

## Decree No. 2010-3152 of December<sup>1</sup>, 2010, on the organization of the Ministry of Justice<sup>1</sup>

The President of the Republic,

On the recommendation of the Minister of Justice and Human Rights,

Having regard to Law No. 83-112 of December 12, 1983, on the general status of State employees, local public authorities, and public administrative institutions, together with the texts that have amended or supplemented it, in particular Law No. 2007-69 of December 27, 2007,

Having regard to Decree No. 73-436 of September 21, 1973, on the determination of the functions performed by magistrates of the judicial order and the definition of their profiles, together with the texts that have amended or supplemented it, in particular Decree No. 2009-2196 of July 20, 2009,

Having regard to Decree No. 74-1062 of November 28, 1974, establishing the powers of the Ministry of Justice,

Having regard to Decree No. 75-728 of October 4, 1975, relating to the status of the Inspectorate of the Ministry of Justice,

Having regard to Decree No. 76-843 of September 23, 1976, establishing the rules applicable to members of ministerial cabinets, as amended in particular by Decree No. 2009-2251 of July 31, 2009,

Having regard to Decree No. 80-526 of May 8, 1980, establishing the rules applicable to special advisors to ministerial cabinets, as amended by Decree No. 2000-1182 of May 22, 2000,

Having regard to Decree No. 92-1330 of July 20, 1992, on the organization of the Ministry of Justice,

Having regard to Decree No. 93-1549 of July 26, 1993, establishing citizen relations offices, together with the texts that have amended or supplemented it, in particular Decree No. 98-1152 of May 25, 1998,

Having regard to Decree No. 96-49 of January 16, 1996, establishing the content of plans to upgrade the administration and the procedures for their preparation, implementation, and monitoring,

Having regard to Decree No. 2006-1245 of April 24, 2006, establishing the system for the allocation and withdrawal of functional positions in the central administration,

Having regard to the opinion of the

Minister of Finance, Having regard to

the opinion of the administrative

court. Decrees:

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<sup>1</sup> The title of Decree No. 2010-3152 of December 1, 2010, on the organization of the Ministry of Justice and Human Rights, is repealed and replaced as follows: "Decree No. 2010-3152 of December 1, 2010, on the organization of the Ministry of Justice," pursuant to Article 1 of Government Decree No. 2018-334 of April 6, 2018.

## CHAPTER I – General provisions

**Article 1** – In addition to the Ministry's Senior Committee and the Directors' Conference, the Ministry of Justice comprises:

- the Cabinet,
- the Office of the Attorney General,
- the General Inspectorate,
- <sup>2</sup>
- shared and technical services,
- specific services,
- regional departments.

**Art. 2** – The senior committee of the Ministry of Justice is an advisory body that assists the Minister in examining any matters he deems appropriate to submit to it, particularly those relating to the proper administration of justice and matters concerning institutions under the Ministry's jurisdiction.

The Higher Committee of the Ministry meets at the initiative of the Minister and under his chairmanship. It comprises:

- the Minister of Justice or his representative,
- the Chief Justice of the Court of Cassation,
- the Attorney General at the Court of Cassation,
- the Attorney General, Director of Judicial Services,
- the Inspector General,
- the president of the real estate court,
- the First President of the Tunis Court of Appeal,
- the Attorney General at the Tunis Court of Appeal,
- the general coordinator for human rights,
- the Director General of the Higher Institute of the Judiciary,
- the Director General of the Center for Legal and Judicial Studies,
- the Director General of Prisons and Rehabilitation.

The Minister of Justice may invite any person whose participation in the committee's work is deemed useful.

**Art. 3** – The Directors' Conference is a forum for discussion and information on the general activities of the Ministry and matters of general interest.

The conference of directors meets when convened by the Minister. It examines the progress of the Ministry's work and the main issues submitted to it.

The conference of group directors chaired by the minister or his representative, the directors-general, the directors of the central administration, the regional directors, and any other person whose participation is deemed useful for the items on the agenda.

