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# Tunisia's Constitution of 1959 with Amendments through 2008

Historical

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- Motives for writing constitution
- Source of constitutional authority
- Preamble

# Preamble

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In the Name of the people,

We, Habib Bourguiba, President of the Republic of Tunisia,

Considering the decree of December 29, 1955 (14 Djoumal 1375) establishing the Constituent National Assembly;

Considering the decision of the Constituent National Assembly of July 25, 1957 (26 Thul-hidja 1376); and

With the approval of the Constituent National Assembly;

Promulgate the following Constitution of the Republic of Tunisia, the content of which is as follows:

In the name of God, the Merciful, the Compassionate,

We, the representatives of the Tunisian people, meeting as members of the Constituent National Assembly.

Proclaim the will of our people, who freed themselves from foreign domination thanks to their strong cohesion and their fight against tyranny, exploitation and regression:

- To consolidate national unity and remain faithful to the human values that constitute the common heritage of the peoples attached to human dignity, justice and liberty and who are striving for peace, progress and free cooperation among nations;
- to remain faithful to the teachings of Islam, to the unity of the Great Maghreb, to its membership of the Arab community, and to cooperation with the peoples who struggle to achieve justice and liberty;
- to establish a democracy founded on the sovereignty of the people, and characterized by a stable political system based on separation of powers.

We proclaim that the republican regime constitutes:

- the best guarantee for the respect of human rights, for the establishment of equality among citizens in terms of rights and duties, and for the achievement of the country's prosperity through economic development and use of the nation's riches for the benefit of the people;
- the most effective way of protecting the family and ensuring the citizens' right to work, health care and education.

We, the representatives of the free and sovereign Tunisian people, do, by the grace of God, proclaim this Constitution.

## Chapter I. General Provisions

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### Article 1.

Tunisia is a free, independent and sovereign State. Its religion is Islam, its language is Arabic and its type of government is the Republic.

- God or other deities

- Reference to country's history

- Human dignity

- Regional group(s)

- Right to health care
- Right to work

- God or other deities

- Official or national languages
- Official religion
- Type of government envisioned

- Treaty ratification
- International law
- Legal status of treaties

## Article 2.

- Regional group(s)

The Republic of Tunisia is a part Great Arab Maghreb, an entity which it endeavors to unify within the framework of mutual interests.

Treaties signed to this end which might cause any modification in this Constitution shall be submitted to referendum by the President of the Republic following their adoption by the Chamber of Deputies in the forms and conditions provided for by the Constitution.

## Article 3.

Sovereignty belongs to the Tunisian People, who exercise it in accordance with the Constitution.

## Article 4.

- National flag

The flag of the Republic of Tunisia is red, and, according to the terms defined by law, bears in its midst a white circle in which is inscribed a five-pointed red star surrounded by a red crescent.

- National motto

The motto of the republic is: Freedom, Order, Justice.

## Article 5.

The Republic of Tunisia shall guarantee fundamental freedoms and human rights in their universality, comprehensiveness, complementarity and interdependence.

- Human dignity
- Right to development of personality

The Republic of Tunisia shall be founded upon the principles of the rule of law and pluralism and shall strive to promote human dignity and to develop the human personality.

- Reference to fraternity/solidarity

The State and society shall strive to entrench the values of solidarity, mutual assistance and tolerance among individuals, social categories and generations.

- Freedom of religion

The Republic of Tunisia shall guarantee the inviolability of the human person and freedom of conscience, and defend the free practice of religious beliefs, provided this does not disturb public order.

- General guarantee of equality

## Article 6.

All citizens have the same rights and obligations. All are equal before the law.

## Article 7.

Citizens exercise all their rights in the forms and according to the terms provided for by law. The exercise of these rights can be limited only by laws enacted to protect the rights of others, the respect of public order, national defense, the development of the economy and social progress.

- Restrictions on political parties

## Article 8.

Freedom of opinion, expression, press, publication, assembly and association are guaranteed and exercised according to the terms defined by the law.

- Freedom of association
- Freedom of assembly
- Freedom of press
- Freedom of opinion/thought/conscience
- Right to opinion expressions

The right to organize in trade unions is guaranteed. Political parties contribute to supervising citizens, in order to organize their participation in political life, and they should be established on democratic foundations. Political parties must respect the sovereignty of the people, the values of the republic, human rights, and the principles pertaining to personal status.

Political parties pledge to prohibit all forms of violence, fanaticism, racism and any other form of discrimination.

