

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY TUNISIA

ARTICLE 8, PARAGRAPH 4 UNCAC

REPORTING ON ACTS OF CORRUPTION

TUNISIA (THIRD SESSION)

Allowing and encouraging members of the civil service to report acts of corruption

Section 29 of the Code of Criminal Procedure provides as follows: “All authorities and civil servants shall inform the Prosecutor if crimes come to their knowledge during the performance of their duties and shall communicate to him all information, reports and documents pertaining to them. Under no circumstances may a false claim or damage be imputed to them on the basis of the opinions this section enjoins them to express unless ill-intent is proven”.

Section 15 of Decree No. 7 of 2011, dated 18 February 2011, establishing the National Fact-finding Committee on Bribery and Corruption provides as follows: “The State authorities, and in particular the administrative authorities, the various control and inspection authorities and organizations, local authorities, public institutions and establishments, shall provide the Chairperson of the Committee with statements containing all the information included within the terms of reference of the Committee or pertaining to them that has been communicated to them or that they have been able to obtain in the course of their duties in order to help it perform the duties entrusted to it as well as possible. The aforementioned authorities and bodies shall submit this information and these documents directly and spontaneously to the Chairperson of the Committee or at his request when necessary”.

Section 17 of the same Decree provides as follows: “The Governor of the Central Bank of Tunisia, the President of the Financial Market, the President of the Stock Market, the President of the Competition Council and all other relevant bodies shall provide the Chairperson of the Committee with all the information, data and documents in their possession pertaining to the transactions conducted by lending institutions, collective investment institutions, investment companies and companies listed on the stock exchange that fall within the Committee’s terms of reference”.

Framework Decree No 120 of 2011, dated 14 November 2011, concerning combating corruption lays down the same provisions as those imposed upon civil servants to notify cases of corruption and urges them to submit the evidence to the body responsible for combating corruption.

Since its establishment, the National Fact-finding Committee on Bribery and Corruption has been responsible for making effective the duty of notification through holding periodic seminars with a number of relevant civil servants in order to urge them to cooperate with the Committee by submitting all the facts in their possession. These seminars have succeeded in strengthening the trust between civil servants and the Committee and have resulted in cooperation in the form of several public departments and bodies notifying cases of corruption that have been uncovered. The report of the Committee on Bribery and Corruption contains examples of cases of corruption that cooperation has uncovered.

Reporting by a public official of an act of corruption through mechanisms established in accordance with the provisions of the Convention

Section 29 of the Code of Criminal Procedure is the framework that allows civil servants to report cases of corruption. There have been a number of criminal prosecutions based on complaints by the relevant authorities and administrative bodies, especially relating to misappropriation and squandering of public funds.

Since the establishment of the National Fact-finding Committee on Bribery and Corruption on 18 February 2011, the reporting system has seen an important development through the possibility for the Committee to obtain the reports of the control and inspection bodies, as well as the information that is directly referred to it by the relevant departments and bodies, and it is this that has allowed several cases of corruption to be uncovered and investigations and inquiries to be conducted concerning them, in application of the provisions of sections 15 and 17 of Decree No. 7 of 2011, dated 18 February 2011.