



The Carter Center Commends Tunisia’s Electoral Authorities for Successful Voter and Candidate Registration and Encourages Increased Communication

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The Carter Center commends the concerted efforts taken by electoral authorities, civil society organizations, and political parties to prepare for the upcoming parliamentary and presidential elections. Although the Independent High Authority for the Elections (ISIE) experienced challenges in organization and communication, it conducted a comprehensive and inclusive voter and candidate registration processes, ensuring that Tunisian citizens can participate in the upcoming legislative and presidential elections. The Carter Center encourages the ISIE to increase transparency and outreach efforts to help ensure the success of the upcoming polls.

The ISIE, the Regional Authorities for Elections (IRIEs), the regional election administration, civil society organizations, and political parties worked effectively together to ensure that all Tunisian citizens who desire to vote in the upcoming legislative and presidential elections had an opportunity to register. According to the ISIE, 993,696 additional Tunisian citizens registered to vote, bringing the number of registered voters for the 2014 elections to over 5 million.

Although the ISIE suffered at times from a lack of organization and faced logistical, operational, and technical obstacles, none of these problems were serious enough to impede the overall goal of registering as many Tunisian citizens as possible. The ISIE and IRIEs listened to concerns raised by various stakeholders and remained flexible. Efforts to address most of these concerns led to an improved process and a higher number of registered voters. Some 3.3 million registered voters also confirmed their data online.

The candidate registration process, which was conducted from Aug. 22-29, was successful in allowing eligible candidates to register to run in the upcoming legislative polls. The process resulted in 15,652 candidates on over 1,500 lists submitted to the 33 IRIEs by the deadline.

Although the process was inclusive, the objective of gender parity included in Article 24 of the election law unfortunately appears unlikely to be met. The law requires that all electoral lists must alternate female and male candidates, but it does not mandate horizontal parity, meaning there is no requirement that a female candidate appear at the top of the lists. As in 2011, the lack of horizontal parity is likely to result in a smaller number of women being elected to the assembly as many parties are likely to win only one seat in any given constituency.

With a few exceptions, political party representatives expressed satisfaction with the process used by IRIEs to check the lists. ISIE announced on Sept. 6 that 192 lists were rejected for various reasons including: (1) inclusion of candidates who had registered during the second phase of voter registration; (2) withdrawal of some candidates without replacing them; (3) failure to refund the second part of public funding from the 2011 elections by those parties and lists that did not receive three percent of the vote; and (4) inclusion of candidates who had not reached the minimum age of 23 at the time of submission of the lists. The Courts of First Instance have received 133 appeals challenging the rejection of the lists.

While the voter registration period reached a successful conclusion, The Carter Center urges the ISIE to expand efforts to address several issues of concern that arose during the voter registration process that could impact the conduct of the elections. In particular, the Center recommends steps to improve transparency in the work and decision-making processes of the ISIE Council, by improving communication with the public, the IRIEs, and the media, and by ensuring all necessary regulations are completed in a timely manner. In addition, the ISIE should ensure a clear distinction between the roles and tasks of the IRIEs and the regional election administration, as well as consistent understanding and application by the IRIEs of instructions and regulations issued by the ISIE, especially as they relate to voting, counting, and tabulation. Finally, it is important that the ISIE conducts a timely and thorough voter education campaign on the voting process.

The statement below provides an assessment by the Carter Center's international election observation mission of the voter registration process and the candidate registration process for the 2014 legislative elections in Tunisia and preliminary recommendations to stakeholders in the electoral process.

VOTER REGISTRATION

Articles 34 and 54 of the constitution guarantee all Tunisian citizens who are 18 or older the right to vote. Voter registration is an established best practice to help guarantee the right of citizens to participate in the public affairs of their country. Although voter registration is not a requisite component of a successful electoral process, in cases where voter registration is conducted in order to determine eligibility to vote, the concept of universal suffrage requires that broad participation be promoted.¹

The Carter Center is encouraged by the concerted efforts taken across Tunisia by the ISIE, the IRIEs, the regional election administration, civil society organizations, and political parties to ensure that all citizens who desire to vote in the upcoming legislative and presidential elections had the opportunity to register during the recently concluded voter registration period.

