



**TUNISIA INTERNATIONAL
ELECTION OBSERVATION
MISSION FINAL REPORT**



This report is offered by the joint International Election Observation Mission (IEOM) of the National Democratic Institute (NDI) and the International Republican Institute (IRI) to Tunisia's 2019 national elections. This report is made possible with the generous support of the American people through the United States Agency for International Development (USAID) under Award No. AID-OAA-A-16-00074. The opinions expressed herein are those of the authors and do not necessarily reflect the views of USAID or the United States Government.



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Cover Image Description: A Tunisian voter casts his vote during the presidential elections

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EXECUTIVE SUMMARY

Over a period of four weeks, from September 15 to October 13, 2019, millions of Tunisians went to the polls to elect the country's second president since the 2011 revolution, as well as a new class of parliamentarians. Both the presidential and legislative elections were highly competitive, a signal of democratic progress that further distanced Tunisia from its North African neighbors and from its one-party past. Millions of citizens tuned in to watch the country's first live presidential debates, as well as a series of debates among candidates for parliament. Thousands of civil society activists mobilized to raise awareness of the vote, to monitor various aspects of the election process — including the voter and candidate registration periods, campaigns and their financing and media coverage — and to observe voting and counting on each Election Day.

The election results shook Tunisia's political establishment. At the parliamentary level, several prominent political parties lost seats and new players emerged. Tunisia's new president, constitutional lawyer Kaïs Saïed, led an unconventional campaign, presenting himself as a nonpartisan outsider who would usher in a period of integrity and accountability to the people. To win, he bested current and former prime ministers and candidates supported by the country's main political factions. The runner-up in the presidential election, Nabil Karoui, was also a political outsider.

Nevertheless, Saïed's win is not without blemish. One-time front-runner Nabil Karoui was jailed on charges of money laundering and tax evasion in the days leading up to the official start of the campaign. Karoui's detention and his eventual release just four days before the run-off presidential election raised serious questions about the fairness of Tunisia's elections. However, Saïed's margin of victory suggests he likely would have prevailed even without the political maneuverings, and Karoui himself did not contest the results. This episode underscored that Tunisia's electoral process remains vulnerable to political manipulation that can, over time, erode citizen confidence in the integrity of elections.

In order to demonstrate the international community's commitment to supporting Tunisia's continued democratic transition, the National Democratic Institute (NDI) and the International Republican Institute (IRI) jointly organized an international mission to observe the 2019 presidential and legislative elections. With accreditation from the Independent High Authority for Elections (ISIE), the observation mission fielded a pre-election assessment mission in July 2019, deployed long-term observers and analysts through the fall, and organized Election Day delegations for all three election days: presidential (September 15), legislative (October 6) and run-off presidential (October 13). The objectives of the

mission were to assess Tunisia's compliance with international standards and commitments, to contribute to the overall transparency of the election process and to offer recommendations to strengthen the integrity of Tunisia's elections.

Taken together, the mission observed a series of elections that were well-administered overall from a technical standpoint. The ISIE and Independent Regional Election Authorities (IRIEs) oversaw calm and orderly voting, the results were counted without significant contestation and were confirmed by independent civil society observers, and those appeals that were filed were generally handled efficiently. Other authorities involved in elections – in particular, the High Independent Authority for Audiovisual Communication (HAICA), the Court of Accounts (COA) and the Administrative Tribunal – all contributed to the overall positive conduct of the 2019 electoral cycle.

These achievements of electoral procedure would be significant under normal circumstances, but are particularly remarkable given the tight timeframes that election officials faced during this election cycle. Specifically, the death of former President Beji Caid Essebsi in July 2019 set in motion a constitutionally-mandated process to select his successor. This required the acceleration and compression of the electoral calendar, including by reordering the presidential and legislative contests. For the most part, the people with whom the international mission met voiced pride in the handling of these extraordinary circumstances. The fact that the process was smooth, swift and accepted by the major political factions and the public at large exemplifies the country's shared commitment to a democratic transition.

However, various shortcomings of the electoral process underscore the need for Tunisian authorities to strengthen the institutions that undergird electoral integrity. First and foremost, Tunisian authorities, including the elected Assembly of People's Representatives (ARP), should create a Constitutional Court as mandated by the 2014 Constitution. Tunisia needs a court that can independently adjudicate the kind of political disputes that could so easily have derailed this process. Further, of the five independent bodies prescribed by Tunisia's constitution, only the election commission has been fully established. Tunisia's elected representatives should adopt the relevant laws and appoint members to ensure that the other bodies – including the Audiovisual Communication Authority (ICA), which is involved in the election process – are fully operational.

The authorities charged with overseeing elections also need deeper and sustained investment by the parliament. The ISIE admitted to lacking sufficient human and administrative resources and faced various challenges due to the changes in board membership and leadership, discrepancies between the official and existing organizational structure, overlapping functions of Council members and executive officials and numerous vacancies in its Secretariat's management, including in the training and legal departments. These challenges limited the ISIE's ability to develop a cohesive communications strategy and allowed for contradictory statements by board members, leaving stakeholders and the broader public struggling to

obtain accurate, comprehensive and timely information about elections and the ISIE's work. Further, time pressures and staffing shortages prevented the ISIE from conducting the same robust voter education and mobilization efforts that were seen during the voter registration period, when an impressive 1.45 million new voters were added to the voter list. Further efforts are needed to increase the ISIE's capacities and resources, improve internal and external communication, fill vacant positions and clarify roles and responsibilities among ISIE representatives.

More effective coordination and communication between authorities involved in elections is also necessary. The election process would benefit, for example, from stronger cooperation between the ISIE and the HAICA in the timely adoption and announcement of media regulations and an ongoing exchange of media monitoring findings. For its part, the COA proactively informed the public and the electoral contestants of their legal obligations related to campaign financing. However, the campaign finance framework, particularly the reporting and review timelines, should be reviewed and the COA's capacities should be enhanced in order to allow for a quick and uniform scrutiny of all contestants' accounts. Finally, the appeals process – which rests on decisions taken by both the ISIE and the Administrative Court – would benefit from greater regulation, clarity and transparency so that voters and contestants better understand the rules and how they will be applied during future elections.

Tunisia's legal framework is generally in line with international standards and allows for the conduct of democratic elections. Nevertheless, some challenges remain and should be addressed in a timely manner through an open, consultative and inclusive process, taking into account various stakeholders' views and assessments of the 2019 elections. The mission urges, in particular, that a review of Tunisia's electoral framework include the following components: clarification and simplification of campaign regulations; adoption of measures to enfranchise more voters; and the adjustment of seat distribution for legislative elections to ensure equality of the vote and exploration of gender-equality measures. The mission also notes that the campaign financing provisions and limits outlined in the electoral law incentivize parties to campaign outside of official campaign periods and should be revisited. Finally, whatever changes may be made to the electoral law, an equal focus should be placed on implementation to address the view held by many that Tunisia's electoral law – particularly as it pertains to campaign infractions and use of media – is not consistently enforced.

Overall, voter turnout declined in comparison to the 2014 elections. This was most pronounced for the legislative elections, where the rate fell by 26 percentage points. More Tunisians voted in the run-off presidential election than in either of the earlier contests, which may point to citizens' historical understanding of the importance of the position. It may also have been a function of the enthusiasm many Tunisians felt for an outsider candidate such as Saied. Whatever the reason, voter turnout suggests that political parties and elected representatives need to respond to a body of voters who are frustrated with perceived corruption, as well as

disillusioned with the existing political order and established political parties, yet eager to see elected authorities take steps that will improve their daily lives. Addressing these concerns will be a significant challenge for the fragmented parliament, which must adopt serious reforms in order to do so.

While the organization of the Tunisian legislative and presidential elections marks an important step in the consolidation of Tunisia's democratic transition, further actions must be taken to safeguard future elections, strengthen democratic institutions and build public confidence in the process. Following this election cycle, IRI and NDI will continue their work in Tunisia and remain committed to working with a wide range of stakeholders to support Tunisia's democratic development.



Members of the joint international election observation mission for the run-off presidential election.

MISSION OVERVIEW

NDI and IRI's joint international election observation mission (IEOM) in Tunisia sought to impartially observe the electoral process — including the prevailing political environment, the electoral campaigns, the casting and counting of ballots on Election Day and the post-election period — and to demonstrate the commitment of the international community in the development of a democratic political process in Tunisia. The objective of the mission was to assess Tunisia's compliance with international standards and commitments, and to make recommendations to strengthen Tunisia's electoral process. The mission consisted of the deployment of a pre-election assessment mission, long-term observers and analysts across the country for the duration of the electoral process and delegations to observe preparations for and voting on each of the three election days.

NDI and IRI's observation mission was invited by and received official accreditation from the ISIE. The mission was conducted in accordance with Tunisian law and the *Declaration of Principles for International Election Observation and Code of Conduct* for International Election Observers, which establishes the basis for credible international election observation and was formulated and signed by 55 intergovernmental and international organizations including the United Nations.¹ NDI and IRI are grateful for the welcome and cooperation received from voters, election officials, candidates, political party leaders and members, government officials and representatives of media and civil society. The NDI and IRI mission also cooperated with other international observer missions and Tunisian nonpartisan citizen observation groups.

NDI and IRI initiated their mission with a pre-election assessment mission to Tunis from July 30 to

¹ *Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers*. National Democratic Institute, 27 Oct. 2005, www.ndi.org/DoP.



The mission welcomes short-term observers to Tunisia for the September 15 presidential election.

August 2, 2019. The mission, which benefited from the Institutes' long-term presence in Tunisia, included technical and election experts from the United States and Canada: Paul Vinovich, board member of the Office of Congressional Ethics (United States); Ellen Weintraub, chair of the U.S. Federal Election Commission (United States); and Elizabeth Weir, former parliamentarian, Legislative Assembly of New Brunswick (Canada). Through this assessment, the mission observed how the accelerated timeframe for the presidential elections placed significant pressure on the ISIE, political competitors, civil society organizations, voters and others involved in the electoral process. Additionally, uncertainty about the legal framework suggested that the readiness of election stakeholders may be negatively affected. In light of these observations, the mission put forth several recommendations for the ISIE, political parties and civil society, including enhancing mechanisms for communication and collaboration to further increase citizen confidence in the elections.²

NDI and IRI began the long-term component of the joint international election observation mission with the arrival

of the mission director, four long-term analysts (LTAs) and eight long-term observers (LTOs) and the LTA/LTO coordinator in mid-August. The four LTAs were media, gender and inclusion, political and legal analysts. The eight LTOs observed the overall political environment, including the pre-campaign period, campaign period, Election Day and results for the presidential, legislative and run-off presidential election. The LTOs were deployed in pairs to four governorates outside of Tunis (Bizerte, Sfax, Kairouan and Tozeur). All analysts and observers met regularly with relevant stakeholders (including local government officials, election officials, political parties, candidates and campaigners, civil society organizations (CSOs), citizen election observers and media representatives), observed election-related events and reported their findings and observations to the mission.

For each of the three elections, NDI and IRI deployed short-term election observers to visit polling centers across the country to observe Election Day processes, including voting and ballot counting. These observer delegations consisted of political leaders, diplomats, former



Mission short-term observers for the legislative elections prepare to observe closing and counting at a polling center in Tunis 1.

² National Democratic Institute and International Republican Institute. "Statement of the IRI-NDI Pre-election Assessment Mission to Tunisia's 2019 Presidential and Legislative Elections." *International Republican Institute*, 2019, www.iri.org/sites/default/files/final_tunisia_report.pdf.

elected and government officials and regional and electoral experts from around the world. The size, composition and coverage of each Election Day delegation was as follows:

- **September 15 Presidential Election:** Forty observers representing 14 countries who on Election Day visited polling stations in 25 of 27 in-country districts. The mission was led by Margaret Curran, former member of Parliament (MP) for the Scottish Labour Party; Daniel Twining, IRI president; and Leslie Campbell, NDI Middle East and North Africa director.
- **October 6 Legislative Elections:** Thirty-four observers representing 15 countries who on Election Day visited polling stations in 25 of 27 in-country districts. The mission was led by Andrew Natsios, former administrator of the U.S. Agency for International Development and professor at the Bush School of Government and Public Service at Texas A&M University, and Anna Lührmann, former member of the German parliament and deputy director of the Varieties of Democracy (V-Dem) Institute.
- **October 13 Run-Off Presidential Election:** Twenty-three observers representing 10 countries who on Election Day visited polling stations in 19 of 27 in-country districts. The mission was led by Maureen White, a member of the NDI Board of Directors; Scott Mastic, vice president for programs at IRI; and Leslie Campbell, NDI Middle East and North Africa director.

