

UNITED NATIONS DEVELOPMENT PROGRAMME

PARLIAMENTARY UPDATE: THE NEW TUNISIAN CONSTITUTION – FACT SHEET

FRIDAY 24 JANUARY 2014

1. Through projects to support the work of the National Constituent Assembly of Tunisia, UNDP has been providing assistance to the NCA including: to support its work as a constitution-making body; to build its capacities as the institution that will become the Parliament of Tunisia; and facilitating a productive engagement between civil society and the NCA. This work has been carried out in parallel to UNDP's other governance projects in Tunisia, which include support to the election process and to the justice system.
2. Yesterday evening, the NCA completed its article-by-article voting on the Constitution of Tunisia. Each article was required to be approved by a simple majority, and this was achieved.
3. On Sunday 26 January, the full text will need to be ratified by a two-thirds majority of the NCA. It is expected that the requisite majority for the final approval will be achieved.
4. If so, the Constitution will be signed by the President of the Republic, the President of the Council of Ministers, and the President of the NCA at a ceremony on Monday 27 January. Presidential and parliamentary elections under the new constitution are expected in the last quarter of 2014.
5. Meanwhile, the UNDP parliamentary/constitutional support project will assist to disseminate information about the Constitution; and to continue to work with the NCA to strengthen parliamentary institutions and on the framing of organic laws to implement key constitutional provisions.
6. It is just over three years since the ouster of the administration of President Zine El Abidine Ben Ali, and over two years since the election of the NCA. The provisions of the Constitution have been developed over that time. Many elements of the document therefore naturally represent the results of compromise across the Tunisian political spectrum. For example, Islam is recognized as the national religion, candidates for the Presidency must profess Islam, and the State has a positive duty to protect "the sacred".
7. The overall tone and effect of the document is to provide for a secular regime that is respectful of human rights and development priorities. Key provisions include:
 - a. Strongly-worded commitments to the open nature of Islam, the rule of law, free elections, the separation and balance of powers, freedom of association, pluralism, respect for human rights, judicial independence, gender equality, a healthy environment and sustainable development (preamble)
 - b. Freedom of conscience and belief (art 6)
 - c. A strong statement about the public ownership of natural resources, and a requirement that contracts for their exploitation receive parliamentary approval (art 12)

- d. Equality, including on the basis of gender, before the law (art 20)
 - e. A right to privacy (art 23)
 - f. Freedom of opinion, thought, expression, information and publication (art 30) and of access to information (art 31)
 - g. The right to a healthy and balanced environment and to participate in the protection of the climate (art 44)
 - h. Equality of opportunity for women, including a duty on the State to work toward numerical equality in elected assemblies and to eradicate violence against women (art 45)
 - i. Freedom from discrimination on the ground of disability (art 47)
 - j. A strong and independent legislature (art 51) with the right to approve international treaties (art 66) to which the government is accountable (arts 70-99)
 - k. Guaranteed rights for the political opposition (art 59)
 - l. A robustly independent judiciary (arts 100-121)
 - m. Independent commissions for elections, human rights, sustainable development, and good governance and anti-corruption (arts 122-127)
 - n. Commitments to decentralized governance (arts 128-139)
8. More detailed information is available from Jonathan Murphy, Chief Technical Advisor, UNDP Tunisia – jonathan.murphy@undp.org ; and Olivier-Pierre Louveaux, Parliamentary Development Expert, UNDP Tunisia – Olivier.louveaux@undp.org; who have been amongst the leaders of the project of support to the NCA.

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