**Art. 4** – Whenever necessary, study, research, and reflection committees may be created, tasked with carrying out specific missions within the scope of the ministry's responsibilities with a view to preparing a project, studying an issue, or following up on a matter, by order of the Minister of Justice.

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<sup>2</sup> The services of the General Coordinator for Human Rights are abolished pursuant to Decree No. 2012-22 of January 19, 2012, establishing the Ministry of Human Rights and Transitional Justice and setting out its powers.

## CHAPTER II – The Cabinet

**Art. 5** – The Cabinet shall perform all tasks assigned to it by the Minister. It shall be responsible in particular for:

- examining and monitoring matters submitted to the Minister,
- keeping the Minister informed of the general activities of the various departments and institutions under the Ministry's authority,
- communicate the Minister's directives to all officials within the Department and ensure their implementation and follow-up,
- promote and develop international cooperation in the legal and judicial fields,
- liaise between the ministry's departments and various official bodies, national organizations, and the mass media in order to facilitate their contact with the ministry.

The cabinet is headed by a chief of staff, assisted by special advisors and cabinet attachés.

**Article 6 (new) – Amended by Government Decree No. 2018-334 of April 6, 2018** – The following structures are attached to the cabinet:

- the central registry office,
- the research, planning, and programming office,
- the office for monitoring decisions made by the Council of Ministers, ministerial councils, interministerial councils, and relations with the Assembly of People's Representatives,
- the Office of Information Technology and New Communication Methods,
- the Office for Relations with Citizens,
- the Office of Security and Permanence,
- the information desk,
- the legal and litigation office,
- the Office of Support for the Juvenile Justice System,
- the Office of Corrections and Rehabilitation,
- the central governance unit.

**Art. 7** – The central registry office is responsible in particular for:

- receiving, dispatching, and registering mail,
- distributing and tracking mail.

The central registry office is headed by a deputy director of central administration.

**Art. 8** – The research, planning, and programming office is responsible in particular for:

- collecting, analyzing, and disseminating the ministry's statistics,
- contributing to the development of the department's programs and strategies,
- contribute to the development of the department's general plans,
- undertake studies in areas related to the department's activities in coordination with the relevant structures,
- evaluate the results of development plans and propose projects and programs to be included in these plans.

The Office of Studies, Planning, and Programming is headed by a central administration director assisted by a deputy central administration director and a <sup>central</sup> administration department head.

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<sup>3</sup> Art. 8 – New paragraph 2 – Amended by Government Decree No. 2018-334 of April 6, 2018.

**Art. 9** – The Office for Monitoring Decisions of the Council of Ministers, Ministerial Councils, Interministerial Councils, and Relations with the Chamber of Deputies and the Chamber of Advisors is responsible in particular for:

- preparing files relating to ministerial councils, the Chamber of Deputies, and the Chamber of Advisors,
- monitor the implementation of decisions taken at ministerial meetings relating to the activities of the ministry and its subordinate institutions,
- prepare periodic reports on the implementation of these decisions,
- prepare and monitor the files of parliamentary meetings and discussions of laws.

The office responsible for monitoring decisions made by the Council of Ministers, ministerial councils, interministerial councils, and relations with the Chamber of Deputies and the Chamber of Advisors is headed by a member of the cabinet.

**Art. 10** – Repealed by Government Decree No. 2018-334 of April 6, 2018.

**Art. 11** – The Office of Information Technology and New Communication Methods is responsible in particular for:

- monitoring the programs of the Ministry, the courts, and the institutions under the Ministry's authority with regard to the consolidation of the use of new communication methods,
- monitoring the Ministry's programs relating to the creation of databases and their digitization,
- monitoring the intranet of courts and institutions under the Ministry's jurisdiction.

The Office of Information Technology and New Communication Methods is headed by a member of the cabinet.

**Art. 12** – The Office of Citizen Relations is responsible in particular for:

- welcoming citizens, receiving their requests, and investigating them in collaboration with the relevant departments in order to find appropriate solutions,
- responding to citizens directly or by correspondence,
- inform citizens about administrative procedures and formalities concerning the granting of various benefits, either directly by correspondence or by telephone,
- collect and review files received from the administrative mediator and coordinate with the various departments of the ministry to find appropriate solutions,
- identify, through in-depth analysis of citizens' requests, complications in administrative procedures and propose reforms to overcome them.

