

Independent Reporting Mechanism (IRM) Progress Report 2014–15: Tunisia

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Executive Summary: Tunisia

Independent Reporting Mechanism (IRM) Progress Report 2014-2015

Tunisia has made progress in furthering access to information and public accountability in key target areas through a range of innovative commitments. However, there remains a need to advance a greater degree of civic participation during the development and implementation of commitments. There is also a need to include commitments that directly seek to address public sector corruption, specifically at the subnational level.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. Tunisia began its formal participation in December 2013, when the Minister of Governance and Anticorruption declared the country's intention to participate in the initiative.

The e-Government (e-Gov) Unit, situated in the Presidency of Government, is the office responsible for OGP. The mandate of the e-Gov Unit is largely to coordinate the e-government program in Tunisia. The Unit cannot directly enforce policy changes on other agencies or departments within government.

The joint commission of government and civil society oversees the implementation of the OGP action plan. The commission is composed of five members from public bodies in charge of the commitments and five representatives from civil society.

OGP PROCESS

Countries participating in the OGP follow a process for consultation during development and implementation of their OGP action plan.

The Tunisian government made the timeline of the OGP process available online and gave four days of advance notice for public consultation on the action plan. The government launched the official OGP website and held the seminar on 6 May 2014 to start the consultation. The consultation included several ministries and CSOs; however, some major CSOs were missing, and meetings were held only in the capital Tunis. The group compiled a list of potential commitments and posted an online poll to collect citizens' opinions. Based on the feedback received, the government compiled a list of 20 commitments. People who contributed online through the consultation website did not have access to other people's feedback or to the compilation of poll results.

A coalition of 87 CSOs, entitled "OGP Dialogue," was part of the working group, and expressed its dissatisfaction with the way the government conducted the consultation, including the limited role CSOs had in the process. Only CSOs from Tunis were involved directly in the working group. The action plan was adopted in September 2014.

During implementation, the Joint Commission served as the primary forum for consultation. The commission meetings took place on a monthly basis at the office of the e-Gov Unit. Meeting minutes were shared with the commission members by e-mail. CSO members later disseminated some follow-up reports through email and social media channels.

The government published the self-assessment report on 30 September 2015.

At a glance

Member since: 2013
Number of commitments: 20

Level of Completion:

Substantial: 4 (20%)
Limited: 12 (60%)
Not started: 4 (25%)

Timing:

On schedule: 4 (20%)

Commitment Emphasis:

Access to information: 14 (70%)
Civic participation: 5 (25%)
Public accountability: 7 (35%)
Tech & innovation for transparency & accountability: 5 (25%)

Number of Commitments that Were:

Clearly relevant to an OGP value: 16 (80%)
Of transformative potential impact: 0
Substantially or completely implemented: 4 (20%)
All three (★): 0

COMMITMENT IMPLEMENTATION

As part of OGP participation, countries make commitments in a two-year action plan. The Tunisia action plan contains twenty commitments. The following tables summarize for each commitment the level of completion, potential impact, whether it falls within Tunisia's planned schedule, and the key next steps for the commitment in future OGP action plans.

The IRM methodology includes starred commitments. These commitments are measurable, clearly relevant to OGP values as written, of transformative potential impact, and substantially or completely implemented. Tunisia's action plan contains zero star commitments. Note that the IRM updated the star criteria in early 2015 to raise the bar for model OGP commitments. In addition to the criteria listed above, the old criteria included commitments that have moderate potential impact. Under the old criteria, Tunisia would have received three starred commitments (commitments 13, 14 and 19). See <http://www.opengovpartnership.org/node/5919> for more information.

Table 1: Assessment of Progress by Commitment

| COMMITMENT SHORT NAME | POTENTIAL IMPACT | | | | LEVEL OF COMPLETION | | | | TIMING |
|---|------------------|-------|----------|----------------|---------------------|---------|-------------|----------|-----------------|
| | NONE | MINOR | MODERATE | TRANSFORMATIVE | NOT STARTED | LIMITED | SUBSTANTIAL | COMPLETE | |
| 1. Strengthen legal framework for anticorruption - This commitment aims to develop the necessary legal framework to assist in fighting corruption. | | | | | | | | | Behind Schedule |
| 2. Electronic civil petition and corruption reporting platform – This commitment aims to create four new channels for reporting and following up on corruption cases. | | | | | | | | | Behind Schedule |
| Clustered commitments 3, 16, 17: Audit reports | | | | | | | | | |
| 3. Annual audit activities report – This commitment seeks to publish a report concerning all government audit activities. | | | | | | | | | Behind Schedule |
| 16. Public procurement and audit results – This commitment seeks to publish a report on the arbitration and execution of public procurement and audit results. | | | | | | | | | Behind Schedule |
| 17. Procurement audit reports recommendations – This commitment seeks to publish recommendations from the public procurement audit reports. | | | | | | | | | Behind Schedule |
| 4. Legal framework of personal data protection – This commitment seeks to review the legal framework on personal data protection. | | | | | | | | | Behind Schedule |
| 5. Open data portal – This commitment aims to redevelop the existing data portal. | | | | | | | | | Behind Schedule |
| 6. National corporate governance repository – This commitment seeks to develop a corporate governance information repository. | | | | | | | | | On Schedule |
| 7. Legal framework to regulate ICT communication and interaction – This commitment seeks to draft a legal framework to incentivize the use of ICT in government-government and citizen-government communication. | | | | | | | | | Behind Schedule |
| 8. Simplification of administrative procedures – This commitment seeks to simplify administrative procedures related to economic activities. | | | | | | | | | Behind Schedule |

| COMMITMENT SHORT NAME | POTENTIAL IMPACT | | | | LEVEL OF COMPLETION | | | | TIMING |
|---|------------------|-------|----------|----------------|---------------------|---------|-------------|----------|-----------------|
| | NONE | MINOR | MODERATE | TRANSFORMATIVE | NOT STARTED | LIMITED | SUBSTANTIAL | COMPLETE | |
| | | | | | | | | | |
| 9. Online administrative services – This commitment seeks to provide new online services to limit corruption occurring due to inefficient administrative procedures. | | | | | | | | | Behind Schedule |
| 10. Citizen participation in decision making – This commitment seeks to prepare a legal and institutional framework for public consultations and to build an e-participation portal. | | | | | | | | | Behind Schedule |
| Clustered commitments 11, 12: Civil servant capacity building | | | | | | | | | |
| 11. Open governance training – This commitment seeks to train civil servants in open governance. | | | | | | | | | Behind Schedule |
| 12. Specialized open governance training academy – This commitment seeks to develop a governance academy. | | | | | | | | | Behind Schedule |
| Clustered commitments 13, 14, 15: Open budget | | | | | | | | | |
| 13. Budget reports – This commitment seeks to publish budget reports. | | | | | | | | | On Schedule |
| 14. Open budget system – This commitment seeks to develop an open budget information system. | | | | | | | | | On Schedule |
| 15. Budget management platform – This commitment seeks to advance the analysis of budget data in an accessible format. | | | | | | | | | Behind Schedule |
| 18. Open data platform for petroleum and mining sectors – commitment seeks to release public information concerning mining and energy resources. | | | | | | | | | Behind Schedule |
| 19. Improve transparency in the area of infrastructure projects – This commitment aims at improving the accessibility of public geographical information. | | | | | | | | | On Schedule |
| 20. Transparency in environment protection – This commitment aims at improving the accessibility of public environmental information. | | | | | | | | | Behind Schedule |

Table 2: Summary of Progress by Commitment

| NAME OF COMMITMENT | SUMMARY |
|---|--|
| Cluster 1: Public services | |
| <p>1. Strengthen legal framework for anticorruption</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited | <p>This commitment aims to curb government corruption through the development of three corruption-related draft laws: A law related to the protection of whistleblowers; a law related to asset disclosure; and a law on illicit enrichment. In March 2015, the government announced that a commission involving several ministries had prepared the three anticorruption draft laws. The draft laws have yet to be published on an official government website, and no timeline for their submission to the Parliament has been provided. The potential impact is moderate. Corruption was seen as the core cause of the revolution in Tunisia. It is hoped that these draft laws will bring a greater degree of transparency and accountability to a public sector that was once characterized by impunity for financial misappropriation. Greater civic participation and public consultation is needed in the drafting of laws.</p> |
| <p>2. Electronic civil petition and corruption reporting platform</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited | <p>This commitment aims to create four new channels for reporting and following up on corruption cases. These channels are SMS, a website, a call center, and direct contact with a public institution. The South Korean International Cooperation Agency (KOICA) has pledged to fund the project, but little progress has been made so far. The government's self-assessment report states that it will develop a legal framework as an outcome for this commitment; however, the limited progress has resulted in this commitment being coded as having a moderate impact. If the public administration is bound by law to engage with citizens, the impact could be greater. This important commitment requires the necessary budget instead of only relying on potential funding from foreign partners. Civil society stakeholders (CSOs) stated that an impact assessment reporting mechanism should be a precondition to public and civil society engagement in this commitment.</p> |
| Clusterd commitments 3, 16, 17: Audit reports | |
| <p>3. Annual audit activities report</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited | <p>The following cluster of commitments aims to publish reports produced by several state auditing agencies (the High Committee of Public Service Control, the General Financial Control Committee, the General Control of State Property and Land Affairs, the National Assembly of Public Demand and the Committee of Audit and Control of Public Demand) in a citizen-friendly format.</p> |
| <p>16. Public procurement and audit results report</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Not started | <p>Commitment 3 has been coded as limited in completion due to reports of annual audit activity reports being removed from the High Authority for Administrative and Financial Control's website (HCCAF) for years 2011 and 2012. The 2013 and 2014 audit reports are available. According to IRM interviews and the government's self-assessment report, no progress has been made in commitments 16 and 17 to publish audit results and recommendations related to public procurement.</p> |
| <p>17. Public procurement audit reports recommendations</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Not started | <p>The publication of the public service audit report by the HCCAF (commitment 3), and the public procurement results (commitment 16) will improve the transparency of the government. CSOs stated that they were unable to comment on the publication of audit report recommendations (commitment 17) due to the commitment not having started in the period under review.</p> <p>Given the low-level of awareness concerning these reports, as well as the limited information concerning the reports' format, the potential impact will be moderate. It is recommended that access to the reports be improved concerning both availability and format.</p> |
| <p>4. Legal framework of personal data protection</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Not started | <p>This commitment seeks to review the legal framework on personal data protection to make sure it complies with Article 24 of the new constitution.</p> <p>This commitment did not commence in the period under review. The impact of this important commitment has been coded as moderate because the changes to the 2004 law, if done in compliance with international standards, would allow Tunisia to join the Council of Europe Convention 108 concerning private data protection. It is recommended that changes to the law be clearly articulated and explained.</p> |
| <p>5. Open data portal</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited | <p>This commitment entailed the redesign of the preexisting open data portal launched in 2012 with a limited number of datasets. Work on the new portal started in June 2015. The specifications of the portal have not been published, and there is currently no known timeline for completion. This commitment, if implemented successfully, will be a major step into breaking the culture of secrecy that prevailed in the country in the past and thus has been coded as having a moderate impact. It is recommended that the government actively promote the portal, including creating an oversight authority to formalize the process of dataset creation, aggregation, ensuring compliance, and quality control.</p> |

| | |
|--|--|
| <p>6. National corporate governance repository</p> <ul style="list-style-type: none"> • OGP value relevance: Unclear • Potential impact: Moderate • Completion: Substantial | <p>This commitment seeks to create a national repository of corporate governance to help public and private institutions comply with the highest standards of transparency, integrity, and accountability. The repository was not available on the National Institute for Standardization and Industrial Property (INNORPI) website (http://www.innorpi.tn), but its presentation brochure can be found on a UNDP-sponsored government website (Anticor.tn). Given that this is an internal systems-orientated commitment with limited information concerning how the repository will interface with citizens, its relevance to OGP is unclear. There is a need to include a public-facing element detailing how the repository will link to actions in the training of civil servants against a particular timeframe and how it will compel public administrations and the private sector to adopt corporate governance standards.</p> |
| <p>7. Legal framework to regulate ICT communication and interaction</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited | <p>This commitment seeks to draft a law to allow and incentivize the use of ICT in government-government and citizen-government communication. According to the government's self-assessment report, the law has been drafted in a participatory manner. However, the draft has not been published online. Civil society is not aware of the law, resulting in a limited completion level. The IRM researcher and stakeholders see this commitment as important, but lacking in sufficient details concerning measurable milestones to necessitate a greater impact than minor. It is recommended to include members of Parliament in the commission entrusted with the drafting task of this law to ensure that broader views are taken into account.</p> |
| <p>8. Simplification of administrative procedures</p> <ul style="list-style-type: none"> • OGP value relevance: Unclear • Potential impact: Moderate • Completion: Limited | <p>This commitment seeks to simplify administrative procedures related to economic activities, such as processing business licenses. According to several CSOs, administrative inefficiencies are increasingly opportunities for corruption because citizens pay bribes to obtain faster and better services. Details on the progress made so far have not been published, nor has a timeline for future activities and milestones been provided, resulting in a limited completion level. Although a relevant and important public accountability commitment, due to the low specificity of the commitment language, it has resulted in a moderate impact. The IRM researcher recommends including a public-facing element, for instance by incorporating an accountability component in this commitment's design to ensure OGP value relevance.</p> |
| <p>9. Online administrative procedures</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Not started | <p>This commitment aims to provide new online services to limit corruption occurring due to inefficient administrative procedures. According to stakeholders, online services would diminish the discretionary authority of public servants and would reduce the opportunities of bribery between citizens and corrupt civil servants. The IRM researcher was not able to gather any evidence to ascertain the completion level of this commitment. Due to the limited information and low specificity, the commitment has been coded as having a minor impact. To ensure that this commitment leads to an improvement in open government, it needs to be linked to a bigger e-government project with a specific focus on OGP values of transparency and accountability.</p> |
| <p>10. Citizen participation in decision making</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited | <p>Tunisia has no legal framework for holding public consultations. This commitment seeks to draft a decree to allow for citizen consultation in decision-making and to build the first e-participation portal. A first version of an e-participation portal was put in place in 2012 (http://www.consultations-publiques.tn). Civil society criticized the lack of accessibility of the consultation portal to citizens with certain physical disabilities, as well as the lack of publicity concerning the portal for expatriates. Tunisia has a high Internet penetration rate (~50 percent), resulting in this commitment potentially having a moderate impact on the service delivery quality of government services. In the drafting of this law, it is recommended that the government consult with civil society and ensure that the e-participation portal is designed to ensure accessibility and that it leads to meaningful participation.</p> |
| <p>Clustered commitments 11, 12: Civil servant capacity building</p> | |
| <p>11. Open governance training</p> <ul style="list-style-type: none"> • OGP value relevance: Unclear • Potential impact: Minor • Completion: Limited | <p>Through these commitments, the government seeks to build the capacity of civil servants in the area of open government. This will be realized by developing a specific training program (commitment 11) in open government and by creating a governance academy (commitment 12). The academy was expected to begin operation in September 2015 within the National School of Administration. Good governance training materials and programs already were set up and included topics related to open governance, within the National School of Administration. Some training material is available on the National School of Administration's website. However, it is unclear whether any training has taken place, resulting in a limited completion level (commitment 11). On 3 November 2015, the Academy officially launched its operations – outside of the evaluation period, resulting in a limited completion level (commitment 12). This has the potential to improve steadily the culture of open governance within the public administration, which has been influenced by decades of secrecy and lack of citizen participation. These commitments have been coded as having moderate impact given the potential to improve the culture of open government within the public administration. However, as this commitment is primarily orientated to advancing internal systems improvement, without a direct public-facing element, its relevance to OGP values is unclear. The IRM researcher recommends including a public-facing element, for example by including details concerning how the training will impact citizens' lives.</p> |
| <p>12. Open governance training academy</p> <ul style="list-style-type: none"> • OGP value relevance: Unclear • Potential impact: Moderate • Completion: Limited | |

