

# Conclusions and Recommendations of the Rule of Law Workshop Tunisia, May 29, 2012

- The powers of the executive and its various ministries and agencies (the “administration”) should be clearly defined and limited by the Constitution. The constitution and the laws should include mechanisms to ensure that no organ of the government may exercise excessive power, and that each branch of the government is accountable to the Tunisian people.
- The Constitution should ensure the impartiality of the administration and regulate the appointment of government officers, and also guarantee the emergence of institutions that are capable of discharging their duties correctly.
- Government officers should be accountable under the law. The law should establish procedures for reviewing the actions of government officers and to sanction misconduct or violations of the law (by commission or omission). A code of ethics should be introduced to encourage the integrity of government agents. Ethics should be one of the criteria upon which the performance of civil servants may be evaluated.
- There should be an integrity management system within the administration to prevent corruption in accordance with best practices. Individuals who report and expose misconduct of government officers (whistleblowers) should be protected from retaliation.
- There should be mechanisms to build and utilize capacities and educate the state agents and citizens about a new culture of service to the citizens.
- The laws should be sufficiently clear so that concerned citizens may understand their content. A legal database should be created and made accessible to everybody, to ensure easy access to legal texts. The laws and regulations should be published and widely accessible in all used languages. Arabic should be maintained as the main language. There should be mechanisms to disseminate laws for those who are living in remote areas.
- Laws should be sufficiently stable to ensure reasonable predictability of the rules. It is necessary to avoid propaganda texts and fight against legal inflation (i.e., avoid making laws for each and every event). The laws should refer to principles and not to particular cases or examples.
- Fundamental rights should be clearly prescribed in the Constitution.
- There should be an independent organization (Constitutional Court) that determines the constitutionality of laws, and it has to be accessible to every citizen. Justice should be lobby-blind.
- The freedom of the media, civil society organizations and citizens to express opinions about government policies and actions and to expose cases of abuse or corruption should be protected by the Constitution. State-owned media should be at the service of the nation and not subject to control by the government.

- There should be established an independent regulatory agency to ensure the independence and competitiveness of the media.
- Equality of all people should be guaranteed in the Constitution and the laws. There should be mechanisms to ensure the rights of women and curtail violence against and abuse of them.
- The laws should be enacted, administered and enforced through a process that is accessible to the public. The laws should not be applied or enforced on an arbitrary or selective basis, for political advantage or in retaliation for lawful activities or expression. The Constitution and laws should guarantee the citizens' right to petition the government.
- The legislative framework should include publication of drafts of legislation before approval. An advisory approach should be adopted, with the participation of the political and civil society during the drafting of laws.
- Ratified international conventions should be published in the official gazette.
- Legislative, administrative and judicial proceedings should be held with timely notice and open to the public. Administrative and judicial decisions should be published and broadly distributed on a timely basis. Administrative and judicial proceedings should be conducted without unreasonable delay, and administrative decisions and judgments should be enforced in a timely fashion.
- Justice should be delivered by competent, impartial judges who exercise independent judgment and are broadly representative of the communities they serve, are adequately trained, are of sufficient number, have adequate resources, and are selected, promoted, assigned, compensated, funded, and subject to discipline in a manner that fosters both independence and accountability.
- Delivery of justice should be based on competence, integrity, and independence. Justice has to be accessible and prompt. It is important to make the distinction between justice and politics.
- The judicial branch should be independent from the executive and legislative branches of power. The higher judicial council, elected by judges, should be the supervisory authority of the judiciary.
- It is imperative to prevent corruption in the judiciary and in the security sector. There should be education and training to encourage integrity amongst judges, court personnel, lawyers, the police force and the military.