- Prohibited political parties

No political party may take religion, language, race, sex or region as the foundation for its principles, objectives, activity or programs.

- Campaign financing

It is prohibited for any party to be dependent upon foreign parties or interests.

The law sets the rules governing the establishment and organization of parties.

- Right to privacy

## Article 9.

The inviolability of the home, the confidentiality of correspondence and the protection of personal data shall be guaranteed, save in exceptional cases prescribed by law.

- Freedom of movement

## Article 10.

Every citizen has the right to move freely within the country, to leave it, and to take up residence within the limits provided for by the law.

## Article 11.

No citizen can be banished from the national territory or prevented from returning to it.

## Article 12.

- Protection from unjustified restraint

Police custody shall be subject to judicial control and preventive detention shall be exercised only following judicial instruction. It is forbidden to place any individual in arbitrary police custody or preventive detention.

- Presumption of innocence in trials
- Right to counsel

An accused person is presumed innocent until his guilt has been proven through a procedure that offers him the guarantees that are indispensable for his defense.

## Article 13.

- Principle of no punishment without law
- Protection from ex post facto laws

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

- Human dignity

Those deprived of freedom shall be treated humanely and their dignity shall be respected, in compliance with the conditions laid down by law.

- Right to own property

## Article 14.

Property right is guaranteed. It is exercised within the limits provided for by the law.

- Duty to serve in the military

## Article 15.

It is the duty of each citizen to protect the country and to safeguard its independence, its sovereignty and the integrity of the national territory.

It is each citizen's sacred duty to defend the homeland.

- Duty to pay taxes

## Article 16.

It is the duty of every individual to pay taxes and too make an equitable contribution to public expenditures.

- Protection of stateless persons
- Extradition procedure

## Article 17.

Political refugees cannot be extradited.

## Chapter II. The Legislative Power

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### Article 18.

The people shall exercise the legislative power through the Chamber of Deputies, the Chamber of Advisors, or by means of a referendum.

The members of the Chamber of Deputies are elected by universal, free, direct, and secret vote in accordance with the methods and conditions set by the Electoral Code.

### Article 19.

The Chamber of Advisors is composed of advisors whose number shall not exceed that of two-thirds of the members of the Chamber of Deputies. The Electoral Code shall determine the procedure for setting the number every six years, on the basis of the number of members of the Chamber of Deputies in office.

The members of the Chamber of Advisors shall be designated as follows:

One or two members from each governorate according to population, shall be elected at the regional level, from among the elected members of local authorities.

One-third of the members shall be elected at the national level among employers, farmers and workers. Candidates shall be proposed by the concerned professional organizations, from lists comprising at least twice the number of seats allocated for each category. Seats are distributed equally among the concerned sectors.

The members of the Chamber of Advisors are elected by free and secret ballot by the elected members of local authorities.

The Electoral Code defines the methods and terms concerning the election of the members of the Chamber of Advisors.

The remaining members of the Chamber of Advisors are appointed by the President of the Republic from prominent figures and national competences.

The members of the Chamber of Advisors must not be bound by local or sectorial interests.

Concurrent membership of the Chamber of Deputies and of the Chamber of Advisors is not allowed.

### Article 20.

Any citizen of Tunisian Nationality for at least five years, eighteen years-old completed and meeting the conditions provided for by the electoral law shall be an elector.

### Article 21.

Any voter born of a Tunisian father or mother and who is at least twenty-three years of age on the day he submits his candidacy, is eligible for election to the Chamber of Deputies.

A candidate to the Chamber of Advisors must be born of a Tunisian father or mother; he must also be at least forty years of age on the day he submits his candidacy, and he

- Structure of legislative chamber(s)
- Referenda

- First chamber selection
- Secret ballot

- Second chamber selection

- Size of second chamber

- Eligibility for second chamber

- Eligibility for second chamber

- Municipal government
- Subsidiary unit government

- Eligibility for second chamber

- Restrictions on voting
- Eligibility for first chamber
- Eligibility for second chamber

- Eligibility for first chamber

- Minimum age for first chamber

- Eligibility for second chamber
- Minimum age for second chamber

must be a voter.

These conditions apply to all the members of the Chamber of Advisors.

- Eligibility for second chamber

A candidate to the Chamber of Advisors must also have, as the case may be, a professional capacity entitling him to stand as candidate for the sector of employers, fanners or wage-earners.

