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**The Carter Center Recognizes Tunisia's National Constituent Assembly Progress; Calls for Increased Public Participation, Outreach, and Transparency**

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After the fall of the authoritarian regime of President Ben Ali, authorities charged with leading Tunisia through the transition period found the existing legal framework to be inadequate to govern the country in this new phase. On March 3, 2011, Fouad Mebazaa, Tunisia's interim president, suspended the former constitution and announced that a new constitution should be written by a democratically-elected body to reflect the will of the Tunisian people whose revolution had enabled regime change and opened the road towards democratic governance. In a historic election on Oct. 23, 2011, Tunisians elected a National Constituent Assembly (NCA) and entrusted its members with drafting a new constitution.

The elaboration of a constitution represents a unique and important historic opportunity to establish and agree upon the fundamental principles of a society, including the protection of civil and political freedoms, the organization of checks and balances, and the shape and role of democratic institutions. Participation of civil society can positively influence the institutional architecture and increase ownership. The process may be long, complex, and at times tedious. Successful constitution making, however, enhances national cohesion and benefits many generations to come.

Tunisia's constitution will be a cornerstone of the country's newly democratic state and its governing institution. If successful, it could serve as an example for other countries in transition in the region. It was with great anticipation therefore that Tunisia's elected officials presented the results of their efforts over several months. The Carter Center congratulates NCA members for the release of the first comprehensive draft document. As NCA members consider the draft constitution in the Plenary Assembly, they will grapple with many significant outstanding questions. In this report, The Carter Center offers an overview of the drafting process, its assessment of these activities and recommendations aimed to support a genuine and credible constitution drafting process.

The Carter Center has observed the work of the NCA since its formation in November 2011 and the subsequent constitution drafting process, meeting on a periodic basis with a broad representation of political and civic stakeholders, attending NCA sessions and following public debate related to its development. The Center assesses the constitution making process and the draft constitution against Tunisia's national legislation and international obligations to uphold fundamental political and civic freedoms, including principles of transparency and participation in public affairs of one's country.<sup>1</sup>

**The constitution drafting process:**

Members of the assembly began the constitution drafting process on Feb. 13, 2012. The NCA created six permanent commissions, each responsible for drafting articles under specific chapters of the future constitution. The commissions conducted several hearings with Tunisian and international experts,

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<sup>1</sup> Article 25, International Covenant on Civil and Political Rights (ICCPR) (ratified by Tunisia on March 18, 1969) which states that every citizen shall have the right and the opportunity (...) to take part in the conduct of public affairs, directly or through freely chosen representatives.

representatives of the government, institutions, civil society and academics, and studied relevant texts. Some NCA members also undertook study trips to countries that have experienced similar constitution making processes. The commissions worked independently from each other, without a common methodology or work plan.

The July 15 deadline for the commissions to submit their drafts, which had been set on June 7 by NCA President Mustapha Ben Jaâfar, came relatively late in the process and surprised some NCA members. As the deadline bore down, the drafting process accelerated noticeably at the expense of carefully worded consensus on controversial and sensitive matters. On July 28, the Constitutional Drafting and Coordination Committee authorized the Legislative and Executive Powers Commission to submit multiple versions of articles related to the structure of the political system upon which no consensus had been established.<sup>2</sup> Aimed at moving the process forward and avoiding blockage on this sensitive aspect, the same methodology was then adopted by several other commissions on various difficult issues. As a result the six commissions followed different procedures – some commissions presented different variants of these articles while others tried to achieve consensus or presented only articles that had received a majority of votes from commission members.<sup>3</sup>

By Aug. 10, all six commissions had submitted their drafts to the Coordination Committee. The compilation of the six commissions' work – sometimes presented as the first draft of the constitution – was released on Aug. 14. At the time of writing, and according to the general rapporteur on the constitution and deputy-president of the committee, Habib Khedher, the Coordination Committee is reviewing the commissions' drafts, and providing feedback and recommendations to each commission on the submissions. The Coordination Commission is not authorized to change the content of the suggested text. Commissions will subsequently resume their work and proceed to another round of expert hearings.

The Carter Center notes that the release of the compilation of the commissions' work in mid-August generated a strong reaction by Tunisian civil society organizations, opposition members, constitutional experts and international actors, among others. Significant questions remain regarding the content of the final text on several controversial issues, including the status of women, criminalization of the defamation of the sacred and the structure of the political system.

