



**Republic of Tunisia
Presidency of the Government**

**Secretariat of State in charge
of Governance and Civil Service**

**National
OGP
Action Plan**

September 2014

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I- Introduction

The Open Government Partnership is an initiative launched in 2011 to provide an international platform for domestic reformers committed to making their governments more open, accountable, and responsive to citizens. The OGP provides an opportunity for members to exchange experiences in the fields of transparency, corruption fight, improvement of public service delivery, citizen engagement in public policy making process and use of new technologies.

The OGP membership of Tunisia is an indication of how much the Tunisian government is committed to establish a new governance system more transparent and more responsive especially after the Tunisian revolution of “December,17th 2010-January,14th 2011”.

In order to reflect citizen concerns and expectations, a participatory approach was adopted throughout the process of elaboration of the national OGP action plan, bearing commitments that aim to establish an integrated system capable to deliver services in an efficient way according to an inclusive process.

Commitments included in the national OGP action plan are devoted in the new Tunisian constitution of January, 26th 2014 which stressed on the role of open government in managing public matters.

The National Action Plan for open government partnership focused on four major areas, namely:

- ✓ Strengthening integrity in public sector, fighting corruption and promoting democracy through a transparent government.

These principles were devoted in the new Tunisian constitution through the following articles:

- Article 10 of Tunisian new constitution stated that “government is aiming at managing effectively public resources ...and forbidding corruption”.

- Article 15 of the Tunisian new constitution stated the fact that “public administration serves citizens and public interest, its organization and operations are according to principles of impartiality, equity, public service continuity and according to rules of transparency, integrity, effectiveness and accountability”.
 - Article 139 in addition, stated about participative democracy, and open government principles to guarantee citizens and civil society participation in policy making process at local level and to follow up its execution according to the law.
- ✓ Improving public service delivery, strengthening the participatory approach and instilling principles of open governance in public sector. This will be through simplification of administrative procedures, intensifying online service delivery, providing mechanisms to involve citizens in public policy making process, and building capacities of civil servants and educating citizen in open government field.
 - ✓ Devote transparency in the financial and public procurement fields. This will allow citizens to follow up management of public resources in order to avoid misuse of these resources.
 - ✓ Enhance transparency in the area of natural resources management and infrastructure and environment projects. This was stated in articles 12 and 13 of the Tunisian new constitution.

All commitments included in the national OGP action plan will be implemented through harnessing new technologies considered as one of the pillars of the elaboration of open government policies and programs.

II- Efforts to date to enhance open government

Several initiatives were undertaken by Tunisian government during the last period to enhance open governance in public policy-making process. These initiatives will be further developed and enriched throughout Tunisia OGP membership Journey. These initiatives included:

❖ Establishment of freedom of information right and open data access

Many initiatives were undertaken to engage the government towards more openness and transparency and to enhance open access to public information. Among these initiatives:

- The drafting of the decree law n°41 dated 26 of May 2011 related to the access to administrative documents of public structures as amended and completed by the decree law n° 54 dated 11th of June 2011 according to it the freedom of information right was devoted.
- The circular n° 25 dated the 5th of May 2012 explaining the legal framework related to access to administrative documents.
- A project of an organic law related to the right of access to information that was approved by the government and is still waiting for approval by the national constituent assembly. This project is in accordance with international standards related to the right of access to information and it includes the creation of an independent committee responsible for access to information and overseeing claims of citizens and their complaints about rejecting information requests.
- Open data website “data.gov.tn” dealing with information collected from public structures and providing open access to public documents. This site has been in place since July 2012 and it represents a single window for access to administrative documents.

❖ Enhancing citizen participation

Since the revolution, a new way of governance was adopted by the Tunisian government based on citizen inclusion and consultation in policy and law making.

Three circulars were issued by the government to establish such direction:

The first one is the circular n°12 dated 2011 related to involvement of citizens in public service assessment process.

The second one is the circular n° 13 dated 2011 related to the empowerment of participative approach in public service delivery.

The last one is the circular n°14 dated 2011 related to the participative process in lawmaking and quality of legislation.

In addition to this framework, a public consultation website www.consultations-publiques.tn was developed in order to enhance distant public participation in public policy-making process.

