ELECTION REPORT ☆

Legislative and Presidential Elections in Tunisia

Final Report

October, November, and December 2014

THE CARTER CENTER

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Foreword

By Ambassador (Ret.) Mary Ann Peters
Chief Executive Officer of The Carter Center

Tunisia has made significant democratic progress after shedding the legacy of dictatorship in favor of a vibrant democratic culture. The country held three rounds of genuine and competitive elections in 2014, following the adoption of a new constitution. These elections were the latest steps in a transition to democracy that grew from a spark in December 2010 to the peaceful ouster of the authoritarian Ben Ali regime in January 2011.

After the ouster of the Ben Ali regime, The Carter Center monitored the 2011 election of the 217-member National Constituent Assembly, finding them largely peaceful and credible. The Center maintained its presence in Tunis in the years after the elections, serving as a resource for key stakeholders and assessing legislative proposals against international standards and best practices. The Carter Center's work in Tunisia is part of a 25-year commitment to observing elections based on impartial and broadly accepted standards derived from state obligations under public international law. I was honored to co-lead the election mission to observe Tunisia's 2014 presidential elections, the Center's 99th such mission.

The 2014 elections demonstrated Tunisia's efforts to build permanent democratic institutions that guarantee the protection of human rights and ensure transparent and representative governance. To consolidate democratic gains, the next step for Tunisian leaders is to address social, economic, and security concerns to promote stability and satisfy citizens' aspirations.

In this report, The Carter Center presents its assessment of the 2014 electoral process in Tunisia, including its analysis of the electoral law, voter and candidate registration, the campaign period, voter education, and election-day administration and security. These assessments are largely positive. The High Independent Authority for the Elections (ISIE) made significant efforts to improve the electoral administration from 2011 and after each successive round of elections in 2014.

Looking forward to the municipal elections anticipated within a year, there is still room for improvement, as there is in almost every country. For instance, some of the regulations adopted by the ISIE were unduly restrictive and seemed to cause confusion among poll workers, leading to uneven implementation. The ISIE's voter education efforts began late and were too narrow in scope. The Carter Center also recommends that the ISIE increase its voter registration efforts to reach those voters who failed to register for the 2014 elections, including by the introduction of continuous voter registration. The Center applauds the ISIE's support of observers in this election and the large number of civil society organizations and party agents it accredited. The electoral authorities should work with civil society organizations to clarify the roles and rights of electoral observers in future elections.

The Carter Center hopes that the assessments presented here will help improve Tunisia's future electoral processes. To that end, this report includes detailed recommendations to the election management authorities, the new legislature, and other key stakeholders, based on international standards and Tunisia's commitment to those standards. Above all, lawmakers should ensure that existing legislation is fully consistent with the standards enshrined in the new constitution, especially regarding the provisions on human, civil, and political rights.

The Center hopes that Tunisian lawmakers will continue work to prioritize human, civil, and political rights, especially given the political instability in the region. We grieve with Tunisia for the victims of the March 2015 attacks at the Bardo and hope that in their memory Tunisians will redouble efforts to ensure protections for key freedoms and rights.

The achievements of the Tunisian people since 2011 have been truly remarkable. Tunisia, the birthplace of the Arab Spring, remains the brightest hope in the region. The Carter Center applauds the progress made so far and looks forward to working with the Tunisian people to strengthen their democracy.

Executive Summary

This is the final report of the Carter Center's observation missions for the 2014 legislative, presidential, and presidential runoff elections in Tunisia. These elections came nearly three years after the ouster of an authoritarian regime, and their successful conduct represents a key step in Tunisia's democratic transition. Voters demonstrated their ongoing commitment to the democratic transition as they cast ballots in all three elections. The polls were conducted in a calm, orderly, and transparent manner. The results lay the groundwork for the implementation of the new constitution and establishment of stable and legitimate democratic institutions. The Tunisian people overcame significant challenges to reach these milestones, which are critical to the country's consolidation of democratic governance.

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Marie Danielle Luyoyo Pwenika, an international observer for The Carter Center, assesses electoral processes in a polling station during the presidential election.

The completion of this electoral cycle represents a successful end to a long and difficult transition period for Tunisia, beginning with the so-called "Jasmine Revolution" and the election of the National Constituent Assembly in 2011. During this period, Tunisia adopted a new constitution, overcame several political crises that threatened to end the democratic experiment before it had even begun, and elected a new legislature and president in the first democratic and transparent elections in the country's history.

Political party leaders and the National Constituent Assembly took significant steps to prepare the effective conduct of the elections; creating a permanent independent election management body, the Independent High Authority for Elections (ISIE, as it is known by its French acronym) to conduct the elections, reviewing and seeking consensus on the members elected to the ISIE council; and adopting a new legal framework governing electoral procedures.

The legal framework for the 2014 legislative and presidential elections is mainly comprised of

the January 2014 constitution, the 2014 electoral law, the law on the ISIE, and the law related to the freedom of audiovisual communication. Although Tunisia's electoral legal framework provides a solid basis for the conduct of elections consistent with international and regional standards as well as best practices, certain areas of the legal framework could be improved.

For example, due to the political pressures within the National Constituent Assembly during the drafting of the electoral law, some provisions of the electoral law are ambiguous or inconclusive, which left it to the ISIE to provide clarifications and supplement various provisions of the electoral law through regulations. The adoption of numerous regulations by the ISIE, while necessary, resulted in the legislative framework being dispersed throughout several documents. This made it difficult for electoral stakeholders to access all applicable rules in one consolidated location, sometimes undermining legal certainty. Legislators should consider consolidating all electoral provisions into a comprehensive electoral code.

Political leaders and National Constituent Assembly members debated at great length the dates of the legislative and presidential elections and the order in which they would take place. After weeks of blockage, the parties eventually reached an agreement on the sequencing of presidential and legislative elections: Legislative elections would take place first, followed by the presidential, with no overlap of dates between them. In accordance with the transitional provisions of the law on the ISIE, in June 2014, the National Constituent Assembly announced the legislative elections for Oct. 26 and the first round of the presidential election for Nov. 23, 2014.

The ISIE coped with various challenges, including institutional, logistical, and political, which put pressure on the election administration. One of its main challenges was to establish its administrative apparatus at national and regional levels to ensure the success of the elections. Key to this process were the recruitment of an executive director to run the secretariat and make administrative decisions, a clear division of labor within the ISIE council as well as between the council and its executive body, a transparent decision-making process, and a sound communication and information strategy. On all of these accounts, and in spite of the experience and institutional knowledge from the 2011 National Constituent Assembly elections, the ISIE struggled to adopt a consistent approach. Unfortunately, many difficulties experienced by the ISIE were similar to those experienced by the electoral management body in 2011, including failure to communicate effectively and transparently with electoral stakeholders.

Although the ISIE struggled with aspects of transparency and confidence-building, Carter Center observers found that the ISIE delivered well-run and orderly elections.[1] This, in turn, helped to ensure a peaceful transition of power. In an effort to build confidence among stakeholders and improve the administration of the elections, the ISIE also took commendable steps to consult with relevant stakeholders between the legislative election and the two rounds of the presidential election. Electoral authorities organized a series of lessons-learned sessions with key staff, including the Regional Authorities for Elections (IRIEs), polling staff trainers, the heads of polling centers, and poll workers. These meetings helped improve performance in each successive stage of the electoral process.

Voter Registration

Despite significant challenges in organization and communication, the ISIE conducted a comprehensive and inclusive voter registration process, ensuring that Tunisian citizens could participate in the elections. The ISIE, the IRIEs, civil society organizations, and political parties worked together effectively to ensure that all Tunisian citizens who desired to vote in the elections had an opportunity to register. Nearly 1 million additional Tunisians registered to vote during the voter registration period, bringing the total number of registered voters for the 2014 elections to over 5 million. As

1 See Article 12 of Organic Law No. 23-2012: "The [ISIE] shall ensure democratic, free, pluralistic, fair, and transparent elections."

required by the legal framework, Tunisia adopted an active voter registration system for the 2014 elections using the lists of voluntarily registered voters from the 2011 National Constituent Assembly elections as the basis for the 2014 voter register. In addition, as the legal framework allows for overseas voting for both the legislative and presidential elections, the ISIE reached out to Tunisians residing abroad.

The ISIE established a voter registration center in each of the 27 electoral constituencies in Tunisia and the six constituencies abroad and hired 2,500 registration workers to facilitate the registration process. In addition, 597 fixed registration offices and 275 mobile offices were set up. In parallel, and with the help of the relevant state institutions, the ISIE cleaned the existing voter lists from 2011, removing deceased voters and those voters prohibited from voting by law.

The initial voter registration period, which was scheduled for June 23 to July 22, was extended by one week after criticism from political parties and civil society organizations that voter registration efforts were insufficient. The ISIE opened a second registration period from Aug. 5–26 targeting specific categories of underrepresented voters, expanding working hours and allowing regional electoral authorities more flexibility to decide on the schedule and locations of mobile registration centers.

The ISIE also diversified and increased the possibilities for Tunisians living abroad to register after the legislative elections, as the number of registered voters abroad remained low. Several civil society organizations claimed that thousands of voters abroad and in Tunisia were disenfranchised because they could not find their names on the voter lists. The ISIE opened a one-week window Nov. 2–8 for these voters to reinsert their names if they could show that they had previously registered. The ISIE stated that the organization of registration for Tunisian voters abroad was problematic and that if the allocation of seats for representation of Tunisians abroad for future elections was to be maintained, other methods of voting, such as proxy or mail voting, should be introduced.

Candidate Registration

Both the legislative and presidential elections offered voters a genuine choice among a diverse group of candidates. The ISIE approved some 9,500 candidates for legislative office. Over 1,500 candidate lists were submitted to the IRIEs for the legislative elections, of which 1,327 were approved. Parties submitted 61 percent of the lists, while the rest were divided between independent lists (26 percent) and coalitions (13 percent). Although the law requires that all electoral lists alternate between female and male candidates, it does not mandate horizontal parity or the appointment of female candidates to the head of the lists. As a result, women headed only one-tenth of the approved lists, although 47 percent of the total number of candidates were female. Sixty-eight women were elected to the Assembly of the Representatives of the People, representing 32 percent of the total number of the assembly members. In light of Tunisia's progressive aspirations regarding gender equality in the new constitution and the electoral law, Tunisian legislators should consider additional measures to ensure equal participation of women in elected office.

Over 70 applicants registered for the presidential election before the Sept. 22 deadline. Among the applicants were five women, three members of the National Constituent Assembly, six businessmen, and three ex-ministers who served in the Ben Ali regime. The ISIE rejected nearly two-thirds of the applications for not meeting candidate endorsement requirements, including the electronic submission of signatures in the required format and the required financial deposit. Twenty-seven candidates, including one of the five women who submitted applications, were confirmed on Sept. 30.[2]

The requirement to collect supporting signatures proved problematic in its implementation stage because of the alleged use of fraudulent signatures by several presidential candidates and a lack of clear provisions in the electoral

2 Forty-one candidates were rejected for failure to meet the candidate support requirements, and two candidates withdrew their applications.

code regarding who was responsible for investigating claims of fraudulent signatures. The ISIE claimed that it was not within its mandate to investigate the falsification of names and data and that those people whose names had been fraudulently registered had legal standing to file a complaint as provided by the law. The ISIE set up a call center to allow voters to verify whether their names appeared in the endorsement lists without permission.

The Carter Center recommends a review of the legal provisions regarding the examination of candidate registration and an expansion of the time limit for the ISIE and the IRIEs to review the documents of presidential and legislative elections candidates. The law should specify who is responsible for verifying the signatures.

Campaign

Candidates were able to campaign freely throughout the campaign period, and the rights to freedom of expression and association were respected. Although ISIE reported over 5,000 campaign violations during the three electoral stages, the large majority of the infractions were minor and did not have a substantial impact on the campaign or the electoral process. Legal restrictions on campaigning and campaign finance for the legislative elections proved restrictive and should be reviewed to allow for the conduct of an effective campaign.

Although increasing tension between the candidates and polarizing political rhetoric between the two rounds of the presidential election led the ISIE to take measures to stem aggressive and tense discourse, the campaign environment remained relatively calm for all three elections in spite of persistent security threats.

Legislative Elections

The legislative election campaign started officially on Oct. 4 and lasted three weeks. In the last week before the election, electoral meetings

For all three rounds of elections, candidates and parties were able to campaign freely throughout the campaign period, and the rights to freedom of expression and association were respected.

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increased fourfold, and the campaign environment intensified. Carter Center observers attended 58 rallies, ranging in scope from five people at the smallest to more than 10,000 at the largest. The Center observed only eight rallies with more than 1,000 participants.

Many political parties conducted activities before the official start date of the campaign, characterizing these efforts as regular party activities. Some acknowledged that they engaged in campaigning before Oct. 4. Methods of pre-campaigning included going door to door, distributing fliers, organizing political cafes, canvassing in markets, and setting up tents or tables and chairs in key strategic locations.

Independent lists—as well as smaller parties and coalitions—claimed that audiovisual and print media were dominated by political party messaging from large parties, including Ennahdha and Nidaa Tounes. Carter Center observers reported that the requirement to notify the IRIE two days prior to each event was not always respected by candidate lists, with some not even aware of this requirement. This resulted in many events being held without prior notification, and some meetings were canceled by electoral authorities because the organizers failed to provide the required advanced notification.

While tensions between parties existed throughout the electoral period, they did not manifest themselves during the official legislative campaign. The Carter Center observed that even though many electoral events took place in the same locations simultaneously, no altercations between party activists occurred.

First Round of the Presidential Election

The October legislative elections helped shape the dynamics of the presidential campaign, as candidates and parties redefined their positions on the political scene based on the results of the legislative election. Some candidates withdrew from the race and others received the support of parties whose nominees were rejected during the registration process or who had withdrawn.[3] Per electoral law, candidates who withdrew from the race after the official deadline remained on the ballot paper.

As during the legislative elections, the first two weeks of the first-round presidential campaign were characterized by a limited number of events and a lack of general excitement, with only a few candidates holding rallies during the first week of the campaign. The pace intensified in the last 10 days of the campaign as events and public outreach increased. The campaign centered on the big cities along the coast, and with the exception of Gafsa and Sidi Bouzid, there were few or no events in some of the southern governorates.

Second Round of the Presidential Election

The campaign for the second round began officially on Dec. 9. Both candidates in the second round, Marzouki and Essebsi, were present in public and on social media in the days immediately following the first round, particularly through appearances in foreign media. The beginning of the campaign was characterized by rising tensions between the two candidates and their supporters. Carter Center observers noted some instances in which both candidates altered their campaign program as a result of the tensions. However, for the most part, the heightened tensions did not adversely affect the candidates' abilities to campaign freely.

The two candidates employed very different campaign strategies. Marzouki toured governorates and organized campaign appearances in and around public places such as markets, mosques, and sports palaces, presenting himself as the bulwark against the return of the Ben Ali regime while championing national unity and the fight against poverty. Caid Essebsi staged small, more intimate gatherings, mainly around Tunis, with targeted groups of voters and selected media. Caid Essebsi was portrayed as a unifier of all Tunisians, regardless of background. There was no televised public debate, as Caid Essebsi refused an invitation to participate. Separate interviews with the candidates were broadcast on the two

3 Abderrahim Zouari, candidate of the Destourian Movement, and Mohamed Hamdi, candidate of the Democratic Alliance, announced on Oct. 30 and Nov. 5, respectively, that they were withdrawing from the race. Independent candidates Nourredine Hached and Mustapha Kamel Nabli and Wafaa Movement candidate Abderraouf Ayadi announced their withdrawal on Nov. 17 to support Beji Caid Essebsi and Mohamed Moncef Marzouki, respectively.

national television channels in the last days of the campaign.

In order to contain the risk of violence, the ISIE council took measures, some overly restrictive, to encourage a clean campaign environment. The ISIE also took action to calm the rhetoric between the two candidates, reminding them of their commitments to a candidate charter of honor signed in July to ensure democratic, free, pluralistic, fair, and transparent elections.

Voting and Counting

All three election days were well-administered and took place in a calm, orderly, and transparent manner throughout the country. Election observers reported that many Tunisians waited patiently in long lines to exercise their right to vote in all three elections. Observers also found that the atmosphere inside the polling stations was professional, organized, and transparent. Minor irregularities were reported in a limited number of polling stations visited by Carter Center observers, including insufficient instructions to voters on how to vote and illegal campaigning outside polling stations on all three election days.

The overall assessment of Carter Center observers for all three elections was that the closings were calm, organized, and efficient. Although the counting process was not as smooth as the voting in some stations observed—and in some isolated cases assessed as less than adequate—there was no indication that this affected the results of the count. Ballot sorting, counting, and verification procedures were followed in all observations made by Carter Center observers.

In all polling stations observed, the completed minutes of the sorting and counting were publicly posted before the minutes were transferred to the tabulation centers. Candidate representatives were present in all of the observed polling stations, and Carter Center observers reported that they had full access to the process.

Tabulation

The tabulation process was delayed during the legislative elections and the first round of the presidential polls by a failure to transfer the necessary electoral materials from the polling stations to the tabulation centers in a timely manner. Observers also noted a lack of uniformity in how tabulation centers dealt with this challenge. In some centers, the vote tabulation began immediately when material started to arrive from the polling stations, while in others the staff waited until all of the material from all polling stations arrived or until the following day before beginning tabulation procedures.

With a few exceptions, observers described the overall atmosphere in the tabulation centers as orderly and calm. Unfortunately, most election observers were not able to monitor the details of the tabulation process effectively during the legislative and first-round presidential elections because they were not allowed floor access to the work area and tabulation center staff. In the few tabulation centers where Carter Center observers were able to make meaningful assessments of the

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A man receives ink on his index finger before voting in the presidential election.

procedures, they characterized the process as slow but well-managed and professional. In 10 observed cases, no candidate agents were present, and in three centers, there were no citizen observers.

In the second round of the presidential elections, Carter Center observers visited 20 tabulation centers and assessed that it was an efficient and orderly process. The process of receiving and verifying results was better organized and more efficient compared with the first two election days. The overwhelming majority of observers reported that the ISIE had provided far better access to the proceedings than in the previous round and that they were able to make meaningful observations of all parts of the process. Carter Center observers rated the implementation of procedures and the electoral environment positively for all centers visited. Furthermore, tabulation staff was cooperative, provided information, and answered questions. Candidate agents were present and actively participated in the process in 17 of 20 stations visited by the observers.

Election Dispute Resolution

An effective complaints adjudication system can lend credibility to an electoral process, providing a peaceful alternative mechanism to violent postelection responses. The right to legal remedy is provided for, in compliance with the principles of judicial review before the courts.[4] The courts conducted their responsibilities in an effective and timely manner in all three elections. It is commendable that the administrative tribunal functioned in a transparent manner and supplied The Carter Center with copies of all decisions. Based on the Center's analysis of decisions, the court demonstrated a considerable degree of impartiality, issuing its rulings with a sound evidentiary and legal basis and within the time limits set by the law.

Appeals against the preliminary results are filed with the appellate chambers of the administrative tribunal within three days of publication of the results, with an appeal to the plenary assembly of the administrative tribunal within 48 hours of notification of appellate chamber rulings. The law does not allow individual voters to file remarks regarding potential malpractices or irregularities at the polling station, thus denying their right to an effective remedy.[5]

Results

Results of the Legislative Elections

The ISIE announced the preliminary results of the legislative election on Oct. 30 and final results on Nov. 21. The broad-based secular party Nidaa Tounes won the greatest number of seats in the assembly (86), with the Islamist party Ennahdha coming in second with 69 seats. The Free Patriotic Union won 16 seats, the Popular Front 15, and Afek Tounes eight. The remaining 39 seats were won by 12 different political parties, with no single party gaining more than three seats.

The administrative tribunal received a total of 44 complaints against the preliminary results. All except one were rejected by the court. A decision by the ISIE to cancel one of three seats obtained by Nidaa Tounes in the constituency of Kasserine was overturned by the tribunal. The tribunal ruled that the electoral code does not foresee a partial cancellation of results and, therefore, the ISIE did not have the authority to remove one of the party's seats despite the ISIE's finding that campaign violations had a serious impact on the results within the constituency. Although the ISIE acted credibly in seeking sanctions for electoral offenses, the administrative tribunal acted in accordance with Tunisian law in its overturning of the ISIE's decision.

Results of the First Round of the Presidential Election

The preliminary results of the first round of the presidential election were announced on Nov. 25 and the final results on Dec. 8. Candidates Marzouki and Caid Essebsi advanced to the second round. A total number of nine complaints challenging the results were submitted to the administrative tribunal, eight of them by

4 U.N. Human Rights Council, General Comment 32, para. 19

5 ICCPR, General Comment 25, para. 20, and African Union Declaration on the Principles Governing Democratic Elections in Africa, section IV, Article 7

Marzouki. All of the complaints were rejected by the tribunal.

Results of the Second Round of the Presidential Election

Preliminary results were announced on Dec. 22 and final results on Dec. 29. Beji Caid Essebsi was declared the winner with 55 percent of the vote. No complaints were filed against the results of the second round despite Marzouki's initial announcement that he believed he had lost because of fraud and would file a challenge.

Recommendations

In order to improve the electoral process for future elections, The Carter Center recommends the following actions to the Assembly of the Representatives of the People: (1) address gaps and inconsistencies in the electoral code and consolidate all legislation relating to elections into one comprehensive code, (2) detail and clarify the roles of the varying institutions involved in the election process in the electoral code, (3) review the restrictions on campaigning and campaign finance to ensure parties and candidates can conduct meaningful campaigns without resorting to violations of the electoral code, and (4) ensure that electoral dispute mechanisms are available to all stakeholders including individual voters.

The Center recommends that the ISIE (1) strengthen its organizational and management capacities; (2) increase the transparency of its work and develop a more effective communication strategy with relevant stakeholders and the general public; (3) in conjunction with the government, develop voter and democracy education programs to be conducted year-round for the public and in schools; and (4) draft, vote on, and distribute regulations and instructions in a timely manner and improve communication with polling staff to ensure uniform application.

The Center also recommends that political parties increase the number of women in their structures and in leadership positions and that civil society continue to work with the ISIE to assist them in their efforts to educate voters on the importance of voting and electoral procedures.

A detailed description of the Carter Center's recommendations to the Assembly of the Representatives of the People, ISIE, political parties, and civil society organizations can be found in the final section of this report.

The Carter Center in Tunisia

The Carter Center established a presence in Tunisia in 2011 and observed both the 2011 National Constituent Assembly elections and the constitution-making process that culminated in the adoption of the constitution in January 2014.

The Carter Center concluded that the elections were particularly important in consolidating the country's democratic gains since the 2011 revolution.

The Center's activities shifted in June 2014 with the formal launch of an election observation mission to assess the preparations for and implementation of the 2014 presidential and legislative elections. The observation mission spanned several months and covered the most significant elements of the electoral cycle. The ISIE accredited The Carter Center to observe the elections on July 7, 2014. The Center monitored voter and candidate registration; the legislative and presidential campaigns; all three rounds of balloting, counting, and tabulation; and the adjudication of electoral complaints leading to the announcement of final results.

The Carter Center concluded that the elections were particularly important in consolidating the country's democratic gains since the 2011 revolution. The polls were the first held under the framework of the new constitution and offered Tunisians the first opportunity to vote for a democratically elected legislature and president since its independence in 1956.

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These two young Tunisians – Khaled (left), 25 years old, and Kamel (right) – are photographers who make a living taking pictures of tourists with their birds of prey. They work in Sidi Bou Said, a village near Tunis.

Carter Center Election Observation Methodology

The objectives of the Center's observation missions in Tunisia were to provide an impartial assessment of the overall quality of the electoral process, promote an inclusive process for all Tunisians, and demonstrate support for its democratic transition. The electoral process was assessed against both the Tunisian legal framework and Tunisia's international obligations for genuine democratic elections.

The Carter Center's mission consisted of a core team of experts based in Tunis and led by a lawyer and election expert. The core team benefited from the expertise of a multinational staff of election and security professionals, including a deputy director and operations manager, legal analyst, electoral expert, observer coordinator, and security manager. The Center's technical staff was complemented by the deployment of 10 long-term observers in early July to monitor preparations in Tunisia's 27 electoral constituencies and voter registration. Several highly qualified national staff provided technical and operational support to the mission.

Long-term observers were deployed in teams of two throughout the country on July 6 after receiving three days of training covering their roles and responsibilities, reporting requirements, international democratic election standards, the role of human rights in election observation, and security awareness. The core team also briefed the observers on Tunisian election law and regulations to facilitate their observations of the voter and candidate registration processes. Teams were deployed to Sousse, Gafsa, Sfax, Bizerte, and Tunis, traveling from these hub locations to cover an assigned area of responsibility that consisted of four to six governorates per team. All long-term observers spoke either French or Arabic, and they were deployed with a translator/interpreter to support their work. Long-term observers submitted written reports to the observer coordinator on a weekly basis as well as specialized reports on rallies, demonstrations, and incident reports on an as-needed basis.

The Center's core team and long-term observers met with election officials and technical staff, political parties, civil society organizations, technical assistance providers, and other key stakeholders in the electoral process to learn about electoral preparations and to follow its progress. They gathered data from interviews in the field

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Carter Center election observers used open source data collection software to submit their findings using tablets.

Table 1: List of International and Regional Treaties Signed by Tunisia

Treaty/Declaration	Status	Year
International Convention on the Elimination of All Forms of Racial Discrimination	Ratified	Jan. 13, 1967
Convention on the Political Rights of Women	Acceded[6]	Jan. 24, 1968
International Covenant on Civil and Political Rights	Ratified	March 18, 1969
International Convention on Economic, Social, and Cultural Rights	Ratified	March 18, 1969
African Charter on Human and Peoples' Rights	Ratified	March 16, 1983
Convention on the Elimination of Discrimination Against Women	Ratified	Sept. 20, 1985
Convention Against Torture, Inhuman, or Degrading Treatment	Ratified	Sept. 23, 1988
Convention on the Rights of the Child	Ratified	Jan. 30, 1992
United Nations Convention on the Rights of Persons With Disabilities	Ratified	April 2, 2008
United Nations Convention Against Corruption	Ratified	Sept. 23, 2008
International Convention for the Protection of All People From Enforced Disappearance	Ratified	June 29, 2011
African Convention on Preventing and Combating Corruption	Signed	Jan. 27, 2013

and the capital and through observation. Long-term observers also visited regional branches of the electoral authorities and voter registration centers across Tunisia to assess the effectiveness of the voter and candidate registration processes.

The team assessed Tunisia's electoral process vis-à-vis the country's national laws and international obligations and monitored political and electoral developments during the months leading up to the polls. Based on these observations and the analysis of the core team surrounding the work of the central election administration, the Center released a statement concerning voter and candidate registration as well as other aspects of the electoral preparations in September 2014.

In addition to the long-term observers and the core team, The Carter Center launched short-term observation missions to observe the legislative election and both rounds of the presidential elections. Short-term observer delegations were composed of civil society activists, election officials, academic experts, electoral specialists, and others. At each stage, short-term observers received two days of training before their deployment regarding the electoral, political, and security dynamics in Tunisia as well as the Carter Center's observation methodology, the observer code of conduct, electronic data collection tools, and security protocols. Observers utilized the ELection MOnitoring (ELMO) software to gather polling station data on a real-time basis. The data was then collected using tablets and sent to the Tunis-based headquarters via mobile data networks. This information was supplemented by regular telephone calls to a team in Tunis during the short-term observer deployment.

During the legislative elections, the Center deployed 72 observers. They visited 348 unique polling stations as well as the tabulation centers in all of the 27 constituencies in Tunisia. Former Prime Minister of Yemen Abdulkarim al-Eryani led the mission. Observers hailed from over 25 different countries, including several from the Middle East and North Africa region. The Center presented its preliminary findings on the legislative election at a press conference on Oct. 28, 2014.

The Center deployed 85 observers in November

6 Accession and ratification of a treaty are procedurally different, although the substantive results of both processes are identical. Ratification implies that a country has first signed the treaty, whereas accession connotes that a country has not previously signed – or was not in a position to sign – a treaty, whatever may be the reasons.

2014 to assess the first round of the presidential elections. The observers visited 380 unique polling stations and all 27 tabulation centers in Tunisia. The mission was co-led by U.S. Ambassador (Ret.) Mary Ann Peters, chief executive officer of The Carter Center; Hina Jilani, human rights defender and advocate of the Supreme Court of Pakistan; and Ambassador Audrey Glover, a U.K.-based human rights lawyer. More than 28 different nationalities were represented on the delegation. The observation of the Tunisian presidential elections was the Carter Center's 99th international observation mission.

For the second round of the presidential election, the Center deployed more than 60 observers who visited 282 unique polling stations as well as three-quarters of the in-country tabulation centers. Ambassador Glover and Prime Minister Abdulkarim al-Eryani returned to lead the third and final stage of the electoral process. Twenty-five nationalities were represented on the observation mission.

The Center's observation missions are conducted in accordance with the Declaration of Principles for International Election Observation and Code of Conduct that was adopted in the United Nations in 2005 and is currently endorsed by nearly 50 organizations. The Center assesses elections based on a country's national laws and international obligations for political and civil rights as well as genuine elections.

International Obligations

Tunisia has signed and ratified a number of international and regional treaties whose provisions are relevant for the electoral process. These include the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), 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 Persons With Disabilities, and the African Charter on Human and Peoples' Rights (ACHPR). Following the 2011 revolution, Tunisia withdrew its reservations to CEDAW.

Historical and Political Background

The 2014 elections represent a successful completion of a long and difficult transitional period for Tunisia, beginning with the so-called "Jasmine Revolution" and the election of the National Constituent Assembly in 2011. During this period, Tunisia drafted and adopted a new constitution, overcame several political crises that threatened to end the democratic experiment before it had even begun, and elected a new legislature and president in the first democratic and transparent elections in the country's history.

The Tunisian revolution was driven by the country's overarching social and economic problems. Many of those problems have not improved in the ensuing years, and some deteriorated further. The successful completion of this election cycle represents the beginning of the nation's hard work to consolidate democracy by ensuring the sustainability and fairness of democratic institutions.

The country's first transition period culminated in the holding of elections and establishment of a National Constituent Assembly on Oct. 23, 2011. The assembly consisted of 217 members and was charged with drafting and adopting a new constitution. Ennahdha, an Islamist party, obtained the largest number of seats in the assembly without gaining the majority needed to govern alone. Ennahdha entered into an alliance with the Congress for the Republic (CPR) and Democratic Forum for Labor and Liberties (Ettakatol) to form the Troika government.[7]

Though the political parties that composed the Troika espoused different ideologies, they had one thing in common: their opposition to the former regime of Zine el Abidine Ben Ali. Thus, the three parties shared power by appointing Hamadi Jebali (general secretary of Ennahdha and National Constituent Assembly deputy) as prime minister, Mustapha Ben Jaafar (general secretary of Ettakatol and National Constituent Assembly deputy) as president of the assembly, and Moncef Marzouki (CPR president and National Constituent Assembly deputy) as interim president of the Tunisian Republic. The Troika governed the country for more than two years. During this period, the National Constituent Assembly adopted a law creating the ISIE, a financially independent body responsible for ensuring "democratic, free, pluralistic, fair, and transparent elections" run by an independent council elected by the assembly.[8]

The upheaval generated by the revolution had a negative impact on the Tunisian economy, which was already marred by corruption and poor management of public funds by political elites. This situation coincided with an economic downturn in Europe, home to Tunisia's largest trade partners. The new government's inability to contain the economic crisis and its failure to tackle unemployment, one of the main issues

7 Troika is the name used to designate the alliance of Ennahdha, CPR, and Ettakatol.

8 Organic Law No. 23-2012 of Dec. 20, 2012, relating to the Independent High Authority for Elections, as amended and supplemented by Organic Law No. 44-2013 of Nov. 1, 2013, and the Organic Law No. 52-2013 of Dec. 28, 2013, (the ISIE law)

underlying the Tunisian revolution, led to growing public discontent. Though the economy showed signs of a tentative recovery, it was insufficient to compensate for inflation. Strikes and social unrest, which continued to a lesser extent after the elections, did not help to assuage the fears of foreign investors regarding the stability of the country. Foreign investment and tourism continued to stagnate.

On the security front, the emergence of extremist armed groups and the trafficking of weapons in the country—tied in part to the porousness of Tunisia's borders with Algeria and Libya—presented a new challenge and compelled the authorities to extend the state of emergency established in the aftermath of the revolution through March 2014.[9]

The postelection period saw important shifts in Tunisia's political landscape. Disappointed by their respective parties' alliance with Ennahdha, many members and supporters of Ettakatol and CPR defected from their parties to join the ranks of others. Learning from the experience of the 2011 elections, when the "secular" vote was split between several parties, some opposition groups moved to form new alliances and coalitions. Notably PDP, Afek Tounes, and the Parti Républicain merged to form the Al Joumhouri party. Parties that had not been able to register in 2011, such as the Salafist party Hizb Al Tahrir, were legalized, and new parties emerged. One of them, Nidaa Tounes, brought together diverse political ideologies and agendas—including leftists, unionists, businessmen, and people affiliated with Bourguiba's Neo-Destour party and Ben Ali's Democratic Constitutional Rally (RCD) party—under the leadership of former Prime Minister Beji Caid Essebsi. They had one goal in common: to challenge Ennahdha's dominance on the political scene.

Anticipating the mounting tension, the Tunisian General Labor Union (Union Générale Tunisienne du Travail, known by its French acronym, UGTT)—Tunisia's main workers' union—launched the first of what would become a series of national dialogues aimed at easing political tensions. The dialogue, which started in October 2012, brought together 50 parties and 22 associations to chart a way forward for the country. Though it was boycotted by Ennahdha, the CPR, and Al Wafa (a party formed by CPR dissidents that refused to sit at the same table with Nidaa Tounes), the dialogue played a role in briefly defusing the crisis. Participants agreed on a target date for the completion and adoption of the constitution (the beginning of 2013) and for the holding of elections (June 23, 2013).

The assassination in 2013 of leftist political leader and human rights activist Chokri Belaïd sent a shock wave through the Tunisian society and political class. Coming as the latest tragedy in a series of violent attacks targeting political parties' offices and members who remained unsanctioned, the assassination led to sharp recriminations of Ennahdha for its handling of the mounting political violence in the country.

Reacting to the crisis, the UGTT called for a general strike in the country, while the National Constituent Assembly temporarily suspended its activities. Thousands of Tunisians took to the streets to protest. The same night, Prime Minister Jebali proposed the resignation of his government and replacement by technocratic ministers who were not politically affiliated with any political party. This put Jebali at odds with the Troika, including his own party, which rejected the proposition on the basis of their "electoral legitimacy." These tensions eventually led to Jebali's resignation from the position of head of government on Feb. 19, 2013.

After weeks of negotiations between the Troika and the opposition, the parties reached an agreement to maintain a partisan government, with the exception of the key ministries—Interior, Foreign Affairs, Justice, and Defense—that would be headed by independent politicians. Ali Laârayedh, Jebali's minister of interior and a senior figure in Ennahdha, was chosen to lead the new government.[10]

9 The state of emergency was established in Tunisia on Jan.15, 2011, just after the departure of President Ben Ali, by Decree Law 2011-184. It was lifted on March 5, 2014.

10 Ali Laârayedh's government obtained the confidence of the National Constituent Assembly during the plenary session of March 13, 2013, by 139 votes in favor, 46 votes against, and 13 abstentions.

Gwenn Dubourthoumieu

Tunisian presidential candidate Kalthoum Kannou poses in her office in Tunis on Nov. 22, 2014.

Laârayedh committed the government to holding elections by the end of 2013, but political and security realities made this difficult. Belaïd's assassination had brought new urgency to the task of bringing the transitional period to an end by adopting the constitution and holding general elections. In order to smooth political tensions, President Marzouki launched a national dialogue on April 15, 2013, which included some of the main political parties and brought Ennahdha and Nidaa Tounes around the same table for the first time. Participants tackled contentious issues of the constitution drafting process — such as the shape of the new political system — as well as obstacles to the establishment of a new elections management body and the drafting of the electoral law.[11] The dialogue was boycotted by some opposition parties as well as by the UGTT, which had intended to launch a second round of its own dialogue. The UGTT took over the national dialogue process from President Marzouki in May 2013 and focused its dialogue on pressing socio-economic and security issues, since numerous contentious issues regarding the political regime and the elections had been settled during the presidential dialogue.

Meanwhile, the security situation deteriorated rapidly. From May 2013 onward, Tunisian military forces engaged in open, armed confrontation with extremist groups, the epicenter being the region of Mount Chaambi on the Algerian border, which served as a base for terrorist groups. The removal of Egyptian President Mohamed Morsi by the Egyptian army in July 2013 following mass protests added a regional dimension to the Tunisian crisis. While Ennahdha denounced the Egyptian army takeover as a "coup against legitimacy," segments of the Tunisian opposition felt emboldened by the swift downfall of the Islamists in Egypt. Some parties, including Nidaa Tounes and the leftist coalition, the Popular Front, called for the dissolution of the National Constituent Assembly and its replacement with a committee of experts to finalize the constitution.

The crisis deepened on July 25 when National Constituent Assembly deputy Mohamed Brahmi, the general coordinator of the Popular Movement elected from Sidi Bouzid, was assassinated in front of his home. Like Belaïd, Brahmi was a member of the Popular Front coalition.

Forty-two deputies immediately withdrew from the assembly. They were joined by others in the following days, reaching a total of approximately 65 to 70 at the peak of the crisis. Nidaa Tounes and the Popular Front came together to form the National Salvation Front (NSF), which included several other parties and civil society groups. They vowed to devise a strategy to end the Troika's rule and to bring an end to the transitional period. Under the aegis of the NSF and some of the withdrawn deputies, an open sit-in was held in Bardo square in front of the assembly building.

Supporters of the NSF, who called for dissolution of the National Constituent Assembly and the government's resignation, traded accusations with the "legitimacy" camp — mainly Ennahdha and CPR supporters — who also held street protests and strenuously defended the assembly as the country's sole elected body and, therefore, they argued, legitimate institution. In view of the situation, the assembly president took the unilateral

11 The ISIE law adopted in December 2012

decision Aug. 6 to suspend assembly activities until the beginning of direct negotiations between the conflicting parties, a decision that was widely condemned by the "legitimists" within the assembly. Organizers managed on several occasions to mobilize thousands of marchers, particularly during the *errahil* (the departure) campaign in late August 2013.

Negotiation and mediation initiatives multiplied behind the scenes to find a way out of the crisis, particularly as the *errahil* demonstrations began to lose steam. The group known as the Quartet—the UGTT as well as the Tunisian Union for Industry, Trade, and Handicraft (UTICA); the Tunisian League for Human Rights (LTDH); and the Bar Association—eventually emerged as the lead mediator. The Quartet presented a road map in mid-September that laid out the next and remaining steps of the transition. The road map identified three tracks (electoral, constitutional, and governmental) and provided conditions and deadlines for their completion. The Quartet also announced the launch of a new dialogue to pave the way for the successful completion of the road map. The National Constituent Assembly resumed its work after the Quartet's formation looked likely to bear fruit, though some of the withdrawn opposition deputies refused to return to the assembly until the dialogue formally began.

The national dialogue was launched in October 2013. Political parties were required to sign the road map as a precondition to their participation. Though some parties, including Ennahdha, expressed reservations regarding some of the road map's provisions, most decided to sign the road map. Others, including the CPR, Al Wafa, and Al Mahabba (former Popular Petition), boycotted the signing event. The three tracks outlined by the Quartet's road map were eventually completed as planned, though much later than the original deadline of Jan. 14, 2014, the third anniversary of the Jasmine Revolution.

The National Constituent Assembly confirmed the commissioners of the new election management body in January 2014. Their selection had been beset by delays and controversy for nearly a year. The long-delayed article-by-article vote on the constitution started Jan. 3, 2014. The constitution was adopted with overwhelming support on Jan. 26, 2014, with 200 out of 216 votes.[12] The assembly then adopted an electoral law, another step in the road map, on May 1, 2014.

Parties found it difficult to identify and agree on the right person to head the new technocratic government. Following intense negotiations, and despite lingering resistance by some of the opposition parties, Mehdi Jomâa, minister of industry in Laârayedh's government, was eventually officially chosen Dec. 14, 2013, to head the new government. Jomâa's Cabinet was confirmed by the assembly on Jan. 28, 2014, two days following the adoption of the constitution.[13] The completion of all three steps of the road map paved the way for holding presidential and legislative elections according to the new constitution's deadline of the end of 2014.[14]

The legislative and presidential elections represent a fulfillment of the hope of the Arab Spring in Tunisia and a hopeful model for the greater Arab world.

The legislative and presidential elections were the first to be conducted under Tunisia's new constitution and represented a historic step in the history of post-revolution Tunisia as it works to build representative institutions following a dictatorial regime. They represent a fulfillment of the hope of the Arab Spring in Tunisia and a hopeful model for the greater Arab world. Together, the legislative and presidential elections complete the transitional phase from the National Constituent Assembly, a body that operated both as a constituent assembly and a legislature, to a democratically elected legislative body and president.

12 One National Constituent Assembly member, Mohamed Allouche, tragically died from a heart attack several days before the vote.

13 Following a long and intense plenary session held on Jan. 28, 2014, Jomâa's Cabinet eventually obtained the confidence of the National Constituent Assembly by 149 votes in favor, 20 votes against, and 24 abstentions.

