

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY TUNISIA

ARTICLE 7, PARAGRAPH 4 UNCAC

CONFLICT OF INTEREST

TUNISIA (THIRD MEETING)

In application of the provisions of article 7 of the Convention concerning conflicts of interest, the Tunisian legislator has established a general principle in the Statute of senior public servants prohibiting conflicts of interest. The provisions of Section 5 of Law No. 112 of the year 1983, dated 12 December 1983, concerning regulation of the general statute of servants of the State, local public corporations and institutions of an administrative nature is the model of the prohibition of conflicts of interest reiterated in all statutes, such as the statute of the judiciary, the military statute and the statute of security personnel.

Section 5 provides as follows: “No public servant may exercise a private paid activity of any kind regulated by conditions that may infringe this prohibition. No public servant whatever his position shall directly or through an intermediary under any designation whatsoever have an interest in an institution subject to the control of the department in which he works if that interest compromises his independence.

Where relatives of public servants exercise paid private professional activities, a statement of these shall be submitted to the department in which the public servant works. When necessary, the oversight authorities shall take the necessary measures to protect the interests of the department”.

Identification of conflicts of interest between the professional duties and personal interests of public officials and the process used to resolve such conflicts.

The national approach imposes a duty to avoid conflicts of interest upon all civil servants and considers it a general duty that results in the requirement to refrain from any situation involving conflict of interest.

Breach of this duty results in severe sanctions that may be disciplinary or criminal, as well as the possibility of the civil servant being required to remedy the harm done to the department or a third party in the event that this duty has been breached. The control and inspection system ensures respect of this duty by granting wide-ranging powers to prohibit and uncover conflicts of interest.