

Report



Assessing the 2023 Tunisian Parliament

Legitimacy and Performance

Tunis, October 2, 2023

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Raqabah Observatory

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Executive Summary

This work aims to assess the current Tunisian Parliament, focusing on two essential elements: legitimacy and performance. To achieve this, we tracked the Tunisian Parliament's work throughout its first legislative session, which has lasted over four months from March 2023 to the end of July of the same year.

Examining legitimacy required a study of the legal path that began with the declaration of the state of exception on July 25, 2021, leading to the dissolution of the sitting parliament at that time. This declaration initiated the process of establishing new political institutions following the adoption of a new constitution in 2022, which was ratified through a "referendum" presented by the President of the Republic. Given the sensitivity of the issue and to provide an objective standpoint, we relied on internationally recognized criteria for democratic parliaments and referenced standards of election integrity and democracy. Additionally, we considered positions and data from credible international institutions and specialized organizations.

The report concludes that the current parliamentary body lacks legitimacy due to its establishment following a process that undermined existing democratic institutions, based on a distorted interpretation of Article 80 of the 2014 constitution based on fundamental violations of the article's conditions and procedures. Furthermore, these actions are at odds with the core goals of reinstating the normal functioning of state institutions. The assessment of the legitimacy of the current parliament also takes into account an electoral process marked by the absence of most internationally recognized election integrity and democracy standards. The exceptionally high and globally unprecedented abstention rate has cast doubt on the legitimacy of both the elections and the elected representatives.

In assessing performance, we focused on specific elements that enabled us to draw important conclusions despite the short tenure of the current parliament and the difficulty in obtaining precise information regarding certain aspects of its activities. These elements included independence, internal regulations, transparency, and performance outcomes. They were summarized within a set of performance measurement criteria established by the International Parliamentary Union, consisting of seven criteria assessed through various indicators and general observations. Most of the observations concluded with negative reviews about the current parliament's performance.

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Introduction

The parliamentary institution is central to the functioning of political entities, regardless of the nature of the political system. Even authoritarian regimes seek to enhance their image by attempting to portray a parliament that effectively represents various segments of the population, characterized by seriousness in dealing with national issues and by active engagement through legislation and oversight. The members of the Constituent Assembly recalled the slogan "Tunisian Parliament" following the 2011 revolution, which was a central slogan in the ongoing struggle for independence. Therefore, the 2014 Constitution accorded a distinctive status to parliament in terms of independence, powers, and available mechanisms. However, the reality has been marked by poor performance, as the mechanisms necessary to fulfill this role were not effectively granted. The fragmented political system and the electoral law have weakened its capacity for efficiency and development.

The transition from the era of executive authority dominance and individual rule may have required a gradual approach in training the parliamentary institution and all branches of government in the principles of democracy, integrity, transparency, monitoring, and accountability in the functioning and operations of institutions. However, the post-2011 experience has lasted for 10 years only, cut short by the declaration of a state of exception. This state was regulated by Article 80 of the 2014 Constitution, which granted the President of the Republic the power to combine authorities to take necessary measures "to ensure the return of normal functioning of state institutions" in case of a "critical and imminent threat to the existence, security, or independence of the nation." Yet, the formal and substantive conditions for declaring this state were not respected, and efforts were not made to secure the return of the normal functioning of state institutions. Instead, there were attempts to alter the state's institutions by undermining the constitutional foundation and its institutions, while claiming to promote a "new construction."

Methodology

Based on the aforementioned, evaluating the performance of the new Parliament is of paramount importance for Raqabah Observatory. The Parliament emerged in the aftermath of the undermining of the democratic structure and within a framework of an undisclosed plan and a constitutional structure that contradicts democratic principles. As a civil society entity, Raqabah Observatory seeks to achieve civic oversight over main State structures and their actions within international standards and principles. Therefore, the methodology adopted in this report is based on various objective and internationally established criteria for assessing

parliamentary institutions¹, starting with the very issue of legitimacy. We specifically relied on objective criteria published by the Inter-Parliamentary Union in April 2022². Despite the current parliament's short first legislative session, which lasted approximately five months, we were able to draw important conclusions by adopting various objective standards through the study of legal and institutional aspects and the monitoring actual practices.

The International Parliamentary Union (IPU) released a document in April 2022 containing preliminary indicators for measuring parliamentary performance. These indicators were formulated under the leadership of the Inter-Parliamentary Union in partnership with eight collaborating institutions, including the United Nations Development Program, the United Nations Entity for Gender Equality and the Empowerment of Women, the European Commission, and the National Democratic Institute in the United States.

In a statement issued by the IPU, it was noted that these preliminary indicators would enable parliaments to assess themselves. The statement also added that the indicators for democratic parliaments represent an ambitious new framework based on the global parliamentary community's experience and cover the full spectrum of parliamentary work, such as representation, legislation, budgeting, oversight, and parliamentary ethics.

These standards aim to make parliaments more effective, transparent, accountable, responsive, inclusive, participatory, and representative. According to a statement from the International Parliamentary Union, these indicators align perfectly with United Nations Sustainable Development Goals 16-6 and 16-7, which aim to establish effective, transparent, accountable institutions and ensure decision-making that is responsive to the needs, inclusive, participatory, and representative at all levels.

These preliminary indicators are awaiting the final version expected to be prepared by the end of 2023.



¹ Indicators for Democratic Parliaments Based on SDG Targets 16.6 and 16.7 (parliamentaryindicators.org)

² IPU, IPU launches new indicators to measure parliamentary performance, 08/06/2022, In. <https://www.ipu.org/news/press-releases/2022-06/ipu-launches-new-indicators-measure-parliamentary-performance>

I. Electoral Legitimacy

The concept of legitimacy falls under the criterion of representative parliament and is point 7 of the criteria for democratic parliaments within the parliamentary performance measurement indicators

The representative nature of parliament is determined by multiple factors, including:

- Legal factors related to the electoral system and election administration, as well as parliamentary practices for integrating various societal groups into parliamentary work. Free and fair elections ensure that elected parliament members reflect the choices of citizens. Regardless of differences in electoral systems, there are common principles that provide equal and fair opportunities for candidacy and winning positions.
- Representing diverse political opinions, including, for example, women and youth.
- The representative nature of parliamentary bodies, leadership and management structures, as well as structures like committees. Consideration should be given to various aspects, including the political balance between the government and opposition parties, the rules and practices for selecting committee heads and members, and the percentage of women, young representatives, and other categories in parliamentary leadership.

This criterion includes three indicators:

- Electoral Integrity
- Composition of the Legislative Body
- Composition of Parliamentary Structures.

These preliminary indicators are awaiting the **final version** expected to become **available** by the end of 2023.

1. Establishing a constitutional and electoral path after undermining democratic institutions

1. The legislative elections took place on December 17, 2022, under a law constructed to undermine the legal framework derived from the January 27th, 2014 Constitution. This began with the suspension of the Constitution, citing the application of Article 80, which grants the President the authority to take exceptional measures in the event of a "state of imminent danger," subject to specific conditions, procedures, and deadlines, with the aim of "ensuring the

return of normal functioning of state institutions in the shortest possible time, and the Assembly of the Representatives of People (ARP) shall remain in permanent session during this period. In this case, the President is not allowed to dissolve the ARP, nor can a motion of no confidence be submitted against the government.” Nonetheless, the President defied the Constitution by taking several actions, such as dismissing the Prime Minister and government officials, suspending the parliamentary council's authority for 30 days, and revoking parliamentary immunity for all ARP members, all of which were outlined in a presidential statement dated July 25, 2021.³

2. Subsequently, a text covering exceptional measures was drafted through Presidential Decree No. 117 of 2021, dated September 22, 2021. It can be considered a "temporary organization of powers," both in terms of its formulation and its content. This decree affirmed the continued application of the Constitution's preamble and its first and second chapters, along with all constitutional provisions that do not conflict with its provisions. That meant that the decree incorporated the Constitution in some of its clauses and acquired precedence in application in cases where the Constitution conflicts with its provisions. Therefore, this order bears a label that contradicts its content. It serves as a constitutional declaration that establishes new foundations for the exercise of power and governance, diverging from the spirit and provisions of the 2014 Constitution. Then, the process of drafting a new constitution began. This means that the President exceeded the limits of the powers and possibilities provided by the state of exception under Article 80, which, in extreme cases, might lead to the suspension of certain constitutional provisions, but not to the extent of creating a new constitution. The President transitioned from a subsidiary authority to a foundational one.⁴
3. The process of drafting the Constitution was accompanied by the inclusion of certain non-representative groups, while some of them were excluded from the

³ Statement on the Decisions Made by the President of the Republic in Accordance with Article 80 of the Constitution, July 25, 2021. Accessed on the website <https://www.carthage.tn> on August 15, 2023.