14 2014 Tunisian Constitution, Article 148, para. 3

Electoral Institutions and the Framework for the Presidential and Legislative Elections

The organization of elections should be regulated by a clear, understandable, and transparent legal framework that addresses all components necessary to ensure democratic elections.[15] The legal framework for the 2014 legislative and presidential elections is mainly comprised of the January 2014 constitution, the 2014 electoral law, the law on the Independent High Authority for Elections (ISIE), and the law related to the freedom of audiovisual communication that created the Independent High Authority for Audiovisual Communication (HAICA).[16]

Legal Framework

Overall, Tunisia's electoral legal framework provides a solid basis for the conduct of elections consistent with international and regional standards as well as best practices. Nevertheless, certain areas of the legal framework could be improved, including consolidating the legal framework into one comprehensive electoral code, establishing adequate time frames for the different stages of the electoral process, defining sanctions for all violations foreseen in the law, and revising restrictions on campaign finance and the publication of public opinion polling. Campaign provisions, including those on the use of advertising and posters, are too restrictive for candidates to be expected to respect them fully.

Regrettably, due to the political pressures within the National Constituent Assembly during the drafting of the electoral law, some provisions of the electoral law are ambiguous or inconclusive, leaving it to the election management body to provide clarifications and supplement various provisions of the electoral law through ad hoc regulations.[17] These provisions include, for example, the rules on gender parity and alternation for the supplementary lists for the legislative elections; campaign and campaign finance regulations; verification of signatures for the endorsement of presidential candidates; and the powers of the Administrative Tribunal during the examination of complaints against the results.

The ISIE adopted over 30 regulations, which while necessary, resulted in the legislative framework being dispersed throughout several documents. Some of them were issued or amended after the beginning of the related part of the election process. This made it difficult for electoral stakeholders to access all applicable rules in one consolidated location, sometimes undermining legal certainty. Some of these regulations, such as

15 See U.N. International Covenant on Civil and Political Rights, Article. 25; United Nations Human Rights Council, General Comment 25

16 Organic Law No.16-2014 of May 26, 2014, related to Elections and Referenda (hereinafter: the electoral law), and Organic Law No. 23-2012 of Dec. 20, 2012, relating to the Independent High Authority for Elections, as amended and supplemented by Organic Law No. 44-2013 of Nov. 1, 2013, and the Organic Law No. 52-2013 of Dec. 28, 2013 (hereinafter: the ISIE law). The legal electoral framework also includes the Law No. 36-2014 of July 8, 2014, establishing the dates of the first legislative election and the first presidential election after the adoption of the constitution, the Decree Law No. 87-2011 of Sept. 24, 2011, on the organization of political parties and the Decree No.1088-2011 of Aug. 3, 2011, related to the electoral constituencies and establishing the number of seats per constituency for the elections to the National Constituent Assembly.

17 The ISIE adopted a total of 33 regulations throughout the electoral process.

those relating to the rules and procedures of the ISIE, the creation of the IRIEs, campaign finance, polling, sorting and counting, and the collation of results, should be included in the electoral code.[18] Overall, the law would benefit from consolidation of all provisions into one comprehensive electoral code.

The 2014 Tunisian Constitution and national laws also set aspirational goals and requirements for the participation of women in elected office and the civil affairs on the country. Article 34 of the constitution obligates the state to guarantee women's representation in elected bodies, and Article 46 obligates the state to seek to achieve parity between men and women in elected bodies. Article 24 of the election law requires that all electoral lists must alternate female and male candidates. However, the law does not mandate horizontal parity, meaning there is no requirement that a female candidate appear at the top of a list, which resulted in few such cases.

Gwen Dubourthoumieu

A woman leaves the Grombalia primary school polling station after voting in Slimane in the district of Nabeul in northeastern Tunisia.

Boundary Delimitation

Equal voting power is the core element of equal suffrage. Interpretive sources of international treaties and international good practice suggest that equality of voting power requires that seats must be evenly distributed among constituencies and that electoral constituencies should be drawn in a manner that preserves equality among voters.[19]

The 2014 electoral law stipulates in Article 106 that "electoral constituencies are divided and the number of their seats allocated on the basis of a law to be issued at least one year prior to the regular date of legislative elections," and "seats are to be distributed on the basis of proportional representation with the largest remainder method." No further details are provided. The current demarcation is based on Decree No. 2011–1088 of Aug. 3, 2011, which provides for the delimitation of constituencies and the number of seats per constituency in-country and abroad. This decree also introduced a positive discrimination by allocating more seats to underdeveloped constituencies that are mainly in the south of the country.[20]

Pursuant to this decree law, the total number of seats within the National Assembly is set at 217, distributed within 33 constituencies; 199 seats are allocated within 27 in-country constituencies, while 18 seats represent six overseas constituencies. This allocation resulted in significant

18 ISIE Regulation No. 5 on the rules and procedures of the ISIE; Regulation No. 8 related to the creation of the IRIEs; Regulation No. 20 on campaign finance; Regulation No. 30 on polling, sorting, and counting; and Regulation Nos. 32 and 33 regarding the collation of results

19 See United Nations Human Rights Council (UNHRC), General Comment 25, p. 21, and Code on Good Practice in Electoral Matters, Venice Commission of the Council of Europe, 2002, p. 17.

20 According to Article 31 of the 2011 electoral law, seats are distributed of the basis of one seat per 60,000 inhabitants, while an additional seat is allocated to the constituency in which, after determining the number of seats, there is a balance of more than 30,000 residents. However, this measure was not applied in certain constituencies. For example, the population of Kebili amounts, according to the last demographic results of the National Institute of Statistics of September 2014, to 156,961 residents, and the population of Zaghouan to 176,945. These constituencies have been allocated five seats each instead of three, as it would be according to the aforementioned article. On the contrary, the population of Nabeul is 787,920 and has been allocated 13 seats. Similarly, the population of Tozeur amounts to 107,912 residents and has four seats instead of two, and the constituency of Seliana has 223,087 residents and has been allocated six seats instead of four.

variations in the number of residents in relation to the distribution of seats per constituency and did not fully ensure the principle of equal suffrage as established in international standards.[21] For example, the Kebili and Zaghouan governorates were allocated five seats per some 150–175,000 residents, a twofold increase over the one seat per 60,000 inhabitants articulated in the 2011 electoral law. Likewise, the governorates of Tozeur and Seliana were allocated a greater number of seats in relation to their populations. Thus, a sizable discrepancy exists in the value of each vote.

Electoral System

The essence of any electoral system should be to translate the will of the people into a representative government. International standards do not prescribe a specific electoral system to achieve this purpose.[22] Overall, Tunisia's electoral system generally respects the principle of universal suffrage, though the discrepancies described in the previous section highlight a failure to fully guarantee equal suffrage as it relates to parliamentary representation.

The constitution guarantees the right to vote to all citizens who are 18 or older, with full enjoyment of their civil and political rights if they are not subject to any cases of disenfranchisement foreseen under the electoral law.[23] Article 6 of the electoral law prohibits military and security personnel from voting, a restriction that is inconsistent with international standards.[24] In addition, the 2014 electoral law does not include any provisions for mobile, proxy, or postal voting. Thus there is no mechanism for citizens in health care facilities, penitentiaries, or detention centers to exercise their right to vote, contrary to Tunisia's constitution and international commitments.[25]

Legislative Elections

Members of the legislative assembly are elected for a five-year mandate, according to the constitution. This is considered a reasonable interval consistent with international commitments and best practices.[26] The 2014 electoral law retained many of the features and provisions of the 2011 law. For the legislative election, the National Constituent Assembly chose to maintain a closed list proportional representation system in which seats are allocated according to the largest remainder method.[27] There is no threshold required to win a

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A Tunisian woman signs the register before voting in Tunis on Nov. 23, 2014.

21 Article 25 of the ICCPR, General Comment 25, para.21, emphasizes the principle that "within the framework of each state's electoral system, the vote of one elector should be equal to another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group." Also "the maximum difference in voting power should not exceed 10 to 15 percent." Venice Commission, Code of Good Practice in Electoral Matters, 2002, p. 17.

22 U.N., International Covenant on Civil and Political Rights, Article 25(b); United Nations Human Rights Council, General Comment 25, para. 21

23 Constitution, Article 54

24 ICCPR, General Comment 25, para. 4, stipulates that any limits placed on universal suffrage in the context of voter registration must be based on objective and reasonable criteria. According to the 2014 budget of the Ministry of the Interior, the number of Tunisian internal security forces amounts to around 93,486 personnel, while the regular armed forces is around 35,500 people, according to data of the Institute for National Security Studies.

25 Right to universal suffrage on the basis of equal treatment before the law: ICCPR, Article 25(b); African Charter on Democracy, Elections, and Governance, Article 3 (3). According to the 2014 Report of the U.N. High Commission for Human Rights, there are approximately 24,000 prisoners in the 27 incarceration facilities in Tunisia, among which around 13,000 are in provisional detention.

26 ICCPR, Article 25(b), General Comment 25, paras. 9 and 19; Universal Declaration of Human Rights, Article 21(3)

27 According to the largest remainder method, the number of votes that each party received is divided by the electoral quota, which is the total number of valid votes in the constituency divided by the number of seats in the constituency. This number includes an integer and either a fraction or alternatively a remainder. Each party receives seats equal to the integer. The seats that remain unallocated are distributed to the parties on the basis of the fraction; the parties with the larger fractions are each allocated one additional seat until all the seats have been allocated.

seat. This system is said to allow greater opportunities for smaller parties and political coalitions, as the electoral formula for the calculation of the distribution of seats increases the possibility of producing multiparty representation in the legislature, and the lack of a threshold facilitates their entry.[28]

Presidential Elections

According to the constitution, the president is elected for a five-year mandate, which is consistent with international commitments and best practices.[29] If no candidate receives an absolute majority of valid votes cast in the first round, the constitution requires a second round between the two candidates who received the largest number of votes be held within two weeks of the announcement of the final results of the first round.

Election Management

An independent and impartial electoral authority that functions transparently and professionally is recognized internationally as an effective means of ensuring that citizens are able to participate in genuine democratic elections and that other international obligations related to the electoral process can be met.[30] According to the law, and taking into account recommendations made following the 2011 elections, the National Constituent Assembly passed legislation on Dec. 20, 2012, to create a permanent independent institution, the Independent High Authority for Elections (ISIE, as its French acronym), to conduct legislative, presidential, and municipal elections.[31] This body replaced the first election management body set up in 2011. This step represents a significant and positive break from the past when elections were administered by the Ministry of the Interior and controlled by the regime.

From its very inception, ISIE was subject to rising tensions that dominated most of the Tunisian public and political scene between 2012 and 2013. The election of its members by the National Constituent Assembly was protracted due to a lengthy complaints and appeals period in the administrative court regarding criteria and selection process of the ISIE council members.[32]

The delay in the selection process undoubtedly affected the work of the ISIE, which from the outset faced a great deal of public mistrust. There was a temptation to blame any failures in the electoral process on the ISIE.[33] This was compounded by the fact that the ISIE began operating and making decisions in a legal vacuum since the drafting of the new electoral law was still in process at its inception.[34] Likewise, it was faced with the logistical challenge of not knowing the actual date or sequencing of the legislative and presidential elections, as setting those dates and sequence was the prerogative of the National Constituent Assembly, as agreed by the political parties as part of the national dialogue process.[35] In the end, the ISIE started its operations approximately nine months before the elections were called, a relatively short period in which to organize and implement three separate polling events.

The ISIE was eventually established in January 2014. Dr. Chafik Sarsar, university professor and specialist on constitutional law, was elected as

28 International IDEA, Electoral System Design, p. 178

29 ICCPR, Article 25(b); General Comment 25, paras. 9 and 19; Universal Declaration of Human Rights, Article .21(3)

30 UNHRC, General Comment 25, para. 20, and Code of Good Practice in Electoral Matters, Venice Commission of the Council of Europe, 2002, p. 10.

31 The ISIE law of Dec. 20, 2012

32 In May 2013, the administrative court found that the selection commission set up by the National Constituent Assembly had exceeded its powers and violated the principles of equality and of equal opportunity between candidates. In September 2013, the administrative court again suspended the selection process after some candidates complained that they were excluded from the short list used for the July hearings; the court found that the selection commission should have revised the short list based on the new evaluation criteria. In November 2013, after the National Constituent Assembly amended the law to give the selection commission discretionary power to set up a short list, the administrative court declared the new short list "illegal" and consequently annulled it, arguing that one candidate did not meet the legal requirements.

33 In conversations with The Carter Center, the ISIE acknowledged that they suffered from an important lack of public trust.

34 The ISIE could not enact necessary regulations until the new electoral law was adopted on May 1.

35 After weeks of debates and blockage, the political parties agreed in June 2014 to hold two—and potentially three—separate election days, with the legislative elections taking place before the presidential. According to Article 148, para. 3, of the new constitution, elections were to be organized before the end of 2014.

president of the ISIE with an absolute majority.[36] The newly created institution is composed of a council of nine members elected by the National Constituent Assembly on the basis of their professional competence for a single six-year term, with an executive body at the central and regional levels.[37] Three members who had served on the previous ISIE were elected to the ISIE council, as well as one who had served in the regional level of the electoral administration.[38]

The Independent Authority for the Elections is composed of a council of nine members elected by the National Constituent Assembly on the basis of their professional competence for a single six-year term.

By law, the ISIE has the power to enact secondary legislation and has no less than 18 responsibilities, including keeping and updating the voter register; establishing the calendar for each electoral operation and executing it; approving the registration of candidates; compiling and announcing election results; monitoring election campaigns; accrediting observers; and establishing voter education and awareness programs, among other duties. Its funding is assured by Articles 1 and 20 of the ISIE law, which supports the body's institutional independence. As foreseen by the law, the ISIE council created 33 Regional Authorities for Elections (IRIEs) in June 2014—one for each of the 27 constituencies in Tunisia and the six constituencies abroad—delegating to them five prerogatives in the fields of voter registration, candidacy for the legislative elections, electoral campaign, polling and counting, training, and awareness.[39]

The National Constituent Assembly also placed an important emphasis on gender representation, electing three female council members although there was no specific requirement in the ISIE law to do so.[40] The composition of the ISIE council is to be renewed by one-third of its members every two years, with the first two renewals done by draw. The Carter Center recommends that lawmakers amend the ISIE law in order to ensure gender parity on the ISIE council, as required by Article 46 of the constitution.[41]

While gender representation should achieve a greater balance at the highest levels of the election management, Carter Center observers noted that women were well-represented in fixed-term contracts for temporary roles in the election administration. They represented between 46–50 percent of the polling station staff and up to 75 percent of the campaign monitors and voter registration agents in some constituencies. While women represented approximately half of the staff of the polling stations and polling centers visited by Carter Center observers on the three election days, only 27 percent of the presiding officers from the same sample were women.

The Establishment and Operations of the High Independent Authority for the Elections

The ISIE's main challenge was to establish a completely new administrative apparatus at

36 The seven ISIE council members already elected in July 2013 included Nabil Baffoun, bailiff; Riadh Bouhouchi, IT specialist; Khameyel Fenniche, communication specialist; Mourad Ben Mouelli, administrative judge; Mohamed Chafik Sarsar, university professor; Faouzia Drissi, representative of Tunisians abroad; Lamia Zargouni, court judge. The two new ISIE council members were Anouar Belhassen, public finance specialist, and Kamel Toujani, lawyer.

37 According to Article 5 of the ISIE law, the ISIE was to be made up of a representative of each of the following categories: judicial magistrate, administrative magistrate, lawyer, notary or bailiff, university professor, IT specialist, communications specialist, and public finance specialist. The ninth member was to represent Tunisians living abroad.

38 These were Nabil Baffoun, Mourad Ben Mouelli, Anouar Belhassen, and Kamel Toujani.

39 The 33 constituencies include Ariana, Tunis 1, Tunis 2, Ben Arous, Manouba, Bizerte, Nabeul 1, Nabeul 2, Zaghouan, Beja, Jendouba, Kef, Siliana, Monastir, Sousse, Kairouan, Mahdia, Sfax 1, Sfax 2, Sidi Bouzid, Gabes, Gafsa, Kasserine, Tozeur, Kebili, Medenine, and Tataouine. Contrary to the ISIE and the regional administrative offices, the IRIEs are not permanent. The Arabic term for the IRIEs actually means "subsidiary bodies for the elections," which by extension can be described as "regional bodies." However, most stakeholders, including the ISIE, have kept referring to these bodies by using the term from 2011, namely IRIEs.

40 The initial version of the ISIE law included a women's representation requirement in the final candidate selection process. This provision was removed following the complaints and appeals period in the administrative court and the ensuing amendments by the National Constituent Assembly.

41 Article 46 obligates the state to seek to achieve parity between men and women in elected bodies.

national and regional levels with a clear distribution of responsibilities and effective internal and external communication so as to ensure the success of the forthcoming elections.

On a national level, this required not only the creation of an executive secretariat with the appropriate organogram and staffing to address all aspects of the election processes but also the development of tools and resources for the daily management of the secretariat. Key to this process were the recruitment of an executive director to run the secretariat and make administrative decisions, a clear division of labor within the ISIE council as well as between the council and the executive body, a transparent decision-making process, and a sound communication and information strategy. On all of these accounts, and in spite of the experience and institutional knowledge from the 2011 assembly elections, the ISIE struggled to adopt a consistent approach. Unfortunately, many difficulties experienced by the ISIE were similar to those experienced in the 2011 assembly elections, including failure to communicate effectively with electoral stakeholders and a lack of transparency in decision making.

The executive director resigned in August for health reasons and was never replaced in spite of repeated calls by civil society organizations to do so and the ISIE's own stated commitment to follow through.[42] The lack of an executive director hindered the body's decision-making processes and delayed the adoption of regulations necessary to administer the elections in a timely manner. This left little space for key electoral stakeholders, such as candidates, citizen observers, and international observers, to familiarize themselves with the electoral procedures and make suggestions for potential improvements.[43] Due to the lack of specificity in the electoral law, the ISIE was responsible for issuing regulations that had a significant impact on the elections, including measures related to campaign finance, voting, counting, and tabulation of results.

The ISIE also suffered from a lack of a clear division of labor, including within the ISIE council, which operated more as an administrative organ rather than a policy-making body and also operated on the regional level. There was no clear delineation between the roles and tasks of the IRIEs and the regional level of the executive body.[44] Carter Center observers reported that although the situation improved over time and that some potential conflicts between the IRIE presidents and heads of the regional executive levels evolved into some necessary complementarity, there were situations, particularly during the voter registration period, where it was unclear who was in charge of administrating the elections, leading to tensions between the two entities.[45] However, even though the added value of an additional layer of management can be questioned, particularly in a country of Tunisia's size, the IRIEs did go through an intensive program of professional and institutional development that could benefit future elections. Carter Center observers reported that the IRIEs' creation played a positive role in voter and candidate registration on a constituency level and that the IRIEs showed a great deal of flexibility and creativity throughout the process.[46]

The ISIE was also plagued by a lack of transparency in its decision making. The ISIE council failed to publish the minutes of its deliberations in a timely manner on its website and in the official gazette as required by the ISIE law and the

42 From October 2014 onward, civil society organizations such as Mourakiboun and ATIDE made repeated public statements about the need for the ISIE to appoint an executive director. The ISIE initially responded to these calls by publishing the list of 12 short-listed candidates for public objection but never finalized the process.

43 For example, the ISIE did not sign off on the voting, counting, and tabulation procedures that it had developed the previous summer until a few weeks and days before the election day for the legislative elections.

44 The ISIE delegated to the IRIEs five prerogatives concerning voter registration and candidacy for the legislative elections: electoral campaign, polling, counting, training, and awareness. See ISIE Regulation No. 2014-8 dated June 4, 2014, relating to the creation of the Independent Regional Authority for Elections.

45 This was the case in Gafsa where the IRIE president took over from the regional coordinator one week prior to the initial deadline of the first voter registration period. Likewise, a conflict arose between the IRIE and the regional election administration in Tozeur at the beginning of August.

46 For instance, during the voter registration process staff from the Bizerte and Beja IRIEs went to coffeehouses and organized rallies; the Jendouba IRIE staff sent representatives to graduation ceremonies; the Kebili IRIE reassigned registration centers; and the Tozeur IRIE made use of local artists and bloggers to reach the public.

body's rules of procedure.[47] In fact, the ISIE never held regular open deliberative sessions to discuss and vote on electoral matters. Even as the ISIE tried to address transparency issues, it continued to release limited information publicly on an ad hoc basis.[48] This lack of transparency appears to have contributed to the lack of public trust in the electoral administration by creating the perception among some stakeholders that the ISIE was deliberately concealing information or experiencing internal divisions.[49]

The lack of transparency was compounded by the failure of the ISIE to communicate clearly and concisely with the public, media, political parties, and the IRIEs. While some IRIEs reported an improvement in communication with the ISIE after the legislative elections, including through the creation of a liaison person with the IRIEs, they continued to complain about late instructions, a certain disconnect with the reality on the ground, and a general lack of structured communication.[50] This affected the credibility of the ISIE council and led to criticism from political parties and civil society organizations. At a consultation meeting organized by the ISIE with civil society organizations in September, the latter complained that electoral agents on the ground lacked clear and concise information.

Inadequate information led to inconsistency in implementing electoral procedures that was apparent during the voter and candidate registration processes and the campaign period. For example, IRIEs provided inconsistent explanations regarding the purpose of the voter registration receipt given to voters, and they interpreted the IRIE's authority with respect to determining the location of registration centers differently. The IRIEs and the ISIE varied in their procedural approach to filing complaints regarding the candidate registration process. IRIEs also failed to implement consistently the requirements for advance notification of campaign events.

The ISIE was criticized for not providing enough training to its contractual staff during the voter registration period and for not hiring enough staff with experience from the 2011 elections, as recommended by the transitional provisions of the ISIE law. However, the ISIE must be commended for its efforts to continue to improve the administration of the election process and the technical performance of the polling staff, for carrying out systematic training for poll workers before each set of elections, and for conducting a review of the process at the end of each election.

In response to repeated complaints from stakeholders during the legislative and first-round presidential election that candidates' representatives were trying to influence the voters' choice inside the premises of the polling centers—and in order to protect the voters' choice from external influence on election day—the ISIE directed polling center presidents to apply the law and regulations strictly for the second round of the presidential election. This led to an instruction allowing only one representative per candidate in each polling station and polling center.[51]

The ISIE instructed polling center presidents to prohibit candidate representatives, domestic observers, and voters from congregating in the courtyard of polling centers. It also requested that polling center presidents break up gatherings and ensure that voters leave the polling center premises immediately after casting their ballots. Polling center presidents implemented the ISIE

47 The ISIE released in August the minutes of the meetings it held between Feb. 6 and May 14, and for meetings held between May 15 and Aug. 21, it released minutes in December. As of the drafting of this report, these minutes have not been published in the official gazette. It also took more than a week for the ISIE to release statistics about the number of registered voters and, again, at the time of drafting of this report, the statistics of the last day of voter registration were missing from the ISIE website. The ISIE also announced the final number of registered voters less than three weeks before the legislative elections.

48 For instance, in December, following an open letter from several civil society organizations calling on the ISIE to release all election-related data, the ISIE released the summary of an audit performed on the voter registration system. However, this information contained only the terms of reference and the list of actions undertaken by the ISIE following the audit recommendations. In addition, as the ISIE changed its website after the presidential runoff, it removed the minutes of its May–December meetings.

49 For instance, Mourakiboun claimed throughout the electoral period that the ISIE's failure to release the final voter list demonstrated that the voter register was flawed.

50 For instance, the council issued contradictory communications on the numbers of the candidate lists in the legislative elections and candidates for the presidential elections.

51 This came as a response to complaints from citizen observers and candidate representatives during the first round that groups of people attempted to influence voters in polling centers and in the waiting lines at the polling stations.

instructions inconsistently, depending on their interpretation of the instruction. The ISIE's failure to communicate clear instructions created confusion among observers and poll workers responsible for their enforcement.

While the members of the ISIE council worked diligently to conduct a successful electoral process, their work may have focused too heavily on the operational aspects of the elections rather than establishing a strong administrative structure to support its work. The ISIE invested significant efforts in recruiting and training fixed-term staff for temporary tasks, such as voter registration, monitoring of campaign events and campaign finance, and polling/counting and results tabulation. However, they offered less support to its permanent staff, and the regional level of the executive body was consistently understaffed. The ISIE launched its formal recruitment process at the end of the summer, and it was not complete before the legislative elections. While this did not affect the conduct of the electoral operations, it strained the administrative staff as well as the IRIEs, which assumed more operational duties than assigned to them by the regulatory framework.

Although the ISIE struggled with aspects of transparency and confidence building inherent with its mandate, Carter Center observers found that the organization delivered well-run and orderly elections.[52] This, in turn, helped ensure a peaceful transition of power. The newly established election management body had to cope with various challenges, including institutional, logistical, and political concerns, which put pressure on the election administration. As the ISIE looks forward to future elections, including the municipal polls anticipated in 2015–2016, council members could improve their operations by focusing efforts on the hiring, training, and development of the body's permanent staff, clarifying the responsibilities of the regional electoral authorities and strengthening its regional networks.

Carter Center observers generally found well-run and orderly elections that helped ensure a peaceful transition of power.

52 See Article 12 of the ISIE law: "The [ISIE] shall ensure democratic, free, pluralistic, fair, and transparent elections [...]."

Pre-election Developments

Voter Registration

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.[53] Voter registration allows eligible voters to exercise their fundamental civil right to vote, while it acts as a safeguard against attempts to manipulate the process. It should be based on the principles of transparency, accuracy, and inclusiveness to ensure the integrity of the process and the credibility of voter lists. The ISIE, the IRIEs, the regional election administration, civil society organizations, and political parties worked together effectively to ensure that all Tunisian citizens who desired to vote in the legislative and presidential elections had an opportunity to register. 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 providing Tunisian citizens an opportunity to register. The ISIE and the IRIEs listened to concerns raised by various stakeholders and remained flexible throughout the process. Efforts to address most of these concerns led to an improved process and a higher number of registered voters.

Voter Registration System and Implementation

As required by the legal framework, Tunisia adopted an active voter registration system for the 2014 elections, requiring all potential voters to register in advance of the polls.[54] According to the electoral law, the ISIE used the lists of actively registered voters from the 2011 National Constituent Assembly elections as the basis for the 2014 voter register. Therefore, the ISIE needed to arrange time, space, resources, and tools to register not only new voters and those who were passively registered and cast a ballot in 2011 but also to allow existing voters to update their data. In addition, as the legal framework allows for overseas voting for both the legislative and presidential elections, the ISIE had to reach out to Tunisians residing abroad.

The ISIE established 33 voter registration centers to facilitate the registration process, one in each of the 27 electoral constituencies in Tunisia and in the six constituencies abroad. The offices were staffed by 2,500 registration workers. In addition, the ISIE set up 597 fixed registration offices and 275 mobile offices. To register, voters needed an identity card number. They could register either personally or by proxy with a close relative, at fixed or mobile stations, or even by cell phone for those voters residing in Tunisia and online for Tunisians residing abroad. In parallel and with help from relevant state institutions, the ISIE cleaned the existing voter lists from 2011 by

53 ICCPR, General Comment 25, paras. 4 and 11

54 Voter registration in 2011 was initially active, but because of low voter registration numbers the ISIE announced that all citizens who had not actively registered would be passively added to the voter register and be allowed to vote for the National Constituent Assembly.

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A Tunisian woman signs the register before voting. Individual polling stations were assigned up to 600 voters, who verified their registration at the stations by showing identification and signing the voter list.

removing deceased registrants and those registrants prohibited from voting by law.

The launch of the ISIE's voter registration operations coincided with a number of delays on the part of the ISIE concerning the announcement of the registration schedule; update of the Web-based platform; publication of the voting, counting, and tabulation procedures manuals; and the start of the voter awareness campaign. Taken together, these delays created the impression that the ISIE was unprepared. This perception was further reinforced after civil society organizations observing the first three days of the registration released their findings, describing a disorganized process with technical and logistical deficiencies.

The voter list was posted for public inspection after each phase of registration, as the law stipulates. The Carter Center noted that while the law only calls for the voter list 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.[55] There was a noticeable lack of voter education material instructing the public on how and why to review the voter list. A total of 87 objections were filed by registered voters with the 33 IRIEs in the country and abroad on voter registration. The majority of these were resolved by the IRIEs in a satisfactory fashion. No appeals concerning voter registration were filed with the Court of First Instance.

The initial registration period was scheduled for June 23 to July 22. The ISIE extended it by one week after criticism from political parties and civil society organizations that the registration rate was

55 According to Carter Center observers, the availability of the list varied overall from region to region. For example, in one village in Kasserine, the list was not publically displayed 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.

Table 2: Timeline of Voter Registration Events

June 23	Beginning of the first phase of voter registration
July 23	Extension of the first phase of voter registration
July 29	End of the first phase of voter registration
Aug. 5	Beginning of the second phase of voter registration
Aug. 6	Publication of the preliminary voter lists for the first phase of voter registration
Aug. 7	Submission of complaints on the voter lists for the first phase of voter registration
Aug. 9	End of submission of complaints on the voter lists for the first phase of voter registration
Aug. 26	End of the second phase of the voter registration
Aug. 30	Deadline for establishing the final voter lists for the first phase of voter registration
Sept. 1	Publishing of the preliminary voter lists for the second phase of voter registration
Sept. 2	Submission of complaints on the voter lists for the second phase of voter registration
Sept. 4	End of submission of complaints on the voter lists for the second phase of voter registration
Sept. 25	Deadline for establishing the final voter lists for the second phase of voter registration
Nov. 2	Beginning of reinsertion of registered voters' names into voter lists
Nov. 8	End of reinsertion of registered voters' names into voter lists

low. Several stakeholders criticized the ISIE for organizing the voter registration during the month of Ramadan and during the summer when most administration offices and businesses were open only half days. However, many factors outside the ISIE's control influenced the timing of voter 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 date of the election of members to the ISIE, the late adoption of the election law, and the length of time it took for the assembly to adopt the constitution.[56]

Poor organization also contributed to problems in the registration process. The voter registration IT system was hacked and subsequently disabled for a couple of days in July. Civil society organizations were critical of many of the technical and procedural aspects of the ISIE's operation, such as the process by which registration agents could change voting centers assignments by SMS without checking the voter's identity in the central voter register.

The ISIE subsequently opened a second registration period from Aug. 5–26 in an attempt to address weaknesses from the first phase. It targeted specific categories of voters, including: eligible voters who had cast a ballot in 2011 but had not actively registered in 2011 or 2014; youth, particularly those turning 18 before each election date; and women who lacked ID cards. The ISIE also expanded the working hours of the IRIEs and allowed them greater flexibility to decide on the schedule and locations of the mobile registration centers. The ISIE announced that only those citizens who had registered in the first phase would be eligible as candidates for the legislative elections. This restriction led to the rejection of several lists by the IRIEs because all potential candidates had to be registered voters and several had not registered until the second phase.

The ISIE expanded opportunities for Tunisians living abroad to register after the legislative election. This effort came in response to low registration rates abroad and claims made by civil society organizations and citizens that thousands of voters abroad and in Tunisia were disenfranchised,

56 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.

Table 3: Total Number of Registered Voters for the 2014 Legislative and Presidential Elections

Voter Registration Phases	Number of Voters
End of first phase of voter registration	760,514
End of the second phase of voter registration	269,348
End of reinsertion of voters' names	489
Total number of registered voters for the 2014 elections	5,285,136

as they could not find their names on the voter lists. The ISIE opened a one-week window from Nov. 2–8 for these voters to reinsert their names if they could show that they had previously registered. In conversations with The Carter Center, the ISIE stated that the organization of the registration for Tunisian voters abroad was problematic and that if the Parliament maintains the current allocation of seats for Tunisians abroad in future elections, other methods of voting (such as proxy or mail voting as in other countries) should be considered.

Some civil society organizations considered the efforts of the ISIE to be limited and uneven and argued that the voter lists should be externally audited.[57] In fact, while the ISIE released voter lists by constituency on a temporary basis at the end of each registration period for the voters' scrutiny, it never released the entire voter register to the public or for external verification.[58]

The ISIE was also slow in communicating to the public about the efforts to clean the voter lists and released updated figures only after the lists were displayed for verification. The ISIE released limited statistical information on categories of voters registered only after the first round of the presidential election, which was too late for interested stakeholders to design and conduct meaningful voter education campaigns.

Voter Education

Voter education is an important element of an electoral process, as it is meant to ensure that voters are ready, willing, and able to participate in electoral politics. The fulfillment of the international obligation of universal suffrage is partially dependent on the success of adequate voter education.[59] This was particularly relevant to the 2014 elections, given the complexity of holding three separate elections and the necessity to update and complete the 2011 voter register on the basis of a new legal framework. While it organized dedicated voter education campaigns for this purpose and cooperated with other stakeholders such as civil society and political parties, it failed to reach out to the public in a systematic way.

Voter Awareness-Raising on Voter Registration

The ISIE launched its voter awareness campaign one week after the kickoff of the voter registration process. While it took advantage of tools such as social networks, billboards, stickers, posters, and videos, the ISIE campaign also involved the active participation of its own regional structure and other stakeholders such as political parties, the media, and civil society organizations. The ISIE organized consultation meetings with civil society organizations early in the electoral process to agree on a cooperation mechanism, including messaging and coordination at the regional level. Although the ISIE expressed its intention to develop an action plan, it remains unclear whether this ever happened. Concretely, this initiative translated into parallel awareness-raising activities with little coordination between the IRIEs, the regional electoral administration, and civil society organizations.

57 See open letter from Dec. 4 signed by ATIDE, Touensa, Tunisia Votes, Democratic Lab, Nawat, Mourakiboun, OpenGov TN, 23_10, I-Watch, and Al Bawsala at http://www.opengov.tn/fr/lettre-ouverte-aux-membres-de-lisie/

58 Instead, every voter had the possibility to check his or her own personal data via an SMS-based service.

59 ICCPR, Article 25; States must ensure that voter education reaches the broadest possible pool of voters. (U.N. Human Rights Council, General Comment 25, para. 11)

Civil society organizations complained to The Carter Center that the IRIEs saw them as an additional workforce rather than as partners in their own right. Carter Center observers also noted that most IRIEs seemed to overemphasize the importance of increasing registration numbers compared to 2011 and did not adequately target qualitative improvements. Although the ISIE noted that the synergy between the election administration and civil society at the regional level led to increasing the number of registered voters, they ended efforts to cooperate with civil society organizations for the second phase of voter registration. This decision was not well-communicated to the IRIEs and was not accompanied by any new, additional activities.

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For the most part, Tunisian voters demonstrated a sound understanding of how to cast their ballots.

Although the High Independent Authority for the Elections called on civil society organizations to coordinate its messages, it decided not to associate with them in its get-out-the-vote campaign for fear of being seen as influencing voters' choice.

Voter Awareness-Raising for the Legislative and Presidential Elections

During all three elections, the ISIE's awareness-raising campaigns coincided with the official campaign period. It developed a single set of information materials, composed of posters, billboards, stickers, newspaper advertisements, and TV ads, which it adapted to each new date and type of election. Messages focused on the importance of voting as well as technical aspects of the process, including explaining how to find one's voting center and the voting procedures. The ISIE also used social networks as a way of communicating with the public. In addition, the election administration deployed mobile teams of voter education agents to some parts of the country. These teams simulated voting procedures with voters.

Although the ISIE called upon civil society organizations to coordinate their messages, it decided not to associate with them in its get-out-the-vote campaign for fear of being seen as influencing voters' choice. As a result, there was far less cooperation between civil society organizations and electoral authorities than during the voter registration period and fewer targeted initiatives for specific groups of voters, such as youth and women. This led to the impression that the ISIE's efforts were very passive and more focused on providing voter information than voter education. The Carter Center urges the ISIE to take steps for future elections to ensure a vigorous voter education campaign in all media on the procedures to be implemented on election day, including ways voters can verify where to vote and what form of ID can be used.

Candidates, Parties, and Campaigns

The right of individuals to participate in public affairs is a commitment under international law.[60] While the right to be elected is a widely recognized principle in both regional and international treaties, it is not an absolute right and may be limited on the basis of objective and reasonable criteria established by law.[61] The domestic legal framework allows for an inclusive candidate

60 ICCPR, Article 25

61 UNHRC, General Comment 25, para. 4

registration process and is generally consistent with international and regional standards relating to the freedom of association and the right to be elected.[62] The constitution provides for the political rights of citizens, including the right to form and participate in the activities of a political party as well as to assembly and association. Overall, there are no discriminatory or unreasonable restrictions to run in the legislative elections. However, with regard to the presidential elections, the requirement on the candidates' religious belief should be reviewed.

Legislative Elections

Candidate registration for the legislative election took place from Aug. 22–29. According to electoral law, the IRIEs were responsible for reviewing and approving the candidate lists in each constituency for the legislative elections.

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Citizens gather for a rally in support of presidential candidate Slim Riahi of the Free Patriotic Union party during the last day of campaigning before the election.

More than 1,500 candidate lists were submitted to the IRIEs, of which 1,327 were approved, with a total of more than 9,500 candidates. Parties submitted 61 percent of the lists. The rest were divided between independent lists (26 percent) and coalition lists (13 percent). Some candidate lists were rejected, as applicants failed to meet various eligibility requirements, including, for example, a failure to register during the first phase of voter registration, a lack of gender parity on the complementary lists, failure to submit a sufficient number of replacement candidates, nonsubmission of tax declarations, and the lack of a candidate's signature or legalized signatures.

The legal framework foresees the distribution of public funding to each candidate or candidate list.[63] Carter Center observers noted that independent candidate lists, in particular, seemed to be more interested in receiving public funding than actually participating in the electoral race, as they did not conduct any campaigning. Several political parties complained that the high number of candidate lists would lead to a fragmentation of votes and to a large number of "wasted" votes for parties that would not eventually win a seat in the legislature. Lists that do not achieve 3 percent of the vote or one seat in the National Assembly were required to repay any public financing received.

In spite of technical difficulties with the computerized registration system on the last two days of candidate registration, when the majority of the lists were submitted, Carter Center observers reported that the IRIEs managed the process well. Most political parties acknowledged that the IRIEs were cooperative and expressed satisfaction with their process to review and approve the lists.

Candidate selection criteria varied considerably from party to party and from region to region, even within the same party. For many political parties, the lists were proposed at a regional level and approved at the central level. In some of the

62 ICCPR, Article 25: "Every citizen shall have the right and the opportunity [...] to vote and to be elected at genuine periodic election." See also Article 13 of the African Charter on Human and Peoples' Rights.

63 Articles 75, 78, and 81 of the electoral law and Decree No. 2761 of Aug. 1, 2014

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.

Although the law requires that all electoral lists alternate between female and male candidates, it does not mandate horizontal parity or the appointment of female candidates to the head of a list. As a result, few parties placed women at the head of their lists. Only 145 of 1,327 lists were headed by women, although 47 percent of the candidates were female.[64] A total number of 68 women were elected to the legislature, representing 32 percent of the total number of the assembly members. In light of Tunisia's progressive aspirations regarding gender equality in the new constitution and the electoral law, Tunisian legislators should take additional measures—such as requiring that a woman be placed at the head of at least 50 percent of all lists submitted by a party—to ensure increased participation of women in elected office.

While many parties reported that it was easy to recruit female candidates, others reported difficulties in identifying women who were willing to run for the assembly. This was particularly common in internal regions in southern Tunisia where some parties reported that women were pressured by relatives to abstain from running. Some interlocutors claimed that when recruiting female candidates, parties and independent candidates were not looking for experienced female politicians but merely interested in meeting the legal requirement. In some cases, the difficulty in recruiting women was partly due to internal fighting about the list ranking within parties.

Presidential Elections

Presidential candidates must be Tunisian by birth, of the Islamic religion, and at least 35 years old. Constitutional measures regarding the candidate's religious beliefs should be reviewed for conformity with international standards, which forbids discrimination on the right to run for office on the basis of religion.[65]

All nominees were required to pay a deposit of Tunisian dinar 10,000 (about US$ 5,200), refundable if the candidate secured at least 3 percent of the valid votes cast. In addition, in order to appear on the ballot, presidential candidates had to be endorsed either by 10 National Constituent Assembly members or a minimum of 10,000 registered voters from at least 10 constituencies with a minimum of 500 voters per constituency.[66]

As provided by the electoral calendar, candidate registration for the presidential election took place Sept. 8–22. The ISIE received a total of 70 candidacies by the deadline, more than half submitted on the final day. Among the applicants were five women, three members of the National Constituent Assembly, six businessmen, and three ex-ministers who had served under the Ben Ali regime.[67] This list included incumbent President Moncef Marzouki and National Constituent Assembly President Mustapha Ben Jaâfar.

The ISIE confirmed a preliminary list of 27 candidates on Sept. 30. Forty-one applicants were rejected for failure to meet the candidate support requirements. One of the five female applicants was confirmed.[68] The ISIE cited several reasons for rejecting candidate applications, including an insufficient number of signature endorsements and/or the distribution of signature endorsements across fewer than 10 constituencies, failure to submit signatures in the required electronic format, and failure to produce a financial deposit.

The requirement to collect signatures proved problematic in its implementation stage due to an alleged use of fraudulent signatures by several

64 See State Secretary for Women's and Family Matters: http://www.lecourrierdelatlas.com/797530092014Tunisie.-Les-electrices-tunisiennes-desormais-plus-nombreuses-que-les-electeurs.html.The lists with the highest share of women heads of list were Union for Tunisia and Al Amen Party.

65 ICCPR, Article 2 and 25; UNHRC General Comment 25, para. 15

66 The obligation to collect a certain number of signatures in order to stand conforms to the principle of universal suffrage according to the Council of Europe Code of Good Practice in Electoral Matters, which states that signatures required should not exceed 1 percent of voters in the constituency concerned.

67 During the National Constituent Assembly discussions on the constitution, it was proposed to limit the participation of members of the former regime. However, this proposal was not included in the constitution and draft legislation. Limiting their participation was discussed but never brought to a vote in the National Constituent Assembly.

