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Tunisia's Constitution of 2022

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- God or other deities
- Preamble
- Reference to fraternity/solidarity
- Reference to country's history

In the name of God the Merciful

PREAMBLE

We, the Tunisian people, bearer of sovereignty, who accomplished, starting on December 17, 2010, an unprecedented soaring rise in history, revolting against injustice, tyranny, famishing and abuse in all aspects of life.

- Crimes of the previous regime

We, the Tunisian people, who has been patient and endeavored to be patient for more than a decade following this blessed revolution, not ceasing to claim for its legitimate demands for work, freedom and national dignity, receiving in return but false slogans and disingenuous promises. Rather, corruption has worsened, and seizure of our natural resources and robbery of public money has intensified, with no accountability. It was necessary, based on a deep sense of historical responsibility, to correct the course of the revolution and even correct the course of history, which indeed took place on July 25 of the year 2021, the date of the anniversary of the proclamation of the republic.

We are the Tunisian people who offered legions of martyrs for emancipation and freedom, their pure blood mingling with this good land, painting it with the [two] colors of the national flag.

We have expressed our will and our principal choices through the national consultation in which hundreds of thousands of [male and female] citizens, from within Tunisia and abroad, participated. After considering the results of the national dialogue so that no single person's opinion dominates nor any party [to the exclusion of others] monopolizes making the choice,

We the Tunisian people,

- Type of government envisioned

Approve this new constitution for a new republic, keeping in mind our history full of glories, sacrifices, pain and heroism.

Our dear country has known various liberation movements, not least of which the intellectual liberation movement of the mid-nineteenth century, a national liberation movement ensued since the beginning of the twentieth century, until the time Tunisia gained its independence and rid itself of foreign domination.

An intellectual liberation movement, a national liberation movement ensued, and then a revolutionary eruption took place on December 17, 2010, after which the corrective movement was launched on the occasion of the sixty-fourth anniversary of the proclamation of the republic, in order to cross into a new stage in history, to traverse from despair and frustration to hope, work and optimism, to a stage of a free citizen, in a free and fully sovereign homeland, onto the stage of achieving justice, freedom and national dignity.

- Source of constitutional authority

We approve this constitution inspired by the glories and pains of the past while looking forward to a better future for us and for generations that will come after us who will hoist the national flag higher and higher in every forum and under every sky.

- Source of constitutional authority

We consent to this constitution, recalling our deeply rooted constitutional history, from the Constitution of Carthage to the Peace Covenant, the Declaration of the Rights of the Ruler and the Ruled, and the Tunisian State Law of 1861, as well as the constitutional texts that Tunisia had after independence.

Some of these met with some success, and quite a few were derailed when the texts turned into a means of conferring a false formal legitimacy on the rulers.

In this invocation of Tunisia's constitutional history, integrity requires emphasizing that among the most important constitutional texts is the constitution that Tunisia knew at the beginning of the seventeenth century, bearing the name Al-Mizan [the Balance] and was known to the population at the time as the Red Reins, because the [actual] book was red.

It was drafted by Tunisians who believed in the value of justice, symbolized by the balance [scales]. It was distributed to the population who used to take refuge in its provisions if they expected injustice from those who were called the elite.

We the Tunisian people,

With this new constitution, we seek to achieve justice, freedom and dignity. There is no social peace without justice, no human dignity in the absence of real freedom, and no honor for the homeland without complete sovereignty and without real independence.

We are laying the bases for a new constitutional system founded not only on a State of Law [Rechtsstaat] but on a Society of Law so that legal provisions are a truthful and honest expression of the will of the people who will [in turn] absorb them, strive by themselves to implement them and confront all those who transgress them or try to violate them.

While approving this new constitution, we believe that true democracy will not succeed unless political democracy is accompanied by economic and social democracy, by giving citizens their right to free choice, to hold accountable whomever they chose [elected] and the right to equitable distribution of national wealth.

We the Tunisian people,

- Regional group(s)

We reaffirm our belonging to the Arab nation and our dedication to adhere to the human aspects of the Islamic religion. We also affirm our belonging to the African continent, which is the term that finds its roots in the name that was given to our dear homeland.

- Right to self determination

We are a people who refuse to allow our state to enter into alliances abroad, just as we reject anyone interfering in our internal affairs. We adhere to international legality and stand by the legitimate rights of peoples who, per this legality, have the right to decide their own destiny, first of which is the right of the Palestinian people to their stolen land and establishing their state on their territory after its liberation, with Al-Quds Al-Sharif as its capital.

We, the sovereign Tunisian people,

We renew our commitment to establishing a political system based on the separation of legislative, executive and judicial functions, and on establishing a real balance between them.

- Type of government envisioned

We also reiterate that the republican system is the best guarantor for preserving the sovereignty of the people and distributing the wealth of our country fairly to all [male and female] citizens.

- Protection of environment

We will work steadfastly and sincerely to ensure that economic and social development continues without faltering or getting setback in a sound [unimpaired] environment that would render Green Tunisia [country nickname, تونس الخضراء] from one end to the other, even greener, as there is no continued and enduring development save in a sound environment free from all causes of pollution.

- Source of constitutional authority

We, the Tunisian people, who on December 17, 2010 chanted their trans-historic slogan, The People Want, approve this constitution as the basis for a new Tunisian Republic.

CHAPTER ONE: GENERAL PROVISIONS

SECTION ONE:

Article One:

Tunisia is a free, independent, and sovereign state.

- Type of government envisioned

Article Two:

The Tunisian state system is the republican system.

Article Three:

The Tunisian people is the possessor of sovereignty, it exercises it in the manner specified by this constitution.

Article Four:

Tunisia is a unified state, and it is not permissible to enact any legislation that would prejudice its unity.

Article Five:

Tunisia is part of the Islamic nation, and the state alone must work, in a democratic order, to achieve the objectives of true Islam in preserving self, honor, money, religion, and freedom.

