

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED
BY TUNISIA**

ARTICLE 12 UNCAC

PRIVATE SECTOR AND PUBLIC-PRIVATE PARTNERSHIPS

TUNISIA (THIRD MEETING)

Policies and measures adopted to implement article 12 of the United Nations Convention against Corruption.

The private sector participates in the anti-corruption effort in two phases:

- State policy focuses in a first phase on encouraging and supporting use of the right system of good governance within private sector institutions, organization of the rules of competition between them and endeavouring to provide an appropriate environment for business and investment based on the principles of transparency and plain dealing. This has been done in particular by developing the provisions relating to commercial companies by issuing the Commercial Company Code, the law on competition and prices, the law reorganizing the financial market, the law on the commercial register, the law on the integrity of financial relations and the law prohibiting money laundering.

- Now, in the second phase, the sector is a partner in combating corruption by virtue of Decree No. 120 of 2011, dated 14 November 2011, section 1 of which states that the Decree aims to combat corruption in the public and the private sectors. Section 9 of the Decree determines the involvement of the private sector through its being subject to the duty to take part in the efforts of the state aimed at combating corruption by devising and implementing adequate mechanisms for eliminating practices likely to encourage the spread of corruption in the public sector, subjecting the practice of various economic activities and commercial transactions between private sector institutions to the principles of lawful competition and strengthening the principles of transparency and plain dealing in the conduct of private sector institutions.

Please provide examples of the successful implementation of domestic measures adopted to comply with article 12.

Despite the achievement of tangible results in the field of organizing the practice of economic activities by the private sector, the participation of this sector in combating corruption is still limited and cooperation and partnership between the public sector and the private sector are in their early stages, so it is not possible to speak about complete initiatives.

Have you ever assessed the effectiveness of the measures adopted to implement article 12? If so, please outline the results of such an assessment including methods, tools and resources utilized.

No complete, official assessment has been conducted of the system to prevent corruption particularly relating to prohibiting conflicts of interest, reporting corruption and declaration of income. The Tunisian Revolution proved clearly that few procedures and measures had previously been established and it is this that requires an assessment to be conducted in order to identify the reasons for this failure and the audits that need to be conducted.

Decree No. 120 of 2011, dated 14 November 2011, contains provisions relating to laying down the basis for the reform operation by establishing the duty to conduct an assessment of the legal framework and the institutional framework in order to bring them into line with the provisions of the Convention and remove the obstacles that limit the usefulness of the preventive measures.

Which challenges and issues are you facing in (fully) implementing the provision?

Since 14 January 2011, Tunisia has been in a phase of reconstruction, one of the most important aspects of which is combating corruption. Work is currently under way to devise and draft a national vision to combat corruption the main characteristics of which were laid down in Decree No. 120 of 2011, dated 14 November 2011, implementation of which began with the appointment of the president of the National Authority to Combat Corruption.