68 Kalthoum Kannou, judge and former president of the Tunisian Magistrates' Association

presidential candidates. Many civil society organizations urged the ISIE to take action against candidates who allegedly used fraudulent voter data for endorsement purposes. In response, the ISIE claimed that it was not within its mandate to investigate the falsification of names and data and that only those whose signatures were used without consent had legal standing to file a complaint, as provided by the law. The ISIE set up a call center to allow voters to verify whether their names appeared in the endorsement lists without permission.

In three cases, the ISIE filed complaints with the Court of First Instance against enterprises in which staff had allegedly provided employee databases to candidates' campaigns for use as endorsements without the permission of the employees. A fourth complaint was filed on behalf of an ISIE member whose name had been used without his consent. By the time of writing of this report, these four cases are still pending in the court.

The Carter Center recommends that the legislature review the legal provisions regarding candidate registration and consider expanding the time limit for the ISIE and the IRIEs to review candidate applications and supporting documentation. The law should also specify the institution responsible for verifying the signatures and provide that organization with the necessary resources to do so.

Campaign Finance

The necessity of financing political life and its implications make it crucial that legal frameworks for elections consider regulating the financing of general political party activities as well as campaign financing and party and candidate expenditures.[69]

The 2014 electoral law provides clear and precise campaign finance relations and expanded the powers of the Court of Auditors. The court has the power to assess campaign financing and provides for proportionate sanctions in cases of violations.[70] While the efforts to strengthen campaign finance requirements from the 2011 polls are positive, the law and regulations would benefit from review and revision to overcome remaining shortcomings.

The law foresees both public and private funding, as well as self-financing, and stipulates the adoption of government decrees setting expenditure ceilings. Contributions from candidates,

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A supporter of presidential candidate Moncef Marzouki holds a portrait of his candidate in the streets of Tunis on the last day of the campaign for the presidential elections.

69 UNHRC, General Comment 25, para. 19; International IDEA Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections, p. 91

70 Articles 98–100 of the electoral law. The law foresees financial penalties progressively raised according to the percentage exceeding the campaign spending limit as well as cancellation of the seats obtained by the perpetrating parties or lists.

political parties, and national citizens are legal, while contributions from unknown donors, foreign governments, and foreign businesses or people are prohibited.

The electoral law also gives the ISIE the authority to monitor and enforce campaign funding rules. The ISIE issued a regulation on the rules, procedures, and modalities of financing the electoral campaign, which calls for the appointment of ISIE agents to monitor campaign finance irregularities.[71] The ISIE hired, trained, and deployed approximately 1,200 people to monitor adherence to campaign finance regulations. Under Article 143 of the electoral law, the ISIE is empowered to cancel the results in a polling station or constituency if it finds that based on reports from ISIE agents, violations of the campaign finance provisions significantly affected the results in a "fundamental and decisive way." This ISIE assessment should be conducted during the three-day period before the announcement of the preliminary results.

There are some shortcomings that undermine the effectiveness of Tunisia's campaign finance provisions. The law and regulations could benefit from a thorough review. The law does not require that political parties, candidate lists, and candidates file an interim report, thus denying voters useful information before the polling on how the electoral contestants funded their campaign.[72] Also, the electoral law does not provide a clear mechanism for evaluating in-kind contributions nor does it require electoral contestants to disclose donation amounts and the identity of all donors.

Although electoral law does not explicitly prohibit funding from unknown sources, anonymous donations are explicitly prohibited by the law governing the organization of political parties and by ISIE regulations that also require each candidate list or candidate to keep a receipt book that includes the names of the donors, the numbers of their identity card, the amount of the donation, and the modality of payment.[73] Provisions explicitly banning anonymous donations should be foreseen in the electoral law, which is the primary legislation for the elections.

The electoral law sets out a 45-day deadline from the announcement of the final results for candidates to submit campaign finance reports to the Court of Auditors.[74] This delay is quite long in light of international best practices. Despite the lengthy time provided, the court extended the original deadline to early February and reported that only 34 percent of the lists from the legislative elections had filed reports one week before the newly established deadline.[75] Furthermore, although Article 87 of the electoral law establishes the obligation for political parties, candidate lists, and candidates to publish their financial statements in a daily newspaper within two months of the announcement of the final results, the law does not foresee a corresponding sanction in case of nonpublication.[76]

The Court of Auditors prepares a general report on the results of its campaign finance oversight within six months of the announcement of the final results of the elections.[77]

Legislative Elections

The Court of Auditors has the power, within six months of the publication of the final results, to annul the election of every member of the newly elected assembly who ran on a list that exceeded the campaign spending limit by more than 75 percent or did not submit its financial statement according to the procedure required by the law.[78] Several civil society organizations reported that they had evidence that all of the major political parties had exceeded the campaign expense ceiling and that they had shared this evidence with the

71 ISIE Regulation No. 20 of Aug. 8, 2014

72 United Nations Convention Against Corruption, Article 7

73 See Decree Law No. 2011-87 and ISIE Regulation No. 20

74 The court extended the original deadline for filing the report from Jan. 7 to Feb. 4, as few lists or parties had submitted the financial report. On Jan. 26, the court announced that only 34 percent of lists from the legislative elections had filed the required report with the court.

75 According to Paragraph 200 of the OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation, "Reports on campaign financing should be turned into the proper authorities within a period of no more than 30 days after the elections."

76 The Carter Center mission did not monitor the publication of the reports, and at the drafting of this report, the Court of Auditors could not confirm their publication.

77 Article 97 of the electoral law

78 Article 98 of the electoral law

ISIE and the Court of Auditors.[79] The Court of Auditors is scheduled to release their report on financing of the legislative elections on May 22. If a candidate list is found to have exceeded the spending limit by more than 75 percent, the court shall order the annulment of the membership in the Assembly of the Representatives of the People of every person who ran on that list.

Public funding is distributed according to the number of voters in each constituency and its population density. Many political parties complained that the amount of public funding was too low to conduct a credible legislative campaign, especially for those parties with limited access to private funding sources.[80] According to international best practices, state support should be limited to a reasonable contribution so as not to interfere with the independence of the party.[81] The approach to public funding successfully avoids creating interference, but the overall spending limit as it stands is too restrictive to allow parties, candidate lists, and candidates to campaign at a reasonable scale without violating the current spending limits.

Presidential Elections

Public funding for the presidential candidates was somewhat more generous, as it was distributed equitably based on the number of voters at the national level. This translated to Tunisian dinar 15 (approximately US$ 7.50) per 1,000 voters for the first round of the presidential elections. Accordingly, the total public funding per presidential candidate for the first round was Tunisian dinar 79,284 (about US$ 43,093), and the ceiling for the total expenditure for each candidate amounted to Tunisian dinar 792,840 (about US$ 430,938). For the second round, this amounted to 10 Tunisian dinar per 1,000 voters. Thus the total public funding per presidential candidate in the second round dropped to Tunisian dinar 52,851 (about US$ 28,446), and the ceiling for the total expenditure per candidate was Tunisian dinar 528,513 (about US$ 284,462).

Political parties are not allowed to fund the campaign of their presidential candidates. Nevertheless, candidates could benefit from in-kind contributions by their parties. These contributions should be included in their campaign finance final expenditures.[82]

The Campaign Period

The national legal framework for an election should provide for the right of all individuals and groups to establish, in full freedom, their own political parties or other political organizations, with legal guarantees to enable them to compete with each other on a basis of equitable treatment before the law.[83] For the first time since independence, both the legislative and presidential elections offered voters a genuine choice among a diverse group of candidates. Although the ISIE reported a large number of campaign violations, they did not have a substantial impact on the campaign or the electoral process in either the presidential or legislative polls. The campaign environment remained calm and subdued in spite of security threats, and candidates were able to campaign freely.

For the first time since independence, both the legislative and presidential elections offered voters a genuine choice among a diverse group of candidates.

79 The civil society organization I-Watch, which monitored six of the largest parties' campaign expenditures in six constituencies during the legislative elections, released the findings of its monitoring on Dec. 15 showing that both Ennahdha and Nidaa Tounes exceeded the electoral ceilings in the October elections.

80 The average amount of public financing is less than Tunisian dinar 8,000 or approximately US$ 4,000 per political party or candidate list per constituency. The ceiling for total expenditure for every list whose candidacy has been approved is equal to five times the amount of the public funding.

81 Venice Commission, CDL–AD (2011)020, opinion on the need for a code of good practice in the field of funding of electoral campaigns, Appendix, Article 1

82 Article 76 of the electoral law and Article 9 of ISIE Regulation No. 20 on campaign finance

83 U.N., ICCPR, Articles 22, 25, and 26

In general, legal restrictions on campaigning are too restrictive and should be reviewed. The requirement for advance notification of campaign events to the election administration proved burdensome in its implementation for both elections, and it could be streamlined to greater effect. Increasing tension between the candidates and polarizing rhetoric between the two rounds of the presidential election led the ISIE to take measures to stem aggressive and tense discourse. These steps, which consisted of meetings with the candidates and public statements, were successful in promoting calm in the campaign environment and on election day for the presidential runoff.

Legal Framework

According to law, the electoral period encompasses the pre-campaign, the campaign, and the silence period. The pre-campaign period includes the three months prior to the election day, while the campaign period begins 22 days prior to polling day for all elections, followed by an electoral silence period 24 hours prior to the opening of polls and including election day.

Article 57 of the electoral law prohibits political publicity in audio, visual, written, or electronic media or through fixed or mobile publicity materials in public or private locations during the comprehensive electoral period. In addition, the law prohibits the publication of opinion poll results related to the elections during this period. Article 71 of the electoral law mandates the ISIE to monitor the adherence by the electoral contestants to the principles, rules, and procedures of the campaign, either ex officio or upon request of any stakeholder.

Public meetings, demonstrations, motorcades, and gatherings are allowed during the campaign period. The election law stipulates that the ISIE or relevant IRIE should be notified in writing at least two days in advance of such events. It does not explicitly foresee cancellation of the event, if this obligation is not respected. In practice, however, the ISIE instructed the IRIEs to take urgent measures to cancel public events for which they had not been notified. In addition, each candidate list, candidate, and party was required by law to keep a register of their campaign activities.

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Supporters of Hamma Hammami, presidential candidate and leader of the Popular Front party, attend a political rally in the streets of Tunis.

Although the law lists specific examples of campaign violations, corresponding sanctions are inconsistent. For instance, Article 172 prohibits the publishing of opinion surveys during the comprehensive electoral period. Violations during the campaign period are sanctioned under Article 156 of the election law; however, it does not delineate sanctions for violations that occur during the pre-campaign period.

The IRIEs and the ISIE received reports of more than 4,500 violations during the campaign for the legislative elections. The majority of the reported violations did not have a substantial impact on the campaign or the electoral process overall. The most common violations reported included posters being torn down or displayed illegally, the use of political publicities, and unauthorized meetings.

During the first round of the presidential election campaign, the ISIE announced that its monitors reported 1,900 violations, largely concerning the illegal display of campaign posters and the failure to inform the ISIE of planned campaign rallies. Most of these violations were resolved through informal communication between the election administration and the candidate and did not result in sanctions or legal action. The ISIE president announced that the ISIE transmitted to the general prosecutor 113 electoral offenses committed during the two rounds of the presidential elections, 19 violations during the first round, and 94 during the runoff. He also stated that the violations did not influence the results of the first round, as most concerned isolated cases of aggression toward polling center agents, illegal campaigning, and attempts to influence the voters during the electoral silence.

Campaigning in the Legislative Elections

The election campaign officially started on Oct. 4, 2014, and lasted three weeks. Despite the limited time frame allocated to campaigning, campaign activities were carried out without a great deal of urgency or intensity during the first two weeks. Carter Center observers reported that several of the publicly allotted spaces designated for the placement of posters remained empty and that few events took place in the regions during this time. In the last week before the election, there was a substantial increase in the number of electoral events and the campaign environment intensified.[84] In total, Center observers were present at 58 rallies, with participation ranging from five people at the smallest to more than 10,000 at the largest.[85] Of the 58 events attended, only eight rallies had more than 1,000 participants. Generally speaking, the right to freedom of expression and association was respected.

In parts of the south, Carter Center observers noted a tense campaign environment. A few cases of violence were reported in Sfax, Tunisia's second largest city. Overall, however, the campaign environment was calm and peaceful. Tensions that existed between the parties in general did not produce violent encounters. On several occasions, Center observers reported that electoral events would take place simultaneously in the same locations; yet no altercations occurred.

Before the official start of the election campaign, Carter Center observers across the country received several complaints of illegal campaign activities. Judging by the nature of the complaints, several stakeholders may have found it difficult to distinguish between what was allowed during the pre-campaign and campaign periods. Political activities carried over from the voter registration period were at times difficult to separate from outright campaigning. For example, several parties actively engaged in door-to-door campaigns, canvassing in public locations, distributing fliers, and organizing public events. Most did this under the pretext of "introducing" their party to the voters rather than campaigning. When interviewed by Carter Center observers, some interlocutors in political parties openly admitted that they exploited the pre-campaign period for campaign purposes. In conversations with The Carter Center, the ISIE acknowledged that nothing in the law prohibited political parties from publicizing their political platform during

84 The number of meetings reported by the media during the second week was 73, more than a fourfold increase from the first week when only 17 meetings were reported.

85 Ennahdha held the largest observed rally in Sfax on Oct 18. Reports on participation vary from 10,000 to 15,000 people.

For each of the three rounds of elections, campaign activities began at a slow pace but intensified near the end of the campaign period.

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the pre-campaign period and that the law did not foresee any sanction for violations of the spirit of the law during the pre-campaign period.

The major political parties released their electoral programs before the start of the official campaign. Many of these programs were first developed at the national level and were adapted to local realities, thus giving the race a local flavor. Most electoral platforms addressed similar issues, such as the restoration of the state's authority, the need for a global development plan to target unemployment, and the creation of a comprehensive strategy to fight terrorism. In the south, other factors such as ideological affiliation and family/tribal ties played an important role in mobilizing voters.

Carter Center observers reported that the requirement to notify the IRIE two days prior to each event was not always respected by candidate lists. Some had no awareness of this requirement, resulting in events frequently being held without prior notification.[86] Some meetings were canceled by electoral authorities, as directed by the ISIE, because the organizers failed to provide the required advanced notification. Carter Center observers also noted that the notification requirement created undue administrative pressure on smaller parties and independent lists, as it was a burden to submit advance notification prior to each separate event.

Independent lists, as well as smaller parties and coalitions, resented the ability of large parties to mobilize party resources and machineries. They claimed that audiovisual and print media were dominated by political party messaging from the bigger parties.[87] Media coverage of the official submission of presidential candidates, which occurred just one day after the announcement of the preliminary candidate lists for the legislative elections, afforded parties who fielded presidential candidates an additional advantage.

86 See ISIE Regulation No. 2014-28 on Rules and Procedures of Organizing the Electoral and Referendum Campaigns, Chapter 3, Articles 18 and 19. The local office of Moubadara in Sahline (Zaghouan) told Carter Center observers that they did not need to report the events to the IRIE.

87 The term "bigger parties" would usually designate Nidaa Tounes and Ennahdha.

Campaigning in the First Round of the Presidential Election

The results of the October legislative elections, accepted by all political parties, helped to shape the dynamics of the presidential campaign. The official campaign period for the presidential election was slow to begin, as most candidates took time to reflect upon how the results of the legislative elections impacted their campaign strategies. In the weeks leading up to the first round, candidates and parties, even those who did not have a candidate in the race, began redefining their positions on the political scene based on the results of the legislative election. Some candidates withdrew from the race, and others received the support of parties whose nominees were rejected during the registration process or who had withdrawn.[88]

As during the legislative elections, the first two weeks of the presidential campaign were characterized by a limited number of events, a lack of excitement, and a general lack of activity. Several of the designated poster placements remained empty throughout the campaign period. Only a few candidates held rallies during the first week of the campaign. The pace intensified in the last 10 days of the campaign as events and public outreach increased.[89] As during the legislative elections, candidates did not consistently notify the IRIEs of their campaign events, and the election administration had difficulties in monitoring them. Only in the last days before the election did the campaign and the general excitement about the elections increase. Geographically, campaign activities were more concentrated in urban areas along the coast. With the exception of Gafsa and Sidi Bouzid, very few campaign events took place in southern governorates.

National Constituent Assembly President Mustapha Ben Jaâfar, whose party won no seats in the legislative elections, called on all social democratic parties and candidates to unite behind a single candidate and/or to adopt a common platform to prevent the return of one-party rule.[90] Ennahdha initially called for parties to support a "consensus candidate." After other parties rejected its proposal, the party's Shura Council decided not to endorse any candidate and urged their voters to cast their votes for "the person who is best able to lead the democratic transition." The incumbent president Mohamed Moncef Marzouki received the support of six parties considered to have close links with Ennahdha.[91] Al Massar endorsed several candidates, leaving the final choice up to each individual voter, while Afek Tounes threw its support behind Beji Caid Essebsi.[92]

Unlike in the legislative campaign when their use was prohibited, candidates relied heavily on the use of commercial billboards throughout the country during the presidential campaign. Candidates also used posters, door-to-door activities, and regional rallies to conduct voter outreach. Candidates who did not enjoy the support of a party made greater use of social networks.[93]

In spite of the president's limited prerogatives, candidate manifestos touched upon a wide range of issues from social and economic development to security and the fight against terrorism. Some candidates backed by parties that ran in the legislative elections continued to campaign

88 Abderrahim Zouari, candidate of the Destourian Movement, and Mohamed Hamdi, candidate of the Democratic Alliance, announced respectively on Oct. 30 and Nov. 5 that they were withdrawing from the race, whereas independent candidates Nourredine Hached and Mustapha Kamel Nabli and Wafaa Movement candidate Abderraouf Ayadi announced their withdrawal on Nov 17 to support, respectively, Beji Caid Essebsi and Mohamed Moncef Marzouki. Per the electoral law, they remained on the ballot paper. Abderrahim Zouair and Mohamed Hamdi did not record their allotted free airtime.

89 On Nov. 15–16, The Carter Center observed rallies for Mohamed Moncef Marzouki in Sfax and Beji Caid Essebsi and Hamma Hammami in Menzeh 1 with, respectively, between 6,000 and 10,000 attendees.

90 This initiative, which brought together—in addition to Mustapha Ben Jaafar—Mohamed Hamdi (Democratic Alliance), Mohamed Abbou (Democratic Stream), Zouhaier Maghzaoui (Popular Movement), Imed Daimi (Congress for the Republic), Maya Jribi and Issam Chebbi (Al Jomhouri), Hichem Safi (Popular Unity Movement) as well as independent candidate and former president of the Tunisian Bar Association Abderrazak Kilani failed, as all those involved considered that a consensus was only possible in the second round.

91 These included Marzouki's party, Congress for the Republic, Maghrebin Construction Party, Development and Reform Party, National Movement for Justice and Development, and National Construction Party.

92 These were Beji Caid Essebsi, Hamma Hammami, Kalthoum Kannou, and Mustapha Kamel Nabli. Al Massar called on Tunisians to vote for the candidate who was more inclined to achieve the revolution objectives; meet youths' claims for freedom, dignity, and employment; and break with corruption and dictatorship while endeavoring to build a democratic and civil state based on the principle of citizenship.

93 Moncef Marzouki was the most active candidate on Facebook, with many dedicated support pages, while Beji Caid Essebsi was perceived to be relying more on the appearance of Nidaa Tounes' members on TV programs.

on their legislative programs. Most other candidates focused on the role of the president as the guarantor of the constitution. The incumbent president also systematically raised the specter of despotism and dictatorship if a former official of the Ben Ali regime were to win the presidential election.

The presidential elections took place amidst a tense security environment. The media reported that several candidates received death threats that led them to postpone or cancel campaign events.[94] As a result, the Ministry of Interior granted close protection to all candidates, and Carter Center observers noted a heavy presence of security forces at several of the rallies they attended. Nevertheless, the campaign environment remained peaceful and there were no reports of inflammatory speech during rallies and political meetings during the first round of the presidential election.

Campaigning in the Second Round of the Presidential Election

The two candidates who won the largest percentage of votes in the first round of the presidential election on Nov. 23, Beji Caid Essebsi and Mohamed Moncef Marzouki, advanced to the runoff. Even though the campaign for the second round did not officially begin until Dec. 9, both candidates maintained a public presence in the days following the first round, particularly through appearances in foreign media.[95] The candidates made efforts to build their social media presence by rebroadcasting campaign video clips that underscored their opposing visions of Tunisia.[96] Tension between the two candidates and their supporters increased immediately after the first round, as both campaign teams made polarizing statements in local and international media discrediting and attacking their opponent, which generated a divisive and tense electoral atmosphere.[97] The heightened rhetoric carried on until the official start of the campaign, though the tension, with a few exceptions, did not seem to have significant adverse effects on the candidates' ability to campaign freely during the runoff election.[98]

The two candidates employed very different campaign strategies. Moncef Marzouki organized large public rallies across the country and presented himself as the rampart against the return of the old regime. Beji Caid Essebsi organized smaller, intimate gatherings around Tunis with targeted groups of voters and selected media, portraying himself as a unifier of all Tunisians. Although Caid Essebsi declined to participate in a public debate, national TV stations broadcast an interview with each candidate in the final week of the election to provide voters with an opportunity to learn more about the candidates' motivations and their vision for the country.

Overall, the candidates focused more on disparaging each other than on their respective programs. Caid Essebsi released his platform just six days before the runoff election. It amalgamated those of the political groups that had announced support for him and contained eight measures touching upon socio-economic, diplomatic, and security issues.[99] Marzouki reintroduced his party's electoral program from the first round, which

94 For instance, on Nov. 11 and 12, Slim Riahi and Mondher Zenaidi canceled their respective meetings in Sfax, Kairouan, and Monastir.

95 In the period preceding the official campaign for the runoff, the candidates gave interviews to French broadcasting and print media, such as France 24, RFI, RMC, Le Monde, Le Point, and Le Parisien as well as Al Jazeera and Jeune Afrique.

96 See https://www.youtube.com/watch?v=5HiUn_mntPc&list=UUY0NMzgINOyw4AqecyI1TzA, posted on Nov. 20, 2014, that features the family of a young man who died in in Syria voting for Beji Caid Essebsi as the solution to fight terrorism; and the video at https://www.youtube.com/watch?v=B5VSETI2nRw, posted on Nov. 12, showing pictures of martyrs of the revolution, dead and injured people, and orphans, with a voiceover of Caid Essebsi mocking the existence of snipers.

97 On Nov. 24, Caid Essebsi gave an interview to a French radio station in which he described those casting their votes in favor of Marzouki as Islamists and Jihadist Salafists and as belonging to parties which he categorized as extremist and violent. These comments sparked demonstrations in the central and southern parts of the country, where Marzouki enjoys a larger support base, leading various political and civil society actors to intervene and call on both candidates to refrain from acrimonious rhetoric during the campaign.

98 For example in Kebili, Caid Essebsi's campaign supporters were advised to avoid certain areas due to risks of confrontation, and when Moncef Marzouki appeared at a campaign event in Siliana, he was met by an agitated group of protesters, some of whom were trying to throw objects at the incumbent president. Marzouki also chose to cancel a visit to Mateur, allegedly because of rumors that Caid Essebsi supporters were gathering to protest against him.

99 These included a special development plan for border regions, a fight against pollution, a waste management plan, additional financial support to students, cancellation of tourism tax for Maghreb-based travelers, review of the drug consumption law, calls for 25 percent representation of women and youth in the new government, and a draft law to enable spouses to enjoy a special tax regime to import vehicles.

targeted the eradication of poverty, improvement of Tunisia's security environment, and implementation of education reforms.

As during the first presidential round, most parties and losing presidential candidates positioned themselves in favor or against the two remaining candidates. While Caid Essebsi received the support of other former presidential candidates and seven more parties, Marzouki continued to enjoy the support of the six parties that had supported him in the first round.[100] Some parties and former presidential candidates did not ask their supporters directly to vote for either of the candidates.[101] Popular Front leader and former presidential candidate Hamma Hammami initially asked his supporters to refrain from voting for Marzouki without endorsing Caid Essebsi. However, during the last days of the campaign, while renewing his call not to vote for Marzouki, he instructed voters either to vote for Caid Essebsi or to leave their ballots blank.

In spite of calls from Marzouki for their endorsement, Ennahdha, the party that received the second-highest number of seats in the Assembly of the Representatives of the People, decided against supporting either candidate, advising its members and supporters to choose whomever they considered most suited for the role of president.[102] In anticipation of this announcement, Hamadi Jebali, former secretary-general of Ennahdha and former prime minister, announced his resignation from the party on Dec. 12. This resignation paved the way for a split among Ennahdha voters as demonstrated by the subsequent call of two other Ennahdha leaders to vote for Marzouki.[103]

In view of rising concerns about the risk of violence and motivated by its responsibility to protect the integrity and the credibility of the elections, the ISIE council took restrictive measures to encourage a clean campaign environment. The ISIE also encouraged the two candidates to abstain from inflammatory rhetoric, reminding them of their commitments to a candidate charter of honor signed in July to ensure democratic, free, pluralistic, fair, and transparent elections. When Marzouki stated at a campaign rally that his competitor could not win without falsification, the ISIE warned him not to make statements that could undermine the integrity of the electoral process. The ISIE also ordered the removal of billboards from a private ad company that referred to the three years of the interim government in negative terms. The ISIE judged that the billboards amounted to hidden campaigning and could disrupt public order and the elections.[104]

Civil Society

International and regional treaties recognize the role of the participation of citizens in enhancing all aspects of the electoral process.[105] Both Tunisian civil society and political parties took an active part in observing the legislative and presidential electoral processes and contributed to the transparency of the electoral process.

Many observer networks that emerged in 2011 for the National Constituent Assembly elections remained active, continuing to play an essential role in the democratic transition, contributing to the constitution-making process and the transition that followed.[106] Several were involved in

100 Candidates and parties supporting Beji Caid Essebsi included candidates Mondher Zenaidi, Mustapha Kamel Nabli, Samir Abdelli, and Ali Chourabi as well as the National Salvation Front, the Al-Massar, the Free Patriotic Union (UPL), Afek Tounes, the Patriotic and Democratic Labour Party, and Al-Moubadara. The committee also included personalities who until then belonged to other parties, e.g. Taieb Houidi from Al Jomhouri. Marzouki's supporters included Congress for the Republic, Maghrebin Construction Party, Development and Reform Party, National Movement for Justice and Development, and the National Construction Party.

101 This was the case of Hechmi Hamdi, who left the final choice to his supporters while asking them to vote for the candidate who would defend the values of the revolution of Dec. 17.

102 See http://www.tap.info.tn/en/index.php/politics2/presidential-elections/23321-ennahdha-does-not-endorse-any-candidate-for-the-presidential-runoff.

103 See http://www.businessnews.com.tn/Habib-Ellouze-et-Sadok-Chourou-pr%C3%83%C2%A9parent-l%C3%82%E2%80%99explosion-de-la-cocotte-d%C3%82%E2%80%99Ennahdha,520,51982,3.

104 The publicity billboards displayed in Tunis used slogans such as "provisional poverty," "provisional buckshots," "provisional dirt," "provisional violence," and "provisional expensiveness."

105 ICCPR, Article 25; African Union, African Charter on Democracy, Elections, and Governance (ACDEG), Articles 19–22; CIS, Convention on Democratic Elections, Article 1(2); OSCE, Copenhagen Document, para. 8; OAS, IADC, Articles 23–25; OSCE/ ODIHR, Legal Framework (Ed. 1), p. 13

106 Two civil society organizations submitted constitutional drafts, one of which remained the basis of the National Constituent Assembly drafting process.

voter awareness and election observation for the 2014 polls, considering that it is part of the same continuum.[107] A few like-minded organizations decided to work in cooperation as a way to maximize resources.[108]

Approximately 14,000 citizen observers registered for the legislative elections. This number increased to nearly 27,000 for the first presidential round and more than 29,000 for the second round. Many prominent civil society organizations released their observation findings after each round of the elections, making recommendations aimed at improving the process and demonstrating the seriousness of their undertakings. These included Mourakiboun, ATIDE, Chahed Observatory, Civilian Pole for Development and Human Rights, League of Tunisian Women Voters, Ofyia-Center for Studies of Islam and Democracy, Youth without Borders, I-Watch, and Tunisian League for Human Rights. Most civil society organizations are expected to publish their final reports in early 2015. Mourakiboun and ATIDE deployed the largest number of observers.

Approximately 14,000 citizen observers registered for the legislative elections. This number increased to nearly 27,000 for the first presidential round and more than 29,000 for the second round.

Mourakiboun conducted a parallel-vote tabulation fielding more than 4,000 observers to cover a representative sample of polling stations across Tunisia for each of the three elections. Through analysis of the data, Mourakiboun was able to report voter turnout figures and national election results with a high degree of precision within hours of the closing of the polls. Mourakiboun's numbers confirmed the official results reported by the election commission, bolstering the confidence of political parties and the general public in the election administration, process, and results.

In an attempt to calm the situation between the two presidential rounds, several civil society organizations also launched initiatives against the use of violence in several regions of the country. Five organizations held a joint press conference just days before the presidential runoff to present recommendations to the electoral administration, candidates, voters, and the media to promote a smooth and quiet process on election day.

Most citizen observer organizations submitted their findings and recommendations concerning each phase of the electoral process directly to the ISIE. However, the ISIE did not establish a formal mechanism for receiving or responding to civil society feedback, and civil society organizations often reported that the ISIE did not actively respond to their complaints. In spite of this, most civil society organizations reported that the administration of the elections improved for each round.

In a tribute to active participation in the political process, candidates accredited large numbers of representatives in all three elections, from 59,000 in the legislative elections up to 65,000 in the presidential polls. They appeared well-organized and knowledgeable of the procedures. Some political parties complained that the ISIE was late in supplying accreditations, particularly for out-of-country candidate representatives, thus making it difficult to deploy them in a timely manner. Generally speaking, only presidential candidates were authorized to register representatives to observe on their behalf. This meant that all party representatives accredited for the legislative elections had to be re-accredited as observers of a presidential candidate in order to gain access to the polling stations for the presidential elections.

While electoral authorities generally supported the role of citizen observers and candidate representatives and facilitated their access to polling stations, the ISIE issued a last-minute directive that prohibited people, including accredited citizen observers, from loitering in the courtyards of polling centers during the second round of the presidential election. This measure was in response to complaints received after the first round about

107 Including ATIDE, Ofiya, the Center for the Study of Islam and Democracy (CSID), Sawty, I-Watch, and the LTDH

108 This was, for instance, the case of the LTDH, the Bar Association, and the UGTT, on the one hand, and Ofiya and CSID, on the other hand.

attempts by bystanders to influence voters while they waited in line to vote. This measure restricted the citizen observers' observation of the overall polling environment. Also, for many groups, it also hindered their ability to report findings, as they were unable to report via SMS from within the polling station where they were observing and unable to remain in the areas immediately surrounding the polling centers. Tunisian observer groups were critical of the instruction, citing concerns that it curtailed their movements and reduced the overall transparency of the elections. The directive appeared unduly restrictive to accomplish its stated goal of preventing undue influence on voters. Efforts should be taken in future polls to meet this objective while at the same time not restricting the observation by citizen observers.

Electoral Dispute Resolution

Electoral law provides for a timely remedy for aggrieved parties and respects the right of judicial review, guaranteeing an independent oversight of the electoral process in accordance with international standards.[109] The courts conducted their responsibilities in an effective and timely manner in all three elections. International obligations aimed at ensuring a transparent dispute resolution process require that the judgment, findings, and legal reasoning of the judgment be made public in all cases.[110] It is commendable that the administrative tribunal functioned in a transparent manner and supplied The Carter Center with copies of all decisions. Based on the Center's analysis of decisions, the court demonstrated a considerable degree of impartiality, issuing its rulings with a sound evidentiary and legal basis within the time limits set by the law.

Candidate Registration in the Legislative Elections

Under the electoral law, complaints against the decisions of the election administration regarding candidate registration for legislative elections should be filed with the judicial Court of First Instance within three days of notification of the relevant decision. The court should issue a decision within three days, and appeals should be lodged with the appellate chambers of the administrative court, which should adopt its ruling within 48 hours of the pleading session.

A total number of 133 complaints were filed with the Court of First Instance concerning candidate registration for the legislative election. Candidate lists were rejected due to the applicants' failure to meet eligibility requirements by registering during the first phase of voter registration, a lack of gender parity on the complementary lists, insufficient number of replacement candidates, nonsubmission of tax declarations, and the lack of a candidate's signature or legalized signatures. The IRIEs consistently applied candidacy criteria when accepting or rejecting lists. The Court of First Instance as well as the administrative tribunal made commendable efforts to adjudicate all petitions in a timely manner in accordance with the expedited procedure foreseen in the law.

In a significant number of decisions, however, the Court of First Instance displayed an inconsistent approach to the interpretation of the electoral law, thus compromising the right to an effective remedy.[111] These decisions related to the application of the principle of parity among men and women candidates on the supplementary lists;[112] the right of candidates who registered as voters during the second phase of voter registration to

109 U.N. Human Rights Council, General Comment 32, para. 19

110 U.N. ICCPR, Article 14

111 The Carter Center analyzed 75 out of 133 decisions of the Court of First Instance issued on appeals against decisions of the IRIEs on candidate registration.

112 Notably, the Court of First Instance of Kairouan ruled in some decisions that the electoral law does not foresee the rejection of a complementary list if it does not respect the rule of alternation but only the principle of parity. According to these decisions, as Article 541 of the civil code states that the interpretation of the law should not be restrictive, and as the complementary list is a provisional list, it is not subject to the same conditions as the original list, as it facilitates the candidature and it cannot be a reason of aggravation for the candidates. On the contrary, the Court of First Instance of Kasserine ruled that the electoral law requires that the complementary list should respect the principle of parity and the rule of alternance. Similarly, the Court of First Instance of Sousse found that Article 24 of the electoral law does not specify whether both lists should abide by the rules of parity and alternance.

stand for office;[113] and the necessity of a certified signature of the candidates during the submission of the lists.[114]

Aggrieved parties filed 111 appeals of the decisions of the Court of First Instance with the appellate chambers of the administrative tribunal. Twenty-five appeals were rejected on formal grounds, 53 were rejected on merit, and 33 were accepted on both formal grounds and merits.[115]

Candidate Registration for the Presidential Election

Candidates whose registration is denied by the ISIE have the right to appeal this decision to the appellate chambers of the administrative court. There were 23 complaints filed against ISIE decisions denying registration to presidential aspirants. Of these, 15 complaints were rejected on substantive grounds and six on technical grounds. One complaint was withdrawn, and one was rejected because the complainant had not actually applied with the ISIE to register as a candidate. Appeals were filed against 15 of these decisions with the plenary assembly of the administrative tribunal, which upheld the decisions of the appellate chambers.[116]

Despite the short time limits, the administrative tribunal was able to address all complaints and appeals in a timely fashion.

Despite the short time limits, the administrative tribunal was able to address all complaints and appeals in a timely fashion. Furthermore, it demonstrated impartiality and respect for due process in the decisions that it issued, which appeared sufficiently documented. Three rejected candidates challenged the constitutionality of the provisions on endorsement or on the financial deposit in their complaints.[117] Others either did not submit the endorsers' data to the ISIE, or they submitted endorsements that did not meet the required number of endorsements or represented constituencies needed.

All the appeals accepted on formal grounds were rejected on merit.[118] During the adjudication of the complaints regarding the presidential candidates' registration, the appellate chambers of the tribunal showed a consistent approach in the examination of the facts and the interpretation of the law.

113 For instance, the Court of First Instance of Mahdia ruled that the law does not prohibit the acceptance of a candidate who registered during the second phase of voter registration to run in the elections, thus overturning the relevant decisions of the IRIE. Similarly, the courts of Sousse and Sfax found that the registration of a candidate in the voter register of the second phase of registration confers on him or her the status of voter; therefore, the IRIE decision was abrogated. The Court of First Instance of Kasserine found, however, that the competence to determine an electoral calendar is accorded to the ISIE, and the second phase of voter registration granted by the ISIE aimed only at the provision of qualifying the voter without according the right to candidacy at the legislative elections, while the candidates were supposed to be informed of the relevant deadlines and decisions adopted by the ISIE.

114 While the Court of First Instance of Kairouan, Monastir, and Sousse ruled that the certified signature of the candidate is explicitly foreseen in the law as being necessary to demonstrate his/her free will and agreement to run in the elections, if the candidate is not present during the submission of the list to the IRIE, the court of Mahdia found that the law does not require the signatures to be legalized before the municipalities. Therefore, a rejection on this ground is not in conformity with Article 21 of the electoral law.

115 Out of these, 39 were filed by political parties, 36 by independent lists, and 36 by the IRIEs.

116 Only three appeals were rejected on formal grounds, one for lack of notification of the ISIE and the others for filing the complaint after the deadline.

117 It should be noted that the IPCCPL has already examined the issue of constitutionality of the financial deposit, rejecting the relevant request for unconstitutionality. For this reason, the appellate chamber no. 5 refused to decide on an issue that has already been raised before the IPCCPL. But nevertheless, the aforementioned chamber examined the constitutionality of the endorsement and stated its compliance with the constitutional provisions in the case no. 2014 30006 dated Oct. 10, 2014.

118 In particular, the plenary assembly adopted a different position regarding the calculation of the time limit of 48 hours given to candidates to rectify their requests for candidature. The first instance judgment considered that the 48-hour time limit should expire at midnight of the second day, while the ISIE, as well as the plenary assembly of the tribunal, calculated this in hours and minutes, according to the 1971 European Convention for the calculation of deadlines. Thus, it refused to examine the complementary list of supporters for being submitted with a 45-minute delay.

Election Day

The voting process is the cornerstone of the obligation for the free expression of the will of the people through genuine, periodic elections. In order for the voting process to reflect accurately the will of the people, the right to vote, to participate in public affairs, and to enjoy security of the person must be fulfilled.[119] The state must take all necessary steps to ensure that such rights are fully protected and enjoyed by all citizens in a nondiscriminatory manner.[120]

The Carter Center issued preliminary statements following each of its three rounds of election observation and positively assessed the electoral process while noting areas for potential improvements. According to Carter Center observers, the electoral framework was implemented effectively. Polling staff worked efficiently and with a great deal of integrity. At the end of each electoral period, Tunisian citizens and political actors accepted the results of the

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Voters form a queue outside a primary school that served as a polling station in Tunis.

119 ICCPR, Articles 2, 25(a), and 9

120 ICCPR, Article 2(2); ICESCR, Article 1

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Polling staff verified voters' identity and registration status and ensured that voters inked their fingers before casting ballots.

elections, despite minor and isolated procedural irregularities. The ISIE proactively addressed errors between election rounds by reviewing polling staff performance, replacing staff as necessary, and providing additional training sessions.

Carter Center observers reported that polling staff were professional and accessible in the stations visited. Polling stations opened on time with the appropriate staff and materials in nearly all locations observed by The Carter Center. Across the three elections, women represented 48 percent of polling staff members. However, only 27 percent of presiding officers at stations observed by the Center were female. The Center commends the gender balance among the broad group of polling staff and encourages authorities to appoint a greater number of female staff as presiding officers in future elections.

Over 5 million Tunisians registered to vote in the 2014 legislative and presidential elections. The ISIE established 10,569 polling stations for each round of the elections and ensured that stations were effectively distributed across the country. The official results published after each round reported turnout rates of 61 percent, 64 percent, and 56 percent, respectively for the legislative, presidential, and presidential runoff elections.

The Carter Center observed an even gender balance among voters and noted that the proportion of younger voters was quite small. The electoral law limiting the number of registrants per polling station to 600 facilitated the process and contributed to short lines and wait times for most voters. In addition, the establishment of an SMS system that allowed voters to quickly determine their assigned polling stations by text message from the ISIE helped to direct voters and limit confusion about the process. However, the organization of the voter lists by national identification numbers, which correlated with age, led to concentrations of older voters at some polling stations and younger voters at others. In order to facilitate shorter lines and waiting periods for all voters assigned to polling centers, the Center recommends that voter lists be organized randomly within the polling centers in future elections.

Voter instruction procedures were not consistently implemented throughout the 2014 elections. Although the Center's findings indicate that this issue had little impact on the overall process, it is important to ensure that all voters have a basic understanding of how to cast a ballot properly and that a procedure is in place to instruct voters when confusion arises on election day. The majority of voters found the voting process simple enough to carry out independently. Instances of confusion were reported most frequently for elderly or disabled voters or voters who appeared to suffer from illiteracy. For future elections, the election administration should take a proactive role in promoting full and equal understanding of the voting process. The ISIE should enhance its voter instruction efforts via informational television and radio broadcasts, awareness campaigns, or other means with the goal of inclusivity for elderly, disabled, and illiterate voters.

During the polling phase, The Carter Center observed and reported issues relating to observer access to electoral processes in multiple rounds of elections. Observers were occasionally prevented from fully accessing polling stations due to a lack of assigned seating or restrictions on the use of mobile technology within polling stations. The ISIE should allow international and citizen observers free access to enter and observe freely within polling stations and to use technological tools as long as observers do not interfere with

electoral processes and demonstrate respect for the code of conduct.

Observers experienced some difficulties in assessing the tabulation procedures in the first two rounds of the elections. The ISIE designated specific areas for observers to monitor the tabulation process for each of the three rounds of elections. During the tabulation phase of legislative elections and first round of the presidential election, assigned locations were frequently too distant from the actual tabulation procedures for observers to make meaningful assessments. The ISIE provided mitigating tools, including video cameras and projections of results, but these measures were not sufficient for producing a fully transparent environment. The ISIE implemented significant improvements for the presidential runoff election. The configurations of tabulation centers were reconsidered, and most observer teams were permitted to observe in proximity to the actual tabulation procedures and discuss the process with tabulation staff. The ISIE should continue these efforts to ensure observer access and transparency during the tabulation process of future elections.