| Clustered commitments 13, 14, 15: Open budget | |
|--|---|
| <p>13. Budget reports</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial | <p>This cluster of commitments is concerned with advancing open budget reporting. Until 2013, Tunisia's track record in budget openness was poor. This is as a consequence of decades of state secrecy under the former dictatorship.</p> <p>In May 2015, the Ministry of Finance published the semi-annual budget execution report (commitment 13) for the year 2014, resulting in a substantial completion level. The Ministry of Finance secured support from the World Bank Group to setup an online citizen-friendly platform for exploring budget information (Commitment 14), with a prototype available online on an unofficial website, resulting in a substantial completion level. The budget platform exposing budget information to the public has been implemented internally by the Computer Finance Center (CIMF) and is pending final validation (commitment 15), resulting in a limited completion level.</p> <p>The IRM researcher coded the impact of these commitments as moderate. Despite a current lack of interest by the public for the budget reports (commitment 13), CSO stakeholders expect the publication of detailed budget information and the open budget system (commitment 14) to unlock the proliferation of academic research and socio-economic studies, as well as to trigger more engagement from the media, citizens, and the private sectors towards prospective budget-related developments. It is difficult at the present stage to assess whether the budget platform (commitment 15) would have any impact due to the lack of detailed information provided by the government. It is recommended that the government increase consultation opportunities, by establishing sector and ministry level consultation meetings with the public on overall budget priorities, macroeconomic policy and inter-sectoral resource allocation issues.</p> |
| <p>14. Open budget system</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial | |
| <p>15. Budget management platform</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited | |
| <p>18. Open data platform for petroleum and mining sectors</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited | <p>This commitment seeks to release public information concerning mining and energy resources. It was unclear how many datasets had been populated on the data portal in the period under review, resulting in a limited completion level. However, on 19 September 2015, the Ministry of Industry, Energy, and Mines launched an open data portal with 100 datasets. Civil society has yet to assess the quality, usefulness, and completion of the data. The potential impact of this commitment has been evaluated as moderate. Certain stakeholders expressed their satisfaction with the technical specifications of the platform, which they considered to meet international open data standards, specifically on the availability of the data in a data store, in addition to an API (Application Program Interface). It is recommended that Tunisia move towards ensuring its open data standards in mining and petroleum sectors are benchmarked against the eligibility criteria of the Extractives Industries Transparency Initiative.</p> |
| <p>19. Transparency in infrastructure projects</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial | <p>This commitment aims at improving the accessibility of public geographical information by publishing basic geographical data, urban plans, land use, and atlases. Geographical information published by the government has been scarce historically in Tunisia. The Ministry of Equipment, Housing, and Urban Planning contracted a firm in early 2015 to Develop a Geographical Information System. Development was complete by April 2015 and deployment of this system is expected before the end of the year 2015, resulting in a substantial completion level. This commitment is a first step at exposing poor urban planning and its attendant risks. The IRM researcher has coded the overall potential impact of this commitment as moderate. It is recommended that the data are accessible and in reusable technical format instead of PDF.</p> |
| <p>20. Transparency in environment protection</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited | <p>This commitment aims at improving the accessibility of public environmental information by creating a dedicated observatory and becoming a signatory of the Aarhus Convention. The observatory and the adherence to the Aarhus Convention will require that Tunisia publish environmental and sustainable development data, such as water quality, diseases and pollution. The draft order for the observatory is being reviewed by the Ministry of Finance and later will be presented to a Ministerial Board including the Chief of Government for final approval. The Aarhus Convention application is pending a review by the Chief of Government and adoption by parliament. This has resulted in the completion being coded as limited. The impact of this important commitment has been evaluated as moderate. Despite significant and steady awareness and improvements over the past decade, the region of Tunisia is threatened by environmental degradation. In becoming a signatory of the Aarhus Convention, several choices have to be made regarding justice mechanisms. The IRM researcher recommends that the government ensure meaningful public participation in the decision making process concerning environmental matters and that avenues for redress in the event of environmental harm are available to the public.</p> |

RECOMMENDATIONS

Tunisia has made progress in furthering OGP values of improving access to information and public accountability. There remains a need to broaden the focus to include a greater scope of commitments at the local government level, in addition to focusing on commitments that include a greater degree of civic participation. Further improvements in the quality and scope of dialogue during action plan development and implementation would advance OGP values. Based on the challenges and findings identified in this report, this section presents the principal recommendations.

| TOP FIVE ‘SMART’ RECOMMENDATIONS |
|---|
| 1. Involve the largest possible number and most geographically diverse civil society organizations and private sector representatives in the development and implementation of commitments. This should include national, regional, and local promotion and awareness-raising activities, as well as allocating the necessary budgets and human resources for all commitments. In addition, Parliament should be involved in government accountability-related commitments, as well as in commitments entailing the drafting of laws. |
| 2. Publish detailed information about natural resources and all binding contracts in an easy to use format. |
| 3. Implement an “Open Justice” system that would render the legal processes open and transparent in order to deter inappropriate behavior on the part of the court or on the part of any abusive counterpart. This includes the contents of court files available online. |
| 4. Revise the legal framework to make the National Court of Audit independent from the executive branch to remove the current structural flaw where the government is its own judge, which is undermining the credibility and accountability of the legal system in Tunisia. |
| 5. Implement an “Open Budget” process at the municipal level in all municipalities. This requires prior publication of all budget related information online and setting up a clear participatory mechanism that pushes the boundary of participation from mere consultation to citizens’ empowerment. |

Eligibility Requirements: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, see Section IX on eligibility requirements at the end of this report or visit: <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>.

Jazem Halioui is an independent researcher in Tunisia.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP’s Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



I. National participation in OGP

History of OGP participation

The Open Government Partnership (OGP) is a voluntary, multistakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organizations (CSOs), and the private sector, all of which contribute to a common pursuit of open government.

Tunisia began its formal participation in December 2013, when the Minister of Governance and Anticorruption declared the country's intention to participate in the initiative.¹

In December 2013, the government published its executive budget proposal, an action that gave Tunisia two more points on OGP's 16-point eligibility scale. Tunisia's score is 13, above the necessary 12.

To participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Objective, third party indicators are used to determine the extent of country progress on each of the dimensions. See Section IX on eligibility requirements for more details.

All OGP-participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Action plans should set out governments' OGP commitments, which move government practice beyond its current baseline. These commitments may build on existing efforts, identify new steps to complete on-going reforms, or initiate action in an entirely new area.

Tunisia developed its national action plan from March 2014 to September 2014. The final version of the national OGP action plan was approved officially through a decision signed by the Secretary of State for Governance and Civil Service and announced through media.²

The effective period of implementation for the action plan submitted in September was officially 1 July 2014 through 30 June 2016. The government could not start the implementation in July because Tunisia only joined the OGP in January 2014, resulting in a delayed start to the necessary national action plan consultation. This midterm progress report covers the first year of implementation of this period, from 1 July 2014 to 30 June 2015. The government published a self-assessment report on 23 September 2015, resulting in limited discussion and comments from CSOs at the time of writing this report (September 2015).

To meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Jazem Halioui, who carried out this evaluation of the development and implementation of Tunisia's first action plan. It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP participating country. Methods and sources are dealt with in a methodological annex in this report.

Basic institutional context

Tunisia is a democratic constitutional republic, with a President serving as the head of state, a Prime Minister as the head of government, a unicameral legislature, and an independent judiciary.

Between 1956 and 2011, Tunisia operated as a de facto single party state. However, in 2011 a national uprising led to the ousting of the President and the dismantling of the government. The Constitutional Democratic Rally (RCD) paved the way for a multi-party democracy.

On 26 October 2014, the first democratic parliamentary elections took place since the 2011 revolution, resulting in a win by the Nidaa Tounes party with 85 seats in the 217-member assembly.

In joining the OGP initiative, the Tunisian government's effort was led by the Ministry of Governance. However, starting from early 2014, after a change in government, the Ministry of Governance was replaced by a Secretariat of State for Governance and Public Service Reforms, attached to the Chief of Government. However, after the October 2014 elections, the new Chief of Government removed the Secretariat of State from involvement in the OGP, without explanation. Some CSOs said they were concerned that the structural change could imply a lower government commitment to governance-related issues.

Starting from February 2014, the e-Government (e-Gov) Unit at the Presidency of the Government became the focal point for OGP in Tunisia. The e-Gov Unit is part of the office of the Presidency of the Government, but has little legal power to enforce policy changes directly on other agencies within government. Currently, its mandate is largely to implement technological solutions to improve online government services, but it does not have the authority to compel other agencies to enter into commitments.

It should be noted that since January 2014, Tunisia follows a parliamentary process in developing or reforming legislation. This results in the government requiring a parliamentary majority before any laws are amended or adopted.

Methodological note

The IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP participating government. In Tunisia, the IRM partnered with Jazem Halioui. Jazem Halioui reviewed the government's self-assessment report, gathered the views of civil society, and interviewed appropriate government officials and other stakeholders. OGP staff and a panel of experts reviewed the report.

This report covers the first year of implementation of Tunisia's action plan, from 1 July 2014 to 30 June 2015. Beginning in 2015, the IRM also publishes end-of-term reports to account for the final status of progress at the end of the action plan's two-year period. To gather the voices of multiple stakeholders, Jazem Halioui organized one stakeholder forum for civil society in Tunis, which was conducted according to a focus group model, and one stakeholder meeting with government representatives and CSOs involved in the OGP action plan. Jazem Halioui also reviewed 10 key documents prepared by the government: a report on Tunisia's first action plan,³ eight progress reports,⁴ and the self-assessment report published by the government on 23 September 2015.⁵ Numerous references are made to these documents throughout this report.

Summaries of these forums and more detailed explanations are given in the Annex.

¹ <http://live-ogp.gotpantheon.com/sites/default/files/Screen%20Shot%202014-01-14%20at%2011.44.52%20AM.png>

² Official Launch of the Open Government Partnership (OGP) Action Plan on National TV News, 25 September 2014, [Arabic] <http://on.fb.me/1Posyty>

³ Republic of Tunisia, *National OGP Action Plan* by the Presidency of the Government (Report, September 2014), <http://bit.ly/1W4HtOH>

⁴ Republic of Tunisia, Progress Report of 6 January 2015; Republic of Tunisia, Progress Report of 4 February 2015; Republic of Tunisia, Progress Report of 4 March 2015; Republic of Tunisia, Progress Report of 1 April 2015; Republic of Tunisia, Progress Report of 6 May 2015; Republic of Tunisia, Progress Report of 3 June 2015; Republic of Tunisia, Progress Report of 1 July 2015; Republic of Tunisia, Progress Report of 9 September 2015.

⁵ Republic of Tunisia, *OGP National Action Plan 2015-2016: Tunisia OGP-Self-Assessment Report* (Report, September 2015), <http://bit.ly/1N5HSJM>

II. Process: Action plan development

The Tunisian government sought input from civil society, government agencies, and ministries to develop its action plan. Some of the interviewed civil society stakeholders felt that the consultation process was not inclusive enough, especially at the regional level. Other stakeholders criticized the plan's lack of ambition.

Countries participating in OGP follow a set process for consultation during development of their OGP action plan. According to the OGP Articles of Governance, countries must:

- Make the details of their public consultation process and timeline available (online at a minimum) prior to the consultation;
- Consult widely with the national community, including civil society and the private sector; seek out a diverse range of views; and, make a summary of the public consultation and all individual written comment submissions available online;
- Undertake OGP awareness-raising activities to enhance public participation in the consultation;
- Consult the population with sufficient forewarning and through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.

A fifth requirement, during consultation, is set out in the OGP Articles of Governance. This requirement is dealt with in Section III on consultation during implementation:

- Countries are to identify a forum to enable regular multistakeholder consultation on OGP implementation—this can be an existing entity or a new one.

This is discussed in the next section, but evidence for consultation both before and during implementation is included here and in Table 1 for ease of reference.

Table 1: Action Plan Consultation Process

| Phase of Action Plan | OGP Process Requirement (Articles of Governance Section) | Did the Government Meet this Requirement? |
|----------------------|--|---|
| During Development | Were timeline and process available prior to consultation? | Yes |
| | Was the timeline available online? | Yes |
| | Was the timeline available through other channels? | Yes |
| | Provide any links to the timeline. | http://bit.ly/1fGkL0i |
| | Was there advance notice of the consultation? | Yes |
| | How many days of advance notice were provided? | 4 |
| | Was this notice adequate? | No |
| | Did the government carry out awareness-raising activities? | Yes |
| | Provide any links to awareness- | 1. Meeting in Ben Arous July 9, |

| | | |
|-----------------------|---|--|
| | raising activities. | <p>2015: http://on.fb.me/1Sehmpy</p> <p>2. Meeting in Tataouine, 9 May 2015: http://on.fb.me/1Oebxod</p> <p>3. Meeting in Medenine, 8 May 2015: http://on.fb.me/1PSQOqp</p> <p>4. Meeting in Zaghouan, 23 April 2015: http://on.fb.me/1PSQVCt</p> <p>5. Meeting in Kairouan, 24 April 2015: http://on.fb.me/1mRr300</p> <p>6. Meeting in Siliana, 10 April 2015: http://on.fb.me/1W0MRCr</p> <p>7. Meeting in Ras Jebel, 6 April 2015: http://ti2d.org/?p=225</p> <p>8. Meeting in Beja, 19 March 2015: http://www.tanmiafm.org/?p=256</p> <p>9. Meeting in Kasserine, 6 March 2015: http://on.fb.me/1TQk7uZ</p> |
| | Were consultations held online? | No |
| | Were in-person consultations held? | Yes |
| | Was a summary of comments provided? | No |
| | Provide any links to summary of comments. | No |
| | Were consultations open or invitation-only? | Open |
| | Place the consultations on the IAP2 spectrum. ¹ | Involve |
| During Implementation | Was there a regular forum for consultation during implementation? | Yes |
| | Were consultations open or invitation-only? | Invitation-only |
| | Place the consultations on the IAP2 spectrum. | Consult |

Advance notice and awareness-raising

The Tunisian government made the timeline of the OGP process available online and gave four days of advance notice for public consultation on the action plan.

The Tunisian government consulted several ministries and CSOs with logistic support from the Organization for Economic Cooperation and Economic Development (OECD). Although a few CSOs focused on the topics of transparency and accountability were engaged, public awareness of the consultation process remained low. Several large CSOs were missing such as the Workers Union (UGTT) with approximately 800,000 members, the bar association, the Human Rights League (LTDH), and the Employers Union (UTICA). These four organizations played a major role in stabilizing the political tensions that the country went through in 2013. Both UTICA and UGTT also were working with the government on a social dialogue framework (The Social Contract).² Consultations with government representatives were limited to Tunis.

On 7 March 2014, the government organized a whole day seminar in Tunis. The event was pedagogical and dedicated to explaining, sharing experiences and knowledge, and training stakeholders on consultation techniques. It did not cover specific commitment proposals. On 30 April 2014, the government launched the official Tunisian OGP website.³ On 6 May 2014, the government held a seminar to officially start the consultation.⁴ On the same day, it launched an official Facebook page.⁵

Depth and breadth of consultation

The government launched the consultation through a conference on 6 May 2014.⁶ Consultations were invitation-only. This generated comments from civil society participants, who questioned the consultation process' fairness and inclusiveness. Overall, the government could have made more efforts to include more stakeholders from civil society across all regions of the country by launching a national media campaign, for example.

A working group of ministries and CSO representatives gathered at a workshop on 5 September 2014. The group compiled a list of potential commitments and posted an online poll on the public consultations website to collect citizens' feedback and to identify their priorities. Taking into account the different feedback, the government compiled a list of 20 commitments from the 600 reportedly collected suggestions.

