



Report

Collapse of the building

The deterioration of the anti-corruption legislative and institutional framework in Tunisia after the political change on July 25, 2021

Raqabah Observatory

Tunis, on July 25, 2023



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When will the building reach its completion ...

If you are building it while others tear it down.

(From a poem by the Arab poet [Bashar ibn Burd](#) (714-748))

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ABBREVIATIONS

Instance	Acronym (mostly in French)
the Assembly of the Representatives of the People	ARP
Central Bank of Tunisia	CBT
Civil society organization	OSC
Deutsche Gesellschaft für Internationale Zusammenarbeit	GIZ
Economic and Financial Judicial Pole	PJEF
Financial Action Task Force	FATF (GAFI)
General Control of Public Services	CGSP
Group of European States against Corruption	GRECO
The Good Governance and fight against corruption Body	IBGLCC
High Authority For Public Procurement	HAICOP
Independent High Authority for Audiovisual Communication	HAICA
Independent High Authority for Elections	ISIE
National authority for the protection of personal data	INPDP
National Union of Tunisian Journalists	SNJT
National Commission for Criminal Reconciliation	CNRP
National Commission for Investigation on Corruption and Embezzlement	CNICM
The National Anti-Corruption Body	INLUCC
The National Access to Information Authority	INAI
Raqabah Observatory	OR
Organisation for Economic Co-operation and Development	OCDE
Provisional Instance for the Control of the Constitutionality of Laws	IPCCL
Tunisian Financial Analysis Commission	CTAF
Tunisian Union of Industry, Commerce and Handicrafts	UTICA
Tunisian Association of Public Controllers	ATCP
Tunisian National Railway Company	SNCFT
United Nations Convention against Corruption	UNCAC

Executive Summary

The spread of corruption was one of the main causes of the outbreak of the Freedom and Dignity Revolution in Tunisia in December 2010. The networks of the ruling family and their high-ranking associates, both within the ruling party and the state, dominated the national economy by manipulating the country's laws and regulations to protect their interests from competition and accountability.

It was natural that the priority for Tunisians during the transition period following the revolution was to investigate the corruption cases of the ousted regime, prosecute those involved, confiscate their assets, and recover embezzled funds. It was also natural for the actors of this period to focus on adopting decrees, laws, and institutions capable of combating the scourge that had destroyed the Tunisian economy, depleted its resources, and left the country in a difficult situation with reduced resources, unable to generate wealth, create jobs for the youth, and with poor services and collapsed governance.

A broad political and popular consensus was reached to include in the constitution of January 27, 2014, a set of innovative principles regarding the primacy of the law, separation of powers, independence of the administration, democracy, rights, participation, effective governance, the fight against corruption, and other principles primarily derived from international conventions. Additionally, the constitution incorporated a number of independent constitutional bodies with considerable powers, a first in Africa and the Arab world.

During the four years following the adoption of the constitution, a legislative system was established to combat corruption, enhance transparency, and promote effective governance in line with the highest international standards. This system allowed Tunisia to fulfill most of its commitments resulting from the United Nations Convention against Corruption and other international obligations. As a result, Tunisia now has laws on freedom of access to information, protection of whistleblowers, anti-money laundering, institutional transparency, and more. Furthermore, laws were enacted to establish a specialized judicial pole for corruption cases and a constitutional body for effective governance and the fight against corruption, representing significant progress in this field.

However, the qualitative and rapid legislative development was not supported by a political will from successive governments to materialize the slogans of fighting corruption and purifying the business climate. They failed to confront the interest-based lobbies who took advantage of the political chaos in the post-revolutionary period to consolidate their influence and control over the economy, media, politics, and state institutions.

This led to a rise in popular frustration and a growing feeling that corruption had reached a higher level than before the revolution. It resulted in mistrust in politicians, government officials, parliamentarians, and partisan actors. These factors provided a favorable climate for the President to carry out a “constitutional coup”, gradually nullifying the elected Parliament and freezing the 2014 Constitution, which had been adopted unanimously by the nation, consolidating all powers and prerogatives in his hands.

The President justified his unilateral choice by focusing on slogans of fighting corruption, reclaiming the state from the corrupt, and freeing the national economy from monopolists and interest groups. He gained popular support by using these slogans to push through decisions contrary to the spirit of democracy, universal values, international standards, and Tunisia's commitments under international agreements. Consequently, he undermined the independence of the judiciary by transforming it from an independent authority into a subordinate function that he controls through appointments, punitive dismissals, and instructions via decrees and decisions.

As the President, holding all powers, swiftly moved towards the destruction of the legislative system established during the transitional phase immediately after the revolution and after the adoption of the revolutionary Constitution in the areas of transparency, governance, and the fight against corruption, he abolished independent oversight bodies such as the Temporary Authority for Controlling the Constitutionality of Laws, the National Instance for the Fight against Corruption, and the Supreme Judicial Council. Consequently, he suspended the implementation of laws on income and interest disclosure, as well as the protection of corruption whistleblowers. His government also issued legislation restricting access to information and reversing real achievements in public procurement transparency. Additionally, he enacted a penal reconciliation decree paving the way for reconciliation with corrupt individuals, thus undermining the principles of accountability and transitional justice. He also issued a constitutional text, adopted by less than a third of the voters, significantly reducing many of the achievements mentioned in the January 27, 2014 Constitution and thereby reneging on Tunisia's commitments under international agreements.

The Raqabah Observatory, a civil society association attempting to exercise its role of continuous citizen oversight over the executive power and other state institutions, upholding the principles of accountability, responsibility, and transparency, while continuously being targeted by legal proceedings, publishes this detailed report to sound the alarm and draw the attention of Tunisians to this serious setback in the fight against corruption, contradicting the thunderous official slogans in this regard.

The Observatory's report provides detailed recommendations to the official Tunisian authorities to repeal any legislation or decision contradicting the state's commitments under the International Convention against Corruption, including decisions that undermine the independence of the judiciary and those freezing anti-corruption laws and oversight institutions. It also addresses recommendations to the decision-making authority to expedite the creation of the Constitutional Court, an independent body to fight corruption, and a new emergency law in compliance with international standards while ensuring all conditions of independence, security, and effectiveness for the economic and financial judicial pole, as well as all guarantees of freedom of organization and control for civil society organizations. The report concludes with recommendations to relevant international institutions to strengthen their collaboration with Tunisian civil society, which monitors the state, combats corruption, promotes a culture of governance, and advocates for the country's adherence to international agreements based on common humanitarian principles.

Introduction

This report sheds light on the endemic situation of corruption in Tunisia and reviews the changes that have occurred after the 2011 revolution regarding the fight against corruption in the country, as well as the legislation adopted since that period to combat the phenomenon of corruption in Tunisia. The emphasis will be on the evolution of the legislative and institutional framework for fighting corruption following the political change that took place on July 25, 2021, characterized by the collapse of the achievements made during the post-revolutionary period in implementing the obligations arising from the United Nations Convention against Corruption.

The report objectively presents all the decree-laws, decrees, orders, and ordinances issued by the executive power in this field. It demonstrates how the new legal and regulatory framework hinders the fight against corruption and threatens the security and freedom of individuals who expose corruption.

This report has been prepared by experts from Raqabah Observatory, with the pedagogical and technical support of the "Strategic Litigation Portal" of the Arab Council Foundation in Geneva, Switzerland.

The report was submitted on April 4, 2023, to five United Nations Special Rapporteurs, namely:

- Special Rapporteur on the Independence of the Judiciary and Lawyers;
- Special Rapporteur on the Promotion of Truth, Justice, Reparation, and Guarantees of Non-Recurrence;
- Special Rapporteur on the Situation of Human Rights Defenders;
- Special Rapporteur on the Freedom of Peaceful Assembly and Association;
- Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression.

The report is based on information and testimonies that we have documented at the Observatory. It presents examples collected during field monitoring of corruption-related practices in Tunisia. Additionally, the Working Group relied on the report of the United Nations Convention against Corruption of 2003, which Tunisia ratified in 2008, as well as a number of studies and reports published by researchers, civil society experts and the Tunisian community working in the fight against corruption.

PRESENTATION

Raqabah Observatory is a Tunisian civil society organization established in October 2019 with the aim of strengthening the culture of citizen oversight over state institutions and fighting the phenomenon of corruption. The Observatory strives to promote the principles of accountability and responsibility by continuously monitoring the executive power. The Observatory monitors the implementation of public projects included in the state budget and those funded by foreign loans and grants. It closely monitors the evolution of public debt and the situation of public institutions and companies. The Observatory also positions itself as a source of proposals by submitting legal, structural, and institutional reform proposals to the relevant authorities and the public opinion, as

well as launching advocacy campaigns. In addition to investigating cases of financial and administrative corruption and filing complaints.

In three years of activity, the Observatory has achieved numerous successes in various fields and has established itself as a key player in transparency, governance, and the fight against corruption in the country.

1. History of Corruption in Tunisia

1. There is no doubt that the corruption that prevailed in Tunisia under former President Zine El Abidine Ben Ali was one of the most significant causes of the Tunisian revolution. Although Tunisia joined the United Nations Convention against Corruption in 2008, the ruling family's mafias and their close high-ranking officials, whether in the ruling party or in the government, were the plague that ravaged the national economy and seized the state's capacities and revenues. As a result, the protest against corruption and corrupt individuals took center stage in the slogans chanted by millions of demonstrators in Tunisia, including "Get out, you bunch of corrupt individuals," "bread, freedom, social justice," "bread, freedom, national dignity," and also "employment is a right, you thieves." The fight against corruption was a national and popular demand¹.
2. While it is true that a certain degree of corruption exists in all countries, including the most honest ones, under the rule of former President Zine El Abidine Ben Ali, corruption spread remarkably. All organs of the Tunisian state were under the control of the president and his immediate circle. This contributed to the spread and entrenchment of corruption. The regime's inner circle, especially his wife, Leila Trabelsi, and her family, became known worldwide as a powerful mafia. Leila Trabelsi and her ten sisters and brothers, as well as other sons-in-law of the president, dominated numerous national interests and businesses. Their grip primarily affected profitable sectors where competition was stifled by a system of prior authorization requests or restrictions on foreign direct investment (FDI) in lucrative sectors such as air and maritime transport, telecommunications, retail and distribution, automobile dealerships, real estate, hospitality and catering, and financial services².
3. A World Bank report published in March 2014 under the title "Everything Belongs to the Family: State Capture in Tunisia"³ confirms that the 220 companies confiscated from the Ben Ali clan by the end of 2010 accounted for less than 1% of the wage bill but captured 21% of private sector profits (over 0.5% of GDP, totaling a staggering sum of \$233 million in 2010 alone). According to this report, the presidential family's hegemony over the Tunisian economy was made possible through legislation and regulations specifically designed to protect their interests from

¹ Sarah Yerkes & Zeineb Ben Yahmed, Carnegie, Tunisians' Revolutionary Goals Remain Unfulfilled, December 06, 2018, In. <https://carnegieendowment.org/2018/12/06/tunisians-revolutionary-goals-remain-unfulfilled-pub-77894>

² The World Bank, "All In The Family, State Capture In Tunisia: : Question And Answers", April 3, 2014, In. <https://www.worldbank.org/en/news/feature/2014/04/03/all-in-the-family-state-capture-in-tunisia-question-and-answers>

³ Bob Rijkers, Caroline Freund & Antonio Nucifora, "All In The Family, State Capture In Tunisia", <https://www.imf.org/External/Np/Seminars/Eng/2014/Trade/Pdf/Rijkers.Pdf>

competition. "When the regulatory framework was unable to guarantee control over a profitable sector, Ben Ali used executive powers to change the legislation in his favor (as evidenced by 25 decrees signed by his own hand, introducing new authorization requirements in 45 different sectors of activity, new restrictions on FDI in 28 sectors, and new tax benefits in 23 others)."

4. The National Commission for Investigation on Corruption and Embezzlement (CNICM), which was formed shortly after the revolution to investigate corruption under Ben Ali and recover stolen funds and assets, discovered the existence of billions of dollars belonging to members of the Trabelsi family and close collaborators, hidden in shell companies, housed in tax havens or foreign banks⁴.
5. The cost incurred by corruption is significant. Some studies estimate that during the decade preceding the revolution, Tunisia lost an average amount equivalent to 2% of its annual gross domestic product. Furthermore, complex bureaucratic structures and burdensome regulations represent a cost for businesses, accounting for up to 13% of their revenues⁵.
6. The corrupt system established by Ben Ali and his clan in Tunisia had deep-rooted causes and a conducive environment for its proliferation. Authoritarian governance and the centralized and opaque political system since the country's independence allowed influential actors to abuse their power for personal gain. The cumbersome bureaucracy, characterized by opaque bureaucratic practices, a lack of transparency in decision-making processes, and weak accountability, created a fertile ground for corruption. Civil servants and political officials were often not held accountable, or held to a low degree, which fostered corrupt behavior. The low salaries of these officials made them more likely to succumb to corruption to improve their financial situation.

Widespread clientelism and nepotism in Tunisia allowed individuals with political connections (to the ruling party RCD) or personal, regional, or tribal relationships with officials to obtain undue benefits, such as lucrative public contracts or influential positions.

Furthermore, the informal economy, accounting for about 27.5% of non-agricultural jobs in 2010⁶, also provided fertile ground for corruption. Companies and individuals could bypass controls and legal obligations in exchange for bribes, taking advantage of the lack of transparency and oversight in the informal sector. Additionally, the low salaries of public officials in general, especially security agents, were often insufficient to meet their basic needs, making them more susceptible to succumbing to corruption to improve their financial situation.