- Regional group(s)
- Official or national languages

Article Six:

Tunisia is part of the Arab nation and the official language is Arabic.

- Regional group(s)

Article Seven:

The Republic of Tunisia is part of the Greater Arab Maghreb, working to achieve its unity within the scope of the common interest.

- National flag

Article Eight:

The flag of the Tunisian state is red, with a white circle in its center, bearing a five-pointed red star with surrounded by a red crescent, as determined by law.

- National motto

Article Nine:

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

Article Ten:

The coat of arms of the Republic of Tunisia is determined by law.

- National anthem

Article Eleven:

The official anthem of the Tunisian Republic is "Homaat al-Hema" [حماة الحمى = Protectors of the Sanctuary].

- Right to found a family

Article Twelve:

The family is the basic unit [cell] of society and the state must protect it.

- State support for children

Article Thirteen:

The state shall, with keenness, provide the necessary conditions for the development of the capabilities of youth and allow them all the means to contribute effectively to the overall development of the country.

- Duty to serve in the military

Article Fourteen:

Defending the homeland is a sacred duty upon every citizen.

- Duty to pay taxes

Article Fifteen:

Paying taxes and paying for public outlays is the duty of every person on a just and equitable basis.

Every act of tax evasion is considered a crime against the state and society.

Article Sixteen:

The nation's wealth belongs to the Tunisian people, and the state must work to share out the yields thereof among the citizens of all regions of the republic justly and equitably.

Agreements and investment contracts related to national wealth are presented to the Assembly of the People's Representatives and to the National Council of Regions and Provinces for approval.

- Right to competitive marketplace

Article Seventeen:

The state guarantees coexistence between the public and private sectors and works to achieve complementarity between them on the basis of social justice.

- State support for the unemployed

Article Eighteen:

The state must provide all legal and material means for the unemployed to launch development projects.

- General guarantee of equality

Article Nineteen:

Public administration and other state services are at the service of the citizen on the basis of impartiality and equality, and any discrimination against citizens based on any affiliation is a crime punishable by law.

Article Twenty:

The President of the Republic, the Head of Government, its members and members of any representative council, and judges must declare their assets in accordance with the provisions of the law.

This provision applies to members of independent bodies and to anyone holding a senior position.

Article Twenty One:

The state guarantees the neutrality of educational institutions from any partisan exploitation.

CHAPTER TWO: RIGHTS AND FREEDOMS

SECTION ONE:

- Right to reasonable standard of living

Article Twenty Two:

The state guarantees the rights and individual and public liberties to [male and female] citizens, and prepares for them the means for a decent life.

- Equality regardless of gender

Article Twenty Three:

[Male and female] Citizens have equal rights and duties, and they stand equal before the law without any discrimination.

- Right to life

Article Twenty Four:

The right to life is sacred. It may not be prejudiced except in extreme cases regulated by law.

- Prohibition of cruel treatment
- Human dignity
- Prohibition of torture

Article Twenty Five:

The state protects the dignity of the human person and physical inviolability, and prohibits moral and material torture. There is no statute of limitations for the crime of torture.

Article Twenty Six:

Freedom of the individual is guaranteed.

- Freedom of religion
- Freedom of opinion/thought/conscience

Article Twenty Seven:

The state guarantees freedom of belief and freedom of conscience.

Article Twenty Eight:

The state protects the freedom to perform religious rites provided they do not disturb public security.

- Freedom of religion

Article Twenty Nine:

The right of ownership is guaranteed, and cannot be restricted except in cases and with guarantees set by law.

- Right to own property

Intellectual property is guaranteed.

- Provisions for intellectual property

Article Thirty:

The state protects privacy, the inviolability of the home, and the confidentiality of correspondence, communications, and personal data.

- Right to privacy

Every citizen is free to choose his/her place of residence and to move within the country and has the right to leave it.

- Freedom of movement

Article Thirty One:

It is prohibited to revoke Tunisian nationality from any citizen, expatriate, extradite or prevent them from returning to the homeland.

- Conditions for revoking citizenship

Article Thirty Two:

The right to political asylum is guaranteed in accordance with what is set by law, and it is prohibited to hand over those who have political asylum.

- Protection of stateless persons

Article Thirty Three:

The accused is innocent until proven guilty in a fair trial in which all defense guarantees are ensured throughout the phases of prosecution and trial.

- Presumption of innocence in trials
- Right to fair trial
- Right to counsel

- Principle of no punishment without law

Article Thirty Four:

Punishment is personal, and can only be in accordance with a pre-established legal text, except if a more lenient text for the accused [is established before a final judgment].

- Right to counsel
- Protection from unjustified restraint

Article Thirty Five:

A person may not be arrested or detained except in the act or by a judicial decision, and he/she shall be immediately informed of their rights and the charge against them, and may retain a lawyer. The period of arrest and detention shall be determined by law.

Article Thirty Six:

Every prisoner has the right to humane treatment that preserves his/her dignity.

In executing freedom-depriving penalties, the state shall take into account the interests of the family, and shall work to rehabilitate the prisoner and integrate him/her into society.

- Freedom of press
- Freedom of opinion/thought/conscience
- Freedom of expression

Article Thirty Seven:

Freedom of opinion, thought, expression, media and publication is guaranteed.

No prior censorship of these freedoms may be exercised.

- Right to information

Article Thirty Eight:

The state guarantees the right to information and the right to access to information.

The state endeavors to ensure the right of access to communication networks.

- Restrictions on voting

Article Thirty Nine:

The rights to vote and to run for election are guaranteed in accordance with the provisions of the law.

- Freedom of association
- Right to form political parties
- Right to join trade unions

Article Forty:

The freedom to form parties, unions, and associations is guaranteed.

Parties, unions and associations shall abide, in their statutes and activities, by the provisions of the constitution, the law, financial transparency and rejection of violence.

- Restrictions on political parties

- Right to strike

Article Forty One:

The right to trade union, including the right to strike, is guaranteed.

