding over the council of ministers**

The Prime Minister presides over the Council of Ministers.

The Council of Ministers meets by convocation by the Prime Minister, who fixes the agenda.

It is mandatory for the President of the Republic to preside over the council of ministers in issues relating to defense, foreign policy, national security in so far as the protection of the state and of the national territory from internal and external threats are concerned. The President may also attend the Council of Ministers' other sessions. If the President attends, he preside over the session.

All draft laws are deliberated in the Council of Ministers.

**Article 93      Deliberations of draft laws**

The Prime Minister shall practice the general arrangements authorities and shall issue individual orders that shall be signed after discussion with the cabinet.

Orders issued by the Prime Minister are referred to as governmental orders.

Regulatory decrees are signed by the competent minister.

The Prime Minister shall sign the dispositional decrees issued by ministers.

**Article 94      Accountability**

The government is held accountable before the Chamber of Deputies.

**Article 95      Oral or written questions**

Each Assembly member has the right to submit written or oral questions to the Government in accordance with the Chamber's internal rules of procedure.

**Article 96      Withdrawal of confidence**

Votes may be taken on a motion of censure brought against the government after at least one-third of the members of the Chamber of Deputies make a justified request to the Speaker of the Chamber of Deputies. The voting process shall not take place except after the elapse of a fifteen-day period as from the date that the request was presented to the chairmanship of the Chamber.

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 alternative to the Prime Minister whose candidacy shall be ratified in the same voting process. The President of the Republic shall entrust the candidate with the task of forming the government. In the event of failure to attain the specified majority, the motion of censure may not be reintroduced against the government except after the elapse of a six-month period.

The Chamber of Deputies may withdraw the vote of confidence given to a member of the government after a justified request is submitted to the Speaker of the Chamber by no less than two-thirds of the members. Withdrawal of the vote of confidence shall be by an absolute majority of votes.

#### **Article 97      Resignation**

If the Prime Minister resigns, the entire government is considered to have resigned. The resignation shall be submitted in writing to the President of the Republic who notifies the Speaker of the Chamber of Deputies.

The Prime Minister may propose to the Chamber of Deputies to give a vote of confidence to the government to continue operating. The voting process shall be by an absolute majority of the members of the Chamber of Deputies. Should the Chamber not renew confidence in the government, it shall be deemed resigned.

In either case, the President of the Republic shall assign the person who is most capable to constitute the government in accordance with the provisions of Article 88.

#### **Article 98      Vacancy**

If, for any reason other than resignation and withdrawal of confidence, the post of Prime Minister is permanently vacant, the President of the Republic shall nominate the candidate of the political party or the ruling coalition to form a government within one month. If the mentioned period passes without a government having been formed, or fails to receive a vote of confidence, the President shall assign the most capable individual to form the government to constitute a government that applies for gaining the vote of confidence of the Chamber in accordance with the provisions stipulated in Article 88.

The government that has completed its tasks shall continue to administer under the supervision of one member thereof to be selected by the council of ministers and nominated by the President of the Republic until the new government takes over.

#### **Article 99      Resolution of disputes with the President**

Any disputes arising with respect to the mandates of the President of the Republic and of the Prime Minister shall be referred to the Constitutional Court. The Court shall resolve the dispute within one week based on a request presented by the keenest of the parties.

## Chapter Five – The Judicial Authority

### Article 100 Mandate

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

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

### Article 101 Impartiality, competency and fairness

A judge must be competent. He must commit to impartiality and integrity. He shall be held accountable for any shortcomings in the performance of his duties.

### Article 102 Immunity

Judges shall enjoy immunity against criminal prosecution and may not be prosecuted or suspended unless their immunity is lifted. In the event of flagrante delicto, a judge may be arrested and the Judiciary Council shall be notified with a view to settle the request for lifting the immunity.

## Section One – Judiciary, and Administrative and Financial Judiciary

### Article 103 Nomination

Judges shall be nominated by virtue of an order made by the President of the Republic based on a similar opinion from the Supreme Judicial Council.