Vague wording of some articles and some blatant omissions – including the enshrinement of the right to vote – are regrettable, and should be addressed. The assembly should also make sure that incoherencies in the draft are corrected. In that regard, it should ensure that the supremacy of international law over domestic law, as foreseen in draft article 38, is not contradicted by other provisions as it is currently the case (draft article 17 indeed state that “respect for international conventions is compulsory if they do not contravene this constitution”).<sup>4</sup> Similarly the equality between men and women, enshrined in article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, ratified by Tunisia, and recognized in draft article 22, should not be diluted by other provisions, such as current article 28, referring to the complementarily roles of men and women inside the family.<sup>5</sup> Additionally, the Tunisian state also has an obligation to prohibit

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<sup>2</sup> The Constitutional Drafting and Coordination Committee is tasked with coordinating commission work, preparing a general report on the constitutional drafting project before its submission to the plenary assembly, and establishing a final version of the report (Article 104 of the Rules of Procedure (RoP)). It is composed of NCA President Mustapha Ben Jaâfar from Ettakatol, NCA General Rapporteur Habib Khedher from Ennahdha, his two deputies and the presidents and rapporteurs of the permanent commissions.

<sup>3</sup> Thirty articles of the first draft have been submitted with numerous variants, ranging from two to five options for a single article.

<sup>4</sup> Article 27 of the Vienna Convention on the Law of Treaties (ratified by Tunisia on June 23, 1971) states that a “party may not invoke the provisions of its internal law as justification for its failure to perform a treaty”.

<sup>5</sup> The committee responsible for monitoring and interpreting the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (ratified by Tunisia in 1985) has recognized that complementarity is a lesser standard than full equality. For a more detailed analysis on Tunisia's international treaty obligations on human rights see <http://www.hrw.org/news/2012/09/13/letter-members-tunisian-national-constituent-assembly>.

discrimination based on sex, religion, or other statuses at any time.<sup>6</sup> As a signatory of the International Covenant on Civil and Political Rights, Tunisia is obligated to ensure everyone's right to freedom of expression, whether through public speeches or other means.<sup>7</sup>

The Carter Center therefore urges NCA commissions, when reviewing their drafts, to ensure that provisions of the future constitution uphold Tunisia's international treaty obligations on human rights and fundamental freedoms including the freedom of opinion and expression, the freedom of religion and equality between men and women.<sup>8</sup>

### *Timeframe for the adoption of the constitution*

The absence of a clear work plan and insufficient outreach efforts by the NCA, which could have helped raise public understanding of the complexity of the process, have resulted in increasing distrust of the drafting process. Growing public dissatisfaction and impatience toward decision-makers, in return has prompted political leaders to announce deadlines considered by many as unrealistic.

The announcement made by the rapporteur general on Aug. 13 that the adoption of the final draft of the constitution would be postponed by several months to an undetermined date between February and April 2013 was not surprising in view of the drafting process delays. It was, however, a disappointment to many Tunisian citizens who anticipated a defined end to the transitional period – expectations that had been nourished by numerous political actors who repeatedly mentioned Oct. 23 as a final point for the constitution drafting, despite evident constraints in meeting this deadline.

While it is true that two important documents limit the timeframe of NCA activities to one year<sup>9</sup>, the constitutional act on the provisional organization of public authorities, often referred to as the “little constitution,” which has primacy over all other laws, makes no mention of a specific time period. In addition, it should not be forgotten that the NCA officially started constitution drafting on Feb. 13, 2012, because it had first to adopt several core documents such as the “little constitution,” the NCA's Rules of Procedure, and to prepare the composition of the constituent commissions. Finally, it should be highlighted that comparative examples show that participatory constitution making processes have been lengthy processes, varying between 12 and 18 months and that allowances have been made to extend original estimates or stipulated deadlines.<sup>10</sup>

Several calendars discussed by the Coordination Committee are now on the table for the coming months. Overall, the suggested timelines are quite similar, and differ only in the amount of time dedicated to holding national consultations. None of these calendars has so far been officially adopted.

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<sup>6</sup> Article 2 (1) of the ICCPR states, “Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant without any distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

<sup>7</sup> Article 19 (2) of the ICCPR states, “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

<sup>8</sup> Freedom of opinion and expression (art. 18 UDHR, art. 19 ICCPR), Freedom of religion (art.18 ICCPR), Equality between men and women (art. 2 CEDAW). For a more detailed analysis on Tunisia's international treaty obligations on human rights see <http://www.hrw.org/news/2012/09/13/letter-members-tunisian-national-constituent-assembly>.

