



**JOINT STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE
AND INTERNATIONAL REPUBLICAN INSTITUTE
PRE-ELECTION DELEGATION TO TUNISIA**

Tunis, Tunisia, September 12, 2014

This statement is offered by an international delegation organized by the National Democratic Institute (NDI) and the International Republican Institute (IRI). The delegation's purpose was to accurately and impartially assess electoral preparations in advance of presidential and parliamentary elections; review the broader political environment within which these elections will take place; examine factors that could affect the integrity of the electoral process; and offer recommendations to support peaceful, credible elections and public confidence in the process.

SUMMARY

Tunisia has pursued a decidedly democratic path since the beginning of its political transition in 2011. The passage of the new constitution, creation of an independent election administration, and approval of an inclusive election law all indicate commitment to pluralism and respect for human rights. However, there are concerns that could hinder those achievements if not addressed.

Voters had confidence in the results of the 2011 National Constituent Assembly (NCA) elections, which brought a diverse group of parties and independents to power with the task of negotiating the country's new constitution. While the Assembly's mandate was delayed during the drafting process, newly formed political parties and civil society organizations contributed to a vigorous debate on the constitution. As parliamentary and presidential elections approach, the Independent High Authority for Elections (ISIE) appears committed to support a credible process, despite only being constituted a few months ago, and tasked with organizing up to three elections under a tight timeline. The legal framework, while it could benefit from improvement, provides a solid foundation. The government has expressed a strong commitment to ensuring a fair and secure environment for the campaign. If the process is properly, consistently, and impartially implemented in line with international standards, the country is capable of holding elections meriting public confidence and acceptance of the results.

This opportunity can be lost if partisan misconduct undermines the process, which would in turn shake public confidence in the integrity of the elections and reduce public trust in the country's political institutions. Tunisia's citizens, along with political parties, have a role to play in ensuring that their votes are properly counted and the elections' overall integrity is upheld. The degree to which Tunisia's citizens view these elections as credible turns largely on the extent to which the electoral process is administered in a professional and manner, able to stand up to perceptions of political pressure, and made transparent through active and nonpartisan election observation. It also requires that the election outcomes are properly and transparently reviewed and disputes adjudicated in accordance with the law.

The political parties contesting the elections should help create a political environment conducive to fair competition and informed voter choice, adhere to the principle of political non-interference in the administration of the process and tabulation of results, and commit to full transparency during the election proceedings. A democratic election process depends upon all active participants—as voters, observers, candidates, election commissioners, ballot counters, and security personnel—to demand and uphold the principles of fairness, peaceful conduct, transparency, and accountability.

The political contest between the largest parties is expected to be intense; this competition is contributing to public concern that partisan zeal “to win at all costs” could lead to political manipulations in the pre-election, voting, ballot counting/tabulation, and post-election dispute resolution phases of the process. The key tasks to alleviate these concerns are for the leading political parties to ensure that the election process is free of undue partisan interference and manipulation, and for the electorate to participate energetically in the election process—as voters, advocates, and observers—to promote transparency and accountability that can lead to higher public confidence in the conduct of the elections.

The delegation notes that confidence-building measures are already in place that can strengthen prospects for a democratic election: citizen groups are monitoring the pre-election process as part of comprehensive, standards-based observation efforts; political parties are reaching out to voters on substantive issues; and the ISIE is preparing a national voter education campaign.

ABOUT THE DELEGATION

The delegation was led by Isabelle Durant, former Vice-President of the European Parliament, Robin Carnahan, former Secretary of State of the U.S. state of Missouri, and Brad Smith, director of the Annenberg-Dreier Commission and former advisor to several members of the U.S. Congress. Other delegates included Nicole Rowsell, resident director for NDI, and Djordje Todorovic, resident director for IRI in Tunisia.