Each Election Day delegation issued preliminary statements that included findings from Election Day, as well as observations from the pre-election and campaign periods. The mission presented these statements at press conferences held

the day after each election in Tunis attended by Tunisian and international media and civil society activists. They were also disseminated in hard copy to press conference attendees and through NDI's and IRI's websites.³

NDI and IRI's 2019 joint mission to Tunisia built on each Institute's experience over the past 30 years observing more than 400 elections collectively worldwide, including in Tunisia, where IRI and NDI observed the 2011 National Constituent Assembly elections and the 2014 presidential and legislative elections. IRI and NDI have been working to support Tunisia's democratic transition since 2011. IRI helps political parties develop issue-based platforms, works with civil society to educate voters on elections and their civic responsibilities and conducts public opinion research to inform elected officials of citizens' priorities. As such, IRI has closely followed Tunisian electoral and political developments and has developed relationships with a wide range of election stakeholders. NDI works with Tunisian CSOs to recruit, train and deploy thousands of citizen observers; collect and analyze their findings; and communicate their conclusions to citizens and elected representatives. NDI has also worked with members of parliament and staff of the ARP since its inception in 2014 to provide tailored, responsive, technical assistance to support members of parliament (MPs) and parliamentary staff as they advance policy debates and legislation based on constituent engagement. The long-term goal of NDI's work in Tunisia is to foster a competitive multiparty system, where citizens are offered a meaningful choice between political parties with contrasting policy proposals. For more information on NDI's and IRI's work in Tunisia, please refer to NDI's and IRI's websites.⁴

³ The pre-election and Election Day statements can be found on NDI's and IRI's websites. On NDI's website, for pre-election, see www.ndi.org/sites/default/files/PEAM%20Statement%20Draft%20%28Clean%29_3.1.pdf; for presidential, see www.ndi.org/sites/default/files/IRI%20NDI%20EOM%20Tunisia%20Presidential%202019%20PS%20FINAL.pdf; for legislative, see www.ndi.org/sites/default/files/FINAL%20IRI%20NDI%20EOM%20Tunisia%20Parliamentary%202019%20PS%20.pdf, and for presidential run-off, see www.ndi.org/sites/default/files/FINAL%20IRI%20NDI%20EOM%20TNS19%20Presidential%20Runoff%20PS%20.pdf. On IRI's website, for pre-election, see www.iri.org/sites/default/files/final_tunisia_report.pdf; for presidential, see www.iri.org/sites/default/files/tunisia_eom_statement_2019.pdf; for legislative, see www.iri.org/sites/default/files/preliminary_statement_final.pdf; and for presidential run-off, see www.iri.org/sites/default/files/fields/field_files_attached/resource/final_iri_ndi_eom_tunisia_19_presidential_runoff.pdf.

⁴ For NDI's Tunisia work, see "Tunisia." National Democratic Institute. For IRI's Tunisia work, see "Tunisia." *International Republican Institute*, www.iri.org/country/tunisia.



Candidate posters on display during the presidential election.

POLITICAL CONTEXT

The 2019 elections reshaped the political landscape that has characterized Tunisia since the 2011 revolution. The elections marked the first time that citizens had the opportunity to hold national legislators accountable for how they fulfilled their mandate to tackle a wide variety of social and economic challenges. The governing coalition that had formed in 2014 between Ennahdha, the moderate Islamist party, and President Essebsi's secular Nidaa Tounes, weakened over time as political parties fractured and the governing model of consensus failed to deliver economic improvements. Tunisians entered the 2019 electoral period prepared to rebuke Tunisia's political leaders for their inability to address growing frustration over political corruption, lack of economic opportunity, poor

education outcomes and regional disparities. In response, newcomers and independents stepped onto the political scene in large numbers, prepared to open a new chapter in Tunisian politics.

This sentiment marked a stark departure from the optimism and politics of consensus that characterized the period between the 2011 revolution and the 2014 elections, when a dynamic political party landscape emerged in Tunisia. Tunisia had only known two presidents between its independence from France in 1956 and the 2011 revolution, both of whom presided over highly centralized presidential systems with no tolerance for political opposition. In October 2011, after a citizen-led movement toppled Tunisia's authoritarian regime, citizens voted in the first free elections

in the country's history and elected a National Constituent Assembly (NCA). The outcome of these elections bolstered public confidence in the transition process, which was led by a governing coalition headed by Ennahdha and overseen by opposition groups.

Over the next three years, the country transformed from a de-facto one-party system to a competitive political system with over 200 registered political parties. In 2014, Tunisia adopted a new constitution, replaced the incumbent government with a technocratic cabinet, and administered a credible electoral process that led to Tunisia's first peaceful transition of power since the revolution. Beji Caid Essebsi, former prime minister and leader of Nidaa Tounes, the secular opposition coalition, was elected president, a position whose scope of power had been significantly reduced by the new constitution. The constitution gave the new legislature increased powers to nominate the head of government, establish a body of laws and address economic and security matters such as unemployment and terrorism.

Despite their rivalry in the 2014 campaign, Ennahdha and Nidaa Tounes agreed to share power after the elections in an arrangement referred to as consensus politics. This coalition government included four parties and had support from 80 percent of legislators. In July 2016, President Essebsi and Nidaa Tounes initiated the Carthage Agreement to expand the coalition and bring in five opposition parties to form a new national unity government. This agreement sought to incorporate more political parties into formal roles helping the country achieve its social, economic and security goals under the new leadership of Prime Minister Youssef Chahed. While the consensus model carried Tunisia through the pre-2014 transition period, it did not succeed in putting an end to political polarization,

passing much-needed legislative reforms or establishing constitutionally mandated bodies such as the Constitutional Court. Bringing together a large number of parties with vastly different views on political and social issues ultimately led to a high degree of fragmentation, stagnating many key policy reforms.

As a result, Tunisians grew increasingly disillusioned with parliament, political parties and government institutions. According to NDI and IRI public opinion research in 2019, respondents feel that the pace of reforms and economic recovery are too slow and that politicians do not work in the interests of the citizens they represent. The 2018 municipal elections, where independents won a higher proportion of seats nationwide than any political party, demonstrated that many Tunisians were eager for new faces in politics who would champion citizen priorities and generate change.

While the political landscape shifted, citizen frustration over the state of the economy continued to grow. Citizens grew increasingly disillusioned by the lack of improvements on issues that affect their daily lives, in particular, the economic challenges of rising inflation and high unemployment. This sentiment was especially pronounced among youth and in the country's underdeveloped interior regions. While Ennahdha remained the largest and most well-organized party, it faced increased criticism from citizens who held the party accountable for the lack of progress on economic, social and security issues. The disconnect between citizens' economic priorities and the infighting and corruption within the political establishment ultimately soured many citizens on the idea of consensus politics.



A candidate for Tunisia's Ennahda party speaks at a political rally prior to the 2019 parliamentary elections.

FINDINGS & OBSERVATIONS

Legal Framework

Tunisia's electoral framework is generally sound and adequate for the organization of presidential and legislative elections. It mostly incorporates applicable international obligations into national law, takes steps to give effect to and protect electoral rights, guarantees periodic elections, and prohibits discrimination based on gender.⁵ However, as this and previous IRI and NDI reports detail, some shortcomings in the legal framework and its implementation remain, and they should be swiftly addressed through an inclusive and transparent process well ahead of the next election.

One such shortcoming is the outstanding harmonization of the legal framework with the 2014 constitution, as well as a continuing need to form key independent institutions. Tunisia's 2014 constitution mandated the creation of a constitutional court within one year. The ARP, the President of the Republic and the High Judicial Council are each responsible for selecting four of the 12 judges. At the time of the presidential election, the ARP had managed to agree on only one judge. Absent a constitutional court, Tunisia has established a provisional body that can review the constitutionality of draft laws, but its powers are limited. Furthermore, of the five independent

⁵ Tunisia has signed and ratified a number of international and regional treaties whose provisions are relevant for elections, including the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of Persons With Disabilities (CRPD), the African Charter on Human and Peoples' Rights (ACHPR) and the Pact of the League of Arab States. Tunisia is also a full member of the Council of Europe Venice Commission.



Ennahdha campaign in Sidi Hassine in advance of the legislative elections.

of constituencies and allocation of seats in the NCA, which would later be applied to the ARP, and a 2014 decree on campaign spending limits and ceilings of private and public financing for presidential and legislative elections. Several ISIE decisions have impacted the Tunisian electoral legal framework, including the establishment of ISIE internal rules, the creation and responsibilities of the regional electoral authorities, voter registration, candidate registration and electoral campaign rules and procedures.

institutions envisaged in the constitution, only the ISIE has been fully established. The ARP has not yet adopted the relevant law on the ICA, leaving the HAICA, with limited sanctioning powers and whose members' mandate expired in May 2019, to oversee the work of all audiovisual media. The failure of parliament to enact and amend laws and take other measures that would ensure full implementation of the 2014 constitution not only stalls the development of a new political system, but also may over time erode public trust in its role.

The mission urges that the Tunisian parliament ensures full compliance of national legislation with international standards and commitments and takes all appropriate measures to quickly establish all constitutionally-mandated institutions.

The legal framework is based on Tunisia's 2014 constitution, the 2014 election law, and a 2012 law that established the ISIE.⁶ It is complemented by decrees, including a 2011 decree on the delimitation

There have been several legal changes since the 2014 elections, including the 2017 electoral law amendment regarding municipal campaign funding reimbursements, the August 2019 amendment to the electoral calendar, and the June 2019 proposed electoral law amendment that President Essebsi did not ultimately sign into law.

In line with Tunisia's constitution, the death of President Essebsi initiated a 90-day timeline during which a new president must be elected and sworn in. This required abbreviating the presidential electoral calendar and holding the presidential election ahead of the legislative elections. On August 30, 2019, the ARP amended the electoral law to shorten the deadlines of the complaints and appeals process to fit the new timeline, reducing the time allotted for this process from 29 to 15 days. These new changes put significant pressure on the courts, the ISIE and candidates' legal teams. Even with these changes, the amended calendar did not guarantee that the new president would be sworn in within the 90-day limit.⁷

⁶ Tunisia's electoral law (Organic Law n° 2014-16 of May 26, 2014) was amended by law 2017-7 on February 14, 2017 and by law n° 2019-76 of August 30, 2019. The law establishing the ISIE (Organic Law n° 2012-23 of December 20, 2012) was amended by law n° 2013-44 of November 1, 2013 and by law n° 2013-42 of December 28, 2013.

⁷ In the event that the maximum amount of time allotted for complaints and appeals was necessary, it was possible for the oath of office to occur after the October 23 deadline.

The mission urges that the contradictory timelines prescribed by the constitution and the electoral law be aligned.

The 2011 electoral law and related ISIE decrees established 33 electoral constituencies: 27 inside the country and six abroad. The constituencies inside Tunisia align with the 24 administrative governorates, with the governorates of Tunis, Sfax and Nabeul each subdivided into two electoral constituencies due to their larger populations. The current distribution of parliamentary seats across districts was determined on a provisional basis prior to the 2011 NCA elections and is based on a formula that takes into account each district's population. The law does not establish any criteria or timeline for reassessing the distribution. The distribution allows for significant differences in the number of voters across districts without clearly stated criteria for the discrepancies; therefore, the principle of vote equality is not fully ensured.

In September 2018, the ARP considered a bill to formalize into organic law the existing practice for distribution of legislative seats across districts, which dates to decree laws adopted in 2011. Full review of the 2018 bill was postponed in light of the upcoming 2019 legislative elections and in accordance with Article 106 of the electoral law, which prevents revision of electoral boundaries within one year of an election.

The mission recommends that the newly elected parliament reviews electoral boundary delimitation and seat distribution in a transparent manner open to public debate and consultation with a goal of setting clear criteria for seat allocation and ensuring equality of the vote.

Tunisia's short campaign periods and, in the case of legislative elections, low spending limits, restrain and prevent many activities that would be regarded as standard campaigning in other democratic systems, such as candidate media

appearances and voter outreach. These rules incentivize parties and candidates to conduct most of their campaigning outside of the campaign period, when spending limits, financial reporting requirements, and monitoring efforts do not apply.

The law also fails to clearly distinguish permissible versus prohibited campaign activities. Specifically, the law's distinctions between "political propaganda" and "political advertising" are neither well defined nor clearly separated. The electoral law allows candidates to utilize electoral "propaganda" in their campaigns while forbidding the use of "political advertising." Electoral "propaganda" includes activities such as public meetings, demonstrations, marches and rallies, and about which candidates must inform IRIEs at least 48 hours prior. Permitted electoral "propaganda" also includes the distribution of posters, leaflets, campaign programs and event announcements. The law forbids the conduct of campaigns at public administration buildings, schools, universities and places of worship. Political propaganda that contains incitement to hatred, violence, intolerance or discrimination is also prohibited by the electoral law.

The electoral law forbids campaigns from using "political advertising," which it defines as commercial marketing methods. A major exception to this are roadside billboards during the presidential election, which are permissible. During the past electoral cycle, the distinction between permitted and forbidden political campaign strategies created confusion for electoral contestants and other actors involved in the process.

Furthermore, many stakeholders expressed concern regarding the absence of a specific and timely complaint resolution process for violations of campaign finance regulations. Campaign oversight is also problematic; the lack of uniform and consistent application of rules on campaigning, campaign finance and uses of traditional media outlets and social media create perceptions of impunity and bring the rule of law into question.

Finally, the electoral law bans publishing the results of public opinion polls during the electoral period. This deprives the public of relevant information and can create room for circulation of fake or poorly conducted polls on social media.