⁴ CNICM, Rapport de la CNICM de 2011, In. https://www.iwatch.tn/ar/uploads/Rapport_français_optimisé.pdf

⁵ Antonio Nucifora and Bob Rijkers, "The Unfinished Revolution: Bringing Opportunity, Good Jobs and Greater Wealth to All Tunisians," Poverty Reduction and Economic Management Department, World Bank, May 24, 2014.

⁶ PNUD, L'économie informelle en Tunisie, décembre 2022, In. <https://www.undp.org/sites/g/files/zskgke326/files/2022-12/Etude%20sur%20l%27économie%20informelle%20en%20Tunisie.pdf>

These combined factors fueled a climate of widespread corruption in Tunisia before the 2011 revolution. The frustrated population, faced with abuses and injustice, ultimately expressed their discontent through the popular uprising that led to the downfall of the Ben Ali regime.

7. The departure of Ben Ali and his regime in 2011 did not lead to the eradication of corruption and its causes. On the contrary, a process of "democratization of corruption"⁷ (or "decentralization of corruption"⁸) occurred after the end of the ruling family's monopoly. The economic orientations and regulatory framework that facilitated corruption before the revolution did not disappear, within a context of persistent "crony capitalism"⁹. The mindset favoring nepotism and the pursuit of personal benefits at the expense of the community is deeply ingrained and cannot vanish overnight.

2. The fight against corruption in Tunisia after the 2011 revolution: strict legislation and selective enforcement

8. The liquidation of the financial corruption legacy of Ben Ali and his system was one of the main objectives of the first phase of the transition led by the duo Fouad Mebazaa, President of the Republic, and Beji Caïd Essebsi, Prime Minister, which lasted until the election of the Constituent Assembly and the emergence of the Troika alliance government at the end of 2011. High-ranking politicians accused of corruption were arrested and investigated, prosecutions were initiated against the fugitive President Zine El Abidine Ben Ali, as well as some of his close relatives and sons-in-law. Judicial structures were mobilized to make decisions on freezing assets suspected of corruption and abuse of power, and to appoint judicial administrators to manage these assets.

Several decrees were issued regarding the investigation of corruption cases, confiscation, and accountability. However, the impression left by this period is that "severity was not present in the treatment of several major cases." Confiscation and accountability measures were selective and did not include all those involved, deliberately omitting dozens of names "who had been proven to have received movable or immovable funds or rights due to their relationship with the former president or his wife or those mentioned in the list of 112 people mentioned in Decree No. 13 of 2011 dated March 14, 2011."

9. During this period, Decree-Law No. 07 dated February 18, 2011, was issued for the establishment of the "National Commission for the Investigation of Corruption and Embezzlement" (CNICM), which was tasked, in the initial phase, with conducting investigations into suspicions of corruption related to the previous regime period. Its mandate covers the period from November 7, 1987, to January 14, 2011. This commission received approximately 11,000 cases. It examined nearly 5,300 and prosecuted about 5,200 of them; around 2,400 cases

⁷ Sarah Yerkes, Corruption, Not Terrorism, Is Tunisia's Biggest Threat, Carnegie, <https://carnegieeurope.eu/strategieurope/74952>

⁸ Yasmine Akrimi, The Tunisian democratic transition: A critically threatened process, <https://www.bic-rhr.com/sites/default/files/inline-files/Tunisia%20Democratic%20Transition.pdf>

⁹ Bob Rijkers, Caroline Freund and Antonio Nucifora, Tunisia's golden age of crony capitalism, on March 27, 2014, in. <https://www.washingtonpost.com/news/monkey-cage/wp/2014/03/27/tunisias-golden-age-of-crony-capitalism/>

were transferred to various ministries and public structures concerned, and 400 major cases were referred to the courts¹⁰.

10. On March 15, 2011, an entity called the "High Authority for Achieving the Objectives of the Revolution, Political Reform, and Democratic Transition" was created under Decree-Law No. 2011-6 of February 18, 2011. This authority's mission was to accompany Tunisia's democratic transition and propose political and constitutional reforms in the country. It consisted of representatives from all political parties, various ideologies, and intellectuals. One of the goals of this authority was to strengthen the fight against corruption in accordance with the United Nations Convention against Corruption of 2003. To achieve this, it was decided to create an independent body responsible for this mission, called the "National Anti-Corruption Body" (INLUCC). This body was activated through the development of a draft law that led to the creation of the corresponding commission under Decree-Law No. 2011-120 of November 14, 2011.
11. The Decree-Law No. 2011-120 of November 14, 2011, defined corruption as follows: "The deviation of power, influence, or employment for personal gain. Corruption, more specifically, encompasses all forms of corruption in the public and private sectors, embezzlement, abuse or waste of public funds, abuse of influence and authority, illicit enrichment, dishonesty and misappropriation of funds by corporate entities, as well as money laundering." Organic Law No. 2017-10 of March 7, 2017, enriched this definition by adding the offense of conflict of interest, exploitation of confidential information, tax fraud, obstruction of judicial authority decisions, as well as all acts endangering public health, safety, or the environment.
12. It is undeniable that the interest of post-revolutionary governments in focusing on mechanisms of transitional and legal justice to hold the "ex-corrump" accountable has come in line with the trends and expectations of the people, and out of concern for the legitimacy of "resisting corruption." However, the promulgation of decrees and laws aimed at fighting corruption has not been accompanied by the political will and practical measures to fight corruption that were introduced or renewed after the revolution. While the concerns of governments and elites focused on the grand corruption of the past, petty corruption was growing and thriving¹¹.
13. After the revolution in Tunisia, successive governments adopted a trend of creating independent bodies to fight corruption and monitor the executive apparatus, in order to align with the general popular trend of limiting the dominance of the executive apparatus, which was the basis of power monopolization during the dictatorial period. Prior to the revolution, the Tunisian state was characterized by a complex system of control bodies covering all sectors¹².

¹⁰ The Danish Institute for Human Rights, "Study Of State Actors In The Tunisian Human Rights System", In. https://www.humanrights.dk/sites/humanrights.dk/files/media/migrated/tunis-rapport-version_english.pdf

¹¹ Crisis group, Blocked Transition: Corruption and Regionalism in Tunisia, In. <https://www.crisisgroup.org/middle-east-north-africa/north-africa/tunisia/177-blocked-transition-corruption-and-regionalism-tunisia>

¹² Kathir Boualleg, le processus législatif anti-corruption (en Arabe) in <https://daamdh.org/wp-content/uploads/2020/01/daam-7-2.pdf>

14. Despite the theoretical importance of these bodies, regardless of their nature, their results in the fight against corruption in the public sector remained extremely limited due to their captivity to the political system in power. Sometimes, they were simply used as a tool to suppress political opponents or undisciplined employees, obeying higher orders. In addition to the lack of material and human resources, which prevented them from adequately fulfilling their supervisory role, their activity often restricted to transmitting information to officials rather than directly attacking corruption phenomena in public administration. Furthermore, these entities were not required to publicly publish their reports, and the first report from the accounting department, established in 1968, was only published in 2013. However, the executive power and its administration resisted laws and procedures aimed at detecting and fighting corruption. They weakened these laws by diluting them and not implementing them, or openly opposing their application. They even sought to weaken anti-corruption laws in order to fight anti-corruption policies. This mindset did not disappear after the revolution, but obstacles continued to manifest in indirect and covert ways.
15. Despite the notable progress made by Tunisia in the early years following the revolution in establishing democratic political institutions, corruption remained endemic and a disruptive force to the country's stability, casting its shadow over all levels of the economy, security, and political system. In order for Tunisia not to lose its trajectory of democratic transition, it had to wage a war on two fronts simultaneously, to confront the regime of thieves (through the justice and transitional justice system) and to combat widespread corruption, through an effective legislative and institutional framework, as well as an unwavering determination that cannot be infiltrated by interest groups.

3. legislative and Institutional Framework for fighting Corruption within the Framework of the 2014 Constitution

16. The fight against corruption has been one of the main legislative priorities of the Constituent National Assembly since its launch in November 2011. Numerous local and international organizations interested in transparency, good governance, and the fight against corruption have participated in the constituent Assembly's work related to drafting the new constitution and monitoring the executive power¹³. Despite the numerous political obstacles and political assassinations that have affected the Assembly, it has managed to enact a progressive constitution that enshrines freedoms and principles of transparency, accountability, and good governance.
17. From 2011 to 2014, successive governments developed the governance system in state institutions with the support of several international institutions. In July 2012, the Tunisian government presented a national roadmap titled "Shared Vision for the Fight Against Corruption," which was adopted during a special session of the Constituent National Assembly (ANC) on December 9, 2012, in the presence of the three presidents.

¹³ The Carter Center, "Final Report The Constitution-Making Process in Tunisia", In. https://www.cartercenter.org/resources/pdfs/news/peace_publications/democracy/tunisia-constitution-making-process.pdf

18. During the period from 2011 to 2014, the executive power showed signs of collaboration and goodwill with civil society associations specialized in the fight against corruption and the promotion of transparency. The active participation of civil society in Tunisia's self-assessment process of implementing its commitments under the International Convention against Corruption, which took place in 2013, was evidence of this¹⁴. An alliance of civil society organizations was formed to monitor the progress of the self-assessment process. This "Civil Society Coalition for the Fight Against Corruption" includes the association "I WATCH," the center "Aoufia," the Tunisian Association for Transparency "Transparency First," the Tunisian Association of Public Observers, the Arab Institute of Heads of Institutions (IACE), and the Union of Independent Tunisians for Freedom. This Coalition, supported by UNDP experts, played an important role in the self-assessment process.
19. Regarding the self-assessment process, the Tunisian government started by designating a "National Focal Point" in the person of the head of the "General Control of Public Services" (CGSP) under Government Circular No. 2013-21 of September 7, 2013. Then, a group of government experts was appointed and tasked with reviewing the national legal system in light of the articles of the Convention to identify possible legislative gaps that need to be addressed. This group consisted of representatives from the Prime Minister's Office, the ministries of Interior, Justice, Foreign Affairs, and Finance, as well as representatives from the Central Bank (BCT), the Court of Audit, the Administrative Court, and the INLUCC. This intergovernmental working committee, responsible for preparing the self-assessment report, presented its preliminary reports to the "Civil Society Coalition for the Fight Against Corruption" for in-depth review. As part of this process, workshops were organized at the national and regional levels to formulate and submit observations. These workshops provided a space for dialogue and the exchange of expertise, allowing participants to discuss the issues, challenges, and opportunities related to transparency and governance. The observations made during these workshops were incorporated into the final self-assessment report.
20. The constitution of January 27, 2014 (Article 125 and following) provides for the creation of five independent regulatory bodies, including the "Good Governance and Anti-Corruption Body." These bodies have significant powers and extensive prerogatives, as follows:
- These organizations have legal personality and financial and administrative autonomy.
 - Their missions aim at "strengthening democracy" by monitoring compliance with laws and the constitution. All state institutions are required to facilitate the exercise of their missions.
 - Their members are elected by the Assembly of the Representatives of the People by a reinforced majority defined by an organic law in accordance with the provisions of Article 65 of the constitution.
 - These bodies are accountable to the Assembly of the Representatives of the People. They present their annual report, which is subject to public discussion during a dedicated annual plenary session.

14 I Watch, "Rapport sur la Conformité de la Tunisie avec la Convention des Nations Unies Contre la Corruption", In. <https://uncaccoalition.org/files/cso-review-reports/year3-tunisia-report-french.pdf>

- The law determines the composition of these bodies, their organization, their methods of election, as well as the modalities of their oversight.
- They have the right to make recommendations and provide input on texts within their area of competence.

21. Article 130 of the 2014 constitution provides for the establishment of the "Good Governance and Anti-Corruption Body" (IBGLCC). This constitutional body combines the roles assigned to the "Truth and Anti-Corruption Commission," created after the Revolution, and the INLUCC. It has investigative powers for the needs of its mission. This article states that the IBGLCC contributes to good governance policies, prevention and fight against corruption, monitoring the implementation of this fight, and promoting transparency, integrity, and accountability. The GGACC monitors corruption cases in the public and private sectors, investigates them, verifies them, and refers them to the relevant authorities. It is mandatory to consult the commission on draft laws within its area of competence. The commission may provide its opinion on general regulatory texts related to its field of competence.

The text stipulates that the IBGLCC is composed of independent, impartial, competent, and honest members who serve for a term of six years, and one-third of its members are renewed every two years. However, attempts to create this body by electing its members in the (ARP) with a two-thirds majority failed three times in 2019, despite the announcement by parliamentary blocs at the time to reach an agreement on the composition. This proves that there is a deliberate intention among the country's political forces not to establish the commission and to maintain a temporary body with low legitimacy and limited effectiveness.

22. During the period from 2015 to 2019, various international treaties relating to governance and the fight against corruption were ratified. Among these, it is worth mentioning the "Arab Convention against Corruption"¹⁵ in accordance with Organic Law No. 2016-73 of November 15, 2016, as well as the "African Union Convention to Prevent and Combat Corruption"¹⁶ according to the provisions of Organic Law No. 2019-62 of August 1, 2019.