Many consultations were conducted through this web site such as:

- Consultation on reviewing administrative working hours which saw the participation of 16000 civil servants in this consultation.
- Publication of legal texts and solicitation of opinions from citizens about the content of these texts.
- Assessment of public sector performance of some structures such as social security fund.
- Establishment of a code of conduct for civil servants.
- The improvement of business climate: a national consultation to assess administrative procedures dealing with economic activities and revising it through a participative approach as stated in the decree n°1682 dated 14th of August 2014.

❖ **Improvement of public sector integrity and fighting corruption**

Tunisia has signed a number of international conventions dealing with principles of good governance and fighting corruption especially the United Nations convention against corruption approved by the law n°16 dated February 25th 2008. In addition; the legal framework related to corruption fight was strengthened by the institution of:

- The decree-law n° 2011-120 dated 14 November 2011, related to fight against corruption,
- The circular n°23 dated 31 December 2011 activating the law n°17 dated 10 April 1987 related to declaration of assets of high government officials.
- The institution of a code of ethics in public sector defining and identifying integrity and ethical rules in public sector.
- The development of a website for anti-corruption reporting www.anticorruption-idara.gov.tn since April 2012. This website is dedicated for reporting corruption cases in public structures.

- The development of an informational website about fight against corruption www.anticor.tn which published information and statistics about corruption fight in Tunisia.
- The development of an online public procurement platform “TUNEPS” to enhance public procurement transparency and avoid corruption cases in public procurement sector. In addition, the legal framework related to public procurement was amended in 2014 through the decree n° 1039 dated 13 march 2014 related to the organization of public demand and the creation of a public procurement unit responsible for managing procurements through the TUNEPS platform.

III- Action plan elaboration participatory process:

The Tunisian national OGP action plan was elaborated according to the OGP procedures and guidelines. An open, multi-stakeholder and participatory process was adopted.

Public consultations on actions to be included in the action plan were carried out throughout the elaboration process of the national OGP action plan in order to ensure input from citizens on potential reforms.

The first consultation was conducted during the period from the 6th of May 2014 to 29th of June 2014 on what actions could be included in the action plan.

As a result of this consultation, more than 600 propositions were received through the consultation website, the facebook page of OGP Tunisia, by e-mail, and through regular mails.

Government and civil society worked together to extract potential open government reforms that could be included in the action plan. A joint steering committee in charge of the elaboration of the action plan and of the follow up of its implementation was created within the Secretariat of State in charge of governance and civil service. This committee is chaired by the secretary of state in charge of governance and civil service and is composed of 10 members (05 from government structures and 05 from civil society representatives). The civil society representatives were asked to elect their own members in this committee.

The joint committee met several times and proceeded to the selection, according to a predefined set of criteria, of propositions that were collected. At the end of this phase a draft action plan was produced.

A second consultation was launched following the publication of the draft action plan and a workshop was organized, with the participation of representatives from public sector and civil society organizations.

The draft action plan was modified by the joint committee according to the output of the consultation and observations and recommendations made by participants in the workshop.

The final version of the national OGP action plan was officially approved through a decision signed by the secretary of state for governance and civil service and announced through media. It was also diffused among all concerned stakeholders in order to ensure its full implementation within the two years deadline in full cooperation with civil society

IV- Commitments

Strengthening integrity in public sector, fighting corruption and promoting democracy through a transparent government

Commitment n°1- Strengthening the legal framework for corruption fight

Drafting a set of laws related to corruption fight:

✓ **A law related to the protection of Whistleblowers in the public sector:**

This law aims at establishing mechanisms to report corruption cases, and setting up special measures to protect whistleblowers that witness corruption cases within the public sector. The law will sustain the effort of fighting the phenomenon of corruption that threatens public resources, and will reduce its effects at different levels of the government, including central and local level and all structures involved in public services delivery.

✓ **A law related to Asset Disclosure:**

This law aims to define the list of high government officials and who are obliged to disclose their assets declaration in accordance to specific procedures and after defining the control mechanism and the applied sanctions. This will replace the law n° 1987-17 of April 10th, 1987, related to declaration of honor by government members and high level officials of assets, and all related legislation.