This right does not apply to the national army.

The right to strike does not include judges, internal security forces, and customs.

- Freedom of assembly

Article Forty Two:

Freedom of peaceful assembly and demonstration is guaranteed.

- Right to health care

Article Forty Three:

Health is the right of every human being.

The state guarantees prevention and health care for every citizen, and provides the necessary means to ensure safety and quality of health services.

The state guarantees free treatment for those without support and for those with limited income.

It guarantees the right to social coverage in accordance with the law.

Article Forty Four:

- Compulsory education

Education is compulsory until the age of sixteen.

- Free education
- Official religion

The state guarantees the right to free public education in all its stages, and seeks to provide the necessary means to achieve quality education and training. It also works to enroot the young in their Arab-Islamic identity and national affiliation, to consolidate the Arabic language support it and generalize its use, and to open up to foreign languages and human civilizations, and extend a culture of human rights.

- Right to academic freedom
- Reference to science

Article Forty Five:

Academic freedoms and the freedom of scientific research are guaranteed.

The state shall provide the necessary means for innovation and for the development of scientific research.

Article Forty Six:

- Right to work

Work is a right for every [male and female] citizen, and the state shall take the necessary measures to guarantee it on the basis of competency and equity.

- Right to just remuneration

Every [male and female] citizen has the right to work in decent conditions and for a fair wage.

- Protection of environment

Article Forty Seven:

The state guarantees the right to a healthy and balanced environment and contributes to a the integrity of the climate.

The state must provide the means to eliminate environmental pollution.

Article Forty Eight:

The state must provide drinking water for all on an equal basis, and it must preserve water assets for future generations.

- Right to culture

Article Forty Nine:

The right to culture is guaranteed.

Freedom of creativity is guaranteed, and the state encourages cultural creativity, and supports national culture its deep-rootedness, diversity and renewal, in a manner that enshrines the values of tolerance, renouncing violence and openness to different cultures.

The state protects cultural heritage and guarantees the right of future generations to it.

Article Fifty:

The state supports sports and seeks to provide the necessary means for practicing sports and recreational activities.

- Equality regardless of gender

Article Fifty One:

The state is committed to protecting the acquired rights of women and works to support and develop them.

The state guarantees equal opportunities for men and women in assuming various responsibilities and in all fields.

The state seeks to achieve parity between women and men in elected councils.

The state shall take measures to eliminate violence against women.

- Rights of children
- State support for children

Article Fifty Two:

Children's rights are guaranteed.

Their parents and the state shall guarantee their dignity, health, care, upbringing and education.

The state must also provide all kinds of protection for all children without discrimination in accordance with the best interests of the child.

The state assumes guardianship of abandoned children and those of unknown parentage.

- State support for the elderly

Article Fifty Three:

The state guarantees assistance to the elderly who have no support.

- Equality for persons with disabilities
- State support for the disabled

Article Fifty Four:

The state protects persons with disabilities from any discrimination and takes all measures to ensure their full integration into society.

- Unamendable provisions

Article Fifty Five:

No restrictions shall be placed on the rights and freedoms guaranteed in this Constitution except by virtue of a law and for the necessity of a democratic order, the protection of the rights of others, national defense, public security, or public health.

These restrictions must not affect the essence of the rights and freedoms guaranteed in this Constitution, and they must be justified by their objectives and consistent with their justifications.

No revision may prejudice the gains and freedoms of human rights guaranteed in this Constitution and all judicial bodies must protect rights and freedoms from any violation.

CHAPTER THREE: THE LEGISLATIVE FUNCTION

SECTION ONE:

- Structure of legislative chamber(s)

Article Fifty Six:

The people, possessor of sovereignty, delegate the legislative function to a first representative house called the Assembly of the People's Representatives, and to a second representative house called the National Council for Regions and Provinces.

Article Fifty Seven:

The seats of the Assembly of the People's Representatives and the headquarters of the National Council of Regions and Provinces are in Tunis, and they may, in exceptional circumstances, hold their sessions in any other place in the territory of the Republic.

Section Two: The Assembly of the People's Representatives

- Eligibility for first chamber
- Age restrictions on first chamber

Article Fifty Eight:

Candidacy for membership in the Assembly of the People's Representatives is a right to every male or female voter born to a Tunisian father or a Tunisian mother and has reached the age of twenty-three years on the day of filing their candidacy, provided that s/he has not been subject to any form of deprivation laid down in the electoral law.

- Restrictions on voting

Article Fifty Nine:

Every male or female citizen with Tunisian nationality who has reached the age of eighteen years and who fulfills the conditions specified by the electoral law is considered an elector.

- First chamber selection
- Term length for first chamber
- Secret ballot

Article Sixty:

Members of the Assembly of the People's Representatives are elected through universal, free, direct, and secret suffrage for a period of five years during the last three months of the parliamentary term as set out in the electoral law.

- Outside professions of legislators

Article sixty one:

A member of the parliament is prohibited from engaging in any other activity, remunerative or non-remunerative.

The representative's mandate may be revoked according to the conditions determined by the electoral law

Article Sixty Two

If a member of parliament withdraws from the parliamentary bloc to which he belonged at the beginning of the parliamentary term, he may not join another bloc.

- Emergency provisions

Article Sixty Three:

If elections cannot be held on the set date due to war or an imminent danger, the term of the Assembly is extended by law.

- Immunity of legislators

Article Sixty Four:

Members of parliament cannot be prosecuted, arrested, or tried for opinions they express, or suggestions they make, or actions that fall within their representative functions within the Assembly.

- Immunity of legislators
- Standing committees

Article Sixty Five:

Members of parliament cannot be prosecuted or arrested throughout the duration of their mandate for penal proceedings unless the Assembly of the People's Representatives lifts their immunity. In the case of flagrante delicto, they can be arrested, the Assembly shall be immediately informed, and the arrest shall continue if their immunity is lifted by the Assembly.