⁴ See Abdelfattah Amor, *Resumé du droit constitutionnel (Arabe)*. P 575

final version of the draft Constitution⁵. This constitutes a violation of international standards related to the drafting and amending of constitutions. Due to the improvisation and confusion that characterized the process, where two versions of the draft Constitution were published, one as an initial version and the other as a modified version titled "Correction of Errors and Introduction of Amendments". Additionally, the Venice Commission, in its urgent opinion No. 1085/2022 issued on June 21, 2022⁶, stated that the period provided for discussion of the draft Constitution proposed for a referendum, which is less than one month between the date of publication of the draft Constitution and the date of the referendum, cannot confer democratic legitimacy on the process (paragraph 56).

4. Following that, Mr. Kais Saied continued to work through decrees to legislate, relying initially on exceptional provisions, ostensibly based on Article 80 of the 2014 constitution, and later on the transitional provisions outlined in the constitutional text for the year 2022. Despite the previous constitution in Article 80 prohibiting the issuance of electoral laws in the form of decrees, the electoral system that has been put in place for the current parliament was established through decrees⁷.

2. The rate of voter abstention affects the legitimacy of elections and elected representatives

5. Voter turnout serves as a strong indicator that enhances the credibility of the electoral process, representing citizen engagement in the electoral process, the political process, and a factor that confers legitimacy upon the winners. Conversely, a very low voter turnout is considered a negative sign. It is often associated with voter apathy, which can be attributed to various reasons,

⁵ Decree-law No. 2022-30, issued on May 19, 2022, regarding the establishment of the "National Consultative Body for a New Republic," stipulates that this body, at the request of the President of the Republic, is responsible for proposing the preparation of a draft constitution for a new republic. This draft is then submitted to the President of the Republic. It's worth noting that many of those appointed to the membership of this body did not participate in its activities, including representatives from civil society or legal experts, which forced it to operate with those who were present. For example, refer to the article by Mohamed Afif Jaidi, "Law faculties refuse to be dragged into challenging the 2014 constitution," published on the Legal Agenda website on May 25, 2022. [Link](#)

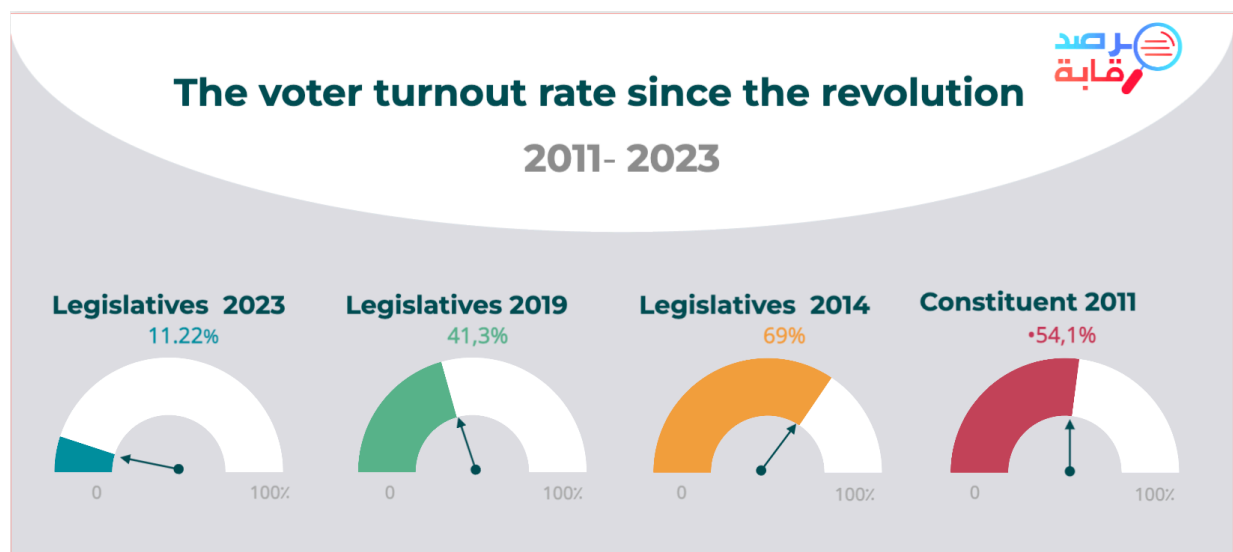
The exclusive drafting of the constitution reached the point where the coordinator of the Consultative Body disassociated himself from the constitution draft presented by President Saied for a referendum. For example, see "Coordinator of the Tunisian Constitution Preparation Committee Distances Himself from the Proposed Referendum Text" on www.dw.com accessed on August 15, 2023.

⁶ The document with reference number CDL-AD(2022)017 is available at the following link: [https://venice.coe.int/webforms/documents/?pdf=CDL-AD\(2022\)017-f](https://venice.coe.int/webforms/documents/?pdf=CDL-AD(2022)017-f). Date of access: August 15, 2023.

⁷ Decree-law No. 2022-55, dated September 15, 2022, pertaining to amending the fundamental law concerning elections and referendums, has been promulgated. It was published in the Official Gazette, Issue No. 102, dated September 15, 2022. Interestingly, it is worth noting that this decree was published on the same day it was presented to the Elections Authority and the Council of Ministers.

some of which are common in countries undergoing democratic transitions. First elections in such transitions tend to witness significant voter participation as a result of strong opposition to a previous system that had laid the foundations for a democratic regime. However, this participation rate tends to decline naturally due to the specific stages of democratic transition, and voter turnout usually decreases gradually or experiences fluctuations⁸.

6. Indicators of declining voter turnout have become apparent since the constitutional referendum on July 25, 2022, where the turnout percentage reported by the Election Authority was 27.54%. This marked a decline from the numbers achieved by President Kais Saied in the presidential elections of 2019. It's worth noting that referendums often serve as a vote of confidence in the entity proposing the referendum and encouraging people to vote for it. They are transformed from referendums on laws and legislation into political referendums about individuals. It seems that the Tunisian situation aligns with this interpretation.
7. The legislative elections held on December 17, 2022, in their first round, initially saw a voter turnout of 8.8% according to the announcement by the electoral authority. Later, the electoral authority revised the turnout to 11.22%. There is no information available regarding a similar turnout on an international level. This turnout is the lowest locally since 2011 when compared to:
 - The Constituent Assembly elections in 2011 (turnout of 54.1%)
 - The legislative elections in 2014 (turnout of 69%)
 - The legislative elections in 2019 (turnout of 41.3%)



⁸ see for example: Kostelka, Filip, "Does Democratic Consolidation Lead to a Decline in Voter Turnout? Global Evidence Since 1939", American Political Science Review, November 2017.

8. These elections took place one year after the suspension of the elected parliament's activities, starting from July 25, 2021. This suspension followed the erosion of the foundations of governance based on a set of ideas that revolved around the "end of the era of political parties"⁹. This was amidst parliamentary underperformance, a deteriorating political climate, and poor state management by the ruling majority, which favored "direct democracy" over party-based representative democracy. Given these ideas, it becomes contradictory to expect a strong voter turnout in the legislative elections because the official discourse of the authorities strongly questioned the existence of the parliamentary institution itself, extending beyond evaluating the parliament's performance during a specific period.