From September 9 to 12, the delegation held meetings in Tunis with candidates and parties participating in the legislative and presidential elections from across the political spectrum; members of the ISIE; domestic and international observer groups; members of parliament;

journalists; the international and diplomatic communities; and women and youth civic groups. The delegation conducted its activities in accordance with the laws of Tunisia and international standards outlined in the *Declaration of Principles for International Election Observation*.¹

NDI and IRI do not seek to interfere in Tunisia's election process, nor do they intend to, nor could they, render a final assessment of the election process. The Institutes recognize that, ultimately, it will be the people of Tunisia who will determine the credibility of their elections and the country's democratic development. The delegation therefore offers this pre-election statement in the spirit of supporting and strengthening democratic institutions and processes in Tunisia.

NDI and IRI analysts will follow up on the pre-election mission's findings and recommendations and monitor procedures and political developments throughout the election process and the post-election period. In close cooperation with the Carter Center and the European Union, NDI and IRI will also conduct short-term international observation missions for the legislative and presidential elections.

The delegation wishes to express its appreciation to the United States Agency for International Development (USAID), which funded the work of this delegation and supports NDI and IRI democracy assistance programs in Tunisia. The delegation is also grateful to all those who contributed valuable time to share their views freely. Their perspectives have made possible the work of the delegation. NDI and IRI stand ready to continue to assist Tunisian efforts to build and sustain democratic practices, institutions, and values.

POLITICAL CONTEXT

The 2014 elections represent a milestone in the consolidation of Tunisia's democratic transition. Parliamentary elections are scheduled for October 26, to be followed by presidential polls scheduled for November 23 and a presidential run-off election anticipated to take place on December 28, if necessary. Despite a region marred by violence, unrest, insecurity, and extremism, Tunisians highly anticipate their upcoming elections to usher in new political leaders with the mandate to tackle the country's economic and security challenges—issues which Tunisians are eager to see improve. Considering that the 2014 polls are only Tunisia's second experience with democratic elections, citizens are naturally anxious about the upcoming polls, but a credible, transparent, and peaceful process will help cement Tunisians' appreciation for elections as an essential part of a dynamic democracy.

At the time of the pre-election assessment mission, the ISIE had concluded the extended voter registration period on August 26, registering nearly one million new voters and bringing the total number of eligible voters for the upcoming polls to 5,236,244. Finalized voter lists should be verified by the ISIE by September 25, depending on the duration of the appeals process.

¹ The Declaration was launched in 2005 at the United Nations. NDI and IRI are among more than 40 intergovernmental and international nongovernmental organizations that have endorsed the Declaration. The full text of the Declaration is available at ndi.org/files/DoP-ENG.pdf.

Citizens had an initial three-day window in early September to submit appeals to local elections authorities.

The end of August also marked the submission period for candidate lists for the legislative elections in October. On September 6, the ISIE announced it had accepted 1,316 candidate lists submitted by parties, coalitions, and independent groupings for the 33 electoral districts in Tunisia and representing constituencies abroad, who will compete for the 217 seats in the future parliament. Meanwhile, 192 candidate lists were rejected principally for naming candidates that were not registered voters as of July 29, did not meet the minimum age requirement, or had not settled their financial records with the ISIE from the 2011 NCA elections. After an appeals and review process, final legislative candidate lists will be confirmed by the ISIE on September 25. On September 8, the two-week submission period for presidential candidates began; the ISIE is scheduled to publish the preliminary list of presidential candidates on September 29.

OBSERVATIONS AND RECOMMENDATIONS

The pre-election assessment delegation offers the following observations about areas for improvement in the electoral process and recommendations for consideration. Some of the suggestions could reasonably be undertaken in advance of the elections to instill greater confidence among the voting public and political stakeholders, while other proposals are intended for consideration before future elections.

1. Legal and Administrative Framework for the Elections

International election observation recommendations from the 2011 elections contributed to the country's electoral reform process, which resulted in a multipartisan drafting process for a law to create the country's first permanent independent election administration. Commissioners were elected by the Assembly in January to serve a five-year term, which will have them overseeing both national and local elections.