### Article 104 Sanctions

No judge may be transferred without his consent, no judge may be dismissed, and no judge may be suspended, deposed, or subjected to a disciplinary punishment except in such cases and in accordance with the guarantees provided for by the law and by virtue of a justified decision issued by the Supreme Judicial Council.

### Article 105 Right to fair trial

Every individual shall be entitled to a fair trial in a reasonable period. Litigators shall be equal before the judiciary.

The right to two-level litigation and the right to defense shall be guaranteed. The law shall make the judiciary accessible and shall grant indigents with judicial assistance.

Court sessions shall be public unless the law decides otherwise.

**Article 106 Prohibition against interference**

Any interference in the judiciary is prohibited.

**Article 107 Classification of courts, military judiciary**

Courts shall be classified by virtue of a law. No exceptional courts or procedures that may prejudice the principles of fair trial may be established or adopted.

Military courts are responsible for military crimes. A law shall regulate the mandate, structure, and organization of the military courts, their applicable procedures and the statute of military judges.

**Article 108 Decisions in the name of the people**

Decisions shall be issued and executed in the name of the people. Failing to execute or impeding the execution of a sentence without legal grounds is not permissible.

**Sub-Section One – Supreme Judicial Council**

**Article 109 Composition of the Supreme Judicial Council**

The Supreme Judicial Council is composed of four bodies, which are the Judiciary Council, the Administrative Judicial Council, the Financial Judicial Council, and the Judicial Councils Organization.

Half of each of these entities is composed of judges the majority of whom are elected as well as judges appointed by capacity, while the other half shall be composed of individuals other than judges.

The Supreme Judicial Council shall elect its president from amongst its most senior judges.

A law shall regulate the mandate, structure, and organization of each of the four entities as well as the procedures applicable before each.

**Article 110 Administrative and financial independence**

The Supreme Judicial Council shall enjoy administrative and financial independence and self-management, and shall prepare and discuss its draft budget before the competent committee at the Chamber of Deputies.

**Article 111 Mandate**

The Supreme Judicial Council shall ensure the judiciary's sound performance and respect for its independence. The Judiciary Councils Organization shall propose reforms and express opinions with respect to proposals and draft laws related to the judiciary that are presented to it. Each of the three councils shall decide on the professional conduct of judges and on disciplinary measures.

The Supreme Judicial Council shall submit an annual report to the Speaker of the Chamber of Deputies, the President of the Republic, and the Prime Minister. The report shall be published.

## **Sub-Section Two – The Judiciary**

### **Article 112      Composition and mandate**

The judiciary is composed of the Court of Cassation, appellate courts and courts of first instance.

The public prosecution is part of the judicial system, with included securities guaranteed. The judges shall practice their tasks in public prosecution within the framework of the penalty policy of the State as regulated by the law.

The Court of Cassation shall prepare an annual report and submit it to the President of the Republic, the head of Parliament, the head of Government and the head of the Supreme Judicial Council. The report shall be published.

A law shall regulate the judiciary, its mandate, its procedures, as well as the statute of the judges.

## **Sub-Section Three – Administrative Judiciary**

### **Article 113      Composition and mandate**

The administrative judiciary is composed of the Supreme Administrative Court, administrative courts of first instance and administrative courts of appeal.

The administrative judiciary has jurisdiction over any abuse of power by the administration as well as administrative disputes. The administrative judiciary shall, in accordance with the law, exercise consultative functions.

The Supreme Administrative Court shall prepare a general annual report to be submitted to the President of the Republic, the Speaker of the Chamber of Deputies, the Prime Minister, and the President of the Supreme Judicial Council.

A law shall regulate the organization and terms of reference of the administrative judiciary and the statute of the judges.

## **Sub-Section Four – Financial Judiciary**

### **Article 114      Composition and mandate**

The Financial Judiciary is composed of the Court of Audit with its different bodies.

The Court of Audit shall have jurisdiction to supervise the sound spending of public funds in accordance with the principles of Sharia, effectiveness, and transparency. The Financial Judiciary shall decide on the accounts of public auditors. The Financial Judiciary evaluates the expenditure of public funds and prevents any errors in that regard.

