

Decrees and ministerial orders

PRESIDENCY OF THE GOVERNMENT

Decree n° 2014-4030 dated 3 October 2014, approving the code of conduct and ethics of the public official.

The Head of Government,

Having regard to the constitutional law n° 2011-6 dated 16 December 2011,

Having regard to the constituent law n° 2011-6 dated 16 December 2011, relating to the temporary organization of public authorities, as amended and completed by organic law n° 2014-3 dated 3 February 2014 and organic law n° 2014-4 dated 5 February 2014,

Having regard to law n° 66-27 dated 30 April 1966, promulgating the labor code and all the amending and completing texts notably decree law n° 2011-115 dated 2 November 2011, relating to the freedom of press, printer and edition,

Having regard to law n° 83-112 dated 12 December 1983, relating to the general status of the personnels of the state, local collectivities and public establishments with administrative nature and all amending and completing texts notably decree law n° 2011-89 dated 23 September 2011,

Having regard to law n° 85-78 dated 5 August 1985, relating to the general status of the officials of the offices, the public establishments with industrial and commercial nature and companies which capital is directly and fully held by the State or the public local collectivities and all the amending and completing texts notably law n° 2007-69 dated 27 December 2007,

Having regard to decree law n° 2011-120 dated 14 November 2011 relating to the fight against corruption,

Having regard to the Republican order n°2014-32 dated 29 January 2014 appointing the Head of Government,

Having regard to decree n° 2014-413 dated 3 February 2014 appointing the members of Government,

Having regard of the administrative tribunal,

Having regard to the ministers council and after informing the president of the Republic.

Decreases the following:

Article one- The code of conduct and ethics of the public officials is approved.

Art. 2- All the public officials belonging to all categories and administrative grades whatever is their hierarchical rank, practicing in the different central, regional or local departments of the State or practicing in the public establishment and enterprises are bound to consider the code herein and respect its rules.

Art. 3- Every single public official shall sign, in a register held for the purpose, as from his recruitment that he did receive a copy of the code of conduct and read it.

The public officials, previously recruited are bound to regularize their situation during the two months following the publication of the code in accordance with the procedures referred to by the first paragraph of this article.

Art. 4- The departments of the secretariat of the state in charge with the governance deals with the issues related to the code of conduct.

They watch over also the fixation of the implementation of these programs in coordination with the competent public structures.

Art. 5- The code of conduct and ethics of the public officials is published in the Official Gazette of the Republic of Tunisia.

Art. 6- The departments of the secretariat of the state in charge with the governance is required to follow up the implementation of the code of the conduct by the public officials and update it in case of need.

Art. 7- The ministers, the secretaries of State, the governors, the presidents of communes, the president directors general and the directors general of the public establishments and enterprises shall, each in his respective capacity, implement the decree herein which shall be published in the Official Gazette of the Republic of Tunisia.

Tunis, 3 October 2014.

The Head of Government

Mehdi Jomaa

**CODE OF CONDUCT
AND ETHICS OF THE PUBLIC OFFICIAL**

PRAMBLE

The civil service requires the implementation of a regulatory and legal framework and structures; it also requires the establishment of an ethical charter in order to gather all stake holders in the project of achieving cohesion and sustainable development.

Aware of the importance of the public sector with its different components (the central departments, the local collectivities, the public establishments and enterprises) in the overall development objective.

In the view of the fact that the assessment of behavior and professional ethics in the public sector as well as the relations among different actors, complies with the international norms of a modern administration and to meet the requirements of good governance in order to provide a protective framework for the public official on one hand and to rationalize his behavior and relations within his professional environment, on the other hand.

Considering that the document herein includes a set of values, principles and criteria intended for the public official to lead and advise him in order to guarantee the respect of the legislation and ensure his commitment to the values of integrity, transparency, accountability and impartiality.

Based on the goal of the code herein aiming at consecrating a system of values for each public official in order to support the applicable nominal system to assist him in the achievement of his professional duties and responsibilities, taking into consideration the expectations and aspirations of citizens in the upright public service, beyond any doubt of corruption in order to restore confidence in the State apparatus.

Aware of the need to decree the rules of behavior and conduct likely to value the professional relationships, to improve the performance and the yield of the public official and enabling him to overcome the situations of interest conflict that he can be faced with during his professional life.

Convinced that the respect of the rules mentioned in this code contributes to the improvement of the administration and management of public affairs, the facilitation for the public official to appropriate the values of integrity, transparency and accountability, the improvement of the work environment and to anchor the good governance basis.

And committed to conceive a framework of code of conduct and ethics in the public sector which claims to be the reference and the basis of the establishment of the codes of sector-based conduct and ethics and specific to each body of public officials and to each sector of activity of public structures.