- God or other deities
- Oaths to abide by constitution

Each member of the Chamber of Deputies and of the Chamber of Advisors shall, before assuming his functions, take the following oath:

- Oaths to abide by constitution
- God or other deities

"I swear by God the Almighty to serve my country loyally, to respect the Constitution and to pledge allegiance exclusively to Tunisia."

## Article 22.

- Term length for first chamber
- Scheduling of elections

The Chamber of Deputies is elected for five years during the last thirty days of its mandate.

- Term length of second chamber

The term for the members of the Chamber of Advisors is six years. Half of its composition is renewed every three years.

- Emergency provisions

## Article 23.

Should war or imminent peril make it impossible to hold elections, the current mandates of the Chamber of Deputies or of the Chamber of Advisors are extended by a law adopted by the Chamber of Deputies, until such time as it is possible to proceed with the elections. In this case, the extension applies to the remaining members of the Chamber of Advisors.

- National capital

## Article 24.

The headquarters of the Chamber of Deputies and of the Chamber of Advisors shall be located in Tunis and its suburbs. However, under exceptional circumstances, one of the chambers or both of them may hold their sessions at any other location within the territory of the Republic.

## Article 25.

Every deputy is the representative of the entire Nation.

- Immunity of legislators

## Article 26.

A member of the Chamber of Deputies or a member of the Chamber of Advisors may not be prosecuted, arrested, or tried for opinions expressed, proposals made, or acts carried out in the exercise of his mandate within each chamber.

- Immunity of legislators

## Article 27.

No member of the Chamber of Deputies or of the Chamber of Advisors may, during his mandate, be prosecuted or arrested for a crime or misdemeanor, so long as the concerned chamber has not lifted the immunity protecting him.

In the event of flagrante delicto, however, a deputy may be placed under arrest. The concerned chamber must be informed without delay. The detention is suspended if the concerned member so requests.

- Standing committees

During its recess, the concerned chamber is replaced by its bureau.



## Article 28.

The Chamber of Deputies and the Chamber of Advisors exercise the legislative power, in accordance with the provisions of the Constitution.

- Initiation of general legislation

The power to initiate laws is shared equally by the President of the Republic and the members of the Chamber of Deputies. Priority is given to bills submitted by the President of the Republic.

Bills submitted by the members of the Chamber of Deputies are not acceptable if their adoption leads to the reduction of public resources or adds news costs or expenses.

These provisions apply also to amendments introduced into the bills.

- Head of state decree power

The Chamber of Deputies and the Chamber of Advisors may authorize the President of the Republic, for a set period of time and for a specific purpose to issue decree-laws which he submits, as the case may be, to ratification by the Chamber of Deputies or by both chambers, upon expiration of that period.

- Organic laws

The Chamber of Deputies and the Chamber of Advisors adopt organic law bills by an absolute majority of their respective members, and adopt ordinary laws bills by a majority of the members present. This majority must not be less than one-third of the members of the concerned chamber.

- Organic laws

A bill for an organic law may not be submitted to deliberation by the Chamber of Deputies until two weeks after it has been tabled.

Laws considered to be of an organic nature are those specified by Articles 4, 8, 9, 10, 33, 66, 67, 68, 69, 70, 71 and 75 of the Constitution. The Electoral Code is an organic law.

- Budget bills

The Chamber of Deputies and the Chamber of Advisors adopt draft finance laws and bills concerning regulation of the budget under the terms provided for by organic budget law. If on December 31 the Chamber of Advisors does not adopt the draft finance laws whereas the Chamber of Deputies adopts them before that date, the laws are submitted to the President of the Republic for promulgation.

- Budget bills

The budget must be adopted on December 31 at the latest. If the two chambers have not voted on the budget by that date, the provisions of the draft finance laws may be implemented by decree, in renewable quarterly installments.

## Article 29.

- Length of legislative sessions

The Chamber of Deputies and the Chamber of Advisors meet each year in ordinary session beginning during the month of October and ending during the month of July. However, the first session of the legislature of the Chamber of Deputies begins during the fortnight following its election. The same deadline applies during the renewal of half of the members of the Chamber of Advisors.

In case the beginning of the first session of the legislature of the Chamber of Deputies coincides with its recess, a fifteen-day session is open.

- Extraordinary legislative sessions

During the summer recess, the Chamber of Deputies and the Chamber of Advisors meet in extraordinary session at the request of the President of the Republic or of the majority of the members of the Chamber of Deputies, to look into a specific agenda.

## Article 30.

- Standing committees

Both the Chamber of Deputies and the Chamber of Advisors elect, from among their members, standing committees which work without interruption, even during the recess of the two chambers.