✓ **A law on illicit enrichment:**

This law aims at defining illicit enrichment of public officials, their spouses or children. And so, with the addition of expenses that are made by or for the benefit of any persons involved in illicit enrichment.

Once these laws are formulated and approved by the government, they are directly forwarded to the chamber of deputies.

• **Implementation timeline:** 2015-2016

• **Structure in charge:** The Secretariat of State in charge of governance and civil service.

• **Stakeholders:** the Ministry of Justice, The Committee of governance and corruption fight, the chamber of deputies, The legal advisor.

Commitment n°2: Developing an integrated electronic civil petition and corruption reporting platform

This platform will contribute to fight corruption and promote citizen participation. Using multiple channels (Website, Call center, SMS, direct visits of citizens,...), the system will be a gate to receive citizens' complaints and report corruption cases. These complaints will be dispatched to different public structures at the central, regional and local levels. The system ensures the follow up of the petition throughout the treatment process.

The system will allow the publication of data on received and treated petitions by category of the petition and by field. It will allow citizens to follow-up their petition treatment process and it will be designed based on a participatory approach involving civil society representatives.

This system will be implemented in phases to cover all public structures. The first one concerns number of pilot ministries that will be determined later.

- **Implementation timeline:** 2015-2016
- **Structure in charge:** The Secretariat of State in charge of governance and civil service (The e-Government Unit and The central bureau of relationship with citizens).
- **Stakeholders:** The Committee of governance and corruption fight, All involved ministries.

Commitment n°3 - Publishing an annual report on audit activities in public sector

Regarding public structures commitment of proactive information disclosure, an annual report will be published to expose public audit structures activities (high committee of public service control, general financial control committee, general control of State Property and Land Affairs) in a simplified form, easily accessible and understandable by citizens, so that citizens get involved in the accountability system.

Preparing this report will finally require the adoption of a pre-set standards and procedures to ensure quality and efficiency.

- **Implementation timeline:** 2015.
- **Structure in charge:** The High Committee for administrative and financial control.
- **Stakeholders:** High committee of public service control, General financial control committee, General control of State Property and Land Affairs.

Commitment n°4 - Reviewing the legal framework of personal data protection and ensuring its conformity with article 24 of the constitution

In accordance with the provisions of Part II of the Constitution « Rights and freedoms », in particular the provisions of article 24, that admits the State commitment to personal data protection, and article 32 that enshrine the right to information access, and in respect to article 49 that states that the rights and freedoms guaranteed by the Constitution should be explicated by laws, the current data protection act and related legislation will be amended, so that it can meet international standards, especially in the ICT field.

- **Implementation timeline:** 2015.
- **Structure in charge:** The Ministry of Justice (The National Authority for Personal Data Protection).

Commitment n°5 - Developing an Open Data Portal

This portal will replace the current web site (www.data.gov.tn) available online since 2012, so that, government data disclosure could be made according to international standards in terms of size, quality, nature,... The portal will represent a one stop shop that offer access to different government data produced by public structures at central and regional level. Some sectors, such as, transport-related data «Open transport» and land property «Open cadastre» will require special focus due to their importance.

The aim of this portal is to open data produced by various public structures, and facilitate its reuse. The portal development will be made according to a participatory approach that involves civil society representatives.

- **Implementation timeline:** 2015-2016
- **Structure in charge:** The Secretariat of State in charge of governance and civil service (and e-government unit).
- **Stakeholders:** Involved public institutions.

Commitment n°6 - Preparing a national corporate governance repository

Elaborate a governance repository according to international quality standards and encourage corporate social responsibility in public and private sector.

The repository for corporate governance should be in accordance with the governance specification ISO 26000, which deals with corporate social responsibility (CSR). It will allow dissemination of the principles of governance such as transparency, integrity and accountability and to ensure these principles' sustainability and application within the public and the private sector, following standardized procedures.

- **Implementation timeline:** 2015.

- **Structure in charge:** National Institute for Standardization and Industrial Property "INNORPI"
- **Stakeholders:** The Secretariat of State in charge of governance and civil service.