The ISIE established 33 voter registration centers to facilitate the registration process, one in each of the 27 electoral constituencies in Tunisia and in six constituencies abroad. The offices were staffed by 2,500 registration workers. In addition, 597 fixed registration offices and 275 mobile offices were set up.

¹ ICCPR, General Comment 25, para. 4 and 11.

During the two registration periods, 993,696 Tunisian citizens were added to the voter list.² Of these, 50.5 percent were women. According to the ISIE, when added to the voters who actively registered in 2011 and remained on the list, the total number of registered voters for the 2014 elections is 5,236,244,³ of which 311,034 are registered to vote abroad.

Turnout steadily increased after July 14, reaching an average of 25,847 registered voters a day in the week prior to the initial deadline of the first voter registration period.⁴ On the last two days, the peak figures reached were more than 73,000 for July 21 and over 92,000 for July 22. Low turnouts were experienced during the second voter registration period, with an average daily rate of less than 10,000.

The ISIE did not adopt any regulation clarifying the procedures for voter registration in penitentiary institutions; neither did it make any specific efforts for their registration, therefore arbitrarily disenfranchising a number of potential voters from exercising their fundamental and constitutionally guaranteed right to vote.⁵

The ISIE was criticized for organizing the voter registration during the month of Ramadan and also during the summer, when most administration offices and businesses were open only half days. In addition, Carter Center observers noted that in rural areas the voter registration period coincided with the harvest season. However, many factors not under the control of the ISIE determined the timing of registration and shortened the time the ISIE had to prepare for the elections—most importantly, the fact that the National Constituent Assembly did not set the election dates until June 25, 2014. Other factors included the late election of members to the ISIE,⁶ the late adoption of the election law, and the length of time it took for the NCA to adopt the constitution.

Initially, the registration period was scheduled to end July 22. The ISIE extended it after criticism from political parties about the low number of voters who registered during the first phase. The decision of the ISIE to use this extra period to address the issue of registration of voters who will turn 18 between Oct.26 and Nov. 23 is commendable, as it prevented a number of first-time voters from arbitrary disenfranchisement.

The extension of the first phase of voter registration led to the postponing of the publication of the preliminary voter list to Aug. 6 instead of Aug. 2 as initially planned. The Carter Center noted that while the law only calls for the voter lists to be available for public inspection, there was wide variation across regions regarding whether the list was publicly posted or only available through other, less user-friendly means.⁷ The list of voters who registered during the second phase was available for

² According to the ISIE, 760,514 voters registered during the first registration period, June 23 to July 29, and 233,182 during the second period, Aug. 5-26.

³ This number is preliminary and will be updated by the ISIE after Sept. 25.

⁴ Against a daily average rate of 19,436 registered voters the week before.

⁵ According to the 2014 Report of the UN High Commission for Human Rights, there are approximately 24,000 prisoners in the 27 incarceration facilities in Tunisia, among whom around 13,000 are in provisional detention.

⁶ The selection process took almost one year during which the law establishing the ISIE was amended twice and the process challenged several times before the Administrative Tribunal.

⁷ According to Carter Center observers, overall the availability of the list varied extremely from region to region. For example, in one case in Mejel el Abbes (Kasserine), the list was not publically displayed

public inspection on Sept. 1, and complaints could be filed with the IRIEs Sept. 2-4. Carter Center observers reported that voter education material on the process of checking the voters list was noticeably absent.

A total of 52 objections against the voter lists were filed with the 33 IRIEs in the country and abroad after the first phase of voter registration.⁸ The majority of these were resolved by the IRIEs in a satisfactory fashion. The remainder were referred to the ISIE and mostly concerned citizens whose passports were not in the national database and those who did not possess an ID. Thirty-five objections were filed with the IRIEs during the second phase of voter registration. No appeals were filed with the Courts of First Instance during both phases of the voter registration.

After a major cleansing operation of the voter register following the first registration period, the total number of registered voters was reduced from 5,127,043 to 5,015,788, a difference of minus 111,255 voters. This figure included 75,819 ineligible voters. The rest were reported to be duplicates and triplicates, but without exact numbers from the ISIE.