During the Assembly's recess, the Bureau of the Assembly shall replace it.

- Immunity of legislators

Article Sixty Six:

Members of Parliament shall not enjoy parliamentary immunity in relation to the felonies of slander, libel, and exchange of violence committed inside or outside the Assembly, nor shall they enjoy it in the event they disrupt the normal functioning of the Assembly.

Article Sixty Seven:

The Assembly of the People's Representatives exercises the legislative function within the limits of the powers entrusted to it in this Constitution.

- Initiation of general legislation

Article Sixty Eight:

The President of the Republic has the right to present draft laws.

Members of Parliament have the right to present proposals for laws, provided that they are presented by no less than ten members.

- Treaty ratification

The President of the Republic has [exclusive] prerogative to present draft laws on approving treaties and draft finance laws.

The draft laws of the President of the Republic have priority for consideration.

Article Sixty Nine:

Proposals for laws and proposals for revision submitted by representatives shall not be acceptable if they would lead to the imbalance of the financial sheets of the state.

- Head of state decree power

Article Seventy:

The Assembly of the People's Representatives may, for a limited period and for a specific purpose, delegate to the President of the Republic the power to issue decrees which the President presents to the Assembly's approval after the expiry of the said period.

- Length of legislative sessions

Article Seventy One:

The Assembly of the People's Representatives shall hold a regular session starting during the month of October and ends during the month of July, provided that the beginning of the first session of the parliamentary term of the Assembly takes place within fifteen days from the date of announcing the final results of the elections at the invitation of the Speaker of the Assembly whose term has expired or by the President of the Republic in the event of the dissolution of Assembly of the People's Representatives.

In the event that the beginning of the first session of the parliamentary term of the Assembly of the People's Representatives coincides with its annual recess, an extraordinary session shall be convened for a period of fifteen days.

- Extraordinary legislative sessions

The Assembly of the People's Representatives may also meet during its recess in an extraordinary session at the request of the President of the Republic or one third of its members to consider a specific agenda.

- Extraordinary legislative sessions

The Assembly of the People's Representatives may also meet during its recess in an extraordinary session at the request of the President of the Republic or one third of its members to consider a specific agenda.

- Standing committees

Article Seventy Two:

The Assembly of the People's Representatives elects from among its members permanent committees that work without interruption, even during the recess of the Assembly.

- Head of state decree power

Article Seventy Three:

The President of the Republic may, during the recess of the Assembly, after informing the competent permanent committee, issue decrees that are submitted for the approval of the Assembly of the People's Representatives, during the regular session following the recess.

- Treaty ratification

Article Seventy Four:

The President of the Republic ratifies treaties and authorizes their publication.

Treaties related to the borders of the state, commercial treaties, treaties related to international organization, and those related to the state's financial commitments, and treaties with provisions of a legislative nature, may not be ratified except after approval by the Assembly of the People's Representatives.

Treaties shall not enter into effect until they are ratified and provided they are implemented by the other party.

Treaties ratified by the President of the Republic and approved by the Assembly of the People's Representatives are higher than laws and lower than the Constitution.

- Legal status of treaties

- First chamber reserved policy areas

Article Seventy Five:

Texts related to the following issues shall take the form of fundamental laws:

- General processes of implementing the constitution.
- Approval of treaties.
- Organizing the relationship between the Assembly of People's Representatives and the National Council of Regions and Provinces.
- Organizing justice and the judiciary.
- Organizing the media, press and publishing.
- Organizing and financing parties, associations, unions, professional organizations and bodies.
- Organizing the national army.
- Organizing the internal security forces and customs.
- Electoral law.
- Extending the term of the Assembly of the People's Representatives in accordance with the provisions of Article Sixty-Three of this Constitution.
- Extending the presidential term in accordance with the provisions of the fifth paragraph of Article Ninety of this Constitution.
- Freedoms and human rights.
- Personal status.
- Local councils, regional councils, Provincial councils and bodies that can enjoy the status of a local community.
- Organizing constitutional bodies.
- The fundamental budget law.

Texts relating to the following issues shall take the form of ordinary laws:

- Creating [various] types of public enterprises and establishments.
- Citizenship
- Civil and commercial obligations.
- Setting felonies, misdemeanors and applicable penalties, as well as violations that call for punitive detention.
- General amnesty.
- Setting the base for taxes, contributions, rates thereof, and procedures for collecting them.
- Currency issuance system.
- State loans and financial commitments.
- Asset declaration.
- Basic guarantees granted to civil and military personnel.
- Organizing the ratification of treaties.
- Finance laws, closing the budget and approving development plans.
- Basic principles of the property system, real rights, education, scientific research, culture, public health, environment, territorial and urban development, energy, labor law, and social security.
- Approval of agreements and investment contracts related to national wealth [resources].

- Reference to science

Article Seventy Six:

Articles that do not fall within the field of law shall be the realm of the general regulatory authority. Previous texts related to these issues may be revised by decree that is presented obligatorily to the Administrative Court for a consenting opinion and issued thereafter.

The President of the Republic may plead not to accept any draft law or any draft amendment that involves interference in the realm of general regulatory authority. The President of the Republic shall submit the matter to the Constitutional Court for to render a judgment within ten days to start with the date filing with the Court.

- Economic plans

Article Seventy Seven:

Development directions are set in the development plan to be approved by law.

- Budget bills

Article Seventy Eight:

The law authorizes the state's resources and outlays in accordance with the conditions stipulated in the budget fundamental law.

The Assembly of the People's Representatives approves draft finance and budget closing laws in accordance with the conditions stipulated in the budget fundamental law.

The finance draft law shall be submitted to the Assembly no later than October 15 and approved no later than December 10.

The President of the Republic may remand the draft to the Assembly for a second reading within the two days following its approval by the Assembly.

In the event of a remand, the Assembly shall meet to deliberate again during the three days following the exercise of the right of remand.