Furthermore, the elections witnessed calls for boycott from the majority of political parties, whether popular or less popular, in addition to various civil society organizations and unions that directly called for boycott or expressed their discontent with the situation, discouraging their members from participating in the voting process or considering the entire political process unproductive or incompatible with popular expectations¹⁰.

Additionally, the elections faced a lack of scrutiny from entities such as the European Parliament. On December 15, 2022, the European Parliament issued a statement indicating that it would not monitor these electoral proceedings and, therefore, would not comment on them or their results. The statement clarified that "the European Parliament has not authorized any of its members to monitor this electoral process or comment on it on its behalf"¹¹. Organizations that had previously agreed to monitor the elections or had been summoned by the electoral authority also expressed surprise at the low voter turnout.¹²

⁹ Contrary to what has been declared or promoted, political parties have reemerged in the parliament in different forms. Despite the widespread boycott, the composition of the council included official parties or candidates affiliated with various parties, who drew upon previous parliamentary or party experiences to establish local influence or positions of authority. For example, see Manal Dribali, "The New Tunisian Parliament: Parties Expelled from the Door Return Through the Window," Nawaat Website, May 29, 2023. Accessed on August 29, 2023, at <https://nawaat.org>.

¹⁰ The General Labor Union (UGTT), the largest and most influential civil society organization, has openly criticized these elections. For example, see the following article: "Tunisia election: Powerful UGTT union is distancing itself from the government" at https://www.lemonde.fr/en/le-monde-africa/article/2022/12/17/tunisia-election-powerful-ugtt-union-is-distancing-itself-from-the-government_6008086_124.html

¹¹ European Parliament, Statement, "Tunisia: the European Parliament will not observe upcoming parliamentary elections" , 14-12-2022. In. <https://www.europarl.europa.eu> -

¹² Carter Center, Preliminary Statement on Tunisia's 2022 Parliamentary Elections Dec. 19, 2022, In. https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/tunisia/tunisia-prelim-statement-121922.pdf

3. Absence of Most International Standards for Electoral Integrity and Democracy

9. When considering international standards for electoral integrity¹³, the legislative elections held in Tunisia in December 2022 are far from meeting the required international criteria. In a short period of time, there were changes to the legal framework of the elections, indicating a lack of adherence to various international electoral standards.
10. The Venice Commission, in its urgent opinion No. 1085/2022 issued on June 21, 2022, regarding the constitutional and legal framework of the elections announced by the President of the Republic, stated that Decree No. 2022-22, dated April 21, 2022¹⁴, violates the guarantees of independence and neutrality of the electoral authority due to the new method of appointing their members by the President of the Republic. The Commission also noted that the enhanced immunity enjoyed by the members of the authority could facilitate impunity. In addition, the rules related to candidacy for elections were changed in a short period and without extensive consultation, making the law a controlling element in the election outcomes, contrary to the general recommended timeframe that requires at least one year of stability in election laws and preparation, according to the Venice Commission's Code of Conduct, particularly concerning the electoral system and electoral boundaries.

4. Representativeness of the Legislative Council

11. The eligibility conditions for legislative elections had exclusionary characteristics, notably the requirement specified in Article 61 of the 2022 constitutional text, which prohibits deputies from engaging in any other paid or unpaid activity. Beyond the generality of this requirement regarding the meaning of "unpaid activity", the article weakens the ability of many freelancers, business owners, and others to run for office, given the potential impact on their primary activities if they were to suspend or relinquish them during their parliamentary term. This will undoubtedly affect the quality of legislation and the overall effectiveness of parliamentary work.

¹³ In addition to various international and regional agreements in the field, it is worth mentioning the International Parliamentary Union Declaration, Session Number 154 (Paris, March 26, 1994), or the Code of Conduct in the Electoral Field adopted by the Venice Commission (Sessions 51 and 52, Venice, July 5-6, and October 18-19, 2022), under reference number CDL-AD (2002)023rev2-cor-f. You can also refer to the comprehensive work by Albe De Coker in the "Compendium of International Standards for Elections," published by NEEDS and the European Commission, Third Edition, Belgium, 2007.

¹⁴ See the document CDL-AD(2022)017 on the website www.venice.coe.int

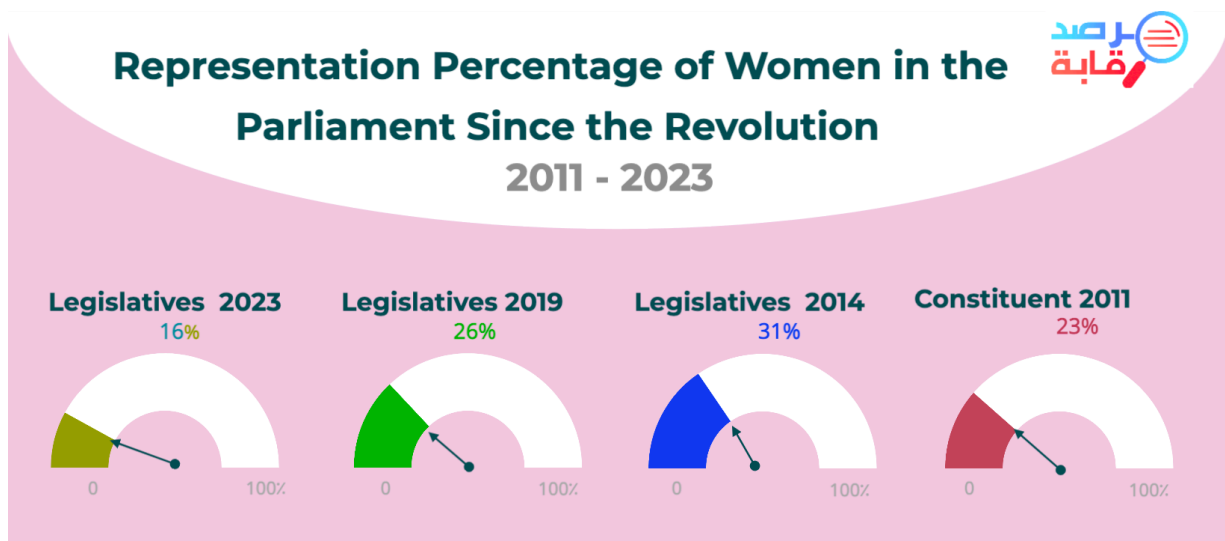
12. The amendment to Article 19 now bars individuals with foreign citizenship, in addition to Tunisian citizenship, from contesting elections within Tunisian territory. In contrast, the original Law No. 16 of 2014, prior to its amendment, stated in Article 19 that candidacy for membership in the ARP was a right for every Tunisian citizen, male or female, who had held Tunisian citizenship for at least 10 years.
13. The elimination of public funding for election campaigns is one of the most significant shortcomings in amending the electoral law, as it indicates a lack of the state's commitment to investing in the electoral process. This is contrary to global trends and integrity standards, which consider public financing a means to achieve a level of equality among candidates and reduce the impact of financial disparities in elections by imposing spending limits. This leads to an increase in inequality among candidates, as election campaign funding is limited to candidates' self-funding or private contributions.”
14. On the other hand, the content of the electoral law was exclusionary, considering the interpretation adopted by the ISIE. It prohibited Political party advertising for candidates and banned party financing for candidate lists¹⁵.
15. Elections did not take place in 7 electoral constituencies abroad due to various reasons, including boycotts and the difficulty of obtaining the necessary endorsements, making them unsuitable for some constituencies' specific characteristics. Therefore, the current parliament does not represent a significant portion of Tunisian citizens living abroad.
16. There was a significant departure from the principle of parity, which was a means within the electoral law to compel parties and independents to present balanced electoral lists between women and men, vertically and horizontally, to support women's presence in parliamentary structures and, consequently, their political participation in general. This led to a clear decline in women's representation to approximately 16%¹⁶, after the proportion of female MPs was

¹⁵ Decision of the ISIE No. 2022-30, dated November 11, 2022, regarding the amendment and completion of Decision No. 2014-20, dated August 8, 2014, concerning the regulation of election campaign financing rules, procedures, and methods. Published in the Official Gazette, No. 123, on November 15, 2022.