This code is decreed to the attention of the public official according to his extended conception; he may be appointed or elected, irrespective of the public institution in which he is exercising.

Glossary

In the sense of the code herein, the following terms are understood as the following:

The governance: it is a system of control and orientation on the institutional level which defines the responsibilities, the rights and the relationships among all the concerned categories and the rules and procedures necessary for making reasonable decisions related to each department.

This system supports equality, transparency, accountability and reinforcement of confidence and credibility in work environment.

The public official: it is every person holding the prerogatives and public authority or who works for one of the State departments, a collective territorial, or a public establishment or enterprise or falling within another entity which provides the progress of the civil service.

The transparency: it is the intelligibility within a public institution and in the relation with the citizens (benefiting from the service donors) as well as the accessibility of procedures, goals and objectives.

The integrity: it is the system of values dealing with sincerity, integrity, loyalty and devotion of the public official in achieving his work and this, in order to preserve the image of the institution to which he belongs and the right of citizens to receive the necessary information compared to the actions of the public institutions. This process will allow making sure if the aforesaid actions are compatible with the regulation, the duties and the missions in force.

The efficiency: it is the optima use of the available resources by the public official at the level of the institution to which he belongs. It also means the development of the working methods allowing reaching their targets at least cost.

Accountability: it is the duty which incubates to the appointed or elected public officials, to deliver periodic reports dealing with the results of their works and the degree of their implementation efficiency.

Presentation of accounts: it is the obligation of those practicing public employment to assume the legal, administrative and moral responsibility of their decisions and actions and this, concerning as well the horizontal reporting of accounts (responsibility of public servants before other authorized structures) or vertical (responsibility of the public servant before his electors, the structure to which he belongs and towards the citizens).

The corruption: it reflects every action including abuse of authority, influence or function in order to reach a material or moral private interest to themselves or others.

The malpractice: it is the solicitation or acceptance of profits by the public official for himself or others, directly or indirectly, against the exercise or the refusal to exercise an action falling within his duties.

The nepotism: it is the practice of works for the benefit of one person or one party to which the public official belongs, as a party, a family, a region...etc, undeserving it.

The favoritism: it is a preference granted illegally to one of the parties to the detriment of the others during the provision of a service.

The clientelism: it is the fact of intervening for the benefit of a person or a group without referring to the commitments related to the work principles and to the required skills, notably concerning, as an example, the appointment of a person in a particular post for reasons of kinship or for party affiliation.

The plundering of public money: it refers to the procurement of funds or public properties and will dispose of it unjustly and illegally.

Conflict of interests: it refers to the antagonism between the public employment performed by the public official and his personal interests that would jeopardize the decision making and the method of fulfilling his obligations and responsibilities.

Title one

Values of the work in the public sector

The respect of law: in the performance of his duties, the public official looks forward to respect the law and the legality of his acts.

The equality: the public official looks forward to treat equally and fairly all the users or clients of civil service to which he belongs, whatever are their nature, religion, race, language or philosophical or political affiliation.

The probity: the public official is bound to practice his duties with devotion and honesty without aiming at reaching personal interest.

The neutrality: the public official looks forward, while performing his duties, to not give preferential treatment, or to be partial towards the provision of services.

The integrity: the public official is bound to be honest in his work by respecting the text and the sense of the legal text and does not use his functions to reach a benefit or a personal advantage by looking after maintaining the confidence of the citizen and this, by giving particular attention to the good performance and to the accuracy of procedures applicable to the service.

The efficiency: the public official looks after improving the way for using available human and material resources, and he is bound for this purpose, to optimize his yield basing on the wished performance and to take, as far as possible, the necessary measures in order to rectify used working methods.

The assiduity: the public officials looks forward to respect the working hours and the exercise of his duties with devotion and to avoid any behavior likely to generate a malfunction.

The accountability: the public official performs his duties and accordingly, he is responsible for any impact or effect noticed during the performance of his duties or during making the relating decisions.

Private life: the inviolability of private life of the public official is guaranteed. He is bound to not involve this private life into the performance of his duties.

Title 2

Relationships among public officials

Section 1 - Relationships of the public official with his superiors.

The public official is bound to:

1- Respect his superiors without trying to interfere into their good graces by resorting to servile flatteries.

2- To be submitted to its direct superior and execute its orders and instructions unless it could infringe the law. In this case the public official shall, through writing, get his superior' attention to this infringement and does not execute these orders and instructions unless his superior order him, through writing to execute. In any cases the public official shall refuse the execution of an instruction which could constitute an offence or a crime.