The President of the Republic, or one-third of the members of the Assembly of the People's Representatives, or one-third of the members of the National Council for Regions and Provinces, may, during the three days following the approval of the Assembly for the second time after the remand, or after the expiry of the deadline for exercising the right of remand without it having occurred, to appeal the constitutionality of the provisions of the Finance Law before the Constitutional Court which shall render its decision within five days following the appeal.

If the Court rules the draft unconstitutional, it shall refer its decision to the President of the Republic, who in turn shall refer it to the Speaker of the Assembly of the People's Representatives and the Speaker of the National Council for Regions and Provinces, within two days of the court's decision. The two Assemblies shall approve the draft within the three days following the receipt of the Constitutional Court's decision.

When the draft is ruled constitutional, or when it is approved again following the remand, or when the deadline for remand and the deadline for appealing the constitutionality have expired, the President of the Republic shall sign the finance bill within two days. In all cases, the signing shall be made no later than December 31.

If the Finance draft law is not approved by December 31, the draft can be implemented with regard to expenditures, in installments of three months, renewable by decree, and the resources shall be drawn in accordance with the laws in effect.

- Supermajority required for legislation

Article Seventy Nine:

The Assembly of the People's Representatives approves fundamental laws with an absolute majority of its members, and ordinary laws by a majority of the members present, provided that this majority is not less than one-third of the members of the Assembly.

- Head of state decree power
- Dismissal of the legislature

Article Eighty:

In the event of the dissolution of the Assembly of the People's Representatives, the President of the Republic may issue decrees to be submitted for approval by the Assembly during its first regular session.

Electoral law is excluded from the scope of decrees.

Section Three: The National Council of Regions and Provinces

Article Eighty One:

The National Council for Regions and Provinces is composed of elected representatives from the Regions and Provinces. The members of each regional council elect three members from among themselves to represent their Region in the National Council of Regions and Provinces. The elected members of the regional councils in each Province elect one representative from among them to represent this Province in the National Council of Regions and Provinces. The representative of the Province shall be replaced according to the provisions of the electoral law.

Article Eighty Two:

It shall not be possible to combine membership in the Assembly of the People's Representatives and membership in the National Council of Regions and Provinces.

It is prohibited to combine membership in the National Council of Regions and Provinces and any activity remunerative or non-remunerative.

Article Eighty Three:

The provisions relating to parliamentary immunity of members of the Assembly of the People's Representatives shall apply to members of the National Council of Regions and Provinces.

Article Eighty Four:

Projects related to the state budget and regional provincial, and national development plans are obligatorily presented before the National Council of Regions and Provinces to ensure balance between Regions and Provinces.

Finance Law and Development Plans can only be approved by the majority of present members of both Houses, provided that this majority shall not be less than one third of the members of each House

Article Eighty Five:

The Council of Regions and Provinces exercises oversight and accountability powers in various matters related to the implementation of the budget and development plans.

Article Eighty Six:

The law shall regulate the relations between the Assembly of People's Representatives and the National Council of Regions and Provinces.

- Replacement of legislators
- Second chamber selection
- Size of second chamber

- Outside professions of legislators

- Immunity of legislators

- Second chamber reserved policy areas
- Economic plans

- Second chamber reserved policy areas

CHAPTER FOUR: THE EXECUTIVE FUNCTION

SECTION ONE:

- Name/structure of executive(s)

Article Eighty Seven:

The President of the Republic exercises executive function with the assistance of a government headed by a head of government.

Section TWO: The President of the Republic

- Eligibility for head of state
- Official religion

Article Eighty Eight:

The President of the Republic is the President of the State and his/her religion is Islam.

- Eligibility for head of state

Article Eighty Nine:

Candidacy for the position of President of the Republic is a right to every male or female Tunisian who does not hold another nationality, is born to a Tunisian father and mother, and paternal and maternal grandfathers, all of whom having been Tunisians without interruption.

- Age restrictions on head of state

The male or female candidate must be at least forty years old on the day of submitting his/her candidacy, enjoying all his/her civil and political rights. The candidacy shall be submitted to the Independent High Authority for Elections in accordance with the method and conditions stipulated in the electoral law.

- Head of state selection

Article Ninety:

The President of the Republic shall be elected for a period of five years through a general, free, direct, and secret election during the last three months of the presidential term and by an absolute majority of authorized votes.

- Head of state term length
- Secret ballot

The male or female candidate is required to be endorsed by a number of members of the elected councils or from the electorate, in accordance with the provisions of the electoral law.

In the event that none of the candidates obtains an absolute majority in the first round, a second round will be held during the two weeks following the announcement of the final results of the first round. The two candidates who obtain the most votes in the first round shall proceed to the second round.

If one of the candidates in the first round, or one of the candidates in the second round, dies, candidacy shall be reopened, and the election dates shall be reset within a period not exceeding forty-five days. Withdrawal is not considered either in the first round or in the second round.

- Emergency provisions

If it is not possible to hold the elections on the specified date due to war or imminent danger, the presidential term shall be extended by law until the cessation of the reasons that led to its postponement.

- Head of state term limits

Holding the position of the President of the Republic may not exceed two complete successive or separate terms.

In the event of resignation, the presidential term shall be considered complete.

Article Ninety One:

The President of the Republic is the guarantor of the independence of the country, the integrity of its territory, respect for the constitution and the law, and implementation of treaties. He ensures the normal functioning of public authorities and guarantees the continuity of the state.

The President of the Republic chairs the National Security Council.

- God or other deities
- Oaths to abide by constitution

Article Ninety Two:

The elected President of the Republic takes the following oath before both the Assembly of the People's Representatives and the National Assembly of Regions and Provinces brought together:

"I swear by Almighty God to preserve the independence and integrity of the nation, to respect the country's constitution and legislation, and to fully take care of the nation's interests."

If, for any reason, this oath cannot be taken before the Assembly of the People's Representatives and the National Assembly of Regions and Provinces, the President of the Republic takes it before the members of the Constitutional Court.