Decision of the ISIE No. 2022-29, dated November 11, 2022, concerning the amendment and completion of Decision No. 2019-22, dated August 22, 2019, related to the regulation of rules for organizing election campaigns and referendum campaigns and their procedures. Published in the Official Gazette, No. 123, on November 15, 2022.

¹⁶ Menna Farouk, Context, “Tunisia's male-dominated parliament deals blow to women's gains”, Feb 14, 2023, In. <https://www.context.news/socioeconomic-inclusion/tunisia-male-dominated-parliament-deals-blow-to-womens-gains>

around 26% in the 2019 parliament, 31% in the 2014 parliament¹⁷, and 23% in the Constituent Assembly¹⁸.



17. Among the outcomes of the electoral law was the reproduction of clientelism and familial and tribal ties. This was evident in the electoral composition, which revealed an electoral rise supported by local popularity, regional influence, and familial connections. Additionally, 10 MPs ascended without competition due to the difficulty in collecting endorsements in their constituencies, winning seats without participating in the electoral race¹⁹.

¹⁷ so 68 female deputies of 217 members. It's worth noting that this percentage had increased to 36% during the last term of parliament, primarily due to the replacement of several male deputies who left parliament, most of them for government positions.

¹⁸ The number of women in the National Constituent Assembly increased from 49 at the council's inception to 67 by the end of the term, representing a significant 30% growth

¹⁹ Yassin Naili, "The President's Parliament: A Mirror of the Contradictions of the 'New Democracy'," (in Arabic), Legal Agenda, July 3, 2023.

II. The reference framework

1. The independence of the parliament

The Independence Index falls under the standard related to the efficiency of the parliamentary council. It is assumed that it should possess sufficient independence at both the constitutional system level and in practice, within the framework of the principle of the separation of powers. This presupposes that Parliament should have the necessary means and resources to fulfill this role. Independence encompasses all the functions of the council, including:

1. Discussing and enacting laws without any interference.
2. Monitoring the government.
3. Independently determining its own structures and establishing committees for assistance.
4. Parliament holds constitutional and legal authorities to adopt and regulate its powers within its internal system, determine its own structures, specify the mandates and membership of its committees, set its agenda and timetable, control its own budget, and establish administrative and employment arrangements.

The Independence Index can be summarized into four elements:

1. Institutional Independence
2. Procedural Independence
3. Financial Independence
4. Administrative Independence

(Indicator No 1)

18. The parliamentary council appears to be a weak link in the political system established by the 2022 constitutional text, especially considering the symbolic change from "the legislative authority" to "the legislative function," which encompasses both the ARP and the "National Council for Regions and Provinces". Additionally, its powers have been significantly reduced.

1. Independence of the Institution:

19. Mr. Kais Saied issued warnings to the new deputies in a speech he delivered on the same day as the opening session in the municipality of Ghar El Melh, part of the Jendouba governorate. He threatened them with revoking their mandate in the event of "not taking responsibility" and "not meeting the

aspirations of the people”²⁰. This will compel the MPs to work throughout their parliamentary term under intense pressure, fearing the withdrawal of their mandate, a vote of no confidence, or the dissolution of parliament by the President²¹.

20. The repeated meetings between the President of the Republic and the current President of the parliamentary council, along with messages directed at the parliament in the form of instructions or threats, sometimes following significant events in the council's work, suggest the President's concern about the council's actions. It also indicates his desire to control and weaken its independence, and to convey this message to the public. However, the President could have addressed the council directly or through a statement directed to it, as stipulated in Article 100 of the constitutional text he himself established in 2022.
21. President Saied received the Speaker of the Parliament, Ibrahim Boudrabala, on May 26, 2023. The presidential statement regarding the content of the meeting²² includes several messages that appear to be directives regarding the President's interpretation of the legislative council's function. For example, he stated that "the council can question a government member or the entire government within the Bardo Palace, not outside it." This raises questions about whether deputies are prohibited from engaging in any public political activities outside the parliamentary council, including criticizing the government in the media, for instance. The same meeting also provided guidance on the concept of parliamentary blocs. The President considered that "belonging to a specific bloc is aimed at facilitating work within the council, and it is not necessary, in addition to Article 62 of the constitution, which states that a deputy who withdraws from a bloc cannot join another one." The statement implies an obligation regarding the lifting of immunity, stating that "deputies who are accountable to their constituents must take responsibility for lifting immunity from those involved in cases pending before the courts, whether in Tunisia or abroad."
22. President Saied met with the President of the parliamentary council on June 16, 2023, to emphasize that the internal regulations are not part of the state's

²⁰ See the video: <https://www.carthage.tn/?q=ar/-إلى-2023-مارس-13-الإثنين-اليوم-السعيد،-الجمهورية-قيس-سعيد،-اليوم-الإثنين-13-مارس-2023.-إلى-> زيارة-رئيس-الجمهورية-قيس-سعيد،-اليوم-الإثنين-13-مارس-2023.-إلى- معتمدية-غار-الدماء-بولاية-جندوبة

²¹ According to Professor of Constitutional Law Mouna Kraiem Dridi, in Al-Arabi Al-Jadeed, does a parliament with limited powers have any role in the new Tunisian system?

²² Assabah News - After the arrest of a deputy inside the Parliament: when will immunity be lifted from Parliament and its members? (assabahnews.tn), Legal Agenda, July 3, 2023

laws and warned against adding powers to them that are not provided by the constitution²³.

2. Independence of Procedures:

23. Regarding the independence of procedures, it's worth noting that the opening session and the subsequent sessions witnessed significant violations. Procedures were adopted without parliamentary approval, including matters related to convening the opening plenary session. Several committee sessions and the general plenary session were held without a temporarily approved internal regulation by the general session, which was only rectified before commencing sessions to ratify the internal rules.
24. Security forces entered the Parliament building and arrested a deputy (Wajdi Ghawi) and removed him from the chamber on the day of the opening session, immediately after he assumed his duties and took the oath, without respecting the procedures of immunity.²⁴ The deputy's name was removed from the list of deputies in the council without announcing a vacancy in any general session afterward. However, the more bizarre incident occurred concerning Deputy Sami Ben Abdelali, who was the subject of a correspondence from the Ministry of Justice to the Parliament requesting the lifting of his immunity²⁵. Despite the absence of a committee meeting and the non-lifting of his immunity, his name was removed from the list of deputies, and his salary was suspended through a procedure that neither the deputies nor the council members knew the source of. His bloc did not receive a response despite contacting the ARP's president²⁶. This is considered illegal and contrary to the procedures²⁷. It could be an indicator, along with other signs, of external interference to impose specific measures within the council, in coordination with its president, which is far from the characteristics of an independent legislative institution. In a continuation of the opacity and lack of transparency, the council's bureau met on September 7, 2023, and without discussing the source or legality of the decisions taken, considered the measures regarding his administrative and

²³ Upon receiving Bouderbala, Saied stated, "The internal system of the parliament is not a law of the state." | [Al-Chourouk Tunisian Newspaper \(alchourouk.com\)](https://alchourouk.com)

²⁴ [Maghreb Newspaper | Badr Eddine Gammoudi: Expelling Deputy Wajdi Ghawi from the General Session by Security Personnel is Unacceptable \(lemaghreb.tn\)](https://lemaghreb.tn)

²⁵ A detention warrant was issued against the mentioned deputy thereafter, on charges of electoral fraud. [Assabah News- Detention Warrant Issued Against the New MP, Wajdi Ghawi \(assabahnews.tn\)](https://assabahnews.tn)

²⁶ [The Independent National Bloc Demands Parliament's Presidency to Reconsider the Decision to Remove Deputy Sami Ben Abdelali's Name from the List of MPs \(Statement\) - Tataouine Radio \(radiotataouine.tn\)](https://radiotataouine.tn)

²⁷ [Tunisia: Removal of Elected Deputy's Name from the Parliamentary List \(aawsat.com\)](https://aawsat.com)

financial status to be "temporary and precautionary," pending the deputy's presence at the council and the presentation of his endorsements²⁸.