23. Tunisia joined the Financial Action Task Force (FATF) and undertook significant legislative and regulatory efforts throughout the aforementioned period to comply with international standards, especially the FATF recommendations and standards on the prevention and fight against financial crimes. Among other things, Tunisia established the Tunisian Financial Analysis Commission (CTAF)¹⁷ through Organic Law No. 2015-26 of August 7, 2015, on the fight against terrorism and money laundering. The powers of this commission were enhanced by Organic Law No. 2019-9 of January 23, 2019, following FATF recommendations. These laws provide provisions regarding the detection and reporting of suspicious transactions, customer identification, verification of the origin of funds, and collaboration with national and international authorities.

¹⁵ Arab Convention Against Corruption In. <https://star.worldbank.org/sites/star/files/Arab-Convention-Against-Corruption.pdf>

¹⁶ AU Convention on preventing and combating corruption, In. https://au.int/sites/default/files/treaties/36382-treaty-0028_-_african_union_convention_on_preventing_and_combating_corruption_e.pdf

¹⁷ CTAF Activity report 2021 (ctaf.gov.tn), In. <https://ctaf.gov.tn/data/uploads/pdf/62f36c15a09912.63614312.pdf>

These initiatives allowed Tunisia to be delisted from the FATF Blacklist in October 2019, placing it on the grey list. This delisting of Tunisia also enabled the country to be removed from the EU List of High-Risk Third Countries with Strategic Deficiencies in their Anti-Money Laundering and Counter-Terrorist Financing Frameworks, by a decision of the European Commission on May 7, 2020, published in the Official Journal of the Union on June 19, 2020¹⁸.

24. Tunisia requested to join the Group of States against Corruption (GRECO) as early as 2016.¹⁹ An evaluation report on the legislative and institutional framework for anti-corruption in Tunisia was prepared by international and local experts from the Council of Europe. In 2017, the Committee of Ministers invited Tunisia to become the 50th GRECO member state²⁰. Tunisian authorities approved the recommendations of this report since February 2017 but have not yet ratified the convention governing this group. According to the government spokesperson, this delay is due to reservations expressed by many ministries, notably the Ministry of Justice, regarding the anti-corruption standards adopted within the group, which Tunisia may not be able to comply with.
25. Tunisia also joined the "Network of Corruption Prevention Authorities" (NCPA) in October 2019²¹. Better known as the "Sibenik Network," this initiative aims to provide an international platform for practitioners worldwide to exchange information and best practices in corruption prevention. The NCPA is supported by several international organizations, including the Council of Europe, OECD, and GRECO. Corruption prevention authorities are generally responsible for developing and coordinating strategies and action plans against corruption, monitoring and reporting corruption cases, and implementing anti-corruption measures in both the public and private sectors. In addition to INLUCC, the network brings together 20 anti-corruption authorities from various countries, including Benin, Ivory Coast, Serbia, Croatia, Morocco, Jordan, France, and Italy.
26. During the period from 2015 to 2019, several legislations, including organic laws, laws, and government decrees, were enacted as part of the anti-corruption framework, in accordance with the provisions of the 2014 constitution and the country's obligations arising from the aforementioned international agreements, notably:
 - Organic Law No. 2015-26 of August 7, 2015, on the fight against terrorism and the prevention of money laundering, revised and supplemented by Organic Law No. 2019-9 of January 23, 2019.
 - Organic Law No. 2016-77 of December 6, 2016, on the economic and financial judiciary pole.
 - Organic Law No. 2016-22 of March 24, 2016, on the right of access to information.

¹⁸ European Court of auditors, "EU efforts to fight money laundering in the banking sector ..", In. <https://op.europa.eu/webpub/eca/special-reports/fight-money-laundering-13-2021/fr/>

¹⁹ Council of Europe, "Demande d'adhésion de la Tunisie au GRECO", In. <https://www.coe.int/fr/web/tunis/-/demande-d-adhesion-de-la-tunisie-au-greco>

²⁰ Group Of States Against Corruption (GRECO), 18th general Activity report (2017), In. <https://rm.coe.int/eighteenth-general-activity-report-2017-of-the-group-of-states-against/16807c0e91>

²¹ Council Of Europe, "Jordan, Morocco, North Macedonia And Tunisia Accede To The Šibenik Network Of Corruption Prevention Agencies", Oct. 18, 2019, In. <https://www.coe.int/en/web/corruption/-/Jordan-Morocco-North-Macedonia-And-Tunisia-Accede-To-The-Sibenik-Network-Of-Corruption-Prevention-Agencies>

- Organic Law No. 2017-59 of August 24, 2017, on the Instance of Good Governance and Anti-Corruption.
- Law No. 2018-46 of August 1, 2018, on asset and interest declaration, and the fight against illicit enrichment and conflicts of interest.
- Law No. 2018-52 of October 29, 2018, on the National Register of Companies.
- Organic Law No. 2019-41 of April 30, 2019, concerning the Court of Auditors.

These organic laws and legislations have resulted in a multitude of government decrees and implementing circulars. Furthermore, various finance laws adopted during this period contain provisions related to principles of transparency, bureaucracy reduction, and good governance.

4. Gap between legislation and practice

27. Simultaneously with these legislative measures in favor of the fight against corruption and the fulfillment of Tunisia's obligations under the United Nations Convention against Corruption, contradictory legislations and practices have emerged during this same period. The law on reconciliation in the administrative domain (Organic Law No. 62 of 2017, October 24, 2017), for instance, grants amnesty to many political and administrative officials suspected of being involved in corruption cases during the era of former President "Zine El Abidine Ben Ali." This approach undoubtedly compromised the anti-corruption policy. The issuance of this law sparked a strong reaction from civil society through a youth movement in the streets that lasted nearly two years as part of the "Manish Msamah" (I do not forgive) campaign²².

28. This period has also been marked by a regression in the overall conduct of the executive power regarding corruption matters, due to the influence of powerful interest and corruption lobbies over the ruling majority. This manifested, for example, in the blocking of the second branch of confiscation, which had been approved by the "confiscation committee" in 2013, before this committee became a tool for extortion and settling scores during the selective war against corruption launched by former Prime Minister Youssef Chahed in 2017²³. This situation was also reflected in the government's decision to lift the freeze on the assets of "Marouen Mabrouk," one of the individuals most concerned by the confiscation decree, given that he is the son-in-law of former President "Ben Ali." This decision led to a criminal complaint filed in May 2020 by the organization "Raqabah Observatory" against the Head of Government and the Minister of State Domains. This was also evident in the inclusion, in the budget laws of this period, of "budget riders" containing suspicions of corruption and offering benefits to specific interest groups, which were the subject of major conflicts within Parliament and appeals before the "Temporary Instance for Constitutional Control of Laws." For instance, the 2016 budget law included an amnesty for currency offenses, favoring corrupt interest groups (Article 61), an

²² Joshua E. Rigg, Cambridge Core, "Manich Msamah and Tunisia's Politics of Unforgiveness", on Oct. 28, 2022, In. <https://www.cambridge.org/core/journals/comparative-studies-in-society-and-history/article/why-dont-i-forgive-they-didnt-ask-for-forgiveness-manich-msamah-and-tunisias-politics-of-unforgiveness/B7FA55A13F05016C0B23ABFB943649E>

²³ Saber Dahi, Nawaat, "La Guerre Perdue De Youssef Chahed", on 29 Sep 2017, In. <https://nawaat.org/2017/09/29/la-guerre-perdue-de-youssef-chahed/>

article that the instance rejected after accepting the opposition deputies' appeals on form and substance²⁴.

29. During this period, decisions contradicting the discourse of successive governments in the fight against corruption were repeated, leaving Tunisians with a sense of inconsistent policies in this field and a lack of political will.
30. Several surveys and investigations conducted in recent years have revealed that the perception of corruption has significantly increased since the revolution. According to a quantitative study commissioned by GIZ in collaboration with INLUCC in December 2020, 87.2% of Tunisians believe that corruption has increased since 2011²⁵. This percentage was 76% in the study conducted by the Carnegie Foundation for International Peace among a sample of 391 Tunisians between July and August 2017²⁶. This evolution of perception corroborates the data from the Corruption Perceptions Index established by Transparency International. In fact, Tunisia ranked 59th out of 178 listed countries in 2010, with a score of 4.3 out of 10²⁷ (the higher the score, the lower the corruption). However, in 2022, Tunisia ranks 85th out of 180 countries, with a score of 40 out of 100. These figures clearly reflect the deterioration of the Tunisian context in terms of the fight against corruption.
31. The growing sentiment among Tunisians of worsening corruption and the inability of politicians, ministers, deputies, and parties to address it, as well as their blatant failure to improve economic conditions and combat the COVID-19 pandemic, have created a conducive climate for President Kaïs Saïed's announcement of his exceptional measures on July 25, 2021. President Kaïs Saïed decided, based on a misinterpretation of Article 80 of the 2014 Constitution, to declare a state of emergency and "monopolize" all powers by dismissing the Prime Minister and freezing the Parliament's activities before its dissolution.

5. The collapse of the institutional and legislative system for the fight against corruption since July 25, 2021

32. Various arbitrary measures have been taken since the coup against the elected Parliament on July 25, 2021, by the President of the Republic, Kaïs Saïed. These measures include the announcement of exceptional measures, the suspension of the 2014 Constitution, and the adoption of a new Constitution, which was approved by a referendum on July 25, 2022. These measures have undermined the foundations of the democratic system, particularly the principle of separation of powers and the independence of the judiciary and the public prosecutor's office. Furthermore, they have eroded the achievements in terms of rights and freedoms that

²⁴ Webmanagercenter, "Loi de finances 2016 : L'IPCC rejette cinq articles sur dix articles jugés «anticonstitutionnels»", Dec 28, 2015, <https://www.webmanagercenter.com/2015/12/28/167677/tunisie-loi-de-finances-2016-l-ipcc-rejette-cinq-articles-sur-dix-articles-juges-anticonstitutionnels/>

²⁵ GIZ, Perception de la Corruption en Tunisie, on Dec 2020, In. https://www.giz.de/en/downloads_els/GIZ_LuCCRI_2103_Perception-de-la-Corruption-en-Tunisie-Decembre-2020_FR_K.pdf

²⁶ Sarah Yerkes & Marouen Muasher, Carnegie, "Tunisia's Corruption Contagion: A Transition at Risk", In. <https://carnegieendowment.org/2017/10/25/tunisia-s-corruption-contagion-transition-at-risk-pub-73522>

²⁷ Transparency International, Tunisia country data, In. <https://www.transparency.org/en/countries/tunisia>

have been established since 2011²⁸, resulting in the destabilization of the anti-corruption system, whether directly or indirectly, in terms of legislation, institutions, and practices.

33. In the testimony of Mr. Imad Daimi, President of the “Raqabah Observatory” it is stated: “President Kaïs Saïed, since coming to power, has adopted a discourse of fighting corruption and freeing the country from corrupt individuals, with the aim of bolstering his popularity and establishing his legitimacy. This has created the impression among some Tunisians that he would besiege the strongholds of corruption lobbies and establish environments and legislations that promote transparency and good governance principles. However, over time, it became apparent to the general public that this discourse was merely a means of legitimizing Kaïs Saïed's exceptional measures and his intentions to concentrate and monopolize all powers in his hands, as well as a means of settling scores with parties, personalities, and structures that did not follow his hegemonic tendencies or attacked the president himself. The enthusiastic slogans of President Saïed did not transform into a national strategy to fight corruption. Smuggling networks, monopolies, and the manipulation of public funds have not been dismantled. The influence of clandestine interest lobbies has not decreased. No structural or legislative reforms have been undertaken to combat corruption. On the contrary, corruption lobbies have managed to adapt to the new situation, preserving their interests and influence by consolidating their relationships with influential individuals among President Saïed's inner circle and entourage.”

He adds, “Instead of targeting the corrupt individuals, President Saïed, after obstructing the Parliament, violating the Constitution, and monopolizing all powers, has attacked the oversight institutions. Thus, he dissolved the “Provisional Instance for the Control of the Constitutionality of Laws” (IPCCL) in July 2021. Then, he closed the premises of INLUCC in August 2021 and ordered the transfer of its files to the Ministry of Interior, thereby obstructing hundreds of ongoing investigations. The system for declaring assets and monitoring conflicts of interest among senior government officials was also suspended. The procedures for protecting whistleblowers of corruption were hindered, exposing many of them to acts of retaliation. The elected ‘Higher Judicial Council’ was targeted and replaced by a specific council loyal to President Saïed. Nearly sixty judges were dismissed by a political decision, with some involved in corruption cases, but most known for their integrity. Their only fault was refusing to issue tailor-made judgments at the request of the executive power, thus creating fertile ground for the perpetuation of corrupt behavior, bribery, favoritism, and manipulation of public markets.”

Imad Daimi confirmed that he faced numerous trials between July 2022 and December 2022 due to his activity in fighting corruption, without benefiting from the fundamental guarantees of defense and justice. These trials resulted in four convictions in absentia, one for a one-year prison sentence, two for eight months each, and the last one for six months, along with a fine. In addition to these convictions, several complaints are currently under investigation. All these convictions were related to allegations of defamation and slander filed by parties involved in corruption cases against the Observatory that he presides over. “The examination of initial

²⁸ Amnesty International, Statement on February 8, 2022, In. <https://www.amnesty.org/en/latest/news/2022/02/tunisia-presidents-moves-to-shut-down-high-judicial-council-poses-grave-threat-to-human-rights/>

corruption cases has been obstructed, while the handling of defamation cases has been expedited by a political decision," he stated²⁹.