A representative of the coalition of 87 CSOs, entitled "OGP.Dialogue," was part of the working group. It expressed dissatisfaction with the way the government conducted the consultation, including the limited role CSOs had in the process. The coalition was formed in 2014 during the OGP consultation process, specifically to be involved in OGP action plan efforts and to participate with a stronger voice. Only CSO representatives from Tunis were involved directly in the working group. People who contributed online through the consultation website did not have access to other people's feedback or to the compilation of poll results.

Some CSOs, including the OGP.Dialogue coalition, criticized the lack of ambition in certain commitments. In response to the criticism, the OGP contact point explained during the action plan follow-up meetings that the action plan should be realistic and able to be implemented with the limited capacity and budget of the government.

¹ "IAP2 Spectrum of Political Participation," International Association for Public Participation, <http://bit.ly/1kMm1YC>

² "Tunisia: National Council of Social Contract Guarantee of Tripartite Dialogue – Social Partners," All Africa, 27 April 2013, <http://bit.ly/1Opq9Pw>

³ Tunisie Open Government Partnership (OGP), <http://www.ogptunisie.gov.tn>

⁴ OECD, “Mettre en Oeuvre des Politiques de Gouvernance Ouverte en Tunisie” (Seminar, Tunis, 7 March 2014), [French] <http://bit.ly/1SgPktu>

⁵ “Open Government Partnership (OGP) Tunisie,” Facebook, <https://www.facebook.com/ogptunisie>

⁶ “Consultation Publique Nationale pour l’Élaboration d’un Plan d’Action pour la Gouvernance Ouverte en Tunisie,” Event, OGP Tunisia, 30 April 2014, [French] <http://bit.ly/1ZqLdzC>

III. Process: Action plan implementation

The Joint Commission, a government-led initiative, served as the primary forum for consultation between civil society and government during the action plan implementation period.

As part of their participation in OGP, governments commit to identify an existing or new forum to enable regular multistakeholder consultation on OGP implementation. This section summarizes that information.

Regular multistakeholder consultation

After the adoption of the first action plan in September 2014, national elections were held during October and November 2014, which led to the formation of a new government. The new government took office in January 2015.

The e-Gov Unit at the Presidency of the Government contacted several stakeholders, many of which were involved in the consultation process, to join a joint-commission responsible for implementing the OGP national action plan. The commission was formed and is composed of five members from public structures in charge of the commitments and five representatives from civil society.

The commission activities were limited to checking the implementation of commitments' progress and did not include awareness-raising activities.

Meetings were scheduled on a monthly basis. Eight meetings took place at the office of the e-Gov Unit in Tunis between January and September 2015. The meeting for August was skipped due to the limited members' availability.

Meeting minutes were redacted by the e-Gov Unit and shared with the commission members by e-mail.¹ Some civil society commission members made efforts to disseminate the follow-up reports among a broader civil society audience through email and social media channels such as the OpenGovTN Facebook open group.²

The IRM researcher obtained copies of the minutes for the eight meetings.

¹ Republic of Tunisia, Progress Report of 6 January 2015; Republic of Tunisia, Progress Report of 4 February 2015; Republic of Tunisia, Progress Report of 4 March 2015; Republic of Tunisia, Progress Report of 1 April 2015; Republic of Tunisia, Progress Report of 6 May 2015; Republic of Tunisia, Progress Report of 3 June 2015; Republic of Tunisia, Progress Report of 1 July 2015; Republic of Tunisia, Progress Report of 9 September 2015.

² "OpenGovTN," Facebook Group, <https://www.facebook.com/groups/opengovtn/>

IV. Analysis of action plan contents

All OGP participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments begin their OGP country action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs. Action plans then set out governments' OGP commitments, which stretch practice beyond its current baseline. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Commitments should be appropriate to each country's unique circumstances and policy interests. OGP commitments also should be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP participating countries. The IRM uses the following guidance to evaluate relevance to core open government values.

Access to information

Commitments around access to information:

- Pertain to government-held information, as opposed to only information on government activities. As an example, releasing government-held information on pollution would be clearly relevant, although the information is not about "government activity" per se;
- Are not restricted to data but pertain to all information. For example, releasing individual construction contracts and releasing data on a large set of construction contracts;
- May include information disclosures in open data and the systems that underpin the public disclosure of data;
- May cover both proactive and/or reactive releases of information;
- May cover both making data more available and/or improving the technological readability of information;
- May pertain to mechanisms to strengthen the right to information (such as ombudsman's offices or information tribunals);
- Must provide open access to information (it should not be privileged or internal only to government);
- Should promote transparency of government decision making and carrying out of basic functions;
- May seek to lower cost of obtaining information;
- Should strive to meet the 5 Star for Open Data design (<http://5stardata.info/>).

Civic participation

Commitments around civic participation may pertain to formal public participation or to broader civic participation. They generally should seek to "consult," "involve," "collaborate," or "empower," as explained by the International Association for Public Participation's Public Participation Spectrum (<http://bit.ly/1kMmlYC>).

Commitments addressing public participation:

- Must open decision making to all interested members of the public; such forums are usually "top-down" in that they are created by government (or actors empowered by government) to inform decision making throughout the policy cycle;

- Can include elements of access to information to ensure meaningful input of interested members of the public into decisions;
- Often include the right to have your voice heard, but do not necessarily include the right to be a formal part of a decision making process.

Alternately, commitments may address the broader operating environment that enables participation in civic space. Examples include but are not limited to the following:

- Reforms increasing freedoms of assembly, expression, petition, press, or association;
- Reforms on association including trade union laws or NGO laws;
- Reforms improving the transparency and process of formal democratic processes such as citizen proposals, elections, or petitions.

The following commitments are examples of commitments that would **not** be marked as clearly relevant to the broader term, civic participation:

- Commitments that assume participation will increase due to publication of information without specifying the mechanism for such participation (although this commitment would be marked as “access to information”);
- Commitments on decentralization that do not specify the mechanisms for enhanced public participation;
- Commitments that define participation as interagency cooperation without a mechanism for public participation;
- Commitments that may be marked of “unclear relevance” also include those mechanisms where participation is limited to government-selected organizations.

Public accountability

Commitments improving accountability can include the following:

- Rules, regulations, and mechanisms that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.

Consistent with the core goal of “open government,” to be counted as “clearly relevant,” such commitments must include a public-facing element, meaning that they are not purely internal systems of accountability. While such commitments may be laudable and may meet an OGP grand challenge, they do not, as articulated, meet the test of “clear relevance” due to their lack of openness. Where such internal-facing mechanisms are a key part of government strategy, it is recommended that governments include a public facing element such as:

- Disclosure of non-sensitive metadata on institutional activities (following maximum disclosure principles);
- Citizen audits of performance;
- Citizen-initiated appeals processes in cases of non-performance or abuse.

Strong commitments around accountability ascribe rights, duties, or consequences for actions of officials or institutions. Formal accountability commitments include means of formally expressing grievances or reporting wrongdoing and achieving redress. Examples of strong commitments include:

- Improving or establishing appeals processes for denial of access to information;
- Improving access to justice by making justice mechanisms cheaper, faster, or easier to use;
- Improving public scrutiny of justice mechanisms;

- Creating public tracking systems for public complaints processes (such as case tracking software for police or anticorruption hotlines).

A commitment that claims to improve accountability, but assumes that merely providing information or data without explaining what mechanism or intervention will translate that information into consequences or change, would **not** qualify as an accountability commitment. See <http://bit.ly/1oWPXdl> for further information.

Technology and innovation for openness and accountability

OGP aims to enhance the use of technology and innovation to enable public involvement in government. Specifically, commitments that use technology and innovation should enhance openness and accountability by:

- Promoting new technologies that offer opportunities for information sharing, public participation, and collaboration.
- Making more information public in ways that enable people to both understand what their governments do and to influence decisions.
- Working to reduce costs of using these technologies.

Additionally, commitments that will be marked as technology and innovation:

- May commit to a process of engaging civil society and the business community to identify effective practices and innovative approaches for leveraging new technologies to empower people and promote transparency in government;
- May commit to supporting the ability of governments and citizens to use technology for openness and accountability;
- May support the use of technology by government employees and citizens alike.

Not all e-government reforms improve openness of government. When an e-government commitment is made, it needs to articulate how it enhances at least one of the following: access to information, public participation, or public accountability.

Key variables

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach timeframes and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan, and analyzes them for their first year of implementation.

All of the indicators and method used in the IRM research can be found in the IRM Procedures Manual, available at <http://www.opengovpartnership.org/about/about-irm>. One measure deserves further explanation, due to its particular interest for readers and usefulness for encouraging a race to the top between OGP-participating countries: the “starred commitment.” Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

1. It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have "medium" or "high" specificity.
2. The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of access to information, civic participation, or public accountability.
3. The commitment would have a "moderate" or "transformative" potential impact, if completely implemented.
4. Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of "substantial" or "complete" implementation.

Based on these criteria, Tunisia's action plan contained no starred commitments.

Note that the IRM updated the star criteria in early 2015 to raise the bar for model OGP commitments. Under the old criteria, a commitment received a star if it was measurable, clearly relevant to OGP values as written, had moderate or transformative impact, and was substantially or completely implemented.

Based on these old criteria, Tunisia's action plan would have received three starred commitments:

- Commitment 13: Budget reports
- Commitment 14: Open budget system
- Commitment 19: Improve transparency in the area of infrastructure projects

Finally, the graphs in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Tunisia, see the OGP Explorer at www.opengovpartnership.org/explorer.

General overview of the commitments

The national action plan focused on four areas:

1. Strengthening integrity in the public sector, fighting corruption, and promoting democracy through a transparent government. These principles were mandated in the new Tunisian Constitution through articles 10, 15, and 139.
2. Improving public service delivery, strengthening the participatory approach, and instilling principles of open governance in the public sector, through simplification of administrative procedures, strengthening online service delivery, providing mechanisms to involve citizens in public policymaking processes, and building the capacity of civil servants in open governance.
3. Strengthen transparency in financial and public procurement areas to allow citizens to follow-up management of public resources and to avoid their misuse.
4. Enhance transparency in the area of natural resources management and infrastructure and environment projects as mandated in articles 12 and 13 of the new Tunisian Constitution.

Clustering

To make the report more readable, the IRM researcher reorganized the commitments by grouping commitments with close scopes into clusters. Commitments 3, 16, and 17 pertain to the publication of audit reports. Commitments 11 and 12 are both related to building the capacity of civil servants. Commitments 13, 14, and 15 all pertain to the open budget topic.

1: Strengthen legal framework for anticorruption

Commitment Text:

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.

Lead Institution: The Secretariat of State in Charge of Governance and Civil Service

Supporting Institutions: The Ministry of Justice, The Committee of Governance and Corruption Fight, the Chamber of Deputies, the Legal Advisor

Start Date: July 2014 **End Date:** June 2016

| Commitment Overview | Specificity | | | | OGP value relevance | | | | Potential impact | | | | Completion | | | |
|--|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to information | Civic participation | Public accountability | Tech. and innov. for transparency and accountability | None | Minor | Moderate | Transformative | Not started | Limited | Substantial | Complete |
| OVERALL | | | ✓ | | ✓ | | ✓ | | | | ✓ | | | ✓ | | |
| 1. Draft law on whistleblower protection | | | ✓ | | | | ✓ | | | | ✓ | | | ✓ | | |
| 2. Draft law on asset disclosure | | | ✓ | | ✓ | | | | | | ✓ | | | ✓ | | |
| 3. Draft law on illicit enrichment | | | ✓ | | Unclear | | | | | | ✓ | | | ✓ | | |

What happened?

This commitment aims to fight government corruption through revising 1990s era corruption legislation. Corruption is seen as a core contributing cause of the revolution in Tunisia in 2011. The commitment sets out to draft three key pieces of legislation in compliance with the United Nations Convention Against Corruption (UNCAC), focusing on whistleblower protection, asset disclosure, and illicit enrichment. The areas of concern identified by the draft laws have been studied extensively by International partners such as OECD and United Nations Development Program (UNDP) and have been discussed with civil society in multiple forums.

Despite having ratified UNCAC in 2004 and having passed laws such as Law No. 87-17 of 10 April 1987 concerning asset declarations for government members and public officials and Law No. 2008-16 of 25 February 2008, it is only after the 2011 revolution that the Tunisian government has started taking seriously the UNCAC commitment. According to a 2014 OECD report on asset declaration and integrity in public administration, Tunisia's legal framework is still considered below international standards.¹ For example, the public does not have access to asset declarations of civil servants, and Tunisia does not have any whistleblower protection legislation. In addition, only a limited set of civil servants have to comply with asset declaration laws, with members of parliament being a notable exception.

The democratic transition lasted four years, between 2011 and 2014. Several CSOs launched the "Declare" campaign (Sarrah, in Arabic) in April 2013, to compel public officials to comply with the existing asset declaration law. As a result, the National Court of Audit, which is responsible for collecting and controlling the asset declarations, made an unprecedented public announcement mandating that all government agents (high ranking officials from the executive branch, including in municipalities and public companies, and high ranking officials from the judiciary²) comply with the asset declaration law within a specified timeframe.³

In March 2015, the general manager of the governance unit at the Presidency of the Government announced that a commission involving several ministries had prepared three anticorruption draft laws: one concerning whistleblowers protection, another concerning illicit enrichment, and a third concerning government officials' assets disclosure. The draft laws have yet to be published on an official government website, and no timeline for their submission to the Parliament has been provided, despite the draft laws being available on a UNDP-sponsored website since 3 September, 2015.⁴ There is no timeline for official publication, comment period, or when the draft laws will be forwarded to the Chamber of Deputies, resulting in a limited completion rate.

Although outside of the evaluation period, in July 2015, the President of Tunisia presented a draft law, called the Reconciliation Law, which according to the anti-corruption group Transparency International, would allow former civil servants serving under the Ben Ali regime who stole public funds to be given amnesty. This law created a controversial public debate and protest. Several CSOs including Transparency International decried it in August 2015.⁵ At the time of writing of this report (10 September 2015), the Reconciliation Law draft has been frozen.

Did it matter?

The potential impact of this commitment is moderate. The government has committed to produce draft laws, which could be pivotal in helping to reduce corruption by increasing public trust and possibly triggering the development of a new culture of accountability in government. Corruption was seen as the core cause of the revolution in Tunisia. It is hoped that these draft laws will bring a greater degree of transparency and

accountability to a public sector that was once characterized by impunity for financial misappropriation.

The three laws together constitute a complementary framework to fight corruption. Whistleblower protection fights the fear of reprisals that public administration employees may feel if they decide to report a professional misconduct or an act of corruption. Asset declaration regulations reduce the risk of real or perceived unethical conduct by public officials by making their assets and business activities transparent to the public. The illicit enrichment law dissuades public officials from benefitting financially illegally due to their positions.

However, these draft laws could be subject to revision before approval; therefore, it is not clear whether they will create sufficiently strong legal framework for the fight against corruption. Although outside of the evaluation period, it is disconcerting to see the government's recent attempt to exempt former corrupt civil servants from accountability for past crimes through the proposed Reconciliation Law.

Still, civil society members consider the potential impact of the projected laws, if adopted and enforced to be "game changing." However, the actual passage of these laws depends on the Parliament. The government can prepare draft laws, but only the Parliament has the power to adopt these into law once public discussion and potential revisions have taken place.

Despite big interest in these draft laws, there has been little involvement of civil society in the drafting process. CSOs have expressed their desire and the hope for an opportunity of closer involvement in the drafting process, not just informal discussions during forums.⁶

Stakeholders agree about the need for a strong legislative framework to combat corruption in Tunisia. Despite undergoing a democratic transition, the perception of corruption has actually increased in recent years.⁷ Transparency International's Global Corruption Barometer (2013) found that 56 percent of respondents felt that the judiciary was corrupt, 69 percent felt the police were corrupt, 66 percent felt political parties were corrupt, and 53 percent of respondents felt that the media were corrupt.⁸ According to Transparency International's Corruption Perceptions Index, the country regressed from 77th position in 2013 to 79th among 175 countries in 2014.⁹

In January 2014, the newly adopted constitution marked a positive milestone by creating the independent "Good Governance and Anticorruption Instance" body to fight corruption and strengthen integrity, transparency, and accountability in the public sector.¹⁰

Moving forward

The IRM researcher recommends the following:

- The government should allocate significant resources and efforts into promoting the anticorruption law project so that all citizens are familiar with it and are prepared to use the new legal framework as soon as it is passed into law by the Parliament;
- The inclusion of civil society and members of Parliament in the commission entrusted with the drafting of these three laws and also of future laws, would ensure that broader views and diverse ideas are taken into account;
- A public consultation period to collect feedback is recommended before submitting the laws to the Parliament for discussion and a vote.