3- Cooperate with his superiors and provide them with his advices and experience and all pieces of information he has and avoid misleading on purpose his superiors.

4- Inform his hierarchical superior about all the infringement of law encountered during the work.

Section 2- Relationships of the public officials with his colleagues

The public official is bound to:

1- Cooperate with his colleagues in advising them and resolving problems and improving the work procedures.

2- Avoid questioning the performances of his colleagues.

3- Behave with respect and courtesy with his colleagues and remain on good terms with them without discrimination.

4- Respect the privacy of his colleagues and abstain from use their private lives with the intention of harming them.

5- Avoid any behavior or practice which may offend the standards of public decency.

6- Contribute in creating a sound and serene working atmosphere.

Section 3: Relationships of the public officials with his subordinates

The public official is bound to:

1- Set an example to his officials by respecting the ethics of the function and the code of conduct of the public officials.

2- Help his officials developing their skills and provide them with good training in order to improve their performances.

3- Evaluate the performances of his subordinates objectively and impartially in accordance with the applicable evaluating system.

4- Respect the rights of the subordinates and cooperate with them without favoritism or discrimination.

5- Assume personally the responsibility of the orders and instructions he gave to his subordinates.

6- Commit to provide in writing his orders and instructions every time he receives from his subordinates a written note reclaiming the illegality of his orders and instructions.

7- Contribute to create a sound and serene working atmosphere and avoid harassing his subordinates and deteriorating their dignity.

Title 3

The public official and his environment

Section 1 - Relationships with the citizens

The public official is bound to provide the citizens with efficient and useful services, according to the primacy of the law, the general interest and the continuity of the public service.

1- The public agent is bound to behave respectfully with the citizen.

2- The public agent shall be available to serve the citizens and reply to the requests in due time.

3- The public agent is bound to respect the rights and interests of the citizens and treat them without distinction as to race, sex, nationality, religion or conviction or political opinion or regional background, wealth or any other form of discrimination.

4- The public official, in the performing of his duties, shall abstain from harming any person or group of person or entity and shall consider the legitimate rights duties and interests of others.

5- The public official shall pay a particular attention to the persons with specific needs and provide them with the necessary help.

6- The public official shall guarantee to the citizens the access to the administrative documents within the limit of his competences and with the respect of the legislation in force.

7- The public official shall abstain from disclosing private data or information he knew in the performing of his duties and use them for non professional purposes.

Section 2 – the public official and media

1- The public official shall not provide any declaration, interference, publication or disclosure of official information or document through the press or other media notably the issues relating to the practice of his duties or the public structure where he works, without the prior authorization of his hierarchical superior or the director of the structure.

2- The public official is bound to abstain from any declaration, in whatever form, which maybe against the duty of professional discretion and the higher interest of the state.

3- The public official shall not proceed to the retention of official document or information which may or shall be published nor broadcast misleading or inaccurate information about issues related to the practice of his duties or the public structure where he works.

4- The public officials shall not communicate information or documents related to the practice of his duties or the public structure where he works unless he respect the law and regulations in force.

Section 3 – the political activity

The public official shall make sure that his contribution to political or intellectual activities does not affect the trust of the public or of his employers about his capability to perform his duties with impartiality and loyalty.

1- The public official shall abstain from using his post in political or partisan purposes.

2- The public official shall comply with every legal restriction relating to the practice of a political or partisan activity by reason of his post.

3- The public official shall perform his duties with impartiality and objectivity regardless his political opinions and membership in any political party.

Title 4

Conflict of interest, official declaration of assets and gifts

Section 1 – Conflict of interests

When the public official considers that he is in a situation of conflict of interests or he is afraid he may be in, he shall inform immediately his hierarchical superior, who shall take appropriate measures to resolve the situation.

Regardless his grade and as soon as he takes up his post the public official shall declare by writing to his hierarchical superior the situations of private interests which may be in conflict with his duties.

Section 2 – Official declaration of assets

Since taking up his post and every time the nature of his post requires, as defined by the law or the status, the public official is bound to declare on his honor his movable and immovable assets, the ones of his spouse and minor child.

The updating or renewing of the declaration is done on a regular basis in accordance with the period provided for by the law or status.

The public official is bound to filling out a declaration at the time of termination of functions.

Section 3– Gifts, advantages and other privileges

The public official shall abstain from requesting, requiring or accepting gifts, donations or any other advantage presented to him or to other persons and could affect, directly or indirectly, the objectivity in performing his duties.

Section 4– parallel activity

The status of public official is incompatible with every activity which is contrary to the honor and dignity of the profession or affecting the performance of his duties.

The public official shall not practice a remunerated parallel activity only after having authorization according to the law and regulations organizing his principal activity.