34. The Raqabah Observatory, apparently the largest user of the right to access information in Tunisia, has observed a deterioration in the response rate to requests for access to information sent to various public institutions. In fact, this rate dropped from 93% for the period from July 25, 2020, to July 25, 2021, to only 59% in the year following that period. This observation was confirmed by the Access to Information Authority in a statement dated September 1, 2022, in which it highlighted the deterioration in the processing of access to information requests by public institutions³⁰.

35. The 2022 Constitution, enacted under President "Kaïs Saïed" after a referendum with low voter participation, represents a regression in provisions supporting transparency, integrity, and the fight against corruption. Notably, it lacks concepts and guarantees, including the principles of good governance stated in Articles 12³¹ and 15³² of the 2014 Constitution.

The 2022 constitutional text has also removed the mention of various constitutional bodies created by the 2014 Constitution, namely: ISIE (Article 126), HAICA (Article 127), the Instance of Sustainable Development and the Rights of Future Generations (Article 129), the Human Rights Commission (Article 128), and the IBGLCC (Article 130). Only ISIE survived in the 2022 constitutional text.

36. Among the first manifestations of the intentional targeting of the anti-corruption framework was the publication of a decision on August 20, 2021, to evacuate the central headquarters of INLUCC from its employees. This decision was followed by the closure of all regional offices of the institution. Despite the protests by local and international organizations, the ongoing protest movement by the employees of the institution, and the promises of the President, the fate of this institution remained unknown. No decree was issued to create a new structure or to completely abandon this institution and repeal the law that established it. This closure has severely affected the anti-corruption framework, especially the declaration of assets and interests and the protection of whistleblowers.

37. The policies and measures taken since President Kais Saied monopolized all powers on July 25, 2021, have dealt a severe blow to various guarantees related to anti-corruption mechanisms.

²⁹ Testimony received by the editors by telephone on 03/31/2023, supplemented by the article published by Mr Imad Daimi on : <https://www.justsecurity.org/84193/fighting-tunisias-rampant-corruption-with-autocracy-kais-saieds-chimera/>

³⁰ Raqabah Observatory, Statement on Aug 15, 2022, In. https://raqabah.org/Articles/?ID_=03dda889-801f-4621-abdd-b44c54ec3c63&PageID=3e6e4712-6847-4e13-9359-1456c1142ae4&ParentID=3d186ffb-41f2-4c3c-9953-13c4530a46cf

³¹ Article 12 (2014 Constitution): "The State puts in place the mechanisms to ensure the collection of taxes and to fight against tax evasion and fraud. The State ensures the proper use of public funds and takes the necessary measures to spend them according to the priorities of the national economy and endeavors to prevent corruption and all that can undermine national sovereignty.

³² Article 15: "The public administration is at the service of the citizen and the public interest. It organizes and manages in accordance with the principles of impartiality, equality and continuity of public services, and in accordance with the rules of transparency, integrity, efficiency and accountability".

Perhaps the most serious thing he has done is undermine the independence of the judiciary and transform it into a “function” subject to the will of the executive³³. He abolished the Supreme Council of the Judiciary, modified its organizational texts, and appointed a new council under his control in terms of structure and function. He also arbitrarily dismissed 57 judges without considering the judgments of the Administrative Court declaring the illegality of such decisions³⁴.

38. Since July 25, 2022, the Presidency of the Republic has issued numerous decrees-laws and decisions in the absence of the legislative power. Some of these texts have raised suspicions of corruption and favoritism towards specific interests³⁵. For example, Decree-Law No. 2022-68 concerning the regulation of special provisions aimed at improving the efficiency of public and private projects, which has already been presented as the "economic emergency law" at least four times by successive governments and rejected by Parliament and various civil society forces. This text contains unjustified provisions that undermine the general principles of governance, transparency, and integrity, including the elimination of prior control of public contracts in projects funded by foreign sources. Furthermore, the decree refers to subsequent regulatory texts and decisions that could pave the way for corruption, constituting a preventive attempt to seize the legislative powers of the upcoming parliament despite the weakening of its competencies, in order to establish a *fait accompli* and evade legislative debate and judicial control. Decree-laws are immune from any judicial control and prevent any form of recourse.

Similarly, Decree No. 2022-764 dated October 19, 2022, regarding the exceptional revision of public works contracts prices, greatly opens the door to favoritism and manipulations. This measure was the subject of a complaint filed by the "Raqabah Observatory" with the Administrative Court on October 28, 2022, for abuse of power against the President of the Republic.

39. Furthermore, the President of the Republic issued Decree-Law 2022-13 on March 20, 2022, concerning penal reconciliation and its use³⁶. This decree-law aims to reconcile individuals involved in "economic and financial crimes, acts, practices, and actions that have led to illegal benefits or that can lead to illegal or illegitimate benefits and have caused financial damage to the State, local authorities, institutions, public establishments, or any other party, and to reallocate the revenues from criminal reconciliation to the national group based on justice and equity." It provides for "replacing public action or its consequences in terms of trials, sanctions, or claims arising from it or that should have been filed against the State, one of its institutions, or any other party, by paying sums of money or implementing national, regional, or local projects according to the needs." The decree-law entrusts the task of studying the files and

³³ HRW, "Tunisia: President Intensifies Attacks on Judicial Independence", on Feb 27, 2023, In. <https://www.hrw.org/news/2023/02/27/tunisia-president-intensifies-attacks-judicial-independence>

³⁴ Amnesty International, "Tunisia: Arbitrary dismissals a blow to judicial independence", on June 10, 2022, In. <https://www.amnesty.org/en/latest/news/2022/06/tunisia-arbitrary-dismissals-a-blow-to-judicial-independence/>

³⁵ Raqabah Observatory, Statement on Oct 24, 2022, In. https://www.raqabah.org/Articles/?ID_=606418b0-2486-4ed9-ab63-5092fca6d0dc&PageID=3d186ffb-41f2-4c3c-9953-13c4530a46cf&ParentID=

³⁶ TAP, Presidential decree on penal reconciliation issued in Official Gazette, on March 21, 2022, In. <https://www.tap.info.tn/en/Portal-Economy/15016905-presidential-decree>

carrying out reconciliation to the "National Commission for Penal Reconciliation" (CNPP) created "within the Presidency of the Republic," giving it absolute discretionary power. The decree-law allows the commission to withdraw financial corruption and public property infringement cases from the judicial system, even if they have already been subject to prosecution, judgments, or the execution of sentences. The commission can handle pending cases or review cases that have had final judgments, immediately after the conclusion of the reconciliation, which constitutes a violation of the mandatory nature of judicial decisions and the principle of *res judicata*, the independence of justice, and prescription. Judge Ahmed Souab considers that the decree, which established "compensatory criminal justice," is a "new form of distorted transitional justice, in particular, because it lacks the guarantees of the original version³⁷." The "Raqabah Observatory" sent a letter to the president of the mentioned commission on June 26, 2023, to protest against the first decisions taken by the commission concerning two individuals arrested in a financial corruption case at the "Gafsa Phosphate Company", where the amount of reconciliation was considered very low compared to the damage caused to the State in this case, which is only one of four cases initiated by the observatory against these individuals.

40. Among the latest reports highlighting the persistence of corruption and the inconsistency between President Saied's slogans and the reality of practices is the report presented by the "Tunisian Association of Public Controllers" at a press conference on February 28, 2023. This report represents the third version of the study on the backstage of hydrocarbons contracts in Tunisia. It revealed the persistence of the violations mentioned in the previous versions, thus testifying to the inability of successive governments to combat corruption in the field of fuels. The shortcomings manifest themselves through a lack of transparency, including the non-publication of many documents and data, such as revenues from each field in terms of royalties and taxes, as well as irregularities in licenses granted in violation of the law or discriminating against companies in terms of renewal conditions and duration³⁸. Among these licenses are those granted by decrees of the current president, thus evading parliamentary control established by the 2014 constitution and reaffirmed by the current constitution of the year 2022, which could result in significant losses for the State³⁹.

41. Although President Kais Saied has consolidated all powers in his hands, he has not undertaken any serious reforms or measures to reduce the rentier nature of the Tunisian economy. Indeed, various international reports emphasize that the Tunisian economy is essentially rent-based and controlled by interest groups that practically dominate most vital sectors, leaving no room for competitors and working to increase imports at the expense of local products, using monopoly, commercial speculation, control of distribution channels, and tax evasion as means of wealth

³⁷ Ahmed Souab, Critical lecture of the decret-law concerning penal reconciliation , Le Maghreb (in arabic), on April, the 1st 2022 in. <https://ar.lemaghreb.tn/قضايا-وأراء/item/54350-الصلح-الجزائي-54350-نقدية-لمرسوم-الصلح-الجزائي>

³⁸ The World Bank has published a very comprehensive study on the gaps in the Tunisian Hydrocarbons Code, related laws, and hydrocarbon contractual agreements that Tunisia uses with investors. <https://documents1.worldbank.org/curated/en/409211601882728699/pdf/Legal-Review-of-Tunisia-39-s-Upstream-Hydrocarbon-Framework.pdf>

³⁹ TAP, "Tunisia: Public Auditors Recommend in Study, Amending Hydrocarbon Code" on Feb 28, 2022, In. <https://allafrica.com/stories/202303020349.html>

accumulation. The laws governing the economic and investment domains, especially regarding licenses, administrative documents, and required procedures, facilitate this control as they have been tailor-made. Government Decree No. 2018-417 of May 11, 2018, was issued regarding the issuance of the exclusive list of economic activities subject to licensing and the list of administrative licenses required for project implementation. It was revised by Presidential Decree No. 2022-317 dated April 8, 2022, concerning the issuance of the exclusive list of economic activities subject to licensing and the list of administrative licenses required for project implementation, as well as the regulation of related provisions and their simplification. Although this decree abolished a number of additional licenses, it did not encourage initiative in the relevant activities. In fact, the issuance of replacement specifications for licenses is blocked. Moreover, the experience with previous specifications has shown in most cases that they were, in fact, disguised licenses. In this regard, the organization "Raqabah Observatory" has dealt with various cases in the field of specifications related to port professions, where a group of companies monopolized these professions in collusion with the administration to prevent other stakeholders from exercising their investment freedom⁴⁰.

42. The behavior of the executive authority over the past two years has contributed to weakening the Competition Council, the country's anti-monopoly institution, instead of taking necessary measures to address the dominance of rent-seeking lobbies and strengthen the council's powers and capabilities⁴¹. In fact, the Council has been in a state of total paralysis since February 2022, in the absence of a council president, a first deputy, a second deputy, and a secretary-general. This vacuum in senior positions has affected the work of the Council, as it is impossible to convene its sessions since the law regulating the Council's work entrusts the invitation to sessions to the Council President or their deputy. The supervisory ministry sought to impose the appointment of a ministry official to the position of president instead of an administrative judge, as was the tradition since the council's establishment. Furthermore, a highly controversial appointment to the Council was observed under Presidential Decree No. 229 of 2021, dated December 14, 2021, in the person of Mr. Taieb Ktari, who is a member of the executive bureau of UTICA and holds the position of CEO of the construction materials subsidiary of the private group "POLINA," which faces accusations of conflicts of interest, monopoly, and anti-competitive practices, according to a petition signed by the organization "ALERT," the "Raqabah Observatory," and other associations⁴². This raises serious questions about the seriousness and credibility of President Kais Saied's frequent speeches, where he attacks monopolies and lobbies and considers them the main cause of the deterioration of the Tunisian economy and the suffering of citizens.

⁴⁰ Raqabah Observatory, statement on Jul 05, 2022, In. https://raqabah.org/Articles/?ID_=ccfd078b-1607-449c-9c75-a1081e692ed1&PageID=3d186ffb-41f2-4c3c-9953-13c4530a46cf&ParentID=

⁴¹ An OECD study has identified shortcomings to be corrected in the Tunisian legislative and institutional competition system. <https://www.oecd.org/daf/competition/highlights-oecd-peer-reviews-of-competition-law-and-policy-tunisia-2022.pdf>

⁴² Petition Online, In. <https://www.change.org/p/citoyen-المنافسة-على-مجلس-بولينا-إستيلاء-ضد-a20e9f02-cdbb-4ad7-a3e5-000349ebf2a0>

6. Review of the compliance of the Tunisian legislative and institutional system with UNCAC requirements

43. The following table provides a concise overview of the compliance of Tunisian legislation with the main provisions of the international convention. Subsequently, we enumerate the key aspects of the setback in the anti-corruption system in Tunisia and the blatant violation of the obligations of the Tunisian state in this regard since the political change initiated by President Kaïs Saïed on July 25, 2021. It should be noted that the summarized table does not take into account all recent factual data after the unconstitutional change on July 25, 2022, which rendered certain institutions and laws inoperative due to executive measures not based on any judicial decision or legal basis, thus necessitating the reading of the following table in light of subsequent detailed observations.

