



T +33(0)388412560

[www.coe.int](http://www.coe.int)

[pressunit@coe.int](mailto:pressunit@coe.int)

Ref. DC 097(2013)

## **Council of Europe legal experts praise Tunisia's final draft constitution, but highlight possible 'tensions' between civil state and religion, among other concerns**

Strasbourg 18.07.2013 – The Council of Europe's constitutional legal experts, the [Venice Commission](#), today praised efforts made by the Tunisian people to draft a new constitution based on 'universal principles of democracy and human rights'.

The final draft constitution reflects a 'semi-presidential' system of government whereby a directly elected president shares executive power with a prime minister coming from the strongest party in a given election.

The eleven Commission rapporteurs welcome that the draft guarantees such fundamental rights as the right to privacy and the right to a fair trial.

They welcome the creation for the first time in Tunisia's history of an independent constitutional court.

But the experts call for careful refinement to address checks and balances in relations between the president and the prime minister, and request more explicit language to ensure that fundamental rights such as freedom of assembly and association are not limited more than necessary.

They highlight possible 'tensions' between Islam and principles of plurality, neutrality and non-discrimination, and recommend a 'reformulation of Article 6' to specifically proclaim and guarantee freedom of religion and of a provision on constitutional revision that transforms Islam from 'the religion of Tunisia' into 'the religion of the state'.

The [comments](#) (*in French*), requested by the Tunisian Constituent Assembly, do not constitute an officially adopted opinion, but they will be taken into account by Tunisian officials as they move towards a possible adoption of the constitution later this year.

The Venice Commission praised the Assembly's willingness to submit the final draft for review as 'a result of long negotiations and intense judicial reflections.'

### **Note to editors**

The European Commission for Democracy through Law, better known as the Venice Commission as it meets in Venice for four plenary sessions per year, consists of independent legal experts from 59 member states: the 47 Council of Europe member states, plus 12 other countries (Algeria, Brazil, Chile, Israel, Kazakhstan, the Republic of Korea, Kyrgyzstan, Morocco, Mexico, Peru, Tunisia and the USA).

**Contact:** [Panos Kakaviatos](#) Tel. +33 3 90 21 50 27