The head of the citizen relations office is appointed in accordance with the provisions of Article 5 of Decree No. 93-1549 of July 26, 1993, referred to above.

**Art. 13** – The Security and Permanence Office is responsible in particular for:

- manage the department's internal security affairs,
- ensuring and organizing the service's on-call duty during closing hours.

The security and on-call office is headed by a central administration department head.

**Art. 14** – The information office is responsible in particular for:

- establishing and organizing relations with the mass media,

- collecting, analyzing, and disseminating journalistic information concerning the activities of the ministry.

The information office is headed by a member of the cabinet.

**Art. 15** – The Legal Affairs and Litigation Office is responsible in particular for:

- handling litigation matters before the judicial and administrative courts in collaboration with the head of the State Litigation Department,
- drafting individual and regulatory texts,
- participate with the relevant departments in drafting legislative texts relating to the activities of the ministry and its affiliated institutions.

The Legal Affairs and Litigation Office is headed by a central administration director, assisted by a deputy central administration director and a <sup>central</sup> administration department head.

**Article 15 bis** – Added by Government Decree No. 2018-334 of April 6, 2018 – The office supporting the juvenile justice system is responsible in particular for:

- strengthening coordination between specialized juvenile courts and the various actors in the juvenile justice system,
- contributing to the development of programs and strategies aimed at improving the juvenile justice system,
- oversee the development, analysis, and dissemination of periodic reports on juvenile justice,
- contribute to the development of legal texts relating to children's rights,
- evaluate the effectiveness of legal texts relating to children,
- monitoring children placed in correctional centers and children incarcerated in prisons,
- evaluate the functioning of structures under the Ministry of Justice that monitor and deal with children's situations,
- contribute to improving the IT system for juvenile justice,
- contribute to the dissemination of a culture of children's rights.

The Office of Support for the Juvenile Justice System is headed by a central administration director, assisted by a deputy central administration director and a central administration department head.

**Article 15b** – Added by Government Decree No. 2018-334 of April 6, 2018 – The Office of the Penitentiary System and Rehabilitation is responsible in particular for:

- contributing to the development of programs and strategies aimed at improving the prison and rehabilitation system,
- contribute to the drafting of legal texts relating to the prison system and rehabilitation,
- evaluate the results of programs aimed at improving prisons and the situation of prisoners,
- follow up on complaints, reports, and notifications addressed to the ministry,
- monitoring activity reports from prisons and rehabilitation centers,
- evaluate the functioning of structures within penitentiary and rehabilitation institutions,
- carry out visits requested by the Minister to penitentiary institutions and rehabilitation centers,
- monitoring the reports of sentencing judges,
- coordinate with institutions, associations, and national and international organizations concerned with the situation of prisons and prisoners,
- monitor international cooperation programs supporting the improvement of the prison system and rehabilitation.

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<sup>4</sup> Art. 15 – New paragraph 2 – Amended by Government Decree No. 2018-334 of April 6, 2018.

The Office of the Penitentiary System and Rehabilitation is headed by a central administration director, assisted by a deputy central administration director and a central administration department head.

**Article 15 quater – Added by Government Decree No. 2018-334 of April 6, 2018** – The central governance unit is responsible in particular for:

- ensure the proper application of the principles of governance, prevention, and combating corruption within the ministry and its public institutions, in accordance with the regulatory framework in force,
- Participate in the development of national and sectoral programs, strategies, and action plans to promote governance and corruption prevention, ensure their proper implementation, and evaluate them according to criteria and indicators relevant to this area.
- promote a culture of governance, transparency, integrity, and good conduct, and ensure compliance with codes of conduct and ethics and the proper application of procedural manuals,
- representing the ministry before bodies and structures involved in governance and the fight against corruption,
- issue opinions on training and capacity-building programs for public officials, particularly in the areas of governance and corruption prevention;
- strengthen relations between the administration and civil society as part of the commitment to a participatory and consultative approach,
- issue opinions on draft legislation and regulations submitted to the ministry for consultation, or those proposed by it,
- propose mechanisms and procedures that enable the optimal use of available resources in accordance with the principles of governance,
- monitor corruption cases, particularly with regard to the outcome of the case and related statistics, whether they are being audited or subject to an inspection,
- issue opinions on all matters submitted relating to governance,
- coordinating on an ongoing basis with the structures responsible for professional ethics, reporting corruption, quality, relations with citizens, and e-government,

The central governance unit is headed by a director general, assisted by a central administration director, a deputy central administration director, and a central administration department head.