The articles of the UNCAC		Application of the article in Tunisian legislation
Chapter 1: Preventive measures	Article 5: Preventive anti-corruption policies and practices	The first national strategy for good governance and the fight against corruption came into effect on 09-12-2016 after being officially signed. It was implemented until 2022 and aimed to establish and strengthen principles and mechanisms of public and sectoral accountability. This strategy was subject to an evaluation. Then, on 01-04-2021, the launch of a national consultation was announced for the development of the 2022-2026 national strategy, which could not be developed due to the suspension of the democratic political process following unilateral measures taken by President Saïed since July 25, 2021.
	Article 6: Preventive anti-corruption body or bodies	The creation of the National Anti-Corruption Authority (INLUCC) was carried out on November 24, 2011, in accordance with Decree-Law 2011-120 dated November 14, 2011, which pertains to the fight against corruption. The INLUCC replaced the previously established Independent Commission against Corruption and Misappropriation (CICM), which was set up immediately after the revolution. Further to the failure to establish the Independent Body for the Fight against Corruption and Misappropriation (IBGLCC), the INLUCC continued to operate. However, during the summer of 2021, following the coup d'état on July 25, 2021, the INLUCC was directly targeted by a decision from the head of state. This decision involved the closure of its premises, the revocation of its secretary-general responsible for its management, and the dismissal of all its employees.

The articles of the UNCAC	Application of the article in Tunisian legislation
Article 10: Public reporting	The Organic Law No. 2016-22 on access to information was promulgated on March 24, 2016, it enshrines the right to information and the right to access information in harmony with what was stated in Article 32 of the 2014 Constitution. The same wording was adopted in Article 38 of the 2022 Constitutional text. The Access to Information Act also provides for the obligation for public bodies to automatically publish information in certain cases. The criminal provision contained in chapter eight of the access to information law is the main weakness of this law, as it is vague and insufficient to prevent attempts to deliberately disrupt access to information in structures subject to the provisions of the law. law.
Article 11: Measures relating to the judiciary and prosecution services	The constitutional text of the year 2022 represents a significant step back from the principles governing the judiciary set out in the 2014 Constitution. Indeed, the title of the chapter relating to justice is now called "the judicial function", thus weakening the independence of the judiciary, in particular through decrees governing the structure of supervision of the judiciary and reinforcing its subordination to the head of state and the executive. Decree No. 2022-11 dated February 12, 2022, was published for the creation of the Temporary Superior Council of the Judiciary. This decree was amended by Decree No. 2022-35 dated June 1, 2022, granting President Saïed the power to dismiss judges and prosecutors arbitrarily "in the event of an emergency or a threat to public security or the higher interest of the country, on the basis of a substantiated report from the competent authorities".
Article 14: Measures to prevent money-laundering	Law No. 2015-26, dated August 7, 2015, includes provisions relating to the fight against terrorism and the prevention of money laundering. Among these measures is the role of the Tunisian Financial Analysis Commission. The "CTAF" was created by law 2003-75, dated December 10, 2003, aimed at supporting international efforts to combat terrorism and money laundering. In addition to its general powers in this area, the Commission receives reports concerning suspicious or unusual operations and transactions, analyzes them and informs the competent authorities, with the possibility of temporarily granting authorization to freeze the funds making the object of the declaration and place them in a suspense account.

The articles of the UNCAC		Application of the article in Tunisian legislation
Chapitre 3: Criminalization and law enforcement	Article 15: Bribery of national public officials	The Penal Code devotes a third chapter relating to offenses committed by public or assimilated officials in the exercise or on the occasion of the exercise of their functions. It's in articles 82 to 92 of the magazine. However, the text did not clearly include the criminalization of the commission of the act, directly or indirectly.
	Article 16: Bribery of foreign public officials and officials of public international organizations	The Penal Code does not criminalize bribery of foreign public officials and employees of public international organizations
	Article 17: Embezzlement, misappropriation or other diversion of property by a public official	Articles 95 to 98 of the Penal Code criminalize embezzlement by public officials, including all private and public property. Articles 99 and 100 also criminalize embezzlement by public official or equivalent, custodian or public accountant.
	Article 18: Trading in influence	The Tunisian Penal Code criminalizes influence peddling insofar as it is limited to criminalizing the acceptance of a consideration, while the Convention criminalizes the acts of promise, offer, and granting. Article 18 of Law No. 2018-46 of August 1, 2018, on the declaration of assets and interests and the fight against illicit enrichment, provides mechanisms to prevent influence peddling, including what was provided for in Article 18, which ensures that any person who holds shares or interests in a company must dispose of others from the date of their appointment or election to a position contrary to an interest they manage.
	Article 19: Abuse of functions	The Penal Code criminalizes abuse of position under Articles 95, 96, 97, 97 bis, 97 ter and Article 114.
	Article 20: Illicit enrichment	Tunisian legislation criminalizes illicit enrichment through Law No. 2018-46 of August 01, 2018 relating to the declaration of assets and interests and the fight against illicit enrichment and conflicts of interest and Law No. 2018 -52 of October 29, 2018 relating to the national business register.
	Article 23: Laundering of proceeds of crime	Law No. 2015-26 of August 7, 2015 on the fight against terrorism and the prevention of money laundering criminalizes the activities referred to in Article 23 of the Convention if the income comes from the crime of terrorism. This law repealed and replaced Law No. 2003-75 of December 10, 2003 on support for the international effort to fight terrorism and prevent money laundering.
	Article 26: Liability of legal persons	The article on the liability of legal persons is not enshrined in Tunisian law as a general principle, but is part of specific provisions.

The articles of the UNCAC		Application of the article in Tunisian legislation
	Articles 32 et 33: Protection of witnesses, experts and victims / Protection of reporting persons	The organic law n° 2017-10 of March 7, 2017 relates to the reporting of corruption and the protection of whistleblowers. Law No. 2017-59 of August 24, 2017 relating to the Authority for Good Governance and the Fight against Corruption, provides for measures to protect whistleblowers by the aforementioned body.
Chapitre 4: International cooperation	Article 44: Extradition	Articles 308 to 330 of the Criminal Procedure Code (Chapter 8 of the 4th Book of the Criminal Procedure Code) regulate the extradition of criminals under the condition of dual criminality in the laws of the two countries concerned, unless this is excluded by bilateral agreements.
	Article 46: Mutual legal assistance (9) b) and c)	This matter is addressed in various texts, including the provisions, including the provisions contained in chapters 331 to 335 of the Code of Criminal Procedure.
	Article 48: Law enforcement cooperation	The mechanisms for exchanging information include in particular what is provided for in article 122 of the anti-terrorism and anti-money laundering law, which authorizes the CTAF to seek assistance from its counterparts in foreign countries with which it has cooperation agreements. or who belong to international cooperation groups in the field of the fight against money laundering and the financing of terrorism, and to accelerate the exchange of financial information, which would ensure early warning of the offenses concerned by this law.
Chapitre 5: Asset recovery	Articles de 51 à 59	Tunisian law provides for the confiscation of any proceeds of crime under articles 5, 28, 29, 94 and 98 of the Penal Code and articles 127 and 128 of the law against terrorism and the prevention of money laundering, which includes various mechanisms for cooperation and exchange of information in addition to certain treaties for this purpose.

A. Access to information

44. Article 10 of the UNCAC guarantees citizens their right to information by obliging States parties to take all necessary measures to enhance transparency in their public administration. This includes the adoption of regulations and procedures that allow citizens to obtain information about the organization of their public administration, its working methods, decision-making mechanisms, as well as decisions and laws of public interest, while preserving their dignity and personal data. It is also necessary to simplify procedures that facilitate people's access to competent authorities responsible for decision-making, and to regularly publish information and reports on the risks of corruption in public administration.

45. Tunisia immediately recognized the importance of enshrining the principle of access to information after the revolution by issuing Decree No. 2011-41 dated May 26, 2011, on access to administrative documents of public institutions and structures. The right to information and access to information were also included in the 2014 Constitution (Article 32). Subsequently, the fundamental Law No. 2016-22 of March 24, 2016, on access to information was promulgated. This law is considered, at least theoretically, as one of the best legislations in the world, both in terms of:

1. The scope of its application, as it includes not only the executive branch with all its branches but also the legislative branch, the judicial branch, constitutional organs, regulatory bodies, private entities managing public services, and organizations and associations benefiting from public funding.
2. The obligations imposed on public structures to ensure the proper implementation of the law, whether in terms of automatic information disclosure or in terms of powers granted to those responsible for access to information.
3. Also, concerning the limitation of the exceptions mentioned therein.
4. And also, in terms of the procedural and judicial guarantees it provides to ensure the exercise of this right. This is done through the creation of the Access to Information Authority as an independent structure from the executive branch of the state, which is responsible for adjudicating on cases filed in the field of access to information as a specialized judicial body in this regard, in addition to the powers conferred in the field of advice, training, awareness, dissemination of the culture of access to information, monitoring, evaluation, and control of the realization of this right at the level of the structures subject to the law⁴³.

The legal framework for the right of access to information has been strengthened by Government Decree No. 2021-3 dated January 6, 2021, on open public data, as part of the implementation of the second commitment of the third national action plan of the Open Government Partnership (2018-2020) related to the orientation of the legal and organizational framework to facilitate the opening of public data⁴⁴. The right of access to information through the publication of public data according to the principle of transparency aims to:

- Promote the principles of transparency and accountability,
- Support public participation in policy-making, monitoring, and evaluation of their implementation,
- Modernize the administration and improve the quality and efficiency of public services,
- Contribute to establishing the appropriate framework to advance economic development and create additional employment opportunities, particularly by stimulating the creation of emerging institutions that work on developing new and innovative uses based on public data.

⁴³ INAI, Activity Report 2021, In. <https://inai.tn/wp-content/uploads/2023/03/inai-rapport-2020-2021-web.pdf>

⁴⁴ Government Presidency, Guide pour l'ouverture des données publiques en Tunisie, In. https://www.data.gov.tn/documents/13/Guide_Open_Data_en_FR.pdf

46. Despite the evolution of the Tunisian legislative system in the field of access rights, there are some gaps that have passed into the law. Indeed, the law does not provide provisions obliging all institutions and structures to inform the judiciary or INLUCC of the data and information they possess regarding suspicions of corruption or violations of laws and regulations. The legislature contented itself with recalling this obligation without providing sanctions for the violation of the obligation to transmit data and information, which weakens the effectiveness of the law in facilitating the exchange of information and access to information between public structures. Moreover, this violates Tunisia's commitments under UNCAC regarding the right of access to information provided for in Article 10 of the Convention.
47. Regarding the practical implementation of this law, many public institutions and ministries continue to refuse to comply with the provisions of the law, even after decisions have been issued against them by the access to information authority. They do not comply with the decisions or partially or indirectly execute them. This situation is mainly explained by the fact that the system of sanctions outlined in Chapter Eight of the law on access to information is vague and limited to counter all deliberate attempts to obstruct access to information in institutions subject to the law.

The provided sanctions are limited to small fines ranging from 500 dinars to 5000 dinars (equivalent to 160 to 1600 euros). Moreover, the criminal nature of this fine requires that the authority initiate a criminal case before the court and await its outcome after going through all the stages of the judicial process. This procedure can be lengthy and tedious, which may discourage complainants.

Furthermore, the reference to the possibility of resorting to disciplinary sanctions against any public official who does not comply with the provisions of the law on access to information is also vague. The law does not specify the procedures for implementing such sanctions, as deliberate attempts to obstruct access can undergo prolonged judicial review before the criminal courts, upon which the possibility of applying one of the disciplinary sanctions provided for by the law depends.

To remedy this situation, it is necessary to strengthen the sanctions provided for by the law on access to information. The fines should be higher, and judicial procedures should be simplified to allow for quicker and more effective implementation of the law. Additionally, it is important to specify the procedures for implementing disciplinary sanctions against public officials who do not comply with the provisions of the law on access to information. This would ensure a more effective implementation of the law and strengthen transparency and accountability of public institutions.

48. According to the testimony of journalist Mohamed Youssefi: "The law on access to information poses many difficulties in its application and implementation in practice. Difficulties already existed before July 25, but things have become more complicated since then. As journalists, we have faced difficulties dealing with administrations, officials, and state institutions. There have been major difficulties in obtaining information because there are still hesitations and resistance that reflect a lack of respect and an attempt to evade the application of this law with poor

excuses from either side. This may require a broader discussion in the future, but the problem today lies in the political situation, which is dominated by fear, closure, and information retention.. In recent months, the Tunisian administration and public state institutions such as ministries and others have relied more on suppressing information and not respecting this law, perhaps for reasons related to the fear of reactions and the repercussions of disclosing this information. In one of our investigations, we submitted six requests for access to information, but all the administrations did not respond, although they were legal requests within the framework of the law. Therefore, we can conclude that there is a blackout on information and a violation of the right of access to information due to this political climate established by the Presidency of the Republic, which does not respect the right to information”⁴⁵.

49. The Raqabah Observatory confirmed in a statement dated August 15, 2022, that "the interaction of the various official structures with access to information requests addressed by the Raqabah Observatory has significantly deteriorated over the past year. The response rate to access requests has decreased from 93% in the year prior to July 25, 2021, to 59% in the year following that date. The Observatory also confirms that the quality of the responses has deteriorated, often becoming general responses without providing the specific details requested by the Observatory, suggesting the existence of a general policy aimed at obstructing the right to access information and preventing the Observatory from collecting the required data under the law. These suspicions are confirmed by the government's refusal to respond to 7 out of 8 access requests made by the Observatory between July 25, 2021, and July 25, 2022. The Observatory calls on the government, as well as all public institutions and entities, to respect the right to access information and lift any restrictions on this right constitutionally acquired and guaranteed by international conventions"⁴⁶.

50. In another statement dated December 12, 2022, the Raqabah Observatory accused the government of Ms. Najlaa Bouden of infringing upon the right to access information and of promoting a policy of concealment by issuing Circular No. 2022-18 regarding the "strengthening of mechanisms for the protection of personal data," which falls within the framework of restricting the right to access information. In flagrant violation of the law on the protection of personal data, this circular introduces new binding procedures for the administration regarding obtaining authorization from the National Authority for Personal Data Protection (INPDP) "in all cases, without exception, when processing personal data." It also imposes automatic consultation with the same authority for any question or issue related to personal data, claiming that this commission is the only one authorized to interpret the law concerning it.