¹ OECD, *Renforcer l'Intégrité en Tunisie: L'Élaboration de Normes pour les Agents Publics et le Renforcement du Système de Déclaration de Patrimoine* (Report, 2014), <http://bit.ly/1KbT6N9>

² *Renforcer l'Intégrité en Tunisie: L'Élaboration de Normes pour les Agents Publics et le Renforcement du Système de Déclaration de Patrimoine* (2014), <http://bit.ly/1KbT6N9>

³ "La Cour des Comptes: Tous les Membres du Gouvernement Tunisien Ont Déclaré Leurs Biens," EspaceManager, 7 May 2013, <http://bit.ly/1TTewDW>

⁴ Draft Whistleblowers Protection Law, 03 September 2015, <http://bit.ly/1OpsdqH>; Draft Asset Disclosure Law, 3 September 2015, <http://bit.ly/1TTfgZY>; Draft Illicit Enrichment Law, 3 September 2015, <http://bit.ly/1RAOmsn>

⁵ Transparency International Secretariat, "Transparency International Condemns Tunisian Draft Law that Would Set the Corrupt Free," News, Transparency International (TI), 31 August 2015, <http://bit.ly/1EveWYd>

⁶ Stakeholder Forum for Civil Society, Tunis, 8 September 2015.

⁷ Abdelaziz Hakimi and Helmi Hamdi, "How Corruption Affect Growth in MENA Region? Fresh Evidence from a Panel Cointegration Analysis," *Munic Personal RePEc Archive (MPRA)* (18 April 2015): Paper No. 63750, 8, <http://bit.ly/1J1rEqI>

⁸ "Tunisia," Global Corruption Barometer 2013, TI, <http://bit.ly/1PpZi5Q>

⁹ "Corruption Perception Index 2014: Results," TI, <http://bit.ly/1AgRivL>

¹⁰ Republic of Tunisia, "Constitution de la République Tunisienne," Journal Officiel de la République Tunisienne, 20 April 2015, Article 130, <http://bit.ly/1P8BgLW>

2: Electronic civil petition and corruption reporting platform

Commitment Text:

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.

Lead Institutions: The Secretariat of State in Charge of Governance and Civil Service (The Government Unit and the Central Bureau of Relationship with Citizens)

Supporting Institutions: The Committee of Governance and Corruption Fight, all involved ministries

Start Date: September 2014 **End Date:** June 2016

| Commitment Overview | Specificity | | | | OGP value relevance | | | | Potential impact | | | | Completion | | | |
|---------------------|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to information | Civic participation | Public accountability | Tech. and innov. for transparency and accountability | None | Minor | Moderate | Transformative | Not started | Limited | Substantial | Complete |
| | | | ✓ | | | ✓ | ✓ | ✓ | | | ✓ | | | ✓ | | |

What happened?

This commitment aims to create four new channels for reporting and following up on corruption cases. These channels are SMS, a website, a call center, and direct contact with a public institution. In its first phase, a centralized system will dispatch the cases to a limited number of specialized national and regional agencies. These pilot agencies have not been determined yet.

There are currently few channels for the public to report corruption cases such as reporting the case at a local police office, filing a complaint to the National Authority for the Fight Against Corruption, or filing a complaint at the offices of Citizen Relations. Corruption victims and witnesses do not have any follow-up mechanism to learn about case processing and outcomes.

To become operational, the commitment requires a legal framework. According to the government's self-assessment report, a law is currently being drafted under the supervision of a central department at the Presidency of the Government and the Central Bureau of Relationships with Citizens.

No budget has been approved for the implementation of the system. According to interviews with the Central Bureau of Relationships with Citizens, South Korean International Cooperation Agency (KOICA) has pledged to fund the project, but little progress has been made so far.

Did it matter?

The government's self-assessment report states that it will develop a legal framework as an outcome for this commitment; however, the limited progress so far has resulted in this commitment being coded as having a moderate impact. If the public administration is bound by law to engage with citizens, the impact could be greater. Impact could be even greater if clear accountability metrics are identified to measure the effectiveness of the new reporting channels. The government did not publish the technical requirements of the platform, nor did it share information about the details of the cooperation with the KOICA.

Moving forward

CSOs stated that an impact assessment reporting mechanism should be a precondition to public and civil society engagement in this commitment.¹ Stakeholders recommend the commitment be clearly measurable, and they identified specific success indicators for the impact assessment mechanism, such as the following:

- Clarify the intended outcome for this commitment;
- Number of users of the corruption reporting platform;
- Percentage of reported cases that have been resolved;
- Average timeframe for processing submitted case.

CSOs also suggest the publication of a project timeline, including planned activities, milestones, and allocated resources, to ensure better accountability public and to facilitate project follow-up.

Finally, stakeholders recommend a more proactive promotion effort to engage the public with the corruption platform because the usability of the platform would depend on the citizens' awareness of this tool.

The IRM researcher recommends allocating a budget for this commitment instead of relying only on potential funding from foreign partners.

¹ Stakeholder Forum, September 2015; Joint Stakeholder Meeting, Presidency of the Government's Office, 9 September 2015.

Commitments 3, 16, 17: Audit reports

Commitment Text:

Commitment 3: Annual audit activities report

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.

Lead Institution: The High Committee for Administrative and Financial Control

Supporting Institutions: High Committee of Public Service Control, General Financial Control Committee, General Control of State Property and Land Affairs.

Start Date: July 2014 **End Date:** December 2015

Commitment 16: Public procurement and audit results report

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.

Lead Institution: Presidency of the Government (the National Assembly of Public Demand)

Start Date: July 2014 **End Date:** June 2016

Commitment 17: Procurement audit reports recommendations

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.

Lead Institution: Presidency of the Government (High Committee of Public Demand)

Start Date: July 2014 **End Date:** June 2016

Editorial Note: Commitments 3, 16 and 17 are being assessed together as they all pertain to auditing activities.

| Commitment Overview | Specificity | | | | OGP value relevance | | | | Potential impact | | | | Completion | | | |
|-----------------------------------|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to information | Civic participation | Public accountability | Tech. and innov. for transparency and accountability | None | Minor | Moderate | Transformative | Not started | Limited | Substantial | Complete |
| 3. Annual audit activities report | | | | ✓ | ✓ | | ✓ | | | | ✓ | | | ✓ | | |

| | | | | | | | | | | | | | | | | |
|---|--|---|--|---|---|--|---|--|--|--|--|---|---|--|--|--|
| 16. Public procurement and audit results report | | | | ✓ | ✓ | | ✓ | | | | | ✓ | ✓ | | | |
| 17. Procurement audit reports recommendations | | ✓ | | | ✓ | | ✓ | | | | | ✓ | ✓ | | | |

What happened?

The following cluster of commitments aims to publish reports produced by several state auditing agencies (the High Committee of Public Service Control, the General Financial Control Committee, the General Control of State Property and Land Affairs, the National Assembly of Public Demand, and the Committee of Audit and Control of Public Demand) in a citizen-friendly format. The primary concern with these commitments, which is the focus of this evaluation, is that several audit reports produced by the government are not publicly available. After the 2011 revolution, several procurement-related corruption scandals were revealed in the media involving the former president, his family members, and several ministers.¹

A multistakeholder task force has been assembled under the supervision of the High Authority for Administrative and Financial Control (HCCAF) to discuss the structure, content, and writing style of the reports and their compliance with international reporting standards.

One of the reports mentioned in commitment three was published on the HCCAF's website for 2011 and 2012.² However, the reports have been removed. The 2013 and 2014 reports were published and are available on the same website at the time of writing this report (23 September 2015).³⁴

According to the government self-assessment, no progress has been made in commitments 16 and 17 to publish audit results and recommendations related to public procurement.

Did it matter?

Given the low-level of awareness concerning these reports, as well as the limited information concerning the reports' format, the IRM researcher and CSO stakeholders are of the view that the commitments most likely will have a minor potential impact.⁵

However, the publication of the public service Audit Report by the HCCAF (commitment three) and the public procurement results (commitment 16) are important. They could improve the transparency of the government, concerning the management of public resources, and would allow citizens the necessary information to hold government to account.

CSO stakeholders recognize that the publication of the audit report recommendations (commitment 17) will improve access to information and government accountability. However, CSO stakeholders were unsure what impact the publication could have as a result of the limited progress concerning implementation during the period under review. Its impact would depend on the relevance and the level of depth of the recommendations.

Moving forward

To make this commitment more ambitious, the IRM researcher recommends:

- The release of full information reports in addition to the simplified versions;

- Working with CSOs and business organizations to engage in the monitoring of public procurement activities. This engagement also can be used to help identify the most useful procurement information;
- A more proactive promotion effort to engage a well-targeted audience concerning the newly published documents because the release of the audit reports alone would be ineffective if civil society experts and watchdogs are unaware of its existence;
- Implement clear indicators of progress with all the relevant stakeholders such as government officials, CSOs, and watchdogs;
- Develop online tools in collaboration with watchdogs to facilitate the analysis of procurement data for monitoring purposes;
- Implement a mechanism to allow the public and contract bidders to report on irregularities related to the procurement process.

¹ CleanGovBiz Integrity in Practice, "Integrity Scan of Tunisia 2013" by OECD (Report, Paris, June 2013), 12, <http://bit.ly/1KbY78e>

² "Page Non Trouvée [Deleted link of 2011 and 2012 audit reports]," Haut Comité du Contrôle Administratif et Financier, <http://bit.ly/1UMTsiO>

³ "Le HCCAF Met Ses Rapports à la Disposition du Public," Latest news, Business News, 23 September 2015, <http://bit.ly/1mTunrx>

⁴ "HCCAF Report," 2013, <http://bit.ly/1mVrt66>; "HCCAF Report," 2014, <http://bit.ly/1ZqQDL5>

⁵ Stakeholder Forum, September 2015.

4: Legal framework of personal data protection

Commitment Text:

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.

Lead Institution: The Ministry of Justice (The National Authority for Personal Data Protection)

Start Date: July 2014 **End Date:** June 2016

| Commitment Overview | Specificity | | | | OGP value relevance | | | | Potential impact | | | | Completion | | | |
|---------------------|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to information | Civic participation | Public accountability | Tech. and innov. for transparency and accountability | None | Minor | Moderate | Transformative | Not started | Limited | Substantial | Complete |
| | | | ✓ | | ✓ | | ✓ | | | | ✓ | | ✓ | | | |

What happened?

This commitment seeks to review the legal framework on personal data protection to make sure it complies with Article 24 of the new constitution. Article 24 of the new constitution adopted in 2014 aims to protect personal data.¹ It states:

The State shall protect the right to a private life, sanctity of domiciles, confidentiality of correspondence and communications and personal information...

Before the 2011 revolution, Tunisia’s ruling regime used censorship and spying on citizens to silence dissident voices. ICT and social media in particular played an important role in the Tunisian revolution. In 2015, it is estimated that there are more than five million citizens that regularly use the Internet in Tunisia out of a population of just under 11 million people.²

Tunisia has had a Data Protection Act since 2004,³ but the actual commitment language has no specifics concerning the required amendments.

There is no evidence to suggest that the Ministry of Justice has made any progress on preparing amendments to meet the international standards in the field of data protection.

Did it matter?

The potential impact of this commitment has been coded as moderate because the changes to the 2004 law, if done in compliance with international standards, would allow Tunisia to join the Council of Europe Convention 108 Concerning Private Data

Protection.⁴⁵ Personal data protection is a common principle of a functioning democratic society, which Tunisia strives to be. In this regard, bringing the legal framework in compliance with international standards would result in improving the country's legal standards. It also would give the National Administration for Personal Data Protection (NAPDP) more oversight power to avoid a return to past practices of concerning state abuse of citizens' privacy and personal data.

Despite the fact that there are very few CSOs and citizens familiar with the topic of personal data protection, those that are involved have been vocal in advocating that Tunisia join Convention 108.⁶

According to a Tunisian expert in the ICT field, the 2004 law should be amended for three reasons:⁷

1. To ensure that NAPDP becomes independent from the executive branch, both financially and administratively;
2. To ensure that the NAPDP members are independent and politically neutral;
3. To include standard procedures for personal data protection within the public sector.

NAPDP's involvement in this commitment was not clear during the first nine months of the commitment's implementation. NAPDP's leadership⁸ and some of the technical team⁹ changed in 2015, following the formation of a new government. Given the multiple conferences and media appearances new NAPDP's president made in 2015, the IRM researcher expects the new NAPDP team to be more engaged with the OGP process during the second year of the action plan's implementation.

Moving forward

IRM researcher recommends that the amendments to the existing law are clearly articulated and explained. The content of the specific amendments need to be clear in what specific changes they introduce and how they will change the status quo.

Stakeholders recommend being more selective in future commitments and involving "opengov champions" within the public administration. This selectivity would save time and effort, and would keep government stakeholders focused on what is reasonably achievable.

¹ Republic of Tunisia, "Constitution of the Republic of Tunisia," Official Printing Office, 2010, [English] <http://bit.ly/10gINeB>

² "Tunisia," International World Stats, <http://www.internetworldstats.com/africa.htm#tn>

³ "Recueil des Textes Relatifs à la Protection des Données Personnelles," Instance Nationale de Protection des Données Personnelles (National Authority for Protection of Personal Data), [Arabic and French] http://www.inpdp.nat.tn/INPDP/Recueil_INPDP.pdf

⁴ Dhouha Ben Youssef (translated by Vanessa Szakal), "Privacy in Tunisia: Legislation, Application, and Public Outreach," Article, Nawaat.org, 30 October 2015, <http://bit.ly/1RkvTQi>

⁵ Rihab Boukhayatia, "Chawki Gaddes: 'En Tunisie, On N'A Pas la Culture de la Protection des Données Personnelles' (Interview)," Huffington Post Maghreb, 5 November 2015, [French] <http://huff.to/1OpwE4L>

⁶ Dhouha Ben Youssef, "Tunisie: l'Économie Numérique Se Fait un Lifting," Article, Nawaat, 26 September 2015, [French] <http://bit.ly/1Pq2Zs9>

⁷ Dhouha Ben Youssef (translated by Vanessa Szakal), "Privacy in Tunisia: Legislation, Application, and Public Outreach," Article, Nawaat.org, 30 October 2015: <http://bit.ly/1RkvTQi>

⁸ Adhadhi Nidhal, "Chawki Gaddes as a New President of the NAPDP," News, Tunisie Telecom, 5 May 2015, <http://bit.ly/1PV9yyp>

⁹ Khaled Sellami, Head of the OGP Focal Point, interview with the IRM researcher, 23 November 2015.

5: Open data portal

Commitment Text:

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.

Lead Institutions: The Secretariat of State in Charge of Governance and Civil Service (and E-government Unit)

Supporting Institutions: Involved public institutions

Start Date: July 2014 **End Date:** February 2016

| Commitment Overview | Specificity | | | | OGP value relevance | | | | Potential impact | | | | Completion | | | |
|---------------------|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to information | Civic participation | Public accountability | Tech. and innov. for transparency and accountability | None | Minor | Moderate | Transformative | Not started | Limited | Substantial | Complete |
| | | | ✓ | | ✓ | ✓ | | ✓ | | | ✓ | | | ✓ | | |

What happened?

