

Parliamentary Elections

Oct. 8, 2019

This statement is preliminary and covers only aspects of the electoral process through Oct. 7. It does not cover the final tabulation of election results, nor the period for filing challenges.

differences and move quickly to solidify the country's institutions, improve the economy, and restore Tunisians' faith in their young democracy.

The 2019 elections reflect the disillusionment of the Tunisian people with the current political establishment and their frustration with the slow pace of reform since the 2011 revolution. The continued decline in the economy, the rising cost of living and ongoing corruption has encouraged voters to look for independent candidates whom they hope will bring radical change.

In the leadup to the parliamentary elections, the established political parties were fractured by internal disputes. Nidaa Tounes was crippled by the departure of more than half of its parliamentarians, depriving it of its plurality in the parliament.¹ The Popular Front Coalition, a main actor in the parliament, also split, leading to the creation of two separate political entities – a political party and a separate coalition.² In the immediate pre-election period, Ennahda also suffered from internal disputes over the selection of a presidential candidate and the excessive intervention by its party leader in the placement of candidates perceived to be affiliated closely to him on its lists for the legislative elections.

This disfunction among the parties represented in the parliament undermined the institution's performance, already weakened by its inability to control its legislative agenda. According to the constitution, legal drafts (*projets de loi*) emanating from the executive branch have precedence over those proposed by members of parliament (*propositions de loi*); most bills originated from the executive, and these legislative initiatives dominated the parliament's agenda.

In addition to these factors, the parliament was plagued by the absenteeism of its deputies, party-hopping by parliamentarians, and the informal and largely opaque “consensus committee” formed by the parliamentary bloc leaders who made the most crucial policy decisions. Combined, these factors limited the ability of parliament to exert the full scope of its powers. In addition, it failed to establish the Constitutional Court and other independent constitutional authorities, such as the National Authority on Good Governance and Fight Against Corruption, the Authority for Sustainable Development and the Rights of Future Generations, and the Audiovisual Communication Authority (ICA).

Legal Framework

According to international best practices, an election's legal framework should be transparent and readily accessible to the public. It should also address all the components of an electoral system necessary to ensure democratic elections.³ Tunisia's legal framework for parliamentary elections is generally in alignment with international standards.⁴

The electoral process is governed by the January 2014 constitution, the 2014 electoral law, the] TJETQq0.000

Candidate Registration

The right of individuals to participate in public affairs is an obligation under international law.⁹ 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.¹⁰ The Tunisian legal framework allows for an inclusive candidate-

allowed to successfully administer the electoral process.¹⁵ According to the Tunisian constitution, the ISIE is the body that ensures the regularity, integrity, and transparency of the electoral process and proclaims the results.¹⁶

The ISIE created 33 IRIEs (27 in country and six abroad), one in each electoral constituency made up of a maximum of four people with different professional backgrounds. The ISIE conducted the process of appointing IRIE members transparently and efficiently. For the parliamentary election, the ISIE set up 13,830 polling stations – 13,446 in country and 384 abroad.

Five percent of approximately 55,000 poll workers from the presidential election were changed after IRIEs evaluated staff. Presidents of polling stations and polling centers, along with new poll workers, were trained by the IRIEs on Sept. 28 and 29.

After the presidential election, the ISIE conducted a two-day assessment for presidents, coordinators, legal officers, and administrators of the 33 IRIEs. The ISIE decided to address shortcomings in the training of staff on the use of an application that tallies the results automatically at the tally-center level and in the routes that the military used to collect and deliver election material to the tabulation centers. This improved the tabulation process.

The 1,500 campaign monitors recruited by the ISIE for the presidential election also monitored the parliamentary campaign for adherence to campaign and campaign-finance rules. Carter Center long-term observers reported that these monitors continued to be very active in the field.

Although the ISIE suffered from some internal strife and did not always communicate coherently to the public, it managed to efficiently organize two elections in a short timeframe with only minor flaws that did not impact the electoral process or the results.

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. According to the United Nations Human Rights Committee, "Where registration of voters is required, it should be facilitated, and obstacles to such registration should not be imposed."¹⁷ Tunisia's voter-registration procedures are broadly consistent with international and regional standards.¹⁸

The ISIE opened its voter registration campaign for these elections on April 10 and closed it on June 15. During this period, the ISIE registered 1,455,898 new voters out of a possible 3.5 million potential voters, bringing the total number of registered voters for the parliamentary elections to 7,065,885. Of those, 6,680,339 voters are registered in Tunisia and 385,546 abroad.

No stakeholders raised concerns about the voter register and its accuracy to Carter Center observers.

¹⁵ U.N., Human Rights and Elections, para. 75.

¹⁶ 2014 Tunisian Constitution, Article 126.

¹⁷ ICCPR, General Comment 25, "The right to participate in public affairs, voting rights and the right of equal access to public service," para. 11.

¹⁸ ICCPR, General Comment 25, para. 11.

Voter Education

The fulfillment of the international obligation of universal suffrage is partially dependent on effective voter education.¹⁹ The ISIE continued a limited voter-education campaign from the presidential election to provide basic voter information. Several CSOs informed Carter Center observers that they did not conduct a voter-education campaign for the parliamentary elections because of a lack of funding.