These additional measures, contrary to the law, are aimed at effectively obstructing access to information and hindering the functioning of the National Authority for Access to Information (INAI), by violating its law that grants it the right to assess mechanisms for the protection of

⁴⁵ Ines Lelli, Access to information .. a right that challenges politicians and bureaucracy (in Arabic), dhadpost, 03/22/2022 in. <https://dhadpost.net/النفاذ-الى-المعلومة-حق-بقرار-السياسة-و/>

⁴⁶ Raqabah Observatory, statement on Aug 15, 2022, in: https://raqabah.org/Articles/?ID_=03dda889-801f-4621-abdd-b44c54ec3c63&PageID=3d186ffb-41f2-4c3c-9953-13c4530a46cf&ParentID=

personal data when exercising the right of access and to strike a balance with the public interest and the protection of public finances. This constitutes a violation of the provisions of the fundamental law on the right to access information, a disregard for INAI's jurisprudence, an infringement on its independence, and an attempt to suppress its functions. The Raqabah Observatory highlighted the possibility of collusion between the government presidency and the president (who is the sole actor) of the INPDP to hinder the right to access information and the work of the INAI. Indeed, the latter has multiplied in recent months the issuance of opinions and documents that have contributed to obstructing access to information under the pretext of personal data protection. Furthermore, he has repeatedly requested the integration of the INAI within the INPDP, raising questions about the motivations behind this request.

The Observatory has filed a petition for abuse of power before the Administrative Court to annul Circular No. 2022-18. This action was motivated by the fact that the circular contained new legislative and regulatory rules in the form of directives and instructions to the administration aimed at establishing rules contrary to the fundamental law No. 2016-22 of March 24, 2016, on the right to access information. This situation violated the interpretive function of circulars and the necessity of not contravening the existing laws, in addition to interfering with the functioning of independent bodies, especially the INPDP and the INAI. The circular also aimed to restrict the right to access information, which contradicts the Constitution and the existing laws. This legal action was taken to ensure respect for the law regarding the right to access information and to protect independent bodies from any interference in their functioning. The Raqabah Observatory has also contacted the National Syndicate of Tunisian Journalists (SNJT) because this circular targets journalists' right to access information and because the syndicate is one of the main actors in the fight against concealment and the violation of press freedom"⁴⁷.

51. The executive power restricts the right to access information by keeping the INAI without a president since the appointment of its president, Mr. Imed Hazgui, as Minister of Defense in February 2020. Since then, the INAI has remained under the temporary leadership of its vice-president. The situation has remained stagnant since the suspension of the functions of Parliament on July 25, 2021. The fundamental law No. 2016-22 provides for the renewal of members and the appointment of the president of the INAI through the electoral mechanisms of Parliament. However, this law has not been amended after the 2022 constitutional text.

In an information access case involving the government, the Raqabah Observatory succeeded in Decision No. 3942-3943. However, the government has appealed against this decision before the administrative court, arguing the "illegitimacy of the decision due to its signing by the vice-president." This situation occurred after the President of the Republic removed the president of the INAI from his position to appoint him as a minister, before impeding the exercise of the powers of Parliament and dissolving the body, making it impossible to elect a new president. Although the President has exceptional powers in legislation and decrees, he has not amended

⁴⁷ Raqabah Observatory, statement on Dec 12, 2022, in., https://raqabah.org/Articles/?ID_=b99d2ee8-5539-4b56-a605-8a712e07502d&PageID=3d186ffb-41f2-4c3c-9953-13c4530a46cf&ParentID=

the law on the INAI or the related appointments, unlike what happened with the Supreme Judicial Council. This approach by the executive power reveals a contradiction and a willingness to paralyze the functioning of the INAI without taking responsibility for clearly announcing it or amending the existing laws.

B. Declaration of Assets and Interests

52. Prior to the revolution, Tunisian legislation included a legal provision regarding the declaration of assets, governed by Law 1087-17 dated April 10, 1987, which focused on the honorable declaration of assets by government members and certain categories of public officials. This law had little effect in combating corruption due to the lack of political will for its implementation and the restricted list of individuals subject to its application, excluding sensitive positions such as the President of the Republic and Members of Parliament.
53. The Constitution of January 27, 2014, incorporated an article (Article 11) stating that "anyone holding the positions of President of the Republic, Head of Government, Member of the Government, Member of the Assembly of the Representatives of the People, Member of the independent constitutional bodies, or any other senior position, must declare their assets in accordance with the law." Based on this provision, Law No. 2018-46 of August 1, 2018, relating to the declaration of assets and interests, the fight against illicit enrichment and conflicts of interest, was promulgated. This law expanded the list of individuals required to make a declaration, encompassing a large number of public officials and high-ranking state officials. The law even extended to individuals outside of state structures, such as political party leaders, owners of media companies, journalists, and members of central, regional, or sectoral professional union offices, among others.
54. In the implementation of this law, Government Decree No. 2018-818 of October 11, 2018, was issued, regulating the declaration form for assets, interests, the minimum threshold of earnings, loans, and gifts to be declared. This decree stipulated the requirement to declare real estate and movable assets with an individual value exceeding 10,000 dinars, as well as loans granted to individuals subject to the declaration obligation or their spouses, which had been fully repaid as of the declaration date and whose original value exceeded 30,000 dinars.
55. An essential measure was established to strengthen the right to access information as a decisive mechanism in the fight against corruption and its prevention. This measure involves the publication of the content of asset and interest declarations of eight levels of individuals required to make a declaration, primarily including the President of the Republic, the Head of Government and members of the government, the President of the Assembly of the Representatives of the People and its members, the President of the Supreme Judicial Council and its members, the presidents of local authorities and their members, and the President of the Constitutional Court and its members. The content of their declarations will be published on the organization's website, taking into account legislation regarding the protection of personal data, in accordance with a model to be approved by a government decree, upon the proposal of INLUCC (the National Anti-Corruption Authority) and in accordance with the consent of INPDP (the National Authority for the Protection of Personal Data) (Article 8 of Law No. 2018-46). This

decree has not yet been promulgated, which justifies the fact that the organization has not yet published the content of the aforementioned declarations on its website. The closure of INLUCC on August 20, 2021, and the evacuation of its employees have hindered the implementation of the law concerning the declaration of assets and interests. Despite the election of a new Parliament and its opening session on March 13, 2023, and despite the legal obligation to make a declaration of assets and interests as a condition for exercising their mandate, deputies have begun their functions without any issues and have relied on the paralysis of INLUCC's activities to decide that there is currently no obligation to make a declaration. The same applies to President Kaïs Saïed, who received the newly elected President of the Assembly of the Representatives of the People to congratulate him on his election, and the matter was not raised legally.

56. Due to the ineffectiveness of the system of declaring assets and interests, many people have been able to benefit from such situation, for example: "The INLUCC has not published any action taken against former civil servants who used "revolving doors"⁴⁸ to take advantage of their dual-hatted political positions and functions, such as the various lawyers and judges appointed as ministers and civil servants across various governments. The revolving door was one of the characteristics of the pre-July 25 era, when the political class took advantage of the ambition of public officials who used their powers to make more profit when they returned to the private sector, and vice versa"⁴⁹.

C. Denunciation of Corruption and Protection of Whistleblowers

57. The legislator in Tunisia did not give significant importance to the issue of denunciation of corruption, despite its importance, even during the revolution. The reference to this issue was limited to Article 29 of the Penal Code, which obliges authorities and officials to notify the public prosecutor of crimes they become aware of during the course of their duties. The framework decree no. 2011-120 of November 14, 2011, on the fight against corruption, provides in Article 11 that "the State, as part of its anti-corruption policy, guarantees the promotion of the denunciation of corruption cases by raising public awareness of their dangers, reducing legal and practical obstacles preventing their disclosure and proof, and adopting measures to protect victims, witnesses, and whistleblowers," in accordance with Articles 32 and 33 of the United Nations Convention against Corruption (UNCAC).
58. Article 33 of the UNCAC obliges state parties to include appropriate measures in their national legal systems to protect any person acting in good faith and for legitimate reasons when reporting criminal acts covered by the convention to competent authorities. Article 32 of the convention provides for the protection of witnesses, experts, and victims by taking adequate measures to ensure their effective protection against any potential intimidation or retaliation,

⁴⁸ A revolving door is a situation in which personnel move between roles as legislators and regulators, on one hand, and members of the industries affected by the legislation and regulation, on the other (wikipedia)

⁴⁹ I Watch Organisation, Civil Society Report on the Implementation of Chapter II (Prevention), and Chapter V (Asset Recovery), of the United Nations Conventions Against Corruption, in Tunisia, p 21. In., <https://uncaccoalition.org/wp-content/uploads/Rapport-parallele-de-la-societe-civile-CNUCC-EN.pdf>

including the conclusion of agreements or arrangements regarding the relocation of witnesses, experts, and victims to protect them.

59. The Assembly of the Representatives of the People (ARP) adopted Organic Law no. 2017-10 on March 7, 2017, regarding the reporting of corruption cases and the protection of whistleblowers. This law establishes the relevant public structures for its implementation. It also specifies the available mechanisms for the whistleblower to directly resort to justice, as well as the possibility of submitting the report in writing to the National Anti-Corruption Authority, excluding other structures and organizations.
60. Due to a delay in the publication of implementing texts, Government Order no. 1124 of December 9, 2019, was issued as part of the implementation of this law, regulating the mechanisms, forms, and criteria for awarding financial rewards to corruption whistleblowers. Similarly, Government Order no. 1123 of December 9, 2019, was issued to regulate the conditions and procedures for granting incentives in the field of corruption prevention, setting the conditions and procedures for awarding incentives to public and private entities that comply with nationally and internationally recognized good practices in the field of prevention and combating corruption.
61. Organic Law no. 2017-10 includes a definition of the concept of "protection" and a whole section related to it. The decisions regarding the protection of whistleblowers are entrusted to the National Anti-Corruption Authority and apply to any person meeting the legal requirements, as well as any other person that the Authority considers exposed to harm due to their whistleblowing or as a result thereof. The protection decisions are implemented in coordination with the relevant public authorities, including security authorities, in accordance with the applicable legislation. Article 25 of the law stipulates that the protection decision issued by the Authority grants the whistleblower all or part of the protective measures, such as personal protection, transfer of workplace, and provision of legal and psychological assistance.
62. Despite all these laws, obstructing the work of the National Anti-Corruption Authority has hindered the protection of whistleblowers and made them vulnerable to abuse and retaliation, as confirmed by numerous testimonies received by the Observatory and complaints submitted to government authorities.
63. The documented information by the Raqabah Observatory indicates that several whistleblowers have faced retaliatory measures, including physical assaults for some and dismissals for others, according to consistent testimonies. Mr. xxxxxxx, an employee of the SNCFT, stated in his testimony to the Observatory: "I have submitted dozens of cases of financial and administrative corruption occurring at the SNCFT to the National Anti-Corruption Authority and the Economic and Financial Judicial Pole. I obtained a protection decision from the Authority under number xxxx/2019, as well as a security protection decision, with my integration into the security apparatus of the Ben Arous region by the Ministry of Interior, due to verified attempts on my life. Subsequently, I became a victim of numerous murder attempts and constant threats directly against me and my family. Furthermore, the company's management persecuted me by dismissing me on xxxxx, suspending my salary, in blatant

violation of nearly 25 legal provisions established in form and substance, through an unfair disciplinary board, with the accusation being 'leakage of administrative documents and disclosure of professional secrets.' These are the same corruption cases that I submitted to the National Anti-Corruption Authority and the Economic and Financial Judicial Pole. They did not stop there; they also flooded me with several malicious cases defaming me and falsely accusing me before the Ben Arous court in complaint number xxxxx. I am currently without any protection"⁵⁰.

64. We have also received the testimony of Ms. xxxxx, an employee of the SNCFT responsible for monitoring the operation and extraction of real estate assets belonging to the public domain. She reported cases of suspected corruption within the SNCFT. She obtained two protection decisions:

- Decision number xxx dated xxx xxx 2017 concerning the granting of protection and the settlement of a situation.
- Decision number xxx dated xxx 2021 concerning the granting of security protection.

"Despite the judicial and security protection decisions and early retirement, I have been subjected to intimidation, threats, retaliatory harassment, threats, and defamation by some employees of my company after the closure of the National Anti-Corruption Authority. Our lives have become a living hell without a national institution tasked with protecting us and protecting our reports against corrupt individuals, especially after the removal of protection measures for victims, witnesses, and whistleblowers. After the 2022 constitution, the company violated the law by refraining from prosecuting corruption and the perpetrators of corruption, but rather protected them and appointed lawyers to defend officials accused in corruption cases that harmed the company"⁵¹.

D. The National Anti-Corruption Body (INLUCC)

65. The framework decree-law No. 2011-120 of November 14, 2011, concerning the fight against corruption, stated the need to create a national anti-corruption body. This body was established on November 24, 2011, to succeed the Commission of Inquiry on Corruption and Malpractice (CICM), which was set up immediately after the revolution. However, the performance of the National Anti-Corruption Authority (INLUCC) did not meet the expectations and hopes attached to it due to obstacles, political difficulties, and the choices made by the presidents who led it. The investigative work within the institution was also lacking. Since its establishment, the INLUCC has only formed its council under Decree No. 2013-2394 of June 4, 2013. This council has only met once since its creation until October 2018, on July 17, 2013. The prevention and investigation mechanism provided for in Article 22 of the framework decree No. 2011-120 was not implemented because the government did not issue the corresponding decree due to the lack of willingness of successive presidents to share with them the powers of supervising the work of the institution.