The President of the Republic may not combine his/her responsibilities with any partisan responsibility.

Article Ninety Three:

The official headquarters of the Presidency of the Republic is Tunis, but in exceptional circumstances it may be transferred temporarily to any other place of the territory of the Republic.

- Designation of commander in chief

Article Ninety Four:

The President of the Republic is the Supreme Commander of the Armed Forces.

- Foreign affairs representative

Article Ninety Five:

The President of the Republic accredits representatives of the state abroad, and accepts the accreditation of representatives of foreign countries.

- Emergency provisions

Article Ninety Six:

In the event of a state of imminent danger threatening the entity of the Republic, the country's security and independence, and impeding the normal functioning of the state, the President of the Republic may take exceptional measures necessitated by the circumstances after consulting the Head of Government, the Speaker of the Assembly of the People's Representatives, and the President of the National Council of Regions and Provinces.

S/he shall direct a statement in this regard to the people.

In this case, the President of the Republic may not dissolve either Houses or both of them, nor is it permissible to lodge a motion of censure against the government.

These measures shall cease when their causes cease, and the President of the Republic shall direct a statement in this regard to the people, the Assembly of the People's Representatives, and the National Council of Regions and Provinces.

- Treaty ratification
- Referenda

Article Ninety Seven:

The President of the Republic may submit to a referendum any draft law related to the organization of public authorities or aimed at ratifying a treaty that can have an impact

on the functioning of institutions without all of that being contrary to the constitution.

- Power to declare/approve war

Article Ninety Eight:

The President of the Republic declares war and concludes peace with the approval of an absolute majority of the members of the Assembly of the People's Representatives.

- Power to pardon

Article Ninety Nine:

The President of the Republic has the right to [confer] special pardon.

Article One Hundred:

The President of the Republic sets the general policy of the state and defines its fundamental choices and informs thereof the Assembly of the People's Representatives and the National Council of Regions and Provinces. He may address them together, either directly or by way of a statement addressed to them.

- Head of government selection
- Cabinet selection

Article One Hundred and One:

The President of the Republic appoints the Head of Government, as well as appoints the rest of the members of the Government based on a proposal from its Head.

- Cabinet removal
- Head of government removal

Article One Hundred and Two:

The President of the Republic terminates the duties of the government or a member of it of his/her own accord or on a proposal from the head of Government.

- Approval or veto of general legislation

Article One Hundred and Three:

The President of the Republic signs constitutional, fundamental and ordinary laws, and ensures that they are published in the Official Gazette of the Republic of Tunisia within fifteen days of receiving them.

The President of the Republic has the right, during the aforementioned period, to return the draft law to the Assembly of the People's Representatives or to the National Council of Regions and Provinces, or both, for a second reading. If adopted by a two-thirds majority, it is published within 15 days.

The right of remand does not apply to laws related to revising the constitution.

- Constitutionality of legislation

The deadlines for signing are suspended if the constitutionality of the law is challenged before the Constitutional Court. [Then] The President of the Republic either signs the law if the Constitutional Court judges it constitutional, or returns it to the Assembly of the People's Representatives, the National Council of Regions and Provinces, or both, based on the competencies delegated to each of them.

- Head of state powers

Article One Hundred and Four:

The President of the Republic ensures the implementation of laws and exercises general regulatory authority. He may delegate all or part of this authority to the Head of Government.

Article One Hundred and Five:

Draft laws and draft regulatory orders are discussed in the Council of Ministers.

- Head of government powers

Regulatory orders are signed by the head of government and the concerned member of the government.

- Head of state powers
- Head of government powers

Article one Hundred and Six:

The President of the Republic, upon a proposal from the Head of Government, assigns senior civil and military positions.

Article One Hundred and Seven:

If the President of the Republic is temporarily unable to carry out his/her duties, he/she shall delegate his/her functions to the Head of Government, with the exception of the right to dissolve the Assembly of the People's Representatives or the National Council of Regions and Provinces.

Article One Hundred and Eight:

During the period of inability, the government shall remain in place until the inability ceases, even if it is subject to a motion of censure. The President of the Republic shall inform the Speaker of the Assembly of the People's Representatives and the President of the National Council for Regions and Provinces of the temporary delegation of his/her powers.

- Head of state replacement

Article One Hundred and Nine:

If the Presidency of the Republic position becomes vacant due to death, resignation, total disability, or any reason, the President of the Constitutional Court shall immediately assume the duties of the Presidency of the State ad interim for a period of no less than forty-five days and a maximum of ninety days.

The Chargé of the duties of the President of the Republic shall take the constitutional oath jointly before the Assembly of the People's Representatives and the National Council of Regions and Provinces, and if this is not possible, [then] before the Constitutional Court.

The Chargé of the duties of the President of the Republic ad interim may not run for President of the Republic, even if he/she submits his/her resignation.

The Chargé of the duties of the President of the Republic ad interim exercises presidential functions and may not resort to [call for] a referendum, terminate the duties of the government, dissolve the Assembly of the People's Representatives or the National Council of Regions and Provinces, or take exceptional measures.

The Assembly of the People's Representatives may not, during the temporary presidential term, table a motion of censure against the government.

During the temporary presidential term, a new President of the Republic is elected for a term of five years.

The new President of the Republic may dissolve the Assembly of the People's Representatives and the National Council of Regions and Provinces, or one of them, and call for early legislative elections.

- Head of state immunity

Article one Hundred and Ten:

The President of the Republic enjoys immunity throughout his/her presidency. All statutes of limitations and extinctive prescription for him/her are suspended. [Normal] Procedures can be resumed after his/her term is over.

The President of the Republic shall not be held to account for actions undertaken within the performance of his/her duties.

Section Three: The Government

Article One Hundred and Eleven:

The government ensures the implementation of the general policy of the state in accordance with the directions and choices set by the President of the Republic.

Article One Hundred and Twelve:

The Government is accountable for its conduct before the President of the Republic.