- Legislative committees
- Economic plans

Both the Chamber of Deputies and the Chamber of Advisors elect, from among their members, committees to examine the draft development plan, and other committees to

examine the draft finance laws. Besides, each chamber elects, from among its members, a special committee for parliamentary immunity and a special committee for the drafting or modification of the internal regulation.

- Head of state decree power

## Article 31.

During the recess of the Chamber of Deputies and the Chamber of Advisors, the President of the Republic may issue decree-laws which will be submitted, as the case may be, for ratification by the Chamber of Deputies or by the two chambers, during the ordinary session following the recess.

- International law
- Treaty ratification

## Article 32.

The President of the Republic shall ratify treaties.

Treaties concerning the State's borders, commercial treaties, treaties related to international organization, treaties concerning financial commitments of the State, as well as treaties including provisions of a legislative nature or relating to the status of persons, may be ratified only after being approved by the Chamber of Deputies.

- Legal status of treaties

Treaties come into force only following their ratification and provided they are applied by the other party. Treaties ratified by the President of the Republic and approved by the Chamber of Deputies have a higher authority than that of laws.

- Legislative committees
- Division of labor between chambers

## Article 33

Bills presented by the President of the Republic shall be submitted, as the case may be, to the Chamber of Deputies or to both Chambers.

The President of the Chamber of Deputies shall notify the President of the Republic and the President of the Chamber of Advisors whenever a bill is adopted by the Chamber of Deputies. The notification shall be accompanied by the text adopted.

The Chamber of Advisors shall finish the examination of the bill adopted by the Chamber of Deputies within a maximum period of fifteen days.

If the Chamber of Advisors adopts the bill without introducing any amendments, the President of this Chamber shall submit the bill to the President of the Republic for promulgation, and shall inform the President of the Chamber of Deputies thereof. The notification shall be accompanied by the text adopted.

In case the Chamber of Advisors does not adopt the text within the period defined in paragraph 3 of the present article, the president of the Chamber of Deputies shall submit the bill adopted by the Chamber of Deputies to the President of the Republic for promulgation.

If the Chamber of Advisors adopts the bill with amendments, the President of the Chamber of Advisors shall submit the bill to the President of the Republic and informs the President of the Chamber of Deputies thereof.

A joint parliamentary committee composed of members of the two chambers shall be established, on a proposal from the government, with a view to preparing, within a week, a joint text approved by the government, including the provisions on which there is disagreement between the two chambers.

If there is agreement on a joint text, it shall be submitted to the Chamber of Deputies for final consideration within a week. However, the text may be amended only following approval by the government.

The President of the Chamber of Deputies shall submit to the President of the Republic, for promulgation, and as the case may be, either the bill that the Chamber has adopted without having accepted the amendments, or the bill as amended, in case of its adoption by the Chamber.

If the joint committee fails to agree on a joint text within the set period, the President of the Chamber of Deputies submits to the President of the Republic the bill adopted by this chamber for promulgation.

The procedures provided for in paragraphs 2 and 4 of the present article applies to the bills presented on the initiative of the members of the Chamber of Deputies. In case the Chamber of Advisors introduces amendments, a joint committee composed of members from the two chambers shall be established to draft, within a week, a joint text including the provisions on which there is disagreement. In case a joint text is adopted, this text shall be submitted to the Chamber of Deputies for final decision. In this case, paragraph 8 of the present article shall apply.

The recesses of the Chamber of Deputies and the Chamber of Advisors suspend the deadlines provided for in the present article.

The organization of the work of each of the two chambers is defined by law and by internal regulations. The law also defines relations between the two chambers.

## Article 34.

Texts pertaining to the following are adopted in the form of laws:

- the general conditions for enforcing the Constitution, other than those to be specified by organic laws;
- the creation of different categories of public establishments and enterprises;
- citizenship, individual status and obligations;
- procedure before different orders of courts;
- determination of crimes and misdemeanors and the applicable sentences; as well as penal infractions subject to prison sentences;
- amnesty;
- the tax base, tax rates and tax collection procedures, except where the Finance and tax laws delegate specific powers to the President;
- the system of currency issuance
- government borrowings and financial commitments;
- basic guarantees accorded to civilian and military officials.

The law sets the basic principles for the following:

- the system of property and real rights;
- education;
- public health;
- labor law and social security.

## Article 35.

Subjects other than those falling within the domain of the law come under the general regulatory power. Texts related to these subjects can be modified by decree upon recommendation by the Constitutional Council.