The ISIE was slow in communicating information to the public about the cleansing operation and its implications. In fact, the ISIE began to release the voter list both for voters abroad and in the country on Aug. 1. However, they only released a statement about the display of the voter list on Aug. 6. This lack of communication led the civil society organization Mourakiboun to claim that 111,252 names had disappeared, creating a perception of confusion and disorganization.

Voter Education

The fulfillment of the international obligation of universal suffrage is partially dependent on the success of adequate voter education.⁹ One of the tasks of the ISIE, partly delegated to the IRIEs, was to develop and implement awareness-raising campaigns for people to register and/or change their polling center.¹⁰ The ISIE did not launch its voter awareness campaign until one week after the voter registration process had begun.

While Carter Center observers reported that the campaign was more visible in urban areas than in rural areas, they noted that some IRIEs and civil society organizations undertook activities targeting people, especially women, living in rural areas. Several Carter Center observers noted that many voters confused the IRIEs and the registration agents with political parties, while others thought that registering to vote meant they were obligated to vote on election day.

but available only in the mayor's office. However, in a different village in the same governorate, the list was on display on the wall of public administration buildings. In other cases, the lists were kept by the Omda (village leader) or available only in the IRIE office.

⁸The following IRIEs did not receive any objections following the first phase of voter registration: Tunis II, Nabeuil II, Jendouba, Kasserine, Beja, Seliana, Mahdia, Gafsa, Gabes, Medenine, Zaghuan, and Kebili; also, the IRIEs of France 2, Italy, and Germany.

⁹ ICCPR article 25; States must ensure that voter education reaches the broadest possible pool of voters (United Nations Human Rights Committee General Comment 25, para. 11).

¹⁰ See the law relating to the ISIE, article 3, paragraph 12; ISIE Regulations #8 of 4 June 2014 relating to the creation of the IRIEs, setting their area of competence and their operational procedures, article 6(5).

Throughout the first phase of voter registration, other stakeholders, such as civil society organizations and, to a lesser extent, political parties and the media, were active. The participation of civil society organizations was essential in the eyes of the ISIE itself, which claimed there was a positive correlation between the number of voters registered and the involvement of civil society organizations, particularly at the local level.¹¹ Although there were different approaches among the IRIEs on how to use civil society organizations in the voter registration process, the overall impact of their interventions was positive and worked to increase the numbers of registered voters. Many of these organizations used material received from the ISIE in their awareness-raising activities.¹²

Organizations that did this most prominently were ATIDE, Mourakiboun, Ofiya (in cooperation with CSID), Sawty, I Watch, the Tunisian Human Rights League (LTDH – in cooperation with 11 other CSOs), and the Tunisian Scouts. In a press statement released July 23, the ISIE thanked some 130 different CSOs and more than 1,600 volunteers for their active contribution.¹³

To avoid any confusion among voters, The Carter Center urges that the ISIE take steps to ensure a vigorous voter education campaign in all media on the procedures to be implemented on election day, including on how voters can verify where to vote and what form of ID can be used. In addition, the ISIE should ensure that candidate lists, candidates, and parties are informed of the mechanisms in place to resolve electoral disputes, before and after the polling, especially in case of closely contested elections.

Election Administration

The Carter Center recommends that election authorities consider steps to improve the transparency of their work and decision-making processes, so electoral stakeholders are effectively informed during the remaining period. These efforts are particularly important because the legislative framework is contained in several different legal documents. Furthermore, nearly all applicable laws were issued or amended just a few months before the elections or, in some cases, during parts of the election process. As a result, the ISIE has issued numerous regulations to address the various lacunae of the law by clarifications and supplementing various provisions. This sometimes resulted in confusion and lack of timely information for election stakeholders, therefore undermining legal certainty.

To assure the uniform implementation of the legal framework, the ISIE should ensure that regulations necessary to carry out the process are approved in a timely fashion, and it should use official channels to inform the lower levels of election administration about adopted regulations immediately upon their publication in the Official Journal.

¹¹ Meeting between The Carter Center and the ISIE Unit in charge of the relations with civil society on July 24.

¹² Carter Center observers noted that while the cooperation between these stakeholders and the IRIEs was not always smooth, their involvement clearly led to a higher number of voters registering.