The mission recommends that parliament reviews and reduces the ban on public opinion polling during electoral periods, and puts additional regulations in place to ensure that all public opinion polls are conducted with sound and transparent methodology, including informing the public who conducted and paid for the poll.

The mission also recommends that political contestants should comply with measures established to enforce the legal framework around elections. In particular, political parties should publicly demonstrate their commitment to transparency in Tunisian public life by abiding by campaign finance regulations and submitting all necessary documentation of campaign expenditures. Political contestants may also consider holding inclusive discussions to agree on a code of conduct for political contestants and candidates.

In light of these issues, the mission urges a thorough review of campaign regulations, particularly targeting the closure of loopholes, the clarification of key legal terms, and the loosening of restrictions where needed to promote more visible, engaging campaigns.

Additionally, Article 143 of Tunisia's electoral law allows the ISIE to cancel election results should violations of campaign or campaign-finance rules affect the election results in a substantial and decisive manner. This language is problematic in at least two ways. First, it does not outline

criteria for what constitutes substantial or decisive violations (how many voters must be affected, for instance), leaving these characterizations open to subjective interpretation and vulnerable to being overturned by the Administrative Court, which has jurisdiction over these decisions. Second, the law does not require the organization of new elections if election results have been cancelled. While serious violations of the campaign and campaign finance rules should be sanctioned, including with financial penalties, such sanctions should not overturn the will of the voters.

The mission urges that Article 143 is reviewed in order to ensure its objective application and its respect for the will of the voter.



Vote counting in Gafsa governorate during the legislative elections.

In June 2019, the ARP passed a controversial amendment to the electoral law that, if signed into law by President Essebsi, would have, among other things, established a three percent electoral threshold for representation in parliament and a set of exclusionary criteria for candidates that many believed were designed to prevent specific individuals from running. The amendment generated considerable controversy given the lack of parliamentary debate during its passage, the questionable constitutionality of several of its provisions and, most of all, the timing — just weeks before the opening of the candidate registration period. Although the amendment was left unsigned by the late President Essebsi, it was an ominous sign that Tunisia’s electoral framework could be amended at a future date without adequate public consultation and buy-in from all political tendencies. Further, the uncertainty created by its passage was a reminder that the fairness of an election is based on a sound legal framework.

The mission calls on Tunisian stakeholders to ensure the timely review of all electoral rules through open and inclusive processes.

Electoral System

PRESIDENTIAL ELECTION

Tunisia’s constitution stipulates that the president of the republic is elected by direct suffrage by an absolute majority of voters (more than 50 percent), for a five-year term and may hold office for two terms, whether successive or separate. In the event that no candidate obtains an absolute majority of votes, a second round must be held between the two candidates who received the highest number of votes within the two weeks following the announcement of the first-round results. The candidate who obtains the majority of the votes during the second-round wins the election.⁸

LEGISLATIVE ELECTIONS

The Tunisian parliament is composed of 217 members elected for a five-year term by direct suffrage. There are 33 constituencies, including 27 in Tunisia, electing 199 members, and six abroad, electing 18 members. The electoral law specifies that voting is held in one round and based on a closed-list proportional representation system utilizing the largest remainder method.

Voters vote for only one list of candidates in their respective constituency without deleting or rearranging the order of the candidates. Individual seats are awarded to lists in the same order in which candidates are listed. Seats are distributed in two steps: first, the electoral quotient is calculated by dividing the number of valid votes by the number of seats allocated for a constituency. A list gets a number of seats that is equal to the number of times it has obtained the electoral quotient. Blank ballots do not count when calculating the electoral quotient. Second, if there are remaining seats that are not distributed according to the electoral quotient, they are distributed to the lists with the largest remainder of the votes.

This electoral system allows for a greater number of small parties and independents to secure seats in the parliament, but has also led to a high degree of parliamentary fragmentation, in turn potentially contributing to the formation of ultimately unstable governments. It also has a tendency to produce a large number of candidate lists per district, and, as a result, a high percentage of votes are cast for lists who do not ultimately win seats, potentially undermining the representativeness of those elected. The ARP passed an amendment to Tunisia’s election law in 2019 that, had it been signed into law by President Essebsi, would have established an electoral threshold of three percent.

⁸ In the event of the death of one of the candidates during the first or second round, all candidates’ nominations are to be reopened and new dates for elections will be announced.

The mission recommends that this issue of electoral threshold, as well as the formula for allocating seats in order to reduce the number of “wasted” votes, should be included in any larger review of the election law.

Election Administration

Since 2011, the management of elections has been entrusted to the ISIE: a permanent and independent public institution with regulatory powers over guaranteeing democratic, free, pluralistic, fair and transparent elections and referenda. It is one of the five constitutionally mandated independent institutions responsible for the reinforcement of democracy and has the authority to enact additional regulations to ensure well-conducted elections. The ISIE’s primary responsibilities include keeping and permanently updating the voter register, establishing voter education and awareness programs, establishing the calendar for each electoral operation and executing it, training electoral officials and monitors, receiving and examining candidates’ applications, monitoring election campaigns and controlling campaign finance, compiling and announcing preliminary and final election results and accrediting observers.

The ISIE is composed of a decision-making body (the Council) and an executive branch (the Executive Secretariat). The Council is made up of nine members, including the president, elected by the parliament by a two-thirds majority for a nonrenewable six-year term. The electoral law and current practices do not yet agree with Article 6 of organic law n° 2018-47 governing the independent constitutional institutions (Article 6), which requires gender parity within the ISIE council. Currently, only one of the Council members is a woman, and many interlocutors felt that the ISIE further violated the parity provision in selecting a male vice president on February 7, 2019.

The mission recommends that the ISIE ensure the principle of gender parity within the ISIE Council.

While the ISIE has been able to establish a credible reputation among Tunisians through its effective organization of the 2011 and 2014 elections, the ISIE Council has been marred by controversy. Civil society, political actors and the media have expressed concerns that the parliament prioritized political considerations over merit in nominating council membership and leadership. Furthermore, within a one-year period from May 2017 to May 2018, four Council members (including two ISIE presidents) resigned from their positions, citing political pressures and internal dissension.

Under the leadership of President Nabil Baffoun, who was appointed in January 2019, the ISIE has improved its general communications, shown greater openness to civil society and overseen a largely successful voter registration and election process. Nevertheless, its structural weaknesses, including continued vacancies and lack of a communications strategy, remain unaddressed. Moreover, the internal dissension has broken into public view: the revocation of one Council member’s official spokesperson role in August 2019 complicated the ISIE’s public communications during a critical time. In November 2019, Baffoun filed a lawsuit against two ISIE Council members for defamation in statements made to the press that alleged misconduct within the ISIE, as well as interference in the voter registration process by an international organization that provided technical assistance to the ISIE.

The Executive Secretariat of the ISIE is composed of several departments responsible for fulfilling the responsibilities of the ISIE and ensuring the sound management of the ISIE’s administrative, financial and technical affairs. An executive director appointed by the ISIE Council heads the Secretariat.



Vote tabulation in Gafsa governorate during the run-off presidential election.

Throughout the electoral period, several key leadership positions, including the heads of training, human resources, IT and legal department, remained vacant. The work of the election administration was further complicated by the existence of an outdated official organizational structure that no longer corresponded to the division of roles and responsibilities. In addition, although the law envisages separate functions for the Council and the Secretariat, in practice this distinction has not always been respected. This has led to overlapping roles and responsibilities, a shortage of key personnel and unclear lines of accountability.

At the regional level, the ISIE is represented by regional branches that are created on a temporary basis in each of Tunisia's 27 regional legislative districts by IRIEs. The IRIEs play a key role in administering various stages of the electoral process, including: publishing and updating the voter register at the regional level, reviewing and approving the division of sites and areas for the election campaigns, monitoring and sanctioning violations relating to election campaigns, posting and reviewing lists of recruited poll workers, monitoring

of the voting and counting procedures, supervising the compilation of results, granting observers access to the tabulation of ballots and representing the ISIE Council before political parties and civil society organizations at the regional level.

An IRIE includes up to four members who are chosen by an absolute majority of the ISIE Council. The IRIEs' members who worked on the 2019 elections were appointed in June 2019 and started working in July. Most of the members had significant experience and stakeholders frequently spoke favorably of their dedication and professionalism. In the period between the first round of the presidential and legislative election days, election authorities efficiently retrained the polling officials and replaced those who failed to conduct their duties in a professional manner. Stakeholders also expressed confidence in other government institutions that have a stake in organizing and securing the polls, including the Ministry of Education, the army, and the police. The mission commends the IRIEs for the quality of their work and their dedication in ensuring the implementation of operations within such a tight electoral calendar.



Tunisians line up at a polling center to cast their vote.

Overall, the election authorities managed to successfully complete key aspects of the election process in a timely manner, including the voter and candidate registration, recruitment and training of poll workers, procurement and distribution of electoral materials and three rounds of voting and counting and announcement of results. They were supported in these efforts by technical assistance and expertise provided by the International Foundation for Electoral Systems (IFES) and the United Nations Development Program (UNDP).

Despite commendable achievements, the mission noted a collection of challenges that had a negative impact on the election process. Most importantly, transparency and consistent communication by the ISIE remained a concern, as well as lack of accurate, systematic, comprehensive and timely reports on various aspects of the electoral process. For example, the ISIE did not publish gender and age group disaggregated turnout during the election cycle. The publication of this data during the elections could have enabled parties and CSOs to contribute more effectively to the electoral process by strategically targeting voters in between the different election days. In addition, multiple stakeholders criticized the election administration for its inadequate detection and submission of campaign violations to the courts during each election, as well as its lack of preventative measures to reduce violations.

The lack of a communication plan and strategy, coupled with the revocation of the ISIE spokesperson's role on August 31, 2019, further highlighted the need to develop clear and precise mechanisms for conveying information to stakeholders in a consistent, timely and efficient manner. Several CSOs also expressed a desire for a more structured and regular consultation process with the ISIE, particularly in the period between the three election days, where civil society's initial findings and recommendations would have permitted the ISIE to make adjustments.

The mission recommends that the ISIE fill remaining vacancies, clarify roles and develop its consultation and communication plan, including for crisis communications and the mitigation of disinformation. This would enhance the transparency, professionalism and reliability of the ISIE's communication with stakeholders, and continue to strengthen confidence in the work of electoral authorities and the electoral process.

The mission also urges the parliament to dedicate sufficient resources to empower the ISIE to develop its long-term institutional capacity beyond meeting the core demands of the electoral cycle. Key aspects of the ISIE's institutional development that will require financial backing include establishing its organizational structure, managing and tracking human resources, improving internal and external communication, organizing and publicizing election-related information and statistics and contributing to ongoing public outreach and voter education initiatives.

Voter Registration

According to the electoral law, a voter must have Tunisian nationality, be at least 18 years old on Election Day, and be registered on the voter list with a valid residential address in order to vote. Members of the military and national security forces are not allowed to vote in the presidential or legislative elections, although they can vote in municipal elections.

The mission urges that the parliament review this restriction in order to take into account international standards for universal suffrage.⁹

Persons sentenced to a criminal penalty where a judge has expressly prohibited them from voting are also excluded from the voting process.

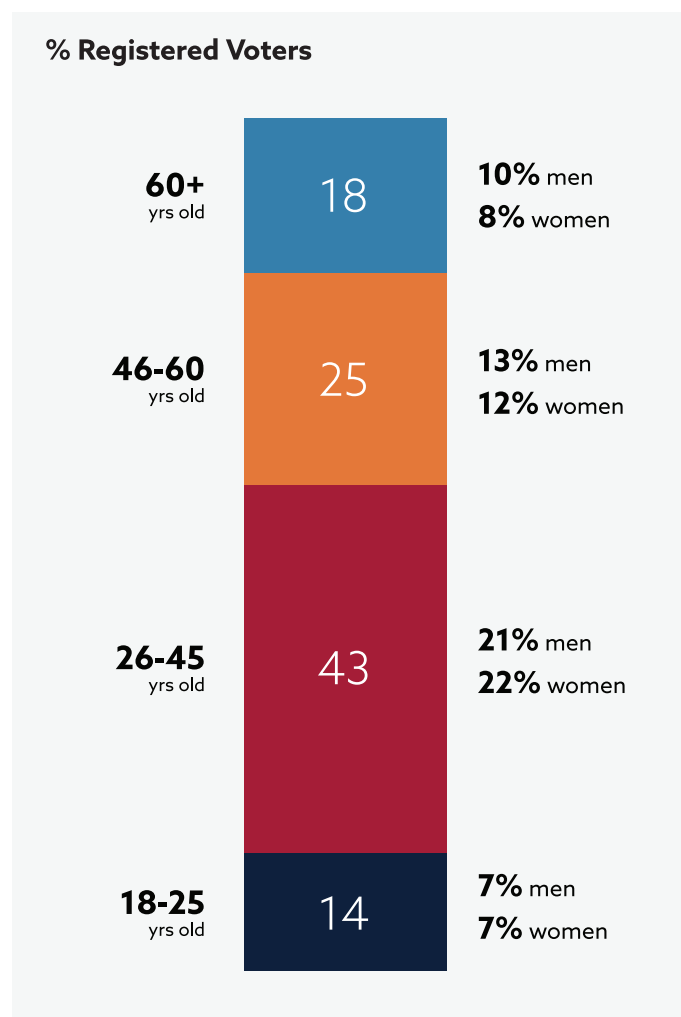
Every citizen must voluntarily register, either directly or by proxy (first-degree relative). Tunisians residing abroad and wishing to vote in the presidential election had the opportunity to apply for registration via a dedicated web platform. Although the ISIE initiated a continuous voter registration process in September 2018, the ISIE also fixed deadlines for citizens to register in order to be able to vote in the 2019 presidential and legislative elections. The voter registration drive for both elections began on April 10, closing June 15 for the legislative elections and July 4 for the presidential elections. Electoral authorities posted physical and online copies of preliminary voter lists for public review. Citizens had three days to review the lists and three days to submit requests for changes. The ISIE then posted final voter lists. Since the ISIE posted final voter lists, citizens have been able to register in municipality offices for future elections, but could not register or change their data for this election cycle.