The President of the Republic may object to the inadmissibility of any bill of law or amendment presented in the field of general regulatory power. In this case, he submits the issue to the Constitutional Council, which hands down its decision within ten days of receiving it.

- Economic plans

## Article 36.

The development plan shall be approved by law.

The law authorizes State resources and expenditures under the terms specified in the organic budget law.

## Chapter III. The Executive Power

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- Name/structure of executive(s)

## Article 37.

The executive power is exercised by the President of the Republic, assisted by a Government headed by a Prime Minister.

### Section I. The President of the Republic

- Name/structure of executive(s)

## Article 38.

The President of the Republic is the Head of State. His religion shall be Islam.

- Head of state selection

## Article 39.

The President of the Republic shall be elected for a period of five years by universal, free, direct and secret ballot, and by an absolute majority of the votes cast, during the last 30 days of the presidential term.

In the event that such a majority is not reached during the first round, a second round shall be organized on the second Sunday following the ballot.

Only the two candidates having obtained the highest number of votes in the first round shall be entitled to participate in the second round, taking into consideration any withdrawals, in accordance with the conditions set out in the Electoral Code.

- Emergency provisions

In the event it is impossible to organize elections on a timely basis, due to war or imminent peril, the presidential term may be extended by a law adopted by the Chamber of Deputies, until such time when elections can be organized.

The President of the Republic is re-electable.

- Electoral commission

## Article 40.

May stand as a candidate for the presidency of the Republic any Tunisian who has exclusively the Tunisian nationality and not possessing any other nationality, who is Muslim, and whose father, mother, and paternal and maternal grandfathers and grandmothers are all of Tunisian nationality and have remained Tunisians without discontinuity.

- Minimum age of head of state

In addition, the candidate shall, on the day he submits his candidacy, be at least 40 years of age and at most 75 years of age, and he shall enjoy all his civil and political rights.

Candidates shall be presented by a number of members of the Chamber of Deputies and municipal presidents, in accordance with the terms and conditions set out in the Electoral Code.

Candidacies are recorded on a specific register held by the Constitutional Council.

- Constitutional court powers

The Constitutional Council decides on the validity of candidacies, proclaims ballot results and looks into requests submitted to it on this subject in accordance with the provisions of the Electoral Code.

## Article 41.

- International law

The President of the Republic is the guarantor of national independence, of territorial integrity, and of respect of the Constitution and the laws as well as the execution of treaties. He sees to the proper functioning of the constitutional public powers and assures the continuity of the State.

- Head of state immunity

The President of the Republic enjoys judicial immunity in the exercise of his duties. He also enjoys such judicial immunity after the presidential term for all acts executed as part of the office.

- God or other deities
- Joint meetings of legislative chambers
- Oaths to abide by constitution

## Article 42.

The elected President of the Republic takes, before the Chamber of Deputies and the Chamber of Advisors meeting in common session, the following oath:

"I swear by God Almighty to safeguard the independence of the country and the integrity of its territory, to respect the Constitution country and its legislation, and to watch scrupulously over the interests of the Nation."

- National capital

## Article 43.

The official seat of the Presidency of the Republic is located in Tunis and its suburbs. Under exceptional circumstances, however it can be moved temporarily to any other location within the national territory.

- Designation of commander in chief

## Article 44.

The President of the Republic is the Commander-in-Chief of the Armed Forces.

- Foreign affairs representative
- Head of state powers

## Article 45.

The President of the Republic accredits diplomatic representatives to foreign powers, and the diplomatic representatives of other countries are accredited to him.

- Emergency provisions

## Article 46.

Should imminent peril menace the institutions of the Republic, threaten the security and independence of the country and obstruct the proper functioning of the public powers, the President of the Republic may take the exceptional measures necessitated by the circumstances, after consulting the Prime Minister, the President of the Chamber of Deputies and the President of the Chamber of Advisors.

He addresses, to that effect, a message to the people.

During this period, the President of the Republic may not dissolve the Chamber of Deputies, and no motion of censure may be presented against the Government.

These measures cease to bear effect as soon as the circumstances that produced them come to an end. The President of the Republic addresses a message to this effect to the Chamber of Deputies and to the Chamber of Advisors.

- Referenda

## Article 47.

The President of the Republic may directly submit to a referendum any bill that is of national importance and any questions that concern the country's vital interests, provided these bills and questions do not go against the Constitution.

When referendum results in the adoption of the bill, the President of the Republic shall promulgate it within two weeks of the date on which the results are announced.