The Financial Judiciary shall assist the legislature and the executive in supervising the enforcement and sealing of financial laws.

The Court of Audit shall prepare a general annual report to be submitted to the President of the Republic, the Speaker of the Chamber of Deputies, the Prime Minister, and the President of the Supreme Judicial Council. The report shall be published. The Court of Audit shall, when necessary, prepare special reports that may be published.

A law shall regulate the organization, mandate and procedures of the Court of Audit as well as the statute of its judges.

## **Section Two – The Constitutional Court**

### **Article 115      Composition and nomination of members**

The Constitutional Court is composed of 12 members having no less than 15 years of high expertise, two thirds of whom must be legal specialists.

The President of the Republic, the Speaker of the Chamber of Deputies, the Prime Minister, and the Supreme Judicial Council shall each nominate six candidates, two thirds of whom must be legal specialists.

Adopting one half from each nominating party, the Chamber of Deputies shall elect twelve members by a two-third majority. The elected members' mandate shall be for one-term period lasting for nine years.

In the event that the required majority is not reached, the remaining candidates shall, with the same majority required, stand for election again. In the event of failure to reach the required majority, other candidates shall be nominated and the election process shall be repeated following the same method.

One-third of the members of the Constitutional Court shall be renewed every three-year period. Any vacancies in the hierarchy of the Court shall be filled by virtue of the means adopted during appointment.

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

### **Article 116      Incompatible mandates**

Combining membership in the Constitutional Court and undertaking any other job or task shall be prohibited.

### **Article 117      Mandate**

The Constitutional Court is competent to oversee the constitutionality of the following:

- All draft laws submitted to it by the President of the Republic before their ratification.
- Constitutional draft laws submitted to it by the Speaker of the Chamber of Deputies as specified in Article 142.

- Constitutional draft laws submitted to it by the Speaker of the Chamber of Deputies to determine whether the procedures of amending the Constitution have been respected.
- Treaties presented to it by the President of the Republic before they are ratified by law.
- Laws referred to it by courts as a result of a request filed by a litigator, in accordance with the procedures provided for by law, to claim the unconstitutionality thereof.
- The Chamber of Deputies' rules of procedure presented to it by the Speaker of the Chamber.

The Constitutional Court is also responsible for the other tasks that are granted to it by the Constitution.

**Article 118      Voting procedures**

Decisions in the Constitutional Court shall be taken by a 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 Tunisian Republic.

**Article 119      Actions on draft laws that violate the Constitution**

Any draft law that is in violation of the Constitution shall be referred to the President of the Republic and from the President to the Chamber of Deputies to be reconsidered and for amendment in accordance with the decision issued by the Constitutional Court. The President of the Republic shall, prior to the law's ratification, resend the law to the Constitutional Court to study the extent of conformity of the amendment made with the decision issued by the Court within a one-month period.

**Article 120      Jurisdictional limits, effect of unconstitutionality**

In the event the Constitutional Court is seized by a claim of unconstitutionality, the Court shall be limited to examining the question that has been put before it. It shall render its decision within three months, which can be renewed only once and by virtue of a justified decision from 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 121      The Court's procedures, and immunities**

A law shall govern the organization of the Constitutional Court and the procedures it should follow as well as the guarantees enjoyed by its members.



## **Chapter Six – Independent Constitutional Commissions**

### **Article 122      Legal status, composition and organisation**

The independent constitutional commissions work to promote democracy.

These commissions shall enjoy a legal personality as well as financial and administrative independence. These commissions shall be elected by the Chamber of Deputies, shall submit an annual report to it, and shall be held accountable before the Chamber. All organs of the state shall facilitate their work.

The composition and organization as well as ways of holding these commissions accountable shall be governed by law.

### **Section One – Electoral Commission**

#### **Article 123      Mandate and composition**

The Electoral Commission shall be entrusted with the management, organization, and overseeing of elections and referenda during all their phases. The authority shall ensure the soundness, integrity, and transparency of the election process, and announce the results.

The Commission has general dispositional power in the areas that are related to its mandate.

The Commission shall be composed of nine independent, impartial, and competent members who undertake their work for one six-year period mandate. One third of its members are replaced every two years.