3. Administrative and Financial Independence:

25. Under the 2014 constitution, the Parliament had previously failed to enact a law regarding the administrative and financial independence of the Council, despite constitutional provisions within Article 52 and the internal regulations at that time²⁹. Furthermore, President Saied's constitution did not explicitly address this independence, while the internal regulations, within Articles 165 and 166, did. However, the Council's independence is more elaborately outlined within the fundamental budget law³⁰, even though it has not been activated and its requirements have been neglected since its enactment. Initial indicators suggest a further erosion of this independence. This is evidenced by the President's decision to change the Secretary-General of the Parliament's administration shortly before the opening session³¹, in a proactive move that encroached on the elected Council's prerogatives, similar to appointments and hirings within the administration.

4. Internal Regulations

26. The internal regulations were sidelined as a source of parliamentary law in the 2022 constitution, only briefly mentioned in Article 127, which stipulated its submission to the Constitutional Court, along with the internal regulations of the National Council for Regions and Provinces, for their constitutional review.

27. Regarding the text proposed by the Parliament, it is considered inconsistent in terms of its legal nature. It was intended to have a normative character, legally binding, while a code of conduct would have been more appropriate as a separate document³². In the same context, the provision in the transitional provisions under Article 170, stating that MPs are not prohibited from declaring

²⁸ Statement from the ARP was reviewed on September 19, 2023, at this link: https://www.facebook.com/saved/?list_id=10224633559730802&referrer=SAVE_DASHBOARD_NAVIGATION_PANEL.

³⁰ Chapters 40 and 43 of the Basic Budget Law Number 2019-15, dated February 13, 2019, published in the Official Gazette Number 15 on February 19, 2019

³¹ Decree No. 2023-233, dated March 10, 2023, concerns the appointment of the Secretary-General of the ARP, as published in the official gazette No. 26 on March 11, 2023.

³² Abderrazak Mokhtar, speaking at the roundtable of the Tunisian Association of Constitutional Law. June 3, 2023. Referenced in a report by the Bawsala organization, '100 Days Since the Inauguration of Kais Saied's Assembly of Representatives: Absence of Transparency and Poor Outcomes,' Page 10, <https://www.albawsala.com/ar/publications/articles/20235735>. Accessed on: August 29, 2023.

their assets "in the face of procedural impossibility"³³ is inconsistent with the nature of the internal regulations. This is because it concerns limited exceptional provisions in time. Furthermore, it contradicts legislative drafting principles in terms of linguistic precision, especially as it employs a justificatory style. Thus, this provision is inherently contradictory to the duty of disclosure and represents a negative stance by the Parliament towards constitutional obligations that it should uphold rather than justify obstructing.

28. The framers of the internal system were cautious not to overreach, resulting in a significant number of chapters within the old internal system that had both strengths and weaknesses. Consequently, the internal system did not serve as a means to clarify the ambiguity found in some constitutional texts. For instance, let's consider the first paragraph of Article 61 of the constitution, which states that "a deputy is prohibited from engaging in any other activity, whether paid or not paid" without clarifying the implications of this article, especially regarding the specific activities it covers, and whether it also includes associative activities..
29. During the approval of the internal regulations for the new Parliament, there was a debate over the concept of "opposition." The decision was made not to define this concept and to settle for the second paragraph of the internal regulations, which vaguely refers to opposition within the context of freedom of expression³⁴. Consequently, this constitutes a clear regression from the gains of the 2014 constitution and aligns more with the 2022 text and the President's statements directing the Council towards compliance with his policies.
30. The failure to set reasonable time frames for the work of investigative committees within Article 133 of the internal regulations implies a failure to learn from previous experiences³⁵ and a missed opportunity to benefit from comparative experiences that could have provided guarantees for the effectiveness of these committees³⁶.

³³ According to Article 170 of the internal regulations, it states that "Members shall not be considered abstainers from declaring their gains in the face of procedural impossibility and the inability to submit declarations to the National Anti-Corruption Authority due to the suspension of its activities under exceptional measures."

³⁴ The second chapter of the internal regulations states, "The provisions of these internal regulations guarantee all members of the ARP the freedom of opinion, thought, and expression, provided that it does not conflict with the provisions of the Constitution and ensures the freedom of opposition and the promotion of cooperation between the ARP and all other institutions."

³⁵ Ahmed Souab, Lamia Neji, "Constitutional, Legal, and Political Mines in the Internal System of the ARP," (in Arabic), Maghreb Newspaper, May 16, 2025, available at <https://ar.lemaghreb.tn>. Accessed on August 28, 2023.

³⁶ European Parliament, Committees of Inquiry in National Parliaments, Comparative Survey,

31. What is mentioned in the transitional and final provisions of the internal regulations that the Parliament exercises the powers of the National Council for Regions and Provinces until it is established is considered unconstitutional and an encroachment on the jurisdiction of the latter.

5. The transparency

The transparency standard with respect to a parliament signifies ensuring the accessibility of its operations, decisions, procedures, and expenditures to the public, in a timely and comprehensible manner. This encompasses the openness and transparency of the parliament, ease of access to its physical facilities and various sessions, as well as transparency and openness in information and parliamentary communications.

This openness and transparency enable the general public to interact with the parliament in the manner they choose, whether it be attending parliamentary sessions, engaging with its members, or seeking involvement and participation in parliamentary procedures and activities.

Transparency relies on indicators such as:

1. Transparency of parliamentary procedures.
2. Parliamentary communication.
3. Access to the parliament.

(Indicator N. 3)

32. Despite the internal regulations emphasizing the principle of transparency, the opening session of the parliamentary council was marked by the prohibition of both local and foreign media coverage, a decision whose source remained undisclosed, except for statements by some deputies who confirmed their support for and involvement in the decision. Subsequently, the President of the People's Assembly decided to allow journalists from public and private media as well as accredited foreign correspondents in Tunisia to cover the general sessions, starting from the following day, until the internal parliamentary regulations are approved, without resorting to a voting mechanism.

33. Later, media outlets were also prohibited from covering the committee responsible for preparing the internal regulations. As usual, the decision was not explicitly adopted, and a statement was issued on Tuesday, April 11, 2023, in which the President of the Council affirmed that, in his capacity as the parliament's president, he and his deputies had made the decision to prohibit private and foreign media from covering sessions dedicated to reviewing the

internal regulations. He argued that excluding private and foreign media was a "regulatory and organizational process for the mere discussion of the internal regulations, after which media outlets would be invited to appoint representatives to follow the council's work within the framework of the accreditation system used worldwide"³⁷. However, it is evident that a decision had been made even before the council's work began, aimed at restricting the portrayal of the People's Assembly beyond July 25, as part of a policy to isolate the council from all external influences and reduce its role, especially when connected to the statements of the President of the Republic regarding government oversight, where he stated that "the council should question a government member or the government as a whole in the Bardo Palace, not outside it."³⁸ Moreover, the council has returned to prohibiting journalists from covering committee work and has only allowed reporters to work in designated areas. The proposal was neither voted on nor adopted by the council's bureau³⁹, but rather the President's stance was influenced by the opinions of bureau members. Furthermore, this prohibition occurred before the announcement of this approach⁴⁰. This is, of course, in violation of the internal regulations that openly approve committee sessions, as stated in Article 60, and only allow for the establishment of arrangements for monitoring the council's work by its bureau, as per Article 141.

34. In addition, the ARP official website was closed and refused to be put back into operation. Instead, a new interface was designed containing only data related to the post-exceptional procedures parliament, which is considered an unjustifiable blackout, a blow to collective memory, and the parliamentary work archive. This hampers the work of researchers and experts in various fields.

³⁷ Bouderbala: Excluding private and foreign media is merely an organizational process for shaping the internal system discourse | Al-Chourouk Tunisian Newspaper (alchourouk.com) Accessed on: Sep 6, 2023

³⁸ President Saied's Meeting with the Speaker of the ARP on May 26, 2023. President of the Republic, Kais Saied, met with Mr. Ibrahim Bouderbala, President of the ARP | Tunisian Presidency (carthage.tn) Access Date: September 6, 2023."