### CHAPTER III – The Office of the Attorney General for Judicial Services

**Art. 16** – The Office of the Attorney General for Judicial Services is responsible in particular for:

- coordinating all relevant services and supervising their activities,
- ensuring the proper execution of the tasks entrusted to all services under its authority,
- prepare the work of the High Council of the Judiciary and ensure the preservation of its documents.

The Office of the Prosecutor General of the Judicial Services is headed by the Prosecutor General, Director of Judicial Services. He is assisted in his duties by attorneys general appointed in accordance with the decree establishing the functions exercised by magistrates of the judicial order.

**Art. 17** – The Office of the Prosecutor General of the Judicial Services comprises:

- the Directorate General for Judicial Affairs,
- the Directorate-General for Civil Affairs,
- the Directorate-General for Criminal Affairs.

**Art. 18** – The Directorate-General for Judicial Affairs is responsible in particular for:

- recruiting magistrates and monitoring their judicial careers,
- taking appropriate measures for the recruitment of bailiffs, notaries, and sworn interpreters and organizing their transfers,

- draw up lists of experts, liquidators, legal representatives, bankruptcy trustees, and judicial administrators,
- supervising the exercise of the professions of court officers.

The Directorate General of Judicial Affairs is headed by a magistrate with the rank of Attorney General appointed in accordance with the decree establishing the functions exercised by magistrates of the judicial order.

**Art. 19** – The Directorate General for Judicial Affairs comprises:

- 1) the Directorate for Judicial Affairs and Judicial Auxiliary Professions, which comprises two sub-directorates:
  - the Sub-Directorate for Judicial Affairs, which comprises two departments:
    - The High Council for the Judiciary and Judicial Careers Service.
    - The recruitment, competitive examination, and training department.
  - The sub-directorate for auxiliary legal professions, which comprises three departments:
    - The bailiffs and notaries department.
    - The service for interpreters, liquidators, legal representatives, bankruptcy trustees, judicial administrators, and experts.
    - The lawyers and technical professions department.

**Art. 20** – The Directorate-General for Civil Affairs is responsible in particular for:

- monitoring of issues relating to nationality and civil status,
- monitoring requests and all civil matters,
- the application of international conventions in civil matters.

The Directorate General for Civil Affairs is headed by a magistrate with the rank of advocate general appointed in accordance with the decree establishing the functions exercised by magistrates of the judicial order.

**Art. 21** – The Directorate-General for Civil Affairs comprises two directorates:

- A. The Directorate of Nationality and Civil Status, which includes a sub-directorate:
  - the sub-directorate for nationality and civil status, which includes one department:
    - The Nationality, Naturalization, and Civil Status Department.
- B. The Directorate of Civil Petitions and Mutual Assistance, which includes a sub-directorate:
  - The Sub-Directorate for Requests and Mutual Legal Assistance, which comprises two departments:
    - The Requests Department.
    - The Mutual Legal Assistance Department.

**Art. 22** – The Directorate General of Criminal Affairs is responsible in particular for:

- monitoring tasks inherent to the Minister's prerogatives in criminal matters,
- monitoring criminal petitions, appeals in cassation in the interest of the law, and requests for review,
- monitoring requests for the lifting of parliamentary, diplomatic, and judicial immunity,
- application of international conventions in criminal matters,
- monitoring requests for pardons, parole, and rehabilitation,
- monitoring the work of judges responsible for enforcing sentences and prisoner cases,
- monitoring the criminal situations of civil servants, Tunisians abroad, and foreigners in Tunisia.