The election authorities should consider extending the time provided for voter list review and enable voters to change their registration address closer to Election Day.

There are no special provisions enabling voting by individuals unable to reach their home polling station, including polling officials; party agents or observers deployed outside of their registration area; university students living away from home; home-bound voters; voters in pre-trial detention and in penitentiary institutions; and hospitalized citizens, which effectively disenfranchises a significant segment of the population.

The relevant election authorities should review the electoral law and consider alternate means of voting for individuals who are located outside of their registered constituency.

Figure 2: Demographics of Registered Voters



VOTER REGISTRATION FOR PRESIDENTIAL AND LEGISLATIVE ELECTIONS

During its voter registration campaign, the ISIE deployed mobile registration centers to target under-represented groups in the voter register, particularly women, young people, rural residents, students, seasonal workers and factory workers. In total, 1,455,898 new voters from across the country were added to the voter register, 54 percent of whom were women and two-thirds of whom

⁹ Article 25 of the International Covenant on Civil and Political Rights states: "Every citizen shall have the right and the opportunity ... to vote and be elected at genuine periodic elections." See UN General Assembly. International Covenant on Civil and Political Rights. *Office of the High Commissioner for Human Rights (UN Human Rights)*, 16 Dec. 1966, www.ohchr.org/en/professionalinterest/pages/ccpr.aspx. According to the UN Human Rights Committee's General Comment No. 25, paragraph 14, the grounds for denying suffrage rights to citizens have to be "objective and reasonable" and must be prescribed by law. See UN Human Rights Committee. General Comment No. 25: *The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service*. Refworld, UNHCR, 12 July 1996, CCPR/C/21/Rev.1/Add.7, www.refworld.org/docid/453883fc22.html.

were under the age of 35. The ISIE was widely commended for this effort, not only for the total number of citizens registered, but also for the attention to segments of the Tunisian population who were disproportionately under-registered. The ISIE published the preliminary lists on June 23, 24 and 25. Following the adjudication of disputes, the final lists were released on July 19.

According to the ISIE, the total number of registered voters eligible to vote in the presidential election was 7,074,575, including 6,688,512 registered in Tunisia and 386,063 registered abroad. Forty-nine percent were women and approximately one-third were under 35 years of age. This number marks a considerable increase compared to the 5,369,843 registered voters for the 2018 municipal elections and the 5,306,324 registered voters for the 2014 presidential and legislative elections. Given the slightly differing dates for the updates of the voter lists for the presidential and legislative elections, there were about 8,690 fewer registered voters for the legislative elections.

While approximately 85 percent of eligible Tunisians are registered to vote overall, the authorities should continue their efforts to ensure all eligible voters are given the opportunity to register.

Candidate Registration

PRESIDENTIAL ELECTION

The criteria and procedures for candidate registration are set by the constitution, the electoral law and two ISIE decisions.¹⁰ These regulations take into account many commonly accepted candidacy registration standards, such as the need to be at least 35 years old and a Tunisian citizen by birth, as well as the right to run as an independent or nonaffiliated candidate. If a candidate holds a foreign citizenship, they must abandon it if

elected. In addition, candidates must be endorsed by either ten members of the parliament, 40 presidents of municipal councils, or 10,000 voters registered in at least 10 electoral constituencies with no fewer than 500 voters for each constituency. The law also requires that Tunisia's president must be Muslim, a provision that may be placing an unreasonable restriction on candidate registration according to international standards.¹¹

The mission urges parliament to review this provision in order to bring the law into compliance with international standards.

The ISIE received aspiring candidates' registration requests from August 2 to 9, 2019, a reasonable registration deadline well in advance of Election Day. Of a total of 97 candidacies received by the ISIE, 26 candidates were ultimately approved, including two women, while 71 were rejected, mostly for not having collected the required endorsements. None of the rejected candidates' appeals, including 15 complaints before the Court of First Instance and 11 appeals before the appeals court of the Administrative Tribunal, led to any changes in the ISIE decisions.

While the candidate registration process generally received positive assessments, the ISIE did not publish the grounds for its rejection of each application, limiting the transparency of its decision-making process and the ability of stakeholders to assess its credibility.

The mission urges the ISIE to increase the transparency of its work by publishing decisions on each candidacy rejection with full legal rationale.

Controversies also arose regarding the candidate endorsements. Following a request from civil society organizations, the ISIE published the names of the members of parliament who endorsed candidates

¹⁰ N° 2014-18 of August 4, 2014, amended by decision n° 2019-18 of June 14, 2019 for the presidential election, and n° 2014-16 of 1 August 2014, amended by decisions n° 2014-22 of August 13, 2014, n° 2017-15 of October 10, 2017 and n° 2019-17 of June 14, 2019 for the legislative elections.

¹¹ See ICCPR, articles 2 and 25 and UNHRC *General Comment* 25, paragraph 15.

and provided voters with the ability to verify if they were registered as having endorsed a candidate. This revealed that some MPs endorsed more than one candidate and that some voters claimed their endorsements were fabricated. A public prosecutor opened investigations into five candidates for allegedly falsifying citizens' signatures, but to date, no findings from these investigations have been published.

The ISIE could enhance the transparency and integrity of the candidate registration process, for example by adopting a digital system for receiving and reviewing citizens' endorsement, and ensuring that mechanisms for citizens' verification are available in a timely manner.

Civil society stakeholders also expressed concern about the lack of accountability and sanction in cases of fraudulent endorsements, and its impact on the overall credibility of the electoral process.

LEGISLATIVE ELECTIONS

The right to stand for legislative elections is given to parties, coalitions or independent lists. Each entity can field only one list per constituency, and the number of candidates on each list must be equal to the number of seats in the constituency. In Tunisia, the number of seats per constituency ranges from four candidates in Tataouine and in Tozeur, to 10 candidates in Sousse and in Ben Arous. In out-of-country constituencies, this number ranges from one candidate in Germany to five candidates in France 2. Each list is complemented by a secondary list that has at least two candidates who could replace candidates disqualified from the main list. A total of 14,953 candidates were included on the primary and secondary lists.

Across all districts, political parties and coalitions must use the same name and symbol to designate their candidate lists. Candidate lists must respect

the principle of vertical gender parity by alternating women and men on the list. Lists that fail to include a candidate under 36 years of age among the first four candidates are denied half of the public funding available to reimburse their electoral expenses. While the mission did not assess the number of lists with a young candidate in its top four positions, several candidates reported that they systematically included young candidates across their candidate lists.

Each parliamentary candidate must be a registered voter, hold Tunisian citizenship for at least the last 10 years, be at least 23 years of age on the date of candidate registration, not hold membership in the military or security forces and not have had their political rights revoked by a court decision. While candidates can run in any constituency, there are limitations imposed on persons holding certain functions (judges, governors, secretary generals of governorate, heads of mission, mayors and heads of diplomatic and consular missions) who must resign or be released from their functions to run, and who may not run in the electoral constituency where they last exercised their functions for at least a year.

IRIEs across all districts administered the parliamentary candidate nomination process from July 22 to 29, 2019.¹² The ISIE reported receiving 1,581 applications and initially rejected 78 lists. Following the appeals process and the re-inclusion of three rejected lists, the ISIE announced the final candidate lists on August 31. While the ISIE did not provide details on the grounds for rejection, many IRIEs reported that initial applications were well prepared and adequately respected administrative and eligibility requirements. According to the ISIE, a total of 1,506 lists with 10,549 candidates were certified, including 674 party lists (45 percent), 324 coalition lists (21 percent), and 508 independent lists (34 percent). In comparison to the 2014 elections, which featured a comparable total

¹² The rules and procedures relative to legislative candidacies are set by ISIE decision n° 2014-16 of August 1, 2014 (modified and completed by decisions n° 2014-22 of August 13, 2014, n° 2017-15 of October 10, 2017, and n° 2019-17 of June 14, 2019).

number of legislative lists, in 2019 the number of party lists decreased while the number of independent and coalition lists rose. The high number of lists and candidates across each constituency was reported by many stakeholders as a source of confusion for voters.

Civic and Voter Education

The mission found that the shortened time frame, a lack of CSO funding, and the limited capacity of the ISIE restricted the types of direct and targeted outreach that are necessary to mobilize marginalized populations to vote. The ISIE confirmed that the change in the electoral calendar created insufficient time and resources for voter education efforts during the electoral process. As a result, the ISIE's voter education efforts were less robust in September and October than during the voter registration period from April to July.

Despite these obstacles, the ISIE conducted limited voter education and mobilization efforts through TV, radio and social media, including messages and formats specifically targeting youth, women and persons living with disabilities. In some regions, the mission observed that the IRIEs, in cooperation with local CSOs, conducted local voter education activities before and during the three election campaigns. In several governorates, mission observers noted that local media, both private and public, were involved in voter awareness during the campaign periods. Community and public radios provided daily information on how to vote and raised awareness on candidates and their platforms by interviewing candidates and organizing debates. Voter information was disseminated in urban and rural areas through candidate billboards, trucks with loudspeakers and signs, and door-to-door campaigns. To target youth specifically, voter outreach included a series of Facebook video spots, an election quiz and

polls on intended participation on Election Day. Information was provided to illiterate voters via visual messages, cartoons and comic strips on flyers and posters.

The content of this outreach sought to encourage citizens to vote while also providing basic information on election dates, polling stations location and voting procedures. On Election Day, posters with instructions on voting procedures were placed at the entrance of all polling centers observed by the mission. Despite the efforts of the ISIE described above, CSOs who led initiatives to promote the participation of rural women, illiterate persons and elderly voters informed the mission that these marginalized groups ultimately did not receive adequate access to information on the election process, voting procedures and political platforms and candidates during the electoral process.

The mission recommends that more robust voter education and mobilization efforts, designed in collaboration with relevant CSOs, are put in place ahead of the next polls and are combined with continuous work on civic and democratic education throughout the country for both the general population and traditionally marginalized and disenfranchised groups.

Election Campaigns

The rules and procedures for electoral campaigns are also outlined in the electoral law and a series of ISIE decisions.¹³ Electoral campaigns must adhere to fundamental principles listed in Article 52 of the electoral law, including: the neutrality of public administration buildings and places of worship; equal opportunity for all candidates; respect for the bodily integrity, honor, and dignity of candidates and voters; abstaining from incitement

¹³ The rules and procedures for the organization of the electoral campaign are set by the electoral law and the ISIE decision n° 2019-22 of August 22, 2019. Rules and procedures regarding media conduct and the coverage of electoral campaigns are regulated by the ISIE decision n° 2018-8 of February 20, 2018 and by ISIE decision n° 2014-27 of September 8, 2014 for the use of foreign media in out-of-country constituencies during the legislative elections. It is complemented by a joint ISIE and HAICA decision of August 21, 2019 on the rules and procedures for the audio-visual coverage of the presidential and parliamentary campaigns.

to hatred; and transparency of sources and use of campaign funds.¹⁴

PRESIDENTIAL CAMPAIGN: FIRST ROUND

Based on the August 2019 amendment to the electoral law, the presidential electoral campaign was shortened to 12 days, opening on September 2 and ending on September 13. It was followed by a campaign silence period of 24 hours before Election Day. The presidential campaigns were generally slow to start, and many candidates commenced their activities in the south of the country in order to finish in the capital at the end of the campaign. Candidates used various methods to communicate with voters within the compressed timeline, including rallies, door-to-door or neighborhood visits, road shows with campaign buses, posters and billboards in designated areas and campaign tents with activists engaging in voter outreach. Candidates and their campaigns reported extensive use of Facebook to communicate with the public, announce their platforms, campaign for events and share updates and opinions about pertinent issues. However, the mission heard concerns that many of the sponsored activities would not be adequately accounted for in the campaign expense reports submitted to the COA. In addition, the online dissemination of fake news and hate speech, both forbidden by the ISIE and the HAICA, remained a matter of concern as electoral authorities struggled to thoroughly monitor online campaigning.