The Electoral Code sets the methods whereby the referendum is held and the results are announced.

**Article 48.**

- International law
- Treaty ratification
- Power to declare/approve war
- Power to pardon

The President of the Republic concludes treaties.

He declares war and concludes peace, with the approval of the Chamber of Deputies.

He has the power to exercise the right of pardon.

**Article 49.**

The President of the Republic directs the general policy of the State, defines its basic options and informs the Chamber of Deputies accordingly.

The President of the Republic communicates with the Chamber of Deputies and the Chamber of Advisors either directly or by message,

**Article 50.**

- Cabinet selection
- Head of government selection

The President of the Republic appoints the Prime Minister and, upon proposal by the Prime Minister, the other members of the government.

The President of the Republic presides over the Cabinet.

**Article 51.**

- Head of government removal
- Cabinet removal

The President of the Republic can put to an end the functions of the government or a member thereof, at his own initiative or upon the recommendation of the Prime Minister

**Article 52.**

- Veto override procedure
- Approval or veto of general legislation

The President of the Republic promulgates constitutional, organic, and ordinary laws and makes sure they are published in the Official Gazette of the Republic of Tunisia no later than two weeks after he has received them from the President of the Chamber of Deputies or the President of the Chamber of Advisors, as the case may be.

During this period, the President may return the bill to the Chamber of Deputies for a second reading. If the bill adopted by a two-thirds majority of the members of Chamber of Deputies, it becomes law and is published within a second maximum two-week period.

During the time specified in paragraph 1 of this article and upon the opinion of the Constitutional Council, the President of the Republic may send the bill, or some articles after modification, to the Chamber of Deputies for a further reading. Amendments are adopted by the Chamber of Deputies on the basis of the majority provided for in article 28 of the Constitution. Following this adoption, the bill is promulgated and published within a maximum period of fifteen days, starting from the date on which it was transmitted to the President of the Republic.

- Head of state powers

**Article 53.**

The President of the Republic sees to the enforcement of the laws, exercises the general regulatory power, and may delegate part of this power to the Prime Minister.

- Powers of cabinet

**Article 54.**

Bills are discussed by the Cabinet,

Decrees of regulatory nature are countersigned by the Prime Minister and the government member concerned.

- Head of government powers

**Article 55**

- Selection of active-duty commanders

The President of the Republic appoints high civilian and military officials, on the recommendation of the Government.

The President of the Republic may delegate to the Prime Minister the power of appointment for some of these positions.

- Head of government powers

### **Article 56.**

In case of temporary disability, the President may, by decree, delegate his powers to the Prime Minister, to the exclusion of the power of dissolving the Chamber of Deputies.

During such temporary disability of the President of the Republic, the government shall remain in place until the end of that disability, even if it is subject to a motion of censure.

The President of the Republic shall inform the President of the Chamber of Deputies and the President of the Chamber of Advisors regarding such temporary delegation of his powers.

- Head of state replacement

### **Article 57.**

Should the office of President of the Republic become vacant because death, resignation, or absolute disability, the Constitutional Council meets immediately and certifies the definitive vacancy by an absolute majority of its members. It addresses a declaration to that effect to the President of the Chamber of Advisors and to the President of the Chamber of Deputies who shall immediately be vested with the functions of interim president of the Republic for a period ranging from 45 to 60 days. If the definitive vacancy coincides with the dissolution of the Chamber of Deputies, the President of the Chamber of Advisors is vested with the functions of interim president of the Republic for the same period.

The interim president of the Republic shall take the constitutional oath before the Chamber of Deputies and the Chamber of Advisors meeting in common session, and, if need be, before the two bureaus of the two chambers. If the definitive vacancy coincides with the dissolution of the Chamber of Deputies, the interim president of the Republic takes the constitutional oath before the Chamber of Advisors and, if need be, before its bureau.

The interim President of the Republic may not stand as candidate to the Presidency of the Republic, even in case of his resignation.

The interim President of the Republic exercises the powers of the President of the Republic, without, however, the possibility of resorting to referendum, dismissing the government, dissolving the Chamber of Deputies, or taking the exceptional measures provided for in Article 46.

During the period of interim presidency, no amendment of the Constitution may take place, and no motion of censure may be presented against the government.

During the same period, presidential elections shall be held to elect a new President for a five-year term.

The new President of the Republic may dissolve the Chamber of Deputies and hold early legislative elections in accordance with the provisions of paragraph 2 of article 63.