The Directorate General of Criminal Affairs is headed by a magistrate with the rank of Attorney General appointed in accordance with the decree establishing the functions exercised by magistrates of the judicial order.

**Art. 23** – The Directorate General of Criminal Affairs comprises two directorates:

- A. The Directorate of Requests and Mutual Legal Assistance, which includes a sub-directorate:
  - the Sub-Directorate for International Criminal Mutual Assistance, Notifications, and Requests, which comprises two departments:
    - The Notifications, Criminal Requests, and Immunities Department.
    - The International Criminal Assistance, Tunisians Abroad, and Foreigners Department.
- B. The Directorate of Pardons and Sentence Enforcement, which includes a sub-directorate:
  - the sub-department for pardons, parole, rehabilitation, and enforcement of sentences, which comprises two services:
    - The pardons, parole, and rehabilitation department.
    - The Alternative Sentences, Enforcement, and Prisoner Affairs Department.

#### CHAPTER IV – The General Inspectorate

**Art. 24** – The General Inspectorate, under the direct authority of the Minister, carries out inspections of all courts and all departments and establishments under the Ministry's jurisdiction, with the exception of the Court of Cassation.

It is also responsible for:

- collecting and analyzing reports from inspections carried out by the chief justices and chief prosecutors of the courts of appeal, each within their respective areas of responsibility, in order to ensure the proper administration of the courts under their jurisdiction and the normal conduct of business,
- seeking ways to improve the functioning of the courts with a view to facilitating access to justice,
- coordinate and fully supervise all the services under its authority and monitor their activities,
- monitor the progress of work in the various courts and ensure that procedures are standardized.
- submit periodic reports to the Minister containing the results of its missions and submit the necessary opinions and proposals to him,
- give its opinion on draft legal texts submitted to it,
- respond to consultations from departments within the ministry,
- participate in scientific and training activities as well as in various committees.

It may be assigned any other task by the Minister.

The inspection mission is carried out by order of the Minister. Professional secrecy cannot be invoked against the inspector appointed in the course of his or her duties.

**Art. 25** – The General Inspectorate is headed by the Inspector General. It comprises:

- an inspection body.
- an organization, methods, and archives department.

**Art. 26** – The judicial inspection body is responsible in particular for:

- collecting and analyzing inspection reports prepared by the chief justices and chief prosecutors of the courts of appeal, each within their respective jurisdictions, in order to ensure the proper administration of the courts under their jurisdiction and the normal conduct of business,
- receiving, examining, and following up on complaints and requests,
- conducting administrative and disciplinary investigations requested by the Minister.

**Art. 27** – The inspection body comprises:

- a judicial inspection body,
- an administrative and financial inspection body.

**Art. 28** – The judicial inspection body is composed of:

- two deputy inspectors general.
- 6 inspectors.
- 5 deputy inspectors.

The Inspector General and the members of the judicial inspection corps shall be appointed in accordance with the decree establishing the functions exercised by magistrates of the judicial order.

**Art. 29** – The administrative and financial inspection corps is responsible in particular for:

- carrying out control, inspection, and advisory missions in the area of administrative and financial management of the central and regional services of the Ministry and the public institutions under its authority,
- conducting administrative and disciplinary investigations entrusted to it by the Minister,
- giving its opinion on draft texts sent to it by the Minister relating to administrative and financial management,
- prepare reports on the results of its missions at the end of each inspection and submit them to the Minister, and monitor the implementation of the resulting decisions.

**Art. 30** – The administrative and financial inspection body is composed of:

- one deputy inspector general with the rank of director general of central administration,
- two inspectors with the rank of director of central administration,
- two assistant inspectors with the rank of deputy director of central administration.

The members of the administrative and financial inspection body are appointed by decree on the recommendation of the Minister of Justice in accordance with Decree No. 2006-1245 of April 24, 2006, establishing the system for assigning and withdrawing central administration functional positions.