According to Tunisia's Constitution, the president of the Republic is responsible for the areas of defense, foreign affairs and national security. Presidential candidates' campaign messages primarily focused on the improving the socio-economic situation and promoting employment, as well as advancing counterterrorism and improving Tunisia's international standing. Many candidates also proposed to change the distribution of political powers under the constitution, asserting that



Local mission staff displays her observation vest at a polling center.

the high degree of fragmentation in parliament makes it difficult to pass necessary legislation. To this end, two candidates voiced their support for a presidential republic to replace the current semi-presidential political system.

While candidates were generally free to campaign, the arrest and detention of Nabil Karoui just two weeks before the campaign period raised concerns about his equal opportunity to compete as guaranteed by the law. On July 8, an indictment chamber handling cases of financial corruption indicted Karoui on charges of money laundering and tax evasion. The charges were based on information released by the civil society organization IWatch as a result of investigation into Karoui's

¹⁴ See "Legal Framework" for a full description of campaign regulations and restrictions.

businesses. As part of the indictment, the chamber levied a travel ban and asset freeze against him. On August 23, the chamber issued an arrest warrant for Karoui, who was arrested the same day and imprisoned under preventative custody until October 9. The Karoui campaign alleged that Head of Government and presidential candidate Youssef Chahed ordered the arrest, which Chahed denied. The campaign also voiced concerns about political influences on the judiciary and the full denial of justice as several court instances refused to consider Karoui's requests and appeals citing lack of jurisdiction on the matter.

During this time, however, Karoui's candidacy for the presidency remained valid; Karoui ranked first or second in most public opinion polls at the time of his arrest. Karoui's request to be released from detention was denied on multiple occasions by the Appeals Court of Tunis and he was prevented from conducting media interviews, participating in TV debates or directly interacting with voters, leaving him unable to campaign on equal footing with other candidates. Karoui relied on surrogates to engage in campaigning on his behalf. Another candidate, Slim Riahi, remained in self-imposed exile in France due to an arrest warrant for corruption charges raised in April 2019, but also remained on the ballot. The mission noted that this situation deprived voters of consistent access to authorized candidates.

PARLIAMENTARY CAMPAIGN

The campaign period for the legislative elections started on September 14 and ended at midnight on October 4, lasting 21 days in total. The revision of the presidential election calendar resulted in an overlap on September 14 between the silence day of the first-round presidential election and the first day of the parliamentary campaign. This raised concerns about the possibility for legislative campaigns to illegally campaign on behalf of presidential candidates from the same political party.

The parliamentary campaign was also slow to start as many parties chose to delay campaigning until after the September 15 presidential election to avoid accusations of violating the campaign silence period and possible voter confusion as party ballot numbers for presidential and legislative elections differed. Campaign activities continued to be minimal in scope after the announcement of the preliminary results of the first round of the presidential election, as the result garnered significant public attention and surprised many political contestants, prompting parliamentary campaigns to reassess their strategies. Several political parties argued that the result of the presidential vote caused them to delay their campaigns and reorient messaging and strategies to more localized issues and smaller-scale activities. Many parties also noted that, given the low expenditure ceiling, they preferred to focus their efforts on the final days of the campaign period preceding Election Day. As a result, despite the large number of parliamentary candidate lists competing, observers noted little activity in the first two weeks of the campaign period.

Although the intensity and visibility of campaigns increased significantly in some districts during the final week, most candidates continued to focus on direct contact with voters and social media outreach rather than large rallies or mass campaign events. Among the parliamentary campaign activities witnessed by the mission were door-to-door visits, distribution of fliers and interactions with voters in cafes, on the streets or on social media networks. In general, parties did not campaign with a consistent national political message. In some cases, a national program existed, but local candidates had the choice whether to emphasize these points during their campaigns. Mission observers noted that campaign messages and candidate platforms often lacked genuine solutions to the national and local issues invoked by candidates on the campaign trail.

The campaign environment was mostly peaceful with minor violations reported in some locations. These included the placement of campaign materials in unauthorized locations, destruction of campaign materials or failure to notify IRIEs of campaign activities or cancellations 48 hours in advance. Mission observers and citizen observer groups monitoring campaigns also noted that lists frequently changed the time and location of scheduled events or cancelled events without notifying the IRIEs. The use of children in campaigns, which is prohibited under the law, was also reported, as well as several instances of hate speech or verbal and physical altercations at public events.

PRESIDENTIAL CAMPAIGN: SECOND ROUND

As none of the 26 candidates in the first round obtained more than 50 percent of the vote, a run-off election was held between the two candidates who obtained the highest number of votes in the first round: Nabil Karoui and Kais Saied. According to the electoral law, the run-off campaign period begins the day after the announcement of the final results for the first round and ends 24 hours before the Election Day. On October 1, the ISIE announced the final results for the first round and officially fixed the run-off presidential election for October 13, with overseas voting on October 11-13. The campaign for the presidential run-off lasted for nine days from October 3 to 11, overlapping for two days with the end of the parliamentary campaign period, which concluded on October 4.

Until October 9, three days before the end of the campaign, Nabil Karoui remained in preventive custody (since August 23). During his detention, three different courts declared themselves incompetent to adjudicate request for release. Various stakeholders, including the ISIE and the interim President of the Republic Mohamed Ennaceur, called upon the authorities to ensure that



Presidential run-off candidates Nabil Karoui (above) and Kais Saied (below) participate in a live televised debate prior to the run-off presidential election.

candidates had equal opportunities to campaign, implying that in their view, his continued detention was damaging the credibility of the election process. On October 9, the Court of Cassation annulled Karoui's detention order and ordered his immediate release. Karoui's representatives asked for a postponement of the run-off in order to provide the candidate the opportunity to campaign, but their request was denied. They also declared plans to challenge the election results in light of Karoui's inability to campaign while in detention. This contributed to uncertainty about the run-off date and speculation about the potential cancellation of the entire process.

On October 5, Kais Saied announced he would refrain from campaigning during the second round for moral reasons in order to be mindful of the principle of equal opportunities given the detention of his opponent. Nevertheless, the mission observed campaign activities run by Kais Saied's supporters throughout the entire campaign period, and increasing as Election Day approached. Activities observed included campaign tents, distribution of flyers, direct contact with voters in markets or cafes, a motorcade, banners and some posters.

The mission did not observe any public activities for the Karoui campaign until October 9, the day of his release from detention. Observers reported limited sightings of in-person campaign activities by Karoui supporters during the final days of the campaign. For the most part, the Karoui campaign generally relied on billboards and posters, placing many billboards along the highway in Grand Tunis. Observers generally reported Kais Saied's campaign to be more visible than Nabil Karoui's.

On the final campaign day, both candidates held large rallies in the capital. Karoui addressed supporters asking them to vote on Election Day, while Saied addressed his supporters through a prerecorded video. Both events, held in nearby areas of Tunis at the same time of day, were notably peaceful and went unimpeded. On October 11, the two candidates participated in a live televised debate, which was viewed by more than six million Tunisians.

Campaign Monitoring

The ISIE recruited, trained and deployed more than 1,500 campaign monitors across the country. Their observations were submitted to and processed by the IRIEs, the ISIE and, at a later stage, the Court of Accounts. Most of the campaign monitors interviewed by the mission reported that given the low intensity and late start of campaign

activities, they had been able to effectively cover campaign activities for each election. However, the high number of lists competing in the legislative elections — from 32 to 73 lists per district — raised concern about the feasibility of fair and equitable campaign monitoring for the legislative elections.

Electoral contestants, whether presidential candidates or legislative candidate lists, were required to notify district-level electoral authorities about their campaign activities at least 48 hours prior to their implementation. While larger and more experienced parties reportedly often filed these notifications in a timely manner, many smaller and more recently established political entities, including independent groups, found that the requirement posed an undue burden. Some political actors also maintained that the 48-hour deadline prevented them from organizing last-minute events. The lack of clear definition of permitted electoral "propaganda," and how it differs from forbidden political advertisement, remained a source of potential confusion among candidates' campaign teams. Clarification of permitted and prohibited activities would also help prevent the likelihood of inconsistent decision-making by the IRIEs and relevant courts.

According to campaign monitors, the most frequent campaign violations included unauthorized campaign activities, destruction of posters and affixing posters in unauthorized areas¹⁵ Candidates reportedly did not consistently honor campaign activity schedules submitted to IRIEs, impeding the ISIE, Court of Accounts and CSOs from thoroughly monitoring campaign events. Additionally, IRIEs and the ISIE recorded instances of hate speech and minors' involvement in campaigns that were sent to the prosecutor for further action. For all three campaign periods, the ISIE failed to publish information about campaign violations or relevant aggregate data on the types of violations or the nature of their perpetrators, including the most serious cases that were submitted to the courts.

¹⁵ Tunisian electoral law allows for the display of political posters in public spaces designated by municipal and local authorities, in consultation with IRIEs. These designated spaces appear on walls in public areas, including the schools that serve as polling centers, in the form of a grid featuring two boxes for each competing candidate or candidate list. Candidates typically use one box for a poster containing images of candidates and a second with a poster detailing the candidate or candidate list's platform. (For the presidential election, campaigns are also allowed to purchase advertisements in roadside billboards.)



Candidate posters on display near a polling center during the presidential election.

The mission urges the election authorities to consider regularly publishing detailed information on campaign violations that are detected and the resulting sanctions imposed. The courts should also increase the transparency of received and adjudicated election-related cases, for example, by establishing an online election complaints database. The parliament should also explore the possibility of introducing a timelier mechanism for dealing with election-related violations and complaints.

Campaign Finance

Campaign finance is regulated through both the organic law as well as the electoral law. Electoral campaigns can either be self-funded or rely on private (by physical persons) and/or public funding. Corporate donations, foreign funding and the use of state resources are prohibited. Private donations are limited to 8,000 Tunisian dinars (TND) – approximately 2,750 USD – per donor. Public funding is provided to presidential candidates or

parliamentary candidate lists on a reimbursement basis. In order to be eligible for public funding, a candidate or candidate list must: receive over 3 percent of votes cast, submit the required financial reports to the Court of Accounts, and comply with campaign and campaign finance regulations. Public funding is reimbursed after the announcement of final results, subject to these conditions and for an amount based on a calculation by the Court of Accounts. Political parties are strictly prohibited from financing presidential candidates. Adherence to this rule proved to be difficult to monitor.

Campaign expenditures for the presidential campaigns were limited to approximately 600,000 TND (206,257 USD) during the first round and 350,000 TND (120,316 USD) during the second round. For parliamentary campaigns, spending limits differed by constituency depending on the number of voters and density of the population. Of the 27 constituencies within Tunisia, the lowest spending limit was in Tozeur at approximately 33,000 TND (11,344 USD), while the highest was in Sousse at 98,904 TND (34,000 USD). However,

the limit was highest in France 1, a constituency abroad, capped at 133,200 TND (45,789 USD).

The ISIE and Court of Accounts were jointly responsible for monitoring electoral contestants' compliance with campaign finance regulations. The ISIE in particular wields significant authority due to its right to declare the partial or total annulment of the election results if it is proven that violations affected the election results in a decisive manner. All electoral, financial and penal sanctions are outlined in the electoral law and relevant ISIE decisions. ISIE campaign monitors were tasked with assessing the costs of campaigns and reporting any violations of campaign finance regulations.

Electoral authorities reported challenges with the enforcement of campaign finance regulations. The ISIE and the Court of Accounts lack sufficient capacity to ensure that all electoral expenses are reported, that information on observed violations is published in a timely manner and that any sanctions imposed are timely and enforced. The timeframes for reviewing candidates' financial reports and for adjudicating possible cases of noncompliance also do not appear to be adequate. Candidates and parties noted that the time frame does not take into account the specific requirements of the electoral calendar.

The mission urges the authorities to review timelines for campaign finance review in order to provide timely information to the public and increase accountability.

Interlocutors also reported several challenges related to campaign finance rules. While some candidates believed that the spending limit helps to level the playing field, others found the spending limits for legislative elections to be too low and therefore hindered their ability to effectively reach potential voters. Some noted that the amount of public reimbursement is not sufficient to compel the inclusion of youth in lists presented by major

political parties.¹⁶ Candidates differed on whether a requirement that each candidate or candidate list open a bank account for the electoral campaign period was reasonable or overly bureaucratic. In addition, the law does not provide accommodations for candidate lists in constituencies abroad, which must also open their campaign accounts in Tunis. Moreover, representatives from the Court of Accounts noted the need to provide more detailed definitions of electoral expenses, clearer distinction between electoral propaganda and political advertisement and an appropriate policy regarding social media campaigns. Furthermore, the law does not address campaign-related expenditures made prior to the official start of the campaign period.

The mission recommends that the ISIE and the Court of Accounts thoroughly review the campaign finance regulations and ensure that sanctions imposed are timely and enforced.

Presidential candidates and legislative candidate lists are required by law to submit financial reports from their campaigns to the Court of Accounts. Documents must be submitted within 45 days of the ISIE's announcement of final election results. The deadline for first-round presidential candidates was November 18, for run-off presidential candidates it was December 2, and for legislative lists the deadline was December 27. Within a period of two months from the ISIE's announcement of final results, candidates and candidate lists must publish their campaign's financial records in a daily newspaper. Contestants who fail to meet these conditions are not eligible for reimbursement of their allotment of public campaign funds.