⁵⁰ Testimony collected by the Raqabah team on April 2, 2023

⁵¹ Testimony collected by the Raqabah team on April 2, 2023

66. In accordance with the provisions of Article 130 of the Tunisian Constitution of 2014, the legislator approved Organic Law No. 2017-59 dated August 24, 2017, concerning the Good Governance and Anti-Corruption Authority (IBGLCC), which resulted in the repeal of the second section of Decree No. 2011-120, the section relating to the INLUCC. However, the law regarding the IBGLCC has not been activated. All attempts to vote for its members in the ARP (Assembly of People's Representatives) in 2019 failed, leading to the temporary continuation of the INLUCC despite its weak legitimacy.
67. The INLUCC was directly targeted by an executive decision ordering the closure of its offices, the dismissal of its Secretary-General responsible for its management, and the termination of all its employees in the summer of 2021, following the coup d'état on July 25, 2021. This decision constitutes a blatant violation of Article 6 of the National Anti-Corruption Authority Law (CNULCC), which imposes on each State party the obligation and responsibility to ensure the existence of one or more institutions responsible for preventing corruption and strengthening the effectiveness of its anti-corruption system. This has hindered efforts to combat corruption, including:
- Loss of a significant effort in data collection and reporting on corruption: The number of corruption reports amounts to 43,459, protection requests to 828, and asset declarations to 144,152. Furthermore, these files containing personal data are now under the custody of the Ministry of Interior, which contradicts the purpose for which the institution was created, namely to ensure that an independent body possesses these files. There are concerns that these files may be used to blackmail individuals rather than serving their initial purpose.
 - This weakens the whistleblower protection system by impeding the functioning of the body responsible for making protection decisions in accordance with Law No. 2017-10. Additionally, it also hinders the mechanism for receiving income and interest declarations as a preventive measure ensured by the INLUCC, in accordance with Law No. 2018-46 of August 1, 2018, concerning income and interest declarations, the fight against illicit enrichment, and conflicts of interest.
 - Following the announcement of the closure of the INLUCC, a statement from the presidents of independent institutions was published on August 26, 2021, expressing their refusal of the decision to close the two central headquarters of the INLUCC and their dismay regarding how it was executed. This confirms the danger of this closure to the independence of these structures.

E. Disturbance of the Judicial System and Its Impact on Corruption

68. The measures taken regarding the judicial system and the public prosecutor's office on July 25, 2021, dealt a severe blow to the guarantees associated with mechanisms to combat corruption. It began with the restriction of the functioning of the Supreme Judicial Council and the limitation of its members' powers through Decree-Law No. 2022-4 of January 19, 2022, which amended the fundamental law No. 2016-34 of April 28, 2016, concerning the Supreme Judicial Council. This decree nullified its regulatory prerogatives and eliminated the benefits granted to its members. Furthermore, Decree No. 2022-11 of February 12, 2022, established the Provisional Supreme Judicial Council and modified its composition, limiting it to seven judges,

four of whom are appointed by the President of the Republic from among active judges, and three are chosen by the President from among retirees. This reinforced the structural subordination supported by functional subordination, allowing the intervention of the head of state in the functioning of the Council and the possibility to veto certain decisions or replace them in case of failure. The decree-law also provided a procedure allowing for the dismissal of judges at the president's "immediate" request, with a decision from the Council within one month.

69. Decree-Law No. 2022-35 of June 1, 2022, was enacted to complement Decree-Law No. 2022-11 of February 12, 2022, regarding the establishment of the Provisional Supreme Judicial Council. This decree-law grants President Saïed the power to unilaterally dismiss judges and prosecutors "in case of doubt or threat to public security or the country's highest interest, based on a justified report from competent authorities." This decree-law served as the pretext for the promulgation of Presidential Decree No. 2022-516 on the same day, which dismissed 57 judges and prosecutors, accusing them of financial and "moral" corruption as well as obstructing investigations, including the president of the Supreme Judicial Council elected in 2018. Some of them have been arrested.

70. Decree-Law No. 2022-35 of June 1, 2022, stipulates that criminal proceedings are automatically initiated against the dismissed judges and prosecutors under its provisions. In the absence of minimal legal guarantees in judicial procedures, Article 1 of this ordinance states that "the dismissal of a judge can only be contested after a final criminal judgment regarding the acts attributed to them." Despite this, the dismissed judges and prosecutors appealed their dismissals to the Administrative Court of Tunis, which ruled in favor of 49 of them. The Ministry of Justice refused to implement the administrative court's decision to reinstate them, once again violating the principle of judicial independence.

It is paradoxical that the current president has even paralyzed the functioning of the Provisional Judicial Council that he appointed, hindering, for example, the approval of the annual movement of judges, which has resulted in numerous problems and difficulties.

"The collective dismissal of judges by presidential decree, without any procedure or possibility of recourse, effectively puts an end to any semblance of judicial independence and rule of law in Tunisia," said Said Benarbia, Director of the MENA Program at the CIJ (International Commission of Jurists)⁵².

F. Financial and Economic Judicial Pole

71. The Financial and Economic Judicial Pole (PJEF) was established by Law 2016-77 on December 6, 2016. The first article of this law stipulates that a financial and economic judicial pole will be created within the Court of Appeals of Tunis, responsible for investigating, monitoring, instructing, and adjudicating complex economic and financial offenses, as well as related offenses, at the trial and appellate levels. It will handle crimes committed in the fields of public

⁵² International Commission of Jurists, "Tunisia: End attacks on judicial independence", on May 20, 2023, In. <https://www.icj.org/tunisia-end-attacks-on-judicial-independence/>

and private finance within the jurisdiction of public officials, as well as taxation, expenditures, the financial market, banks, financial institutions, party and association financing, elections, commercial and economic activities.

72. This specialized judicial body, assigned to the PJEF, will enable the training of judges specialized in economic and financial matters, who will be well-informed about international standards and mechanisms to combat corruption. The technical team of the PJEF will enhance this expertise and ensure the judges' openness and development of their skills for the optimal application of laws and international conventions related to the fight against corruption, thereby contributing to the effectiveness of the entire anti-corruption system.
73. The law does not provide for the possibility for the IBGLCC to directly refer the cases it investigates to the PJEF. Instead, this is done through the prosecutor's office, which has the power to assess economic offenses and decide whether to transmit them to the pole or not. Thus, the executive branch plays an essential role today in the handling of corruption cases, whether through the prosecutor's office or government control bodies. This contradicts the provisions of Article 30 of the UNCAC concerning judicial proceedings and sanctions, which stipulates that each State Party to the Convention shall endeavor to ensure the exercise of legal powers under its domestic legislation regarding the prosecution of acts of corruption criminalized by the Convention in order to enforce the law effectively and pay due attention to the necessity of deterring the commission of acts of corruption. The Raqabah Observatory has stated that it has filed several complaints regarding proven cases of corruption with the prosecutor's office. However, the prosecutor's office has chosen not to forward the file to the financial pole each time but rather to transfer it to a sub-police brigade in the capital, Tunis, for preliminary investigation, and then to a investigating judge near the court of first instance in Tunis. The observatory attempted, through its lawyer, to request that the financial pole be entrusted with these files, but the requests went unanswered.
74. Since its establishment, the PJEF has suffered from numerous deficiencies and difficulties that hinder its functioning, resulting in prolonged delays in the investigation and resolution of hundreds of cases submitted to it⁵³. Among these shortcomings are the low number of judges working within the pole, their frequent rotation in periodic judge movements, which prevents the accumulation of their experience and the lack of continuity in the handling of complex cases. Additionally, the administrative team is weak, and there is no specialized laboratory within the pole, making the investigations entirely dependent on economic investigation brigades. The headquarters of the pole are also located in an old building with dilapidated facilities, on a main road, without secure parking for the judges, and without adequate protection against the dangers to which the pole and its judges may be exposed.
75. The main challenge faced by the PJEF lies in political interference, whether exercised through the prosecutor's office or directly in sensitive cases. The pole has been involved in politically motivated cases on the executive's instructions. The Head of the Executive himself did not hesitate to publicly declare that "the Financial and Economic Judicial Pole was created to

⁵³ Sarah Yerkes & Marouen Muasher, *ibid*

conceal crimes”⁵⁴. The disregard for this jurisdiction and the independence of justice reached a critical level when a judge of the pole was dismissed, and his office, containing all his files, was sealed with lead, based on political decisions.

G. Examples of legislation related to the economy, investment, and public procurement that violate anti-corruption requirements:

76. President Saïed issued Presidential Decree No. 2022-68 on October 19, 2022, concerning the regulation of special provisions aimed at enhancing the efficiency of public and private project implementation. This decree has led to an increase in the tasks of the High Authority for Public Procurement, which oversees public procurement, resulting in a loss of effectiveness in its monitoring of public markets. By creating a center of influence on public policies and strengthening the grip of the supreme authority of public demand, despite its shortcomings, and by not adhering to integrity, transparency, and good practices standards, this is achieved through the elimination of prior control by the monitoring committees for public contracts financed by foreign financing organizations and institutions (Article 5).
77. This text is exceptional compared to the current laws, ostensibly justified on the surface under the pretext of accelerating the implementation of public projects, but it affects the general principles of governance, transparency, and integrity. The decree refers to subsequent regulatory texts and administrative decisions in violation of general legal principles that impose basic safeguards in laws, while granting discretionary power to the administration without guarantees that could pave the way for brokerage in public procurement cases.
78. The Raqabah Observatory estimated that this decree is an extension of the "emergency economic law" project that successive governments from 2016 to 2021 attempted to pass several times but failed under pressure from parliamentarians and public opinion since it widely opens the doors to corruption, serves the interests of influential lobbies, and weakens the control of projects and public markets. President Kaïs Saïed enacted it with slightly different formulations, in the absence of the Assembly of the Representatives of the People and unbeknownst to the public. It contains serious provisions that could pave the way for corruption, such as granting privileges and incentives to specific predetermined projects without objective criteria under the supervision of a new committee, as well as exempting prior control and monopolizing industrial and agricultural lands by foreigners, among other dangerous measures⁵⁵.
79. The decree on penal reconciliation (Decree-Law No. 2022-13 of March 20, 2022, on penal reconciliation and the use of its revenues) constitutes an infringement on the judicial system in tracking financial crimes and financial corruption. Penal reconciliation involves reaching a reconciliation with the state regarding financial and economic crimes committed before 2011

⁵⁴ Business News, “Kaïs Saïed : le Pôle judiciaire économique et financier a été créé pour dissimuler des crimes”, le 06/12/2022, In. <https://www.businessnews.com.tn/kais-saied--le-pole-judiciaire-economique-et-financier-a-ete-cree-pour-dissimuler-des-crimes,520,125007,3>

⁵⁵ Raqabah Observatory, Statement on oct. 24, 2022, In. https://raqabah.org/Articles/?ID_=606418b0-2486-4ed9-ab63-5092fca6d0dc&PageID=3d186ffb-41f2-4c3c-9953-13c4530a46cf&ParentID=

and until March 20, 2022, the date of publication of the decree. Reconciliation is done through a commission created within the presidency of the Republic, consisting of 8 members, including judges and members of financial control bodies. It is responsible for reviewing reconciliation cases, either automatically or at the request of the parties concerned, with its members being appointed by presidential decree. Under reconciliation, criminal proceedings are dropped in exchange for the payment of compensatory sums allocated to projects in regions based on the principle of positive discrimination. Project revenues are distributed among the delegations, accounting for 80%, and the remaining 20% is allocated to local communities in the form of contributions to the capital of local institutions, which can take the form of civil societies.

80. This text was marred by numerous flaws as the decree created a formula that does not comply with the provisions relating to transitional justice in previous laws. Additionally, the President of the Republic did not consult the temporary Supreme Judicial Council at the time, although the obligation of mandatory consultation is stipulated in Article 11 related to it. The decree also contradicts numerous laws, including the transitional justice law, as well as the 2011 decree on confiscation and the 2011 decree on the recovery of misappropriated funds abroad, and finally, the administrative reconciliation law. The decree did not include transitional provisions to avoid this conflict.

7- Recommendations

- The Tunisian government is urged to develop and enforce existing laws on combating corruption in accordance with international standards, particularly those outlined in the United Nations Convention against Corruption (UNCAC) of 2003, to which Tunisia has been a party since 2008.
- The Tunisian government is called upon to incorporate all corruption offenses listed in the UNCAC into the Tunisian legal system, including corruption offenses involving foreign public officials.
- The Tunisian government is requested to repeal any legislation or decision contradicting the state's commitments under the UNCAC, which have been unilaterally enacted by the President of the Republic following the announcement of exceptional measures on July 25, 2021, including the decree-law on criminal reconciliation.
- The Tunisian government is urged to end the state of exception and emergency, and ensure the establishment of the Constitutional Court and independent constitutional bodies as provided for in the 2014 Constitution, particularly the Good Governance and Anti-Corruption Commission (IBGLCC).
- The Tunisian government is being urged to enact a new law specifically addressing the state of emergency. This law should regulate the state of emergency and grant special powers to temporarily restrict certain freedoms in order to maintain public order. It should also ensure that these measures comply with relevant international agreements and provide for judicial oversight of the actions taken during the state of emergency. Additionally, there is a recommendation to separate the references to the state of emergency and the state of exception to prevent any

concentration of power in the hands of the head of state. The provisions regarding the state of exception should be reviewed, regulated, and incorporated into the Constitution. Furthermore, there is a call for the expedited establishment of an independent constitutional court with sufficient safeguards to oversee the declaration of the state of exception and the resulting measures.