**Art. 31** – The Directorate of Organization, Methods, and Archives comprises two sub-directorates:

- the sub-department for organization and resource development, which includes a service:
  - The Organization, Coordination, Methods, and Services Department.
- The Archives and Documentation Management Sub-Directorate, which comprises two departments:
  - The Current Archives Department.
  - The Intermediate Archives Department.

#### **CHAPTER V – The services of the general coordinator for human rights**

**Art. 32** – Repealed by Decree No. 2012-22 of January 19, 2012.

**Art. 33 – Repealed by Decree No. 2012-22 of January 19, 2012.**

**Art. 34 – Repealed by Decree No. 2012-22 of January 19, 2012.**

**Art. 35 – Repealed by Decree No. 2012-22 of January 19, 2012.**

#### CHAPTER VI – Shared and technical services

**Art. 36 –** Shared and technical services include:

- the general management of common services.
- the General Directorate of Information Technology.

**Art. 37 –** The General Directorate of Shared Services is responsible in particular for:

- coordinating all services under its authority and supervising their activities,
- streamlining the management of the Ministry's human resources and material resources,
- promote social and cultural activities for the benefit of ministry staff,
- prepare the ministry's operating and equipment budgets,
- prepare and execute public contracts.

The Directorate-General for Shared Services is headed by a Director-General of Central Administration.

**Art. 38 –** The Directorate-General for Common Services comprises four directorates:

A. The Administrative Affairs Directorate, which comprises two sub-directorates:

- the Human Resources Management Sub-Directorate, which comprises one department:
  - The Administrative Management Department for court clerks, shared services and manual workers.
- The Recruitment, Training, and Social and Cultural Activities Sub-Department, which comprises two services:
  - The recruitment, training, and development department.
  - The Social and Cultural Action Department.

B. The Financial Affairs Department, which comprises two sub-departments:

- The Payroll, Expenditure, and Scheduling Sub-department, which comprises two departments:
  - The Payroll and Expenditure Department,
  - The Scheduling Department.
- The sub-department of the permanent secretariat of the departmental public procurement commission, which comprises one service:
  - The Building, Studies and Equipment Contracts Department.

C. The Buildings Department, which includes a sub-department:

- The sub-department for studies, planning, land acquisition and maintenance, which comprises two services:
  - The building market research and monitoring department.
  - The land acquisition and building maintenance department.

D. The Equipment Department, which includes a sub-department:

- The sub-department for equipment, supplies, and printing, which includes three departments:
  - The vehicle fleet department.
  - The Equipment Contract Monitoring Department.
  - The Procurement and Printing Department.

**Art. 39** – The IT department is responsible in particular for:

- improving the use of information technology through the preparation, implementation, and monitoring of a rolling IT plan for the department,
- processing and using IT data, and taking care of equipment,
- ensure the security of IT networks,
- structure and implement e-government in the various departments of the ministry and within the courts,
- organize and develop paperless procedures and the quality of online service security.

The Directorate-General for Information Technology is headed by a Director-General of Central Administration.

**Art. 40** – The Directorate-General for Information Technology comprises one department:

- The IT Department, which comprises two sub-departments:
  - The Research and Development Sub-Directorate.
  - The Operations, Maintenance, Networks, and Security Sub-department, which comprises two services:
    - The Operations and Maintenance Department.
    - The Networks and Security Department.

#### CHAPTER VII – Specific services

**Art. 41** – Specific services include the Directorate for International Cooperation, which comprises a sub-directorate:

- The sub-department of external cooperation, studies, and documentation, which comprises two services:
  - The Department of Cooperation with States and Organizations.
  - The Studies and Documentation Service.

#### CHAPTER VIII – Regional Directorates

**Article 42** – Regional directorates of the Ministry of Justice shall be established. The headquarters, organization, and powers of the regional directorates shall be determined by decree.

#### CHAPTER IX – Final provisions

**Art. 43** – All previous provisions contrary to this decree are repealed, in particular Decree No. 92-1330 of July 20, 1992, referred to above.

**Art. 44** – The Minister of Justice and the Minister of Finance shall be responsible, each in their respective areas of competence, for the implementation of this decree, which shall be published in the Official Journal of the Republic of Tunisia.

**Tunis, December 1, 2010.**