For each of the three rounds of elections, citizen observers and candidate representatives participated actively and played important roles in ensuring that election day processes were followed. On average, Carter Center observers encountered observers from various civil society organizations at 55 percent of the polling stations visited and noted the presence of candidate representatives at 96 percent of polling stations. Likewise, observers reported that citizen observers were present in 93 percent of centers and that candidate representatives were present in 80 percent of centers during the tabulation process. These citizen actors contributed significantly to the quality of the electoral process by promoting accountability for carrying out procedures with efficiency and integrity and increasing the confidence of citizens and political actors in the election results.

The ISIE maintained a media center—where the media had access to results as they were announced—for all three rounds of the elections, and the ISIE held regular press conferences to inform the media on the progress of each round.

Legislative Elections

The Carter Center was accredited by the ISIE to observe Tunisia's legislative elections, which were held on Oct. 26, 2014. The Center deployed 72 observers who visited 344 unique polling stations as well as the tabulation centers in all of the 27 constituencies in Tunisia. Two days after the election, the Center summarized its assessment of the electoral process. The Center's preliminary statement declared that the Tunisian elections were carried out in a calm, orderly, and transparent manner.

The Carter Center observed an even gender balance among voters and noted that the proportion of younger voters was quite small.

Opening

Carter Center observers evaluated the overall environment and process at poll openings to be "very good" or "reasonable" for all polling stations visited and assessed the implementation of procedures to be "very good" or "reasonable" for 29 of the 30 polling stations observed. The observed polling stations opened largely on time at 7 a.m. with minor exceptions. All electoral materials were delivered on time, and polling staff generally followed the opening procedures according to regulations.

Polling

The Carter Center observed polling at 344 polling stations during the legislative elections, and observers evaluated the overall electoral environment and process as "very good" or "reasonable" in 98 percent of observations. With very few exceptions, polling staff ensured that ballot boxes were sealed properly, sensitive polling materials were secured, and the secrecy of the ballot was protected. The layout of polling stations was effective in facilitating the flow of the voters, and for the vast majority of polling stations, voters enjoyed remarkably short wait times before casting their ballots.

The overall implementation of procedures was assessed as "very good" or "reasonable" in 99 percent of observations. Except for a few minor irregularities, polling procedures were followed. These irregularities were isolated and included cases of inadequate instructions to voters on how to vote, failure to diligently check voters for ink, and failure to ink fingers according to procedure. Many of the violations reported were technical errors that had minimal or no impact on the process as a whole. For example, many observers reported that polling staff applied ink to each voter but failed to ensure that the ink covered a full third of the finger as mandated by the voting protocol. Likewise, the impact of errors in checking voters for ink appears to be minimal. Although polling staff at times were not proactively checking the hands of each voter, Carter Center observers did not report any allegations of voters attempting to vote twice. Observers also reported that despite limited instruction voters' understanding of voting procedures appeared adequate in 92 percent of observed stations.

Closing and Counting

The overall assessment of Carter Center observers was that the closing of the polling stations was calm, organized, and efficient. All of the 30 observed stations were rated as "very good" or "reasonable" for the overall implementation of procedures and the overall electoral environment and process. Few stations had voters waiting in line at the time of close, but in all observed cases, voters in line were allowed into the polling stations to cast ballots before polls closed. Polling staff effectively carried out procedures for managing the queues, sealing ballot boxes, and completing the closing minutes for nearly all of the Carter Center's observations.

In several polling stations, the count did not begin immediately after the closing as instructed in the written manual of polling and sorting procedures issued by the ISIE. However, breaks were generally limited, and once the counting process began, it continued until completed. Election material remained in full view of observers during the stoppage and was not removed from the polling station.

Carter Center observers evaluated the counting process at the same 30 stations where closing was observed and assessed the overall electoral environment and process as "very good" or "reasonable" for all observations. The overall implementation of procedures received

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Ambassador Audrey Glover (left), Ambassador Mary Ann Peters (middle), and Hina Jilani debrief with short-term observers after the first round of the presidential election.

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Sarah Johnson, associate director in the Carter Center's Democracy Program (left); Don Bisson, the Center's field office director (right); and delegation leaders present the Center's preliminary findings at a press conference held two days after the first round of the presidential election.

equally high marks at all stations except for one observation where the presiding officer did not demonstrate comprehension of the procedures and recorded the minutes of counting incorrectly.

The other 29 polling stations observed by the Center demonstrated sound understanding of procedures. Removal of contents from the ballot box, ballot sorting, ballot counting, and the completion of minutes were largely implemented according to procedures. Isolated problems with these procedures included neglecting to check ballots for stamps and the failure to read counting minutes aloud for the observers who were present.

In general, the counting process at observed polling stations was conducted in a transparent and orderly manner. Results were posted according to procedures for all observations, and electoral materials were secured and transferred effectively. Polling station staff gave all candidate list representatives the opportunity to review the results, and all agreed to sign the results in polling stations observed by the Center.

Tabulation

The military facilitated the transport of polling materials to the tabulation centers, traveling in convoys from one polling center to another and completing a circuit of several centers before delivering materials to the tabulation center in each constituency. The transfer of electoral materials frequently delayed the tabulation process, sometimes by several hours. However, with a few exceptions, observers described the overall atmosphere in the tabulations centers as orderly and calm. In most cases, observers were not able to effectively observe the process due to a lack of access to the work area for tabulation center staff. In the few tabulation centers where the observers

were able to make a meaningful assessment, they characterized the process as slow but well-managed and professional.

First Round of the Presidential Election

The Nov. 23 presidential polls were administered in a professional and neutral manner. The ISIE made efforts between the legislative and presidential election to train polling staff and replace officials who demonstrated partiality during the legislative election as determined by the election administration. The Carter Center deployed 85 observers who visited 380 unique polling stations as well as the 27 tabulation centers. The Carter Center presented its findings on the electoral process two days after the first round of the presidential election by releasing a preliminary statement and holding a press conference in Tunis.

Carter Center observers rated voter understanding of the voting procedures as adequate in 98 percent of stations visited.

Opening

The Carter Center observed opening at 36 polling stations and assessed both the overall electoral environment and the overall implementation of procedures as "very good" or "reasonable" in all but one of the observed stations. While a few observed stations opened late, all stations were open within one-half hour of the 8 a.m. directive. Late delivery of materials caused one station to open late, but for the remainder of polling stations observed by the Center, materials were delivered on time and were readied for use during polling.

With few exceptions, polling staff ensured that opening procedures were followed transparently and according to regulations including recording ballot box seal numbers, emptying and sealing boxes, and accounting for ballot inventories and other sensitive materials. In some stations, procedures relating to ballot inventory and the completion of opening minutes were not followed adequately as staff did not count the ballot inventory diligently, failed to read the minutes aloud, or did not complete opening minutes at all. In one polling station, observers reported that staff prevented accredited individuals from entering the station until after the original seals were broken and ballot boxes were opened. A candidate list representative filed a complaint in this instance.

Polling

The Carter Center observed polling at 380 polling stations during the first round of the presidential election. The overall electoral environment and implementation of procedures were both assessed as "very good" or "reasonable" in nearly all of the observations, facilitating voters' ability to cast their ballots and to secure electoral materials from tampering. The average voter waited less than three minutes to cast his or her ballot in stations observed by the Center. Voters also enjoyed a calm and orderly electoral atmosphere, as very few disruptive events or circumstances were reported by observers.

There were a few procedural irregularities observed, including the failure to check voters for ink before allowing them into the station and inadequate supplies of paper for voters to dry the ink on their fingers. In 20 percent of observed polling stations, the required instruction to voters by poll workers was assessed as inadequate or was not given at all. However, Carter Center observers rated voter understanding of the voting procedures as adequate in 98 percent of stations visited, signaling that the lack of voter instructions did not have a substantial impact on the voting process.

Closing and Counting

The overall assessment of the election environment and process during the closing was "very good" or "reasonable" in all of the locations observed. The overall implementation of closing procedures was evaluated as "very good" or "reasonable" in 33 of the 34 observed stations. In two observations, the minutes of the closing procedures were not adequately completed. Polling staff effectively managed queues, sealed ballot boxes, and completed closing minutes in all other cases.

In several polling stations observed by the Center, polling staff decided to delay the counting process by taking breaks for durations that ranged from 15 minutes to more than one hour. Observers reported that in these cases, the staff locked the polling station doors so that materials would be secure and did not report any evidence or suspicion of malpractice. Nonetheless, if taking a break before counting is in the best interest of the election, a procedure for delay—which ensures that materials are protected from tampering and guarded by security personnel—should be established within the electoral framework.

The counting process received high grades from the Carter Center's observers for the overall electoral environment and process and the overall implementation of procedures. Nearly all of the observed stations received "very good" or "reasonable" ratings for both categories. Staff appeared to be familiar with the process and executed procedures effectively and efficiently, from the emptying of ballot boxes to the posting of results. Each of the individual procedures outlined by the ISIE for the counting process was carried out in compliance with regulations in polling stations observed by the Center. In all cases, candidate representatives present agreed to sign the results of the counting process.

Tabulation

The tabulation process for the first round of the presidential election was neither uniformly nor transparently carried out. In at least eight of the 27 tabulation centers, Carter Center teams were not able to meaningfully observe the process because the configuration of the centers separated the observers from the procedures. The ISIE intended to provide greater access to the process by installing video cameras and projectors, but this initiative proved inadequate due to ineffective implementation. This issue also affected citizen observer groups and candidate representatives and substantially limited the transparency of the process.

In many cases, materials from polling centers did not arrive at tabulation centers until late into the night. When materials did arrive, observers who were provided sufficient access to the process noted that center staff worked efficiently to tally results. While the Tunisian military garners high public confidence in fulfilling its role in transporting materials, consideration should be given to facilitating the efficient transport of materials in future elections, including providing the army with adequate resources to undertake its duties.

The tabulation process for the first round of the presidential election was neither uniformly nor transparently carried out.

Second Round of the Presidential Election

A runoff election was administered on Dec. 21 to determine which of the two leading candidates from the first round of the presidential election would be Tunisia's next president. The Carter Center deployed 60 observers who visited 282 polling stations and 20 tabulation centers. During its Dec. 22 press conference, the Center presented its findings and assessed that despite minor irregularities the elections were successful and transparent.

Opening

Carter Center observers visited 26 polling stations for opening and reported that the process was smooth and well-organized. The overall electoral environment was evaluated as "very good" or "reasonable" in nearly all cases. All observed polling stations opened on time with the appropriate electoral materials.

Observers reported in five different polling stations that the procedures for completing the ballot inventory were not followed, echoing missteps from the first round of the presidential elections.[121]

121 Issues with this particular procedure included deficiencies in counting the full inventory of ballots, neglecting to fill out the opening minutes, and failure to read minutes aloud.

Polling

Carter Center observers found that polling staff implemented the overwhelming majority of procedures effectively in all phases of the voting process. As in the first round, the most frequent procedural irregularity observed during polling was the failure of poll workers to provide voter instruction. This procedure was rated as inadequate or was not performed at all in more than 20 percent of observations. Given that 99 percent of observers reported that voters understanding of procedures appeared adequate, the issue of inadequate voter instruction did not impact the overall polling process.

Carter Center observers reported that the voting process proceeded calmly and without major disturbances throughout the country. Observers assessed the implementation of procedures during polling as "very good" or "reasonable" in all 282 polling stations visited. Ballot boxes were sealed properly, voters were able to cast their ballots in secret, and no irregularities related to voter fraud were observed.

The majority of polling center presidents in those locations visited by Carter Center observers strictly enforced the ISIE instruction prohibiting people from loitering in the polling center premises. The instruction was not consistently applied in all centers and caused confusion in some centers as to whether it applied to citizen and international observers. In combination with the rule forbidding the use of mobile phones inside polling stations, observers experienced hurdles in reporting to headquarters. In polling centers where it was strictly enforced, the directive forced observers reporting to their organizations with mobile phones via SMS to exit the polling station and leave the polling center premises in order to submit their evaluations. In order to ensure full access and an environment that promotes effective observation, the Center recommends citizen and international observers be exempted from restrictions on the use of mobile phones and standing in the polling center premises.

Closing and Counting

The overall assessment of the election environment and process during the closing was very good or reasonable in 24 of the 25 locations observed. Closing procedures were followed in 23 of 25 observations. In isolated cases, the minutes of the closing procedures were not adequately completed or were not read aloud to the present observers.

In a few cases, the counting did not start immediately after the closing, with a maximum 30-minute break taken between the two events. In some cases the minutes were not completed prior to taking the break. None of the citizen observers or candidate agents present indicated that this was a problem or that it impacted on the process.

Counting proceeded with some technical errors and disorder, though the overall assessments of the process were largely positive. The electoral environment and process were graded as "very good" or "reasonable" in 23 of the 25 polling stations visited, and the implementation of procedures was positively assessed for 22 of the 25 stations. The few polling stations that received poor overall grades were characterized as being chaotic or experiencing technical mistakes.

Polling staff sorted and verified ballots according to procedures in all but two stations where disagreements and confusion broke out about whether ballots that were marked incorrectly were technically valid or invalid. In one of these instances, ballots that were determined to be invalid or blank were not presented for observers to see.

Isolated errors and disagreements occurred at different stations relating to reconciling ballot accounts and completing minutes, but these mistakes appeared to have little impact on the outcome of the counting process. At counting processes observed by The Carter Center, all candidate representatives agreed to sign the results protocols before results were posted and materials were transferred to tabulation centers.

Tabulation

Carter Center observers visited 20 of the 27 in-country tabulation centers and found that the observed process was efficient and orderly. The receiving and verifying of results were better organized and more efficient compared with the first round of the presidential election. Unlike in the first round, the overwhelming majority of

observers reported that as a result of better access to the proceedings provided by the ISIE, they were able to make meaningful observations of all parts of the process. Reports indicated that the ISIE implemented configurations of the tabulation process that made each procedure more visible, and center staff were more accessible. Observers rated the implementation of procedures and the electoral environment positively for all centers visited. In 19 out of 20 tabulation centers visited, observers commented that in contrast to observations from previous rounds, tabulation staff was cooperative, provided information, and answered questions.

Security

Despite the many threats and warnings in media, the three polling days passed with only a few security incidents recorded. One of the more noteworthy incidents occurred in the final round of the presidential elections, as a crowd gathered outside a polling center in Hammam-Sousse where the presidential candidate, Mohamed Moncef Marzouki, was going to vote. The protesters shouted slogans and attempted to stop the procession of the candidate. After Marzouki left the scene, supporters of both candidates resorted to violence, and security forces had to intervene to disperse the crowd. Several individuals were arrested. This was one of the few incidents that occurred on election day that involved supporters of the candidates or the parties. Most of the recorded incidents were minor.

None of the security incidents that occurred on any of the election days were of a magnitude that they hindered the process or affected the outcome of the election. Furthermore, Carter Center observers assessed that the security situation had little or no impact on the voter turnout.

Postelection Complaints

An effective complaints adjudication system can lend credibility to an electoral process, providing a peaceful alternative mechanism to violent postelection responses. The right to legal remedy is provided, in compliance with the principles of judicial review before the courts.[122] Appeals against the preliminary results are filed with the appellate chambers of the administrative tribunal within three days of publication of the results, with an appeal to the plenary assembly of the administrative tribunal within 48 hours of notification of the ruling. Challenges are allowed only if they are filed by candidates or their representatives. The law does not foresee the possibility for voters to file complaints, thus denying their right to an effective remedy.[123] The law only allows representatives of candidates and observers to record remarks regarding potential malpractices or irregularities at the polling station on the voting/counting protocol for examination by the president of the polling station.

Despite the short time limits allowed in the electoral law, the administrative tribunal was able to address all complaints and appeals in a timely fashion and demonstrated impartiality and respect for due process. However, both the judiciary and litigants criticized the time constraints. It would be advisable to extend the time limits for filling and adjudication of postelection complaints, in order to guarantee that every electoral stakeholder has access to justice that is administered in a timely manner.

Before the announcement of the preliminary results, the ISIE may order a rerun of the election in selected polling stations or constituencies if the canceled results in these stations or constituencies would affect the outcome in the elections.[124] Furthermore, Article 143 of the electoral law grants the ISIE wide powers to cancel electoral results of the winner even before any alleged violations are confirmed by a court ruling if it finds that electoral infractions have been committed during the three-day period before announcing the preliminary results. This provision of the electoral law should be revised, as it grants the ISIE too broad discretion to cancel results prior to a candidate/party being given the opportunity to challenge any allegations of malfeasance at a fair and public hearing before an independent tribunal.[125]

Complaints Against the Preliminary Results of the Legislative Election

Forty-four complaints were filed with the administrative tribunal following the announcement of the preliminary results of the legislative elections. A total of 10 complaints were rejected on formal grounds, while 33 were accepted on formal grounds and rejected on the substance. The majority of the latter were rejected because the lawyer who filed the complaint was not registered

122 U.N. Human Rights Council, General Comment 32, para. 19

123 ICCPR, General Comment 25, para. 20, and African Union Declaration on the Principles Governing Democratic Elections in Africa, Section IV, Article 7

124 See Article 142 of the electoral law.

125 UNHRC, General Comment 32, paras. 19 and 25

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This Tunisian father took his daughters to the polls, proudly passing on the importance of voting.

at the cassation court as required by the law (eight cases), while in three of these cases there was also absence of notification of the ISIE.

In one case, the ISIE exercised its discretionary power provided by Article 143 to cancel one of the three seats obtained by Nidaa Tounes in the constituency of Kasserine on the grounds of several infractions that the ISIE assessed as seriously impacting the results.[126] In reaching this decision, the ISIE assessed the gravity of the violations committed, their impact on the voting process and on the free choice of voters, and the relation between these violations and the sanctions that should be applied. Considering the small difference of remaining votes between Nidaa Tounes and Ettakatol after applying the largest remainder method, the ISIE decided that if Nidaa Tounes had not committed these violations, its third seat would have been obtained by Ettakatol instead. The tribunal overturned the ISIE decision, ruling that Article 143 does not foresee a partial cancellation of results.

The different appellate chambers considered in most cases that the documents provided by the complainants were insufficient to justify the overturning of results, as they did not prove that the irregularities had a substantial impact on the results as required by Articles 142 and 143 of the electoral law.

Complaints Against the Preliminary Results of the First Round of the Presidential Election

The electoral law provides in Article 145 that appeals against the presidential election results must be filed by a candidate. Even though it was

126 The ISIE justified its decision on the following violations: distribution of fliers with Nidaa Tounes' logo; physical assault of an ISIE controller; placing of posters with the party's logo at the outside/perimeter walls of a polling center in Sbitla; presence of a person calling out the name of the party in the yard of the same polling center in Sbitla; one of the members of Nidaa Tounes in Hidra influenced the voters inside a polling center in Hidra; and electoral propaganda by the party in front of the polling center Al Fourati.

clear from the results that Beji Caid Essebsi and Moncef Marzouki would be in the runoff, a total number of nine complaints challenging the results of the first round were submitted on Friday, Nov. 28, the deadline for complaints.

The incumbent president, Marzouki, filed eight complaints alleging violations in different polling centers in Tunis 1 and 2, Bizerte, Siliana, Nabeul 1, Sousse, and Ben Arous. The ninth complaint was filed by a voter and president of the party Allaou Aza Wazal against the two front-runners and the ISIE, alleging they did not obtain enough votes to participate in the runoff and that they did not present any political programs. It was rejected, as the complainant did not have legal standing, not being a candidate in the presidential elections.

In a commendable effort to speed up the process, the tribunal mobilized all chambers to examine the cases. The hearings were held on Dec. 1, and the decisions were pronounced on the same day. Seven out of the eight complaints filed by the incumbent president were rejected as inadmissible, on the grounds that the complainant requested the partial cancellation of results in specific polling centers in different constituencies, while the presidential elections are carried out in one nationwide constituency. The tribunal ruled that the preliminary results, once announced, are an entity that cannot be divided, so challenges should be made to the total results and not a part of them.[127]

Only one of the eight complaints was examined on the merits but rejected. It requested the cancellation of the results obtained at the national level by Caid Essebsi and the redistribution of votes in order to remedy errors included in the results at five polling centers in Tunis 1. The tribunal found that even if the results obtained by Caid Essebsi were incorrect, the violations mentioned could not have a substantial impact, as the difference in votes at the national level between the two candidates was almost 200,000 votes while the number of those obtained by the respondent was 64,166 votes.

Marzouki filed eight appeals against the decisions of the tribunal. All were rejected by the plenary assembly. No complaints were filed against the results of the second round of the presidential elections.

127 The ISIE argued in its defense that demanding the cancellation of the votes obtained by a presidential candidate in a polling center is not a possibility foreseen by the law, as Article 142 provides for the cancellation of the results in a polling station or a constituency and Article 143 for the cancellation of the results and the rearrangement of the candidates. (Overall, these two articles foresee a cancellation of the results and not of the votes obtained by a candidate.)

Conclusions and Recommendations

The Carter Center recognizes the considerable achievements of the National Constituent Assembly in creating the ISIE as a permanent electoral body, electing its members, and adopting the legal framework governing the conduct of the 2014 elections. To improve future electoral processes, the ISIE, Assembly of the Representatives of the People, and other key electoral actors should take stock of the lessons learned in the 2014 electoral process.

The newly elected president and members of the Assembly of the Representatives of the People should work to consolidate the gains achieved during the transitional period. While Tunisia continues to face pressing challenges, including significant security pressures, the Center calls on members of the Assembly of the Representatives of the People to uphold and protect the fundamental freedoms enshrined in the new constitution. The need for security should be balanced with the principles of individual rights that are essential to the concept of democracy. The assembly should work to achieve this goal by further enshrining the tenets of Tunisia's constitution in domestic legislation. Tunisia's legal framework, much of which dates to the former regime, should be revised to reflect the human rights principles of the constitution. The assembly is mandated by the constitution to create permanent institutions to support its application, including the constitutional court and the high judicial council, within the time frames specified. The assembly also should turn its focus to the drafting, debate, and adoption of the laws necessary to conduct municipal polls anticipated within the coming year. Electoral actors should work to incorporate important electoral regulations into law and consolidate Tunisia's electoral framework into one comprehensive electoral code.

In the spirit of collaboration and support of Tunisia's continued democratic transition, including electoral and political reforms, The Carter Center offers the following recommendations for consideration by the ISIE, the Assembly of the Representatives of the People, political parties, and other electoral actors.

Recommendations to the Assembly of the Representatives of the People

1) Review, codify, and harmonize the electoral law based on the experience of the 2014 elections, including the following:
   a) Facilitate the accessibility and application of the electoral legal framework and minimize the use of ad hoc regulations in the next elections by incorporating the ISIE regulations adopted for the 2014 legislative and presidential elections.
   b) Clearly delineate responsibilities among election bodies, giving the ISIE and regional electoral bodies clear authority, articulating their respective roles and providing guidelines for their processes.
   c) Review the authority of the ISIE to cancel the results of an election before the announcement of those results and before review by the judiciary.

d) In order to build public trust in electoral institutions, take steps to ensure that the legal framework and electoral calendar provide sufficient time for operational preparation. This is particularly relevant for the municipal elections in which government representatives are closest to the people.

e) In order to promote universal franchise, review the right of suffrage for military and security forces.

f) Review current campaign finance restrictions, increasing expenditure limits to a more realistic and appropriate level.

g) Consider revising registration and voting procedures for Tunisians living abroad to ensure the transparency and accuracy of their data and facilitate the voting process.

h) Review the legal provisions regarding the examination of candidate registration. Expand the time limit for electoral authorities to review the documents of presidential and legislative candidates, respectively. Review candidate registration requirements, and if signatures are required, clarify who has the responsibility to review the documents and endow that body with the resources necessary to fulfill that responsibility.

i) To fully guarantee the protection of electoral rights and the right to an effective remedy, expand the voters' right to file complaints concerning irregularities on election day and appeal decisions of the election administration concerning results.

j) Work to fulfill the constitution's aspirational goals of gender equity by amending the electoral law to include not only vertical but also horizontal parity, guaranteeing the placement of women at the top of lists and promoting women's representation.

2) Conduct a transparent and inclusive review of the electoral constituency boundaries for all levels of elections. Nationally, constituencies should accurately reflect the population density in both in-country and overseas constituencies. On a municipal level, boundaries should not be influenced by the desire to achieve specific electoral outcomes.

3) Develop a strong legal framework to support an independent judiciary with a consistent and reliable output. Once in place, work with the High Judicial Council to evaluate existing legislation against the standards of the new constitution and with the administrative tribunal to create mechanisms to harmonize court decisions, preventing contradictory interpretations among the tribunal's various appellate chambers. Encourage a culture of judicial independence and incorruptibility.

Recommendations to the High Independent Authority for the Elections

1) Devise a clear communications strategy and expand efforts to communicate with citizens and electoral stakeholders. Improve the transparency of internal operations, particularly decision-making processes.

2) Make internal communication with the regional levels of the election administration more concise and timely with a view toward unifying the implementation of the electoral procedures, particularly during the forthcoming municipal elections where the regional election administration will be critical in organizing and implementing the elections.

3) Strengthen the organizational and management capacity of the ISIE's administration, including delineating the responsibilities of the council and its administrative body and continue to focus on realistic deadlines and on accomplishing tasks in keeping with those deadlines.

4) In order to reinforce the principle of legal certainty, according to which the law should be widely known and accessible, the ISIE should draft, adopt, and distribute regulations and instructions in a timely manner.

5) Improve voter education efforts significantly. Low voter registration among youth suggests that those at the forefront of the revolution risk being sidelined in the political and civil affairs of their country. Provide voter information and launch a voter awareness campaign well

before elections to engage citizens, including marginalized populations, regarding the benefits to voting.

6) In preparations for municipal elections, if the ISIE decides to create IRIEs, it should clearly delineate responsibilities between the IRIEs and the regional election administration. The ISIE should consider employing former IRIE members for their institutional knowledge and use its regulatory powers to ensure that men and women have equal opportunity to participate in their work.
7) Increase collaboration with civil society organizations and other stakeholders to ensure observers' access to key aspects of the electoral process. Ensure that election-day regulations, such as loitering restrictions, fulfill their purpose to facilitate a transparent and efficient voting process without infringing on the rights and work of election observers.

Recommendations to Political Parties and Civil Society Organizations

1) Continue to assist the ISIE's efforts with regard to voter education by disseminating this information through supporter networks. In the longer term, work with the ISIE to advocate for the integration of voter education into mainstream curricula.
2) Incorporate women into political party structures and encourage women to take on leadership roles within political parties. Adopt internal regulations to ensure horizontal gender parity among heads of lists, so that women and men are named in equal numbers.
3) Work with the relevant government authorities to develop educational curricula for use in schools and teaching institutions to explain the motivations, benefits, and conduct of democratic governance and elections.
4) Increase efforts to comply with campaign finance regulations and campaign finance laws, including educating party activists on conducting campaigns in compliance with all relevant laws and regulations.
5) Ensure that all campaign finance reports are filed within the required time frame and are accurate and transparent.

Appendix A

Acknowledgments

The Carter Center would like to express appreciation to several individuals and organizations for their efforts and dedication toward observing Tunisia's historic elections.

The Center thanks the government of Tunisia and the Independent High Authority for the Elections for accrediting the Center to observe the elections and for their collaboration and dedication throughout the process.

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The Center wishes to thank Abd El-Karim El-Aryani, the former prime minister of Yemen; Ambassador Audrey Glover; and Hina Jilani for joining Ambassador Mary Ann Peters, chief executive officer of The Carter Center, in leading the Center's delegation. The Center appreciates the hard work and dedication of these leaders, whose insights and experience strengthened the work of the Center's election observation mission.

The Center is grateful to have had a talented and committed international field office staff, consisting of Don Bisson, field office director; Baya Kara, deputy director; Eirini-Maria Gounari, legal analyst; Pascale Roussy, electoral analyst; Eva Urestad Pedersen, observer coordinator; and Erik Kaiser, security manager.

The Carter Center wishes to express its gratitude to Tunisian field office staff: Abdelwaheb Ben Aba, Abir Chniti, Selima Djait, Anouar Gaaloul, Insaf Guerchi, Faicel Ilehi, Imen Khemiri, Arwa Marzouk, Hèla Mathari, Rahma Mhadhab, Khawla Mhatli, Habiba Raouani, and Sami Stambouli for their essential roles in the mission. Special thanks are also extended to the drivers who assisted the field staff and long-term observers in the field and all the additional translators and drivers who worked during the short-term observer mission.

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Appendix B

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Appendix C

Terms and Abbreviations

ACHPR	African Charter on Human and Peoples' Rights
Al Wafa	A party formed by Congress of the Republic dissidents
ATIDE	Association for Transparency and Integrity of the Elections
CAT	Convention against Torture, Inhuman, or Degrading Treatment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CPR	*Congrès pour la République* Congress of the Republic
CRPD	U.N. Convention on the Rights of People With Disabilities
Errahil	"The departure"; a campaign of protests against the Troika
HAICA	Independent High Authority for Audiovisual Communication
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Convention on Economic, Social, and Cultural Rights
International IDEA	International Institute for Democracy and Electoral Assistance
IPCCPL	*Instance Provisoire de Contrôle de la Constitutionalité des Projets de Loi* Provisional Commission to Review the Constitutionality of Draft Laws
IRIE	Regional Independent Authority for Elections
ISIE	*Instance Supérieure Indépendante pour les Elections* High Independent Authority for the Elections
LTDH	*La Ligue Tunisienne des Droits de l'Homme* Tunisian League for Human Rights
NCA	*Assemblée Nationale Constituante* National Constituent Assembly
NSF	National Salvation Front
PDP	*Parti Démocrate Progressiste* Progressive Democratic Party

POCT	*Parti Ouvrier Communiste Tunisien* Tunisian Workers' Communist Party
Quartet	The General Union of Tunisian Workers (UGTT); the Tunisian Union for Industry, Trade, and Handicraft (UTICA); the Tunisian League for Human Rights (LTDH); and the Bar Association
RCD	*Rassemblement Constitutionnel Démocratique* Democratic Constitutional Rally
Troika	Political coalition of Ennahdha, Congress of the Republic, and Ettakatol
UGTT	*Union Générale Tunisienne du Travail* General Union of Tunisian Workers
UPL	*Union Patriotique Libre* Free Patriotic Union
UTICA	*Union Tunisienne de l'Industrie, du Commerce et de l'Artisanat* Tunisian Union for Industry, Trade, and Handicraft

Appendix D

Statements and Press Releases

NEWS
THE CARTER CENTER
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FOR IMMEDIATE RELEASE
July 7, 2014
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The Carter Center Announces International Observation Mission for Tunisian Elections

ATLANTA….The Carter Center deployed on July 7 an international election observation mission for Tunisia's national elections on Oct. 26 and Nov. 23, 2014. Following its observation of the October 2011 National Constituent Assembly elections, The Carter Center monitored the constitution-making process and developments related to the establishment of institutional and legal frameworks for subsequent elections. The Carter Center has been accredited by the Instance Supérieure Indépendante pour les Eléctions (ISIE) to observe both the legislative and presidential elections in the fall.

"Tunisia's democratic transition is being watched closely by others in the region and by the international community," said former U.S. President Jimmy Carter. "The upcoming legislative and presidential elections are an important step toward building strong institutions representing the will of the Tunisian people, which are crucial to implementing the country's new constitution."

The Center is deploying10 long term observers to five regions in Tunisia. The observers represent eight different nationalities. Both the core team and long-term observers will follow the election process from voter registration through the announcement of election results. The Center will offer an independent and impartial assessment of the process surrounding the legislative and presidential elections, and will coordinate efforts with other national and international election observers and key stakeholders in Tunisia. Carter Center observers will meet regularly with ISIE representatives, political parties, independent candidates, civil society organizations, the international community, and national election observers to assess electoral preparations and the pre-electoral environment throughout the country in advance of the polls. The Centers periodic public statements on key findings will be available at www.cartercenter.org.

The Center's election mission will be conducted in accordance with the Declaration of Principles for International Election Observation, which provides guidelines for professional and impartial international election observation. The declaration was adopted at the United Nations in 2005 and has been endorsed now by more than 40 election observation groups. The Center will assess the electoral process based on

Tunisia's new constitution, national legal framework and its obligations for democratic elections contained in regional and international treaties.

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

Sept. 19, 2014

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.

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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.

[8] The 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, Zaghouan, 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 Jomhouri, 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' Rights (ACHPR).

NEWS
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FOR IMMEDIATE RELEASE
September 19, 2014
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The Carter Center Commends Tunisia's Successful Voter and Candidate Registration and Encourages Increased Communication

TUNIS, Tunisia — 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 many challenges, it has conducted a comprehensive and inclusive voter and candidate registration process, ensuring that Tunisian citizens can participate in the upcoming elections.

"As the Tunisian authorities take the remaining steps necessary to conduct the polls, The Carter Center and I encourage them to increase the transparency of their work and expand public outreach efforts to help ensure their success," former U.S. President Jimmy Carter said.

Voter Registration

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. 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 the 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.

The ISIE announced that during the two registration periods, 993,696 Tunisian citizens were added to the voter list, of which 50.5 percent are women. According to the ISIE, the total number of registered voters for the 2014 elections is 5,236,244. Over 300,000 are registered to vote abroad. In a positive sign of voter interest in the election, some 3.3 million registered voters also confirmed their data online.

Several stakeholders criticized the ISIE for organizing the voter registration during the month of Ramadan and during the summer, when most administration offices and businesses were open only half days. However, many factors not under the control of the ISIE determined the timing of voter registration and shortened the time the ISIE had to prepare for the elections — most importantly, the fact that the NCA did not set the election dates until June 25, 2014.

Other factors included the late election of members to the ISIE,[1] the late adoption of the election law, and the length of time it took for the NCA to adopt the constitution.

While the voter registration period reached a successful conclusion, the Center urges ISIE to expand efforts to address several issues of concern that arose during the voter registration process, and which 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 that 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

The candidate registration process conducted from Aug. 22-29 was equally successful. The inclusive process resulted in 15,652 candidates on over 1,500 lists submitted to the 33 IRIEs by the deadline. This 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. The Carter Center commends the IRIEs for the impartial, professional, and fair manner in which they carried out the candidate 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. 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.

The ISIE announced on Sept. 6 that 191 lists were rejected for various reasons.[2] A total of 132 complaints were filed with the Courts of First Instance; 41 appeals against these decisions had been filed with the Appellate Chambers of the Administrative Tribunal by Sept. 14. The ISIE will release the final lists after Sept. 22. The candidate registration period for the presidential elections opened Sept. 8, and a preliminary list will be published after Sept. 29.

Background: The Carter Center Tunisia office was accredited by the ISIE on June 28 to observe the 2014 legislative and presidential election. The Center's 10 long-term observers have been observing the electoral process in Tunisia's regions since July 7. The core team located in Tunis and the long-term observers represent 11 countries. Long-term observers will be reinforced by a larger delegation of short-term observers that will arrive on Oct. 20.

[1] 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 Court.

[2] These reasons include: 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 the public funding from 2011 elections by those parties and lists who 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 Center thanks the Tunisian officials, political party members, civil society members, individuals, and representatives of the international community who have facilitated the Center's efforts to observe the legislative and presidential election process.

The Carter Center assesses Tunisia's electoral process against the Tunisian constitutional domestic electoral legal framework and also against Tunisian international obligations derived from international treaties and international election standards. 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.

Visit our website to read the full public statement:
http://www.cartercenter.org/news/publications/election_reports.html#tunisia

To follow the news and activities of the Carter Center's Tunisia field office, like us on www.facebook.com/TCCTunisia.

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FOR IMMEDIATE RELEASE
Oct. 20, 2014
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Carter Center Announces International Delegation for Legislative Elections in Tunisia

Under the accreditation of the Instance Supérieure Indépendante pour les Élections (ISIE) of Tunisia, The Carter Center has launched an international election observation mission for Tunisia's legislative election on Oct. 26. Former Yemen Prime Minister Abdel Karim Al-Eryani will lead the mission.

The Carter Center established a field office in Tunisia in July 2011 to monitor the October 2011 National Constituent Assembly elections, as well as the constitution-making process and the establishment of institutional and legal frameworks for future elections. The Center established its current election observation mission in July 2014 by deploying a core team of experts in Tunis and 10 long-term observers throughout the country. They will be joined on Oct. 21 by a team of 50 additional short-term observers. In total, the mission has accredited approximately 75 observers representing 20 countries. The teams will observe the Oct. 26 parliamentary election, including polling and tabulation.

The Carter Center issued a statement during the pre-electoral period identifying concerns about technical and voter outreach aspects of the voter and candidate registration processes, but noting that the ISIE conducted these procedures in an inclusive manner. The observation mission will offer an independent assessment of the process surrounding the legislative election while coordinating with other national and international election observers and key stakeholders. Carter Center observers have met regularly with ISIE representatives, political parties, independent candidates, civil society organizations, members of the international community, and citizen election observers to assess preparations for the Oct. 26 election and the pre-electoral environment. The Center will release a preliminary statement of its key findings on Oct. 28, which will be available at www.cartercenter.org.

The Carter Center's assessment of the electoral process will be based on Tunisia's constitution, national legal framework, and its various obligations for democratic elections under public international law, including relevant regional and international agreements. The Center's mission will be conducted in accordance with the Declaration of Principles for International Election Observation, which provides guidelines for professional and impartial election observation.

Further information regarding the Carter Center's activities in Tunisia can be found on its Facebook page and website.

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Carter Center Preliminary Statement on Tunisia's Legislative Elections

Oct. 28, 2014

This statement is preliminary; a final report will be published four months after the end of the electoral process.

Statement of Preliminary Findings and Conclusions

Political Background

The legislative elections, the first conducted under Tunisia's new constitution adopted by the National Constituent Assembly (NCA) on Jan. 27, are an historic step in the country's transition to democracy.[1] Anticipated since the formation of the NCA in 2011, they represent a fulfillment of the hope of the Arab Spring, both in Tunisia and the greater Arab world. Together, the legislative and presidential elections will complete the transitional phase from the NCA, a body that operated both as a constituent assembly and a legislature, to a democratically elected legislative body and president.

Political party leaders and the NCA debated the dates of the legislative and presidential elections and the order in which they would take place at great length. After weeks of blockage, the parties involved in the national dialogue eventually reached an agreement on the sequencing of presidential and legislative elections: legislative elections would take place first, followed by the presidential, with no overlap of dates between them.[2] The vote was decided by a 12-6 majority. In accordance with the transitional provisions of the law on the Independent High Authority for Elections (ISIE), the NCA set the date for the legislative elections for October 26, 2014.[3]

Legal Framework

The organization of elections should be regulated by an unambiguous, understandable, and transparent legal framework, which addresses all components necessary to ensure democratic elections.[4] Tunisia's electoral legal framework provides a solid basis for the conduct of elections in line with international and regional standards as well as best practices. Certain areas could benefit from improvement. The legal framework is dispersed throughout several documents and is

[1] The constitution was adopted with overwhelming support, gaining 200 out of 216 votes.
[2] The national dialogue launched in October 2013 was mediated by the so-called Quartet, namely UGTT, Tunisian Union for Industry Trade and Handicraft (UTICA), the Tunisian League for Human Rights (LTDH) and the Bar Association, as a mechanism aimed at easing political tensions. It was first set up by Tunisia's main workers' union (UGTT). The dialogue played a role in defusing the crisis in October 2013.
[3] Article 33 of the law on the ISIE.
[4] International Election Standards: Guidelines for Reviewing the Legal Framework of Elections, International IDEA, 2002.

mainly composed of the January 2014 constitution, the 2014 electoral law, the law on the ISIE, and the law related to the freedom of audiovisual communication that created the Independent High Authority for Audiovisual Communication (hereinafter "the HAICA").[5]

Regrettably, because of the political pressures within the NCA during the drafting of the electoral law, some provisions of the electoral law are ambiguous or inconclusive, leaving the election management body to clarify important details through ad hoc regulations.[6] These provisions include, for example, the rules on gender parity and alternation for the supplementary list; campaign and campaign finance; verification of signatures for the endorsement of presidential candidates; and the powers of the tribunal during the examination of complaints against the results. As the ISIE had to adopt numerous regulations, the legislative framework is dispersed throughout several documents, some of them issued or amended after the beginning of the related part of the election process. This sometimes led to lack of timely information of the election stakeholders, thus undermining legal certainty.

Tunisia has also ratified a number of international and regional treaties whose provisions are relevant to the electoral process. These include the International Covenant on Civil and Political Rights (ICCPR),[7] 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),[8] the Convention against Torture, Inhuman or Degrading Treatment (CAT), the Convention on the Rights of Persons with Disabilities,[9] and the African Charter on Human and Peoples' Rights (ACHPR),[10] among others.

Electoral system

The essence of any electoral system should be to translate the will of the people into a representative government. International standards do not prescribe a specific electoral system to achieve this purpose.[11] Tunisia's electoral system respects the principles of free, fair, and periodic elections and guarantees universal suffrage and the secrecy of the vote.

Many features of the 2011 elections were retained. The National Constituent Assembly chose to maintain a closed-list proportional system in which seats are

[5] Organic Law no. 16-2014 of May 26, 2014, related to Elections and Referenda (hereinafter: the electoral law), and Organic Law no. 23-2012 of December 20, 2012, relating to the Independent High Authority for Elections, as amended and supplemented by Organic Law no. 44-2013 of November 1, 2013, and the Organic Law no. 52-2013 of December 28, 2013, (hereinafter: the ISIE law). The legal electoral framework also includes the Law no. 36-2014 of July 8, 2014, establishing the dates of legislative election, the Decree Law no. 87-2011 of September 24, 2011, on the organization of political parties and the Decree no. 1088-2011 of August 3, 2011, related to the electoral constituencies and establishing the number of seats per constituency for the elections to the National Constituency Assembly.

[6] The ISIE adopted a total of 32 regulations throughout the electoral process.