Improving public services delivery, strengthening the participatory approach and instilling open government principles within the public sector

Commitment n°7 - Establishing a legal framework that regulates communication and interaction within public sector and between public structures and citizens using ICT

Using ICT to communicate and interact within the public administration and between public structures and their citizens can provide practical mechanisms to follow up how administrative files are handled. Technology can then consecrate accountability, which is a fundamental principle of open government.

To this end, a legal framework that regulates communication and interaction within the public sector and between public structures and citizens will be established. Such legislation will provide more legal value to electronic documents, and so, encourage public structures to go paperless.

- **Implementation timeline:** 2015-2016
- **Structure in charge:** The Secretariat of State in charge of governance and civil service (The e-Government Unit)

Commitment n°8 - Simplifying administrative procedures

This commitment consists in simplifying a number of administrative procedures in order to facilitate business, and make people's life easier. The simplification process will be made after considering a list of administrative procedures that will be canceled or amended, before adopting the required legislation (laws, decrees,...).

- **Implementation timeline:** 2015-2016
- **Structure in charge:** The Secretariat of State in charge of governance and civil service (The general directorate for reforms and prospective studies), the Ministry of Economy and Finance, in cooperation with all concerned parties.

Commitment n°9 - Developing a number of administrative on-line services

Based on a participatory approach through the organization of online consultation, a list of the administrative services that are much used by citizens and that can be automated will be drawn.

This list will include e-services with different maturity level (Informative, interactive and fully integrated services) that covers the needs of different administration users (citizens, businesses, public servants, foreigners...).)

Developing online services will certainly enhance the public sector transparency, reduce corruption and support the participatory approach.

• **Implementation timeline:** 2015-2016

• **Structure in charge:** The Secretariat of State in charge of governance and civil service (The e-Government Unit)

Commitment n°10 - Enhancing people participation in the decision-making process

This commitment consists in preparing the legal framework for public consultation and development of an e-participation portal.

❖ Preparing a legal framework for public consultation:

Consultations will be considered before all major public decision-making and before legal drafting. This framework is expected to determine the different stages to adopt legislation (laws, decrees,...) and to identify the intervening parties and the role of each of them in the process, according to a predefined calendar.

• **Implementation timeline:** 2015-2016

• **Structure in charge:** the Presidency of the Government (The general directorate for reforms and prospective studies, the legal advisor services).

❖ Develop an e-participation portal

This platform will facilitate communication and interaction with the various administration users. Multiple channels of communication will be adopted in order to enable them to express their opinions and make suggestions and share their ideas about public policies and programs formulation and to follow up their implementation. The portal development will be made according to a participatory approach that involves civil society representatives.

• **Implementation timeline:** 2015-2016

• **Structure in charge:** The Secretariat of State in charge of governance and civil service (The e-Government Unit)

• **Stakeholders:** All concerned public structures.

Commitment n°11 - Capacity-building of civil servants in the area of open governance

- Set up a training program for civil servants in the open government field considering subjects related to open government, corruption fight, information access, open data and electronic participation.

- Include training programs and sessions about the open government in the training programs of the national school of administration and in other institutions specialized in public sector training.

Implementation timeline: 2015-2016

Structure in charge: Presidency of the government: Secretariat of State in charge of governance and civil service and General committee of Public Service (general direction of training and capacity building)

Stakeholders: Public institutions specialized in civil servants training.

Commitment n°12 - Creating of a training academy specialized in the area of governance

Create a structure specialized in academic training in the governance area for civil servants in collaboration with experts in this field. This training will allow trainees to have broader knowledge about governance and corruption fight trends at the international level.

Implementation timeline: 2015-2016

Structure in charge: Presidency of the government: Secretariat of State in charge of governance and civil service, the General committee of Public Service.

Improvement of transparency in the financial field and in the field of public procurement

Commitment n°13 - publication of budget reports

According to IBP-OECD international standards, 8 reports related to budget must be published, but in Tunisia, only 6 reports are published. The proposal is to publish the two missing reports:

- Semi-annual report related to the budget.
- Audit report.

The 8 reports must be published in the appropriate deadlines according to international standards and also the citizen-budget must be published before the publication of the law of finance.