This commitment envisions redeveloping the open data portal to improve usability and relevance of data. The Tunisian government launched its first open data portal in 2012 with a limited number of datasets, including statistics concerning public administration activities, as well as listings of offices.¹ There are no known indicators about its usage and several CSOs report little utility of the portal and information contained for the public. For example, one dataset related to employment contains regional statistics on job offers in a table with encoded column names. In that way, the data is unusable.

The completion level of this commitment is limited. The government started a selection process to appoint a contractor to create a new version of the portal in 2013, with funding from the African Development Bank.² A contractor was selected in June 2015, and the work on the new portal has started. The specifications of the portal have not been published, and there is currently no known timeline for completion.

Did it matter?

If implemented successfully the open data portal will be a major step into breaking the culture of secrecy that prevails in the country’s past and present, specifically concerning open data limitations in Tunisia. Tunisia recently regressed in data openness. The Global Open Data Index ranked the country 86th in 2015, down from 66th position in 2014.³

The Tunisian revolution demonstrated that the people, after decades of dictatorship, expect the government to be open and transparent. The recent deterioration in open data ranking demonstrates that concerted efforts need to be made to ensure the advancement of open data, a vital component to government openness.

Open data also would help formalize procedures related to the production, maintenance, and publishing of datasets of good quality and in a timely manner.

Although the importance of the open data portal can be judged through both the interface and content quality, the quality of content is much more important to stakeholders.

Moving forward

Stakeholders recommend a more proactive promotion effort to engage a well-targeted audience with the newly published datasets because open data use will depend on civil society experts and watchdogs being aware of its existence.

Stakeholders also recommend the creation of an oversight authority to formalize the process of dataset creation, aggregation, ensuring compliance, and quality. As recommended in the OpenGov Guide:⁴

Specifying an authority, review board, or similar body is an important step to making sure that an open data policy can actually be executed and also provides a resource to address unforeseen hurdles in implementation. New oversight bodies should conduct their work independently and publicly, and can be bolstered by creating new regulations or guidance for implementation. For any authority created or granted, care should be given that the new position has powers of enforcement to follow through on their work and address resistance or non-compliance.

The oversight authority could be delegated to the current e-Gov Unit at the Presidency of the Government, which possesses the required expertise to accomplish this mission. However, more human and material resources should be provided to allow effective operations with measurable results.

¹ "Open Data Portal," Republic of Tunisia, <http://www.data.gov.tn>

² "Call For Proposals for Creating a New Open Data Portal," OGP Tunisia, <http://www.data.gov.tn/Tunisie-Projet-%20EOI.pdf>

³ "Tunisia," Global Open Data Index, <http://index.okfn.org/place/tunisia/>

⁴ "Recommendation on Access to Information," Open Government Guide, <http://bit.ly/1J1wUdt>

6: National corporate governance repository

Commitment Text:

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.

Lead Institution: National Institute for Standardization and Industrial Property (INNORPI)

Supporting Institution: The Secretariat of State in Charge of Governance and Civil Service

Start Date: July 2014 **End Date:** December 2015

| Commitment Overview | Specificity | | | | OGP value relevance | | | | Potential impact | | | | Completion | | | |
|---------------------|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to information | Civic participation | Public accountability | Tech. and innov. for transparency and accountability | None | Minor | Moderate | Transformative | Not started | Limited | Substantial | Complete |
| | | | ✓ | | Unclear | | | | | | ✓ | | | | ✓ | |

What happened?

The government committed to create a national repository of corporate governance to provide public and private institutions with a framework to structure corporate governance, corporate social responsibility, and ethics-based practices with the aim to prevent corruption. The repository is based on several values such as integrity, fairness, and accountability.¹ It will be used as a reference to adapt administrative procedures and internal processes to comply with those values.

It is envisaged that the repository will assist the fight against corruption in the public administration, as well as in private institutions, by strengthening ethics and transparency practices in business.

Efforts started in 2012 by organizing conferences and awareness events.² INNORPI, tasked with centralizing national norms, was mandated to implement the commitment under the supervision of The Secretariat of State in Charge of Governance and the Civil Service.

In December 2014, the government announced the repository was ready,³ so this commitment is being coded as substantially complete.

In 2015, several seminars and training sessions were organized to introduce the governance repository to civil servants.⁴

At the time of writing of this report, the repository was not available on the INNORPI website (<http://www.innorpi.tn>), but a presentation brochure can be found on UNDP-sponsored government website (Anticor.tn).⁵

Did it matter?

This commitment has been coded as having a moderate potential impact. Numerous analysts think that fighting corruption is one of the top challenges facing Tunisia.⁶ Under Ben Ali dictatorship, the regime used state corruption as a means for illicit enrichment and silencing dissent. Dissemination of good governance values targeting civil servants is an important step to reduce state corruption and to restore citizens' trust in the government. In addition, a similar positive impact on private institutions also would strengthen the culture of good governance in society.

However, given that this is an internal systems-orientated commitment, with limited information provided concerning how civil servants would benefit from the repository or how this commitment will interface with the private sector and citizens, the commitment's relevance to OGP is unclear.

Some government stakeholders saw this commitment as an important step to strengthen the capacity of the public administration and to limit corruption through implementing good corporate governance. Understanding the theoretical foundations and legal mechanisms of accountability, transparency, and public participation will lead to better practices by those who were trained. Some CSOs are more skeptical about the potential benefits of this effort because they do not see what impact the repository can have on changing the mindset of public servants. Instead of the repository, they think laws and strong enforcement would be more relevant.

Moving forward

The IRM researcher recommends including a public-facing element detailing how the repository will link to actions:

- In the training of civil servants against a particular timeframe;
- How the repository will compel public administrations and the private sector to adopt corporate governance standards.

Furthermore, the following is recommended:

- Civil society should be included in the implementation of the commitment, either through participation in a dedicated steering committee or expert panel;
- Progress should be reported annually in corporate governance across the public and private sectors;
- An easy feedback mechanism between citizens and the public administration should be established;
- Corporate governance materials in the private and public sectors should be disseminated through a range of avenues, including dedicated seminars and workshops.

¹ "The Government Announces the Launch of the National Governance Repository," Investir en Tunisie, 18 December 2014, [French] <http://bit.ly/1ZYWnbj>

² Zeineb Rezgui, "The Government and INNORPI Start Working on a National Governance Repository," Politics, l'Economiste Maghrébin, 19 July 2012, [French] <http://bit.ly/10gMfWu>

³ "The Government Announces the Launch of the National Governance Repository," Investir en Tunisie, 18 December 2014, [French] <http://bit.ly/1ZYWnbj>

⁴ Example of a Seminar Program about the Governance Repository, February 2015, [French] <http://bit.ly/1W4Xlku>

⁵ "Presentation Brochure of the Governance Repository," Republic of Tunisia President of the Government, July 2015, [French] <http://bit.ly/1Zj3E3W>

⁶ Sarah Chayes, "Corruption Is Still Tunisia's Challenge," Op-Ed, LA Times, 10 June 2012, <http://lat.ms/1Q3nmQE>

7: Legal framework to regulate ICT communication and interaction

Commitment Text:

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.

Lead Institution: The Secretariat of State in Charge of Governance and Civil Service (e-Gov Unit)

Start Date: July 2014 **End Date:** June 2016

| Commitment Overview | Specificity | | | | OGP value relevance | | | | Potential impact | | | | Completion | | | |
|---------------------|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to information | Civic participation | Public accountability | Tech. and innov. for transparency and accountability | None | Minor | Moderate | Transformative | Not started | Limited | Substantial | Complete |
| | | ✓ | | | | | ✓ | | | ✓ | | | | ✓ | | |

What happened?

This commitment seeks to draft a law to allow and incentivize the use of ICT in government-government and citizen-government communication.

Tunisia has no legal framework¹ that regulates electronic exchanges and administrative procedures between citizens and public institutions or internally between government agencies. Consequently, the majority of government services, procedures and interactions with citizens are still conducted offline, leading to inefficiencies.

According to several CSOs involved with the OGP action plan and a World Bank report,² administrative inefficiencies are fueling corruption by creating an environment where corrupt civil servants are tempted to give favors in exchange for bribes. This results in citizens being pressured to pay bribes to obtain faster and better services.

According to the government's self-assessment report, the law has been drafted in a participatory manner. However, the draft has not been published on an official website, and no CSO from the OGP joint committee is aware of consultations regarding the law.

Did it matter?

This commitment has been coded as having a minor impact. The IRM researcher and stakeholders see this commitment as important; however, it lacks sufficient details concerning measurable milestones, which would bring a greater impact. The commitment has the potential to improve citizens' trust towards the government and the public administration by improving access to information and by reducing corruption in citizen-government interactions.

Moving forward

The IRM researcher recommends including parliamentary members in the commission entrusted with the drafting task of this law. That would ensure that broader views are taken into account.

Stakeholders recommend:

- Creating a joint taskforce, with CSOs from different regions and specialized in a diversity of topics, which should be involved in the process of building the new citizen-to-government channels;
- Publication of a project timeline, including projected activities, milestones, and allocated resources, to ensure better information is shared with the public and facilitate project follow-up;
- A more proactive promotion effort to engage the public with the reform. A public consultation period to collect feedback also is recommended before submitting the law to the Parliament for discussion and vote.

¹ The E-commerce Act passed in 2000, which defines “electronic documents” and “electronic signature,” does not regulate electronic communication. Republic of Tunisia, “E-Commerce Act,” Law No. 2000-83 of 9 August 2000, [French] http://www.intt.tn/upload/txts/fr/loi_194.pdf

² World Bank Group, *Tunisia and the Unfinished Revolution: Bringing Opportunity, Good Jobs and Greater Wealth to All Tunisians* (Synthesis, World Bank, May 2014), <http://bit.ly/10gNq8r>

8: Simplification of administrative procedures

Commitment Text:

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,...).

Lead Institutions: The Secretariat of State in Charge of Governance and Civil Service (The General Directorate of Administrative Reforms and Prospective Studies), the Ministry of Economy and Finance, in cooperation with all concerned parties

Start Date: July 2014

End Date: June 2016

| Commitment Overview | Specificity | | | | OGP value relevance | | | | Potential impact | | | | Completion | | | |
|---------------------|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to information | Civic participation | Public accountability | Tech. and innov. for transparency and accountability | None | Minor | Moderate | Transformative | Not started | Limited | Substantial | Complete |
| | ✓ | | | | Unclear | | | | | ✓ | | | | ✓ | | |

What happened?

This commitment seeks to simplify a number of administrative procedures. Tunisia has numerous and overly complex administrative procedures. The country is ranked 75th in 189 countries for 2015 in terms of ease of doing business.¹

Since 2011, successive governments have announced the simplification of administrative procedures related to economic activities,² for example in processing business licenses. In 2012, the government conducted a consultation to analyze citizens' major concerns with administrative procedures. Results from more than 8,000 respondents showed very low satisfaction, less than 10 percent, for various aspects of administrative procedures.³ In early 2014, the government launched a consultation with the private sector to review 1,100 procedures, with the support of the World Bank Group (SFI).⁴

In 18 September 2014, the Chief of Government signed the 2014-3484 Decree to initialize a participatory process for the simplification of administrative procedures related to economic activities in five areas: health, tourism, national security, land and equipment, and sustainable development.⁵

The decree ordered the creation of several committees in different ministries to review administrative procedures in consultation with the private sector. According to the government's self-assessment report, internal committees were created and have started working on this commitment under the supervision of the Department for Reforms and Prospective Studies at the Presidency of the Government. Details on the progress so far have not been published, nor has a timeline for future activities and milestones been provided.

The IRM researcher conducted an interview with officials in charge of this commitment during the stakeholder meeting on 9 September 2015, but the IRM researcher did not

obtain evidence of the formation of the committees or any subsequent consultation work. Therefore, the completion level of this commitment has been coded as limited.

Did it matter?

Although a relevant commitment – given that Tunisia has regressed from 59th to 79th position (out of 170 countries) from 2010-2014 in Transparency International's Corruption Perception Index⁶ – due to the lack of specificity of the commitment language, the IRM researcher has coded the impact as minor.

According to several CSOs involved with the OGP action plan, administrative inefficiencies are increasing opportunities for corruption because citizens pay bribes to obtain faster and better services.⁷ In other cases, corrupt civil servants may use their authority to extort bribes from citizens in exchange for services under their duties. Citizens also often are confronted with excessively complex administrative procedures.⁸

This form of petty corruption, according to analysts, is a growing and is an “out of control” problem in Tunisia. According to the Head of the National Anti-Graft Commission – started in 2011 to tackle the historic corruption problem stemming from the Ben Ali regime – the recent surge in petty corruption is in part explained by the hiatus in large-scale spending on public sector projects due to political and economic instability. According to the Anti-graft Head, this has limited rent-seeking opportunities to the local government level. They primarily relate to the provision of services, for example, in obtaining official documents.⁹

Moving forward

The IRM researcher recommends the following:

- Including a public-facing element, for instance, by incorporating an accountability component in this commitment's design to ensure OGP value relevance;
- Improving the specificity for this commitment by holding a public consultation to collect feedback before implementing the reforms.

¹ “Ease of Doing Business Index,” Data, World Bank, <http://bit.ly/1TTnAss>

² Chief of Governments announcing the simplification of administrative procedures. “M. Hamadi Jebali Présente le Programme du Nouveau Gouvernement,” Jawhara, 23 December 2011, [French] <http://bit.ly/1ZYXSGK>; “Tunisie – Economie: Ouverture du Forum de Tunisie pour l'Investissement,” DirectInfo, 13 June 2013, [French] <http://bit.ly/1RAZo0B>

³ “Result of the Public Consultation for the Simplification of Administrative Procedures,” <http://bit.ly/1JJ1kBj>

⁴ “Le Secteur Privé et la SFI à l'Assaut des Lourdeurs Administratives Tunisiennes,” Economy, DirectInfo, 17 February 2014, <http://bit.ly/1W50Qaw>

⁵ “Decree 2014-3484,” Journal Officiel de la République Tunisienne, 26 September 2014, <http://bit.ly/1RB0JEP>

⁶ “Corruption Perception Index 2014,” TI, <https://www.transparency.org/cpi2014/results>

⁷ Stakeholders Forum, 8 September 2015.

⁸ Najeh Jaouadi, “Administrative Procedures: Obstacles for Doing Business in Tunisia,” Article, Réalités Magazine, 13 March 2014, [French] <http://bit.ly/1P8SwB0>

⁹ “‘Petty Corruption’ Plagues Tunisian Economy,” The New Arab, 5 October 2015, <http://bit.ly/1N5Uv7y>

9: Online administrative services

Commitment Text:

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.

Lead Institution: The Secretariat of State in Charge of Governance and Civil Service (e-Gov Unit)

Start Date: July 2014 **End Date:** June 2016

| Commitment Overview | Specificity | | | | OGP value relevance | | | | Potential impact | | | | Completion | | | |
|---------------------|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to information | Civic participation | Public accountability | Tech. and innov. for transparency and accountability | None | Minor | Moderate | Transformative | Not started | Limited | Substantial | Complete |
| | | ✓ | | | ✓ | ✓ | | | | ✓ | | | ✓ | | | |

What happened?

This commitment aims to provide new online services in an effort to limit corruption occurring due to inefficient administrative procedures. According to government stakeholders, bringing services online would diminish the discretionary authority of public servants and would reduce the opportunities of bribery between citizens and corrupt civil servants. Corruption in public sector is a long-standing issue in Tunisia, and it played a key role in initiating the Tunisian revolution.¹

Relatives of former dictator Ben Ali used state regulations to enter high profit sectors and to create near monopolies, preventing new entrepreneurs from developing their businesses under fair competition rules and regulations.²

Through the digitization of public services it is envisaged that the opportunity for corruption will be reduced.

From 2000 until 2014, the government launched several online services such as import and export procedures, social security payments, tax filings, and payments. At the time of writing of this report, the IRM researcher was not able to gather evidence to ascertain the completion level of this commitment. The commitment did not include any timeframe or indicators to track progress. According to an interview conducted by the IRM researcher on 9 September 2015 with government officials, no budget has been allocated for the implementation of the commitment, including the consultation.