³⁹ As part of the summary of the Council's activities, the following information was published regarding the discussions of the Council's Bureau:

"In light of the observations and interventions of the Bureau members and their proposals regarding the presence of journalists in committee meetings, the President of the ARP emphasized that journalists are welcome to work in their designated spaces within the Council premises. They can communicate and engage freely with the deputies. He further confirmed that all committees issue press releases at the end of their meetings, which are immediately published on the Council's website and its official social media pages, providing direct access to journalists."

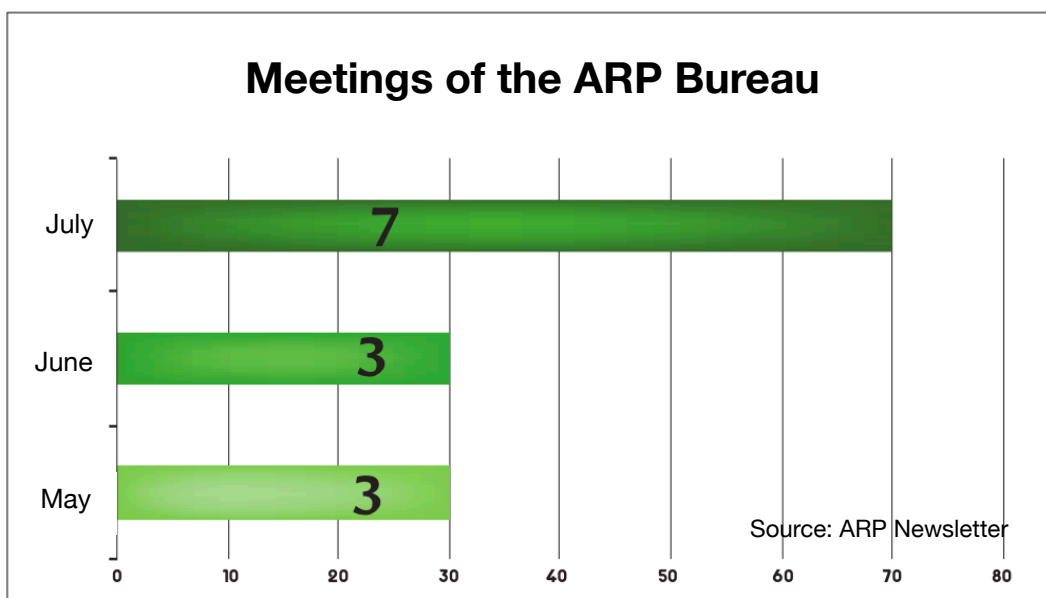
Source: ARP Facebook page, June 15, 2023. [Link](<https://www.facebook.com/Tunisie.arp>)

⁴⁰ The National Syndicate of Tunisian Journalists reported in a statement released on June 16, 2023, that "incidents of journalists being prevented from working within the ARP over the past five days have been recurring." The statement noted that "journalists were prevented from covering the proceedings of the Industry, Energy, Natural Resources, Infrastructure, and Environment Committee by one of the committee's advisors on Thursday, June 15, 2023." The statement was published on the syndicate's Facebook page: <https://www.facebook.com/snjt.tunisie> Accessed on August 28, 2023.

35. The failure to disclose the publication of deputies' grants and privileges, especially non-monetary ones, in the official gazette or at least on the official website of the People's Assembly, constitutes a violation of the transparency principle as stipulated in Articles 162 and 163⁴¹.

III. Summary of Activities

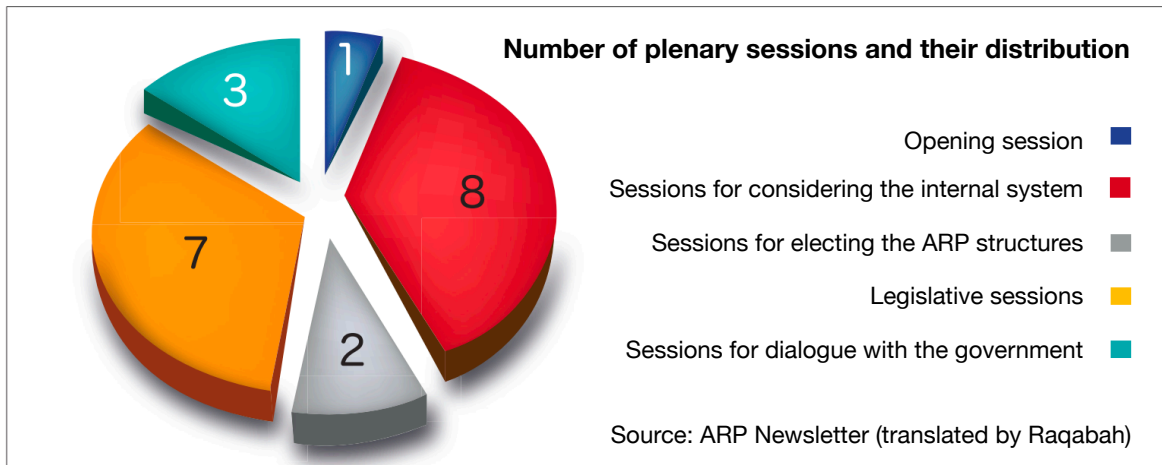
36. The first session of the ARP concluded after more than 4 months since its commencement. During this period, 21 general sessions were held, including an opening session and 8 sessions dedicated to approving the internal regulations, in addition to two general sessions focused on the parliamentary structures.



37. A total of 7 legislative plenary sessions were held during which the Council approved 9 draft laws, with two draft laws being referred back to the relevant committee. Additionally, one draft was presented to the plenary session. In the realm of oversight, 3 general dialogue sessions were conducted. Furthermore, the Council held 13 meetings of its bureau⁴².

⁴¹ Ahmed Souab and Lamiaa Neji, "Constitutional, Legal, and Political Landmines in the Internal System of the ARP," Maghreb Newspaper, May 16, 2025, available at <https://ar.lemaghreb.tn>. Accessed on August 28, 2023.

⁴² To review the detailed parliamentary work of the first session, please refer to: ARP, Newsletter, First Parliamentary Session, March 13 - July 31, 2023, Special Issue. Available at https://arp.tn/ar_SY/document/content/322# Accessed on: August 29, 2023



1.

Legislation:

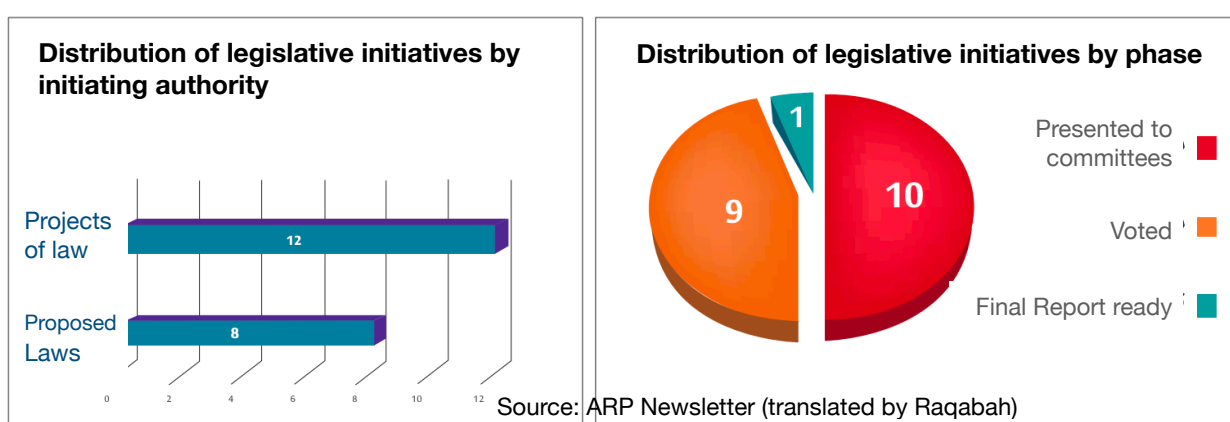
38. If we acknowledge the negative status of the parliament and its subordination to the executive branch, it was expected that the council's actions would align with the slogans promoted by the existing authority. Nearly all parliamentary components had declared their alignment and commitment to these slogans. However, the systemic flaw lies in the absence of a clear statement or document that defines the state's overall policies in contrast to the waiting position maintained by the council. This has resulted in a lack of approval for structured laws in critical areas such as public finance, development, and investment, as well as in other domains like governance, anti-corruption efforts, transparency, and integrity (which are at the core of the authority's slogans), or justice and social welfare, and in areas like preparing the conditions for the functioning of the second chamber through legislation regulating the relationship between the two chambers.
39. The legislative output is considered weak in terms of efficiency, as most of the bills focused on approving loans without a clear strategy or plan. President Saied initiated important legislation before the Council, possibly to avoid legislative debates on these matters⁴³. However, the debate continues regarding the state of emergency and the President's ability to govern through decrees. It is believed that the President's previous declaration of a state of