[7] Ratified on March 18, 1969.

[8] Ratified on Sept. 20, 1985.

[9] Ratified on April 2, 2008.

[10] Ratified on April 2, 2008.

[11] U.N., International Covenant on Civil and Political Rights, Art. 25(b); United Nations Human Rights Council, General Comment 25, para. 21; International IDEA Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections, p. 28.

allocated according to the largest remainder method.[12] According to the transitional provisions of the electoral law, the ISIE conducted the 2014 elections using the same constituency boundaries as in 2011, thus retaining 33 electoral constituencies with an average of seven seats.[13] There is no threshold required to win a seat. This system is said to allow greater opportunities for smaller parties and political coalitions, as the electoral formula for the calculation of the distribution of seats increases the possibility of producing multiparty representation in the legislature.

The current boundary delimitation is based on Decree no. 2011-1088 of August 3, 2011, which provides for the delimitation of constituencies and the number of seats per constituency in-country and abroad. This decree also introduced a positive discrimination by allocating more seats to underdeveloped constituencies, mainly in the south of the country.[14] This resulted in significant variations in the number of residents in relation to the distribution of seats per constituency, therefore not fully ensuring the principle of equality of suffrage.[15]

The president and members of the legislative assembly are elected for a five-year mandate, according to the constitution. This is considered a reasonable interval in line with international commitments and best practices.[16] The constitution guarantees the right to vote to all citizens 18 or older with full enjoyment of their civil and political rights who are not subject to any cases of disenfranchisement foreseen under the electoral law.

Candidate Registration

The right of individuals to participate in public affairs is an obligation under international law.[17] While the right to be elected is a widely recognized principle in both regional and international treaties, it is not an absolute right and may be limited

[12] According to the largest remainder method, the number of votes that each party received is divided by the electoral quotient, which is the total number of valid votes in the constituency divided by the number of seats in the constituency. Each party receives seats equal to the quotient. The seats that remain unallocated are distributed to the parties on the basis of the remaining fraction; the parties with the larger fractions are each allocated one additional seat until all the seats have been allocated.

[13] As in the NCA, the future Assembly of the Representatives of the People will have 217 seats, divided into 199 seats representing the 27 in-country constituencies and 18 seats representing the 6 out-of-country constituencies.

[14] According to article 31 of the 2011 electoral law, seats are distributed of the basis of one seat per 60,000 inhabitants, while an additional seat is allocated to constituencies in which, after determining the number of seats, there is a balance of more than 30,.000 residents. However, while the population of Kabeli amounts, at the latest demographic estimation of 2013, to 156,.893 residents and the population of Zaghouan to 176,027, these constituencies have been allocated five seats each instead of three, as it would be according to aforementioned article; while the population of Nabeul 2 is 363,229 and has been allocated six seats. Similarly, the population of Tozeur amounts to 108,676 residents and has four seats instead of two, while the constituency of Seliana has 234,069 residents and has been allocated six seats instead of four. It appears, therefore, that a sizeable discrepancy exists in the value of each vote.

[15] Article 25 of the ICCPR, UNHRC, General Comment, No. 25, par.21, emphasizes the principle that "within the framework of each State's electoral system, the vote of one elector should be equal to another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group." Also, "the maximum difference in voting power should not exceed 10 to 15 percent." Venice Commission, Code of Good Practice in Electoral Matters, 2002, p. 17.

[16] ICCPR, art.25(b); General Comment 25, para.9 and 19; Universal Declaration of Human Rights, art.21(3); Council of Europe Code of Good Practice in Electoral Matters, sec. I.1.6; Paragraph 7.1 of the OSCE 1990 Copenhagen Document.

[17] ICCPR, Article 25(a); ICCPR, Article 21; UNHRC General Comment 25, para.26

on the basis of objective and reasonable criteria established by law.[18] The domestic legal framework allows for an inclusive candidate registration process and is generally in line with international and regional standards relating to the freedom of association and the right to run for office.[19] The constitution provides for the political rights of citizens, including the right to form and participate in the activities of a political party as well as to assembly and association. Overall, there are no discriminatory or unreasonable restrictions to run in the legislative elections.[20]

Over 1,500 candidate lists were submitted; regional electoral authorities were responsible for reviewing and approving the lists in each constituency. They approved 1,327 lists, containing more than 9,500 candidates. Parties submitted 61 percent of the lists; the rest were divided between independent lists (26 percent) and coalition lists (13 percent). The legal framework encourages an abundance of candidate lists for the legislative elections, especially as the law foresees the distribution of public funding to each candidate or candidate list.[21] Several political parties complained that the high number of candidate's lists would lead to a fragmentation of votes and to a large number of "wasted" votes for parties that did not eventually win a seat in the legislature. Lists that do not achieve three percent of the vote, or one seat, are required to repay any public financing received.

In spite of technical difficulties with the computerized registration system on the last two days of candidate registration, when the majority of the lists were submitted, Carter Center observers reported that the IRIEs managed the process well. Most political parties acknowledged that the IRIEs were cooperative and expressed satisfaction with the process.

Candidate selection criteria varied considerably from party to party, and from region to region, even within the same party. 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.

Although the law requires that all electoral lists alternate between female and male candidates, it does not mandate horizontal parity, or the appointment of female candidates to the head of the lists. As a result, few parties placed women at the head of their lists. Only 145 of 1,327 lists were headed by women, though 47 percent of the candidates were female.[22] In light of Tunisia's progressive aspirations regarding gender equality safeguarded by the new constitution and the electoral law. Tunisian legislators should consider additional measures to support more equal participation of women in elected office.

[18] ICCPR, Article 25; AU, AfCHPR, Article 13; Arab Charter on Human Rights, Article 24

[19] ICCPR, Article 25 "Every citizen shall have the right and the opportunity [...] to vote and to be elected at genuine periodic election." See also Article 13 of the African Charter of Human and Peoples' Rights.

[20] Candidates for the legislative election must be registered voters, having Tunisian citizenship for at least the last 10 years, be at least 23 years of age on the day of submitting their candidacies, and not prohibited by law from such candidacy.

[21] Art. 75, 78, 81 of the electoral law and Decree no. 2761 of August 1, 2014.

[22] Those lists that had the highest share of women heads of list included Union for Tunisia and Al Amen Party, according to the state secretary for women's and family matters, see: http://www.lecourrierdelatlas.com/797530092014Tunisie.-Les-electrices-tunisiennes-desormais-plus-nombreuses-que-les-electeurs.html.

While many parties reported that it was easy to recruit female candidates, others reported difficulties in identifying women who were willing to run for the assembly. This was particularly common in internal regions in southern Tunisia, where some parties reported that women were pressured by relatives to abstain from the elections. Some interlocutors claimed that when recruiting women candidates, parties and independent candidates were not looking for experienced female politicians but merely interested in meeting the legal requirement. In some cases, the difficulty in recruiting women was partly due to internal fighting about the list ranking within parties.

Election Administration

An independent and impartial electoral authority that functions transparently and professionally is recognized internationally as an effective means of ensuring that citizens are able to participate in genuine democratic elections and that other international obligations related to the electoral process can be met.[23] Despite some criticism from parties and civil society alike, the ISIE implemented its duties in an independent and impartial manner. Unfortunately many difficulties experienced by the ISIE were similar in scope to those experienced in the 2011 NCA elections, including failure to communicate effectively with electoral stakeholders and lack of transparency.

The ISIE was created on Dec. 20, 2012, by the adoption of the law on the ISIE. The body is composed of a council with nine members, and an executive body at the central and regional levels. According to the law, the ISIE was created as a permanent independent institution. After decades of authoritarian government in which elections were administered by the Ministry of the Interior and controlled by the regime, this represents a significant and positive break from the past and helps to meet Tunisia's international obligations in this regard.

Though the ISIE was created at the end of 2012, the body was not formed for more than a year. The election of its members by the NCA was protracted and took several months to conclude. The body was only elected in January 2014, after the conclusion of a lengthy complaints and appeals period in the Administrative Court.[24] The assassination of NCA member Mohamed Brahmi on July 25, 2013, also halted all NCA activities for about two months. The members were selected by secret ballot, and with a two-thirds majority of the NCA. Because provisions in the ISIE law require women's representation in the candidate selection process, three of the nine council members are women.

The delays in forming the ISIE, along with the late adoption of the electoral law and the requirement that both the legislative and presidential elections take place before the end of the year, meant that electoral authorities had a very short time period in which to organize two separate elections with three possible rounds of voting. Regardless, the ISIE administered the elections in an impartial and adequate manner, showing willingness to adjust its implementation strategy in order to address stakeholders' concerns.

[23]UNHCR, General Comment 25, para. 20.

[24] The Administrative Tribunal considered several complaints concerning the application of the selection criteria used to short-list candidates for consideration by the NCA plenary for ISIE membership.

The ISIE experienced some growing pains in organizing its work, implementing its duties, and informing the public of both its successes and challenges. As in 2011, there was no clear division of labor in the ISIE Council. It operated more as an administrative organ than a policy-making body. This dynamic was compounded by the lack of an executive director for much of the electoral period.[25] This hindered the decision-making process and delayed the adoption of regulations necessary to administer the elections in a timely manner.[26] In addition, the ISIE Council did not exercise its duties and decision-making transparently. The council failed to publish the minutes of its deliberations on the ISIE website and in the official gazette as required by the ISIE Law and the body's rules of procedure, and to release key information in a timely manner. [27] This lack of transparency created the impression among some stakeholders that the ISIE was deliberately concealing information or experiencing internal divisions.[28]

Though the electoral authorities had several successes, the ISIE failed to communicate clearly and concisely with the public, media, political parties, and the IRIEs throughout the electoral process. This affected the credibility of the council and led to criticism from political parties and CSOs. In many cases, the ISIE could have avoided this situation by explaining the process in a clear, accurate, and concise manner. When the ISIE council did communicate with the media and other stakeholders, their statements were often uncoordinated and incoherent. For instance, the council issued periodic communications on the numbers of candidate lists in the legislative elections and candidates for the presidential elections; however, the information was contradictory and the numbers simply did not add up.[29]

As foreseen by the law, the ISIE Council created 33 regional decision-making bodies (IRIEs) in June 2014 – one for each of the 27 constituencies in Tunisia and the six constituencies abroad – delegating to them five prerogatives in the fields of voter registration, candidacy for the legislative elections, electoral campaign, polling and counting, training and awareness.[30] Although their creation played a positive role in voter and candidate registration on a constituency level, the lack of clear delineation

[25] On August 1, the ISIE accepted the resignation of Executive Director Nabil Salmi for health reasons. Mr. Salmi underwent open heart surgery in June. The ISIE appointed its Chief of Staff Sabeur Ezzoug as interim executive director.

[26] Although it started to work on the voting, counting and tabulation procedures during the summer, the ISIE did not release the related regulations until three weeks before election day for voting and counting, and one week for tabulation. This delay meant, among other things, that CSOs and political parties trained their observers and representatives on the basis of the 2011 procedures in order to meet deadlines for cascading training.

[27] The ISIE published minutes of its deliberations on its website in August from May 14, 2014. These minutes have not been published in the official gazette. It also took more than a week for the ISIE to release statistics about the number of voters registered. They have not yet released the statistics for the last day of registration. The ISIE also announced the final number of registered voters less than three weeks before the election day.

[28] Mourakiboun, for instance, claimed throughout the electoral period that the ISIE's failure to release the final voter list demonstrated that the voter register was flawed.

[29] While Mr. Sarsar announced on Sept. 6 that 1,316 lists had been preliminarily accepted and 192 rejected, at a talk show on Nessma TV on Sept. 9 he stated that the number of rejected lists amounted to 194. One day later, the ISIE published on Facebook a statement showing that the number of accepted candidate lists was 1,317, while 191 lists had been rejected. As the ISIE began to post the accepted lists on its official website, as of Sept. 12 the total number was 1,314.

[30] Unlike the ISIE and the regional administrative offices, the IRIEs are not permanent. The Arabic term for the IRIEs actually means "subsidiary bodies for the elections" which by extension can be described "regional bodies." However, most stakeholders, including the ISIE, have kept referring to these bodies by using the term from 2011, namely IRIEs.

between the roles and tasks of the IRIEs and the regional executive bodies created situations in which it was unclear who had the authority, leading to tensions between the entities.[31] While the regional executive bodies were intended to provide administrative and operational support to the IRIEs, they were consistently understaffed. This resulted in the IRIEs taking on more operational duties than assigned to them by the regulatory framework. These organizational and management issues created deficiencies in the process that the IRIEs and local election administration solved through the exercise of a certain amount of flexibility and inventiveness.[32]

Throughout the electoral process, IRIEs and the central administration showed different and inconsistent understandings of some of the procedures. This was apparent during the voter registration process and also visible during the recruitment of polling staff, when the IRIEs and the ISIE adopted different procedural approaches to addressing complaints regarding recruited candidates. In some cases, the IRIEs considered each case individually and requested proof of political affiliation if applicable; in other cases, IRIEs acted on all complaints by replacing the concerned polling staff.[33] The recruitment of poll workers was divisive; as criticism from party and list representatives as well as civil society organizations grew, the ISIE instructed IRIEs to remove those polling station agents who did not look impartial.

Voter registration

Voter registration and the establishment of a complete, current, and accurate voter list are recognized as important means to ensure that each citizen has the right to vote. Where registration of voters is required, it should be facilitated, and obstacles to such registration should not be imposed.[34] Tunisia's voter registration procedure is mostly in line with international and regional standards.[35] Despite some technical difficulties, the ISIE conducted an inclusive voter registration process, ensuring that interested and eligible Tunisian citizens could participate in the elections.

Certain steps could be taken to bring Tunisia's practices in greater alignment with international standards regarding the right to vote. Restrictions on the right to vote of military and security personnel contained in Article 6 of the electoral law, however, does not comply with international standards.[36] In addition, even though all prisoners, except those specifically deprived by a court, have the right to vote, there is no possibility foreseen in the electoral law for mobile, proxy or postal voting, and the ISIE failed to adopt any procedures for voter registration in penitentiary institutions,

[31] This was the case in Gafsa where the IRIE president took over from the regional coordinator one week prior to the initial deadline of the first voter registration period. Likewise, a conflict arose between the IRIE and the regional election administration in Tozeur at the beginning of August.

[32] For instance, during the campaign period for the legislative elections, Kasserine and Sidi Bouzid IRIEs created local branches at delegation level aimed at facilitating the coordination between the IRIEs and the candidates. Moreover, Sousse and Monastir IRIEs conducted trainings for the heads of list on campaign financing.

[33] In Monastir, one party list criticized the IRIE for requesting proof of poll workers' political affiliation, while in Kef, the IRIE replaced individuals only when political parties were able to provide evidence of non-neutrality. On the other hand, in Beja and Sidi Bouzid, the IRIEs chose not to require evidence in challenges of non-neutrality.

[34] UNHRC, General Comment 25, "The right to participate in public affairs, voting rights and the right of equal access to public service," para. 11.

[35] ICCPR, General Comment 25, para.11.

[36] ICCPR, General Comment 25, para.4 stipulates that any limits placed on universal suffrage in the context of voter registration must be based on objective and reasonable criteria.

therefore arbitrarily disenfranchising these voters.[37] Similarly, the ISIE did not conduct systematic registration of persons in hospitals, who were therefore also deprived of their right to vote.

The electoral register for these elections was compiled based on the lists of voters who actively registered in 2011.[38] The ISIE established 33 voter registration centers corresponding to the constituencies in and out of the country for the registration of those voters who did not actively register in 2011. Offices were staffed by 2,500 registration workers and included 597 fixed registration offices and 275 mobile offices.

The initial phase of the voter registration period was scheduled from June 23 to July 22. The ISIE extended it for one week after criticism from political parties and several CSOs about the low number of voters who had registered. The ISIE added a second registration period from Aug. 5-26 in order to reach out to specific categories of the population who had not registered in the first phase.[39] The ISIE also decided to use this extra period to address the issue of registration of voters who would turn 18 between Oct. 26 and Nov. 23, thus taking positive and proactive measures to enfranchise this group of voters.

During the two registration periods, 1,029,862 Tunisian citizens were added to the voter list, 760,514 during the first registration period and 269,348 during the second period. At the end of the two periods, women represented 50.5 percent of all voters, against 47 percent in 2011.[40]

According to the ISIE, the total number of registered voters for the 2014 elections was 5,285,136, of which 359,530 are registered to vote abroad.[41] Some 3.3 million registered voters checked their data through the Internet and via cell phone. It is regrettable that while the ISIE published the voter list after the first phase of voter registration, they did not release the final list at the end of the second phase of voter registration.

The voter list was posted for public inspection after each phase of registration. A total of 87 objections were filed with the 33 IRIEs in the country and abroad. The majority of these were resolved by the IRIEs in a satisfactory fashion. No appeals were filed with the Courts of First Instance concerning voter registration.

Voter Education

Voter education is necessary to ensure an informed electorate that is able to effectively exercise the right to vote. The fulfillment of the international obligation of universal suffrage is partially dependent on effective voter education.[42] Internationally

[37] According to the 2014 Report of the U.N. High Commission for Human Rights, there are approximately 24,000 prisoners in the 27 incarceration facilities in Tunisia, including 13,000 in provisional detention.

[38] See Article 169 of the electoral law.

[39] These potential voters included those passively registered voters from 2011 who had voted in 2011 but had not yet registered in 2014, youth and women who did not have an ID card and Tunisians residing abroad.

[40] See: http://www.lecourrierdelatlas.com/797530092014Tunisie.-Les-electrices-tunisiennes-desormais-plus-nombreuses-que-les-electeurs.html

[41] The number of actively registered voters in 2011 was 4,108,202 (source: ISIE Report on the 2011 NCA elections, February 2012).

[42] ICCPR, Art. 25.

recognized good practice indicates that impartial and consistent voter education is the primary responsibility of state organs, chiefly the election management body. Political parties, civil society and international organizations may also contribute to voter education efforts.

While the ISIE organized dedicated voter education campaigns, both for the voter registration and the election day, and cooperated with other stakeholders such as civil society and political parties, it could have been more proactive in reaching out to the public in a more systematic way early on in the process. The ISIE could, for instance, have designed and launched a general campaign about the necessity to register prior to voting even before the start of the electoral period, this way preparing the public for the various steps of the process.

The ISIE launched an awareness-raising campaign to coincide with the official campaign period and voter education material was made available in most parts of the country some two weeks before the election. The campaign aimed both to encourage people to vote and to educate voters, explaining various technical aspects of the process, such as how to find your polling center. The material included posters and billboards, newspaper advertisements and TV ads, as well as advertisement on taxis and public transportation. The ISIE continued also to use social networks as a way of communicating with the public. In addition, the election administration deployed mobile teams of voter education agents to some parts of the country. These teams simulated voting procedures, actively involving passersby. In some areas, the official voter registration campaign was supplemented by voter education initiatives by CSOs; however, they were far fewer than during the voter registration period.

Campaign Environment

Political pluralism and genuine choice for voters are critical aspects of democracy. Equitable treatment of candidates and parties during an election, as well as the maintenance of an open and transparent campaign environment, are important to ensuring the integrity of the democratic election process. Although more than 4,500 violations were reported during the campaign to the IRIEs and the ISIE, the majority concerned violations that did not have a substantial impact on the campaign or the electoral process overall, such as posters being torn down or put in illegal places, the use of political publicity, and unauthorized meetings.

Many political parties conducted activities at the end of August and in advance of the campaign period that they characterized as regular party activities. Some parties candidly admitted to Carter Center observers that they were engaging in campaigning before the official start date of Oct. 4.They stated that they were introducing the party, which they described as a way of mobilizing their voters. Methods of pre-campaigning included going door-to-door, distributing fliers, organizing political cafes, canvassing in markets, and setting up tents or tables and chairs in key strategic locations.

Most large parties released their programs a couple of weeks before the start of the official campaign. Many of these programs were first developed at national level before being modified to adapt to local realities, thus giving the race a local flavor. Most electoral platforms addressed similar issues, from the restoration of the state's authority, to the need for a global development plan to target unemployment, to the creation of a comprehensive strategy to fight terrorism. In the south, other factors such as ideological affiliation and family/tribal ties played an important role in mobilizing voters.

Independent lists, as well as smaller parties and coalitions, including CPR, Wafaa and Popular Front, resented the ability of large parties to mobilize party resources and machineries. They claimed that audiovisual and print media were dominated by political party messaging from the bigger parties. [43] The media coverage of the official submission of presidential candidates, which occurred just one day after the announcement of the preliminary candidate lists for the legislative elections, afforded parties who fielded presidential candidates an additional advantage.

Though the electoral campaign started slowly, the pace quickened in the second week with a substantial increase in the number of electoral meetings. [44] Public attendance at those meetings observed by the Carter Center varied from five at the smallest meeting to 10,000 at the largest one. Generally speaking, the right to freedom of expression and association was respected. However, Carter Center observers reported that the requirement to notify the IRIE two days prior to each event was not always respected by candidate lists, with some not even aware of this requirement, which resulted in many events being held without prior notification. [45] Some meetings were cancelled by electoral authorities because the organizers failed to provide the required advanced notification.

Some Carter Center observers noted that the advance notification requirement was not applied uniformly by IRIEs. Some accepted lists of events, while others accepted only individual notifications.[46] The notification requirement benefited those candidate lists supported by larger parties as opposed to smaller parties and independent lists that lacked the necessary resources to comply with this administrative requirement.

While tensions between parties existed throughout the electoral period, they did not manifest themselves during the official campaign. The Carter Center observed that even though many electoral events took place in the same locations simultaneously, no altercations occurred.

Campaign finance

Fair and democratic elections cannot be held without fair rules on financing of electoral campaigns. Furthermore, the rules on political party financing should apply to the funding of electoral campaigns. The electoral legislation should specifically provide for transparency of donations to political parties and campaign activities, standardized presentation of party and campaign accounts, reasonable limits on campaign expenditure, regular reporting mechanisms, as well as effective and dissuasive sanctions.

The electoral law extended the powers of the Court of Auditors and reinforced the campaign finance regulations. The law details clear and precise requirements for campaign financing, grants the Court of Auditors the power to conduct control of campaign financing, and provides for effective and proportionate sanctions in cases of

[43] The term "bigger parties" would usually designate Nidaa Tounes and Ennahdha.
[44] The number of meetings reported by the media during the second week was 73, compared to 17 in the first week, which is a more than fourfold increase.
[45] See ISIE Regulation #2014-28 on Rules and Procedures of Organizing the Electoral and Referendum Campaigns, Chapter 3, Articles 18 and 19. The local office of Moubadara in Sahline (Zaghouan) told Carter Center observers that they did not need to report the events to the IRIE.
[46] For instance, the IRIE in Gafsa would not accept the notification of events if they were planned beyond the 48-hour time frame, while in Kasserine, candidate lists could submit a week-long schedule of events.

violations.[47] The Court of Auditors has the power, within six months of the publication of the final results, to annul the election of every member of the newly elected assembly who ran on a list that exceeded the campaign spending by more than 75 percent or did not submit its financial statement according to the procedure required by the law.[48]

Under the electoral law, the ISIE also has the authority to monitor and enforce campaign funding rules. The ISIE hired and trained approximately 1,200 people to monitor adherence to campaign finance regulations.[49] Based on the reports of these monitors, the ISIE can cancel the results in a polling station or constituency if it finds that violations of the campaign finance provisions significantly affected the results in a "fundamental and decisive way." This assessment will be conducted by the ISIE during the three-day period before announcing the preliminary results.

However, there are some shortcomings that undermine the effectiveness of campaign funding provisions and could benefit from a thorough review. The law does not require that political parties and candidate lists file an interim report, thus denying voters information before the polling on how the electoral contestants funded their campaign.[50] The law also does not provide for corresponding sanctions for all violations foreseen, such as the obligation of the parties and lists to publish their financial statements in one of the daily newspapers within two months of the announcement of the final results, and their obligation to appoint an agent to administer their accounts.

Public funding is distributed progressively on an equitable basis based on the number of voters in each constituency and the population density. In addition, expenditure and donation limits were set allowing for private and public funding. Contributions from candidates, political parties, and national citizens are legal, while contributions from unknown donors as well as from foreign governments and foreign legal, public, private, or natural persons are prohibited. Many political parties complained that the amount of public funding was too low to conduct a credible campaign, especially for those parties with no access to private funding sources.[51]

Several CSOs reported that they had evidence that all of the major political parties had exceeded the campaign expense ceiling and that this evidence had been forwarded to the ISIE. Although this is related to the overall spending limit being unreasonably low to be effective and respected by the electoral contestants, it might lead to the cancellation by the ISIE, before the announcement of the preliminary results, of the mandates obtained by the winning lists or parties.

Civil society and citizen observation

Citizen observation is a critical manifestation of the right to participate in public affairs and to hold governments accountable. Sources of public international law recognize the right to take part in citizen observer organizations and to contribute to

[47] Art. 98 -100 of the electoral law; the law foresees financial penalties progressively raised according to the percentage of exceeding of the campaign spending limit, as well as cancellation of the seats obtained by the perpetrating parties or lists.
[48] Art. 98 of the electoral law.
[49] ISIE Regulation no. 20 of August 8, 2014.
[50] United Nations Convention against Corruption, art. 7.
[51] The average amount of public financing is less than 8,000 DT per political party or candidate list per constituency.

voter education efforts.[52] Many citizen observer networks that emerged in 2011 for the NCA elections remained active, continuing to play an essential role in the democratic transition, contributing, for instance, to the constitution-making process.[53]

The law on the ISIE requires the ISIE to cooperate with CSOs on voter awareness-raising and education programs. Even though the ISIE recognized that the participation of CSOs in the awareness-raising campaign on voter registration had a substantial impact on the process and contributed to increasing the number of registered voters, it decided not to associate with civil society in its get-out-the-vote campaign for fear of influencing voter choice.

Many CSOs that were involved in voter awareness also observed the process, including ATIDE, Ofiya (in cooperation with CSID), Sawty, I Watch, and the Tunisian Human Rights League. Mourakiboun had the most observers, more than 5,000 on election day. They also conducted parallel vote tabulation (PVT). The ISIE accredited some 14,070 domestic observers and 496 international observers.

Most citizen observer organizations reported that they were in continuous contact with the ISIE and that their goal was to improve the electoral process by highlighting deficiencies and weaknesses and providing solutions. They also complained that the ISIE, in many cases, did not respond to their concerns.

Electoral Dispute Resolution

The electoral law provides for an expedient procedure for the adjudication of election disputes related to voter and candidate registration as well as election results, thus providing a timely remedy for aggrieved parties and respecting the right to judicial review so as to guarantee an independent oversight of the electoral process.[54] The implicated courts conducted their responsibilities in an effective and timely manner.

A total number of 133 complaints were filed with the Courts of First Instance on candidate registration, and 111 appeals were filed with the Administrative Tribunal; 25 appeals were rejected on formal grounds, 53 were rejected on the merits, and 33 were accepted on both formal grounds and merits.[55] Reasons for rejection of candidate lists included ineligibility because candidates registered during the second phase of voter registration or not at all, lack of gender parity on the complementary lists, insufficient numbers of replacement candidates, non-submission of tax declaration, and either a missing or not legalized signature of the candidate. The IRIEs consistently applied candidacy criteria when accepting or rejecting lists. The Courts of First Instance as well as the Administrative Tribunal made commendable efforts to adjudicate all petitions in a timely manner in accordance with the expedited procedure foreseen in the law.

However, a significant number of decisions of the Courts of First Instance analyzed by the Carter Center displayed an inconsistent approach to the interpretation of the electoral law, thus compromising the right to an effective remedy.[56] The electoral law

[52] EISA, Principles for Election Management, Monitoring and Observation in the SADC Region, p.19.
[53] Two CSOs submitted constitutional drafts, one of which remained the basis of the NCA drafting process.
[54] U.N. Human Rights Committee, General Comment 32, para. 19.
[55] Out of these, 39 were filed by political parties, 36 by independent lists, and 36 by the IRIEs.
[56] The Carter Center analyzed 75 out of the 133 decisions the Courts of First Instance on candidate registration. Notably, some Courts of First Instance ruled that the law does not stipulate that the complementary list should respect the rule of alternation but only the principle of parity, while other

does not foresee a centralized procedure before the Plenary Assembly of the Administrative Tribunal for appeals on candidate registration, which resulted in an inconsistent approach on one legal question, mainly due to the ambiguity of the electoral law.[57] This compromised the right to an effective remedy and equality before the law. It is commendable that the Administrative Tribunal functioned in a transparent manner and supplied the Carter Center with copies of all 111 decisions. Based on the Center's analysis of these decisions, the court demonstrated a considerable degree of impartiality, issuing its rulings with a sound evidentiary and legal basis within the time limits set by the law.

Although Article 124 of the electoral law allows representatives of lists, candidates, or parties and observers to record any remarks on the voting process, it does not detail how these remarks should be handled by polling station staff. Further, the law does not allow voters to file complaints at the polling station on irregularities or malpractices of the electoral process, thus denying the right to an effective remedy for any violation of electoral rights.

Appeals against the preliminary results are allowed as long as they are filed by candidates or their representatives with the appellate chambers of the Administrative Tribunal within three days of publication of the results, with an appeal to the plenary assembly of the Administrative Tribunal within 48 hours of notification of the ruling.[58] However, contrary to international standards, there is no provision for individual voters to file petitions to the court challenging the results.[59]

Although short time limits are necessary in order to avoid protracted litigation pending the determination of the election results, the three-day deadline for filing of complaints to the appellate chambers of the Administrative Tribunal and the five-day limit for the plenary assembly to render its decision are overly restrictive and raise concerns as to whether due consideration of the cases is fully guaranteed.[60]

Election Day

courts, in the absence of precision in the law on whether both lists should abide by the rules of parity and alternation, ruled that they should. Likewise, some courts overturned decisions of the IRIEs rejecting lists including candidates who registered during the second phase of voter registration, while others ruled that the second phase of voter registration didn't accord the right to candidacy at the legislative elections. Furthermore, while according to some courts the certified signature of the candidate is necessary to demonstrate the candidate's free will and agreement to run in the elections, others ruled that is it not required by the law, so a list should not be rejected on this ground.

[57] In particular, four chambers of the Administrative Tribunal ruled candidates who registered during the second phase were allowed to stand, while one chamber ruled that some candidates on four lists could not.

[58] ICCPR, General Comment 25, para. 20 states that "there should be an independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of votes," and African Union Declaration on the Principles governing Democratic Elections in Africa, section IV.7, states that "individuals or political parties shall have the right to appeal and to obtain a timely hearing against all proven electoral malpractices to the competent judicial authorities in accordance with the electoral laws of the country."

[59] ICCPR Art. 2(3)(a): "To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy…" Also Venice Commission, Code of Good Practice in Electoral matters, para. 99: "Standing in such appeals must be granted as widely as possible. It must be open to every elector in the constituency and to every candidate standing for election there to lodge an appeal."

[60] As all TCC interlocutors commented, the time limits are too short as the system is centralised, and the complainants should collect all evidence to submit together with their complaints within three days of the publication of the results at the IRIEs.

Opening and Voting

The voting process is the cornerstone of the obligation to provide the free expression of the will of the people through genuine, periodic elections. Certain participatory rights must be fulfilled in order for the voting process to accurately reflect the will of the people, including the right to vote, to participate in public affairs, and to enjoy security of the person.[61]

Preparation for the opening of polling stations began one hour before polls were scheduled to open on Oct. 26 at 7 a.m. Carter Center observers noted that most procedures were followed and polling stations were opened on time.

Voting took place in a calm, orderly and transparent manner. The turnout was reported by the ISIE as 61.9 percent in Tunisia. Carter Center observers reported long lines at opening, which decreased in length as the day progressed. All observers reported that the polling station layout was effective in facilitating the flow of voters. A provision of the electoral law that limited the number of voters at each polling station to 600 also supported an efficient processing of voters and queue control.[62]

As in the 2011 NCA elections, Carter Center observers reported that in some polling centers, there were long lines at some stations, while others had no lines at all. While the ISIE distributed voters among polling stations within polling centers more equitably than in 2011, their allocation was again problematic. Observers noted that there were a disproportionate number of elderly people in the lines, and several were told by polling center presidents that this was because the voter lists had been organized by age. The ISIE explained that the voter lists were in fact organized by sequential ID numbers, which resulted in high numbers of elderly people at the same station. These voters turned out in large numbers, resulting in long lines at those stations.

Except for a few minor irregularities, polling procedures were followed in those stations observed by Carter Center observers. These irregularities included cases of inadequate instructions to voters on how to vote, illegal campaigning outside polling stations, and insufficient numbers of polling staff. Observers also reported that voters' understanding of the voting procedure appeared very good or adequate in over 90 percent of observed stations.

In a tribute to the active participation of Tunisian civil society and political party representatives, citizen observers and candidate representatives were present in all polling stations visited. They appeared well organized and knowledgeable of procedures. Carter Center observers received many reports of violations of the ban on campaigning in and around polling centers, with party representatives talking to voters outside polling centers and attempting to influence their choice.

Closing and Counting

Polling staff appeared to have less of an understanding of the procedures for closing than for the voting, with disagreements among staff as to what the procedures were occurring in several stations. Nevertheless, the overall assessment of Carter Center observers was that the closings were calm, organized, and efficient.

[61] ICCPR, Articles 2, 25(a) and 9.
[62] Article 119 of the electoral law.

Although the counting process was not as smooth as the voting in some stations observed, and in some isolated cases assessed as less than adequate, there was no indication that the confusion affected the results of the count. In several polling centers, the count did not begin immediately after the closing as called for in the manual of polling and sorting procedures issued by the ISIE. The break was for not more than an hour, and once the process began, it continued until completed. Election material remained in full view of observers and was not removed from the polling station during the break. In all polling stations observed, the completed minutes of the sorting and counting was publicly posted before the minutes were transferred to the tabulations center.

Tabulation

The tabulation process was delayed by the failure to transfer the necessary electoral materials from the polling stations to the tabulation centers in a timely manner. When the process did begin, in most cases, observers were not able to effectively observe the details of the process because of the distance from the work area and lack of access to tabulation center staff. However, with a few exceptions, observers described the overall atmosphere in the tabulations centers as orderly and calm. In the few tabulation centers where the observers were able to make a meaningful assessment, they characterized the process as slow but well-managed and professional.

Background: The Carter Center was accredited by the ISIE to observe the elections and deployed 72 observers who visited 348 unique polling stations as well as the tabulation centers in all of the 27 constituencies in Tunisia. The mission was led by former Prime Minister of Yemen Abdulkarim al-Eryani. More than 25 different nationalities were represented on the observation mission.

The Center has had a presence in Tunisia since 2011 and observed both the 2011 National Constituent Assembly elections as well as the constitution-making process that culminated in the adoption of the constitution in January 2014. The electoral observation mission was launched in June 2014 with the deployment of 10 long-term observers across the country and a core team of technical experts based in Tunis. The Center will remain in Tunisia to observe the final tabulation process and resolution of electoral complaints. An observation mission will also be sent for the presidential election scheduled for Nov. 23 and the possible run-off on Dec. 28.

The objectives of the Center's observation mission in Tunisia are to provide an impartial assessment of the overall quality of the electoral process, promote an inclusive process for all Tunisians, and demonstrate support for its democratic transition. The electoral process is assessed against the Tunisian legal framework, as well as Tunisia's international obligations for genuine democratic elections.

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 election process.

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Carter Center Reports Calm, Orderly, and Transparent Process in Historic Tunisian Elections

Tunisia's historic legislative elections on Oct. 26 were carried out in a calm, orderly, and transparent manner throughout the country. In a preliminary statement released by The Carter Center today, election observers reported that many Tunisians waited patiently in long lines to exercise their right to vote in the first election carried out under the new Tunisian constitution adopted in January 2014. The legislative elections are an important step in the history of post-revolution Tunisia as it builds representative institutions following a dictatorial regime of many years.

Tunisia, which gave birth to the Arab Spring, remains a beacon of hope for democratic governance in a region where other countries undergoing political change continue to experience significant challenges. Although the transition period was longer than anticipated, the National Constituent Assembly succeeded in overcoming its challenges with a number of achievements, including the adoption of a new constitution with a large political consensus, the creation of an independent and permanent election commission charged with organizing the elections, and a legal framework.

Despite a relatively smooth and orderly implementation of the elections, minor irregularities were reported in a limited number of polling stations visited by Carter Center observers, including insufficient instructions to voters on how to vote, illegal campaigning outside polling stations, and inadequate numbers of polling staff. Tabulation of vote counts is ongoing, and preliminary results have not yet been released. The ISIE announced turnout in Tunisia as 61.9 percent.

Overall, the electoral authorities succeeded in organizing a successful election day and conducting an inclusive voter and candidate registration process within a tight time frame. Unfortunately, many difficulties experienced by the ISIE were similar in scope to those experienced in the 2011 NCA elections, including failure to communicate effectively with electoral stakeholders and lack of transparency.

Key conclusions of the Carter Center observation mission include:

- **Election administration**: Even though the High Independent Authority for the Elections (ISIE) had a limited time frame in which to organize the elections and initially were overwhelmed by the scope of the work, it conducted the election successfully without major irregularities. The ISIE did, however, suffer from organizational and management issues, including lack of a clear communication strategy with electoral stakeholders, lack of transparency in its decision-making process, and insufficient staffing.
- **Voter registration**: 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 desired to vote in the elections had an opportunity to register.

- **Voting process**: Polling staff largely followed procedures, and voting was carried out in a calm and orderly atmosphere. Some voters were turned away either because they were at the wrong polling station or because they did not find themselves on the list. The majority of polling stations opened on time. Lines were long at opening and decreased in length as the day progressed.
- **Legal framework**: Although Tunisia's electoral legal framework generally provides a solid basis for the conduct of elections in line with international and regional standards, certain areas could benefit from improvement, including too-restrictive campaign regulations and a campaign finance ceiling that is too low to allow for effective campaigning.
- **Participation of observers and candidate representatives**: In a tribute to active participation in the political process, citizen observers and candidate representatives were present in all polling stations visited, contributing to the transparency of the process. They appeared well organized and knowledgeable of procedures.
- **Campaign environment**: Although the ISIE reported several thousand violations, the overwhelming majority did not have a substantial impact on the campaign or the electoral process overall. Violations included posters being torn down or put in illegal places, the use of political publicity, and unauthorized public campaign events. Carter Center observers reported that the requirement to notify the IRIE two days prior to each event was not always respected by candidate lists, with some not even aware of this requirement. This resulted in many events being held without prior notification, some of which electoral authorities canceled.
- **Women participation**: Although the law requires that all electoral lists alternate between female and male candidates, it does not mandate horizontal parity, or the appointment of female candidates to the head of the lists. As a result, few parties placed women at the head of their lists. Only 145 of 1,327 lists were headed by women, though 47 percent of the candidates were female.
- **Electoral dispute resolution**: The Courts of First Instance and the Administrative Tribunal made commendable efforts to adjudicate all petitions in a timely manner in accordance with the expedited procedure foreseen in the law. A significant number of decisions of the Courts of First Instance, however, displayed an inconsistent approach to the interpretation of the electoral law. The Administrative Tribunal demonstrated a considerable degree of impartiality, issuing its rulings with a sound evidentiary and legal basis.

Background: The Carter Center was accredited by the ISIE to observe the elections and deployed 72 observers who visited 348 unique polling stations as well as the tabulation centers in all of the 27 constituencies in Tunisia. The mission was led by former Prime Minister of Yemen Abdulkarim al-Eryani. More than 25 different nationalities were represented on the observation mission.

The Center has had a presence in Tunisia since 2011 and observed both the 2011 National Constituent Assembly elections as well as the constitution-making process that culminated in the adoption of the constitution in January 2014. The electoral observation mission was launched in June 2014 with the deployment of 10 long-term observers across the country and a core team of technical experts based in Tunis. The Center will remain in Tunisia to observe the final tabulation process and resolution of electoral complaints. An observation mission also will be sent for the presidential election scheduled for Nov. 23 and the possible run-off on Dec. 28.

The objectives of the Center's observation mission in Tunisia are to provide an impartial assessment of the overall quality of the electoral process, promote an inclusive process for all Tunisians, and demonstrate support for its democratic transition. The electoral process is assessed against the Tunisian legal framework, as well as Tunisia's international obligations for genuine democratic elections.

The Center's observation mission is conducted in accordance with the declaration of principles for International Election Observation and Code of Conduct that was adopted in the United Nations in 2005 and is currently endorsed by 49 organizations.

To follow the news and activities of the Carter Center's Tunisia field office, like us on www.facebook.com/TCCTunisia.

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A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in more than 80 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; and improving mental health care. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and former First Lady Rosalynn Carter, in partnership with Emory University, to advance peace and health worldwide.

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Carter Center Launches International Delegation for Presidential Election in Tunisia

TUNIS — Under the accreditation of the Instance Supérieure Indépendante pour les Élections (ISIE) of Tunisia, The Carter Center has launched an international election observation mission for Tunisia's presidential election on Nov. 23.

The mission will be co-led by Carter Center CEO Ambassador (Ret.) Mary Ann Peters and international lawyers and human rights defenders Hina Jilani of Pakistan and Ambassador Audrey Glover of the United Kingdom.

The Carter Center established a field office in Tunisia in July 2011 and has monitored the National Constituent Assembly elections, the constitution-making process, and the establishment of institutional and legal electoral frameworks. It deployed 10 long-term observers and a core team of experts in July 2014 prior to observing the Tunisian legislative elections on Oct. 26. The Center concluded that the voting process for the legislative election was carried out in a calm, orderly, and transparent manner throughout the country.

"I congratulate the citizens of Tunisia on the successful legislative elections in October and am honored to be an observer as Tunisians elect their next president," said Ambassador Peters. "The Carter Center, other international observers, and domestic observers look forward to assessing the democratic process with the active participation of voters and civil society on Nov. 23."

