

Tunisia's

tasked with drafting a transition to democracy ever since a popular revolution forced the ouster of the former regime. Members of the assembly began the drafting process on Feb. 14, 2012, which will set the course for the values and principles of the future Tunisian state, system of government, electoral system, and institutional framework. In addition to drafting a constitution, the NCA has also assumed legislative powers to review discriminatory laws inherited from the former regime and enact new legislation to govern the country and prepare for the next cycle of elections.

Following its international election observation mission, conducted from July to November 2011, The Carter Center retained a small presence in Tunisia to monitor the constitutional drafting process and developments related to the establishment of the institutional and legal framework for the next elections. The Carter Center attended some plenary sessions of the NCA. The Center met also with a wide range of stakeholders, including: NCA members and administrative staff, civil society organizations, representatives and Tunisian academics to understand the functioning of the NCA and assess the constitutional drafting process against the NCA Rules of Procedure and international obligations and other fundamental freedoms.<sup>1</sup> Furthermore, comparative examples of constitution drafting processes demonstrate the added value of a genuinely transparent and participatory constitutional drafting process, particularly in terms of increased understanding and ownership by the people.<sup>2</sup>

This statement outlines the Carter Center's findings and recommendations in support of a credible and genuine constitutional drafting process, and the timely resumption of election preparations.



The Carter Center is concerned that the two-week period foreseen by the Rules of Procedure may be insufficient to plan for such outreach efforts. The Center recommends therefore that adequate time be devoted between the finalization of the draft and the moment it is voted on to gather public opinions and views.

*Timeframe for the adoption of the constitution*

NCA plenary sessions are also open to the public in accordance with the procedures established by the NCA Bureau<sup>16</sup>, which is composed of the NCA president and nine members.<sup>17</sup> The Carter Center notes that no such procedures have been issued and information regarding public access to plenary sessions varies according to the interlocutor and from one session to the next. The Center urges the NCA Bureau to establish and disseminate procedures that comply with the Rules of Procedure and allow for smooth and indiscriminate access to plenary sessions.

NCA work, thereby informing citizens on issues debated in commissions and plenary sessions.<sup>18</sup> The Center encourages media representatives to provide substantive coverage of this important process, and to help bridge the gap between elected officials and their constituents. However, the Center deems it equally important for civil society organizations to be able to directly follow NCA work, providing them with a better position with which to elaborate informed analysis and meaningfully contribute to the constitution drafting process, both through advocacy and awareness raising efforts.<sup>19</sup> Several civil society organizations officially requested to attend NCA plenary and commission sessions, but have yet to receive a response. This unresponsiveness has led some organizations to request a meeting with President Ben Jaāfar, which to date has not taken place. Advocating for increased transparency, the organization Al Bawsala issued a petition calling for civil society organizations to have access to Oeqe

and to permit the active participation of all stakeholders in the constitutional drafting process.<sup>23</sup> This right implies that the authorities should undertake all possible measures to guarantee simple, rapid, effective, and practical access to all information of general interest.<sup>24</sup>

market places. The Carter Center welcomes the efforts of NCA members to inform and consult their constituencies, but notes that no mechanisms have been created to formally report back to the NCA on citizen recommendations and comments.

The Carter Center encourages the NCA to provide support in planning and implementing activities during the week devoted to consultations in the constituencies. In an effort to receive citizen feedback on NCA work, the Center suggests the establishment of a formal procedure to receive, analyze, process and record such inputs. Synergies with local civil society organizations engaged