Tunisia's new constitution, adopted on January 26, requires that parliamentary and presidential elections be conducted before the end of 2014. Assembly members, in consultation with civil society organizations who observed elections in 2011, drafted an election law for national elections. Many provisions from the 2011 elections were carried through, including use of a proportional representation system, relying on closed lists for legislative elections. After lengthy debate during the drafting phase that included civil society, political compromise was reached in the Assembly with a law that ultimately excluded provisions that would have set thresholds for party representation at the national level, implemented stronger requirements for inclusion of women and youth on candidate lists, and banned candidates who held leadership positions during the Ben Ali era.

Independent High Authority for Elections (ISIE). The ISIE is the commission responsible for organizing and overseeing all elections and referenda in Tunisia. In addition, the ISIE is responsible for monitoring campaign activities and spending, based on the electoral law and code of conduct developed by the commission. The ISIE faces the dual challenge of building a

permanent independent institution in the long-term while facing the immediate pressure of organizing up to three rounds of elections in as many months.

Since June 23, the ISIE has focused on updating Tunisia's voter registry by allowing voters to register, update their information, and confirm their registration. The commission developed a secure mobile-based voter registration platform for in-country voters, and a web-based platform for Tunisians living in the six electoral districts abroad. Technology was also deployed to allow candidates to register online. The ISIE commissioners have prioritized the accreditation process for Tunisian and international election observers, resulting in a more efficient and timely process than in 2011.

Current tasks of the ISIE include recruiting, hiring, training, and equipping approximately 50,000 local election administrators; supervising the process of voter list and candidate list verification; updating the list of polling stations; and providing for official voter education initiatives, especially outreach to illiterate and disabled voters. The commission also is responsible for finalizing and issuing procedures for voting, ballot counting, and tabulation.

Recommendations:

To enhance public confidence in the commission's work, the ISIE should make every effort to provide timely and consistent public access to information relating to the elections.

- Proceedings of the ISIE commission should be made available to the public through the official website in a timely manner.
- To improve transparency, the commission should consider televising meetings and inviting Tunisian and international observers to attend proceedings.
- To help parties and candidates comply with campaign regulations, the ISIE should—in advance of the campaign period—clarify all questions relating to appropriate use of campaign money and approved activities.
- With only three weeks remaining before the campaign period commences, the ISIE should without delay provide clear guidance regarding voting procedures, ballot counting and validation, and the admittance and regulation of party observers and citizen election monitors to the 33 regional election commissions (IRIEs). This information is essential for timely training of pollworkers as well as party and non-partisan observers.
- The ISIE and IRIEs should complete as soon as possible the hiring of 50,000 independent well-trained pollworkers.
- Election authorities should provide accredited citizen observers full access to all electoral proceedings. This access should include direct physical proximity to ballot counting tables in order to observe the entirety of the counting process, from ballot box/documentation verification to placement of ballots once counted and tabulated.

Independent High Authority for Audiovisual Communication (HAICA). The HAICA—a body with the mandate to regulate Tunisia's audiovisual sector—was established in 2013 to monitor television and radio programming, develop rules, and enforce compliance. Tunisian law requires media outlets to provide balanced coverage of comments made by all parties and candidates, and places a ban on political advertising in the two-month pre-election period through the

elections. Demonstrating its commitment to enforcing these rules, the HAICA in August sanctioned three Tunisian television stations, temporarily suspending popular programs, for broadcasting speech “calling for violence” in the lead-up to elections.

The HAICA also has established rules for Tunisian and international journalists accredited to cover the elections. In accordance with the Tunisian election law, these rules mandate journalists to provide impartial, complete, and truthful reporting, respecting principles of pluralism of information and avoiding inflammatory reporting that could incite violence or insecurity.

Recommendations:

- The HAICA should aggressively and impartially enforce all laws and regulations relating to media coverage and investigate and publish results of alleged violations in a timely manner.
- The HAICA should expand its capacity for vigorous enforcement of the law.