- Establishment of cabinet/ministers

## **Section II. The Government**

- Powers of cabinet

### **Article 58.**

The Government makes sure that the general national policy of the State is put into effect in accordance with the orientations and options defined by the President of the Republic.

### **Article 59.**

The Government is responsible to the President for its management.

- Head of government powers

## Article 60.

The Prime Minister directs and coordinates the work of the government. He replaces the President of the Republic, when necessary, in presiding over the Cabinet and any other Council.

- Legislative oversight of the executive

## Article 61.

The members of the Government have the right of access to the Chamber of Deputies and to the Chamber of Advisors, as well as to their committees.

- Legislative committees

Any member of the Chamber of Deputies may address written or oral questions to the Government.

A periodic session is devoted to oral questions by the members of the Chamber of Deputies and to answers by the Government. Such periodic session may also serve for a dialogue between the Chamber of Deputies and the Government, concerning sectorial policies. A session of the plenary meeting may also be devoted to answers to oral questions on current issues.

- Cabinet removal
- Head of government removal

## Article 62.

The Chamber of Deputies may, by voting on a motion of censure, call into question the responsibility of the government, if it finds that the government is not following the general state policy and the fundamental options provided for in articles 49 and 58.

The motion of censure is not admissible unless it is substantiated and signed by at least one-third of the members of the Chamber of Deputies. The vote may not be taken until 48 hours after the submission of the motion of censure.

When a motion of censure is adopted by an absolute majority of the members of the Chamber of Deputies, the President of the Republic accepts the resignation of the government presented by the Prime Minister.

## Article 63.

If the Chamber of Deputies adopts a second motion of censure by a two-thirds majority during the same legislative period, the President of the Republic may either accept the government's resignation or dissolve the Chamber of Deputies.

The decree dissolving the Chamber of Deputies must contain the calling of new elections within a maximum period of thirty days.

- Dismissal of the legislature
- Limits on removing head of government

- Cabinet removal
- Head of government removal

If dissolution is pronounced according to the terms of paragraph 1 of this article, the President may issue decree-laws which must then be submitted for ratification by the Chamber of Deputies and the Chamber of Advisors, as the case may be.

The newly-elected Chamber must then meet within the eight days following the announcement of the results of the vote.

- Head of state decree power

# Chapter IV. The Judicial Power

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## Article 64.

Judgments are rendered in the name of the People and carried out in the name of the President of the Republic.

- Judicial independence



## Article 65.

The judicial authority is independent. In exercising their functions, judges are subject only to the authority of the law.

- Establishment of judicial council

## Article 66.

Judges are appointed by Presidential decree on the recommendation of the Higher Magistracy Council. The modalities of their recruitment are set by law.

- Establishment of judicial council

## Article 67.

The Higher Magistracy Council, whose composition and powers are defined by law, ensures respect of the guarantee granted to judges regarding appointment, promotion, transfer and discipline.

- Courts for judging public officials

## Chapter V. The High Court

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### Article 68.

The High Court meets in case of high treason committed by a member of the government. The jurisdiction and composition of the High Court, and the procedures applicable before it, are specified by law.

## Chapter VI. The State Council

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### Article 69.

The State Council is composed of two bodies:

1. The Administrative Court
2. The Audit Office.

- Establishment of administrative courts

The organization of the State Council and its two bodies are set by law, as are the jurisdiction of these bodies and the procedures applicable before them.

## Chapter VII. The Economic and Social Council

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### Article 70.

The Economic and Social Council is an advisory body regarding economic and social matters. Its composition and relations with the Chamber of Deputies and the Chamber of Advisors are determined by law.

## Chapter VIII. Local Authorities

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- Subsidiary unit government
- Municipal government

### Article 71.

Municipal councils, regional councils and the structures to which the law gives the quality of local authority, manage local affairs according to the terms set by law.

- Establishment of constitutional court

## Chapter IX. The Constitutional Council

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- Constitutional court powers

### Article 72.

The Constitutional Council looks into bills submitted to it by the President of the Republic to ensure their conformity or compatibility with the Constitution. It is mandatory to submit to the Constitutional Council bills for organic laws, bills specified in article 47 of the Constitution, as well as bills regarding the general methods of application of the Constitution, nationality, personal status obligations, definition of crimes and misdemeanors and the applicable sentences, procedures before the different orders of courts, amnesty, and the basic principles of the system of property and real rights, education, public health, labor law and social security.

- Treaty ratification

Similarly, the President of the Republic must submit to the Constitutional Council the treaties stated in article 2 of the Constitution.