The Court of Accounts confirmed in early 2020 that 76 percent of all legislative lists had submitted their accounts within the deadline, with most of the lists who won seats in the ARP fulfilling their responsibility. Presidential candidates from both the first-round and run-off presidential elections also submitted their reports within the deadline.

¹⁶ Candidate lists must respect the principle of vertical gender parity by alternating women and men on the list. Lists that fail to include a candidate under 36 years of age among the first four candidates are denied half of the public funding available to reimburse their electoral expenses.

The Court's review of these documents continued in early 2020 and its findings will be published in the form of a final report.

Media Environment

The 2014 Constitution guarantees the freedom of expression, thought, opinion and information, including access to information. Tunisian media is regulated by Decree Law 2011-115 and Decree Law 2011-116. In accordance with Decree 115, the Independent High Authority for Audiovisual Communication (HAICA) was created in 2013 to regulate and organize the audiovisual sector. The HAICA is a temporary body whose members' mandate expired in May 2019. It was supposed to be replaced by the ICA, but the parliament is yet to adopt the relevant organic law and appoint its members, therefore the HAICA continues to operate in the interim despite the expiration of its constitutional mandate.

Tunisians enjoy a pluralistic media environment, with a number of media outlets and journalists offering a variety of political opinions. Nevertheless, professionalism, quality of reporting and impartiality of media outlets all remain issues of concern. Indeed, many credited the public media with professional and balanced coverage of the elections, while private media outlets were more likely to show partisan bias, and as such were regularly criticized. In terms of voter education, media efforts to inform citizens on voting procedures and voter awareness by disseminating messages provided by the ISIE were insufficient. While journalists generally enjoyed freedom of expression and were able to cover election-related events, the National Union of Tunisian Journalists (SNJT) reported 79 cases of physical and verbal violence, as well as barriers to reporting against 76 journalists in 22 governorates during both the presidential and legislative campaign periods.¹⁷

RULES AND REGULATIONS

During the electoral campaign, Tunisian media were subject to regulations in the electoral law, a 2011 decree on the creation of the HAICA, a joint decision issued by the ISIE and the HAICA on August 21, and an ISIE decision on August 22, 2019. These principles include, among others, committing to neutrality, respecting equality of chances, respecting candidates and voters and refraining from disseminating hate speech, violence, fanaticism or discrimination. The ISIE and the HAICA prohibited owners or shareholders of media channels to use these channels to campaign for or against any candidate. Despite the fact that Nessma TV, Zitouna TV, and Radio Quran were being used for private campaigning, the HAICA did not sanction these outlets. Instead, the HAICA forbade the three private media outlets from reporting on the election campaign due to a lack of licenses.¹⁸ The HAICA called on the authorities to enforce the ban, which resulted in authorities seizing Nessma TV's equipment in April. However, all three media outlets ignored the ban, continued broadcasting and did not face sanctions.

For the legislative campaign, the HAICA and the ISIE issued an annex to their joint decision on September 16, which applied to both public and private audiovisual media, specifying that the media coverage of lists for the legislative elections should be proportional to the lists' representation across the country.¹⁹ The annex was only published on September 24, only 10 days after the campaign had already started on September 14. Media outlets noted that the high number of lists (1,506) and the timing of presidential elections made the application of regulations challenging.

During the three campaign periods, the HAICA was responsible for monitoring television and radio outlets (and their associated websites and

¹⁷ National Union of Tunisian Journalists. *Report on the 2019 Elections. Syndicat National des Journalistes Tunisiens*, 22 Oct. 2019.

¹⁸ Nessma TV is affiliated with Nabil Karoui, Zitouna TV with Ennahdha, and Radio Quran with El Rahma Party.

¹⁹ Between 30 and 40 percent of electoral coverage should be dedicated to lists running in 28 to 33 constituencies, 20-30 percent to lists fielding candidates in 12 to 27 districts, 10-20 percent dedicated to lists present in two to 11 districts and up to 10 percent to lists running in only one constituency.

social media pages), while the ISIE was responsible for overseeing the press and online media. The ISIE did not publish any results of their media monitoring during the election period, nor did they sanction any online media for violations of campaign rules. The HAICA issued regular, if somewhat incomplete, reports on its findings, as well as 45 fines against 19 media outlets for violating rules on election coverage including political advertising, electoral silence or referring to or commenting on the results of public opinion polls. Fines ranged from 3,000 to 320,000 TND (1,028 to 109,630 USD). No appeals were lodged against HAICA's decisions. HAICA did not disclose its findings related to the online presence of the audiovisual media outlets. However, the regulatory authorities have come under criticism for selective enforcement of the legal code governing elections-related media. For instance, MP candidate Said Jaziri was disqualified for his use of media during the parliamentary campaign, whereas Nabil Karoui's Nessma TV and Ennahdha-affiliated Zitouna TV were not sanctioned.

The mission urges the ISIE and the HAICA to ensure that all relevant media regulations are adopted and made public in a timely manner. The mission also urges the HAICA and the ISIE to coordinate more closely in future electoral cycles to adopt and announce media regulations in a timely manner and participate in an ongoing exchange of media monitoring findings.

TELEVISED DEBATES

For the first time in Tunisia, candidates were invited to participate in live televised debates organized by national television station Al Wataniya, the HAICA and the ISIE, with the support of the NGO Munathara. The debate was broadcast on 11 TV channels and about 21 radio stations. In line with the joint ISIE-HAICA decision on media regulation, candidates were divided into three

groups through a lottery system, except the three candidates from the leading parliamentary factions (Youssef Chahed, Abdelfattah Mourou and Mohcen Merzouk), who were given the ability to choose the date of their participation. This was criticized as unfair by other candidates and runs counter to international debate best practices for transparency and equity where all candidates are assigned dates at random. The three debates, lasting 2.5 hours each, took place on September 7, 8 and 9 before a nationwide audience of more than 2.5 million viewers. Neither Nabil Karoui nor Slim Riahi participated in these debates; the former was still in prison at the time while the latter remained in self-imposed exile throughout the campaign period. Each candidate participating in the debates was granted 90 seconds to answer randomly selected questions posed by the moderators focusing on foreign policy, security and proposed initiatives of the future president.

Following these historic presidential candidate debates, Al Wataniya proceeded to organize debates among parliamentary candidates. With over 1,500 registered lists, a lottery system was used to determine the nine participants, who were heads of lists or candidates on the list, for each of the three debates. Each debate lasted 2 hours and 35 minutes and covered a range of topics including the economy, health, education and social issues. Some political parties whose lists were not selected for the debates, such as former prominent party Nidaa Tounes, considered their exclusion to be a violation of the right to equal access. However, debate organizers estimated that the parliamentary debates garnered less viewership than those for the presidential election.

During the same period, candidate lists were given the opportunity to use free airtime on public TV and radio to present their platforms. According to available information, 924 lists (about 62 percent of all lists) recorded and had their messages broadcast on TV and 738 (about 49 percent of

all lists) on the radio. Several list representatives complained that the time and expenses needed to travel to the studio in Tunis to record their message exceeded the expected benefits from the allocated 90 seconds of free time.

SOCIAL MEDIA

Social media, especially Facebook, played an important role in the election process. A key tool for campaigners to communicate and engage with the public, social media was also used for defamation campaigns, hate speech and distribution of false information. Candidates and their representatives, parties and lists used Facebook extensively to communicate with potential voters and the public. Many of Kais Saied's supporters, in particular, stated that they became engaged in the campaign primarily through Facebook groups and used them to plan and coordinate activities. A broad range of electoral stakeholders commented that the conduct of election campaigns on online media is insufficiently regulated, noting that violations of campaign regulations frequently occurred online and remained undetected or unsanctioned. Observers noted numerous unofficial campaign pages with undisclosed affiliations which would support or oppose certain candidates, and often featured hate speech or disinformation. Moreover, while social media provides a unique opportunity to communicate directly with citizens, Tunisia is not immune from the global trend of disinformation. While the ISIE conducted comprehensive media monitoring, including the official social media pages of electoral contestants, HAICA focused on the online content of the audio-visual media. Little information about the results of such monitoring was available during the electoral period. It is commendable that HAICA, Tunis Afrique Presse (TAP) and national TV and radio launched a website on October 6 dedicated to countering the dissemination of fake news and disinformation, although the initiative came late in the election process.

The mission urges the ISIE and HAICA to provide regular, comprehensive and systematic information to the public about the results of its media monitoring efforts, including violations detected and sanctions imposed. The HAICA should also review measures to ensure transparency of media funding and better regulation of online campaigns.

Citizen Observation

Civil society organizations have played an integral role in Tunisia's democratic development. A quartet of Tunisian civil society groups helped mediate and resolve a political crisis after the assassination of two leftist politicians by Islamic extremists threatened to upend Tunisia's transitional coalition government in 2013. Since Tunisia's adoption of a Constitution in 2014, civil society groups have been actively involved in pressuring decision-makers for inclusive reforms.

Tunisian CSOs succeeded in conducting thorough and credible observation of the 2019 elections, overcoming the significant challenge posed by the tight and overlapping set of electoral calendars. While observer groups had developed plans to observe the presidential and legislative elections over a 90-day period beginning October 6, the new timeline called for three election days within a 28-day window beginning September 15. Despite these time constraints, citizen observer groups mobilized to observe all aspects of the electoral process: voter registration; election campaigns; media coverage; election-day voting, counting and tabulation processes; complaints and appeals; and the inclusion of women and marginalized communities in the process.

The electoral law provides for election observers to follow the electoral process and ensure its transparency. The ISIE provides accreditation to nonpartisan citizen observers, international observers, partisan representatives of electoral

contestants and the media to guarantee access to the electoral process, in particular polling stations, on Election Day. The ISIE accredited approximately 13,000 citizen observers for the first-round presidential election, 17,500 for the legislative elections and 18,000 for the run-off election.²⁰

CITIZEN ELECTION MONITORING

Recruited and trained by nonpartisan CSOs, citizen observers used specialized methodologies and new technologies to report on various phases of the electoral process, including voter registration,

media monitoring and campaign observation, as well as Election Day observation. Citizen observer group IWatch assessed electoral contestants' respect for the relevant legal framework during the campaign periods, representing the first time that a Tunisian organization has monitored the election campaign nationwide. The Ofiya Coalition monitored media coverage of the electoral process to analyze media content for adherence to the electoral law and principles of equitable and accurate coverage. The Chahed Observatory observed voter registration and deployed legal experts to district and national courts to observe appeals to candidate registration and election results. The Tunisian League of Human Rights (LTDH) deployed monitors during the electoral campaigns to monitor candidates' speeches for any violent rhetoric or human rights violations. The Tunisian Association for the Integrity and Democracy of Elections (ATIDE) focused on social media monitoring.

A number of civil society organizations focused on election-day observation, including efforts by Mourakiboun and IWatch to conduct parallel vote tabulations (PVTs) and sample-based observations (SBOs). These methodologies allow citizen observer groups to observe at statistically sound and representative samples of polling stations to systematically assess voting and counting processes, and in the case of PVTs, estimate voter turnout and verify election results. Through findings from PVTs, citizen observer groups were able to release results estimates that mirrored the preliminary results released by the ISIE, thus enhancing confidence in the integrity of the election process and the accuracy of its results for both the political contestants and the public at large. The Tunisian Mediterranean Center (TUMED) and Jeunesse Sans Frontières (Youth Without Borders, or JSF) mounted election-day observation efforts to assess the challenges facing women's participation in rural areas and incidents of violence or obstruction at polling centers.



Domestic observer from Youth Without Borders (JSF) completes a report following observation of a polling station.

²⁰ These figures represent cumulative numbers of observers accredited for each round. Many of the same observers participated in each round of elections, so the numbers cannot be totaled across the three rounds.

The Tunisian General Labor Union (UGTT) also deployed thousands of observers to monitor the voting process in polling stations.

While citizen observers were generally able to observe all stages of the electoral process, CSOs informed the mission of an increase in the harassment of and restrictions on access for citizen election observers during this electoral period in contrast to the 2014 cycle of elections. Notably, citizen observers reported over 15 cases of violence and intimidation against observers by campaign staff and activists during both presidential and legislative electoral periods. Citizen observer groups reported that some polling station officials restricted observers' entry to and movement in polling stations, as well as restricting access to information about the voting process.

According to observer groups, these issues occurred more frequently during the legislative elections than during the first-round presidential election, leading observer groups to request that the ISIE remedy the situation before the October 13 run-off presidential election. Citizen observers continued to witness isolated cases of verbal and physical attacks on observers during the run-off election. Many observer groups noted a need for more concerted efforts on behalf of the election administration to communicate and cooperate with civil society groups and ensure their full access to various stages of the election process, particularly the tabulation of results. The mission urges the ISIE to heed the recommendations of and work more closely with observer groups in future electoral processes.

The mission also notes that CSOs help to reaffirm the integrity of Tunisian elections, and continued support to these organizations is necessary to undergird the integrity of future elections.

The mission urges civil society organizations to continue to foster a spirit of collaboration as they work to achieve their goals between elections and in preparation for future elections. Observer groups should work together to present a joint assessment of the 2019 election process and recommendations for future improvements.