For the presidential election, the Center plans to deploy over 70 short-term observers in addition to the 10 long-term observers who have monitored the electoral process in Tunisia since the voter registration period. The delegation is comprised of observers from 23 countries. They will witness the electoral process, including voting, counting, polling, and tabulation, and release a preliminary statement of key findings on Nov. 25, which will be available at www.cartercenter.org.

The Carter Center's assessment of the electoral process will be based on Tunisia's constitution, national legal framework, and its various obligations for democratic elections under public international law, including relevant regional and international agreements. The Center's mission will be conducted in accordance with the Declaration of Principles for International Election Observation, which provides guidelines for professional and impartial election observation.

Further information regarding the Carter Center's activities in Tunisia can be found on its Facebook page www.facebook.com/TCCTunisia and website.

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THE
CARTER CENTER

Carter Center Preliminary Statement on Tunisia's Presidential Election

Nov. 25, 2014

This statement is preliminary; a final report will be published four months after the end of the electoral process.

Statement of Preliminary Findings and Conclusions

Political Background

Tunisians expressed their will in a competitive and peaceful presidential election. For the first time since independence, Tunisians were offered the opportunity to choose among a diverse group of presidential candidates in a genuine election. The Nov. 23 presidential polls, the second of two elections intended to consolidate Tunisia's democratic transition, were administered in a professional and neutral manner. Tunisia is the only country in the Arab world to have successfully pursued a consistent path of democratic reform after the 2011 revolutions. As such, Tunisia could serve as a model for other countries in the region struggling to establish democratic institutions.

The results of the October legislative elections helped to shape the dynamics of the presidential campaign. A broad-based party, Nidaa Tounes, emerged as the largest winner with 86 seats, while the Islamist movement Ennahdha was second with 69 seats. In a positive step, all political parties announced before the ISIE officially released the preliminary results that they would accept the outcome of the polls.

Legal Framework

International best practices indicate that the legal framework for the organization of an election should be readily accessible to the public, be transparent, and address all the components of an electoral system necessary to ensure democratic elections.[1] Tunisia's legal framework for presidential elections is generally in alignment with international standards.[2]

The electoral process is governed by the January 2014 constitution, the 2014 electoral law and the implementing regulations issued by the Independent High Authority for Elections (ISIE), the

[1] OSCE/ODIHR, Guidelines for Reviewing a Legal Framework for Elections, page 4.

[2] These include: the International Covenant on Civil and Political Rights (ICCPR), 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 Persons with Disabilities, and the African Charter on Human and Peoples' Rights (ACHPR).

law on the ISIE, and the law related to the freedom of audiovisual communication that created the Independent High Authority for Audiovisual Communication.[3] Certain areas of the legal framework could be improved, including by establishing adequate timeframes for the different stages of the electoral process and appropriate sanctions for those who violate the legal framework. In addition, campaign provisions, including those on the use of advertising and posters, are too restrictive for candidates to fully respect them. The legal framework is dispersed across several laws and regulations, which makes it difficult for electoral stakeholders to access all applicable rules in one consolidated location and to understand them. The law would benefit from consolidation of all provisions into one comprehensive electoral code.

Electoral system

The purpose of an electoral system is to translate the will of the people into a representative government. International standards do not prescribe a specific electoral system.[4] Tunisia's electoral system respects the principles of genuine and periodic elections and guarantees universal suffrage, the secrecy of the vote, and freedom from intimidation, as well as equality of the vote and fair representation of all citizens.

According to the constitution, the president is elected for a five-year mandate, in line with international commitments and best practices.[5] If no candidate receives an absolute majority of valid votes cast in the first round, a second round between the two candidates who received the largest number of votes will be held within two weeks of the announcement of the final results of the first round.

The constitution guarantees the right to vote to all citizens who are 18 or older with full enjoyment of their civil and political rights and not subject to any cases of disenfranchisement foreseen under the electoral law. However, article 6 of the electoral law prohibits military and security personnel from voting, a restriction not in keeping with international standards.[6] In addition, the 2014 electoral law does not foresee a mechanism for citizens in health care facilities, penitentiaries, or detention centers to exercise their right to vote, contrary to Tunisia's constitution and international commitments.[7]

Candidate Registration

[3] Organic Law no.16-2014 of May 26, 2014 related to elections and referenda (hereinafter: the electoral law), and Organic Law no. 23-2012 of December 20, 2012 relating to the Independent High Authority for Elections, as amended and supplemented by Organic Law no. 44-2013 of November 1, 2013 and the Organic Law no.52-2013 of December 28, 2013 (hereinafter: the ISIE law).

[4] U.N., International Covenant on Civil and Political Rights, Art. 25(b); United Nations Human Rights Council, General Comment 25, para. 21.

[5] ICCPR, art.25(b); General Comment 25, para.9 and 19; Universal Declaration of Human Rights, art.21(3); Council of Europe Code of Good Practice in Electoral Matters, sec. I.1.6.

[6] According to the 2014 budget of the Ministry of the Interior, the number of Tunisian internal security forces amounts to around 93.486 personnel, while the regular armed forces is around 35.500 persons, according to data of the Institute for National Security Studies. See ICCPR, art.25: "Every citizen shall have the right and the opportunity [...] to vote and to be elected at genuine periodic elections...." Also, General Comment 25, par. 14: "The grounds for denying suffrage rights to citizens have to be objective and reasonable and must be prescribed by law."

[7] Right to universal suffrage on the basis of equal treatment before the law: ICCPR, art. 25(b); African Charter on Democracy, Elections and Governance, art. 3 (3).

The right of individuals to participate in public affairs is an obligation under international law.[8] While the right to be elected is a widely recognized principle in both regional and international treaties, it is not an absolute right and may be limited on the basis of objective and reasonable criteria established by law.[9] The Tunisian legal framework allows for an inclusive candidate registration process and is generally in line with international and regional standards.[10] Presidential candidates must be Tunisian by birth, of the Islamic religion, and at least 35 years old. Constitutional measures regarding the candidate's faith should be reviewed for conformity with international standards.[11]

All nominees are required to pay a deposit of 10,000 dinars, refundable if the candidate secures at least 3 percent of the valid votes cast. In addition, in order to appear on the ballot presidential candidates must be endorsed either by 10 members of the National Constituent Assembly (NCA) or a minimum of 10,000 registered voters from at least 10 constituencies with at least 500 voters per constituency.[12] The requirement to collect signatures proved problematic in its implementation stage because of the alleged use of fraudulent signatures.

As provided for by the electoral calendar, candidate registration for the presidential election took place Sept. 8-22. The ISIE received a total of 70 candidacies by the deadline, more than half submitted on the final day. Among the applicants were five women, three members of the NCA, six businessmen, and three ex-ministers who served under the Ben Ali regime. This list included incumbent President Moncef Marzouki and NCA President Mustapha Ben Jaâfar.

The ISIE confirmed a preliminary list of 27 candidates on Sept. 30. Forty-one candidates were rejected for failure to meet the candidate support requirements described above, and two candidates withdrew their applications. One of the five female candidates was confirmed.[13] The ISIE cited several reasons for rejecting candidate applications, including an insufficient number of sponsors and/or the distribution of sponsors across fewer than 10 constituencies; the electronic submission of signatures not in the required format, and the failure to submit a financial deposit.

Many CSOs urged the ISIE to take action against candidates who allegedly used fraudulent voter data for endorsement purposes. In response, the ISIE claimed that it was not capable of investigating the falsification of names and data, and that only those people concerned had legal standing to file a suit, as provided by the law. The ISIE set up a call center to allow voters to verify whether their names appeared in the endorsement lists without permission.

In three cases, the ISIE filed complaints with the criminal courts of first instance against enterprises in which staff allegedly mishandled databases. A fourth complaint was filed on behalf of ISIE member Khameyel Fenniche, whose name had been used without her consent. These

[8] ICCPR, Article 25(a); ICCPR, Article 21; UNHRC General Comment 25, para. 26.
[9] ICCPR, Article 25; AU, ACHPR, Article 13; Arab Charter on Human Rights, Article 24
[10] ICCPR, Article 25 "Every citizen shall have the right and the opportunity [...] to vote and to be elected at genuine periodic election." See also Article 13 of the African Charter of Human and Peoples' Rights.
[11] ICCPR, art. 2 and 25; UNHRC General Comment 25, para. 15.
[12] The obligation to collect a certain number of signatures in order to stand conforms to the principle of universal suffrage according to the Council of Europe Code of Good Practice in Electoral Matters, which states that signatures required should not exceed 1 percent of voters in the constituency concerned.
[13] Kalthoum Kannou, judge and former president of the Tunisian Magistrates' Association.

four cases are still pending in the court, and their examination will not be finalized until after the presidential electoral process is completed. Losing candidates could be prosecuted. If it is proven that the president-elect's endorsements included fraudulent voters' signatures or data, the president would benefit from immunity while in office, which could impact the legitimacy of the office.

Election Administration

An independent and impartial electoral authority, functioning transparently and professionally, is the only effective means of ensuring that citizens are able to participate in genuine democratic elections.[14] The Tunisian electoral administration implemented its duties in 2014 in an independent and impartial manner and made commendable attempts to correct deficiencies and address stakeholders' concerns after the legislative elections.

The requirement that both the legislative and presidential elections take place before the end of 2014 meant that electoral authorities had a limited time period in which to organize two separate elections with three possible rounds of voting. The electoral periods of the two elections overlapped by two months and presidential candidate registration took place at the same time as the complaints and appeals period for the legislative candidate registration process. Although the ISIE delegated some of its authority for the legislative elections to the Regional Authorities for Elections (IRIEs), it had to perform a difficult balancing act to ensure that each electoral process would not affect the other. This was compounded by managerial deficiencies because there was no clear division of labor within the ISIE Council and no executive director for much of the electoral period.

With only one week between the election day for the legislative elections and the start of the official campaign period for the presidential election, the election administration had little time to take stock of the first round of elections and prepare for the next one.

Despite these challenges, the ISIE engaged in a laudable lessons-learned exercise with a variety of stakeholders, including the IRIEs and the regional administration offices, citizen observer organizations, and campaign managers. This led to changes in the procedures related to the voting, counting, and results tabulation processes, as well as other administrative issues. [15]

Because of the short time frame, many of the procedural steps prescribed by the legal and regulatory framework were delayed. For instance, the ISIE released the presidential ballot paper only after the start of the campaign. There was no draw to determine the candidate order in the designated spaces for the placement of posters.[16] The ISIE also organized information sessions on campaign procedures for candidates' financial agents and campaign managers, as well as its own monitors, only after presidential candidates had launched their campaign activities. Presidential candidates expressed dissatisfaction with the ISIE for not doing enough to prevent campaign regulation violations and not punishing those candidates engaged in violations.

[14] UNHRC, General Comment 25, para. 20.
[15] See regulation #2014-33 dated Nov. 6 and modifying regulation #2014-32 dated Oct. 14.
[16] Instead the ISIE used the draw done on Oct. 24, for the order of the candidates on the ballot paper.

The ISIE also replaced approximately 3 percent of the poll workers in the interim period for allegedly having performed poorly and/or not in a neutral and impartial manner during the legislative elections. The ISIE released the list of poll workers for the presidential election on its website on Nov. 11 to give the presidential candidates the opportunity to object to any they believed were not impartial. As a result, the ISIE replaced a total number of 1,500 poll workers, including 500 heads of polling stations.

Throughout the period between the legislative and the presidential elections, the ISIE kept open communication channels with all relevant stakeholders. It met with civil society organizations and continued to use its media center to communicate about key aspects of the electoral process to the wider public, including, for example, details regarding the hours of operation of polling stations.[17]

Voter registration

Voter registration and the establishment of a complete, current, and accurate voter list are recognized as important means to ensure that each citizen has the right to vote: "Where registration of voters is required, it should be facilitated, and obstacles to such registration should not be imposed."[18] Tunisia's voter registration procedures are mostly in line with international and regional standards.[19]

On June 23, the ISIE opened the first phase of voter registration, targeting those voters who had not registered in 2011. The registration was scheduled through July 22, and later extended through July 29. The ISIE conducted a second phase of registration targeting specific groups of people from Aug. 5-26. The ISIE announced the final number of registered voters on Oct. 6. A total of 1,029,862 Tunisian citizens registered during the 2014 voter registration process, bringing the final tally of registered voters to 5,285,136, of whom 359,530 registered to vote abroad.[20]

Many CSOs and citizens alleged that thousands of voters abroad and in Tunisia were disenfranchised during the legislative elections, as they could not find their names on the voter lists. In response, the ISIE opened a one-week window Nov. 2-8 for these voters to reinsert their names. This phase was not meant to register new voters, but rather to ensure that all voters who had registered appeared on the voter lists and could take part in the presidential election. Voters abroad also were allowed to change their polling centers. At the end of the seven-day period, the ISIE reported receiving 9,452 requests, 87 percent of which came from overseas voters. It approved 1,129 requests to change polling stations, and 489 requests to be reinserted in the voter lists, bringing the total number of voters to 5,285,625. The majority of rejected requests reportedly came from voters who had passively registered in 2011 but had not complied with the requirement to actively register in order to vote in the 2014 elections.

Voter Education

[17] The opening time was changed from 7 a.m. to 8 a.m.
[18] UNHRC, General Comment 25, "The right to participate in public affairs, voting rights and the right of equal access to public service," para. 11.
[19] ICCPR, General Comment 25, para. 11.
[20] The number of actively registered voters in 2011 was 4,108,202 (source: ISIE Report on the 2011 NCA elections, February 2012).

The fulfillment of the international obligation of universal suffrage is partially dependent on effective voter education.[21] The ISIE's voter education campaign lacked full effectiveness. The ISIE launched a voter education campaign specifically focused on the presidential elections only 10 days prior to the polls. Civil society organizations also contributed to voter education efforts. However, the ISIE was cautious in calling upon their support to avoid the appearance that they were influencing voters. While the ISIE made education materials such as leaflets on the election date and posters about the presidential voting process available to CSOs, the latter criticized the campaign as too little, too late.[22] Certain CSOs carried out their own voter education campaigns targeting specific groups of voters, such as people with disabilities, women, and youth.[23]

For the presidential election, the ISIE adapted the same voter education campaign that it had carried out for the legislative elections. The ISIE aimed to inform registered voters about the voting procedures and to explain the importance of voter participation. Campaign activities relied on the use of electronic and broadcast media as well as print media, and also involved the deployment of volunteers ahead of the election day.

Campaign Environment

Political pluralism and genuine choice for voters are critical aspects of democracy. Equitable treatment of candidates and parties during an election, as well as the maintenance of an open and transparent campaign environment, are important for ensuring the integrity of the democratic election process. The presidential election offered voters a genuine choice among a diverse group of candidates for the first time. The rights of free speech and assembly were respected throughout the campaign period. The requirement to notify the election administration 48 hours ahead of campaign events proved burdensome in its implementation, as most candidates ignored it, making it difficult for the IRIEs to monitor campaign events. This regulation should be reviewed.

Two candidates whose parties fared poorly in the legislative elections withdrew in the first days of the campaign, while three additional candidates withdrew in the last week of the campaign.[24] Mustapha Ben Jaâfar, whose party won no seats in the legislative elections, called on all social democratic parties and candidates to unite behind a single candidate or to adopt a common platform to prevent the return of one-party rule.[25] The incumbent president also systematically

[21] ICCPR, Art. 25.

[22] This was the case of the Tunisian League for Human Rights in Tunis and the Civilian Pole for Human Rights and Development in Gafsa.

[23] This included We Youth in Kairouan, Sfax and Mahdia and the Civilian Pole For Development and Human Rights in Gafsa.

[24] Abderrahim Zouari, candidate of the Destourian Movement, and Mohamed Hamdi, candidate of the Democratic Alliance, announced respectively on Oct. 30 and Nov. 5 that they were withdrawing from the race, whereas independent candidates Nourredine Hached and Mustapha Kamel Nabli, and Wafaa Movement candidate Abderraouf Ayadi announced their withdrawal on Nov 17. As per the electoral law, they remained on the ballot paper. Abderrahim Zouair and Mohamed Hamdi did not record their allotted free airtime.

[25] This initiative, which brought together, in addition to Mustapha Ben Jaafar, Mohamed Hamdi (Democratic Alliance), Mohamed Abbou (Democratic Stream), Zouhaier Maghzaoui (Popular Movement), Imed Daimi (Congress for the Republic), Maya Jribi and Issam Chebbi (Al Jomhouri), Hichem Safi (Popular Unity Movement) as well as independent candidate and former president of the Tunisian Bar Association Abderrazak Kilani, failed as all those involved considered that a consensus was only possible in the second round.

raised the specter of despotism and dictatorship if a former official of the Ben Ali regime were to win the presidential election.

Some presidential candidates received the support of parties whose nominees were rejected during the registration process or who had decided to withdraw. After other parties rejected Ennahdha's initial calls to support a "consensus candidate," the party's Shura council decided not to endorse any candidate and urged their voters to cast their votes for "the person who is best able to lead the democratic transition." The incumbent president received the support of six parties considered to have close links with Ennahdha.[26] Al Massar endorsed several candidates, leaving the final choice for the voters to make, while Afek Tounes threw its support behind Beji Caid Essebsi. [27]

The official campaign period for the presidential election was slow to begin. Most candidates and parties, even those who did not have a candidate in the race, took the time to reflect upon the results of the legislative elections. Only a few candidates held rallies during the first week. Others, in particular independent candidates, held press conferences to announce their electoral platform. The rhythm of the campaign intensified in the last 10 days of the campaign as events and public outreach increased. The Carter Center observed rallies with between 6,000 and 10,000 attendees the weekend before election day.[28]

As in the legislative elections, candidates did not consistently notify the IRIEs of their campaign events, and the election administration had difficulties in monitoring them. The ISIE reported more than 1,900 cases of campaign violations, the overwhelming majority of which stemmed from the illegal display of campaign posters and a failure to provide notification of campaign events. Nineteen of the violations were transferred to the prosecutor general.

Unlike in the legislative campaign, the use of commercial billboards was predominant throughout the country during the presidential campaign.[29] Candidates also relied on posters, flyers, door-to-door activities, and a few regional rallies. Candidates who did not enjoy the support of a party made particular use of social networks.[30]

In spite of the president's limited prerogatives, candidates' manifestos touched upon a wide range of issues, from social and economic development to security and the fight against terrorism. Some candidates backed by parties that ran in the legislative elections maintained their legislative programs. Most other candidates focused on the role of the president as the guarantor of the constitution.

[26] These included Marzouki's party, Congress for the Republic, Maghrebin Construction Party, Development and Reform Party, National Movement for Justice and Development, and National Construction Party.
[27] These were: Beji Caid Essebsi, Hamma Hammami, Kalthoum Kannou and Mustapha Kamel Nabli. Al Massar called on Tunisians to vote for the candidate who is more inclined towards achieving the revolution objectives, meeting youths' claims for freedom, dignity and employment, and who plans to break with corruption and dictatorship while endeavoring to build a democratic and civil state based on the principle of citizenship.
[28] These were, from the largest to the smallest, the rallies of Moncef Marzouki's in Sfax on Nov. 15, Beji Caid Essebsi's in Menzeh 1 on Nov. 15, and Hamma Hammami's in Menzeh 1 on Nov. 16.
[29] The use of billboards during the legislative campaign was prohibited by the electoral law.
[30] Moncef Marzouki was the most active candidate on Facebook with many dedicated support pages, while Beji Caid Essebsi was perceived to be relying more on the appearance of Nidaa Tounes' members on TV programs.

Against the backdrop of a persistently tense security environment, the media reported that several candidates had received death threats, leading some to cancel their electoral meetings. [31] As a result, the Ministry of Interior granted close protection to all candidates.

Campaign finance

Democratic elections cannot be held without equitable rules on financing of electoral campaigns. Electoral legislation should specifically provide for transparency of donations to campaign activities of the candidates, standardized presentation of campaign accounts, reasonable limits on campaign expenditure, and regular reporting mechanisms as well as effective and dissuasive sanctions. The 2014 electoral law expanded the powers of the Court of Auditors to conduct a review of the resources and expenses of the political parties, and included stricter and proportionate sanctions against violations than existed in 2011. Several shortcomings undermined the effectiveness of the legal campaign funding provisions and should be reviewed, including the failure to require an interim campaign finance report.[32]

The electoral law details the expenditure and donation limits, and allows private and public funding. According to the decree on campaign financing for the presidential elections, public funding is distributed equitably based on the number of voters at the national level. This works out to 15 TND per 1,000 voters for the first round, and 10 TND per 1,000 voters for the second round. Thus, the total public funding per presidential candidate is TND 79,284 (about USD 43,093), and the ceiling for the total expenditure for each candidate amounts to TND 792,840 (about USD 430,938). Several stakeholders considered the ceiling too low to conduct a meaningful and effective campaign.[33] The law prohibits contributions from foreign or unknown donors as well as from corporations and legal persons. In addition, political parties are not allowed to fund the campaign of their presidential candidates.[34]

The law does not provide for corresponding sanctions for all foreseen violations. For example, no sanctions are outlined for the failure to publish financial statements in a daily newspaper within two months of the announcement of the final results, or failing to appoint an agent to administer one's financial accounts. These gaps undermine the effectiveness of reporting mechanisms and decrease the electorate's trust in the transparency of the political finance system and in the accountability of relevant actors.

Citizen and Candidate Observation

Citizen observation is a critical manifestation of the right to participate in public affairs and to hold governments accountable. Sources of public international law recognize the right to take part in citizen observer organizations and to contribute to voter education efforts.[35] Both

[31] For instance, on Nov. 11 and 12, Slim Riahi and Mondher Zenaidi cancelled their respective meetings in Sfax, Kairouan, and Monastir.

[32] United Nations Convention against Corruption, art. 7.

[33] Decree n° 3038 of August 29, 2014 relating to the ceiling of expenditure for the electoral campaign, ceiling of private funding and ceiling of public funding and their conditions and procedures for the presidential elections of 2014.

[34] Art. 76 of the electoral law and art.9 of the ISIE regulation no.20 on campaign finance.

[35] EISA, Principles for Election Management, Monitoring and Observation in the SADC Region, p.19.

Tunisian civil society and political parties took an active part in observing the legislative and presidential electoral processes.

The ISIE accredited an additional 13,000 citizen observers for the presidential election.[36] Many prominent CSOs published their observation findings from the legislative elections, demonstrating the seriousness of their undertakings and a real interest in contributing to improving the electoral process. These included Mourakiboun, Chahed Observatory, ATIDE, Civilian Pole for Development and Human Rights, League of Tunisian Women Voters, Ofyia-Center for Studies of Islam and Democracy, Youth without Borders, I-Watch and Tunisian League for Human Rights.

According to ISIE observer regulations, only presidential candidates were allowed to register representatives to observe the presidential election on their behalf. This meant that all party representatives accredited for the legislative election had to be re-accredited as observers of a presidential candidate in order to gain access to the polling stations. The ISIE reported accrediting 65,000 representatives of candidates for the presidential election.

Electoral Dispute Resolution

Appeal procedures, and especially the powers and responsibilities of the various bodies involved in them, should be clearly regulated by law in order to avoid any positive or negative conflicts of jurisdiction. In addition, the right to file such appeals must be granted as widely as possible, open to every elector in the constituency and to every candidate running in the election.[37] While candidate representatives may file complaints, the law does not allow voters to file complaints on potential malpractices or irregularities at the polling station, thus denying their right to an effective remedy.[38] Also, there is no possibility for voters to challenge the election results in the courts, which is not in accordance with international standards.

The electoral law provides effective mechanisms for aggrieved contestants to seek redress and respects the right to judicial review. This guarantees an independent oversight of the electoral process as it relates to the candidate registration and electoral results.[39] Article 124 of the electoral law allows representatives of candidates and observers to record remarks on the voting protocol for examination by the president of the polling station.

The guarantee of a timely remedy is integral to the principle of effective means of redress. Despite the short time limits allowed in the electoral law, the administrative tribunal was able to address all complaints and appeals in a timely fashion, though both the judiciary and the litigants criticized the time constraints. The tribunal demonstrated impartiality and respect for due process in its decisions. During the adjudication of the complaints regarding the presidential candidates' registration, the appellate chambers of the tribunal also showed a consistent approach in the examination of the facts and the interpretation of the law.

[36] The total number of accredited citizen observers for the presidential election was 27,000.
[37] European Commission for Democracy through Law (Venice Commission), Code of Good Practice in Electoral Matters, CDL-AD (2002) 23.
[38] ICCPR, General Comment 25, para. 20 and African Union Declaration on the Principles Governing Democratic Elections in Africa, section IV, article 7.
[39] UNHRC, General Comment 32, para. 19.

Article 143 of the electoral law grants the ISIE wide powers to cancel electoral results of the winner, even before any alleged violations are confirmed by a court ruling if it finds that electoral infractions have been committed. The ISIE should conduct its assessment during the three-day period before announcing the preliminary results. The ISIE exercised this prerogative, cancelling one seat during the legislative election. The seat was later restored by the tribunal.[40] The ISIE may also order a re-run of the election in selected polling stations if the latter's cancelled results would affect the outcome in the presidential elections or the selection of candidates who participate in the runoff election, as per article 142 of the law.

Candidates lodged 23 complaints with the appellate chambers of the administrative tribunal against ISIE decisions denying registration to presidential nominees. Of these, 15 complaints were rejected on substantive arguments and six on technical grounds, one complaint was withdrawn and one was rejected because the person did not apply to be a candidate. Appeals were filed against 15 of these decisions with the plenary assembly of the administrative tribunal, which upheld the decisions of the appellate chambers.[41]

According to the ISIE, 19 cases involving campaign violations were transferred to the prosecutor's office; six concerning the written and electronic press, five of which were in regards to the candidates' use of foreign media. The ISIE also filed a complaint to the prosecutor against some administrative officials for campaigning during working hours. In addition, 13 cases concerned electoral campaigning taking place in private institutions not open to the public and in medical and educational facilities. The ISIE also announced that its monitors reported 1,900 violations, largely concerning the illegal display of campaign posters and the failure to inform the ISIE of planned campaign rallies. Most of these violations were resolved through informal communication between the election administration and the candidate and did not result in sanctions or legal action.

Election Day

The voting process is the cornerstone of the obligation to provide the free expression of the will of the people through genuine, periodic elections.[42] The quality of voting operations on election day is crucial to determining whether an election fulfills its democratic obligations. It is a core obligation under international law that elections be held by secret ballot, a recognized means of ensuring that the will of the people is expressed freely.[43]

Opening and Polling

Carter Center observers described the opening process in the 36 polling stations visited as calm, well-organized, and efficient. However, in several stations, observers reported that the opening

[40] As per art.143, the ISIE cancelled one of the three seats obtained by Nidaa Tounes at the constituency of Kasserine on the grounds of several infractions seriously impacting the results. The administrative tribunal overturned the decision ruling that art. 143 does not foresee a partial cancellation of results, neither does it attribute to the ISIE the power to sanction the offenders by removing one seat.

[41] Only three appeals were rejected on formal grounds, out of which one for lack of notification of the ISIE and the other for filing the complaint after the deadline.

[42] ICCPR, Articles 2, 25(a) and 9.

[43] U.N., International Covenant on Civil and Political Rights, art. 25; U.N. Universal Declaration of Human Rights, art. 23. EISA and Electoral Commission Forum of SADC Countries, Principles for Election Management, Monitoring, and Observation in the SADC Region, p. 24.

minutes were either not filled out or only partially filled out before polling began, which violates the regulations.

Carter Center observers visited 380 polling stations during election day and assessed the overall election environment and process as positive in the overwhelming number of stations visited. They also assessed the implementation of procedures by polling staff as good in nearly all cases. Polling station staff were rated as competent and cooperative in an overwhelming majority of cases. The turnout was reported by the ISIE as 64.6 percent in Tunisia.

There were a few minor irregularities observed, including the failure to check voters for ink before allowing them into the station, and inadequate supplies of paper for voters to dry the ink on their fingers. One issue that carried over from the legislative elections was the absence of voter instructions given to voters by poll workers as required by the regulations. The instruction was assessed as inadequate or not given at all in 20 percent of observed polling stations. Despite these gaps, Carter Center observers rated voter understanding of the voting procedures as adequate in 98 percent of stations visited, signaling that the lack of voter instructions did not have an impact on the voting process.

Carter Center observers reported that while there were long lines at some stations, others had no lines at all. There were a disproportionate number of elderly people in the lines. This was a result of the organization of the voter lists by sequential national ID numbers, the same method used in the Oct. 26 legislative election.

Closing and Counting

Carter Center observers attended closing and counting in 34 polling stations. The overall assessment of the process in these stations was positive and observers noted that staff were welcoming and receptive. Observers also found that the atmosphere inside the polling stations was professional, organized, and transparent.

In a few cases, the counting did not start immediately after the closing, with a maximum 30-minute break taken between the two events. In some of these cases, the minutes were not completed prior to taking the break, and observers and agents were shown outside while the polling station was prepared for counting. None of the citizen observers or candidate agents present indicated that this was a problem or that it impacted on the process.

Ballot sorting, counting, and verification procedures were followed in all observations made by Carter Center observers. The results of the counting were posted as required in 100 percent of the polling stations observed.

Tabulation

The transfer of materials from polling centers to tabulation centers again created a delay during the tabulation process for the presidential elections. Carter Center observers reported that by two Monday morning tabulation had not yet started in seven out of 27 tabulation centers. Observers also noted that there was no uniformity in how tabulation centers dealt with this challenge. In some centers the process began immediately when material started to arrive from the polling stations while in others, the staff waited until all of the material from all polling stations arrived before beginning tabulation procedures. In other centers, observers were informed that tabulation would not begin until Monday morning even though material had begun to arrive.

Even though the ISIE had indicated that they would arrange the tabulation centers so that observers would have a clear and meaningful view of the process, 29 per cent of the teams reported that international observers and citizen observers had insufficient access to the process. Furthermore, not all tally center staff were willing to answer questions posed by observers. In nine of the twenty observed cases, staff was refused to answer questions from observers. In other cases, however, staff made concerted efforts to explain the process.

Once the tabulation process was underway, observers gave high marks to the procedures; 89 per cent of TCC observer teams reported that the process appeared to move in an efficient manner and there were no reports of irregularities or interference in the process.

Few citizen observers followed the tabulation process; in ten observed cases there were no candidate agents present and in three centers there were no citizen observers.

Background: The Carter Center was accredited by the ISIE to observe the elections and deployed 85 observers who visited 380 unique polling stations as well as the 27 tabulation centers. The mission was co-led by human rights defender and Advocate of the Supreme Court of Pakistan Hina Jilani, international human rights lawyer Ambassador Audrey Glover, and the CEO of The Carter Center, Ambassador Mary Ann Peters. Twenty-eight nationalities were represented on the observation mission.

The Center has had a presence in Tunisia since 2011 and observed the 2011 National Constituent Assembly elections as well as the constitution-making process that culminated in the adoption of the constitution in January 2014. The electoral observation mission was launched in June 2014 with the deployment of 10 long-term observers across the country and a core team of technical experts based in Tunis. The Center will remain in Tunisia to observe the final tabulation process and resolution of electoral complaints. An observation mission also will be sent for a possible run-off in late December.

The objectives of the Center's observation mission in Tunisia are to provide an impartial assessment of the overall quality of the electoral process, promote an inclusive process for all Tunisians, and demonstrate support for its democratic transition. The electoral process is assessed against the Tunisian legal framework, as well as Tunisia's international obligations for genuine democratic elections.

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 presidential election process.

NEWS
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FOR IMMEDIATE RELEASE
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Tunisia Holds Peaceful, Well-Organized Presidential Election, Further Consolidating Democratic Transition

TUNIS — Tunisian citizens voted in a genuine and competitive election on Nov. 23, the country's first presidential elections under the new constitution. This presidential election further consolidates Tunisia's democratic transition following a long and sometimes contentious transition period. Tunisia remains unique in the Arab region for pursuing a political transition through democratic means following its 2011 revolution, and has now held two successful, well-organized elections in one month.

"I congratulate the Tunisian people for enthusiastically participating in this important step in their transition to democracy. They have renewed our faith that it is possible to shed a legacy of dictatorship and hold a vibrant democratic election when citizens and all political stakeholders work together," said Ambassador (Ret.) Mary Ann Peters, the CEO of The Carter Center.

In a preliminary statement released by The Carter Center today, election observers reported that although security concerns resulted in an increase in the presence of security forces around the country on election day, the election was held in a calm and peaceful atmosphere.

The voting and counting processes were assessed as overwhelmingly positive, with just a few minor technical irregularities noted by Carter Center observers, such as the failure to give adequate voter instructions and the non-completion of the opening minutes before the polls opened.

The tabulation process was neither uniformly nor transparently carried out at all tabulation centers, and in some, Carter Center teams were not able to meaningfully observe the process because the configuration of the centers separated the observers from the procedures. The Carter Center urges that ISIE take steps to ensure improved/meaningful access for future elections, including a run-off if necessary, so that observers are able to assess effectively these critical parts of the process.

Key conclusions of the Carter Center observation mission include:

- **Election administration:** The High Independent Authority for the Elections (ISIE) should be commended for engaging in a lessons-learned exercise with relevant stakeholders following the legislative elections in order to correct deficiencies and address stakeholder concerns. Because of the short timeframe between the two elections, many of the procedural steps prescribed by the legal and regulatory framework were delayed, and some presidential candidates complained that the ISIE did not exercise its full authority to enforce campaign regulations or prevent violations.

- **Voter registration:** Voter registration, conducted in advance of the legislative and presidential polls, offered interested citizens the opportunity to register to vote. Following the legislative elections, the ISIE opened a one-week window to allow registered voters who could not find their names on the voter lists during the legislative elections to be put on the list for the presidential election. Only those voters who had actively registered for the legislative elections were allowed to request that they be reinserted.
- **Legal framework:** While the legal framework applicable to Tunisia's presidential elections is dispersed across several documents, it is generally in line with international standards for democratic elections. Certain aspects of the legislation, however, could benefit from further review, including those sections limiting the voting rights of military and security forces, as well as those of citizens in health care facilities, penitentiaries, or detention centers; the establishment of adequate timeframes for the different stages of the electoral process; and restrictions on campaigning and expenditure limits.
- **Participation of observers and candidate representatives:** Tunisian civil society organizations and political parties took an active role in observing the electoral process and deployed more than 90,000 observers on election day. Some political parties complained that the ISIE was late in supplying accreditations for out-of-country candidate representatives, making it difficult to deploy them in a timely manner. Candidate representatives were present in 94 percent of the polling stations observed, and citizen observers in 64 percent.
- **Candidate registration process:** Overall, the registration process was inclusive and allowed for the registration of a diverse pool of candidates. Twenty-seven candidates were confirmed by the ISIE. Forty-one applicants were rejected for failure to comply with the legal requirements for candidate registration.
- **Campaign environment:** For the first time, the Tunisian electoral process offered citizens a genuine choice among a diverse group of candidates. Rights of free speech and assembly were respected throughout the campaign period. The results of the legislative elections impacted many candidates' campaign strategies, leading to the withdrawal of five candidates from the presidential race. Many candidates started to campaign in earnest only during the last 10 days of the official campaign period.
- **Voting education:** The ISIE voter education program for the presidential contest was a continuation of the campaign for the legislative election. Unfortunately, the ISIE did not call upon the support of other stakeholders to conduct awareness-raising activities on a larger scale. This could have resulted in a more effective voter education campaign.
- **Women's participation:** While only one female ran in a field of 27 presidential candidates, the polling stations observed by Carter Center representatives generally demonstrated an equitable gender balance among poll workers and voters, and women accounted for 56 percent of citizen observers. However, women served as polling center presidents in only one quarter of observed stations.
- **Resolution of electoral disputes:** Despite the short time limits for complaints and appeals regarding presidential candidates' registration, the Administrative Tribunal was able to address electoral complaints in a timely manner. The tribunal demonstrated a consistent approach in its examination of facts and the interpretation of law and showed impartiality and respect for due process in its decisions.
- **Complaints and appeals:** The electoral law provides effective mechanisms for appellants to seek redress. In contravention of international standards, however, the law does not allow voters to file complaints about potential malpractices or irregularities at the polling station or to challenge the election results in the courts.
- **Security:** The Tunisian Ministry of Interior had warned of the potential threat of terrorism intended to disrupt the presidential election. The polls were held without significant security incidents. The presence of security forces increased for the presidential election but was not reported as intimidating or disruptive to the voting process by Carter Center observers.

Background: The Carter Center was accredited by the ISIE to observe the elections and deployed 85 observers who visited 380 unique polling stations and all 27 tabulation centers in Tunisia. The mission was co-led by human rights defender and Advocate of the Supreme Court of Pakistan Hina Jilani,

human rights lawyer Ambassador Audrey Glover, and Mary Ann Peters. More than 28 different nationalities were represented on the delegation. The observation of the Tunisian presidential elections was the Carter Center's 99th international observation mission.

The Center has had a presence in Tunisia since 2011 and observed the 2011 National Constituent Assembly elections as well as the constitution-making process that culminated in the adoption of the constitution in January 2014. The electoral observation mission was launched in June 2014 with the deployment of 10 long-term observers across the country and a core team of technical experts based in Tunis. The Center will remain in Tunisia to observe the final tabulation process and resolution of electoral complaints. An observation mission also will be sent for a possible run-off in late December.

The objectives of the Center's observation mission in Tunisia are to provide an impartial assessment of the overall quality of the electoral process, promote an inclusive process for all Tunisians, and demonstrate support for its democratic transition. The electoral process is assessed against the Tunisian legal framework, as well as Tunisia's international obligations for genuine democratic elections.

The Center's observation mission is conducted in accordance with the declaration of principles for International Election Observation and Code of Conduct that was adopted in the United Nations in 2005 and is currently endorsed by 49 organizations.

To follow the news and activities of the Carter Center's Tunisia field office, like us on www.facebook.com/TCCTunisia.

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A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in more than 80 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; and improving mental health care. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and former First Lady Rosalynn Carter, in partnership with Emory University, to advance peace and health worldwide.

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Carter Center Launches International Delegation for Presidential Runoff in Tunisia

TUNIS — The Carter Center has launched an international election observation mission for Tunisia's Dec. 21 presidential runoff, its third such effort in 2014.

The mission will be co-led by Ambassador Audrey Glover, a respected international lawyer and human rights defender from the United Kingdom who co-led the Center's presidential election observation team in November, and former Prime Minister of Yemen Abdulkarim al-Eryani, who led the Center's legislative election observation team in October.

The Carter Center established a field office in Tunisia in July 2011 and has monitored the National Constituent Assembly elections, the constitution-making process, and the establishment of institutional and legal electoral frameworks. It deployed 10 long-term observers and a core team of experts in July 2014 prior to observing the Tunisian legislative elections on Oct. 26 and presidential elections on Nov. 23. The Center concluded that both elections were conducted in a calm, orderly, and transparent manner.

The Center plans to deploy more than 45 short-term observers for the presidential runoff, in addition to the 10 long-term observers who have monitored the electoral process in Tunisia since the voter registration period. The delegation is comprised of observers from 19 countries. They will witness the electoral process, including voting, counting, polling, and tabulation. The delegation will release a preliminary statement of key findings on Dec. 22, which will be available at www.cartercenter.org.

The Carter Center's observer missions in Tunisia are accredited by the Instance Supérieure Indépendante pour les Élections of Tunisia. The Center's assessment of the electoral process will be based on Tunisia's constitution, national legal framework, and its various obligations for democratic elections under public international law, including relevant regional and international agreements. The Carter Center conducts its observation missions in accordance with the Declaration of Principles for International Election Observation, which provides guidelines for professional and impartial election observation.

Further information on the Carter Center's activities in Tunisia can be found on its Facebook page www.facebook.com/TCCTunisia and website www.cartercenter.org/countries/tunisia.html.

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people in over 80 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; and improving mental health care. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and former First Lady Rosalynn Carter, in partnership with Emory University, to advance peace and health worldwide.

THE
CARTER CENTER

Dec. 22, 2014

Carter Center Preliminary Statement on Tunisia's Second Round of Presidential Elections

This statement is preliminary; a final report will be published some months after the end of the electoral process.

Statement of Preliminary Findings and Conclusions

Political Background

Tunisian voters demonstrated their ongoing commitment to a democratic transition as they went to the polls to vote in the second round of the presidential election, the third polls in three months. This election comes nearly three years after the ouster of an authoritarian regime and represents a key step in Tunisia's democratic transition. Following the successful completion of the electoral process the election of a president and legislature for a five-year mandate lays the groundwork for the implementation of the new constitution and establishment of stable and legitimate democratic institutions. The Tunisian people overcame significant challenges to reach these milestones, which are critical to the consolidation of its democratic transition.

The two candidates who won the largest percentage of votes in the first round of the presidential election on November 23, Beji Caid Essebsi and Mohamed Moncef Marzouki, participated in the second round. They received 39.46 percent and 33.43 percent of the vote, respectively.[1] Tension between the two candidates and their supporters increased immediately after the first round as both campaign teams made polarizing statements in local and international media discrediting and attacking their opponent, which generated a divisive and tense electoral atmosphere. The environment affected the candidates' campaigns later on as Marzouki cancelled and curtailed campaign events, while Caid Essebsi traveled with a large security presence to some locations.

Although Caid Essebsi and Marzouki emerged as the clear frontrunners who would advance to the second round, Marzouki filed eight complaints with the judiciary challenging the results. After the plenary assembly of the Administrative Court rejected Marzouki's complaints and appeals, the Independent High Authority for Elections (ISIE) set the date of the second round of the polls for Dec. 21.

[1] ISIE, Decision on the proclamation of the final results of the first round of the presidential election, http://www.isie.tn/index.php/fr/elections-presidentielles.html.

