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The Carter Center Welcomes Completion of Tunisia's Voter Registration; Highlights Additional Steps Needed to Ensure Successful Polling

A Carter Center statement released today noted that Tunisia's voter registration process was conducted smoothly, but important operational challenges remain for the High Independent Authority for the Elections (ISIE), particularly the allocation of voters to polling stations and a campaign to disseminate

The Carter Center also noted the dedication of the election management body in carrying out its responsibilities. However, the Center underlines the importance of the ISIE taking action to ensure the Technical, Administrative and Financial Body (OTAF) is adequately staffed to strengthen its capacity to prepare for and administer electoral operations and better coordinate between the national and regional offices.

The low turnout in the initial phase of the voter registration was even more discernable during the exhibition and challenges period when voters were given the opportunity to inspect the provisional voters list from Aug. 20-26. In light of this, The Carter Center encourages the ISIE to launch timely voter information campaigns and to provide specific messages tailored to each phase of the electoral process.

The Center appreciates the cooperative approach demonstrated by the election authorities toward international observers, including the timely provision of accreditation. We encourage the ISIE to facilitate this process for Tunisian observers, given their important role in increasing transparency and public confidence. To further strengthen transparency, The Carter Center encourages the electoral authorities to pursue regular consultations with all relevant stakeholders and make all official documents widely accessible, particularly by posting on the ISIE website.

Background: The Carter Center received a letter of invitation from the ISIE to observe the electoral process in mid-July, followed by official accreditation on Aug. 4. The Center observed voter registration, deploying 10 long-term observers who visited 191 voter registration centers in all of the state's governorates, and met with election officials, political parties representatives, and civil society organizations.

The Carter Center will remain in Tunisia to observe the candidate registration period, campaign period, polling day, counting and tabulation processes, and resolution of electoral complaints for National Constituent Assembly elections. The Center's long-term observers will be joined by 40 short-term observers from various nationalities in the lead-up to election day. The objectives of the Center's observation m-11(v)11(esC)6(e2(t)6(i)-1aTac5(i)6(onry)13(.)2v)11(av)-2(r)- t2d t2d t2d s.oun9(t)-3(i)-.aotnali e tiesCrer7



THE CARTER CENTER INTERNATIONAL OBSERVATION MISSION TO TUNISIANATIONAL CONSTITUENT ASSEMBLY ELECTIONS

Sept. 1, 2011

The present statement provides an assessment by The Carter Center of the voter registration process in Tunisia as well as preliminary findings on the exhibition and challenges to the provisional voters list. In its concluding section, the statement offers detailed recommendations to stakeholders involved in the electoral process.

The Carter Center noted that the registration process was conducted smoothly, with more than half of the estimated voting population turning out to confirm their registration data. Nonetheless, important operational challenges remain for the High Independent Authority for the Elections (ISIE), particularly in regards to the allocation of voters to polling stations and a campaign to disseminate voter information to the public. The Center recommends intensified public outreach by the ISIE and other bodies to assist Tunisians in the electoral process. A credible and successful electoral process will be a key step in the democratic transition and stability in Tunisia.

Voter registration started on July 11 for an initial period of three weeks and was later extended through Aug. 14, a positive step to increase participation. Approximately 1,000 registration centers, including mobile teams, operated under the supervision of the ISIE and its branches in the 27 electoral districts. Tunisians residing abroad had the opportunity to register at consular and diplomatic missions until Aug. 28.

Despite numerous challenges, including initial technical problems with the online registration system, tardy designation of the Regional Independent Authority for Elections (IRIE) members, late start of outreach campaign and inconsistencies in the implementation of procedures, in particular regarding the requirement that individuals personally register, which was inconsistently applied, the voter registration process was conducted peacefully across the country. According to the ISIE, 3,882,727 citizens registered in Tunisia, representing approximately 55 percent of the estimated voting population.