Inter-Agency Coordination. All Tunisians should feel confident of their safety when participating in the election, whether as candidates, activists, election administrators, journalists, observers, or voters. Security concerns were a top priority for all stakeholders the delegation met. Special steps should be taken in areas prone to disruption to minimize intimidation and fear. Since August, the Commission of Security Coordination for Electoral Processes, a special commission within the Ministry of Interior, has been working in coordination with the ISIE and the Ministry of Defense to develop a strategy for securing election-day and tabulation process.

Recommendations:

- Government officials in the prime ministry, ministries of interior and defense, election administration, and law enforcement services should increase efforts of communication to address concerns as they arise, to ensure seamless internal communication between agencies in order to rapidly respond to disruptions or incidents of violence.
- To enhance public confidence and address widespread concerns of political parties, the ISIE and relevant ministries should communicate regularly to the public about their plans to safeguard the elections.
- Law enforcement personnel should be trained in electoral security best practices and deployed to high-risk areas to deter or quickly de-escalate disruptions and build confidence.
- Security officials should coordinate with civil society organizations monitoring and mapping violence, and should use that data to identify patterns, to dispel rumors and help to prevent incidents.

2. Political Environment

The environment shaping the 2011 elections was celebratory, and Tunisians went to the polls—many for the first time—to express their choice without fear of intimidation. In the three years since, a gap has arisen between the concerns of every-day Tunisians and the acrimonious

political debates. In addition, episodic violence has also contributed to public disenchantment. It is unclear whether this will impact voter turnout and/or the number of spoiled ballots. Nevertheless, Tunisians appear committed to the elections moving forward and are engaged in a robust political debate.

Campaigns and Candidates. The ISIE has accepted 1,316 candidate lists for the legislative polls, including 732 political party lists, 140 coalition lists, and 348 independent lists. Tunisian monitoring groups and international observers reported that the candidate registration process was conducted according to the law. The official campaign period will begin on October 4.

Polling shows that addressing unemployment, administrative reform, and national security are the highest concerns for Tunisians in all regions of the country. The delegation noted that most campaigns feature job creation measures as high priorities on their policy agendas. At the time of the mission, NDI and IRI public opinion research showed that the public expects the elections to be more heated and competitive than 2011. Effective, issue-based campaigning can make a difference. There is a short time remaining for candidates to reach out proactively to voters in all parts of the country, particularly outside the capital and coastal areas, to understand the issues they care most about and to offer realistic and constructive solutions. Also notable is that party leaders are publicly committing to abide by codes of conduct signed in advance of the campaign period.

Recommendations:

- Parties should engage the public through electoral appeals based on citizens' priority issues.
- Parties should seek opportunities to participate in debates and dialogue focused on policy issues.
- Campaign leadership should communicate to local branches and all candidates that they have endorsed a code of conduct, by which all competitors are meant to abide.

Fairness of Competition. The delegation repeatedly heard concern of the corrosive role of money in politics. The improper source and use of campaign funds was widely perceived to be a problem in the 2011 elections, and similar concerns prevail now. While the 2014 election law includes improved provisions in this regard, the ability of the ISIE and the Court of Accounts to effectively monitor campaign financing and spending remains a challenge. Election monitoring CSOs and political parties warned that monitoring for these violations for purposes of both deterrence and prosecution would be fundamental to a fair campaign.

Recommendations:

- Relevant authorities should investigate and prosecute instances of campaign misuse of public and private resources in a timely and fair manner.
- Political parties should publicly state their commitment to abide by campaign finance regulations before and during the campaign period, investigate any reported incidents, and take steps within their campaigns to prohibit future transgressions.

- Tunisian civil society groups can contribute to the public's understanding by closely tracking reports of misuses of public resources in the run-up to elections.
- Over time, more rigorous limits on campaign contributions and expenditures should be developed. Mechanisms for requiring greater transparency about campaign finances also should be considered.