Following the legislative elections, the so-called "National Dialogue" mediation mechanism met to negotiate the terms of the nomination of Tunisia's next government.[2] The group interpreted the constitution to mean that only the newly elected president should request the largest party in the Assembly of the Representatives of the People (ARP) to name a prime minister and form a government. Despite this political agreement, the interim President Marzouki insisted that the letter of the constitution be followed and called on Nidaa Tounes to name a prime minister.[3] The interim president later withdrew his request after Ennahdha leader Rached Ghannouchi intervened on behalf of the National Dialogue.

The ARP held its inaugural session Dec. 2, and two days later elected the president of the assembly. As the sole candidate for the office, Mohamed Ennaceur, Nidaa Tounes deputy and former minister under President Habib Bourguiba, received 176 of 214 votes cast.[4] Ennahda deputy Abdelfatah Morou was elected as First Vice President with 157 votes, and Free Patriotic Union deputy Fawzia Ben Fodha elected as Second Vice President with 150 votes. Nidaa Tounes indicated that they would consult with the Quartet before naming a prime minister and forming a government.

Legal Framework

International best practices indicate that the legal framework for the organization of an election should be readily accessible to the public, transparent, and address all the components of an electoral system necessary to ensure democratic elections.[5] Tunisia's legal framework for presidential elections is generally in alignment with international standards.[6] The legal framework for the presidential elections remained unchanged during the elections. No new regulations were adopted by the ISIE.

Election Administration

Interpretive sources of international treaties explain that an independent electoral authority should be established to 'supervise' the electoral process and ensure that it is conducted fairly, impartially and in accordance with established laws that are compatible with the said treaties.[7] As in the legislative elections and the first round of the presidential election, the ISIE conducted the electoral process to date in an independent and impartial manner. The electoral process will conclude with the completion of tabulation, the resolution of any legal complaints and appeals, and the announcement of final results. The Carter Center's core staff and long-term observers will continue to assess post-electoral developments through the end of this process.

[2] The National Dialogue is led by what is known as the Quartet, namely Tunisia's main workers' union (UGTT), the Union for Industry Trade and Handicraft (UTICA), the League for Human Rights (LTDH) and the Bar Association

[3] Article 89 of the constitution.

[4] The total number of ARP members is 217. Ennahda Deputy Abdelfatah Morou was elected first deputy president with 157 votes, and Fawzia Ben Fodha, from the Free Patriotic Union, was elected second deputy president with 150 votes.

[5] OSCE/ODIHR, Guidelines for Reviewing a Legal Framework for Elections, page 4.

[6] These include: the International Covenant on Civil and Political Rights (ICCPR),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 Persons with Disabilities, and the African Charter on Human and Peoples' Rights (ACHPR).

[7] International Covenant on Civil and Political Rights, General Comment 25, para. 20.

Between the two rounds of polling, the ISIE made efforts to improve the electoral administration. Electoral authorities organized a series of lessons learned sessions with key staff, including the Regional Authorities for Elections (IRIEs), polling staff trainers, the heads of polling centers and poll workers. They introduced several procedural changes to improve electoral operations for the second round, including improving access for voters with disabilities and introducing the use of a ruler at the tabulation level to avoid errors when transcribing numbers onto the results sheets. Because of delays caused by inefficient delivery of sensitive ballot materials experienced during the tabulation process in the previous two rounds of polling the ISIE discussed with the army ways to speed up the transfer of material from the polling stations to the tabulation centers. Reporting from Carter Center observers through Dec. 22 suggests that these efforts were largely successful.

Fear of tensions in the run-off led the ISIE to increase its efforts to ensure the full neutrality of the electoral process on election day. As in the first round, the IRIEs replaced those poll workers who performed poorly or were deemed to be politically partial.[8] The IRIEs also assigned poll workers to different polling stations within the same polling center.

In response to complaints from civil society organizations (CSOs) and candidate representatives during the first round that groups of people attempted to influence voters in polling centers and in the waiting lines at the polling stations, the ISIE directed polling center presidents to apply the law and regulations strictly, allowing only one representative per candidate in each polling station and polling center.[9] In addition, the ISIE gave special instructions for polling center presidents and security forces to prevent and report cases of attempts to influence voters outside the polling centers. Closer to the election day, the ISIE also issued an instruction prohibiting observers and candidate representatives from standing in the courtyard of the polling center, and instructed polling center presidents to break up gatherings and ensure that voters leave the polling center premises after casting their ballots.[10] The directive appeared unduly restrictive to accomplish its stated objectives. As the ISIE did not communicate about it in a clear way, it created confusion among observers and poll workers responsible for its enforcement.

Following an open letter from several CSOs on Dec. 4 calling on the ISIE to release all election-related data, including the minutes of its council's meetings as required by the ISIE law and the body's rules of procedures, the ISIE released the minutes of the meetings it held between May 15 and Aug. 21. The ISIE also released the summary of an audit performed on the voter registration system. [11] However, this information was limited and contained only the terms of reference and the list of actions undertaken by the ISIE following the audit recommendations.

[8] This resulted in the replacement of 1.2 percent of approximately 50,000 poll workers.

[9] According to the ISIE, those responsible for gatherings inside the polling centers included candidate representatives, citizen observers and voters. There were also people unauthorized to be on the premises of polling centers.

[10] The instructions targeted candidate representatives, domestic observers, voters and others people not authorized to stay for longer periods in the polling centers.

[11] The signatory CSOs included ATIDE, Touensa, Tunisia Votes, Democratic Lab, Nawat, Mourakiboun, OpenGov TN, 23_10, I-Watch, and Al Bawsala. See: at http://www.opengov.tn/fr/lettre-ouverte-aux-membres-de-lisie/

Voter Education

To be effective, voter registration must be accompanied by voter education campaigns enabling an informed community to effectively exercise its right to vote.[12] As in the previous elections, the ISIE's voter education campaign was very passive. Instead of making an effort to target voters who did not turn out in the first round, the ISIE simply adapted existing campaign tools. It did not launch its voter education campaign for the run off until after the announcement of the final results.

After the first round of the presidential election, the ISIE released data showing that young people under 21 represented only 4.59 percent of all registered voters while those under 30 years barely reached 20 percent. According to TCC observers, very few CSOs engaged in voter education activities between the first and the second round of the elections. The few who launched a campaign in the interim period encouraged youth to participate in the second round.[13]

Campaign Environment

"To translate the free expression of the will of the electors into representative government, […] it is necessary for all parties and candidates to be able to freely distribute their manifestos—their political issues and proposed solutions—to the electorate during the electoral campaign."[14] As during the first round, candidates were able to run their campaign freely. Amid increasing tension between the candidates and polarizing rhetoric, the ISIE took measures to stem aggressive and tense discourses and reprimanded all statements that could be perceived as questioning the credibility and integrity of the elections.

Even though the campaign for the second round did not officially begin until Dec. 9, both candidates continued to be very present in public in the days following the first round, particularly through appearances in foreign media.[15] The candidates were also present on social media, where they rebroadcast campaign video clips from the first round underscoring two opposing visions of Tunisia.[16]

Caid Essebsi gave an interview November 24 to a French radio station in which he described those casting their votes in favor of Marzouki as Islamists and Jihadist Salafists, and belonging to parties which he categorized as extremist and violent. [17] These comments sparked demonstrations in the central and southern parts of the country, where Marzouki enjoys a larger support base.[18] Several actors, including the National Dialogue, the ISIE, the High Authority for Audiovisual

[12] United Nations Convention against Corruption (UNCAC), article 13.
[13] These included I Watch, Youth decides, International Debate Institute and Sawty.
[14] International IDEA, International Obligations for Elections: Guidelines for legal frameworks, 2014, page 214.
[15] In the period preceding the official campaign for the run-off the candidates gave interviews to French broadcasting and print media, such as France 24, RFI, RMC, Le Monde, Le Point and Le Parisien, as well as Al Jazeera and Jeune Afrique.
[16] See:https://www.youtube.com/watch?v=5HiUn_mntPc&list=UUY0NMzgINOyw4AqecyI1TzA, posted on November. 20 2014 that films the family of a young man who has died in in Syria voting for Beji Caid Essebsi as the solution to fight terrorism; and the video at <https://www.youtube.com/watch?v=B5VSETI2nRw>, posted on November 12, showing pictures of martyrs of the revolution, dead and injured people, and orphans, with a voiceover of Caid Essebsi mocking the existence of snipers.
[17] See: https://www.youtube.com/watch?v=W5OP5qQufZA. Demonstrations took place Nov. 27-29 in Mednine, Ben Guerdène Tataouine, Gafsa and Kebili.
[18] One person was killed when he fell off a building.

Communication (HAICA), Tunisia's National Union of Journalists and CSOs intervened and called on both candidates to refrain from acrimonious rhetoric during the campaign. The heightened rhetoric carried on until the official start of the campaign, though to a lesser extent, with representatives of both candidates accusing the other of being divisive.

TCC observers noted some instances in which both candidates had to make alterations to their campaign program as a result of the tensions.[19] However, for the most part, the heightened tensions did not seem to have any adverse effects on the candidate's ability to campaign freely.

The two candidates employed very different campaign strategies. Marzouki toured governorates and organized campaign appearances in and around public places such as markets, mosques and sports palaces. He presented himself as the rampart against the return of the old regime, while championing national unity and the fight against poverty. Caid Essebsi staged smaller and more intimate gatherings, mainly around Tunis, with targeted groups of voters and selected media. Some of these events appeared to be tailored to break with the image of an elitist candidate, and to portray Caid Essebsi as a unifier of all Tunisians, regardless of background. Caid Essebsi also formed committees of support throughout the country consisting of like-minded parties, civil society groups and personalities that enabled him to show that he was the candidate of more than one party.

Overall, the candidates focused more on disparaging each other than on their respective programs. Caid Essebsi released his platform just six days before election day. It amalgamated those of the political groups that had announced support for him and contained eight measures touching upon socio-economic, diplomatic and security issues.[20] Marzouki reintroduced his party's electoral program from the first round, which targeted the eradication of poverty, improvement of Tunisia's security environment and implementation of education reforms.

From early on, Marzouki called for a televised public debate with his opponent. Caid Essebsi refused the invitation. Both candidates, however, agreed to take part in separate interviews that were broadcast on the two national television channels in the last days of the campaign.

Losing presidential candidates announced their support for one or the other remaining candidates immediately following election day. Abderraouf Ayedi from the Wafa Movement made a clear statement of support for Marzouki, while independent candidates Mondher Zenaidi and Mustapha Kamel Nabli, as well as Slim Riahi from the Free Patriotic Union, announced their support for Caid Essebsi. The latter were joined by other former presidential candidates and seven more parties a week before the election day as part of a "support committee" in Caid

[19] For example in Kebili, Caid Essebsi's campaign supporters were advised to avoid certain areas to avoid confrontation, and when Moncef Marzouki appeared at a campaign event in Siliana, he was met by an agitated group of protesters, some of whom were trying to throw objects at the incumbent president. Marzouki also chose to cancel a visit to Mateur, allegedly because of rumors that Caid Essebsi supporters were gathering to protest against him.

[20] These included: a special development plan for border regions, fight against pollution and waste management plan, additional financial support to students, cancellation of tourism tax for Maghreb-based travelers, review of the drug consumption law, calls for 25 percent representation of women and youth in the new government, and a draft law to enable spouses to enjoy a special tax regime to import vehicles.

Essebsi's favor.[21] Marzouki continued to enjoy the support of several parties that had supported him in the first round.[22]

Some parties and presidential candidates did not clearly ask their supporters to vote for either of the candidates.[23] Popular Front leader and former presidential candidate Hamma Hamammi who garnered 7.82 percent of the vote in the first round, initially asked his supporters to refrain from voting for Mazourki without endorsing Caid Essebsi. However, during the last days of the campaign, while renewing his call not to vote for Marzouki, he instructed voters to vote either for Caid Essebsi or to leave their ballots blank. In spite of calls from Marzouki for their endorsement, Ennahdha, the party that received the second-highest number of seats in the ARP, again decided not to support any candidate, leaving its members and supporters to choose the candidate they considered most suited for the role of president.[24] In anticipation of this announcement, former secretary general of Ennahdha and former PM Hamadi Jebali announced his resignation from the party on Dec. 12, paving the way for a split among Ennahdha voters as demonstrated by the subsequent call of two other Ennahdha leaders to vote for Moncef Marzouki.[25]

Concerned with the necessity of containing the risk of violence and convinced of its unique prerogative to protect the integrity and the credibility of the elections, the ISIE Council took restrictive measures to encourage a clean campaign environment. In addition to their instructions to polling center chairman to prevent gatherings in the vicinity of polling stations, the ISIE also took action to calm the rhetoric between the two candidates, reminding them of their commitments to a candidate charter of honor signed in July to ensure democratic, free, pluralistic, fair, and transparent elections. When Marzouki stated at a campaign rally that his competitor could not win without falsification, the ISIE warned him not to make statements that could undermine the integrity of the electoral process. The ISIE also ordered the removal of billboards from a private ad company that referred to the three years of the interim government in negative terms. The ISIE judged that the billboards amounted to hidden campaigning and could disrupt public order and the elections.[26]

Campaign finance

"Where legislation allows for public funding, private funding, or a mix of the two, legislation should ensure that all political parties and candidates are treated equitably with respect to campaign finance and expenditures."[27] As in the legislative elections, some interlocutors, both in

[21]These included Samir Abdelli, and Ali Chourabi, as well as the National Salvation Front, the Al-Massar, the Free Patriotic Union (UPL), Afek Tounes, the Patriotic and Democratic Labour Party and Al-Moubadara. The committee also included personalities who until then belonged to other parties, e.g. Taieb Houidi from Al Jomhouri.

[22] These were Democratic Stream, Congress for the Republic, Development and Reform Party, National Movement for Justice and Development and National Construction Party

[23] This was the case of Hechmi Hamdi who left the final choice to his supporters while asking them to vote for the candidate who would defend the values of the revolution of Dec. 17.

[24] See: http://www.tap.info.tn/en/index.php/politics2/presidential-elections/23321-ennahdha-does-not-endorse-any-candidate-for-the-presidential-runoff.

[25] See: http://www.businessnews.com.tn/Habib-Ellouze-et-Sadok-Chourou-pr%C3%83%C2%A9parent-l%C3%82%E2%80%99explosion-de-la-cocotte-d%C3%82%E2%80%99Ennahdha,520,51982,3.

[26] The publicity billboards displayed in Tunis used slogans such as "provisional poverty", "provisional buckshots", "provisional dirt", "provisional poverty", "provisional violence" and "provisional expensiveness".

[27] Commonwealth Secretariat, Reference Guide for Election Observers, p. 24.

campaign offices and among CSOs, expressed concerns that both the public funding and the overall spending ceiling were too low for a candidate to be able to mount an effective nationwide campaign.

According to the decree on campaign financing for the presidential elections, public funding for the second round of the presidential election is distributed equitably based on the number of registered voters; 10 TND per 1000 voters. The total public funding per presidential candidate in the second round amounts to TND 52,851 (USD 28,000), and the ceiling for the total expenditure per candidate is TND 528,513 (USD 284,400).

Out of 27 candidates running in the first round of the presidential election, only five received more than 3 percent of the votes and were therefore entitled, based on article 78 or the electoral law, to receive the full state funding. Among the remaining 22 candidates, three did not request public funding, while the other 19 are required to return the public funding received.[28]

Citizen and Candidate Observation

Regional treaties recognize that the participation of citizen observers may enhance all aspects of the electoral process, while State practice sources suggest that candidates and their agents should be guaranteed access to monitor all aspects of the electoral process.[29] In their reports, CSOs found that the first round of the presidential election was conducted without major problems and that the electoral administration had performed better than in the legislative elections.[30]

Several CSOs including ATIDE and Mourakiboun launched initiatives against the use of violence in the second round campaign. They handed out flyers and organized meetings between representatives of the two candidates in several regions of the country. On Dec. 16, five CSOs who had observed the first round, held a press conference to present recommendations based on their observations to the electoral administration, candidates, voters and the media with a view to ensuring a smooth and quiet process on election day.[31]

As during the previous two rounds of polling, CSOs deployed a large number of observers, with more than 29,000 citizen observers. The ISIE reported that close to 59,000 candidate representatives were accredited on behalf of the two candidates for the run-off.[32] Those candidate representatives with an accreditation did not need to re-apply for one in order to observe the

[28] Candidates that did not request at all public funding included Destourian Movement candidate Abderrahim Zouari, Democratic Alliance candidate Mohamed Hamdi, and People's Voice candidate Larbi Nasra.

[29] African Union, African Charter on Democracy, Elections and Governance, arts. 19–22; Commonwealth of Independent States, Convention on Democratic Elections, art. 1(2); Organisation for Security and Co-operation in Europe, Copenhagen Document, para. 8; Organization of American States, Inter-American Democratic Charter, articles. 23–25; and United Nations, International Convention on the Elimination of All Forms of Racial Discrimination, art. 5; U.N., CRPD, art. 9

[30] These included: Mourakiboun,, ATIDE, and Ofyia. For its part, Chahed Observatory noted multiple violations facilitated by the weakness of the ISIE and restrictions imposed on its observers.

[31] The five CSOs included the Center for the Study of Islam and Democracy (CSID), Mourakiboun, Ofyia, Chahed Observatory, Youth without Borders (JSF). ATIDE had initially planned to be part of this initiative, but the ATIDE president decided against it claiming that one of the other CSOs was not neutral.

[32] The ISIE reported 27,869 representatives accredited on behalf of Beji Caid Essesbis and 31,054 representatives accredited on behalf of Moncef Marzouki.

second round of presidential voting, provided they were accredited for one of the candidates running in the second round.

While electoral authorities generally supported the role of citizen observers and candidate representatives, and facilitated their access to polling stations, its last minute directive prohibiting them from standing in the courtyards of polling centers restricted their observation of the overall polling environment. Tunisian observer groups were critical of the instructions, citing concerns that it curtailed their movements and reduced the overall transparency of the elections. The directive appeared unduly restrictive to accomplish its stated goals.

Electoral Dispute Resolution

The credibility of the electoral process is determined to a large degree by the capacity of the state to resolve electoral disputes effectively. Challenges to election results, or to the conduct of elections, should not be considered a weakness of the electoral system but a sign of its resilience.[33]

On the last day for filing complaints, Marzouki submitted eight challenges to the results of the first round of the presidential elections. The complaints alleged violations in different polling centers in Tunis 1 and 2, Bizerte, Siliana, Nabeul 1, Sousse and Ben Arous. In addition, the president of the party "Allaou Aza Wazal" filed a complaint against the two front runners and the ISIE, alleging they did not obtain enough votes to participate in the runoff and that they did not present any political programs. Since the complainant was not a candidate in the presidential elections, the court ruled that he did not have legal standing to file a complaint against the results under Article 145 of the electoral law.

The court mobilized all chambers to examine the cases in a commendable effort to conduct an efficient and speedy process. The court held hearings on Dec. 1 and issued decisions the same day. Seven of the eight complaints filed by the incumbent president were rejected on the grounds that they requested the partial cancellation of results in specific polling centers. The court reasoned that because presidential elections are carried out in one nationwide constituency, only challenges to the entire results are admissible. Further, Mazouki did not have an interest in seeking the annulment of the results, because he had indicated his intention to participate in the runoff and, even if his challenges were successful, they would not have changed the result.

One of Marzouki's complaints was examined on the merits but rejected. It requested the cancellation of results obtained at the national level by Essebsi. However, the court found that the violations mentioned would not change the results as the difference in votes between the two candidates was almost 200,000 votes and the maximum number of votes in the affected polling stations amounted to 64,166 votes. Marzouki filed appeals against the decisions of the tribunal to the plenary assembly of the court. These were rejected on Dec. 7.

The ISIE president reported that the ISIE transmitted a total of 113 electoral offenses committed during the two rounds of the presidential elections to the general prosecutor's office. The majority concerned violations of the electoral silence period and illegal campaigning. He also stated that the violations did not influence the results of the first round as they mostly concerned

[33] UN, ICCPR, art. 26.

isolated cases of aggression towards polling center agents, illegal campaigning and attempts to influence the voters during the electoral silence period.

The HAICA sanctioned five audiovisual media between the rounds of the presidential elections including two radio stations (Shems FM and Mosaique FM) and three television channels (Mutawasit, Tunesna and Nessma). Mosaique FM and Mutawasit TV were sanctioned on the Dec. 5 for broadcasting information about opinion polls. Both were fined 20.000 dinars. The HAICA sanctioned Nessma TV for broadcasting a report about Beji Caid Essebsi on Dec. 17, which was considered political publicity. They sanctioned Nessma TV with a 10,000 dinar fine.

Election Day

The fundamental objective of polling is to ensure the execution of the Right to Vote, and to do so by secret ballot or any other equivalent, free and secret procedure, in respect of the free expression of the will of the electors.[34]

Opening and Voting

Carter Center observers reported that the opening of polling stations was smooth and well-organized. The overall environment was considered to be very good or reasonable in all cases. As in the first round, several observers reported however that the procedures for completing the ballot inventory were not followed.

All observed polling stations opened on time.[35] Carter Center observers noted an increased presence of security forces inside polling centers for the second round; reports did not indicate that they were interfering with the process in any way. At least one candidate representative was present during the opening in all polling stations observed, while domestic observers were present in half.

With respect to voting, Carter Center observers reported that the voting process proceeded calmly and without major disturbances throughout the country. Observers assessed the implementation of procedures during polling was very good or reasonable in all 282 polling stations visited. Ballot boxes were sealed properly, voters were able to cast their ballots in secret and no irregularities related to voter fraud were observed.

As in the first round, the most frequent procedural irregularity noted by Carter Center observers was the failure of poll workers to provide voter instructions when distributing ballot papers. This shortcoming however did not appear to affect voters' ability to cast their ballots. Observers assessed voter understanding as adequate in 98 percent of polling stations visited.

The majority of polling center presidents in those locations visited by TCC observers strictly enforced the ISIE instruction prohibiting people from standing in the polling center premises. However, the instruction caused confusion in some centers as to whether it applied to citizen and international observers and was not consistently applied in all centers visited.

[34]UN, ICCPR Art. 25, International IDEA, International Obligations for Elections: Guidelines for Legal Frameworks 2014, page 238.

[35] The ISIE announced on Dec. 18 that 124 polling stations in the north and central west of the country would have shorter hours, from 10:00 to 15:00, because of security concerns.

Candidate agents were present in all but nine polling stations visited. Agents representing Caid Essebsi were present in 86 per cent of the stations visited while Marzouki's representatives were present in 80 per cent. TCC observers noted a lower participation rate for citizen observers compared to the first round with no observers present in 43 percent of observations.

Carter Center delegates observed that 16 percent of polling stations were not accessible to physically challenged persons, mostly in locations with stairs at the entrance that lacked a ramp or alternative entrance.

Closing and Counting

The overall assessment of the election environment and process during the closing was very good or reasonable in nearly all of the locations observed; closing procedures were followed in 23 of 26 observations. In isolated cases, the minutes of the closing procedures were not adequately completed. Candidate representatives were present in all of the observed polling stations. Observers from the Carter Center reported that they were allowed full access to the process.

Counting procedures were assessed as very good or reasonable in 22 of 25 observed polling stations. Observers noted three negative assessments which resulted from a lack of transparency in the counting process and a failure to agree on what should constitute an invalid ballot. Results protocols were posted outside the polling station as required in 24 locations observed.

Tabulation

Carter Center observers visited twenty collection offices and assessed that so far it was an efficient and orderly process. The process of receiving and verifying results was also better organized and more efficient compared with the first round. The overwhelming majority of observers reported that the ISIE had provided far better access to the proceedings than in the previous round and that they were able to make meaningful observations of all parts of the process. TCC observers rated the implementation of procedures and the electoral environment positively for all centers visited. Furthermore, in 19 out of 20 collection offices visited tabulation staff was cooperative, provided information and answered questions. Candidate agents were present and actively participated in the process in all but three of the stations visited by the observers. The tabulation process is still ongoing.

Background: The Carter Center was accredited by the ISIE to observe the election and deployed over 60 observers who visited 282 unique polling stations as well as 20 tabulation centers. The mission was co-led by international human rights lawyer Ambassador Audrey Glover, and former Prime Minister of Yemen, Abdulkarim al-Eryani. More than 19 different nationalities were represented on the observation mission.

The Center has had a presence in Tunisia since 2011 and observed the 2011 National Constituent Assembly elections, as well as the constitution-making process that culminated in the adoption of the constitution in January 2014. The electoral observation mission was launched in June 2014 with the deployment of 10 long-term observers across the country and a core team of technical experts based in Tunis. The electoral process will conclude with the tabulation of results, the resolution of electoral complaints, and the announcement of final results by the ISIE. The Carter Center's core team and long-term observers will continue to assess post-electoral developments through the end of the process. .

The objectives of the Center's observation mission in Tunisia are to provide an impartial assessment of the overall quality of the electoral process, promote an inclusive process for all Tunisians and demonstrate support for its democratic transition. The electoral process is assessed against the Tunisian legal framework, as well as Tunisia's international obligations for genuine democratic elections.

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, energy and support to facilitate the Center's efforts to observe the presidential election process.

The Center's observation mission is conducted in accordance with the declaration of principles for International Election Observation and Code of Conduct that was adopted in the United Nations in 2005 and is currently endorsed by 49 organizations.

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FOR IMMEDIATE RELEASE
Dec. 22, 2014
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Tunisia Elects President in Successful and Transparent Electoral Process

Based on Carter Center observer reports through Dec. 22, Tunisia appears to have successfully completed its first democratic election cycle under the new constitution with the final round of the presidential election Dec. 21. The country's transition from an authoritarian regime, ousted in a largely peaceful revolution on Jan. 14, 2011, to transparent elections and the establishment of permanent democratic institutions represents the brightest hope in the region for a successful and peaceful transition following the Arab revolutions. Once the electoral process is finalized, Tunisia's leaders should work to consolidate the country's achievements and fulfill the promise of the revolution by enshrining the tenets of its new constitution in domestic legislation and tackling pressing economic and social concerns.

"Tunisia symbolizes what can be accomplished when citizens, political parties, civil society and institutions work together to achieve compromise and move a country forward on the path to democracy," said Ambassador Audrey Glover, co-leader of the Carter Center delegation.

"We congratulate the Tunisian people for this remarkable accomplishment. The Arab Spring was born in Tunisia, nurtured here and has now come to maturity here," said former Prime Minister of Yemen Abdulkarim al-Eryani and co-leader of the Carter Center observation mission

The new president and government should move quickly to address critical issues facing the country, including high youth unemployment, poor economic growth, and security concerns arising from its increasingly unstable neighborhood. While the presidential campaign was at times tense and acrimonious following the announcement of final results, the winner must seek to heal the regional divides reflected in the results of both the legislative and presidential elections. The Tunisian people overcame significant challenges to achieve its democratic milestones, largely thanks to their willingness to seek compromise and unity. The new president should seek to continue these efforts and to promote an inclusive approach to governing.

After the polls closed, violence was reported in the city of El Hamma in the Gabes governorate. Demonstrators, threatened polling staff and citizen observers. Police responded to calls for assistance. According to sources at the Ministry of the Interior, police and security reinforcements confronted the protesters who responded violently. Several people have been injured in the violence.

- **Election Administration:** We commend the High Independent Authority for the Elections (ISIE) for its efforts to continually improve the administration of the election and ensure the full neutrality and impartiality of its staff. The ISIE improved the process between the rounds by facilitating voting by disabled voters, speeding up the transfer of sensitive materials from the polling centers to the collecting centers, and introducing the use of a ruler at the tabulation level to avoid transcription errors. The ISIE, however, took unduly restrictive steps to protect the voters' choice from external influence, when instructing polling center presidents to limit the number of observers and candidate agents per polling station and polling center and prohibit candidate representatives from standing in the courtyards of polling centers on election day. As the ISIE did not communicate about the instruction in a clear way, it created confusion among observers and poll workers responsible for its enforcement. The ISIE should consider other means to protect voters from external influence in around the polling stations that would not restrict the rights of citizen observers, and endeavor to ensure that its instructions are uniformly applied.
- **Voter Education:** As in the previous elections, the ISIE failed to implement a strong voter education campaign. Instead of making an effort to target voters who did not turn out in the first round, the ISIE adapted existing campaign tools. The electoral authorities launched their voter education campaign for the run off only after the announcement of final results from the first round. A few civil society organizations conducted a campaign encouraging youth to participate in the second round. The ISIE should redouble its efforts in future elections to educate the voters about the procedures to be followed on election day.
- **Voting Process:** Carter Center observers found that polling staff implemented the overwhelming majority of procedures effectively in all phases of the voting process. As in the first round, the most frequent procedural irregularity observed during polling was the failure of poll workers to provide voter instruction. These shortcomings did not appear to affect the ability of voters to cast their ballots. The overall assessment of the election environment and process during the closing was very good or reasonable in nearly all of the locations observed; closing procedures were followed in 23 of 26 observations. In isolated cases, the minutes of the closing procedures were not adequately completed. Counting procedures were assessed as very good or reasonable in 22 of 25 observed polling stations. Results protocols were posted outside the polling station as required in the 24 locations observed. Carter Center observers visited twenty collection offices and assessed that so far it was an efficient and orderly process. The overwhelming majority of observers reported that the ISIE had provided far better access to the proceedings than in the previous round and that they were able to make meaningful observations of all parts of the process. TCC observers rated the implementation of procedures positively for all centers visited. In 19 out of 20 collection offices visited

tabulation staff was cooperative, provided information and answered questions. Candidate agents were present and actively participated in the process in all but three of the stations visited by the observers. The tabulation process is still ongoing.

- **Participation of observers and candidate representatives:** As in the first round, civil society organizations and political parties both accredited a very large number of observers. The finalist presidential candidates deployed a greater number of agents in the second round. Of the 88,000 observers accredited, 67 percent were candidate representatives. Candidate agents were present in all but ten of the 282 polling stations visited during poling. Citizen observers were not present in 43 percent of observed stations during polling. While electoral authorities generally supported the role of citizen observers and candidate representatives, and facilitated their access to polling stations, the ISIE's last minute directive prohibiting them from standing in the courtyards of polling centers unduly restricted their observation.
- **Campaign environment:** The campaign environment was marked by polarizing rhetoric leading to increased tension between the candidates and their supporters. While the campaign environment did not appear to affect the overall campaign of either candidate, isolated instances impacted individual events. The ISIE, CSOs, the HAICA, the SNJT, and the National Dialogue intervened and called on both candidates to moderate their rhetoric. Although no public debate took place, national TV stations broadcast an interview with each candidate in the final week of the election. The two candidates conducted very different campaigns. Moncef Marzouki organized large public rallies across the country and presented himself as the rampart against the return of the old regime. Beji Caid Essebsi organized smaller, intimate gatherings around Tunis with targeted groups of voters and selected media, portraying himself as a unifier of all Tunisians.
- **Campaign Finance:** The state provided a very limited amount of public funding to the presidential candidates in the second round, totaling TND 52,851 (USD 28,000). Several stakeholders commented that this amount was too low to conduct a meaningful and effective nationwide campaign. Nineteen candidates in the first round failed to win three percent of the votes and are now required to return the public funds they received. Campaign finance regulations, including the low ceilings, should be reviewed as part of the consolidation of all election legislation into one code.
- **Electoral dispute resolution:** Marzouki submitted eight challenges to the results of the first round of the presidential elections. The administration court heard the cases in an efficient and speedy process conducting hearings on Dec. 1, and issuing decisions the same day. The court rejected seven of the eight complaints on procedural grounds. The remaining complaint was examined on its merits and rejected. The court reasoned that because presidential elections are carried out in one nationwide constituency, only challenges to the entire results are admissible. Further, even if his challenge had been successful, it would not have changed the result. The difference in votes between the two candidates was almost 200,000, well above the maximum number of votes affected by the complaint. Marzouki filed appeals against the decisions of the tribunal to the plenary assembly of the court, which were rejected on Dec. 7.
- **Security:** The polls were conducted without serious security incidents that disrupted the electoral process. For security reasons, 124 polling centers in western Tunisia had shortened opening hours. Military operations were ongoing in the militarized zone west of Kasserine on election day. According to Carter Center observer reports, the presence

of security officials at polling centers did not appear intimidating and the security provided was properly managed in those centers observed.

The elections demonstrate that Tunisia is on the right path to a democratic society. The new president, parliamentarians and future government must now fulfill the promise of the revolution and the expectations raised by the elections. The newly elected Assembly of the Representatives of the People must work to enshrine the tenets of the new constitution in domestic legislation. Tunisia's legal framework, much of which dates to the former regime, must be revised to reflect the human rights principles contained in the constitution. The assembly must also create the permanent institutions outlined in the constitution, including the Constitutional Court and High Judicial Council within the timeframes specified, and draft an electoral law to govern the conduct of municipal polls anticipated in 2015. These steps will help Tunisia to consolidate its democratic gains.

The Carter Center recognizes the considerable achievements of the National Constituent Assembly to adopt the legal framework governing the conduct of the parliamentary and presidential elections, and to create the ISIE as a permanent electoral body. To improve future electoral processes, the ISIE and key electoral actors should take stock of the lessons learned in the electoral process, including consultations at the regional level. Taking into consideration their recommendations, the newly elected assembly should undertake a thorough review of electoral legislation and regulations. The adoption of a new electoral code would provide the assembly an opportunity to incorporate into organic law guarantees for the equality of the vote.

The ARP should also move quickly to consider legislation governing municipal polls, and any related processes, including restructuring of the voter registry. Municipal polls, the results of which are often considered to have a significant day-to-day impact on citizens' lives, have not been held since prior to the revolution. Electoral actors should also conduct a comprehensive review of campaign finance and campaign rules. The regulations and expenditure ceilings should be reviewed with a goal of making them more realistic so as to enable candidates to conduct an effective campaign.

As a permanent electoral body, the ISIE should devise a clear communications strategy and expand its efforts to communicate with citizens and electoral stakeholders. While the Carter Center expresses its appreciation for the collaboration and openness of ISIE officials, it should improve the transparency of its internal operations, particularly its decision-making processes. The ISIE should ameliorate its voter education efforts significantly. Voter registration among youth, and their participation in the elections as voters in the polling stations visited appeared low. This dynamic suggests that those at the forefront of the revolution risk being marginalized in the political and civil affairs of their country.

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Appendix E

Deployment Plan

Legislative Elections

Team Number	Observers	Location
Team 1	Tahsin Alawneh Therese Pearce Laanela	Tunis I
Team 2	Charles Goulet Azza Maghur	Tunis I
Team 3	Nicole Kruse Joseph Ryan	Tunis II
Team 4	Aref Jaffal Sabitra Pant	Tunis II
Team 5	Aline Sara Khalil Zeragui	Manouba
Team 6	Taylor Pape Arild Stenberg	Ben Arous
Team 7	Christopher Alexander Sara El Idrissi	Ariana
Team 8	Kathy Bailey Fakher Mukhaimer	Nabeul I
Team 9	Vigdis Gosset Diana Kallas	Nabeul II
Team 10	Ryan Craig Gayelle Haddad	Bizerte
Team 11	Saad Al-Rawi Mejda M'Rah	Beja
Team 12	Suhair Abdeen Robert Parks	Jendouba
Team 13	Steve Nothern Nour Nourey	Kef
Team 14	Solvej Krause Magded Sourour	Siliana

Team 15	Christa Mueller Mohamed Samy	Zaghouan
Team 16	Ghias Aljundi Colette Le Jeune	Sousse
Team 17	Samira Mahdi Will Raiser	Kairouan
Team 18	Zoubir Arous Joyce Kasee	Monastir
Team 19	Rawan Mohammed Max von Duerckheim	Mahdia
Team 20	Lina Khatib Reza Rahnema	Kasserine
Team 21	Arezki Tighlit Marion Volkmann	Sidi Bouzid
Team 22	Elie Haddad Julia Wickham	Gafsa
Team 23	Nazih Darwish Entisar Elbahi	Tozeur
Team 24	Ashley Barry Adel Gana	Kebili
Team 25	Tinatin Ambroladze Meir Walters	Sfax I
Team 26	Ahmed Farag Denise Risciglione	Sfax I
Team 27	Jamil Tawfiq Al-Khaldi Maria Warsinska-Varsi	Sfax II
Team 28	Swornika Balla Jose Luis Menendez Perez	Gabes
Team 29	Hanaa Baidane Hamid Khan	Mednine
Team 30	Marta Dalmau Ahmed Hamdy	Tatouine

First Round of Presidential Election

Team Number	Observers	Location
Team 1	Edna Koskey Richard Lappin	Tunis I
Team 2	Jaime Canizares Marion Volkmann	Tunis I
Team 3	Becky Carter John Plakos	Tunis II
Team 4	Ghias Aljundi Marta Dalmau	Manouba
Team 5	Colette Lejeune Christian Mulume	Ben Arous
Team 6	Edward Balke Zaheda Abdel Rahman	Ariana
Team 7	Maya Bou Ayache Alexander Knipperts	Nabeul I
Team 8	Charles Goulet Marie Danielle Luyoyo Pwenika	Nebeul II
Team 9	Amin Hacha Diane Slay	Bizerte
Team 10	Thomas Cox Mejda M'Rah	Bizerte
Team 11	Victoria Abrahamyan Aril Stenberg	Beja
Team 12	Aline Sara Tim Scott	Jendouba
Team 13	Alexandra Blackman Ryan Craig	Kef
Team 14	Amer Bani Amer John Yager	Siliana
Team 15	Ali Anouzla Maria Warsinski-Varsi	Zaghouan
Team 16	Denise Risciglione Brent Slay	Sousse
Team 17	Nuria Sancho Alvarez Mohammed Zakarnah	Kairouan
Team 18	Zenoubia Azeem Chris Jones	Kairouan
Team 19	Crussy Estep Ahmed Farag	Monastir
Team 20	Christopher Alexander Christa Mueller	Mahdia

Team 21	Rania Abu Ayyash Reza Rahnema	Kasserine
Team 22	Mohammed Al-Khatiri Ebie DuPont	Sidi Bouzid
Team 23	Ahmed Hamdy Karen Reinhardt	Sidi Bouzid
Team 24	Elie Haddad Masa Janjusevic	Gafsa
Team 25	Sonia Mickevicious Will Raiser	Tozeur
Team 26	Firas Allam Maria Toledano	Kebili
Team 27	Cyrille Ebotoko Gayelle Haddad	Sfax I
Team 28	Mohamed Sami Katie Zoglin	Sfax I
Team 29	Jim Burns Eiman Kheir	Sfax II
Team 30	Parastou Hassouri Rami Mehdawi	Gabes
Team 31	Muhamad Al-Sabahy Tinatin Ambroladze	Mednine
Team 32	Sarra El-Idrissi Todd Ruffner	Tatouine

Second Round Presidential Election

Team Number	Observers	Location
Team 1	Ahmed Hamdy Colette Le Jeune	Tunis I
Team 2	Abdulkarim al-Eryani Yazan al-Eryani	Tunis II
Team 3	Jennifer Blitz Khaled Gamal	Manouba
Team 4	Edward Balke	Ben Arous
Team 5	Maria Warsinska-Varsi Ali Anouzla	Ariana
Team 6	Parrastou Hassouri John Yager	Bizerte
Team 7	Thomas Cox Masa Janjusevic	Beja Jendouba
Team 8	Ryan Craig Mohammed Zakarnah	Kef Siliana
Team 9	Todd Ruffner Maria Toledano	Zaghouan
Team 10	Ahmed Farag Karen Reinhardt	Sousse
Team 11	Denise Risciglione Samer Shehata	Kairouan
Team 12	Christa Mueller Will Raiser	Kairouan
Team 13	Victoria Abrahamyan Arlid Stenberg	Monastir
Team 14	Mohammed Al-Khateri Alexandra Blackman	Mahdia
Team 15	Tinatin Ambroladze Elie Haddad	Kasserine
Team 16	Zaheda Abdel Rahman Jaime Canizares	Kasserine
Team 17	Steve Nothern Aline Sara	Sidi Bouzid
Team 18	Marta Dalmau Rami Mehdawy	Sidi Bouzid
Team 19	Rania Abu Ayyash Reza Rahnema	Gafsa
Team 20	Zenobia Azeem Mohammed Sabahy	Tozeur Kebili

Team 21	Maya Bou Ayache Alexander Knipperts	Sfax I
Team 22	Gayelle Haddad Travis Linger	Sfax II
Team 23	Sonia Mickevicious Mohammed Sami	Sfax II
Team 24	Radwa Abdelkawy Charles Goulet	Gabes
Team 25	Ebie DuPont Amin Hacha	Tatouine

Appendix F

Checklists (Short Form)

Different variations of this checklist were implemented using tablet-based software for the Carter Center's observation of the legislative election and first and second rounds of the presidential election. All of the actual checklists used during the Center's observation included auxiliary questions not shown in this appendix.

*Opening

elmo

Tunisia Runoff 2014

User/Team	
Observation Time	
1. * Time of Arrival: *Please use the 24 hours clock. For example, 3:00 PM should be entered as 15:00. Teams should observe activities at a polling station for a minimum of 30 minutes.*	
2. * Location of Center:	Ariana Ben Arous Beja Bizerte El Kef Gabes Gafsa Jendouba Kairouan Kasserine Kebili Mahdia Manouba Medenine Monastir Nabeul I Nabeul II Sfax I Sfax II Sidi Bouzid Siliana Sousse Tataouine Tozeur Tunis I Tunis II Zaghouan
3. * Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the center? *Select "None" if you did not observe any prohibited or disruptive circumstances.*	Campaigning Campaign material Ineffective queue management Intimidation Violence Significant disorder People gathering Loud speakers Other None
4. * How many stations are at the center? *If the center and the station are the same, please answer "1."*	
ANSWER ONLY IF Question #4 is greater than "1" 5. * Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the center (but outside the station)? *REGARDING SECURITY: The National Security Forces and the National Army are allowed to enter upon a request from the president of the Polling Center or the president of the Polling Station depending on the case. If security personnel are present in the center, you should ask the POLLING CENTER PRESIDENT if he or she has requested that they enter. Select "None" if you did not observe any prohibited or disruptive circumstances.*	Campaigning Campaign material Ineffective queue management Intimidation Violence Significant disorder Security People gathering Other None
6. * Polling Station ID: *This is a 10 or 11 digit number.*	
7. * Number of registered voters:	

8. ***** Which, if any, prohibited or disruptive circumstances did you observe inside the polling station?
REGARDING SECURITY: The National Security Forces and the National Army are allowed to enter upon a request from the president of the Polling Center or the president of the Polling Station depending on the case. If security personnel are present in the station, you should ask the POLLING STATION PRESIDENT if he or she has requested that they enter. Select "None" if you did not observe any prohibited or disruptive circumstances.