Did it matter?

Based on the commitment language and the lack of available information, it is difficult to assess whether the commitment would have a major impact. Thus, the commitment impact has been coded as having a minor potential impact.

The primary goal of the proposed activities in commitment appears to be primarily related to the improvement of public service delivery through the development of online channels. Civic participation occurs only during the selection of services to be developed online.

CSOs welcomed the commitment because they feel the government should be moving to online services fast. They were skeptical about the commitment language because it is too vague and does not specify which services will be developed or how they will be implemented.

According to a research paper by the World Bank, "Performance Accountability and Combating Corruption,"³ e-government should be approached as a comprehensive concept for modernizing public governance. Otherwise, the risk of failure would be much more likely. In the case of developing countries, special care should be taken to guarantee equal access for citizens to online services.⁴

Moving forward

The IRM researcher recommends:

- To ensure that this commitment leads to an improvement in open government, link it to a bigger e-government project with a specific focus on OGP values of transparency and accountability;
- Link the commitment to the fight against corruption⁵ by measuring the performance of key services and making the data public, a first step to improving the quality of the performance management, including publishing key performance metrics from the usage of the online services;
- Include civil society and private sector representatives in the development and implementation to ensure that broader views are taken into account;
- Allocate a budget for the consultation. This would allow for contracting domain experts to conduct high-end research, including wider consultations with stakeholders.

¹ Marc Fisher, "In Tunisia, Act of One Fruit Vendor Sparks Wave of Revolution through Arab World," *World, Washington Post*, 26 March 2011, <http://wapo.st/1NvctpU>

² Bob Rijkers, Caroline Freund, and Antonio Nucifora, "Tunisia's Golden Age of Crony Capitalism," *Monkey Cage, Washington Post*, 27 March 2014, <http://wapo.st/1OpD0Rz>

³ World Bank, "Performance Accountability and Combating Corruption," in *Public Sector Governance and Accountability Series*, ed. Anwar Shah (Washington, D.C.: World Bank, 2007), <http://bit.ly/1ngyWN5>

⁴ Seija Ridell, "ICTs and the Communicative Conditions for Democracy: A Local Experiment with Web-Mediated Civic Publicness," (Hershey: IDEA Group Publishing, 2004), 86, <http://www.irma-international.org/viewtitle/18624/>

⁵ "Performance Accountability and Combating Corruption," (2007), <http://bit.ly/1ngyWN5>

10: Citizen participation in decision making

Commitment Text:

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.

Lead Institution: The Presidency of the Government (The General Directorate for Administrative 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.

Lead Institution: The Secretariat of State in Charge of Governance and Civil Service (e-Gov Unit)

Supporting Institutions: All concerned public structures

Start Date: July 2014 **End Date:** February 2016

| Commitment Overview | Specificity | | | | OGP value relevance | | | | Potential impact | | | | Completion | | | |
|--|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to information | Civic participation | Public accountability | Tech. and innov. for transparency and accountability | None | Minor | Moderate | Transformative | Not started | Limited | Substantial | Complete |
| OVERALL | | | ✓ | | ✓ | ✓ | | ✓ | | | ✓ | | | ✓ | | |
| 1. Legal framework for public consultation | | | ✓ | | | ✓ | | | | | ✓ | | | ✓ | | |
| 2. E-participation portal | | | ✓ | | ✓ | ✓ | | ✓ | | | ✓ | | | ✓ | | |

What happened?

Tunisia has no legal framework for holding public consultations. This commitment seeks to prepare a legal and institutional framework for public consultations with citizens and to build the first e-participation portal.

A first version of an e-participation portal was put in place in 2012 (<http://www.consultations-publiques.tn>). Although this portal does not allow citizens to see what other citizens are saying and lacks follow-up mechanisms on the implementation of proposed reforms, it has been used to conduct several public consultations. For example it has been used for the social security and judicial reforms. Several CSOs complained about the limited promotion efforts by the government to publicize the ongoing consultations, including the results, resulting in a lack of awareness about the initiative.¹

Some civil society members criticized lack of accessibility of the consultation portal for citizens with certain physical disabilities, as well as the lack of publicity concerning the portal for expatriates.²

Did it matter?

Tunisia has a high Internet penetration rate (~50 percent), resulting in this commitment potentially having a moderate impact to enhance the service delivery quality of government services as well as to reduce the opportunity for corruption.

Civil society and some government stakeholders think the public administration culture is still compliance-oriented, while it should be goals-oriented. Thus, they believe this commitment would accelerate the adoption of a new culture of public participation. They see it as potentially transformative, especially considering how corruption has increased in recent years.³

Moving forward

The IRM researcher recommends special care when drafting the legal framework for public consultation, and implementing the e-participation portal, especially with the following:

- Legislation should establish a basic minimum criteria for consultation, acknowledging that such formalized consultation is just one element of citizen engagement in a decision making process;
- Institutionalize public participation in the policymaking process;
- Together with the public, develop public participation guidelines, including setting out realistic expectations;⁴
- The participation process through the portal should be user-friendly and free for citizens;
- New channels should be explored for communicating with citizens and other stakeholders in real time—particularly channels already being used by the public such as Facebook, other social media platforms—as well as developing innovative offline consultation platforms.

¹ Stakeholder Forum, September 2015.

² “Online Discussion about the Accessibility of the Consultation Portal for Expatriates,” <http://on.fb.me/1OpEn2J>; “Online Discussion about the Accessibility of the Consultation Portal for the Disabled,” <http://on.fb.me/1UN4ft7>

³ Hakimi and Hamdi, 8, <http://bit.ly/1J1rEqI>

⁴ “Establish Legislation and Guidelines on Public Consultation in Policy Development,” Open Government Guide, <http://bit.ly/1N5WOrj>

Commitments 11-12: Civil servant capacity building

Commitment Text:

Commitment 11: Open governance training

- 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.

Lead Institution: 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)

Supporting Institution: Public institutions specialized in civil servants training

Start Date: July 2014 **End Date:** June 2016

Commitment 12: Open governance training academy

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.

Lead Institution: Presidency of the Government: Secretariat of State in Charge of Governance and Civil Service, the General Committee of Public Service

Start Date: July 2014 **End Date:** December 2015

| Commitment Overview | Specificity | | | | OGP value relevance | | | | Potential impact | | | | Completion | | | |
|---------------------------------|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to information | Civic participation | Public accountability | Tech. and innov. for transparency and accountability | None | Minor | Moderate | Transformative | Not started | Limited | Substantial | Complete |
| 11. Capacity building | | ✓ | | | Unclear | | | | | ✓ | | | | ✓ | | |
| 12. Creating a training academy | | | ✓ | | Unclear | | | | | | ✓ | | | ✓ | | |

What happened?

Through these commitments, the government seeks to build the capacity of its civil servants in the area of open government. This will be realized by developing a specific training program in open government and by creating a governance academy.

In September 2013, the Chief of Government signed Executive Order 2013-3803, creating the International Good Governance Academy of Tunis.¹

In December 2014, the State Secretary of Governance and Public Service, with the German Ambassador, signed a memorandum of agreement to create the Academy, providing logistic and material support from the Government of Germany.²

The government issued Executive Order 2014-4568 to attach administratively the academy to the National School of Administration (*Ecole Nationale d'Administration*, ENA), which is the main school training government high-ranking staff and officials.³

According to the government's self-assessment report, it is expected that the academy begin operating in September 2015 within the ENA.⁴

According to interviews with government representatives, good governance training materials and programs have been developed and include topics related to open governance, within the ENA. Some of the training material was published on the ENA's website.⁵ However, it is unclear whether training has taken place in the period under review, resulting in a limited completion level for commitment 11.

On 3 November 2015 (outside the evaluation period), the Academy officially launched its operations, resulting in a limited completion level for commitment 12.⁶

Did it matter?

These commitments have been coded as having moderate impact given the potential to improve the culture of open government within the public administration. The OECD recommends integrating ethics training in a comprehensive anticorruption and pro-integrity policy effort, to generate sustainable results.⁷ If a critical number of civil servants are familiar with transparency, accountability, citizen participation guidelines, and best practices, it is hoped that this could result in changing the bureaucratic culture to one of greater transparency, trust, and accountability.

However, as these commitments are primarily orientated to advancing internal systems improvement, without a direct public facing element, its relevance to OGP values is unclear.

Moving forward

The IRM researcher recommends including a public-facing element in these commitments to ensure OGP value relevance, for example by publishing details concerning:

- How the training will impact upon citizens' lives;
- The number of civil servants trained in open government practices within a particular timeframe;
- The extent of training coverage; the number of agencies and government departments having undergone training;
- The level of training per rank of official.

¹ "Executive Order Creating and Organizing the Academy of Good Governance of Tunisia," 17 September 2013, [Arabic] <http://bit.ly/1TTrOjV>

² "Signature of a Memorandum of Agreement between Tunisia and Germany," [Arabic] <http://bit.ly/1Q3ssMF>

³ "Executive Order Organizing the National School of Administration," 31 December 2014, [Arabic] <http://bit.ly/1P8YIsj>

⁴ "Organisation Administrative," Nature Juridique, International Good Governance Academy of Tunisia, <http://www.ena.nat.tn/index.php?id=160&L=1>

⁵ "Governance Academy Training Material," 2014, [Arabic] <http://bit.ly/1RkDYVd>

⁶ "Official Launch of the Governance Academy," 3 November 2015, [Arabic] <http://bit.ly/1OpGOIP>

⁷ OECD and SIGMA, "Ethics Training for Public Officials," March 2013, <http://bit.ly/1000Lq6>

Commitments 13-15: Open budget

Commitment Text:

Commitment 13: 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.*

Lead Institutions: Ministry of Economy and Finance; the Unit of Follow-up of Public Enterprises and Institutions (Presidency of the Government)

Start Date: July 2014 **End Date:** June 2016

Commitment 14: 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.

Lead Institution: Ministry of Economy and Finance

Start Date: July 2014 **End Date:** December 2015

Commitment 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.

Lead Institution: Ministry of Finance and Economy

Start Date: July 2014 **End Date:** June 2016

Editorial Note: Commitments 13, 14, 15 are being assessed together as they all pertain to open budget.

| Commitment Overview | Specificity | | | | OGP value relevance | | | | Potential impact | | | | Completion | | | |
|--------------------------------|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to information | Civic participation | Public accountability | Tech. and innov. for transparency and accountability | None | Minor | Moderate | Transformative | Not started | Limited | Substantial | Complete |
| 13. Budget reports | | | | ✓ | ✓ | | | | | | ✓ | | | | ✓ | |
| 14. Open budget system | | | ✓ | | ✓ | | | | | | ✓ | | | | ✓ | |
| 15. Budget management platform | | ✓ | | | ✓ | | | | | ✓ | | | | ✓ | | |

What happened?

This cluster of commitments is concerned with advancing open budget reporting. Until 2013, Tunisia's track record in budget openness was poor. This is as a consequence of decades of state secrecy under the former dictatorship.

The International Budget Partnership (IBP) which rates budget openness in 100 countries started ranking Tunisia in 2012. In its 2012 report,¹ the IBP ranked Tunisia 89th with a score of 11 out of 100 and recommended, among other things, publishing two missing reports: the semiannual budget execution report and the budget audit report to comply with international budget transparency standards.

In 2013, the Ministry of Finance created a Joint Commission, an advisory commission with CSO members and high-ranking Ministry directors to discuss budget transparency reforms. The commission held meetings six times in 2013, which resulted in a new tradition of publishing a detailed budget of ministries on the official website. The Ministry of Finance was awarded civil society's 2013 OpenGov Award in January 2014.

In commitment 13, the government wishes to comply with international budget transparency standards by publishing the Budget Semiannual Report, produced by the Ministry of Finance and the Audit Report, which the National Audit Court produced. In May 2015, the Ministry of Finance published the semiannual budget execution report for the year 2014,² resulting in a substantial completion level.

According to the government's self-assessment report and interviews with the Joint Commission, the audit report will be published when internal feedback from the National Court of Audit is obtained.

In commitment 14, the Ministry of Finance secured support from the World Bank Group to setup an online citizen-friendly platform for exploring budget information. A prototype is available online on an unofficial website³ and according to interviews with the Ministry of Finance official publication is pending user-interface enhancements. The level of completion for this commitment is substantial.

In commitment 15, the Ministry of Finance will implement an online tool that would allow citizens to explore and reuse detailed data related to the budget and its execution for each of the public structures (ministries, government agencies, etc.). The tool will be tailored to government contractors to enable them to track government payments. The

IRM researcher was not able to assess the progress of this platform, resulting in coding a limited completion rate in the period under review. The Ministry of Finance reports that the Computer Finance Center (CIMF) implemented internally the online platform “ADEB Web” exposing budget information to the public and is pending final validation.

Did it matter?

The IRM researcher coded the impact of these commitments as moderate. The publication of the semiannual report (commitment 13) contributed to improving the ranking of Tunisia in the IBP Open Budget 2015 report⁴ from 89th to 66th with a score of 42 out of 100. This improvement directly affects the country’s OGP eligibility score, and it sends a positive signal to national and international stakeholders about the country’s commitment to open government.

The Collaborative African Budget Reform Initiative (CABRI) (2014) praises post-revolution efforts made by the Ministry of Finance, including the publication of a citizen’s budget and the publication of monthly budget implementation reports (commitments 13 and 14). It also states, “Considerable efforts are still needed to improve the content and comprehensiveness of the information contained therein.” The CABRI report recommends that the Tunisian Government work towards developing a strategic implementation plan to consolidate the Ministry of Finance’s recent efforts in advancing transparency in the budgeting process throughout all spheres of government, including departments and agencies.⁵

CSOs expect the publication of detailed budget information to unlock the proliferation of academic research and socio-economic studies, as well as trigger more engagement from the media, citizens, and the private sectors towards prospective budget-related developments.⁶ However, a Project Coordinator at the Ministry of Finance complained about the lack of interest from the public in the published report,⁷ while several CSOs complained about the lack of proactive promotion to inform the public about the newly published materials.

Regarding the budget management platform (commitment 15), it is difficult to assess whether the commitment would have any impact because the government has shared few details about it.

Moving forward

Although the government is responsible for making key decisions about how best to address their country’s needs and prospects for development, it often is faced with a lack of important information necessary for the budgeting process.

The IRM researcher recommends:

- The establishment of sector- and ministry-level consultation meetings with the public on overall budget priorities, as well as macroeconomic policy and inter-sectoral resource allocation issues;
- Provide detailed feedback to the public on how public inputs have been used;
- Increasing the opportunities for the public and CSOs to engage directly and influence these processes.

CABRI’s 2014⁸ report offers a useful recommendation for the Tunisian Government:

- Consolidate the Ministry of Finance’s recent efforts in advancing open government and transparency requires conscious implementation and a capacity building program needs to be applied to other key areas, including, the Parliament, the National Court of Audit, the Supreme Audit Institutions, and CSOs to prevent old administrative practices that are hostile to transparency and participation from resurfacing.

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- ¹ "Tunisia," Open Budget Survey 2012, <http://bit.ly/1ZjkNdI>
- ² "Semi-Annual Report on 2014 Budget Execution," Republic of Tunisia, 2014, <http://bit.ly/1mTVbrz>
- ³ "BOOST," Open Budget Platform of the Minister of Economy and Finance of Tunisia, http://salasituacional.net/tunisia/template_fr/
- ⁴ "Tunisia," Open Budget Survey 2015, <http://bit.ly/1W5odkg>
- ⁵ CABRI Reports, "Fiscal Transparency and Participation in Tunisia: Current Status and Priorities for Reform," 17 February 2015, <http://bit.ly/1SNrYLj>
- ⁶ Stakeholder Forum, September 2015.
- ⁷ Ministry of Finance Official Aichakarafi, commenting on Facebook about the lack of public interest, <http://on.fb.me/1PVxN6S>
- ⁸ "Fiscal Transparency and Participation in Tunisia: Current Status and Priorities for Reform," 2015, <http://bit.ly/1SNrYLj>

18: "Open Data" platform for petroleum and mining sectors

Commitment Text:

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.*

Lead Institution: Ministry of Industry

Start Date: July 2014 **End Date:** June 2016

| Commitment Overview | Specificity | | | | OGP value relevance | | | | Potential impact | | | | Completion | | | |
|---------------------|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to information | Civic participation | Public accountability | Tech. and innov. for transparency and accountability | None | Minor | Moderate | Transformative | Not started | Limited | Substantial | Complete |
| | | | ✓ | | ✓ | | | ✓ | | | ✓ | | | ✓ | | |

What happened?