Political Polarization. Campaigns in every democracy involve drawing contrasts with opponents. However, the line should be drawn between reasonable political and partisan criticism and unnecessarily incendiary and hostile attacks. Over the long-term, such behavior can degrade public discourse, harm political institutions, and alienate citizens.

Concern for vote buying was an issue raised by many political parties. This is not uncommon in transitioning societies confronting difficult economic realities. However, Tunisian citizens nonetheless express a strong desire to engage politicians on ways to solve related issues—corruption and unemployment chief among them. With this in mind, the delegation underscores the importance of cross-party debate on voters' priority issues as a way to motivate increased citizen participation in the election process.

Recommendations:

Political parties can promote public confidence in the election process by enabling voters to make informed choices.

- Political parties should outline and communicate clear platforms explaining their positive vision for social and economic reform.
- Parties and candidates should participate in moderated public debates that allow voters to understand substantive policy differences and refrain from speech and conduct that denigrates public confidence in the political process.
- Political party leaders should reject vote buying in any form and communicate that policy throughout their parties.

3. Civil Society and Media

Tunisian civil society should be commended for the constructive role it has played in the democratic process. Civil society organizations at the local and national levels have been

equality² and gender parity in elected assemblies.³ In line with these constitutional provisions, Tunisia's electoral law mandates gender parity on candidate lists, and more specifically calls for lists to alternate male and female candidates. However, the law does not stipulate a quota for women candidates as heads of lists, and it does not guarantee that a certain number or percentage of women will ultimately be elected to the legislature. Women were named as heads of lists on only 145 lists (11 percent) for the 2014 legislative elections. So far, party platforms are noticeably quiet on how to address major socioeconomic issues, such as unemployment, on behalf of women.

Women make up 50.5 percent of newly registered voters in 2014. The delegation notes this is a welcome trend, as turnout figures for women in 2011 were lower than for men, especially in rural areas.

Recommendations:

- Civil society groups should encourage political parties to include in their platforms policy issues of concern to women, such as political representation, economic empowerment, social equality, and access to security and justice.
- Civil society groups should consider organizing cross-party women's networks to construct policy agendas relevant to women and advocate their adoption by political parties.
- Civil society groups should move forward with awareness campaigns targeting women voters, with particular attention to rural and illiterate constituencies.
- Civil society groups focused on youth should continue to find ways to motivate and engage young citizens to participate in the democratic process, with particular attention to voting.

Citizen Election Observation. Nonpartisan citizen election observers built a strong network in 2011 and plan to again deploy monitors according to international standards and Tunisia's

- Tunisian observer groups should once again provide their findings and recommendations from 2011 to political parties, civic groups and the international community to ensure their familiarity with the long-term context of democratic change in Tunisia.
- All international and Tunisian observers should operate in accordance with the *Declaration of Principles for International Election Observation* and the *Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations*, respectively.

Role of the Media. According to international standards, the media should be able to gather and impart news free from interference or intimidation; parties and candidates should have equitable access to the media; political coverage of parties and candidates should be fair and balanced, and voters should have adequate information to make responsible choices. State-run media outlets have a special responsibility to raise public awareness of the election process and citizens' rights.

Since 2011, Tunisian media have developed into a diverse and pluralistic, although not necessarily independent, sector. Citizens have a wide array of media sources at their disposal to garner information on public affairs in general and the elections in particular. However, primary media outlets feature a level of partisan influence over reporting and editorial policy that is inconsistent with the principles cited above. They are commonly perceived as biased toward one political party or another, particularly in regards to content of coverage.

Recommendations:

- Media should respect the election law and authorities of the HAICA and ISIE to uphold freedom of the media and investigate alleged restrictions thereof in a timely manner.
- Media owners, publishers, editors, and journalists should take concrete steps within their organizations to avoid any perception of political bias in their coverage and programming.
- Media should avoid any perceived or actual conflicts of interest.