<sup>9</sup> The decree 1086 dated August 3, 2011 calling for the elections of the NCA mentions a one year mandate. In addition on Sept. 15, 2011, all political parties represented in the High Authority for the Achievement of Revolutionary Objectives, except for the Congress for the Republic (CPR), signed a declaration limiting the timeframe of NCA activities to one year.

<sup>10</sup> See example cited in *Constitution-Making and Reform: Options for the Process*, published by Interpeace, November 2011. P.49: “The constitutional convention for the United States took nearly four months; ratification by the states took a further forty months. (...) The Eritrean process took 38 months from the proclamation of the constitutional assembly to ratification of the constitution. The South African process took five years from the beginning of multiparty negotiations to the adoption of the final constitution. The Ugandan commission took from 1989-1993 to prepare a draft constitution, and the final constitution was adopted in 1995”. See also *Rédaction d'articles ou d'amendements constitutionnels autour du cas tunisien*, Democracy Reporting International (DRI), 2012.

The Carter Center reiterates that a definitive and realistic work plan, reflecting a consensus among NCA members, should be officially adopted as soon as possible in order to define clearly the next steps of the constitution drafting process. In addition, NCA members should explain to citizens why investing additional time will be beneficial to the process and the final product: a constitution representing all Tunisians in their diversity, forming the bedrock for a new Tunisian democratic state and written for longevity. Establishing a clear path for the process will facilitate the work of the NCA as well as contribute to restoring citizens' trust in their elected representatives.

### *Public consultations and citizens involvement*

In a May 2012 statement on the constitution making process, The Carter Center highlighted the benefit of a participatory process in terms of increased legitimacy and stronger acceptance of the new constitutional order and urged the NCA to create a more inclusive, transparent process.<sup>11</sup> Such a process is one in which citizens are informed about the process and choices at stake, and are given a genuine opportunity to directly express their views. According to a UN General Assembly Declaration, participation in the conduct of public affairs includes the right of citizens to submit proposals to state institutions “for improving their functioning and draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.”<sup>12</sup>

The Center thus welcomes recent initiatives by the NCA, in particular by the team in charge of relations with civil society organizations, to consult citizens by various means. On Sept. 12, the NCA launched a consultation mechanism on their official website to allow citizens to make suggestions on issues of importance to them.<sup>13</sup> Such a consultation, to be effective, should be coupled with a widespread and well-designed information campaign and should ideally also benefit citizens with no internet access. Public administration workers in the regions could assist in relaying public comments to the NCA. In addition, the NCA organized two days of debates with civil society organizations in September. The enthusiasm with which civil society organizations responded to the invitation, with more than 300 participants, shows the thirst for involvement of civil society in the constitutional debate.<sup>14</sup> However several civil society organizations, including many leading ones such as the Tunisian League for Human Rights (LTDH), the International Federation of Human Rights (FIDH), the Association of Tunisian Democratic Women (ATFD) and the Euro-Mediterranean Human Rights Network (EMHRN), boycotted the event regretting among other things that no procedure was put in place to take into consideration the comments and recommendations made by civil society organizations during these two days.<sup>15</sup>

The Carter Center equally welcomes the fact that the draft calendars prepared by NCA members include a period of national debate on the constitution. Comparative examples show that public participation empowers citizens by acknowledging their sovereignty, increasing their knowledge and capacity, and preparing them for participation in public affairs and the exercise and protection of their rights.<sup>16</sup>

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<sup>11</sup> *Guidance Note of the Secretary-General, United Nations Assistance to Constitution-making Processes*, 2009.

<sup>12</sup> The right to take part in the conduct of public affairs is enshrined in Article 25 ICCPR. The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the UN General Assembly on Dec. 9, 1998, states in its article 8 that participation in the conduct of public affairs, includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

<sup>13</sup> See: [http://www.anc.tn/site/main/AR/contribution/contribution\\_citoyen\\_constit.jsp](http://www.anc.tn/site/main/AR/contribution/contribution_citoyen_constit.jsp).

<sup>14</sup> It should be noted that more than 300 civil society organizations wanted to participate, but the NCA had to limit the number of participants to that number because of logistical reasons.