CSOs should also enhance cooperation with the ISIE and other relevant authorities on civic and voter education efforts, particularly targeting youth, women, rural residents, persons with disabilities and other citizens less represented in the political processes and decision-making. CSOs should continue to work with relevant government institutions to provide identification cards to rural women to facilitate their ability to register to vote.



Domestic observers from Mourakiboun visit polling centers on election day.

Citizen Observers Inspire Voter Confidence

On October 12, the eve of the presidential run-off election, rumors circulated on social media that there would be a significant decrease in the number of candidate agents and citizen observers monitoring the election process. On Election Day, reports came in that citizens were refusing to vote without a candidate agent or citizen observer present in the polling center. In response to this news, six CSOs released a joint statement and held a press conference stating that 6,005 citizen observers from their respective organizations would be present in polling centers and stations: similar numbers to those deployed for the first two rounds of voting. The message called on citizens to vote, saying that civil society would be safeguarding the integrity of the process. The ISIE reposted the group's statement on their Facebook page and mentioned it during a press conference that day. As the afternoon progressed, the misinformation began to diminish. Citizens' strong desire to see observers in their polling stations confirms the expectation, set in Tunisia since the 2011 revolution, that elections must be conducted fairly and closely watched by citizen observers.

Women's Political Participation

The 2014 Constitution established equal rights and duties between citizens of both genders without discrimination.²¹ Women make up 51 percent of the population in Tunisia and 68 percent of university graduates. With 79 women in the previous parliament (31.3 percent), Tunisia ranked 30th of the 193 countries for legislative representation worldwide, and boasts the highest female political representation in the Middle East and North Africa.²² Despite these achievements, however, social expectations and cultural barriers continue to negatively impact and discourage the political participation of women. Internal practices within political parties also exclude women or discourage their participation in decision making, especially given the nearly complete absence of women in

party executive bureaus. Women candidates also have less access to personal campaign funds and have weaker general financial independence than their male counterparts. These disadvantages are a side effect of their status in society, as women still have unequal inheritance and land ownership rights in Tunisia, notably in rural areas.

PRESIDENTIAL ELECTION

Although 11 of the 97 presidential aspirants were women, only two were ultimately registered among the 26 presidential candidates.²³ Both candidates belonged to the secular "modernist" side of the political spectrum: Abir Moussi, leader of the *Parti Destourien Libre* (the Free Constitutional Party) and former high-profile member of the Ben Ali regime, and Selma Elloumi Rekik, leader of the

²¹ Soon after the adoption of the Constitution, Tunisia relinquished the reservations to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which invoked the constitutional reference to Islam as a state religion and Shari'a as a reference in family law. In addition, Tunisia signed the Maputo Protocol in January 2015 that gives special attention to the right to participate in the political process and decision-making, and adopted a law on the elimination of violence against women in 2017, a pioneer legislation in the region that addresses violence against women in politics.

²² In 2014, 68 women were elected. The previous number of 79 female MPs is due to the vertical parity provision of the law and the zipper structure of the candidates' lists: as some of elected MPs have been appointed ministers in the legislature or died during their mandate, the vacant MP seat has been filled by the next candidate on the list, a woman if the MP is a man and vice versa. and adopted a law on the elimination of violence against women in 2017, a pioneer legislation in the region that addresses violence against women in politics.

²³ Among the 71 candidates who did not see their registration approved, there were nine women, two submitted an appeal but their candidatures were finally rejected.

Amal Party (Hope), former Minister of Tourism and advisor to late President Béji Caïd Essebsi. Ultimately, neither of the two women candidates proceeded to the second round, with Abir Moussi receiving 4 percent of vote and Selma Elloumi receiving 0.15 percent of the vote.

While not as prominent as socio-economic issues in the public debate, legal reforms meant to establish equal inheritance rights for men and women were discussed at length during the presidential campaign period. The candidates' positions on this issue did not follow the traditional religious-secular divide nor official party lines. Instead, many candidates based their position on personal views or avoided the topic altogether. The issue also failed to receive attention from the candidates in the run-off presidential campaign.

LEGISLATIVE ELECTIONS

Since 2011, the electoral law has mandated vertical gender parity (alternation between men and women on the candidate lists), which has so far failed to ensure equal representation of men and women in parliament. Despite civil society advocacy campaigns in 2014 and 2019, horizontal parity has not yet been introduced for the legislative elections.²⁴ Horizontal parity would require that of all the candidate lists fielded by a given political party or coalition nationwide, an equal number feature women as heads of list and men as heads of list. In the current electoral system, with few lists likely to win more than a single seat in a constituency, the position on the list is key to electoral success. While women comprised 49 percent of all candidates, they headed only 14.5 percent of lists (219 of the 1,506 registered lists);

a slight increase from the 2014 elections when women led 11.26 percent of candidate lists.²⁵ Of the party and coalition lists who competed in 20 or more constituencies, none fielded women as heads of 50 percent of their lists, thereby achieving horizontal parity. In 2019, many of the main parties that enjoyed a large female representation in parliament nominated fewer women heads of lists than in 2014, including those that had supported the project of mandatory horizontal parity in legislative lists.²⁶

While some list representatives reported difficulty finding women willing to head a list, especially in rural districts, their limited number was attributed primarily to the reluctance of parties to place women in this position, even if they were incumbents. Parties and coalitions do not usually hold primaries, and there are no specific legal provisions regarding the selection of the candidates nor for the selection of women as heads of lists. In the pre-selection process held by Ennahdha, 18 women, among them several MPs seeking re-election, were reportedly chosen as heads of lists by electors. These nominations were modified by the executive bureau of the party and, in most cases, the woman selected by her base was replaced by a man and placed in the second position on the list. In several other parties, prominent women, including incumbents, were not selected for a position likely to win a seat and left the party in order to run as heads of newly formed independent lists.²⁷ However, only 7 percent of independent lists were headed by a woman.

Of the 27 candidates and heads of lists that participated in the televised candidate debates, only two were women. The Ofiya Coalition, a

²⁴In May 2019, the amendment to the electoral law requiring horizontal parity was signed by 43 MPs, both men and women, and approved by all the parliamentary groups across the political spectrum. The amendment did not pass as it was not transmitted by the parliament in time to be adopted for the October 6 elections.

²⁵In the 2019 legislative elections, women headed more lists in constituencies abroad than in Tunisia proper, and in the northern part of the country than in the more conservative south and center. The highest representation of women heads of lists was in Sfax (29 percent), in constituencies abroad (France 2, 26 percent, Italy 23 percent, Arab countries 20 percent), and in the districts of Grand Tunis (Ben Arous, Tunis 2, Ariana – from 20 to 23 percent).

²⁶Ennahdha had only four women heads of lists, while Nidaa Tounes and Tahya Tounes had six, and Qalb Tounes had eight. The Free Destourian Party, led by presidential candidate Abir Moussi, and Afek Tounes, had the highest number of women heads of lists with nine out of 33 constituencies. Conversely, the Popular Front Coalition or the Karama coalition had only one list headed by a woman.

²⁷For example, Nidaa Tounes' decay and the lack of eligible positions offered to women on its lists resulted in a number of female candidates trying their luck as the head of independent lists.

media monitoring group, found that women were underrepresented in the media during the legislative campaign and run-off presidential campaign. In the media content analyzed by Ofiya, women candidates and campaigners were featured in only 17 percent of television appearances and 15 percent of radio appearances.

In 2019, the proportion of women elected MPs declined from 31.3 percent in 2014 to 22.58 percent after the legislative elections, significantly lowering Tunisia's international ranking on the Inter-parliamentary Union (IPU) index.²⁸ Among the women elected, 17 were incumbents and many others were experienced and prominent women in the public sphere. Most women MPs elected in 2019 ran on party lists; two-thirds of these women belonged to the top two parties, Ennahdha (21) and Qalb Tounes (15). Four were elected from various coalitions and only one from an independent list.

The mission urges the authorities to consider additional mechanisms for ensuring equal representation of men and women in the parliament and other decision-making bodies.

WOMEN VOTERS

Women represented almost half of the registered voters on 2019's voter roll (49.5 percent, including 37.8 percent abroad). Women are increasingly represented among younger generations of voters, making up 51 percent of voters between the ages of 18 and 25 as opposed to 46 percent of voters over 60. The ISIE's voter registration campaign prioritized women in rural areas specifically, reaching them with mobile teams. As a result, 53



Voters in Gabes governorate check for their names on the registration list before going to vote.

percent of the 1.5 million newly registered voters were women. However, approximately 400,000 women from rural and remote areas still did not possess national ID cards in 2019, impeding their voter registration.²⁹ On election days, TU-MED reported 365 instances of family members or political party representatives influencing women to vote for a certain candidate (or not vote at all) by choosing to withhold or distribute ID cards accordingly, vote buying or verbal intimidation.

The mission recommends that the ISIE facilitate rural women's access to national ID cards well ahead of the next round of elections.

Several impediments disproportionately affect women voters' ability to make informed electoral choices. Lower literacy rates among women, especially those living in rural areas, hampers their access to information about the election process, the political contestants and/or their platforms. International and citizen monitors observed a lower attendance rate at campaign events by women than by men, particularly outside of large urban centers. For cultural and logistical reasons, women voters, especially in rural areas, had fewer opportunities to interact with candidates and learn

²⁸ With 22.58 percent of women MPs, Tunisia ranks 84th, just ahead of Somalia, according to the IPU index. See Inter-Parliamentary Union. IPU Parline: *Global Data on Women Parliamentarians*, data.ipu.org/women-ranking?month=3&year=2020; Inter-Parliamentary Union. *Statistical Archive: Women in National Parliaments*, *Inter-Parliamentary Union*, archive.ipu.org/wmn-e/world-arc.htm.

²⁹ International nongovernmental organizations and local nongovernmental organizations' joint effort in cooperation with the civil registry have resulted in the issuing of around a thousand ID cards since 2015.

about their political platforms as many campaign events take place in urban settings, often at late hours and in cafés, which are commonly viewed as exclusively male spaces. In addition, independent and coalition lists that mainly used social media to access their voters stated to the mission that they were unable to reach rural populations, and particularly women, due to lower rates of internet penetration in those areas. TU-MED reported that several candidates' campaign staff favored men while distributing flyers in rural and border areas of southern Tunisia. Following targeted voter registration efforts, the ISIE and various CSOs failed to systematically cover rural areas with civic and voter education outreach during the campaign period mainly due to a lack of time and resources.

The mission urges future civic and voter education campaigns to make a concerted effort to target rural areas.

On all three election days, TU-MED and JSF reported controversial party and candidate practices offering free transportation to rural women, raising the possibility of influencing voter choice. Additionally,

across the three election days, TU-MED observed 215 cases of influence on rural women voters by party agents, and 14 cases of male relatives and tribal chiefs withholding ID cards during the legislative elections.

Abstention rates among rural women are significantly higher than among men. Women abstained from voting in higher numbers than men in both the 2014 and 2018 elections, especially in rural and remote areas. Rural female voters in southern and central regions continue to face barriers in exercising their right to vote, such as transportation cost, lack of time and pressures exerted by male relatives.

ELECTION ADMINISTRATION

There is no gender policy regulating the composition of the election administration bodies at any level. The board of the ISIE includes one woman out of nine members. The internal statutes have not yet been amended to implement the parity principle introduced in Law n° 2018-47 governing independent constitutional bodies, which establishes

that if the president is a man, the vice president must be a woman, and vice versa. The only female member of the board, Hasna Ben Slimane, was appointed spokesperson after her attempt to be elected vice president failed. Before the launch of the presidential campaign, the ISIE board announced the suspension of the position of the official spokesperson, stating that the role is not legally prescribed and that all board members have equal rights and obligations to represent the institution in public. This move was considered unfair by many, and triggered reactions



Poll workers conduct closing and counting procedures.

of solidarity from jurist colleagues and other recognized professionals. In addition, citizen observers and other commentators questioned the appropriateness of the decision to remove the position of spokesperson due to the number of contradictory statements made by the ISIE members.

While the ISIE set the recruitment of young people as campaign monitors and polling staff as a priority, no such priority was established for the recruitment of women. Prior to the commencement of the recruitment process, the ISIE instructed IRIEs to ensure that in all polling stations, staff would be of both genders. According to Mourakiboun's sample-based observation, women constituted 63 percent of all polling station staff in the October 6 and 13 elections. In addition, according to the ISIE, during the legislative elections 12 percent of polling center presidents were women while 46 percent of polling station presidents were women. TU-MED found that polling centers in southern and border regions featured low representation of women as polling station and polling center presidents.

The mission recommends that the ISIE and IRIEs release gender statistics on poll workers for each constituency, including gender statistics for management positions.

On election days, gender and age-disaggregated turnout data, and data on the participation of persons with disabilities were reportedly collected by polling agents in all the polling stations across the country, with the aim of publishing them during the day along with general turnout data. This data was not announced during or after the first round of the presidential election. At the close of the polls during the legislative elections, the ISIE published the turnout data disaggregated by age and gender as of that afternoon. Following the second round of the presidential election, turnout by gender was announced by the ISIE

together with preliminary results. All gender and age-disaggregated data regarding the voters' turnout and the candidates are to be published by the ISIE in its final report.