- Devoting fiscal transparency for public enterprises and institutions in order to oblige them to publish their financial statements.

Implementation timeline: 2015-2016

Structure in charge: Ministry of economy and finance; The Unit of follow up of public enterprises and institutions (Presidency of the government)

Commitment n°14 - Development of the open budget system

Development of the open budget system in order to facilitate access to documents related to public finance and execution of the budget. This will guarantee the reuse of data by all users. This system will include a set of global data, which will be disseminated through the exploitation of automated information systems regarding the implementation of the State budget system, especially the system of management of the budget “ADEB”. This will be considered as an important step towards transparency, corruption fight and avoiding waste of public resources.

Implementation timeline: 2015-2016

Structure in charge: Ministry of economy and finance.

Commitment n°15 – Exploring data existing in the budget management platform (ADEB)

Data and information related to public structures budget and existing in the application dedicated to budget management (ADEB) will be used and published in an easy and readable format. Also public procurement providers will be allowed to follow up their payments through this system.

Implementation timeline: 2015-2016

Structure in charge: Ministry of finance and economy.

Commitment n°16 - Publication of reports related to attribution and execution of public procurement and audit results

Publication of reports related to attribution and execution of public procurement elaborated by the national assembly of public demand taking into consideration audit reports submitted to the president of the republic, the president of the government and to chamber of deputies.

Implementation timeline: 2015-2016

Structure in charge: Presidency of the government (the National assembly of public demand).

Commitment n°17: Publication of recommendations raised in audit reports in the area of public procurement

Implementation of a system allowing clustering, follow up and publication of recommendations included in the audit reports of public procurements elaborated by the committee of audit and control of public demand.

Implementation timeline: 2015-2016

Structure in charge: Presidency of the government (High committee of public demand)

Devoting transparency in the field of management of natural resources, infrastructure projects and protection of environment:

Commitment n°18 - Development of an "Open Data" platform dedicated to information dealing with petroleum and mining sectors investment

This platform will include the following categories of data:

- ✓ The updated status of the bonds mining,
- ✓ General indicators of investment in the sector,
- ✓ All data relating to production, consumption, import and export, distribution and sale contracts, etc.,
- ✓ companies operating in the sector and the size of their investments and activities and their contracts,
- ✓ fiscal crops derived from the state sector.

Implementation timeline: 2015-2016

Structure in charge: Ministry of Industry

Commitment n°19 - Improve transparency in the area of infrastructure projects

- **Development of a Geographic Information System for urban development plans and its publication online.**

The implementation of a Geographic Information System for urban development plans containing urban plans approved and containing all related administrative and legal data (legal

texts and urban regulation) taking into consideration geographic data to make it available for interested parties (ministries, municipalities, consulting firms...)

Implementation timeline: 2015

Structure in charge: Ministry of equipment, territory planning and sustainable development.

- **Preparation of land use master plan projects and their publication online.**

Implementation timeline: 2015-2016

Structure in charge: Ministry of equipment, territory planning and sustainable development.

- **Online publication of governorates ATLAS including economic, environmental and social data.**

Implementation of a database that includes natural, environmental, demographic, economic, social and urban specific data of each governorate in Tunisia in order to make a current diagnosis of the governorate and to establish specific and appropriate development programs.

Implementation timeline: 2015

Structure in charge: Ministry of equipment, territory planning and sustainable development.

Commitment n°20 - Devoting transparency in the area of environment protection

- Creation of an environment and sustainable development observatory that will be responsible for collecting, analyzing, publishing data and statistics and indicators about the environment and about sustainable development and responsible for regular publication to ensure follow up of the situation of the environment (diseases, quality of water, pollution).

Implementation timeline: 2015-2016

Structure in charge: Ministry of equipment, spatial planning and sustainable development, Secretariat of State in charge of sustainable development

- The adhesion of Tunisia to the Aarhus Convention related to access to information and public participation in decision-making and possibility of access to Justice in case of environmental matters.

Implementation timeline: 2015-2016

Structure in charge: Ministry of equipment, territory planning and sustainable development, (Secretariat of State in charge of sustainable development).