During the presidential and legislative campaigns, the ISIE distributed flyers and stickers in order to keep voters informed about the election dates. In addition, several videos were published on television and social media explaining the polling steps and reminding voters

Many interlocutors informed Carter Center observers that the parliamentary campaign was overshadowed by the continued detention of presidential candidate Nabil Karoui and the effect it would have on the forthcoming second round of the presidential election. The media focused almost exclusively on this topic and any possible challenge to the results based on the denial of his equal opportunity to campaign, making it difficult for parliamentary candidates to communicate their messages to voters.

Nessma TV, co-owned by Karoui, has been fined four times by the HAICA for broadcasting political advertising in favor of his candidacy and propaganda against Ennahda. The fines have progressively increased for each violation, ranging from 20,000 TND (US\$ 7,000) to 160,000 TND (US\$ 56,000).

As was the case in the presidential election

resulting in the lack of a substantive debate on policy or party platforms. Media attention remained focused on the presidential election.

Campaign Finance

Democratic elections cannot be held without equitable rules for the financing of electoral campaigns. According to international good practice, electoral legislation should specifically provide for the transparency of donations to the campaign activities of candidates, standardized presentation of campaign accounts, reasonable limits on campaign expenditure, regular reporting mechanisms, and effective and dissuasive sanctions.²⁵

The electoral law details expenditure and donation limits and allows private and public funding. Public funding is distributed equitably based on the number of voters at the constituency level as well as population density.²⁶ The total ceiling of campaign spending for each list was set at six times the amount of the public funding. The law prohibits contributions from foreign sources or unknown donors, as well as from corporations and legal persons. However, unlike for presidential candidates, political parties can fund the campaign of their parliamentary lists.

Although the campaign-finance ceilings were increased after the 2014 elections, they remain relatively low and ranged from \$11,550 USD in Tozeur to \$34,616 USD in Sousse. Several stakeholders s7(portin)J

The Carter Center’s monitoring of the Facebook pages of the 10 parties or independents running in the all 33 constituencies, as well as the supportive pages of those lists, revealed that most of them used social media as a platform to introduce their candidates, announce campaign events, or to call on voters to vote, rather than as a tool to engage with voters on the issues. Most of the monitored lists shared their campaign programs through video, texts, or pictures on national and regional Facebook pages, including pages of their branches located abroad. The majority of the lists monitored by The Carter Center ran paid ads on their Facebook pages during the campaign.²⁹

Carter Center long-term observers reported that because of the results of the presidential election, candidates and parties increased their social-media efforts to target young supporters of Saïed.

Contestants showed varying levels of activity and professionalism in their social media campaigns, depending on strategy, electorate analysis, messages, and financial resources. Ich Tounsi ran a very structured campaign, with postings repeated on the different regional pages of the organization, including paid ads. Other campaigns showed a lower level of coordination between national and regional pages, posting less often or posting less-polished content. Notably, some of the political party ads were run by party pages abroad.

Even before the official start of the campaign for the 2014 presidential election, the number of pages and groups supporting or opposing one of the two presidential candidates increased, as have the number of publications and interactions, taking precedence over the parliamentary number.

representative announced on Facebook that it initiated legal proceedings against the television station that broadcast the documentary.

Fake opinion polls bearing the logo of existing Tunisian poll companies also circulated on Facebook, potentially misleading voters.

Toward the end of the campaign, unauthenticated documents were published on social media claiming that Nabil Karoui, Olfa Terras, and Ennahdha contracted with lobbying and public relations agencies overseas to consolidate their position on the national political scene and seek support at the international level. After their release, pictures, videos, and comments alleging connections between Nabil Karoui and a former member of Israeli secret services as well as between Ennahdha and Qatar went viral, generating many critical comments on Facebook.

The majority of parties monitored by The Carter Center breached the silence period by running paid ads on party pages or on supportive pages on Saturday and election day. At least two parties, Qalb Tounes and Ennahdha, promoted both the presidential and parliamentary campaigns. Ennahdha released posters online with the picture of Kais Saïed that read "vote for us to fulfill his program," and Qalb Tounes used a picture of Nabil Karoui to promote its candidate lists. In contrast, Ich Tounsi was the only party running lists in all constituencies that took down the paid ads it was running on Facebook and refrained from posting on its national and regional pages during the silence period.

During the presidential campaign, the use of social media was more intense and passionate than during the parliamentary campaign. Social media remained focused on the presidential contest and the continued detention of Karoui. It reinforced the political and social polarization that was evident in the results of the first round of the presidential election.

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.³³

Civil society was active in monitoring various aspects of the electoral process. The Tunisian Mediterranean Center (TU-MED) organization focused its observation on the participation of women in rural areas of seven constituencies. According to its report, there was an absence of women involved in the campaign, even in places where the head of the list was a woman. On election day, TU-MED had 70 observers.

Mourakiboun deployed 4,000 observers on election day for a parallel vote tabulation and created an app where voters could get information that was not available on the ISIE website about the electoral process, including the total number of registered voters, polling stations, seats and lists detailing the candidate's names and their platform running in each constituency.

The Association for Transparency and the Integrity of the Elections (ATIDE) deployed 600 observers around the country on election day and focused on monitoring social media. Chahed Observatory deployed 1,000 observers, three in each municipality.

Both Tunisian civil society and political parties took an active part in observing the parliamentary electoral processes. The ISIE reported accrediting over 97,000 candidate representatives; 17,500 citizen observers; and 700 international observers for these elections.

33

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.³⁴ The guarantee of a timely remedy is integral to the principle of effective means of redress.

Despite the short time limits provided by the law, the administrative tribunal addressed all pre-election complaints and appeals in a timely fashion. The tribunal demonstrated impartiality and respect for due process in its decisions.