<sup>15</sup> <http://www.tap.info.tn/fr/fr/politique/300-politique/33042-des-associations-et-organisations-boycottent-le-dialogue-sur-le-projet-de-constitution.html>

<sup>16</sup> *Guidance Note of the Secretary-General, United Nations Assistance to Constitution-making Processes*, 2009. *Constitution-Making and Reform: Options for the Process*, published by Interpeace, November 2011, p.49-50 and 86.

The time allocated to public consultations in countries which have conducted similar exercises has varied significantly. But in processes that were considered highly participatory, public meetings have been held countrywide, targeting not only the main cities but also rural areas. Constitution drafting bodies have organized hundreds of meetings and engaged tens of thousands of citizens to better explain the process and issues at stake.<sup>17</sup>

As inclusive and participatory processes are more likely to engender consensus around a constitutional framework, The Carter Center urges the NCA to allocate sufficient time for a national debate on the constitution. In addition, to ensure that the voices of the citizens are effectively taken into consideration, the Center encourages the NCA to set up a formal procedure to analyze, process, and record inputs made during all these various consultation mechanisms.<sup>18</sup>

While NCA-driven consultations are instrumental to create a sense of ownership and build consensus around the future constitution, initiatives by civil society organizations are also fundamental to mobilize support and lobby constituent assemblies. The Carter Center applauds multiple initiatives by civil society organizations: some have organized town hall meetings and information sessions across the country<sup>19</sup> while others have conducted awareness campaigns<sup>20</sup> or established internet sites aimed at informing citizens and gathering their views on the process.<sup>21</sup> The Carter Center welcomes such initiatives that encourage citizens to play an active role in this historic process.

### *Referendum*

According to the proposed calendars, the NCA will consider the entire final draft of the constitution for adoption on March 1, 2013. If the text is not approved at that time by a two-thirds majority, the assembly will consider the text for a second time on March 27, using the same majority requirement. If the final draft of the constitution is not adopted during that session a referendum would be scheduled for May 1, 2013.<sup>22</sup> There are no legal provisions foreseen if a referendum on the draft constitution is not successful.

Following the strong reactions by many Tunisian stakeholders to the first draft of the constitution at its release, many political actors have said publically that passage of the constitution may indeed require a referendum. Given the potential need for a referendum, The Carter Center urges steps to establish a functioning electoral management body as soon as possible to ensure a credible and inclusive democratic process in the case of a constitutional referendum. A credible and inclusive process that can be conducted within the proposed timeframes requires sufficient time for election preparation, starting with voter registration and an update of the voter rolls.

### **Transparency and accessibility of the process**

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<sup>17</sup> Processes that are deemed participatory are for instance: Papua New Guinea [1975], Uganda [1995], South Africa [1996], and Kenya [2005]). Public consultation on a draft constitution or concrete proposals has taken from one week in Timor-Leste [2002] to about four months in Eritrea [1997]. The Timor-Leste period was recognized as too short, but that was the result of pressure to complete the process. *Constitution-Making and Reform: Options for the Process*, published by Interpeace, November 2011, p.50.

<sup>18</sup> *Lessons Learned From Constitution-Making: Processes With Broad Based Public Participation*, DRI, 2011.

<sup>19</sup> Some of these were: Free Sight Association held public meetings in various governorates to present and discuss the constitution draft; I-Watch organized a mock NCA session to introduce youth to the functioning of the Assembly, Atide, Jeunesse Sans Frontières, Conscience Politique, Ofyia Center, Association Majida Boulila and others organized public forums to an occasion for the public at large to meet and interact with NCA members on matters related to the Constitution making process.

<sup>20</sup> See for example the action organized by the youth association Sawty <http://www.youtube.com/watch?v=W7m3opFHJSI&feature=share>.

<sup>21</sup> See for example the website of Al Bawsala, which offers an observatory of the NCA and an interactive platform for voter/politician interaction [www.marsad.tn](http://www.marsad.tn), the website of Mouwatana wa Tawassol which seeks to serve as a hub for information and data related to the NCA and activities by CSOs all around the country <http://www.mouwatana.org> and the website <http://www.tunisie-constitution.org> which allows citizens to comment on the former constitution of Tunisia and give their opinion on various topics.