Election administration

The ISIE is in charge of preparing and supervising electoral operations in Tunisia.¹ It is composed of 16 members who were appointed on May 18 by the High Authority for the

¹ Article 4, Decree-Law 27 adopted on April 18, 2011

Realization of the Goals of the Revolution, Political Reform and Democratic Transition.² Members are drawn from the judiciary, academia, civil society, and also include a notary, bailiff, accountant, IT expert and a journalist.

The ISIE structure includes 33 regional branches (IRIE) covering 27 election districts in Tunisia and 6 expatriate districts.³ IRIEs in Tunisia are composed of 14 members, while those abroad have a minimum of eight and up to 14 members.⁴ A Technical, Administrative and Financial Body (OTAF) assists ISIE,⁵ but is not yet fully staffed and does not yet have an Executive Director.

The Carter Center noted the dedication of the election management body in carrying out its responsibilities. However, the Center underlines the importance of the ISIE taking action to ensure that OTAF is adequately staffed so as to strengthen its capacity to prepare for and administer electoral operations and better coordinate between the national and regional offices.

IRIE members in the electoral districts of Tunisia were appointed just a few days before the start of the voter registration period, allowing little time for in-depth staff induction training. IRIE staff faced the challenge of setting up their structures while simultaneously supervising registration operations. Notwithstanding the lack of sufficient training, Carter Center observers appreciated the dedication of IRIE members in carrying out their duties and responsibilities.

The central election authority has progressively strengthened its relationship with its regional branches. However, there is still room for improving cooperation and communication. The ISIE has recently responded positively to a request for meetings by several IRIEs and convened all IRIE presidents and secretary-generals to debate the lessons learned and challenges encountered by IRIE staff during the registration exercise and to prepare for the next phase of the electoral process. The Center supports the ISIE's stated intention to hold similar meetings in preparation of the upcoming phases of the electoral process.

The Center noted that both ISIE and IRIE members are predominantly male. Among female members, only a nominal number hold senior-level president or vice-president positions within the election management body. This notable lack of representation contrasts with the high rate of educated and professionally active women in Tunisia.

To further strengthen transparency, the Carter Center encourages the electoral authorities to pursue regular consultations with all relevant stakeholders and make all official documents widely accessible, particularly by posting on the ISIE website.

² Decree 546 adopted on May 10, 2011

³ Article 22, ISIE Internal Rules of Procedures

⁴ Article 24, ISIE Internal Rules of Procedures

⁵ Article 27, ISIE Internal Rules of Procedures

Voter registration

obtained, upon request, a copy of the manual on registration procedures produced by the ISIE.

In advance of the launch of the registration operation, a pilot test th

database and the one appearing on the card, and discharged military and security personnel who were still recorded as on active duty.¹⁰

While there were minor differences among registration centers in procedures for handling refusals – some required voters to fill out manual registration forms, for example, or issued special forms for military personnel – observers reported that registration staff accurately oriented registrants to the appropriate IRIE, and, in case of expired ID cards, to the police for renewal.

According to the ISIE, a total of 21,860 cases were filed at the IRIE level as of the close of the registration process. As of Aug. 24, only some 5,000 were processed. At least some 16,000 cases have therefore not been included on the provisional voter list. The Center was informed that registrants whose cases are processed are informed of the outcome only verbally and do not receive formal written notification.

In response to the initial low turnout – roughly 16 percent of eligible voters had confirmed their registration details as of July 30 – the ISIE extended the registration period through Aug. 14. The number of registration centers was also increased, including dedicated centers to accommodate Tunisian citizens residing abroad who were visiting Tunisia during the registration period. In addition, mobile teams were introduced to facilitate registration in remote rural areas. Observers reported that IRIEs were prompt in realizing that mobile registration centers are most effective when citizens are informed in advance about the venues of the teams. To this effect, IRIEs increased public outreach through methods including equipping vehicles with loudspeakers and airing public service advertisements on local radio stations to announce the locations of the teams. Some IRIEs also deployed mobile teams adjusting to people's daily habits and needs, including in hospitals, workplaces, in seaside resorts, weekly markets and coffee shops post-Iftar during Ramadan. The Center commends efforts by election authorities to reach out to the largest number of citizens.