- Head of government powers
- Name/structure of executive(s)

Article One Hundred and Thirteen:

The Head of Government leads the government, coordinates its work, and manages the administration.

He may delegate to the President of the Republic, when necessary, presiding over the Council of Ministers or any other council.

- Legislative oversight of the executive

Article One Hundred and Fourteen:

Members of the government have the right to be present at the Assembly of the People's Representatives and the National Council of Regions and Provinces, whether for a general session or at the level of committees.

Representatives at the Assembly of the People's Representatives or in the National Council for Regions and Provinces may address written or oral questions to the members of the government.

The Assembly of the People's Representatives and the National Assembly of Regions and Provinces may invite the government or a member of it to discuss the policy being followed and the results that have been achieved or aimed at.

- Cabinet removal
- Head of government removal

Article One Hundred and Fifteen:

The Assembly of the People's Representatives and the National Assembly of Regions and Provinces may collectively oppose the government continuing to assume its responsibilities by tabling a motion of censure if they believe that the government is contravening the general policy of the state and the fundamental choices stipulated in the constitution.

A motion of censure can only be submitted if it is justified [reasoned] and signed by half the members of the Assembly of the People's Representatives and half the members of the National Council for Regions and Provinces. The motion shall only be voted on after forty-eight hours of submission.

The President of the Republic accepts the resignation of the government presented by its Head, if the motion of censure is approved by a two-thirds majority of the members of both Houses combined.

- Cabinet removal
- Dismissal of the legislature
- Head of government removal

Article One Hundred and Sixteen:

If a second motion of censure is directed at the government during the same parliamentary term, the President of the Republic can either accept the resignation of the government or dissolve the Assembly of the People's Representatives and the National Council for Regions and Provinces, or one of them.

The order related to the dissolution must include summoning the voters for new elections for members of the Assembly of the People's Representatives and for members of the National Council for Regions and Provinces, or one of them within thirty days.

In the event of the dissolution of the two Assemblies, or of one of them, the President of the Republic may issue decrees and submit them for approval by the Assembly of the People's Representatives and the National Council for Regions and Provinces, or by one

of the two, in accordance with the competencies assigned to each of these two assemblies.

CHAPTER FIVE: THE JUDICIAL FUNCTION

SECTION ONE:

Article One Hundred and Seventeen:

The judiciary is an independent function exercised by judges with the law being the sole authority over them in discharging their functions.

Article One Hundred and Eighteen:

Decisions are issued in the name of the people, and executed in the name of the President of the Republic.

Article One Hundred and Nineteen:

The judiciary comprises three branches: an ordinary judiciary, an administrative judiciary, and a financial judiciary. A high council oversees each of these branches. The law regulates each of the aforementioned three councils.

Article One Hundred and Twenty:

Judges are appointed by order of the President of the Republic based on the nomination of the relevant High Judicial Council.

Article One Hundred and Twenty One:

Judge may not be transferred without their consent, nor may they be dismissed, suspended, discharged, or punished, except in cases specified by law. A judge enjoys penal immunity, and cannot be prosecuted or arrested unless immunity is lifted.

In the event of flagrante delicto, he/she may be arrested and the Judicial Council he/she is affiliated with shall be notified and shall decide on lifting the immunity.

The provisions of the first paragraph of this Article do not prevent the judge from being transferred, in consideration of work interest [requirements]. Work interest means the interest arising from the necessity of filling a vacancy, assignment to new judicial positions, or to address a clear increase in the volume of work.

All judges are equal in meeting the requirements of the work interest. A judge cannot be called to change his/her workplace to meet requirements of the work interest unless it is established that there are no other judges desiring to join the concerned work place. For this purpose, judges working at the nearest judicial district are called upon [to serve] resorting to a rotation system, and when necessary, a draft is drawn.

In this case, the assignment period, to meet the requirements of the work interest, cannot exceed one year, unless the concerned judge expresses an express desire to stay in the position to which he/she was transferred or assigned.

Article One Hundred and Twenty Two:

Judges must be competent, and should be characterized by neutrality and integrity.

They shall be held accountable for any shortcomings [in their performance].

- Structure of the courts
- Establishment of administrative courts
- Establishment of judicial council

- Administrative court selection
- Ordinary court selection
- Establishment of judicial council

- Supreme/ordinary court judge removal

- Eligibility for administrative judges
- Eligibility for ordinary court judges

- Right to appeal judicial decisions

Article One Hundred and Twenty Three:

The state seeks to guarantee the right to a second hearing.

- Right to fair trial
- Right to speedy trial
- Right to counsel
- Right to public trial
- Establishment of constitutional court

Article One Hundred and Twenty Four:

Everyone shall enjoy the right to a fair trial within a reasonable timeframe. The litigants are equal before the courts.

The right to litigation and the right to defense are guaranteed. The law facilitates recourse to the judiciary and guarantees legal aid to those who lack financial capability.

Court sessions are public unless the law provides for a closed hearing. Judgment must be pronounced in a public session.

CHAPTER SIX: THE CONSTITUTIONAL COURT

SECTION ONE:

- Constitutional court selection
- Constitutional court term length

Article One Hundred and Twenty Five:

The Constitutional Court is an independent judicial body composed of nine members to be appointed by order, the first third of whom is the most senior circuit heads of the Court of Cassation. The second third is the most senior heads of cassation and advisory circuits of the Administrative Court. The third, and last, third is the most senior members of the Court of Accounts.

The members of the Constitutional Court elect from among themselves its president and vice-president in accordance with the provisions of the law.

If a member reaches the age of retirement, he/she will be automatically replaced by the next in seniority, provided that the term of membership, in all cases, is not less than one year.

Article One Hundred and Twenty Six:

It is prohibited to combine membership in the Constitutional Court with performing any other functions or duties.