This commitment seeks to release public information concerning mining and energy resources. It was unclear how many datasets were populated on the data portal in the period under review, resulting in a limited completion level. However, on 19 September 2015 (outside of the review period), the Ministry of Industry, Energy, and Mines launched the open data portal with 100 datasets.¹ Civil society has yet to assess the quality, usefulness, and completion of the data.

During the last five years, Tunisian citizens and activists launched several online campaigns to advocate for more transparency in the oil and mining sector, including advocating Tunisia to join the Extractive Industry Transparency Initiative (EITI).² Campaigns peaked in April 2015 with the "Where Is Oil" online campaign that culminated with several street protests. The Parliament responded to the campaign by organizing a public consultation with the Ministry of Industry.³ The Minister shared information and numbers with the Parliament members and rejected the accusations of corruption. He invited the Parliament to create a natural resources oversight commission to guarantee that the oil and mining sectors are fully accountable.

Despite the Tunisian Government having indicated intent to join EITI immediately after the revolution in 2012, no progress has been made. The necessary steps to become an EITI member would serve as a useful illustration of what is required to move towards a transparent extractives sector. The EITI sets a standard⁴ of seven minimum requirements for implementing countries.

The EITI requires:

1. Effective oversight by the multistakeholder group.
2. Timely publication of (EITI) reports.
3. EITI reports that include contextual information about the extractive industries.
4. The production of comprehensive EITI reports that include full government disclosure of extractive industry revenues, and disclosure of all material payments to government by oil, gas, and mining companies.
5. A credible assurance process applying international standards.
6. EITI reports that are comprehensible, actively promoted, publicly accessible, and contribute to public debate.
7. That the multistakeholder group takes steps to act on lessons learned and to review the outcomes and impact of EITI implementation.

Currently, Tunisia is not meeting any of these requirements.

Did it matter?

The IRM researcher believes the potential impact for this commitment would be moderate. It will allow civil society to exercise more scrutiny, and it will improve civil society advocacy with available public facts and numbers. Although, the open data portal is an important step in the right direction, stakeholders consider the information currently available on the platform is incomplete.

Certain stakeholders expressed their satisfaction with the technical specifications of the platform. They considered it to meet international open data standards, specifically on the availability of the data in a data store, in addition to an Application Program Interface (API). The platform is built with the CKAN open-source software, which is popular among open data initiatives. Other stakeholders expressed their skepticism concerning the platform and questioned the relevance of the published datasets in exposing and limiting corruption. A recurring criticism from CSOs is the failure to publish oil contracts, including detailed information concerning these contracts.

Despite these early reactions, it is still too early to evaluate the actual impact of this activity since the platform has just been launched. CSOs expect some critical datasets to be available, such as public contract details with private oil companies. This would disclose any potential shortcomings and remove any suspicion of wrongdoing.

Moving forward

Taking into account the EITI standard, the IRM researcher recommends the following:

- Include contracts and payment information in the released data;
- Release data in a timely manner;
- Ensure that the data released has been audited by an independent auditing authority;
- Include civil society and private sector representatives in the commission entrusted with the task, ensuring that broader views and diverse ideas are taken into account.

¹ Energy and Mines Open Data Portal, <http://data.industrie.gov.tn/>

² The Extractive Industries Transparency Initiative (EITI) is an international organization that maintains a standard, assessing the levels of transparency regarding countries' oil, gas, and mineral resources. EITI International Secretariat, "The EITI Standard," (Report, Norway, 1 January 2015), <http://bit.ly/1S1xtUd>

³ Hamza Marzouk, "Audition of the Minister of Industry at the Parliament," *L'Economiste Maghrebin*, 8 June 2015, [French] <http://bit.ly/1JgExU>

⁴ "The EITI Standard," 2015, <http://bit.ly/1S1xtUd>

19: Transparency in infrastructure projects

Commitment Text:

- *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...)

Lead Institution: Ministry of Equipment, Territory Planning, and Sustainable Development

Start Date: July 2014 **End Date:** December 2015

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

Lead Institution: Ministry of Equipment, Territory Planning, and Sustainable Development

Start Date: July 2014 **End Date:** June 2016

- *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.

Lead Institution: Ministry of Equipment, Territory Planning, and Sustainable Development

Start Date: July 2014 **End Date:** December 2015

| Commitment Overview | Specificity | | | | OGP value relevance | | | | Potential impact | | | | Completion | | | |
|--|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to information | Civic participation | Public accountability | Tech. and innov. for transparency and accountability | None | Minor | Moderate | Transformative | Not started | Limited | Substantial | Complete |
| OVERALL | | | ✓ | | ✓ | | | ✓ | | | ✓ | | | | ✓ | |
| 1. Development of a GIS and publication online | | | ✓ | | ✓ | | | | | ✓ | | | | ✓ | | |
| 2. Preparation and publication of land use master plan | | | ✓ | | ✓ | | | ✓ | | | ✓ | | | | ✓ | |

| | | | | | | | | | | | | | | | | | | | |
|---|--|--|---|--|---|--|--|--|---|--|--|--|--|--|--|--|--|--|---|
| 3. Online publication of governorates ATLAS | | | ✓ | | ✓ | | | | ✓ | | | | | | | | | | ✓ |
|---|--|--|---|--|---|--|--|--|---|--|--|--|--|--|--|--|--|--|---|

What happened?

This commitment aims to improve the accessibility of public geographical information by publishing basic geographical data, urban plans, land use, and atlases.

Geographical information published by the government have been historically scarce in Tunisia, except for limited social and economic data available on the National Statistics Institute (INS) website.

The completion level for milestone one has been coded as limited. According to reports from the OGP national steering committee, the Ministry of Equipment, Housing, and Urban Planning contracted a firm in early 2015 to develop a Geographical Information System. Development was complete by April 2015 and deployment of this system is expected before the end of the year 2015. The geographical data from this system will be published online.

The completion level for milestones two and three have been coded as substantial. Over the course of the year 2015, the Ministry of Equipment, Housing, and Urban Planning has published several digital geographical resources on its website.¹

At the time of writing this report, urban plans for six territorial zones,² and 16 out of 24 governorate atlases were available³ in PDF format, which does not put it on a high level for open data.

Did it matter?

The IRM researcher coded the overall potential impact of this commitment as moderate. This commitment is a first step at exposing corruption risks in urban planning, by making information available to interested stakeholders from civil society and the private sector.

As stated by Transparency International,⁴ several corruption risks are associated with urban planning, resulting in detrimental and sometimes fatal consequences, such as the following:

- Collapsing structures, deadly fires, and lethal mudslides due to bribes from developers and slumlords, which helped dodge building standards and zoning laws, thus helping to create extreme vulnerabilities and ineffective disaster responses;
- Failing basic services in health, water, and education due to budgets being embezzled, delivery skewed towards the rich, and rollout deliberately blocked to allow private vendors to overcharge consumers;
- Dysfunctional urban planning and development as a product of public works projects, land use, and zoning used as vehicles to channel business and speculative gains to powerful contractors and developers.

Some CSOs expressed their dissatisfaction with the technical format of the urban plans and the atlases, which they found lacking the reusability⁵ function.

Despite early reactions, it is too early to evaluate the full impact of this activity since the data has just been released. CSOs expect some critical datasets to be available such as the land registry (the Cadastre).

Moving forward

Stakeholders recommend using machine-readable reusable technical formats such as CSV (instead of PDF or other closed formats) so that interested parties can freely use the geographical data in business or social contexts.

Stakeholders also recommend a more proactive promotion effort to engage the public with the newly published datasets because these materials would be ineffective if interested stakeholders were unaware of its existence.

In addition to publishing the information in an open and accessible format, the IRM researcher also recommends allocating a budget for this commitment. This would allow contracting domain experts and consulting firms to help datasets producers set up the right processes of data production and updates, thus guaranteeing the sustainability of the effort.

¹ Ministry of Equipment, Housing, and Urban Planning, <http://www.mehat.gov.tn>

² Urban Planning Resources, <http://bit.ly/1RkMqnr>

³ Governorate Atlases, <http://bit.ly/1mW4SGE>

⁴ “Consultancy to Product 2-3 Case Studies on Urban Corruption Issues that Urban Planners Are Exposed to in Fast Growing Cities in East and Southern Africa,” TI, <http://bit.ly/1PVz6Tn>

⁵ Stakeholders Forum, September 2015.

20: Transparency in environment protection

Commitment Text:

- *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).*

Lead Institution: 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.*

Lead Institution: Ministry of Equipment, Territory Planning, and Sustainable Development (Secretariat of State in Charge of Sustainable Development)

Start Date: July 2014 **End Date:** June 2016

| Commitment Overview | Specificity | | | | OGP value relevance | | | | Potential impact | | | | Completion | | | |
|---|-------------|-----|--------|------|-----------------------|---------------------|-----------------------|--|------------------|-------|----------|----------------|-------------|---------|-------------|----------|
| | None | Low | Medium | High | Access to information | Civic participation | Public accountability | Tech. and innov. for transparency and accountability | None | Minor | Moderate | Transformative | Not started | Limited | Substantial | Complete |
| OVERALL | | | ✓ | | ✓ | ✓ | | | | | ✓ | | | ✓ | | |
| 1. Creation of an environment and sustainable development observatory | | | ✓ | | ✓ | | | | | | ✓ | | | ✓ | | |
| 2. The adhesion of Tunisia to the Aarhus Convention | | | ✓ | | ✓ | ✓ | | | | | ✓ | | | ✓ | | |

What happened?

This commitment aims at improving the accessibility of public environmental information by creating a dedicated observatory. The observatory will publish environmental and sustainable development data, such as water quality, diseases, and pollution.

Environmental information published by the government historically has been limited and scarce.¹

According to reports from the OGP national steering committee, the Ministry of Environment and Sustainable Development drafted an Executive Order to create the observatory. The Ministry of Finance is reviewing the draft order and will later present

it to a Ministerial Board including the Chief of Government for final approval and adoption.

According to the same source, the necessary documentation for joining the Aarhus Convention has been prepared.² The Aarhus Convention grants the public rights concerning access to information, public participation, and access to justice in governmental decision making processes on matters concerning the local, national and transboundary environment. It focuses on interactions between citizens and the government. Tunisia's application process is pending a review by the Chief of Government and adoption by Parliament.

Did it matter?

This commitment represents an important step in opening government held information on environment. Historically, environmental information published by the government has been limited and scarce.³ Despite significant and steady awareness and improvements over the past decade, the region of Tunisia is threatened by declining per capita water resources, loss of arable land, pollution-related health problems, deteriorating coastal zones, and vulnerable marine resources.⁴ An example of a strong public mobilization related to the environment topic came in the summer of 2014, in the city of Djerba, when locals clashed with the police in trying to prevent trucks carrying large amounts of trash from entering a local landfill.⁵

At present, it is difficult to assess whether the commitment has had any impact since the government has shared few details about the convention application process, documentation, or the specific and detailed goals of the observatory.

Moving forward

In becoming a signatory of the Aarhus Convention, several choices have to be made regarding justice mechanisms. These choices will impact the performance of the yet to be established environmental court. When establishing environmental courts, the IRM researcher recommends that the government consider consulting national and international experts in the environment and legal domains. The OpenGov Guide⁶ recommendations might provide useful starting points, such as the following:

- Improve access to information regarding environmental matters;
- Ensure meaningful public participation in the decision making process concerning environmental matters;
- Ensure avenues for redress in the event of environmental harm are available to the public.

¹ Ministry of Environment and Sustainable Development, <http://bit.ly/1JjhACe>

² United Nations Economic Commission for Europe (UNECE), "Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters" (Aarhus Convention), 25 June 1998, <http://ec.europa.eu/environment/aarhus>

³ Ministry of Environment and Sustainable Development, <http://bit.ly/1JjhACe>

⁴ "Environment Sector Brief," Middle East and North Africa, World Bank, September 2008, <http://bit.ly/1sdCvOd>

⁵ Rania Said, "Djerba, Tunisia: Garbage Disposal, the Environmental Crisis, and the Awakening of Ecoconsciousness," *Jadaliyya*, 1 September 2014, <http://bit.ly/1ZjnJXQ>

⁶ "Establish Independent Mechanisms for Access to Justice in Environmental Affairs," *Open Government Guide*, <http://bit.ly/1RBstJr>

V. Process: Self-assessment

Each OGP-participating country is required to publish a self-assessment report. The Tunisian government published its draft report one week before the set deadline, which resulted in very little feedback.

Table 2: Self-assessment checklist

| | |
|--|-----|
| Was the annual progress report published? | Yes |
| Was it done according to schedule? | Y |
| Is the report available in the administrative language(s)? | No |
| Is the report available in English? | Y |
| Did the government provide a two-week public comment period on draft self-assessment reports? | N |
| Were any public comments received? | N |
| Is the report deposited in the OGP portal? | Y |
| Did the self-assessment report include review of consultation efforts during action plan development? | Y |
| Did the self-assessment report include review of consultation efforts during action plan implementation? | Y |
| Did the self-assessment report include a description of the public comment period during the development of the self-assessment? | Y |
| Did the report cover all of the commitments? | Y |
| Did it assess completion of each commitment according to the timeline and milestones in the action plan? | Y |

Summary of additional information

More than 60 CSOs created a coalition “OGP.Dialogue” to engage with the consultation and the action plan implementation in response to weak advocacy efforts by the government. The coalition set up a series of events and activities with the goal to establish a sustainable civil society platform to work on OGP goals.

The government’s self-assessment draft report was published on 23 September 2015. The e-Gov Unit complained about the lack of feedback from government and CSOs.

The self-assessment report was published on the OGP international portal on the 30th of September 2015.

On 1 October 2015, the OGP.Dialogue coalition started a public survey to assess the action plan progress by civil society.¹

¹ OGP Dialogue Tunisie, <http://bit.ly/10pUqxB>

VI. Country context

This section places the action plan commitments in the broader national context and discusses concrete next steps for the next action plan.

The Arab Spring had its genesis in Tunisia, starting in December 2010. It was triggered by the self-immolation of a street vendor Mohammed Bouazizi who, out of protest to ongoing corruption and humiliation by police officials, set himself ablaze at the local governor's office in the town of Sidi Bouzid. Protests ensued, spreading throughout the country, calling for the removal of long-time dictator President Zine El Abidine Ben Ali who had been power for 23 years. President Ben Ali was subsequently ousted on 14 January 2011, and he fled to Saudi Arabia. A three-year long process of political reform and democratic transition followed, culminating in the adoption of a new constitution on 26 January 2014 and the first democratic parliamentary elections held on 26 October 2014. Subsequent presidential elections were held on 23 November 2014.

While Tunisia is seen as the only "successful" post-Arab Spring country to date, the country still face significant challenges. These challenges range from the need for greater political and legal reform to the protection of human rights to addressing public sector corruption and to the ongoing threat of (and implications from) terrorist attacks.

In general, Tunisia realized significant progress in strengthening protection for human rights following the adoption of the new constitution. One of Tunisia's strengths when it comes to OGP is that it has a strong constitutional foundation that supports open government principles and constitutionally enshrined rights to access to information (Article 32), local participatory democracy (Article 139) and ability to seek public integrity and accountability (Article 15). Although article 139 of the new constitution mandates that local governments (municipal level) must embrace participatory democracy and open government principles, specific mechanisms and laws have yet to be drafted and implemented.