Exhibition and challenges on the provisional voters list

The exhibition of the provisional voters list provided an opportunity for the public to inspect information contained on the list and challenge irregularities such as the omission of eligible voters or the inclusion of ineligible voters, and to correct mistakes on the list.

Article 7 of Decree-Law 35 provides that the provisional voters' lists are delivered to IRIEs, municipalities (*Baladiya*), districts (*Mu'tamadiya*), sectors (*Imada*) and Tunisian Mu'tamadiya

provisions reflect Tunisia's obligation to fulfil the right to access to information,¹¹ which entails, among others, the right to check the electoral list.

At a press conference on Aug. 16, the ISIE announced that the period for exhibition and challenges on the provisional list would run from Aug. 20-26 in line with the anticipated electoral timetable. It was also announced that the voters list would be available online, and that an SMS service would be put in place for confirming one's presence on the voters list and location of polling stations.

The low turnout in the initial phase of the voter registration was even more discernable during the exhibition and challenges period when few voters inspected the provisional voters list. In light of this, the Carter Center encourages the ISIE to launch timely voter information campaigns and to provide specific messages tailored to each phase of the electoral process.

Carter Center observers reported that the provisional voters lists were printed in book format and in two separate volumes: one showing prospective voters who actively registered, the other showing prospective voters who were automatically included on the registry from the identity cards database. Prospective voters have been listed in Arabic alphabetic order, without reference to allocated polling stations, noting their names, father's name, and grandfather's name.

In a significant number of cases, only the lists with actively registered voters were available on Aug. 20, the first day of the exhibition period, while the lists including automatically registered voters were delivered with one or two days of delay. Some elections officials pointed out that they were still unable to make the lists available for scrutiny in a limited number of Imadas burnt during the revolution or that are not unaccepted by the population due to association with the old regime.

It is noteworthy that exhibition venues were officially open the same hours as the Baladiyas, from 8:30 AM to 2:30 PM only and often closed on Sunday, thus leaving little time to the public to inspect the list. Observers underlined that citizens' turnout at exhibition venues was extremely low, in most cases less than five to 10 persons a day.

Instead of posting the provisional voters' lists on its website as required by Decree-Law 35, the ISIE offered a search engine to check one's presence on the lists. This tool was made available on the website on Aug. 25, but was still not functioning on Aug. 26. The Center considers that the posting of the provisional voters' lists would have strengthened transparency, especially by allowing political parties access to the full list, and encourages the ISIE to consider doing so.¹² The SMS service, a commendable and user-friendly initiative by ISIE, became effective mid-way through the exhibition and challenges period.

¹¹ International Covenant on Civil and Political Rights, art. 19(2)

¹² In line with best practices, political parties in particular should have an opportunity to access the voter list. See OSCE, Existing Commitments for Democratic Elections in OSCE Participating States, p. 61 and

According to the electoral law, disputes related to the provisional list shall be submitted to the IRIEs within seven days by means of a registered letter with acknowledgement of receipt.¹³ The IRIE has then eight days to decide on the matter¹⁴ and shall provide the

Observers reported that citizens had varying and limited understandings of the process, including on the necessity to register to be able to vote.

ISIE officials contributed to this situation by giving confusing statements as to the purpose and necessity of the registration. Hence, registering was presented as a proof of “citizen act” that would “facilitate voting,” but without explaining the importance to make sure that everyone is aware of the location where he/she is supposed to cast the vote. The ISIE announcement about automatic registration for any identity card holder, regardless of their active participation to the process, precisely when the process was extended with the intent to achieve a higher registration rate, added to the confusion in public opinion.²⁰ Strikingly, public outreach by the ISIE to mobilize citizens to check the provisional voters’ list during the exhibition and challenges period has been barely visible.