<sup>22</sup> Article 3 of the Constitutional Act n°2011-6 dated Dec. 16, 2011, related to the provisional organization public authorities.

In addition to ensuring broad participation, constitution drafting processes should provide for transparency and accessibility of the drafting process. A transparent constitution drafting process is one where the public is aware of what is occurring at each stage of the process and can access information easily.<sup>23</sup>

#### *Outreach and communication*

The Carter Center notes that the NCA has failed to conduct sufficient outreach campaigns on its work, even though such campaigns may raise public understanding of the NCA's task and increase its legitimacy. While the Center welcomes the fact that media representatives are granted unrestricted access to the NCA, communication by senior NCA members with the media, including through the official website, has not always been sufficient and regular.

Some NCA members have attributed this shortcoming to the lack of means and logistical support available to conduct communication campaigns. While The Carter Center acknowledges that effective communication strategies require expertise and means, it notes that many donors, institutions, and experts have offered to support the NCA in this endeavor, both technically and financially, they received only general expressions of interest without concrete follow-up on the part of the NCA. Furthermore, actions such as regular press conferences with the media, during which NCA officials could answer questions of journalists, do not involve high financial costs.

The Center encourages the NCA to strengthen its communication with the media and Tunisian citizens by taking advantage of expert advice and the financial support offered by the international community to strengthen its outreach activities. The Center equally encourages media representatives to provide substantive and balanced professional coverage of this important process, and to help bridge the gap between elected officials and their constituents.

#### *Access to the debates of the NCA*

While the NCA Rules of Procedure suggest that its members acknowledge transparency as an important principle, provisions related to the access both to working sessions of the commissions and the plenary sessions of the Assembly have been interpreted inconsistently and mostly restrictively when it comes to civil society organizations, thus hindering their effective access to the debates.<sup>24</sup> The Carter Center also notes that contrary to what is foreseen in the Rules of Procedure, no procedures were established by the NCA Bureau<sup>25</sup> regarding public access to plenary sessions.<sup>26</sup> Access to the NCA therefore still depends on the good will of individual NCA members, making it more and more difficult for civil society organizations that have provided criticisms and recommendations to the institution to have access to it.

The Center strongly recommends that the NCA establish a formal procedure to grant full access and observer status to civil society organizations and interested citizens. The procedure put in place for the open door days with civil society in September, when registration forms could be downloaded from the NCA website, shows that the NCA has the means to deal with an accreditation system based on objective criteria.

As it is currently reviewing its Rules of Procedure, The Carter Center recommends that the NCA clarify Articles 54 and 76 related to the access to the commissions and to plenary sessions, respectively, and ensure that debates are open to the public.

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<sup>23</sup> The UN Human Rights Committee recommends that constitutional reform should be a "transparent process and on a wide participatory basis" (see Concluding observations to the 2005 state report on Bosnia and Herzegovina, CCPR/C/BIH/CO/1, paragraph 8.d.).

<sup>24</sup> The RoP foresee that commission meetings as well as plenary sessions are public Articles 54 and 76 respectively.

<sup>25</sup> The Bureau is composed of the NCA president and nine other NCA members, Article 28, RoP.

<sup>26</sup> Article 76.2 RoP.

## *Accountability*

The Carter Center can attest that the majority of NCA members are aware of the historical task with which they have been entrusted, and are committed and hard working. However, a polemic arose when the very sensitive question of the political system was debated on July 4 in the Legislative and Executive Powers Commission. Only 15 of 22 commission members were present, of which nine were from the same political party. In other instances, significant discussions were conducted without the full participation of all commission members. This is partly due to the fact that some members are part of several commissions, whose work sometimes overlaps, yet other absences occurred without apparent justification. The media has widely covered these absences, which have led to a negative perception of the NCA by Tunisian citizens.

The Center encourages the NCA to implement the provisions of the Rules of Procedure that foresee sanctions in case of repeated unjustified absences to create increased accountability of NCA members to their work and the expectations of their constituents.<sup>27</sup> In addition, while revising its Rules of Procedure, the NCA should consider introducing financial penalties (such as the nonpayment of bonuses) in cases of recurring absences.

## *Access to official documents*

The Rules of Procedure require commissions to post reports prepared by commission rapporteurs or their deputies on the NCA website, after internal commission approval.<sup>28</sup> By mid-June 2012, all provisional reports of the six constitutional commissions were published on the NCA website<sup>29</sup> and, up until the time of this report, 22 reports from other commissions have been published.<sup>30</sup> The Carter Center commends these efforts and encourages this good practice that ensures access to relevant information by interested parties to continue.