Although the constitution is heralded as an example of a modern constitution that upholds freedoms, according to Human Rights Watch (HRW), the new constitution contains several weaknesses and ambiguities that could be used to suppress rights. For example, it contains a provision prohibiting "attacks on the sacred," which could be used to prosecute statements concerning religion or religious beliefs that the authorities consider "defamatory," contrary to freedom of expression guaranteed contained in article 31.¹

A further point of controversy concerns a proposed law of "Economic Reconciliation," presented by the new president to the Parliament. This proposal created heated debate in society and spurred several popular protests by opponents who consider the law a denial of accountability for civil servant corruption under the Ben Ali regime.² This is compounded by significant ongoing corruption within the public administration and evident in the police force, customs office, and the judiciary,³ which feeds citizen mistrust towards the government.⁴ For example, in 2012, 75 judges were summarily dismissed for alleged corruption or links to the Ben Ali regime.

Another area of concern has been the ensuing aftermath from the recent terrorist attacks. Tunisia suffered several recent terrorist attacks, which resulted in the deaths of military, police, and civilians, including foreign tourists. A state of emergency was declared on 4 July 2015 after a terrorist attack claimed the lives of 38 tourists at the beach resort town of Sousse. The state of emergency has made it harder for civil protests to occur, and often they are met with police repression and violence. The media and human rights organizations still report torture practices. The continued state of

emergency has created a sentiment of continued impunity by the state with reference to pre-democratic unconstitutional and illegal practices.

Since the ousting of Ben Ali, Tunisian CSOs have been vibrant and effective in influencing the outcomes of political decision making during the democratic transition period.⁵ In response to weak government advocacy on OGP issues, dozens of CSOs united under one banner, OGP.Dialogue, actively engage in the OGP process.⁶

In light of the above socio-political context, stakeholders feel that the next national action plan should focus more directly on addressing key open government challenges facing Tunisia. Tunisia's adherence to the OGP in 2014, and its first 2014-2016 action plan offer a relevant framework for such efforts.

Stakeholder priorities

Civil society stakeholders proposed commitments that were not included in the final action plan, such as the publication of all the information related to mining and oil contracts. Stakeholders did not single out any specific commitment as the most important in the current action plan, since the OGP covers a variety of topics that cannot be ranked in order of priority. These topics range from access to information commitments to revision and drafting of laws, and include several consultations and participatory activities with the public.

Tunisia boasts a vibrant, diverse, and well-established civil society. A recent report prepared for the OECD, titled "What Does Civil Society Want?,"⁷ confirms that "a wide variety of diverse organizations – working across sectors, issue areas and geographies, as well as of wide ranging sizes – are eager and ready to incorporate open government principles into their existing roles." Furthermore, organizations are willing "to simplify and translate open government concepts to the citizens with whom they are closely connected."

It is commonly perceived that the government's open government work to date is superficial.⁸ Meanwhile, stakeholders agree that open government efforts at the local government level need to be decentralized. Moreover, stakeholders believe that problems will be solved only if the government's implementation methodology is improved to make commitments more specific, measurable, attainable, relevant, and time-bound.

Civil society stakeholders also recommend being more selective in future commitments by including only commitments that involve "opengov champions" within the public administration. In an interview the IRM researcher conducted, a representative from the Arab Institute of Business Leaders affirmed the need for selectivity, which would save time and effort and would keep the government stakeholders focused on what is reasonably achievable.

Based on stakeholder discussions, stakeholders identified several measures and activities as priorities for the next action plan:

- Include specific commitments targeted at municipalities, with a focus on public participation and accountability.
- Publish detailed information about the natural resources contracts and agreements.
- Reform the executive branch accountability mechanisms towards more credibility, transforming the National Court of Audit to make it independent from the executive branch.
- Reform the accountability mechanisms of the judicial system, the police, and the armed forces.

Scope of action plan in relation to national context

Currently, the designated authority responsible for OGP in Tunisia, the e-Gov Unit, has limited resources dedicated to the action plan. Two to three people are partly or fully assigned to the OGP action plan, and there is no dedicated budget for the action plan coordination, promotion, and implementation of specific commitments. As a result of the limited mandate, the action plan tends to be oriented toward technology, and the commitments on transparency or accountability depend on other government departments and structures.

Tunisia's next action plan can turn the country's challenges into reform opportunities with an action plan and commitments that reflect the OGP values of transparency, accountability, and civic participation, as articulated in the OGP Declaration of Principles and the Articles of Governance.

More specifically, the government may consider working on the following:

- Making the police more accountable, by publishing a detailed budget, including how it is organized, local level members facing the public, statistics about personnel, equipment, recorded crimes, arrest and clearance rates, etc.;
- Making the judicial system more transparent by publishing a detailed budget, including lines of leadership, statistics about personnel, trials, etc.;
- Making the natural resources exploitation more transparent by publishing existing contracts and other related documentation, including public offering documentation and agreements signed with extractive companies;
- Making access to information work in practice and instilling a culture of accountability throughout the public service.

VII. General recommendations

This section recommends general next steps for Tunisia’s OGP process in general, rather than for specific commitments. These recommendations come from the commitment evaluations above, stakeholder consultations, and the IRM researcher’s analysis of the process of developing and implementing the section action plan.

The IRM researcher recommends the following:

- Improve the government’s implementation methodology to make it more specific, measurable, attainable, relevant, and time-bound. Resources and funding of the commitments should be adequately planned and budgeted.
- Tackle issues that have not been included in the first action plan such as police, customs and judiciary related reforms. Ongoing corruption within the public administration—evident in the police force, customs office, and the judiciary⁹—feeds citizen mistrust towards the government.¹⁰
- Raise the level of public participation from “information and consultation” to “involvement and collaboration.” The government can, for example, establish and fund a government-civil society joint body to achieve common goals. The body could set out common goals, including commitments related to civil society’s role in the policy process, service delivery, and holding government accountable.
- Rethink the structure of the Tunisia OGP national steering committee to include the Parliament to speed up the process of parliamentary consultations and passing important laws.

Top SMART recommendations

Beginning in 2014, all OGP IRM reports should include five key recommendations about the next OGP action planning cycle. Governments participating in OGP will be required to respond to these key recommendations in their annual self-assessment reports.

| <i>TOP FIVE ‘SMART’ RECOMMENDATIONS</i> |
|--|
| 1. Involve the largest possible number and most geographically diverse civil society organizations and private sector representatives in the development and implementation of commitments. This should include national, regional, and local promotion and awareness-raising activities, as well as allocating the necessary budgets and human resources for all commitments. In addition, the Parliament should be involved in government accountability-related commitments and commitments entailing the drafting of laws. |
| 2. Publish detailed information about natural resources and all binding contracts in an easy-to-use format. |
| 3. Implement an “Open Justice” system that would render the legal processes open and transparent to deter inappropriate behavior on the part of the court or an abusive counterpart. This includes the contents of court files available online. |
| 4. Revise the legal framework to make the National Court of Audit independent from the executive branch to remove the current structural flaw (where the government is its own judge), which is undermining the credibility and accountability of the legal system in Tunisia. |

5. Implement an “Open Budget” process at the municipal level in all municipalities. This requires prior publication of all budget-related information online and a clear participatory mechanism that pushes the boundary of participation from mere consultation to citizens’ empowerment.

¹ Human Rights Watch (HRW), “Country Summary: Tunisia,” January 2015, <http://bit.ly/1P03bnG>

² Nada Ramadan, “Amnesty for Corrupt Ben Ali Cronies, Despite Tunisia Protests,” News, New Arab, 3 September 2015, <http://bit.ly/1SNuDog>

³ “Country Summary: Tunisia,” 2015, <http://bit.ly/1P03bnG>

⁴ Farah Samti, “In Tunisia, a New Reconciliation Law Stokes Protest and Conflict Instead,” Foreign Policy, 15 September 2015, <http://atfp.co/1OwzW9B>

⁵ Veronica Baker, “The Role of Civil Society in the Tunisian Democratic Transition,” University of Colorado Boulder CU Scholar: Undergraduate Honors Theses, November 2015, <http://bit.ly/1RkPFep>

⁶ Rayna, “Opening Up Governance: OpenMena Joins Public Consultation Process in Tunisia,” Open Mena, 23 May 2014, <http://bit.ly/1mWcXlr>

⁷ Nada Zohdy, “What Does Civil Society Want? Broadening and Deepening Civil Society Involvement in Tunisia’s Open Government Reforms,” 2015 (unpublished).

⁸ Several members of the “OpenGovTN” advocacy group often react with skepticism when the government announces new open government related measures. “OpenGovTN,” Facebook, <https://www.facebook.com/groups/OpenGovTN>

⁹ “Country Summary: Tunisia,” 2015, <http://bit.ly/1P03bnG>

¹⁰ “In Tunisia, a New Reconciliation Law Stokes Protest and Conflict Instead,” Foreign Policy, 2015, <http://atfp.co/1OwzW9B>

VIII. Methodology and sources

As a complement to the government’s self-assessment report, well-respected governance researchers, preferably from each OGP participating country, write an independent IRM assessment report.

These experts use a common OGP independent report questionnaire and guidelines,¹ based on a combination of interviews with local OGP stakeholders as well as desk-based analysis. This report is shared with a small International Expert Panel (appointed by the OGP Steering Committee) for peer review to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government’s self-assessment report and any other assessments of progress by civil society, the private sector, or international organizations.

Each local researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency and, when possible, makes public the process of stakeholder engagement in research (detailed later in this section). In national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

Interviews and focus groups

Each national researcher will carry out at least one public information-gathering event. Care should be taken in inviting stakeholders outside of the “usual suspects” list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g. online surveys, written responses, follow-up interviews). Additionally researchers perform specific interviews with responsible agencies when the commitments require more information than provided in the self-assessment report or accessible online.

The IRM researcher organized one stakeholder forum for civil society in Tunis on 8 September 2015,² which was conducted according to a focus group model. The group discussed the 20 action plan commitments providing specific comments and suggestions. Several recurring suggestions emerged through the discussion such as the need for more promotional efforts by the government to engage with the broader public, reaching out to the different regions of the country, and allocating a reasonable budget for the implementation of the action plan. The researcher also conducted a stakeholder meeting on 9 September 2015, with government representatives and civil society organizations involved in the OGP action plan. The meeting focused on the progress and challenges of each of the 20 commitments. Information also was collected by a series of face-to-face and telephone interviews with civil society stakeholders and government staff involved with the OGP action plan.

Here is the list of consulted people with their affiliation:

| Name | GOV/SCO | Organization |
|-----------------|---------|--|
| Souhail Alouini | ARP | Membre de la Commission Gouvernance, Réforme Administrative et Lute Contre la Corruption |

| | | |
|---------------------|-----|--|
| Khaled Sellami | Gov | Présidence du Gouvernement / e-Gov Unit |
| Khaled Tarrouche | Gov | Ministère de l'Intérieur |
| Faiza Limam | Gov | Présidence du Gouvernement / Bureau Central des Relations avec le Citoyen |
| Aicha Karafi | Gov | Ministère des Finances / Cabinet du Ministre |
| Khaoula Bohli | Gov | Présidence du Gouvernement / Direction des Réformes et des Etudes Administratives |
| Henda Oueslati | Gov | Présidence du Gouvernement / Service Juridique |
| Walid Elfehri | Gov | Présidence du Gouvernement |
| Kais Bedhief | Gov | Ministère de l'Équipement |
| Rebha Chouaib | Gov | Ministère de l'Environnement |
| Imen Essid | Gov | Présidence du Gouvernement / Haute Instance de Contrôle Administratif et Financier |
| Jamel Rouis | Gov | Ministère de l'Équipement / Direction de l'Aménagement urbain |
| Tarek Bahri | Gov | Présidence du Gouvernement / Gouvernance |
| Riadh Abbas | Gov | Ministère des Finances |
| Lassaad Msehli | Gov | Instance Nationale de Lutte Contre la Corruption |
| Chiraz Ben Tahar | Gov | Présidence du Gouvernement / e-Gov Unit |
| Kais Mejri | Gov | Ministère de l'Industrie |
| Khaoulalabidi | Gov | Présidence du Gouvernement / Direction Générale Formation |
| Ons Ben Abdelkarim | SCO | Albawsala |
| Khalil Azzouz | SCO | Albawsala |
| Maher Kallel | SCO | IACE |
| Abdelhamid Jarmouni | SCO | OpenGov.tn |
| Anissa Ben Hassine | SCO | Academic |
| Lorand Revault | SCO | Touensa |
| Asma Cherifi | SCO | TACID |
| Sarhane Hichri | SCO | Opengov.tn |
| Selima Abbou Bey | SCO | Touensa |
| Charfeddine Yacoubi | SCO | ATCP |
| Souhail Nabli | SCO | Nour |
| Achref Aouadi | SCO | I watch |
| Nabil Kesraoui | SCO | Transparency First |
| Chiheb Ghanmi | SCO | Transparency First |
| Farah Hached | SCO | Labo Democratique |
| Samahkrichah | SCO | Labo Democratique |

| | | |
|------------------|-----|------------|
| Hatem Ben Yacoub | SCO | Opengov.tn |
|------------------|-----|------------|

Document library

The IRM uses publicly accessible online libraries as a repository for the information gathered throughout the course of the research process. All the original documents, as well as several documents cited within this report, are available for viewing and comments in the IRM Online Library in Tunisia, at <http://www.opengovpartnership.org/country/tunisia>.

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a biannual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts' Panel is:

- Yamini Aiyar
- Debbie Budlender
- Hazel Feigenblatt
- Jonathan Fox
- Hille Hinsberg
- Anuradha Joshi
- Liliane Klaus
- Rosemary McGee
- Gerardo Munck
- Ernesto Velasco

A small staff based in Washington, D.C. shepherds reports through the IRM process in close coordination with the researcher. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

¹ Full research guidance can be found in the IRM Procedures Manual, available at <http://www.opengovpartnership.org/about/about-irm>.

² Jazem Halioui, "Où en Est l'OpenGov en Tunisie?," Facebook Event of the Civil Society Stakeholder Forum, September 2015, <http://on.fb.me/1mVfLs4>

IX. Eligibility requirements annex

In September 2012, OGP began strongly encouraging participating governments to adopt ambitious commitments in relation to their performance in the OGP eligibility criteria.

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.¹ When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the section on country context.

| Criteria | 2011 | Current | Change | Explanation |
|------------------------------------|--------------------------|--------------------------|-----------|---|
| Budget transparency ² | 2 | 4 | ↑ | 4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published |
| Access to information ³ | 4 | 4 | No change | 4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law |
| Asset declaration ⁴ | 3 | 2 | ↓ | 4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law |
| Citizen engagement (Raw score) | 2 (3.24) ⁵ | 2 (5.00) ⁶ | No change | <i>EIU Citizen Engagement Index</i> raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5 |
| Total / Possible (Percent) | 11/16 (69%) | 12/16 (75%) | ↑ | 75% of possible points to be eligible |

¹ For more information, see <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>.

² For more information, see Table 1 in <http://internationalbudget.org/what-we-do/open-budget-survey/>. For updated assessments, see <http://www.obstracker.org/>.

³ The two databases used are Constitutional Provisions (<http://www.right2info.org/constitutional-protections>) and Laws and Draft Laws (<http://www.right2info.org/access-to-information-laws>).

⁴ Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), <http://bit.ly/19nDEfK>; Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009*, (OECD, 2009), <http://bit.ly/13vGtqS>; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009), <http://bit.ly/1clokyf>; For more recent information, see <http://publicofficialsfinancialdisclosure.worldbank.org>. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and de facto public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at <http://bit.ly/1EjLJ4Y>.

⁵ Economist Intelligence Unit, "Democracy Index 2010: Democracy in Retreat" (London: Economist, 2010), <http://bit.ly/eLC1rE>

⁶ Economist Intelligence Unit, "Democracy Index 2014: Democracy and its Discontents" (London: Economist, 2014), <http://bit.ly/18kEzCt>