⁴³ Among these decrees:

1. Decree No. 2023-10, dated March 8, 2023, concerning the organization of local council elections and the composition of regional and territorial councils.
2. Decree No. 2023-8, dated March 8, 2023, related to amending the fundamental Law No. 2014-16, dated May 26, 2014, concerning elections and referendums and completing it.
3. Decree No. 2023-9, dated March 8, 2023, concerning the dissolution of municipal councils. This includes aspects related to the economic side and does not have the character of urgency: Decree No. 2022-68, dated October 19, 2022, concerning the regulation of special provisions for improving the efficiency of public and private project implementation.

emergency suggests that he continues to operate within the framework of emergency measures, having declared a state of emergency for a year⁴⁴. Since the President previously relied on Article 80 of the 2014 Constitution regarding the state of exception in his declaration of a state of emergency, even though he did not explicitly declare a state of exception in accordance with its requirements and conditions, he clearly linked the state of emergency and the state of exception⁴⁵.

40. Most of the approved bills were proposed by the Presidency. Out of the 20 legislative initiatives referred to the Council, 12 were "draft" laws from the Presidency, and 8 were "proposals" from the deputies. No legislative proposals from the deputies were approved.



2. Oversight:

Weak Mechanisms within the Constitution and Internal System

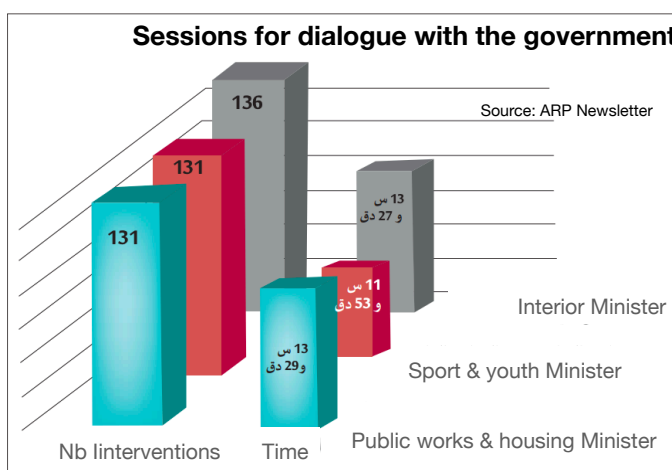
41. The legislative council's ability to monitor the executive branch's work is fundamentally tied to its position within the constitutional framework. It is no secret that the constitution drafted by President Saied significantly reduced the legislative body's role in its two chambers and the supervisory powers of the ARP. The President appoints and dismisses government members, and withdrawing confidence from the government requires complex procedures that are difficult to achieve in practice. It requires submitting a motion of censure signed by half the members of each chamber. Such a motion of censure only leads to the government's resignation if it is approved by a two-thirds majority of both chambers combined. In this regard, it is worth noting a structural issue, which is that the supervisory work is carried out in a way that

⁴⁴ Decree No. 2023-47, issued on January 30, 2023, pertaining to the extension of the state of emergency. Official Gazette No. 10, issued on January 31, 2023.

⁴⁵ The President of the Republic has previously made a statement regarding the issue of the intention to stage a coup based on a state of emergency. "We are under Article 80 because we are in a state of emergency." Saied stated, as reported by MosaiqueFM.net, accessed on September 6, 2023.

serves the presidency's interests, a public policy where the parliament questions the government and its members about their adherence to the state's public policy, which is determined solely by the President without granting the government parliamentary confidence based on it in advance.

42. The oversight practice within the council, at its outset, appears limited due to the lack of experience among most deputies and the shaky confidence in terms of legitimacy and the ability to influence the executive authority. This is due to the modest number of written and oral questions and their content. This explains the absence of any dialogue sessions with the government under the leadership of the Prime Minister or any presentation of government policies by the new Prime Minister. The focus has been on three sectoral sessions with three ministers⁴⁶. The nature of these discussions indicates that the legislative body's oversight performance has not differed significantly from previous assemblies, with local issues and concerns of constituencies taking precedence over discussions of general policies and the accountability of government representatives⁴⁷. Furthermore, the duration of these sessions averaged around 12 hours, reflecting a lack of time management and organization compared to comparative parliamentary experiences.



43. Regarding oral questions, only one question was posed, which is surprising given that there were 173 written questions. Perhaps this can be seen as a negative indicator, suggesting a reluctance to pursue this form of oversight by the Council's leadership. Public accountability of ministers within the Council gives the Council moral authority over the government. It demands that ministers speak and respond with precision and clarity. Their answers are closely monitored by the media and the public, accustomed to high levels of coverage of ministers' statements over the past decade. All of this contradicts the current political landscape, characterized by ministers, including the Prime

⁴⁶ The sessions concluded with each of the Minister of Interior, the Minister of Youth and Sports, and the Minister of Equipment and Housing

⁴⁷ Manel Derbali, "Assessing the Outcomes of the First Legislative Session of Parliament: Subordination to the Presidency and Limited Oversight of the Executive Apparatus," Nawaat Website, August 8, 2023. Accessed on August 29, 2023.

Minister, being extremely reserved and avoiding any media presence, either in response to official recommendations or as a form of self-censorship. The media presence of the executive branch is limited to statements and speeches delivered by the head of the executive authority, the President, and no one else..

3. Election and Representation Activities

44. In democratic systems, the role of parliament is crucial. It involves representation, participation in managing public affairs, and promoting democracy. Sometimes, members of the legislative council are even appointed to represent the state in certain organizations alongside their legislative duties. Additionally, some texts allow parliament to have an electoral function in appointing members to independent or high-level bodies. However, it's important to note that the current constitutional system has restricted or limited these functions. Members of parliament are prohibited from engaging in any activities parallel to their legislative duties. This restriction is emphasized in the constitution. Furthermore, there are significant challenges in harmonizing the legislation within the framework of implementing the provisions of the 2014 Constitution, which grant extensive powers for the election, oversight, and engagement with independent bodies established by the constitution or laws (such as the semi-annual dialogue with the central bank governor or the Supreme Judicial Council at the beginning of each parliamentary session, among many other bodies).⁴⁸.

45. The coordination of intervention areas at both the local and regional levels among various elected councils and the determination of the representative role of ARP members appear to be unresolved and contentious issues. This stems from the principle of not combining electoral functions and also from the establishment of a second chamber representing regions and territories. This has been reflected in the debate within the House of People's Representatives when formulating its internal regulations. An example of this is the tradition of the "Week of Regions," which the constitution overlooked but was established by the internal regulations and has only been activated once during the crisis

⁴⁸ It is worth noting that at the beginning of the presidential term, there was a conflict between the President and the Members of Parliament, which he later resolved by instructing the Ministry of Foreign Affairs not to issue diplomatic passports to the members, considering that they do not hold diplomatic status. This action, beyond its apparent disruption of travel procedures that were previously more straightforward, conceals the President's desire to prevent Members of Parliament from interfering in diplomatic matters, even though such matters are typically coordinated with the Ministry of Foreign Affairs and are carried out with presidential authorization in semi-official situations. Alternatively, they fall within the framework of bilateral parliamentary cooperation or certain organizations.

of responsibilities distribution within the structures of the House of People's Representatives.