The Center recommends intensified public outreach by the ISIE and other relevant bodies to assist Tunisians in the electoral process. A targeted and effective voter information campaign should address key issues including voter eligibility, documents required to cast a ballot, and how, when and where to vote on polling day. A complementary education campaign could provide the public with a foundation to understand important information regarding the election, such as the closed list proportional representation electoral system and the mandate of the Constituent Assembly. Both would serve to alleviate potential confusion, and increase public confidence and the integrity of the electoral process.

Civil Society and Political Parties

A limited number of civil society organizations (CSOs) conducted voter education to encourage eligible voters to register. These efforts were commendable, particularly in light of limited official communication between the ISIE and national CSOs. Observers recounted that political parties only became visible in the final stages of the process, when a small number of parties started distributing leaflets, posting signs or organizing public meetings encouraging voter registration.

The Center welcomes recent efforts by the ISIE to meet with political parties and civil society representatives, in a view to share information regarding the status and challenges of the electoral process. This is a good practice to insure that all electoral activities are conducted in a wholly transparent manner,²¹ including through consultations on a regular basis with interested parties.²² The picture at local level appeared more contrasted, with some IRIE staff willing to organize information-sharing meetings with political parties and CSOs, and at times even complaining about limited interest shown by these

²⁰ “Jendoubi: le vote est ouvert aux Tunisiens détenteurs d’une carte d’identité et non seulement aux inscrits”, Tunis Afrique Presse (TAP), 4 août 2011

²¹

stakeholders, while other IRIEs seemed resistant to the idea of holding briefings with political parties for fear of losing independence.

Specific categories of voters

The Center acknowledges endeavors by the election authorities to accommodate specific categories of eligible voters such as illiterate and disabled persons. In addition, the ISIE has been responsive to concerns expressed by CSOs with regard to the original Article 61 of the Election Decree-Law, allowing illiterate voters or voters clearly suffering from a disability to be assisted by a voter of their choice. To avoid possible vote buying or influence, ISIE initiated an amendment of this provision. However, the revised Article 61 has been phrased in very general terms; the ISIE should issue regulations to provide further details so that the law meets the intended objectives.

Regarding prisoners, the law provides that only those persons sentenced to more than six months of imprisonment for committing honour-related felonies or misdemeanours and who have not yet regained their civil and political rights²³ are deprived from their right to vote. However, the fact that no registration was conducted in prisons may lead to the effective disenfranchisement of all prisoners. The Center urges the ISIE to make all possible efforts to accommodate all voters, including detainees in accordance with Tunisia's obligations to guarantee universal suffrage and the right to vote.²⁴

Observer Accreditation

The Carter Center appreciates the ISIE's cooperative approach toward international observers and the timely provision of accreditation to the Center's observers, ensuring no delay in observer deployment. Meanwhile, networks of domestic observer groups have started to organize and plan training for observers, some in cooperation with international NGOs. The Center encourages the ISIE to extend similar support in accreditation to other national and international organizations, in line with best practices regarding transparency in the election management process, including through the presence of duly accredited observers.²⁵ Nonpartisan domestic observation is a meaningful exercise and provides an important avenue to enable Tunisian citizens to participate in the electoral process.

Recommendations

Based on its preliminary observations, The Carter Center offers the following recommendations:

To the Electoral Management Body (ISIE):

²³ Article 5, para.1, Decree-Law 35

²⁴ UN Human Rights Committee, General Comment no. 25, indicates that persons who are deprived of liberty but have not been convicted should

- Establish appropriate mechanisms to ensure that all voters are able to find the location of their polling stations;
- Launch a targeted voter information campaign to educate voters on polling day procedures, the electoral complaints process and other issues central to the conduct of the elections. Share information and public outreach materials proactively, and continue to hold regular consultations with political parties, CSOs and media outlets, at national and local levels;
- Ensure that the OTAF, the Technical, Administrative and Financial Body is adequately staffed, so as to strengthen th

interest and support for the country's democratic transition. The elections will be assessed against the Tunisian legal framework, as well as Tunisia's international obligations.

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 at the United Nations in 2005 and has been endorsed by 35 election observation groups. The Center will release periodic public statements available on its website: www.cartercenter.org.