### **Section Two – Media Commission**

#### **Article 124      Mandate and composition**

The Media Commission shall oversee the modulation and development of the media sector and shall guarantee freedoms of expression and of the media and the right to access information, in order to guarantee the existence of plural and fair media.

The Commission shall be duly consulted on relevant draft laws that are related to its mandate.

The Commission shall be composed of nine independent, impartial, and competent members who undertake their work for one six-year period mandate. One third of its members are replaced every two years.

### **Section Three – Human Rights Commission**

#### **Article 125 Mandate and composition**

The Human Rights Commission shall oversee the extent to which human rights and freedoms are respected, and will promote human rights. The Commission shall also propose amendments to the human rights system and shall be duly consulted on draft laws that are related to its mandate.

The Commission shall conduct investigations into the violation of any human rights with a view to settlement or referral to the competent authorities.

The Commission shall be composed of independent and impartial members who are capable and who have integrity. They undertake their functions for one six-year period.

### **Section Four – The Commission for sustainable development and for the rights of future generations**

#### **Article 126 Mandate and composition**

The Commission for sustainable development and for the rights of future generations shall be consulted on draft laws related to economic, social and environmental issues and on planning of development. The Commission shall give its opinion on issues related to its specializations.

The Commission shall be composed from member with efficiency and integrity. They undertake their missions for one duration of 6 years.

### **Section Five – The Commission for Good Governance and anti-Corruption**

#### **Article 127 Mandate and composition**

The Commission for Good Governance and anti-Corruption contributes to the policies of good governance, preventing and fighting corruption and following up their implementation and dissemination, and enhancing the principles of transparency, integrity and accountability.

The Commission shall be in charge of monitoring the cases of corruption within the public and private sectors, investigate and submit them to the authorities related. The body must be consulted on draft laws related to its specialization.

### **Chapter Seven – Local Government**

#### **Article 128 Decentralisation**

The local government shall be based on decentralization.

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

Special types of local authorities may be established by virtue of a law.

**Article 129      Local authorities**

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

**Article 130      Councils and elections**

Elected councils manage local authorities.

Municipal and regional councils shall be elected by virtue of general, free, secret, fair, transparent and direct elections.

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

The election law shall ensure the representation of youth in authorities councils.

**Article 131      Terms of reference and dispositional power**

Local authorities shall enjoy self-managed terms of reference, terms of reference that are co-managed with the state, and terms of reference transferred that are to them from the state.

The co-managed and transferred terms shall be distributed in accordance with the principle of subsidiarity.

Local authorities shall enjoy dispositional power in satisfying their mandates. Decisions of the municipalities shall be published in the local authorities' official gazettes.

**Article 132      Resources**

Local authorities shall be furnished with self-generated resources and with resources that are given to them by the central government. These resources must be appropriate for the authorities that are assigned to them by law.

All terms of reference established or transferred by the central government shall be coupled with the relevant resources required.

The financial system of local authorities shall be governed by a law.

**Article 133      Additional resources**

The central government shall guarantee the provision of additional resources for local authorities in order to consolidate the principle of solidarity between groups, and to adopt the mechanism of settlement and amendment.

The central government shall balance local resources with local burdens.

**Article 134      Dispositional power**

Local authorities shall have the freedom to dispose of their resources within the frame of the approved budget in accordance with good governance rules and under the financial judiciary's supervision.

**Article 135      A posteriori oversight**

Local authorities shall, with respect to the legitimacy of their work, be subject to a posteriori oversight.

**Article 136      Participatory democracy**

Local authorities shall adopt the mechanisms of participatory democracy, and the principles of open governance to ensure a broader participation of citizens and civil society in development programmes and the municipal preparations and the follow up of its implementation according to the law as specified by the law.

**Article 137      Partnerships, foreign relations**

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 build foreign relations for decentralized partnership and cooperation.

Forms of cooperation and partnership between authorities shall be regulated by a law.

**Article 138      Supreme Council of Local Authorities**

The Supreme Council of Local Authorities shall be a representative structure for all authorities' councils, and shall be headquartered outside of the capital.