He may also submit to it any question concerning the organization and functioning of the constitutional institutions.

- Referenda

The Constitutional Council shall rule on appeals relating to the election of members of the Chamber of Deputies and the Chamber of Advisors. It shall check the validity of referendum procedures, and shall announce the results thereof. The electoral code fixes the procedures in the matter.

- Constitutionality of legislation

### Article 73

Bills emanating from the President of the Republic are presented to the Constitutional Council before being put before the Chamber of Deputies or submitted for referendum.

During the deadline provided for in article 52 of the Constitution for promulgation and publication, the President submits to the Constitutional Council any changes made in the substance of the bills adopted by the Chamber of Deputies and previously submitted to the Constitutional Council in accordance with the provisions of this article. He informs the Chairman of the Chamber of Deputies thereof.

In this case, the above-mentioned deadline is suspended until the Constitutional Council has made its recommendation to the President of the Republic; the period of such suspension must not exceed one month.

### Article 74.

Following their adoption, the President of the Republic submits to the Constitutional Council the bills proposed by the deputies, within the deadlines for promulgation and publication provided for in article 52, in the cases where the submission of bills to the Council is mandatory according to the terms of article 72. He informs the President of the Chamber of Deputies thereof. In this case, the provisions of paragraph 3 of article 73 shall apply.

- Constitutional court powers

The internal regulations of the Chamber of Deputies and of the Chamber of Advisors shall be submitted to the Constitutional Council before applying them, so as to check their conformity and compatibility with the Constitution.

## Article 75.

- Constitutional court opinions

The opinions of the Constitutional Council must be substantiated. They must be respected by all public authorities unless they concern the issues provided for in paragraph 3 of article 72 of the Constitution.

The President of the Republic sends to the Chamber of Deputies and to the Chamber of Advisors the bills examined by the Constitutional Council, in accordance with the provisions of paragraph 1 of article 73 of the Constitution, along with a copy of the opinion of the Constitutional Council.

The President of the Republic sends to the Chamber of Deputies a copy of the opinion of the Constitutional Council in the cases provided for in paragraph 2 of article 73 and paragraph 1 of article 74 of the Constitution.

The decisions of the Constitutional Council in electoral matter are final and may not be appealed.

- Constitutional court term limits
- Constitutional court selection
- Constitutional court term length

The Constitutional Council is composed of nine members having a confirmed competence, irrespective of the age. Four of them, including the president, are appointed by the President of the Republic, and two by the President of the Chamber of Deputies, for a period of 3 years renewable twice. Three members are appointed in their capacity: the First President of the Court of Cassation, the First President of the Administrative Court and the First President of the Audit Office.

The members of the Constitutional Council may not exercise governmental or parliamentary functions. Nor may they hold positions of political or trade union responsibility, or be involved in activities which might compromise their impartiality or independence. When necessary, the law defines the other cases of non-plurality of offices.

In addition, the law defines the guarantees provided for the members of the Constitutional Council which are necessary for the exercise of their functions, as well as the rules of functioning and the procedures of the Constitutional Council.

- Constitution amendment procedure

## Chapter X. Amendment to the Constitution

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### Article 76.

- Unamendable provisions

The initiative to amend the Constitution may be taken by the President of the Republic or by no less than one-third of the members of the Chamber of Deputies, provided the amendment does not undermine the republican form of the state.

- Referenda

The President of the Republic may put to a referendum proposals for revision of the Constitution,

### Article 77.

The Chamber of Deputies studies the proposed revision following a resolution adopted by absolute majority, after identification of the purpose of the revision and its study by an ad hoc committee.

In case of non-recourse to referendum, the draft amendment of the Constitution shall be adopted by the Chamber of Deputies by a two-thirds majority upon two readings; the second reading takes place at least three months after the first.

In case of recourse to referendum, the President of the Republic submits the draft amendment of the Constitution to the people after it has been adopted by an absolute majority of the Chamber of Deputies upon a single reading.

## Article 78.

The President of the Republic shall promulgate, in the form of a constitutional law, the law amending the Constitution adopted by the Chamber of Deputies, in accordance with article 52 of the Constitution.

The President of the Republic shall promulgate, in the form of a constitutional law, the law amending the Constitution which has been approved by the people, within a maximum period of two weeks following the date on which the results of the referendum are announced.

- Referenda

The Electoral Code defines the modalities related to the holding of the referendum and the announcement of the results.

This law will be enforced as the Constitution of the Republic of Tunisia.

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