¹³ These figures increased to 140 CSOs and 2,500 volunteers in the ISIE final report on the voter registration released on 27 August.

The ISIE also should take steps to improve its communications. The body has not held a meeting open to observers and the public since the electoral process began and does not regularly publish the minutes of its deliberations on its website or in the Official Gazette as required by Article 18 of the law on the ISIE and Article 13 of the ISIE Rules of Procedure.¹⁴ This lack of transparency negatively affects the confidence and trust of the electorate and political parties in the work of the ISIE.¹⁵ Going forward, the Center urges the ISIE to publish its deliberations and regulations on its website in a timely manner.

The initial estimate by the ISIE that there were 4 million possible new voters to register was emblematic of the poor communication strategy. This became an issue once it was clear that nowhere near this number of new voters would register. It was an unrealistic target that the ISIE had to back down from over time.¹⁶ However, the political parties used this original estimate to criticize the efforts of the ISIE to register voters as insufficient.

Overall, the Center congratulates the ISIE on the successful voter registration period. Going forward, however, the Center recommends that the ISIE take increased efforts to address several issues of concern that arose during the voter registration process and that impact the conduct of the elections. In particular, the Center recommends steps to improve the transparency in the work and decision-making processes of the ISIE Council, by improving communication with the public, the IRIEs, and the media, and by ensuring all necessary regulations are completed in a timely manner. In addition, the ISIE should ensure a clear distinction between the roles and tasks of the IRIEs and the regional election administration, as well as consistent understanding and application by the IRIEs of instructions and regulations issued by the ISIE especially as they relate to voting, counting, and tabulation. Finally, it is important that the ISIE conducts a timely and thorough voter education campaign on the voting process.

CANDIDATE REGISTRATION

Candidate registration for the legislative election was conducted Aug. 22-29. The legal framework for candidate registration allows for an inclusive process and is generally in line with international and regional standards relating to the freedom of association and the right to run for office.¹⁷ The Carter Center commends the IRIEs for the impartial, professional, and fair manner in which they carried out the candidate

¹⁴ The last minutes of deliberations were published on the website in August and in the Official Gazette in September and were from May 14, 2014.

¹⁵ ICCPR, Article 19, paragraph 2: “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.” UN Human Rights Committee General Comment 34, paragraph 18: “Article 19, paragraph 2 embraces a right of access to information held by public bodies. Such information includes records held by a public body, regardless of the form in which the information is stored, its source and the date of production.” AU Convention on Corruption, art.9; UN, UNCAC, art.13.

¹⁶ As can be seen in the statement by the ISIE on the final number of registered voters achieved, “The ISIE considers that this number is acceptable with regard to the socio-economic, political and security conditions under which the registration took place.”

¹⁷ ICCPR article 25: “Every citizen shall have the right and the opportunity [...] to vote and to be elected at genuine periodic election.” See also the article 13 of the African Charter of Human and Peoples’ Rights.

registration process and the initial review of the candidate lists.

Although the process was inclusive, the objective of gender parity included in Article 24 of the election law unfortunately appears unlikely to be met. Although the law requires that all electoral lists must alternate female and male candidates, it does not mandate horizontal parity, meaning there is no requirement that a female candidate appear at the top of the lists. The lack of horizontal parity is likely to result in a smaller number of women being elected to the assembly.

When the ISIE opened the second phase of voter registration, it announced that only those citizens who had registered to vote during the first phase would be accepted as candidates for the legislative elections. This restriction to run in the legislative elections led to several lists being rejected by the IRIEs.

Overall a total of 15,652 candidates on over 1,500 lists were submitted to the 33 IRIEs by the deadline. This number included 807 candidate lists from political parties, 134 lists from coalitions, and 441 lists of independents submitted in-country, and 83 candidate lists of political parties, 17 coalition lists, and 18 independent lists submitted abroad. With a few exceptions, the political parties expressed satisfaction with the process used by the IRIEs to check the lists.