- The Observatory demand that the Tunisian executive dissolve the temporary Supreme Judicial Council unilaterally formed by the head of state without respecting minimal guarantees of judicial independence, and revoke the decrees and decisions issued, including the dismissal of judges, as well as any measure that undermines the rule of law, separation of powers, and judicial independence in the country, thereby violating Tunisia's obligations under international human rights law. It is necessary to provide all the guarantees for the existence of a fully independent judiciary capable of enforcing anti-corruption laws.
- The Tunisian government is requested to ensure the complete independence of judges in the Economic and Financial Judicial Pole and refrain from involving them in politically sensitive cases, while providing them with appropriate material conditions to carry out their duties, including increasing the number of investigating judges and administrative assistants, providing them with a sufficient number of experts, and offering them the necessary training. They must also ensure their adequate protection in suitable premises with necessary services.
- The Tunisian government is urged to rescind the decision to close the INLUCC, authorize the reopening of its headquarters, return all files, documents, and materials seized by the Ministry of Interior to the Authority, and ensure its independence in the exercise of its duties and functions by appointing independent President and Secretary-General exceptionally until the election of members of a legitimate body working to combat corruption by a legitimate parliament in accordance with Article 6 of the International Convention against Corruption.
- We demand that the Tunisian government enforce the provisions of the law on declaration of assets and interests as a constitutional obligation, and require government officials and parliamentarians to declare their assets upon assuming office and make them public in accordance with the provisions of the law, making them accessible to Tunisians.
- The Tunisian government is requested to review the scale of sanctions and impose penalties that reflect the seriousness of corruption crimes by imposing reasonable financial sanctions and imprisonment terms based on the type of corruption crime, particularly serious and widespread corruption crimes.
- We request the Tunisian government to take urgent measures to protect whistleblowers who have already obtained protection decisions from the INLUCC. Strong actions are required to enhance repression against any intimidation or retaliation towards whistleblowers.
- The Tunisian government is asked to lift restrictions on the right to access information and repeal any repressive measures against the National Authority for Access to Information (INAI), as well as any measure or instruction aimed at establishing rules contrary to the constitution and Organic Law No. 2016-22 dated March 24, 2016, on the right to access information. This includes

the annulment of the Prime Minister's Circular No. 2022-18, which concerns "strengthening mechanisms for personal data protection" and obliges the administration to seek authorization from the National Authority for Personal Data Protection (INPDP) in all cases, without exception, for each processing of personal data. It also imposes automatic and mandatory consultation with the same authority for any issue or question related to access requests and related to personal data.

- The Tunisian government is called upon to ensure the sustainability of anti-corruption measures and establish an effective anti-corruption system that is not based on personal considerations and does not tolerate corruption in Tunisia. The country needs to quickly develop a sustainable strategy to combat corruption and dismantle the structures that facilitated corruption under the previous regime and after the revolution.
- The Tunisian government should provide digital access to public services at the local and national levels, which will contribute to reducing bureaucracy and eliminating the possibility of corruption at all levels of government.
- The international community is urged to prioritize funding for anti-corruption institutions, official oversight bodies, and civil society, sending a message to the Tunisian government that it takes this issue seriously and attaches particular importance to it, and that the government should do the same, especially as it claims that combating corruption is an absolute priority.
- The Tunisian government is called upon not to restrict the work of civil society in Tunisia, especially organizations involved in combating corruption, by guaranteeing freedom of association and membership, peaceful assembly, and access to information, and ensuring the unhindered work of the media.

Bibliography

Books and studies

- Antonio Nucifora and Bob Rijkers, "The Unfinished Revolution: Bringing Opportunity, Good Jobs and Greater Wealth to All Tunisians," Poverty Reduction and Economic Management Department, World Bank, May 24, 2014.
- Bob Rijkers, Caroline Freund & Antonio Nucifora, World Bank, "All in the Family, State Capture in Tunisia", <https://openknowledge.worldbank.org/server/api/core/bitstreams/3ecd28ac-a244-537f-8c62-c9e2d7a950ab/content>
- GIZ, Perception de la Corruption en Tunisie, on Dec 2020, (in French), In. https://www.giz.de/en/downloads_el/GIZ_LuCCRI_2103_Perception-de-la-Corruption-en-Tunisie-Decembre-2020_FR_K.pdf
- OECD, Peer Reviews of Competition Law and Policy, Tunisia, 2022, in., <https://www.oecd.org/daf/competition/highlights-oecd-peer-reviews-of-competition-law-and-policy-tunisia-2022.pdf>
- The Danish Institute for Human rights, "Study of State actors in the Tunisian human rights system", In. https://www.humanrights.dk/sites/humanrights.dk/files/media/migrated/tunis-rapport-version_english.pdf
- The World Bank, "The unfinished revolution: bringing opportunity, good jobs and greater wealth to all Tunisians", 2014. In. <http://documents.worldbank.org/curated/en/167431468119342678/The-unfinished-revolution-bringing-opportunity-good-jobs-and-greater-wealth-to-all-Tunisians>
- The World Bank, Legal Review of Tunisia's Upstream Hydrocarbon Framework, in. <https://documents1.worldbank.org/curated/en/409211601882728699/pdf/Legal-Review-of-Tunisia-39-s-Upstream-Hydrocarbon-Framework.pdf>
- UNDP, "The informal economy in Tunisia" , December 2022, In. <https://www.undp.org/arab-states/publications/informal-economy-tunisia>

Articles and statements

- Abou Sarra, "Finance Act 2016: IPCC rejects five articles out of ten articles deemed "unconstitutional"», Dec 28, 2015, <https://www.webmanagercenter.com/2015/12/28/167677/tunisie-loi-de-finances-2016-l-ippcc-rejette-cinq-articles-sur-dix-articles-juges-anticonstitutionnels>
- Ahmed Souab, Critical lecture of the decree-law concerning penal reconciliation , Le Maghreb (in Arabic), on April, the 1st 2022 in. <https://ar.lemaghreb.tn/قضايا-وأراء/item/54350-الصلاح-الجزائي>
- Amnesty International, "Tunisia: Arbitrary dismissals a blow to judicial independence", on June 10, 2022, In. <https://www.amnesty.org/en/latest/news/2022/06/tunisia-arbitrary-dismissals-a-blow-to-judicial-independence/>
- Amnesty International, Statement on February 8, 2022, In. <https://www.amnesty.org/en/latest/news/2022/02/tunisia-presidents-moves-to-shut-down-high-judicial-council-poses-grave-threat-to-human-rights/>
- Bob Rijkers, Caroline Freund and Antonio Nucifora, Tunisia's golden age of crony capitalism, on March 27, 2014, In. <https://www.washingtonpost.com/news/monkey-cage/wp/2014/03/27/tunisias-golden-age-of-crony-capitalism/>
- Business News, "Kaïs Saïed : le Pôle judiciaire économique et financier a été créé pour dissimuler des crimes", le 06/12/2022, In. <https://www.businessnews.com.tn/kais-saied--le-pole-judiciaire-economique-et-financier-a-ete-cree-pour-dissimuler-des-crimes,520,125007,3>
- Council of Europe, " Tunisia's application for membership of the GRECO", In. <https://www.coe.int/fr/web/tunis/-/demande-d-adhesion-de-la-tunisie-au-greco>
- Council of Europe, "Jordan, Morocco, North Macedonia and Tunisia accede to the Šibenik Network of Corruption Prevention Agencies", Oct. 18, 2019, In. <https://www.coe.int/en/web/corruption/-/jordan>

morocco-north-macedonia-and-tunisia-accede-to-the-sibenik-network-of-corruption-prevention-agencies

- Imad Daimi, JustSecurity, “Fighting Tunisia’s Rampant Corruption with Autocracy – Kais Saied’s Chimera”, November 22, 2022, In. <https://www.justsecurity.org/84193/fighting-tunisias-rampant-corruption-with-autocracy-kais-saieds-chimera/>
- Ines Lelli, “Access to information. a right that challenges politicians and bureaucracy” (in Arabic), dhadpost, 03/22/2022 in. <https://dhadpost.net/النفاذ-إلى-المعلومة-حق-يقارع-الساسة-و-.html>
- Group Of States Against Corruption (GRECO), 18th general Activity report (2017), In. <https://rm.coe.int/eighteenth-general-activity-report-2017-of-the-group-of-states-against/16807c0e91>
- HRW, “Tunisia: President Intensifies Attacks on Judicial Independence”, on Feb 27, 2023, In. <https://www.hrw.org/news/2023/02/27/tunisia-president-intensifies-attacks-judicial-independence>
- International Commission of Jurists, “Tunisia: End attacks on judicial independence”, on May 20, 2023, In. <https://www.icj.org/tunisia-end-attacks-on-judicial-independence/>
- Joshua E. Rigg, Cambridge Core, “Manich Msamah and Tunisia’s Politics of Unforgiveness”, on Oct. 28, 2022, In. <https://www.cambridge.org/core/journals/comparative-studies-in-society-and-history/article/why-dont-i-forgive-they-didnt-ask-for-forgiveness-manich-msamah-and-tunisias-politics-of-unforgiveness/BB7FA55A13F05016C0B23ABFB943649E>
- Kathir Boualleg, The anti-corruption legislative process, (in Arabic) in <https://daamdth.org/wp-content/uploads/2020/01/daam-7-2.pdf>
- Raqabah Observatory, Statements, In. www.raqabah.org
- Saber Dahi, Nawaat, “ Youssef Chahed's Lost War ”, on 29 Sep 2017, In. <https://nawaat.org/2017/09/29/la-guerre-perdue-de-youssef-chahed/>
- Sarah Yerkes, Corruption, Not Terrorism, Is Tunisia’s Biggest Threat, Carnegie, <https://carnegieeurope.eu/strategieurope/74952>
- Sarah Yerkes & Marouen Muasher, Carnegie, “Tunisia’s Corruption Contagion: A Transition at Risk”, In. <https://carnegieendowment.org/2017/10/25/tunisia-s-corruption-contagion-transition-at-risk-pub-73522>
- Sarah Yerkes & Zeineb Ben Yahmed, Carnegie, Tunisians’ Revolutionary Goals Remain Unfulfilled, DECEMBER 06, 2018, In. <https://carnegieendowment.org/2018/12/06/tunisians-revolutionary-goals-remain-unfulfilled-pub-77894>
- TAP, “Presidential decree on penal reconciliation issued in Official Gazette”, on March 21, 2022, In. <https://www.tap.info.tn/en/Portal-Economy/15016905-presidential-decree>
- TAP, “Tunisia: Public Auditors Recommend in Study, Amending Hydrocarbon Code” on Feb 28, 2022, In. <https://allafrica.com/stories/202303020349.html>
- The World Bank, “All in the Family, State Capture in Tunisia: : Question and Answers”, April 3, 2014, In. <https://www.worldbank.org/en/news/feature/2014/04/03/all-in-the-family-state-capture-in-tunisia-question-and-answers>
- Yasmine Akrimi, The Tunisian democratic transition: A critically threatened process, <https://www.bic-rhr.com/sites/default/files/inline-files/Tunisia%20Democratic%20Transition.pdf>

Reports

- CNICM, Report of the CNICM, 2011, (in French), In. https://www.iwatch.tn/ar/uploads/Rapport_français_optimisé.pdf
- Crisis group, Blocked Transition: Corruption and Regionalism in Tunisia, In. <https://www.crisisgroup.org/middle-east-north-africa/north-africa/tunisia/177-blocked-transition-corruption-and-regionalism-tunisia>
- European Court of auditors, “EU efforts to fight money laundering in the banking sector ..”, In. <https://op.europa.eu/webpub/eca/special-reports/fight-money-laundering-13-2021/fr/>

- INAI, Activity Report 2021, (in French), In. <https://inai.tn/wp-content/uploads/2023/03/inai-rapport-2020-2021-web.pdf>
- I Watch, "Rapport sur la Conformité de la Tunisie avec la Convention des Nations Unies Contre la Corruption", 2013, (in French), In. <https://uncaccoalition.org/files/cso-review-reports/year3-tunisia-report-french.pdf>
- I Watch Organisation, Civil Society Report on the Implementation of Chapter II (Prevention), and Chapter V (Asset Recovery), of the United Nations Conventions Against Corruption, in Tunisia, 2022 p 21. In., <https://uncaccoalition.org/wp-content/uploads/Rapport-parallele-de-la-societe-civile-CNUCC-EN.pdf>
- The Carter Center, The Constitution-Making Process in Tunisia, Final Report, In., https://www.cartercenter.org/resources/pdfs/news/peace_publications/democracy/tunisia-constitution-making-process.pdf
- The Tunisian Financial Analysis Commission (CTAF) Activity report 2021 (ctaf.gov.tn), (in French), In. <https://ctaf.gov.tn/data/uploads/pdf/62f36c15a09912.63614312.pdf>
- Transparency International, Tunisia country data, In. <https://www.transparency.org/en/countries/tunisia>

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