The Rules of Procedure do not require verbatim records of meetings to be published. Such documents are, however, a valuable source of information for interested citizens, highlighting issues debated during the sessions. Some assembly members have taken the initiative to publish meetings notes and official verbatim records on their personal Facebook pages or blogs. The Center notes that on Aug. 29, a coalition of activist groups – Al Bawsala, the Nawaat association, as well as citizens of the Tunisian collective OpenGov TN – lodged a formal complaint to the Administrative Tribunal against the NCA for violating the provisions of the Decree-Law related to the access of administrative documents of public bodies.<sup>31</sup> The lawsuit specifically charges the assembly with failing to publish the results of votes, deputies' attendance lists, and the verbatim records of the meetings.

In this regard, The Carter Center welcomes the recent declaration made by the NCA president according to which NCA members' attendance lists as well as verbatim records of the commissions' meetings would be released on the NCA website beginning Sept. 17. Despite this commitment, at the time this report was published, none of these documents were accessible on the website.

The Carter Center emphasizes that the right of access to information is essential to guarantee transparency and to permit the active participation of all stakeholders in the constitutional making process.<sup>32</sup> This right implies that the Tunisian authorities have an obligation under international public law to undertake all possible measures to guarantee simple, rapid, effective, and practical access to all information of general interest.<sup>33</sup>

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<sup>27</sup> Article 53, RoP foresees that the presence of commission members during meetings is obligatory and allows for the disqualification of any member who is absent from more than three consecutive sessions without authorization.

<sup>28</sup> Article 62, RoP.

<sup>29</sup> [http://www.anc.tn/site/main/AR/docs/rapports/constits/liste\\_rapports.jsp](http://www.anc.tn/site/main/AR/docs/rapports/constits/liste_rapports.jsp).

<sup>30</sup> [http://www.anc.tn/site/main/AR/docs/rapports/rapports\\_commissions.jsp](http://www.anc.tn/site/main/AR/docs/rapports/rapports_commissions.jsp).

<sup>31</sup> Decree-Law 41 dated May 26, 2011.

<sup>32</sup> ICCPR, Article 19 (2).

<sup>33</sup> Human Rights Committee, General Comment No. 34 "Article 19: Freedoms of opinion and expression", para. 19.

## Conclusion and recommendations

The Carter Center has conducted meetings with relevant stakeholders, including NCA members and administrative staff, civil society organizations, political parties' representatives, and Tunisian academics to understand the work of the NCA and assess strengths and weaknesses of the constitutional making process thus far. The Center appreciates the commitment demonstrated by all interlocutors in sharing information and discussing potential areas for improvement. With a view to further consolidate the gains of the revolution towards the establishment of a transparent and participatory system of governance, The Carter Center encourages the NCA to consider the following recommendations:

- Ensure that provisions of the future constitution uphold Tunisia's international treaty obligations on human rights and fundamental freedoms.
- Establish a detailed work plan and time table for the adoption of the constitution to ensure better planning and progress as well as to provide the public with greater visibility on the way forward.
- Plan for sufficient time to prepare and conduct a much needed national debate on the constitution, since an inclusive and participatory process is more likely to engender consensus around the new constitutional framework.
- Establish a formal procedure to receive, analyze, and process submissions, as well as to record comments and suggestions expressed during consultations between NCA members and citizens.
- Create a functioning electoral management body as soon as possible to ensure that in the case of a constitutional referendum, a credible, inclusive process can be conducted within the proposed time frames.
- Improve communication with the media and Tunisian citizens by taking advantage of expert advice and the financial support offered by the international community to strengthen its outreach activities.
- Encourage media representatives to provide substantive and balanced professional coverage of this important process, and to help bridge the gap between elected officials and their constituents.
- Implement the provisions of the Rules of Procedure that foresee sanctions in case of repeated unjustified absences to encourage greater accountability and input on critical issues.
- Ensure that plenary sessions of the NCA and commission debates are open to observers, and establish a formal, transparent and objective accreditation system to grant access and observer status to civil society organizations and interested citizens.
- Publish and disseminate in a timely manner all NCA official documents – minutes, reports, decisions, and lists of presence – including by posting them on its website.

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