The last numbers announced by the ISIE indicate that 1,314 candidate lists were accepted and 192 were rejected. Among the accepted lists were: 734 from political parties in Tunisia and 69 abroad, 157 from coalitions inside the country and 15 abroad, and 327 independent lists in Tunisia and 12 abroad. According to the president of the ISIE, the reasons behind the initial rejection of the 191 lists included the following: (1) inclusion of candidates who had registered during the second phase of voter registration; (2) withdrawal of some candidates without replacing them; (3) failure to refund the second part of public funding from the 2011 elections by those parties and lists that did not receive three percent of the vote; and (4) inclusion of candidates who had not reached the minimum age of 23 at the time of submission of the lists.

For many political parties the lists were proposed at regional level and approved at central level. In some of the main political parties, the process of selecting candidates was disruptive and resulted in the resignation of members. A few of these joined other political parties or formed their own independent lists. Out of 217 current National Constituent Assembly members, at least 87 are included on lists for this election.

Parties met by The Carter Center both in Tunis and in the regions had different experiences recruiting women for their lists. Some, such as Ennadha, Wafaa Movement, Al Jomhuri, Al Massar, Democratic Alliance, and Tayyar Al Mahabba, stated that it was not difficult to recruit women. Others, such as Ettakatol, Nidaa Tounes, and Al Moubadara, found it more challenging, particularly in the south and in rural areas. Generally speaking, most parties pointed out that the women themselves were reluctant to run as heads of list.

A total of 133 complaints were filed with the Courts of First Instance against decisions of the IRIEs, 117 related to in-country lists and 15 to lists from abroad. By Sept. 18, 107 appeals were filed with the Appellate Chambers of the Administrative Tribunal. The ISIE will release the final lists after Sept. 22, once the appeals process

has ended. The opening date for receiving candidacies for presidential elections was Sept. 8, 2014.

Recommendations

The Carter Center offers the following recommendations in the spirit of cooperation and respect and in the hope that they will provide useful discussion points for future action:

- To ensure the uniform implementation of the legal framework, the ISIE should ensure that the regulations necessary to carry out the process are approved in a timely fashion. Further, it should use official channels to inform the lower levels of election administration of the regulations that it adopts immediately upon their publication in the Official Gazette.
- To increase the transparency of the work of the ISIE and to increase the public trust in the election administration, the ISIE should publish its deliberations and regulations on its website in a timely manner, as foreseen by the law.
- To avoid unnecessary tensions within the election administration, the ISIE should clearly delineate between the roles and tasks of the IRIEs and the regional election administration.
- In addition, the ISIE should take steps to communicate more effectively with the IRIEs, regional election administration, political parties, and the public to avoid inconsistent application of procedures on election day. This is especially important on the procedures to be followed for voting, counting, and tabulation.
- The ISIE should ensure that the regional election administration offices are sufficiently staffed and trained enabling them to accomplish their assigned tasks.
- A vigorous and timely voter education campaign in all media should be conducted on the procedures to be implemented on election day, including on how to find out where to vote and what form of ID can be used.

The Carter Center has maintained an office in Tunisia since 2011. The Center observed the October 2011 National Constituent Assembly elections as well as the constitution-making process from 2012-2014. The Center's 10 long-term observers have been monitoring the electoral process in Tunisia's regions since July 7, 2014. The core team located in Tunis and long term observers represent 11 different countries. Long-term observers will be reinforced by a larger delegation of short-term observers due to arrive on Oct. 202.

The Center wishes to thank Tunisian officials, political party members, civil society members, individuals, and representatives of the international community who have generously offered their time and energy to facilitate the Center's efforts to observe the legislative and presidential election process.

The Carter Center assesses Tunisia's electoral process against the Tunisian Constitution and the domestic electoral legal framework, and also against

international obligations derived from international treaties and international election standards.¹⁸

The Center's observation mission is conducted in accordance with the Declaration of Principles for International Election Observation. The Carter Center, as an independent observer organization, will immediately inform Tunisia's authorities and the Tunisian people of its findings through the release of a preliminary statement of findings and conclusions shortly after election day, followed by a final comprehensive report in the months following the polls.

¹⁸ Tunisia has ratified a number of international treaties with provisions regarding electoral processes, including the International Covenant on Civil and Political Rights (ICCPR), which is the main source of international legal rights in relation to elections, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture, Inhuman or Degrading Treatment (CAT), the Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities. Tunisia has also signed the African Charter on Human and People's Rights (ACHPR).