The Supreme Council of Local Authorities shall have cognizance over matters related to development and balance between authorities and shall render an opinion with respect to any draft law related to local planning, budget, and financial issues. The Head of the Supreme Council of Local Authorities may be invited to attend discussions of the Chamber of Deputies.

The composition and tasks of the Supreme Council of Local Authorities shall be governed by law.

**Article 139      Resolution of disputes**

The administrative judiciary shall decide on disputes related to the jurisdiction on disputes arising among local authorities and on disputes arising between the central government and local authorities.

## Chapter Eight – Amendment of the Constitution

### Article 140 Initiation of proposal

The President of the Republic, or one-third of the members of the Chamber of Deputies, shall have the right to initiate a request to amend the Constitution. A proposition initiated by the President of the Republic shall have priority.

### Article 141 Unamendable components

No amendment to the Constitution may bring prejudice to:

- Islam, being the religion of the state.
- The Arabic language, being the official language.
- The republican system.
- The state's civil nature.
- Acquired human rights and freedoms that are guaranteed under the present Constitution.
- The number and duration of presidential terms.

### Article 142 Procedure

Each proposition to amend the Constitution shall be submitted by the Speaker of the Chamber of Deputies to the Constitutional Court to ensure that such proposition is not related to an article to which the Constitution has banned any amendment.

The Chamber of Deputies shall study the proposed amendment with a view to obtaining the approval of the absolute majority of the members on the concept of amendment.

With consideration to the provisions of Article 141, the Constitution shall be amended upon the approval of two-thirds of the members of the Chamber of Deputies. The President has the right to submit the amendment for referendum and shall be approved in this case by absolute majority.

## Chapter Nine – Final Provisions

### Article 143 Preamble an integral part of the Constitution

This Constitution's preamble is deemed an integral part of the Constitution.

### Article 144 Interpretation of the Constitution

The Constitution's provisions shall be interpreted as one homogenous unit.

## Chapter Ten – Transitional Provisions

### Article 145 Approval of the Constitution

After approving the complete constitution according to Chapter three of the constitutional law No. 6 of the year 2011 dated 16 December 2011 related to the temporary establishment of the public authorities, the National Constituent Assembly shall convene an extra-ordinary general session where the Constitution shall be sealed by the President and the Speaker of the National Constituent Assembly and the Prime Minister. The Speaker of the National Constituent Assembly shall give the permission to publish it.

### Article 146 Staggered entry into force

The constitution shall enter enforcement gradually by issuing the relevant legislative provisions and the current provisions shall remain in effect until they are cancelled.

The Constitution provisions shall be in effect as of the first day for the month that follows the month the constitution was sealed. The general session of the administrative court shall be in charge of the authorities given to the constitutional court except on taking decisions of challenging the unconstitutionality and requests to relieving the President from his position, and those provisions related to the authority of monitoring the constitutionality by challenging shall not come into effect before three years from the starting of the constitutional court its other tasks. All other courts are not authorized to monitor the constitutionality of the laws.

For the purposes of the second item of the current provision, a number of provisions are excluded:

- Chapter Three which relates to legislative power except articles 52, 53, 54 and the second part of Chapter Four which relates to the Government: this shall come into effect on the day of announcing the final results of the first legislative elections after sealing the constitution.
- Section One of Chapter Four which relates to the President except articles 73 and 74: Shall come into effect on the day of announcing the final results of the first presidential elections after sealing the constitution.
- Section Two of Chapter Five which relates to judicial, administrative and financial system: Shall come into effect on the completion of the Supreme Judicial Council.

The statute of non-limitation on the crime of torture stated in article 22 shall apply to all other torture crimes including the crimes committed before this constitution comes into effect.

Acclamation after the first presidential elections after sealing the constitution is made by a number of the National Constituent Assembly members according to the number suitable for members of the Council of Representatives or a number of elected voters according to the electoral law.

Laws shall be enacted and the bodies that ensure enforcing the provisions of the constitution shall be established after sealing this constitution until electing the National Constituent Assembly by the Parliament.

God is the guarantor of success.

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