4. Activities related to domestic and international relations

46. The activities related to the internal and external affairs of the council have been characterized by a slow pace and a lack of volume and significance, given the circumstances surrounding the establishment of this parliament, particularly in terms of its legitimacy being questioned. As a result, the parliament is no longer a destination for professional bodies, sector representatives, national organizations, associations, unions, experts, and corruption whistleblowers, as it was in the post-revolution Councils.
47. Undoubtedly, this can be attributed to the boycotts advocated by certain civil society institutions and political actors, or to the negative perception of the parliament. There's a sense of its ineffectiveness due to its limited powers, inadequate coverage of its activities, and its diminished influence in the face of executive authority, particularly the presidency. Those seeking intervention tend to turn towards the presidency or rely on personal connections capable of conveying their requests to the presidential office.
48. Some of the council's most significant meetings were related to protest movements. This includes instances like the one with the journalists' union regarding the council's handling of the media. It's also within the context of the Speaker of the House's policy to show alignment with the President's policies. For example, this is evident in the summoning of representatives from secondary labor unions, an attempt to appear accepting of union diversity, while still trying to contain the influence of the largest labor union, the Tunisian General Labor Union.
49. Regarding the Council's foreign relations, there is hardly any coverage of the Council's activities involving meetings with important officials from regional or significant foreign countries in Tunisia's international relations. The few encounters in this context have involved the Council President meeting with foreign ambassadors or deputies.
50. There is no evidence on the Council's website to indicate the presence of parliamentary missions abroad, highlighting a lack of transparency in this regard. Additionally, there is no information about the formation of parliamentary friendship committees between Tunisia and other countries or groupings. Similarly, there is no information about the selection of representatives from the parliament in the African Parliament, the Arab

Parliament, or the Inter-Parliamentary Union, as parliamentary traditions dictate.

5.Activities related to capacity-building

51. In enhancing parliamentary capabilities have seen a revival in the Parliamentary Academy, an internal structure within the administration of the ARP. Its primary objective is to provide ongoing support to parliamentary work by enhancing the skills of ARP members, their advisors, and administrative staff. However, it has not been fully utilized to its potential, as most of its activities have focused on media training and public appearances. This aligns with previous observations that the new parliamentarians prioritize the parliament's public image over its substantive work. This can be understood through the repetition of current members' criticisms of past parliamentary practices and chaos, which have been translated into calls for transparency, a break from the media, civil society, and a reduction in the parliament's effectiveness and its connection to its environment. This necessarily impacts the parliament's representativeness.

IV. Parliamentary performance measurement criteria table

Criteria	Observations
<p>1. Effective Parliament:</p> <ul style="list-style-type: none"> - Satisfactorily fulfills its core functions of representation, legislation, and oversight. - Possesses the legal, administrative, and financial capacity to do so and effectively utilizes these resources in practice. - Performs adequately as a governmental institution, with a clear vision and strategy, and manages its resources (budget and personnel) efficiently. 	<ul style="list-style-type: none"> - Limited effectiveness in terms of representation, legislation, and oversight. - Weak administrative and financial capabilities, with no practical indicators of intentions to enhance and direct these capabilities effectively. - Absence of a strategic vision, as coordination among "majority" blocs or influential blocs is lacking due to the nature of the political system, which is centralized around executive decision-making and policy control by the head of state, without Parliament's involvement, considering it merely a body to oversee the proper implementation of these policies
<p>2. Accountable Parliament:</p> <ul style="list-style-type: none"> - Aligns with an ethical code, with its members adhering to standards related to anti-corruption and conflict of interest. - Serves the public interest and promotes accountability within public institutions and society as a whole through its legislative and oversight functions. - Serves as an institutional model of integrity, including in financial matters, procurement, reporting, staff appointment, and management. 	<ul style="list-style-type: none"> - An ethical code has been formulated and incorporated into the internal regulations, but the indicators contradict this direction, as deputies evade the duty to declare their gains and interests under the pretext of freezing the authority responsible for receiving these declarations. This inclusion in the internal regulations is in clear contradiction with their supervisory and leadership roles and responsibilities towards other institutions.
<p>3. Transparent Parliament:</p> <ul style="list-style-type: none"> - Ensures the accessibility of its operations, decisions, procedures, and expenditures to the public in a clear, user-friendly, and timely manner. 	<ul style="list-style-type: none"> - All indicators point to a violation of transparency principles through the restriction of media and civil society activities, coupled with a conspicuous absence of sufficiently detailed reports regarding the Council's operations. Furthermore, many decisions remain undisclosed in terms of their sources and procedures."

<p>4. Responsive Parliament:</p> <ul style="list-style-type: none"> - Openness and responsiveness to the public. - Openness and responsiveness to policy developments. 	<ul style="list-style-type: none"> - It remains too early to evaluate this thoroughly, but it is observed that the council quickly responds to the policies of the President to support him in some decisions, without any tangible indicators of responsiveness to the general public or openness towards them."
<p>5. A Comprehensive Parliament:</p> <ul style="list-style-type: none"> - The parliament formulates laws, taking into account government policies and considering the needs and aspirations of all segments of society, including the most vulnerable groups and discriminated individuals. - It reflects the diversity of the local communities it represents in its institutional practices. 	<ul style="list-style-type: none"> - However, the current period appears insufficient to evaluate this comprehensively. It is noteworthy that there is a methodological gap in the parliament's inability to produce a document or statement outlining the state's overall policy, which is regulated by the president of the republic. This situation renders its work non-strategic and confused."
<p>6. Participatory Parliament:</p> <ul style="list-style-type: none"> - This framework delineates mechanisms that empower citizens, civil society organizations, academic institutions, experts, and the general public to systematically engage in matters directly affecting them. It ensures they have opportunities to influence public policy." 	<ul style="list-style-type: none"> - We observe a lack of collaboration in the Council's work, as it is possible to engage experts and relevant civil society organizations in the committee sessions to contribute to the formulation of internal regulations. This has resulted in a deficiency in the council's vision and a malfunction in legislative drafting processes, in contrast to the limited parliamentary experience of many members.
<p>7. representative parliament should:</p> <ul style="list-style-type: none"> - As much as possible, reflect the diversity of society and political affiliations in its composition. - Ensure the representation of all population groups through free and fair elections. - Include in its composition all segments of the population, particularly women, youth, geographic communities, and minorities." 	<ul style="list-style-type: none"> - The Parliament has suffered a significant legitimacy crisis due to its formation, following the dissolution and obstruction of constitutional institutions established by the 2014 constitution. The current legislative council was elected with an extremely low voter turnout, based on an electoral law and election practices characterized by exclusivity, in stark contrast to the majority of international standards for the fairness and legitimacy of elections.

Summary

This report aimed to adopt an objective methodology to evaluate the ARP, which emerged from the exceptional measures implemented by President Saied, ultimately leading to the overturning of the constitutional foundations based on the 2014 Constitution and the establishment of a new constitutional system. Consequently, the legitimacy of the institutions established under the 2022 constitutional text has come under scrutiny, with it being considered a new reality for the exercise of power that has generated its own legitimacy. Even within the existing legal framework, the representativeness of the parliament remained subject to scrutiny due to several factors.

Based on international standards for the integrity and democracy of elections, parliamentary representativeness remained limited due to the exclusionary nature of the electoral law, which was further exacerbated by the practices of the election commission. Given the extremely low voter turnout in the parliamentary elections, the current parliament's actions have raised doubts and strengthened the authority and centrality of the President as enshrined in the Constitution. Consequently, the parliament's capacity for political action and its legislative and oversight roles have been constrained. This deficiency has been confirmed through an examination of the structure, functioning, and performance of the parliament.

In September, the ARP held a meeting for the Presidents' Conference to assess these points. It appears that implicit recognition of some of these issues was reached during the conference. However, does this suffice to change the status of the ARP, and does the constitutional and political system post-July 25, 2021 allow for such changes?

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- Indicators for Democratic Parliaments : <https://www.parliamentaryindicators.org>

About Raqabah Observatory

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.

President: Imad Daimi - former MP, member of the Constituent Assembly, former Minister Chief of staff of President Moncef Marzouki

RAQABAH OBSERVATORY



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