☐ Campaigning ☐ Campaign material ☐ Intimidation
☐ Violence ☐ Significant disorder ☐ Security
☐ Mobile phone use ☐ Other ☐ None

9. ***** At what time did the polling station open?

10. If the polling station opened MORE THAN 30 MINUTES late, what are the reasons that caused the polling station to open late?
The polling station by regulation should open at 8:00 AM. If the polling station does open on time, leave this question blank and move on.

☐ Missing materials ☐ Absent polling staff ☐ Unrest
☐ Other

11. ***** How closely did ROOM CONFIGURATION procedures adhere to regulations?
The polling station should have - A place for the ballot box - A desk for identity verification and signing the voter register - A desk for distributing ballot papers - Polling booths set up in a way that protects voting secrecy (including one booth for disabled persons) - Seats for accredited observers and representatives - An entrance which is free from obstacles - Hanging posters which display the number of the polling station, an enlarged sample of the ballot paper, and voter instructions and rules

☐ Fully ☐ Adequately ☐ Inadequately
☐ Not at all ☐ Not observed

12. ***** How closely did EMPTY BALLOT BOX DEMONSTRATION adhere to regulations?
After removing polling materials from the ballot box, the president of the polling station shall ensure that the ballot box is empty and show the empty box to the observers and representatives present.

☐ Fully ☐ Adequately ☐ Inadequately
☐ Not at all ☐ Not observed

13. ***** How closely did BALLOT BOX SEALING procedures adhere to regulations?
The president of the polling station shall close the ballot box using the plastic locks made for this purpose. The upper opening of the box shall remain unlocked.

☐ Fully ☐ Adequately ☐ Inadequately
☐ Not at all ☐ Not observed

14. ***** How closely did BALLOT INVENTORY/MINUTES procedures adhere to regulations?
The president of the polling station or a member that he/she designates shall complete the minutes of the polling process by filling the following mandatory data: - Number of the received ballot papers - Number of the plastic locks that were used for the ballot box - The number of the registered voters in the polling station The president of the polling station shall read the minutes in front of the attendees and sign it with the members of the polling station. He/She shall ask the present representatives of the candidates' lists to sign in the allocated place. In the event that representatives refuse to sign, this shall be stated in the minutes with the reasons if any.

☐ Fully ☐ Adequately ☐ Inadequately
☐ Not at all ☐ Not observed

15. ***** Which candidate agents were present?

☐ Beji Caid Essebsi male agents
☐ Beji Caid Essebsi female agents
☐ Moncef Marzouki male agents
☐ Moncef Marzouki female agents ☐ None

ANSWER ONLY IF Question #15 does not include "None"

16. ***** Was there more than one agent present inside the polling station for any candidate?
The presence of more than one representative of the same candidate at the same time in the same polling station and central office is prohibited.

☐ Yes ☐ No

17. * Which election observation groups were present?	ATIDE males ATIDE females I WATCH males I WATCH females Mourakiboun males Mourakiboun females Ofiya males Ofiya females Chahed males Chahed females Civilian Pole males Civilian Pole females Other males Other females None
18. * Which, if any, of the following groups did not have sufficient access to the process? *Were you allowed into the center/building? Were you able to meaningfully observe the process from the position assigned to observers? If not, please select "international observers" and identify any other groups who were affected.*	Candidate agents International observers Citizen observers Other None
19. * Did you observe any interference leading to negative impact on the election process? If so, which of the following groups were responsible for interference? *Did groups or individuals interfere with any of the following?: - the polling staff's ability to carry out administrative roles - any voter's ability to cast his or her ballot and express his or her will in accordance with regulations - the voting results or the overall democratic process*	Candidate agents International observers Citizen observers Staff Security Other None
20. * Were there any officially lodged complaints by the time of departure? *If present, ask the polling station president. Otherwise ask observers from other organizations or party/candidate agents.*	Yes No
21. * Were there any problems reported to you by those present rather than those observed directly by you? *(e.g., agents, observers, voters)*	Yes No
22. * What is your team's evaluation of the implementation of procedures by staff at this station/tabulation center? *This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.*	Very Good Reasonable Poor Not Credible
23. * What is your team's overall assessment of the election environment and process at this station/tabulation center?	Very Good Reasonable Poor Not Credible
24. * Time of Departure: *Please use the 24 hours clock. For example, 3:00 PM should be entered as 15:00. Teams should observe activities at a polling station for a minimum of 30 minutes.*	

*Polling

Tunisia Runoff 2014

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User/Team	
Observation Time	
2. * Time of Arrival: *Please use the 24 hours clock. For example, 3:00 PM should be entered as 15:00. Teams should observe activities at a polling station for a minimum of 30 minutes.*	
3. * Location of Center:	Ariana Ben Arous Beja Bizerte El Kef Gabes Gafsa Jendouba Kairouan Kasserine Kebili Mahdia Manouba Medenine Monastir Nabeul I Nabeul II Sfax I Sfax II Sidi Bouzid Siliana Sousse Tataouine Tozeur Tunis I Tunis II Zaghouan
4. * Is the center in an urban or rural area?	Urban Rural
5. * Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the center? *Select "None" if you did not observe any prohibited or disruptive circumstances.*	Campaigning Campaign material Ineffective queue management Intimidation Violence Significant disorder People gathering Loud speakers Other None
6. * How many stations are at the center? *If the center and the station are the same, please answer "1."*	
ANSWER ONLY IF Question #6 is greater than "1"	
7. * Which, if any, of the following prohibited or disruptive circumstances did you observe INSIDE the center (but outside the station)? *REGARDING SECURITY: The National Security Forces and the National Army are allowed to enter upon a request from the president of the Polling Center or the president of the Polling Station depending on the case. If security personnel are present in the center, you should ask the POLLING CENTER PRESIDENT if he or she has requested that they enter. Select "None" if you did not observe any prohibited or disruptive circumstances.*	Campaigning Campaign material Ineffective queue management Intimidation Violence Significant disorder Security People gathering Other None
8. * Polling Station ID: *This is a 10 or 11 digit number.*	
9. If present, please indicate the presiding officer's gender: *Leave blank if the presiding officer is not present. If the presiding officer appears before departure, please adjust this answer.*	Female Male
10. * Number of staff working at the polling station:	
11. * Number of FEMALE staff present (excluding presiding officer):	
12. * Number of registered voters:	
13. * Number of voters who have voted by time of arrival: *Number of signatures on the voter list*	
14. * Which, if any, prohibited or disruptive circumstances did you observe inside the polling station?	Campaigning Campaign material Intimidation Violence Significant disorder Security Mobile phone use Other None

REGARDING SECURITY: The National Security Forces and the National Army are allowed to enter upon a request from the president of the Polling Center or the president of the Polling Station depending on the case. If security personnel are present in the station, you should ask the POLLING STATION PRESIDENT if he or she has requested that they enter. Select "None" if you did not observe any prohibited or disruptive circumstances.

15. ***** Were any of the following materials missing, insufficient, or incorrect?
The voter list should be posted outside the polling center or outside the polling station.

☐ Voter list(s) ☐ Voter Register ☐ Booths/screens
☐ Ballot papers ☐ Indelible ink ☐ Toilet paper
☐ Stamps ☐ Ballot box(es) ☐ Seals/padlocks
☐ Other ☐ None

16. ***** Does the station appear to be accessible to physically challenged persons, including the elderly?
The UN Convention on the Rights of People with Disabilities establishes an obligation for states to take measures to identify and eliminate obstacles and barriers to accessibility. This requires that people with disabilities will have an opportunity to participate on an equal basis in both rural and urban areas.

☐ Yes ☐ No

17. ***** How closely did VOTER IDENTIFICATION procedures adhere to regulations?
The member in charge of verifying identity shall verify the identity of the voter using either the voter's national identity card or passport.

☐ Fully ☐ Adequately ☐ Inadequately
☐ Not at all ☐ Not observed

18. ***** How closely did CHECKING UNDER VEILS procedures adhere to regulations?
For women wearing niqabs, a female member of the polling staff shall verify voter identity. In the case there are no females among the members of the polling staff, the president of the polling station shall ask one of the female voters in the station or in the queue to check her identity.

☐ Fully ☐ Adequately ☐ Inadequately
☐ Not at all ☐ Not observed

19. ***** How closely did SIGNING VOTERS LIST procedures adhere to regulations?
The polling staff member shall ask the voter to sign in the box which corresponds to his/her name. The ISIE has provided a ruler for the polling staff to use in assisting voters with their signatures. Voters should use the rulers with help from the polling staff to prevent signatures from covering more than one line on the voter list. If the voter does not know how to write, he/she shall put a cross or fingerprint. A companion shall sign for voters who can neither sign nor fingerprint because of a handicap.

☐ Fully ☐ Adequately ☐ Inadequately
☐ Not at all ☐ Not observed

20. ***** How closely did INKING FINGERS procedures adhere to regulations?
The polling staff member in charge of checking the identity shall ask the voter to dip his left hand forefinger in ink. The ink must cover at least one third of the finger and the nail and the voter should be asked not to remove the ink and to wait until the ink dries. The ink bottle shall be shaken each half an hour to ensure the efficiency of the ink.

☐ Fully ☐ Adequately ☐ Inadequately
☐ Not at all ☐ Not observed

21. ***** How closely did BALLOT STAMPING procedures adhere to regulations?
The ballot paper shall be stamped on its back on its four corners (only when distributed). Non-stamped ballots will be invalid, so due care should be given to ballot paper stamping.

☐ Fully ☐ Adequately ☐ Inadequately
☐ Not at all ☐ Not observed

22. ***** How closely did VOTER INSTRUCTION procedures adhere to regulations?

The polling staff member in charge of distributing the ballot paper shall: - Explain to the voter how to vote (to choose one candidate only and to put a cross in the space designed for this purpose, fold the ballot paper in a way that the stamp would be visible before putting it in the box) - Inform the voter that if he/she makes a mistake or if the ballot paper is torn, he/she has the right to replace it only once - Guide the voter to the empty booth	☐ Fully ☐ Adequately ☐ Inadequately ☐ Not at all ☐ Not observed
23. ***** How closely did BALLOT CASTING procedures adhere to regulations? *The tasks of the member in charge of monitoring the ballot box include: - Checking that the voter has folded the ballot paper in a proper way before putting it in the ballot box - Ensuring that the ballot paper is stamped - Ensuring that the voter has put his/her paper ballot in the box - Shake the ballot box from time to time in order to avoid the ballot papers sticking together (A ruler may be used to disperse them)*	☐ Fully ☐ Adequately ☐ Inadequately ☐ Not at all ☐ Not observed
24. ***** How closely did ASSISTED VOTING procedures adhere to regulations? *To benefit from the special arrangements for the disabled persons, the concerned persons shall provide a disability card. Blind and handicapped persons that cannot write may ask the help of a companion to help him/her complete and cast a ballot.*	☐ Fully ☐ Adequately ☐ Inadequately ☐ Not at all ☐ Not observed
25. ***** How closely did SPOILED BALLOT PROCEDURES adhere to regulations? *In case there is a mistake in using the ballot paper or in case it is torn: - The voter may ask for another ballot paper only once. - The president of the polling station or his/her deputy shall receive the spoiled paper without looking at the choice of the voter and shall write on its back "spoiled paper" and put it in the envelope designed for the purpose. - The president of the polling station shall guide the voter to the member in charge of the ballot papers to get another one and warn him/her that no additional ballot papers can be issued.*	☐ Fully ☐ Adequately ☐ Inadequately ☐ Not at all ☐ Not observed
26. ***** Which, if any, of the following ineligible voters were allowed to vote? *The only acceptable forms of voter ID are national ID or passport.*	☐ Persons not on list - unauthorized ☐ Persons with unapproved ID ☐ Persons without ID ☐ Voters already inked ☐ Voters who have already signed the list ☐ Underage persons ☐ Security personnel - unauthorized ☐ Voters by proxy (e.g. relatives) ☐ Voters improperly assisted ☐ Other ☐ None
27. ***** Which, if any, of the following eligible voters were NOT allowed to vote?	☐ Persons on list with ID ☐ Polling staff ☐ Citizen observers ☐ Candidate agents ☐ Security personnel - authorized ☐ Journalists - national ☐ Other ☐ None
28. ***** Are ballot boxes correctly sealed? *All seals should be correctly applied and ballot boxes should be secure from tampering.*	☐ Yes ☐ No
29. ***** Are voters able to cast their ballots in secret? *Secrecy of the ballot should not be undermined or violated because of crowding or exposed booths.*	☐ Yes ☐ No
30. ***** Was the number of staff working in the polling station sufficient for a timely and orderly process? *The number of polling workers is supposed to be four per polling station.*	☐ Yes ☐ No

31. * How long did a typical voter have to wait in the queue before entering the polling station?
If there is no queue, enter 0, otherwise, ask the second or third voter in line how long they have waited so far to inform your estimate. Provide your answer in minutes. For example, if a voter waited 1.5 hours, enter 90 (minutes).

32. * How long did it take a typical voter to complete the voting process once they entered the polling station?
The voting process begins when the voter enters the polling station and ends when the voter has cast his or her ballot and is able to leave the polling station. Watch two or three voters carry out the voting process, and provide an estimate in minutes of how long the process took.

33. * Which, if any, of the following irregularities did you observe during the polling process?
- Multiple voting
- Ballot stuffing
- Interruption of voting
- Voter intimidation
- Illicit assistance
- Family voting
- Possible vote buying/selling
- Violation of secrecy of the ballot
- Other
- None

34. * Which election observation groups were present?
- ATIDE males
- ATIDE females
- I WATCH males
- I WATCH females
- Mourakiboun males
- Mourakiboun females
- Ofiya males
- Ofiya females
- Chahed males
- Chahed females
- Civilian Pole males
- Civilian Pole females
- Other males
- Other females
- None

35. * Which candidate agents were present?
- Beji Caid Essebsi male agents
- Beji Caid Essebsi female agents
- Moncef Marzouki male agents
- Moncef Marzouki female agents
- None

ANSWER ONLY IF Question #35 does not include "None"

36. * Was there more than one agent present inside the polling station for any candidate?
The presence of more than one representative of the same candidate at the same time in the same polling station and central office is prohibited.
- Yes
- No

37. * Which, if any, of the following groups did not have sufficient access to the process?
Were you allowed into the center/building? Were you able to meaningfully observe the process from the position assigned to observers? If not, please select "international observers" and identify any other groups who were affected.
- Candidate agents
- International observers
- Citizen observers
- Other
- None

38. * Did you observe any interference leading to negative impact on the election process? If so, which of the following groups were responsible for interference?
Did groups or individuals interfere with any of the following?: - the polling staff's ability to carry out administrative roles - any voter's ability to cast his or her ballot and express his or her will in accordance with regulations - the voting results or the overall democratic process
- Candidate agents
- International observers
- Citizen observers
- Staff
- Security
- Other
- None

39. * Were there any officially lodged complaints by the time of departure?
If present, ask the polling station president. Otherwise ask observers from other organizations or party/candidate agents.
- Yes
- No

40. * Were there any problems reported to you by those present rather than those observed directly by you?
- Yes
- No

(e.g., agents, observers, voters)

41. ***** How would you evaluate voters' understanding of voting procedures? *Did voters demonstrate an adequate understanding on how to provide ID, sign the register, ink fingers, and cast a ballot? Mark 'Not Applicable' only if you did not observe any voters during the time of your observation at the polling station.*	Adequate Inadequate Not Applicable
42. ***** What is your team's evaluation of the implementation of procedures by staff at this station/tabulation center? *This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.*	Very Good Reasonable Poor Not Credible
43. ***** What is your team's overall assessment of the election environment and process at this station/tabulation center?	Very Good Reasonable Poor Not Credible
44. ***** Number of voters who have voted by time of departure: *Number of signatures on the voter list*	
45. ***** Time of Departure: *Please use the 24 hours clock. For example, 3:00 PM should be entered as 15:00. Teams should observe activities at a polling station for a minimum of 30 minutes.*	

*Closing

Tunisia Runoff 2014

elmo

User/Team	
Observation Time	
1. * Time of Arrival: *Please use the 24 hours clock. For example, 3:00 PM should be entered as 15:00. Teams should observe activities at a polling station for a minimum of 30 minutes.*	
2. * Which, if any, prohibited or disruptive circumstances did you observe inside the polling station? *REGARDING SECURITY: The National Security Forces and the National Army are allowed to enter upon a request from the president of the Polling Center or the president of the Polling Station depending on the case. If security personnel are present in the station, you should ask the POLLING STATION PRESIDENT if he or she has requested that they enter. Select "None" if you did not observe any prohibited or disruptive circumstances.*	Campaigning, Campaign material, Intimidation, Violence, Significant disorder, Security, Mobile phone use, Other, None
3. * At what time was the polling center closed to outside voters? *The polling center by regulation should close at 6:00 PM.*	
4. * Approximately how many voters were waiting in the queue at the time of closing? *At the closing time of the polling center, its president shall call all the voters who are in front of the polling center and that did not vote yet to enter and close the polling center. The polling process shall continue in the polling stations until the last voter votes.*	0, 1-10, 11-25, 26-50, 51-100, More than 100
5. * Did you observe the last vote at the polling station?	Yes, No
ANSWER ONLY IF Question #5 is equal to "Yes" 6. * If 'yes', at what time did the last voter vote?	
ANSWER ONLY IF Question #4 is not equal to "0" 7. * Were all eligible persons in the queue at the time of closing allowed to vote?	Yes, No, Not observed
ANSWER ONLY IF Question #4 is not equal to "0" 8. * Were all voters prevented from joining the queue after the polls closed at 18:00?	Yes, No, Not observed
9. * How closely did the SEALING OF BALLOT BOXES (incl. SLOT) procedures adhere to regulations? *After finishing the polling, the president of the polling station shall announce the end of the process and lock the box with the plastic locks made for the purpose.*	Fully, Adequately, Inadequately, Not at all, Not observed
10. * How closely did the COMPLETION OF MINUTES adhere to regulations? *The president of the polling station shall complete filling the minutes of the polling process by including the following data: - The number of the remaining ballot papers - The number of the spoiled papers - The number of the signatures on the voter lists*	Fully, Adequately, Inadequately, Not at all, Not observed
11. * Which candidate agents were present?	Beji Caid Essebsi male agents, Beji Caid Essebsi female agents, Moncef Marzouki male agents, Moncef Marzouki female agents, None
ANSWER ONLY IF Question #11 does not include "None" 12. Was there more than one agent present inside the polling station for any candidate?	Yes, No

The presence of more than one representative of the same candidate at the same time in the same polling station and central office is prohibited.

13. ***** Which election observation groups were present?	ATIDE males ATIDE females I WATCH males I WATCH females Mourakiboun males Mourakiboun females Ofiya males Ofiya females Chahed males Chahed females Civilian Pole males Civilian Pole females Other males Other females None
14. ***** Which, if any, of the following groups did not have sufficient access to the process? *Were you allowed into the center/building? Were you able to meaningfully observe the process from the position assigned to observers? If not, please select "international observers" and identify any other groups who were affected.*	Candidate agents International observers Citizen observers Other None
15. ***** Did you observe any interference leading to negative impact on the election process? If so, which of the following groups were responsible for interference? *Did groups or individuals interfere with any of the following?: - the polling staff's ability to carry out administrative roles - any voter's ability to cast his or her ballot and express his or her will in accordance with regulations - the voting results or the overall democratic process*	Candidate agents International observers Citizen observers Staff Security Other None
16. ***** Were there any officially lodged complaints by the time of departure? *If present, ask the polling station president. Otherwise ask observers from other organizations or party/candidate agents.*	Yes No
17. ***** Were there any problems reported to you by those present rather than those observed directly by you? *(e.g., agents, observers, voters)*	Yes No
18. ***** What is your team's evaluation of the implementation of procedures by staff at this station/tabulation center? *This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.*	Very Good Reasonable Poor Not Credible
19. ***** What is your team's overall assessment of the election environment and process at this station/tabulation center?	Very Good Reasonable Poor Not Credible
20. ***** Time of Departure: *Please use the 24 hours clock. For example, 3:00 PM should be entered as 15:00. Teams should observe activities at a polling station for a minimum of 30 minutes.*	

*Counting

Tunisia Runoff 2014

elmo

User/Team	
Observation Time	
1. * Time of Arrival: *Please use the 24 hours clock. For example, 3:00 PM should be entered as 15:00. Teams should observe activities at a polling station for a minimum of 30 minutes.*	
2. * Which, if any, prohibited or disruptive circumstances did you observe inside the polling station?	☐ Stoppage or delay of the process ☐ Prohibited entry or exit from the station ☐ Mobile phone use ☐ Campaigning ☐ Campaign material ☐ Intimidation ☐ Violence ☐ Significant disorder ☐ Security ☐ Other ☐ None
3. * Were any of the following materials missing, insufficient, or incorrect? *The voter list should be posted outside the polling center or outside the polling station.*	☐ Counting sheet ☐ Minutes ☐ Envelopes ☐ Electoral bags (tamper-proof) ☐ Blue and red pens ☐ Calculator ☐ Other ☐ None
4. * Number of registered voters:	
5. * Number of voters who have voted by time of arrival: *Number of signatures on the voter list*	
6. * Number of ballots received: *Number of ballot papers originally delivered to the polling station before opening*	
7. * Number of unused ballots:	
8. * Number of ballots in box:	
9. * Number of invalid ballots:	
10. * Number of blank ballots:	
11. * Number of valid ballots:	
12. * Number of spoiled ballots:	
13. * Number of challenged ballots:	
14. * How closely did the REMOVAL OF CONTENTS FROM THE BALLOT BOX adhere to regulations? *Ballot box regulations: - The ballot box should be located in a place where attendees can observe - The president of the PS shall read the lock numbers out loud and ask the candidate/party agents to verify the accuracy of the numbers - The locks shall be broken and the box shall be opened - The ballot papers shall be taken out publicly and put on the sorting desk - The empty ballot box shall be shown to attendees - The PS president shall designate one member or more to organize the ballot papers and put them on top of each other in the form of bundles. Each bundle should have 50 ballot papers and the ballot papers should be turned upside-down.*	☐ Fully ☐ Adequately ☐ Inadequately ☐ Not at all ☐ Not observed
15. * How closely did BALLOT VERIFICATION AND SORTING adhere to regulations?	

Ballot verification and sorting regulations: - The first ISIE stamp should be verified. If the stamp is missing, the ballot paper should be placed with invalid ballots. - The PS president or one of the polling staff shall read aloud the ballot paper and say which of the candidates it is in favor for or declare the ballot paper to be blank or invalid. - Two other members shall mark the votes on the counting sheets. Valid ballot papers include: - Ballots bearing the official stamp and one correct cross for a candidate - Ballots which clearly express the voter's will (even if marks from electoral ink use are present) Invalid ballot papers shall be counted and placed in their special envelope on which is written « invalid ballot papers » and their number recorded on it. Invalid ballots include: - Ballots with more than one cross or anything mark indicating the voter's identity - Ballots for which the voter's will is not clearly stated - Ballots which are ripped or damaged in a way that affects a name of a candidate - Ballots which do not bear the official stamp - Ballots which include marks AGAINST a candidate (e.g. if a voter marks their vote for one candidate and then crosses out the face of the opposing candidate) Blank ballot papers (ballots that contain no cross) shall be counted and placed in their special envelope on which is written « blank ballot papers » and their number recorded on it.

Fully Adequately Inadequately
Not at all Not observed/observable

16. ***** How closely did BALLOT COUNTING adhere to regulations?
Once the process of revealing vote results is over, the sorters shall record on the counting sheet the number of votes obtained by every candidate, and then they shall sign it and hand it to the president of the station with the counted ballot papers.

Fully Adequately Inadequately
Not at all Not observed

17. ***** How closely did the RECONCILIATION OF BALLOT ACCOUNTS procedures adhere to regulations?
Ballot accounts regulations: - The number of ballot papers in the ballot box should equal the number of invalid ballot papers plus the number of blank ballot papers plus the sum of votes obtained by candidates. - The number of ballot papers should equal the number of signatures on the list. - If both of the above are true, the number of ballot papers shall be recorded in the counting minutes. - If the number of ballots in the box does not equal the sum of invalid, blank, and valid ballot papers, or foes not equal the number of signatures on the voters list, recounting procedures shall be followed.

Fully Adequately Inadequately
Not at all Not observed

18. ***** How closely did RECOUNTING OF BALLOTS adhere to regulations?
Ballot recounting regulations: If the number of ballot papers in the ballot box does not equal the number of invalid ballot papers plus the number of blank ballot papers plus the sum of votes obtained by candidates OR if the number of ballot papers in the ballot box does not equal the number of signatures on the voter list, counting shall be restarted. If the irregularity is confirmed, the irregularity shall be investigated to determine the reason, recorded in the counting minutes.

Fully Adequately Inadequately
Not at all Not observed/observable

19. ***** How closely did COMPLETION OF MINUTES adhere to regulations?

Fully Adequately Inadequately

The president of the station, or his assistant, shall record in the minutes of sorting: - The number of ballot papers extracted from the ballot box - The number of votes obtained by every candidate - The total sum of votes declared and obtained by all candidates. - The number of invalid ballot papers - The number of blank ballot papers - Cases of mismatch and their causes, if found. The president of the polling station shall read out loud the minutes of sorting to the people present in the station. In case of an error in the minutes of sorting and counting, the president of the station shall correct it, mark « I certify the scratched out and/or the addition » and sign. Once the sorting is over, members of the polling station and candidate representatives shall sign the minutes of the sorting process. If candidate representatives refused to sign, this shall be stated in the minutes with mentioning the reasons if any.	☐ Not at all ☐ Not observed/observable
20. ***** How closely did the SECURING OF SENSITIVE MATERIALS procedures adhere to regulations? *The following materials should be placed in the ballot box: - Valid ballot papers; the (3) envelopes containing spoiled, invalid, and blank ballot papers; and the bundle of unused ballot papers - Used locks in a sealed envelope - A copy of the minutes of polling and the minutes of sorting The original polling minutes and sorting minutes should be placed in the A3 tamper-proof envelope. Nonsensitive materials should be placed in a cardboard box.*	☐ Fully ☐ Adequately ☐ Inadequately ☐ Not at all ☐ Not observed
21. ***** How closely did POSTING OF RESULTS adhere to regulations? *The president of the polling station, or his assistant, shall hang/post before every polling station the sorting minutes relative to it in the presence of candidate representatives and observers.*	☐ Fully ☐ Adequately ☐ Inadequately ☐ Not at all ☐ Not observed/observable
22. ***** How closely did the TRANSFER OF MATERIALS adhere to regulations? *The president of the station shall: - Deliver the ballot box to the person designated for gathering boxes - Send the envelop of sensitive electoral materials to the central office*	☐ Fully ☐ Adequately ☐ Inadequately ☐ Not at all ☐ Not observed
23. ***** Did candidate representatives have an opportunity to sign the results? *Once the sorting is over, members of the polling station and candidate representatives shall sign the minutes of the sorting process. If candidate representatives refused to sign, this shall be stated in the minutes with mentioning the reasons if any. candidate representatives or candidates are entitled to include all of the remarks and reservations, related to the sorting process, in a memorandum attached to the minutes. The president of the polling station shall respond to it and record that in the memorandum.*	☐ Yes ☐ No ☐ Not observed
ANSWER ONLY IF Question #23 is equal to "Yes" 24. ***** If 'yes', did any candidate representatives elect not to sign the results?	☐ Yes ☐ No ☐ Not observed
25. ***** Which candidate agents were present?	☐ Beji Caid Essebsi male agents ☐ Beji Caid Essebsi female agents ☐ Moncef Marzouki male agents ☐ Moncef Marzouki female agents ☐ None
ANSWER ONLY IF Question #25 does not include "None" 26. ***** Was there more than one agent present inside the polling station for any candidate?	☐ Yes ☐ No

The presence of more than one representative of the same candidate at the same time in the same polling station and central office is prohibited.

27. ***** Which election observation groups were present?	ATIDE males ATIDE females I WATCH males I WATCH females Mourakiboun males Mourakiboun females Ofiya males Ofiya females Chahed males Chahed females Civilian Pole males Civilian Pole females Other males Other females None
28. ***** Which, if any, of the following groups did not have sufficient access to the process? *Were you allowed into the center/building? Were you able to meaningfully observe the process from the position assigned to observers? If not, please select "international observers" and identify any other groups who were affected.*	Candidate agents International observers Citizen observers Other None
29. ***** Did you observe any interference leading to negative impact on the election process? If so, which of the following groups were responsible for interference? *Did groups or individuals interfere with any of the following?: - the polling staff's ability to carry out administrative roles - any voter's ability to cast his or her ballot and express his or her will in accordance with regulations - the voting results or the overall democratic process*	Candidate agents International observers Citizen observers Staff Security Other None
30. ***** Were there any officially lodged complaints by the time of departure? *If present, ask the polling station president. Otherwise ask observers from other organizations or party/candidate agents.*	Yes No
31. ***** Were there any problems reported to you by those present rather than those observed directly by you? *(e.g., agents, observers, voters)*	Yes No
32. ***** What is your team's evaluation of the implementation of procedures by staff at this station/tabulation center? *This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.*	Very Good Reasonable Poor Not Credible
33. ***** What is your team's overall assessment of the election environment and process at this station/tabulation center?	Very Good Reasonable Poor Not Credible
34. ***** Time of Departure: *Please use the 24 hours clock. For example, 3:00 PM should be entered as 15:00. Teams should observe activities at a polling station for a minimum of 30 minutes.*	

*Aggregation/Tabulation

Tunisia Runoff 2014

elmo

User/Team	
Observation Time	
2. * Time of Arrival: *Please use the 24 hours clock. For example, 3:00 PM should be entered as 15:00. Teams should observe activities at a polling station for a minimum of 30 minutes.*	
3. * Location of Center:	Ariana Ben Arous Beja Bizerte El Kef Gabes Gafsa Jendouba Kairouan Kasserine Kebili Mahdia Manouba Medenine Monastir Nabeul I Nabeul II Sfax I Sfax II Sidi Bouzid Siliana Sousse Tataouine Tozeur Tunis I Tunis II Zaghouan
4. * Which, if any, of the following prohibited or disruptive circumstances did you observe OUTSIDE the center? *Select "None" if you did not observe any prohibited or disruptive circumstances.*	Intimidation Violence Significant disorder Other None
5. Which, if any, prohibited or disruptive circumstances did you observe inside the tabulation center?	Stoppage or delay of the process Intimidation Violence Significant disorder Other None
6. Total number of polling station results this center is responsible for: *This information should be provided to your team from headquarters before your deployment. The tabulation center staff will not be able to provide the number of polling station results for which the center is responsible.*	
7. * Has the tabulation center received materials from the polling stations?	Yes No
ANSWER ONLY IF Question #7 is equal to "Yes" 8. What time did materials begin to arrive from the polling station? *Leave blank if unknown.*	
ANSWER ONLY IF Question #7 is equal to "Yes" 9. Number of polling station results received at beginning of observation: *Leave blank if unknown/not observable.*	
10. * Were there any issues with the receipt of materials and results from polling stations?	Yes No Not observed
11. * Were there any issues with the receipt and verification of minutes? *The Central Office Committee shall receive the sorting minutes, polling minutes, counting sheets, voter registers, and the memoranda containing the remarks and reservations of the candidate representatives and observers. The Central Office shall check the sorting minutes, verify them, investigate the reasons behind any mismatch or irregularity, and correct the errors if found. Verification of minutes is dependent upon reference to the counting sheets, the polling minutes and the polling station register.*	Yes No Not observed
ANSWER ONLY IF Question #7 is equal to "Yes" 12. * Is the process of receiving and verifying results moving in an efficient manner?	Yes No

13. Number of polling stations that require a recount:
Leave blank if unknown/not observable.

ANSWER ONLY IF Question #13 is greater than "0"
14. What were the reasons for the recounts that took place?
Leave blank if unknown/not observable.

ANSWER ONLY IF Question #13 is greater than "0"
15. How many recounts confirmed the earlier tallies?
Leave blank if unknown/not observable.

ANSWER ONLY IF Question #13 is greater than "0"
16. Were candidate representatives given an opportunity to sign the results/corrections of each recount?
Candidate representatives shall be provided the opportunity to sign the minutes in the event of a recount. In the event representatives refuse to sign, it shall be recorded in the minutes with mentioning the reasons if any.
Yes No Not observed

17. ***** Were candidate representatives and observers allowed to include their remarks in the memorandum?
After finishing the verification of all the minutes of sorting, the Central Office shall draft the minutes of polling results collection in the electoral constituency. Candidates representatives and observers are entitled to include their own remarks and reservations related to collecting results in a memorandum attached to the minutes.
Yes No Not observed

18. ***** Did you observe any irregular or inconsistent results that should have received scrutiny but did not?
Any irregular or inconsistent polling station results should be investigated and then either verified or corrected.
Yes No

19. ***** Where tabulation staff cooperative in providing information/answering questions?
Yes No Not observed

20. ***** Which candidate agents were present?
Beji Caid Essebsi male agents
Beji Caid Essebsi female agents
Moncef Marzouki male agents
Moncef Marzouki female agents None

21. ***** Which election observation groups were present?
ATIDE males ATIDE females I WATCH males
I WATCH females Mourakiboun males
Mourakiboun females Ofiya males
Ofiya females Chahed males Chahed females
Civilian Pole males Civilian Pole females
Other males Other females None

22. ***** Which, if any, of the following groups did not have sufficient access to the process?
Were you allowed into the center/building? Were you able to meaningfully observe the process from the position assigned to observers? If not, please select "international observers" and identify any other groups who were affected.
Candidate agents International observers
Citizen observers Other None

23. ***** Did you observe any interference leading to negative impact on the election process? If so, which of the following groups were responsible for interference?
Did groups or individuals interfere with any of the following?: - the polling staff's ability to carry out administrative roles - any voter's ability to cast his or her ballot and express his or her will in accordance with regulations - the voting results or the overall democratic process
Candidate agents International observers
Citizen observers Staff Security Other
None

24. ***** Were there any problems reported to you by those present rather than those observed directly by you?
Yes No

(e.g., agents, observers, voters)

25. * What is your team's evaluation of the implementation of procedures by staff at this station/tabulation center? *This evaluation should be based upon the procedures evaluated earlier in the checklist as well as any procedural factors that may have been omitted from the checklist. Please refer back to the answers provided to questions about procedures as needed to inform the overall evaluation.*	Very Good Reasonable Poor Not Credible
26. * What is your team's overall assessment of the election environment and process at this station/tabulation center?	Very Good Reasonable Poor Not Credible
27. * Time of Departure: *Please use the 24 hours clock. For example, 3:00 PM should be entered as 15:00. Teams should observe activities at a polling station for a minimum of 30 minutes.*	
28. Number of polling station results received at time of departure: *Leave blank if unknown/not observable.*	

Appendix G

Electoral Results

Official Results of the 2011 National Constituent Assembly Elections

Political Party	Number of Seats	Percentage
Ennahdha	89	41 %
Congress for the Republic (CPR)	29	13.4 %
Popular Petition (Al Aridha Al Chaabia)	26	12.0 %
Ettakatol	20	9.2 %
Democratic Progressive Party (PDP)	16	7.4 %
The Initiative (Al Moubadara)	5	2.3 %
Democratic Modernist Pole (PDM)	5	2.3 %
Afek Tounes	4	1.8 %
Al Badil Althawri (PCOT)	3	1.4 %
Democratic Socialist Movement (MDS)	2	0.9 %
Movement of the People (Haraket Achaab)	2	0.9 %
16 independent lists	1 each	0.5 %
Total	**217**	**100.0%**

Official Results of the 2014 Legislative Elections[1]

Registered voters	5,285,136	100.00%
Number who voted	3,579,257	67.27%
Valid votes	3,408,207*	95.31%
Invalid ballots	106,010	2.97%
Blank ballots	65,069	1.72%

Parties	Votes	% of valid votes cast	Seats	Women MPs
Nidaa Tounes	1,279,941	37.56	86	35
Ennahdha	947,014	27.79	69	27
Free Patriotic Union	140,873	4.13	16	2
Popular Front	124,054	3.64	15	2
Afek Tounes	102,915	3.02	8	0
Congress for the Republic	69,794	2.05	4	0
Democratic Stream	66,396	1.95	3	1
Al Jomhouri	56,223	1.65	1	0
Al Moubadara	45,485	1.33	3	0
Mouvement of People	45,839	1.34	3	0
Tayyar Almahabba	40,778	1.20	2	1
Democratic Alliance	43,371	1.27	1	0
Movement of Social Democrats	5,792	0.17	1	0
National Salvation Front	5,753	0.17	1	0
Rad al-ÏÏtibar (Independent)	5,236	0.15	1	0
Li Majd Aljarid (Independent)	5,111	0.15	1	0
Party of Voice of Farmers	3,515	0.10	1	0
Voice of Tunisians Abroad	1,814	0.05	1	0
Union for Tunisia	27,802	0.82	0	0
Ettakatol	24,600	0.72	0	0
Wafa Movement	23,704	0.70	0	0
Destourian Movement	11,264	0.33	0	0
Others	330,896	9.71	0	0
Total	**3,408,170***	**100.00**	**217**	**68**

Source: http://www.legislation.tn/detailtexte/Arr%C3%AAt%C3%A9-num-2014-034-du-21-11-2014-jort-2014-094__201409400X344?shorten=MQA

*Note: The number of valid votes does not match the total number of votes cast by parties. There was a discrepancy of 37 votes between the two figures released by the ISIE. The Carter Center will follow up with the ISIE to determine the cause of this difference.

Official Results of the First Round of the 2014 Presidential Election

Registered voters	5,285,625	100.00%
Number who voted	3,339,666	63.18%
Valid votes	3,267,569	61.82%
Invalid ballots	50,088	1.50%
Blank ballots	22,009	0.66%

Candidates	**Votes**	**% of valid votes cast**
Beji Caid Essebsi	1,289,384	39.46
Mohamed Moncef Marzouki	1,092,418	33.43
Hamma Hammami	255,529	7.82
Mohamed Hechmi Hamdi	187,923	5.75
Slim Riyahi	181,407	5.55
Kamel Morjane	41,614	1.27
Ahmed Nejib Chebbi	34,025	1.04
Safi Saaid	26,073	0.80
Mondher Znaydi	24,160	0.74
Mustapha Ben Jaâfar	21,989	0.67
Kalthoum Kannou	18,287	0.56
Mohammed Frikha	17,506	0.54
Abderazek Kilani	10,077	0.31
Mustapha Kamel Nabli	6,723	0.21
Abdelkader Labaoui	6,486	0.20
Larbi Nasra	6,426	0.20
Hamouda Ben Slema	5,737	0.18
Mohamed Hamdi	5,593	0.17
Mehrez Boussayen	5,377	0.16
Salem Chaibi	5,245	0.16
Samir Abdelli	5,054	0.15
Ali Chourabi	4,699	0.14
Mokhtar Elmejri	4,286	0.13
Abderraouf Ayadi	3,551	0.11
Yassine Elchnoufi	3,118	0.10
Abdelrahim Zouari	2,701	0.08
Nourreddine Hached	2,181	0.07
Total	**3,267,569**	**100.00**

Source: http://www.isie.tn/resultats/resultats-presidentielles/elections-presidentielles-1er-tour/

Official Results of the Second Round of the 2014 Presidential Election (Run-off)

Registered voters	5,285,625	100.00%
Number who voted	3,189,382	60.11%
Valid votes	3,110,042	97.51%
Invalid ballots	50,585	1.58%
Blank ballots	28,755	0.90%

Candidates	**Votes**	**% of valid votes cast**
Beji Caid Essebsi	1,731,529	55.68%
Mohamed Moncef Marzouki	1,378,513	44.32%
Total	**3,110,042**	**100.00**

Source : http://www.isie.tn/actualites/decision-de-lisie-concernant-les-resultats-preliminaire-du-second-tour-pour-les-elections-presidentielles/

Appendix H

Letter of Invitation

République tunisienne
Instance Supérieure Indépendante
pour les Élections (ISIE)

الجمهورية التونسية
الهيئة العليا
المستقلة للانتخابات

تونس في 7 جويلية 2014

شهادة اعتماد ملاحظ أجنبي
للانتخابات التشريعية والرئاسية 2014

بعد دراسة ملف ترشّحكم لمهمة ملاحظ أجنبي للانتخابات التشريعية والرئاسية 2014 المودع لدى الهيئة العليا المستقلة للانتخابات،

وإثر التداول والنقاش،

قرّر مجلس الهيئة العليا المستقلة للانتخابات قبول اعتماد **مركز كارتر** (THE CARTER CENTER) في خطة ملاحظ أجنبي للانتخابات التشريعية والرئاسية 2014.

والسلام

عن مجلس الهيئة العليا المستقلة للانتخابات

نبيل بفّون

www.isie.tn e-mail: observateur.elections2014@isie.tn

The Carter Center at a Glance

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in 80 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; and improving mental health care. Please visit www.cartercenter.org to learn more about The Carter Center.

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