- Constitutional court powers
- Constitutional interpretation

Article One Hundred and Twenty Seven:

The Constitutional Court has jurisdiction to review the constitutionality of:

- Constitutionality of legislation
- Treaty ratification
- Constitutionality of legislation

1. Laws at the request of the President of the Republic, thirty members of the Assembly of the People's Representatives, or half of the members of the National Assembly for Regions and Provinces. The request shall be submitted to within seven days of ratification of the draft law, or ratification of the draft law in an amended form after it has been returned by the President of the Republic.
2. Treaties presented by the President of the Republic before the law approving it is signed.
3. Laws referred to them by the courts if their constitutionality is challenged in the cases and per the procedures established by law.
4. The bylaws of the Assembly of the People's Representatives and the bylaws of the National Council of Regions and Provinces, which are submitted by the heads of these assemblies.
5. Procedures for revising the constitution.

- Constitution amendment procedure

6. Draft revisions of the constitution to decide on whether they conflict with what may not revised as stipulated in this constitution.

Article One Hundred and Twenty Eight:

The court issues its decision within thirty days of filing the appeal and by a two-thirds majority of its members.

- Constitutional court opinions

Article One Hundred and Twenty Nine:

The court's decision shall state that the provisions under appeal are constitutional or unconstitutional. The Court's decision shall be reasoned and binding to all . It shall be published in the Official Gazette of the Republic of Tunisia.

- Constitutionality of legislation

Article One Hundred and Thirty:

The law, which the court has decided to be unconstitutional, is referred to the President of the Republic, and from there to the Assembly of the People's Representatives, the National Council of Regions and Provinces, or to one of them, as the case may be, for further deliberation in accordance with the decision of the Constitutional Court. The President of the Republic must return it to the Constitutional Court before it is signed to consider its conformity with the Constitution or its compliance with its provisions.

In the event that a draft law is approved in an amended form following its return, with the Court having approved its constitutionality, the President of the Republic shall obligatorily refer it to the Constitutional Court before signing it.

- Constitutionality of legislation

Article One Hundred and Thirty One:

In the event that the Constitutional Court undertakes review following a plea of unconstitutionality, its review shall be limited to the appeals that were raised. It shall render its decision thereof within two months, which may be extended by one month subject a reasoned decision.

If the Constitutional Court decides that it is unconstitutional, the law is no longer in force within the limits of what it has ruled.

Article One Hundred and Thirty Two:

The law determines the organization of the Constitutional Court, court procedures and the guarantees enjoyed by its members.

CHAPTER SEVEN: LOCAL AND REGIONAL AUTHORITIES

SECTION ONE:

- Municipal government
- Subsidiary unit government

Article One Hundred and Thirty Three:

Municipal councils, regional councils, provincial councils, and bodies granted by law the status of a local community exercise local and regional interests as determined by law.

CHAPTER EIGHT: THE INDEPENDENT HIGH ELECTORAL COMMISSION

SECTION ONE:

- Electoral commission

Article One Hundred and Thirty Four:

The Independent High Commission for Elections is in charge of managing, organizing and supervising elections and referendums at all stages, and guarantees the soundness, integrity and transparency of the electoral process, and declares results.

The Commission has regulatory authority in its field of competence.

The Commission is composed of nine independent, impartial members of competence and integrity, who perform their duties for a non-renewable period of six years. One-third of its members are renewed every two years.

CHAPTER NINE: THE SUPREME COUNCIL FOR EDUCATION

SECTION ONE:

Article one Hundred and Thirty Five:

- Reference to science

The Supreme Council for Education gives its opinion on major national plans in the field of education, scientific research, vocational training, and employment prospects.

The law sets the composition of this council, its competences, and the methods of its functioning.

- Constitution amendment procedure

CHAPTER TEN: REVISION OF THE CONSTITUTION

SECTION ONE:

Article One Hundred and Thirty Six:

- Unamendable provisions

The President of the Republic, or at least one-third of the members of the Assembly of the People's Representatives, has the right to request a revision of the Constitution, provided this does not impinge on the republican system of the state or increase the number and length of presidential terms.

The President of the Republic may submit draft constitutional revisions to a referendum.

Every initiative to amend the constitution is presented obligatorily by the party initiating the draft revision to the Constitutional Court to decide what should not be revised as stipulated in this constitution.

Article one Hundred and Thirty Seven:

The Assembly of the People's Representatives reviews the revision to be introduced after a decision by an absolute majority and after its subject has been determined and studied by a special committee.

In the event of not resorting to a referendum, the draft constitution revision is approved in two readings by a two-thirds majority of the members of the Assembly of the People's Representatives, the second occurring at least three months after the first.

Article One Hundred and Thirty Eight:

The President of the Republic presents the draft revision of the constitution to decide on the validity of the procedures for its revision. If the court rules that the procedures are valid, the President of the Republic signs the law amending the Constitution as a constitutional law, in accordance with Article One Hundred and Three thereof.

The President of the Republic shall promulgate the law amending the constitution as constitutional law, after he/she signs it, within fifteen days of announcing the referendum result.

- Transitional provisions

CHAPTER ELEVEN: TRANSITIONAL AND FINAL PROVISIONS

SECTION ONE:**Article One Hundred and Thirty Nine:**

The provisions of Presidential Decree No. 2021-117 dated September 22nd, 2021, relating to exceptional measures shall remain in force in the legislative field until the Assembly of the People's Representatives assumes its functions after election of its members.

Article One Hundred and Forty:

The provisions relating to the National Council of Regions and Provinces shall enter into force following the election of its members after all relevant texts have been drawn up.

Article one Hundred and Forty One:

This constitution shall bear the date of the official referendum day, which is July 25th, 2022, as an embodiment of the people's will to adhere to the republican system.

Article One Hundred and Forty Two:

This constitution shall enter into force as of the date on which the Independent High Authority for Elections announces the final result of the referendum, and after the President of the Republic signs it, promulgates it and authorizes its publication in a special issue in the Official Gazette of the Republic of Tunisia. It shall be implemented as the Constitution of the Republic of Tunisia.

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