The mission recommends that the ISIE commit to a more systematic, comprehensive and timely release of all, including gender and age-disaggregated, turnout data.

VIOLENCE AGAINST WOMEN IN ELECTIONS

In 2017, Tunisia adopted a law on gender-based violence that specifically addressed violence against women in politics. Since then, civil society groups have reported a significant increase in claims of domestic violence against women – from some 25,000 in 2018 to about 40,000 in 2019.³⁰ Although not completely pervasive, violence and intimidation against politically active women negatively affects their participation as candidates and elected officials, as well as their capacity to reach leadership positions in political parties and in the electoral management bodies. According to all women's rights organizations consulted by the mission, sexist insults and derogatory comments against female political leaders and MPs are commonplace in parliament, and, although not as frequent, women in political parties are subjected to harassment, including sexual harassment.

According to the electoral law, violence that occurs in polling stations or disrupts the voting process is sanctioned with prison sentences. Other types of violence are prosecuted under the penal code. During the 2019 elections, the ISIE launched a pilot initiative to sensitize IRIEs and polling staff specifically on violence against women in elections (VAW-E). Violence against women voters, which often takes the form of disenfranchisement or pressure to vote specific ways by male family members, remains largely invisible

³⁰ Blaise, Lilia. "En Tunisie, Les Femmes Se Mobilisent Contre Les Violences/Women Mobilize Against Violence in Tunisia." *Le Monde.fr*, Le Monde, 1 Dec. 2019, www.lemonde.fr/afrique/article/2019/12/01/en-tunisie-les-femmes-se-mobilisent-contre-les-violences_6021249_3212.html.

and underreported by CSOs as most instances do not happen in public view, but rather take place in the home.

Most incidents of violence against female candidates go unreported (especially psychological violence, such as attacks on social media), in part because these cases are not observed directly by the campaign monitors nor citizen observers. During the legislative campaign, the most serious instance of electoral violence reported on was the attack on a female candidate in Kairouan, where an assailant attempted to set the woman on fire. CSOs and female candidates reported being exposed to insults, derogatory comments and smear campaigns on social media explicitly meant to censor and discourage their standing for parliament and their political activity. A few instances of violence against women were reported by the campaign monitors and through the ISIE call center over the three election periods.

On a positive note, in campaign events, no gender-based hate speech against female candidates or activists was observed by citizen observer groups, campaign controllers nor reported in the media. In the period ahead of the presidential campaign, candidate Abir Moussi faced verbal attacks for her ideological positions, but these incidents were not deemed to be gender-based aggressions by CSOs and other female candidates.

Youth Political Participation

Tunisians under 35 represent 53.4 percent of the population, with over 38 percent of the population under the age of 24.³¹ Although young Tunisians' mobilization in protests was a main driver of the January 14, 2011 revolution that led to the fall of Ben Ali, since the 2011 elections youth political involvement has declined steadily. Challenges to youth electoral participation include marginalization, mainly due to high unemployment rates, and a lack of interest in politics created by a strong disillusionment towards the political



Tunisians proudly display their inked fingers indicating that they have voted.

establishment. NDI and IRI public opinion research demonstrates that many young Tunisians are frustrated with the lack of economic and social progress since the revolution.

YOUNG VOTERS

Nearly one million young voters were registered as a result of the targeted awareness and mobilization campaign carried out by the ISIE, CSOs, and student organizations in the spring of 2019. As a result, approximately two-thirds of the 1.5 million newly registered voters in the 2019 elections were under the age of 35.

³¹ United Nations, Department of Economic Affairs. World Population Prospects:2019. United Nations, 2019, population.[un.org/wpp/Publications/Files/WPP2019_Highlights.pdf](https://population.un.org/wpp/Publications/Files/WPP2019_Highlights.pdf).

A total of 7,626 youth who reached 18 years of age on November 17, 2019, the initial date for the presidential election, were registered but ineligible to vote on September 15 and on October 13, the dates of the revised first and second round of the presidential election. Citizen observers expressed concern about insufficient efforts by the ISIE to inform these individuals about their status prior to Election Day. Youth CSOs and student organizations also noted the lack of legal provisions allowing university students the ability to vote in their place of study as opposed to their home of origin should they be registered there. The General Tunisian Students' Union (UGTE), a nationwide student organization, negotiated with the Ministry of Education to obtain a day off in all universities across the country on October 12, the day before the presidential run-off election, allowing them to travel home and vote where they were registered. CSOs and young voters consulted by the mission attributed the slight increase in turnout among the youngest group of voters as compared to the legislative elections to this measure, coupled with overall greater interest in the presidential election.

Many stakeholders expressed concern regarding expected high rates of abstention among younger voters. ISIE did not announce the turnout figures disaggregated by age for the September 15 presidential election. The ISIE released turnout data disaggregated by age on the afternoon of the October 6 legislative election. A very low afternoon turnout of 9 percent was announced for the voters under 25 during the legislative election, rising to 11.6 percent at the same time during the presidential run-off. This increase in turnout among youth for the presidential run-off mirrored the broader trend of turnout for all voters from one election to another. Also noteworthy was the significantly higher participation of young women voters than men in the presidential run-off election, who represented 54.4 percent of total voters under 25, in contrast with the overall turnout where female voters represent 46.4 percent of all voters.

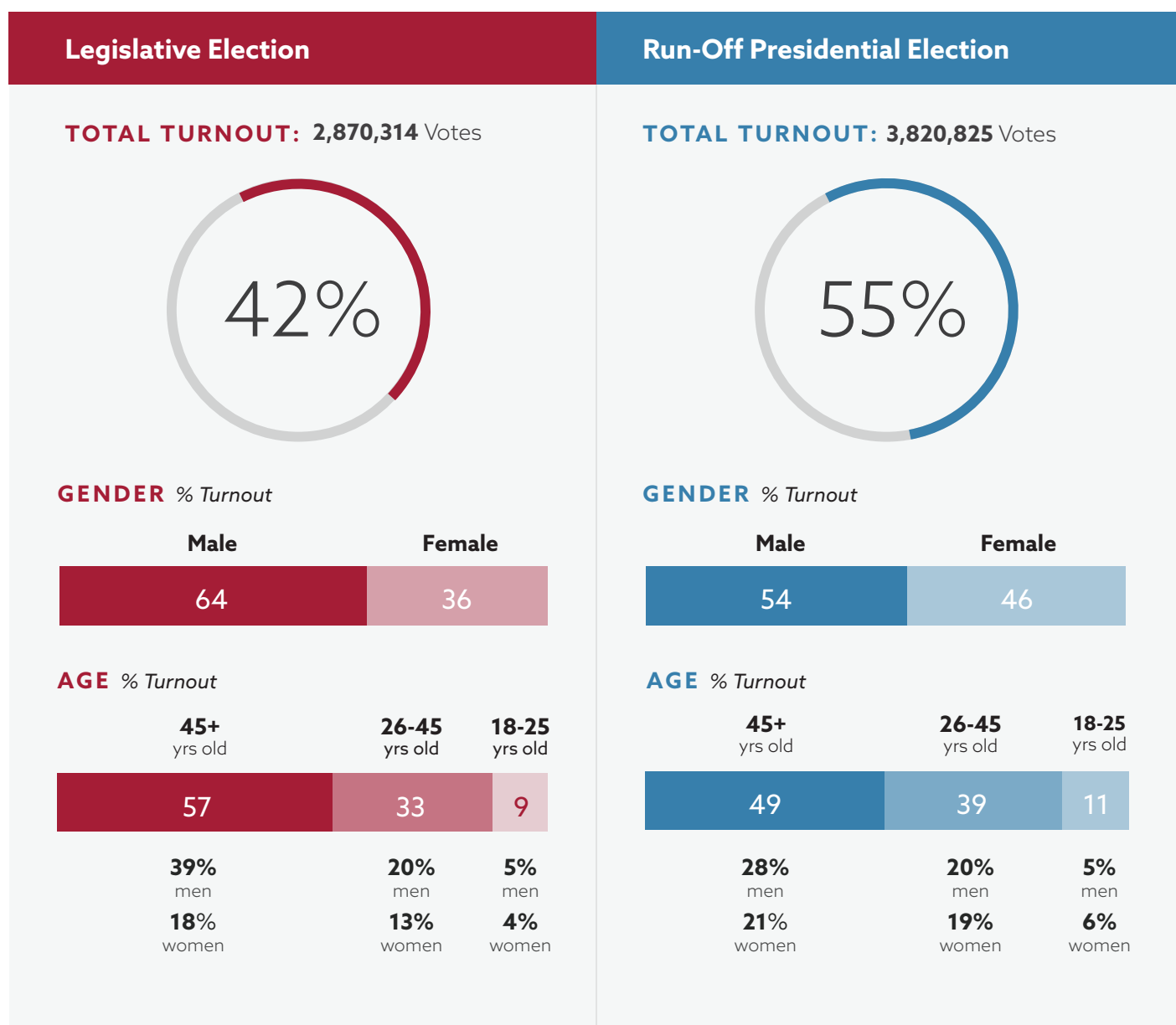
YOUNG CANDIDATES

The electoral law encourages the inclusion of youth candidates in the lists for the legislative elections by withholding half of available public campaign funding from candidate lists who fail to include at least one candidate aged 35 or younger in the first four positions of the list. Most of the larger parties reported trying to comply with this requirement in their lists and stated that the measure reportedly contributed to higher numbers of youth running for positions on the lists, especially in coalition and independent lists. Several coalition or independent lists fielded exclusively younger candidates (under 45 or 35) across the country, while two independent "youth lists" presented high numbers of young candidates as heads of lists. However, the final number of candidates under the age of 35 was not provided by parties or by the ISIE.

In the newly elected 2019 parliament, 29 MPs (13 percent) are under the age of 35, a number consistent with the previous legislature, which was composed of 28 MPs (13 percent) under 35. While the legal provisions intended for a higher youth representation in parliament, this was not ultimately attained. This was due to the low success rate of independent lists and coalitions, the dispersion of seats won among a large number of lists, and the fact that the vast majority of MPs elected were heads or second on the lists while youth candidates were mostly in the fourth position.

YOUTH IN THE CAMPAIGNS

Young people were generally active in grassroots campaigning, especially in door-to-door and flyer distribution activities, and observers noted that they were especially involved in canvassing for independent lists. Several student and youth groups — both organized and spontaneous — were reported to be the engine behind small meetings organized nationwide for presidential candidate Kaïs Saïed before the first round of presidential

Figure 2: 2019 Voter Turnout Demographics Legislative and Run-off Presidential Elections

elections and were actively campaigning in his favor on social media throughout the electoral cycle. However, young people were rarely found at higher levels of political party structures or campaign management. Youth party leaders and youth CSOs reported to the mission that young people were seldom placed in decision-making positions and that their concerns were overall inadequately addressed in parties' political platforms.

Presidential candidates and political parties that modified their messages to appeal to youth focused on the absence of job opportunities for young Tunisians, as well as the relentless emigration flow of both graduates and unqualified workers to Europe as main issues faced by the younger generation. Several presidential candidates positioned themselves in favor of decriminalizing the consumption of marijuana, a reform promoted

by many young people given the severe jail sentences currently attributed to such offences.

YOUNG PEOPLE'S INVOLVEMENT IN ELECTION ADMINISTRATION AND OBSERVATION

The ISIE and IRIEs prioritized the recruitment of university graduates as campaign monitors and polling staff, which resulted in this demographic making up the majority of election workers. According to mission observers, young people were very active before and during the three election days in various citizen observer organizations, particularly Mourakiboun, IWatch, TU-MED and JSF. A majority of these citizen observers were youth, and most of them served on a voluntary basis, worked long hours and were highly involved in the daily operations of their organizations and their successes, showcasing their commitment to a successful democratic process.

Persons with Disabilities' Political Participation

The election management body and civil society have sought to promote the political participation of persons with disabilities (PWD) through a more inclusive registration process, improved accessibility of polling stations and access to information on voting procedures and political contestants. The electoral law includes provisions to ensure that polling stations are accessible to persons with reduced mobility. On Election Day, priority access is given to PWDs, the elderly and pregnant women. For 2019, the ISIE and the IRIEs sought to install ramps in all polling centers and to ensure that persons with reduced mobility and the elderly could vote on the ground floor. However, international and citizen monitors observed a lack of accessibility for persons with mobility challenges in a number of polling stations on all three election days due to the absence of ramps or the fact that polling stations were located on the second floor of a building with no available elevator. Physical

accessibility of polling centers thus remained a challenge for their full participation in elections.

The electoral law mandates assistance and specific procedures for the visually impaired. During all three election days, braille folders were available in all polling centers. In addition, the electoral law requires the blind and persons physically unable to write to be assisted only by their spouses, ascendants or direct descendants, upon presentation of documents proving this relationship. Providing such documentation constitutes an additional burden for voters with disabilities. For those with hearing impairments, sign language translations were used in all official ISIE communications, public meetings and press conferences, and special voter information spots with subtitles and sign language were broadcast to reach the visually and hearing impaired. For the first time in an election, the ISIE counted the turnout of voters living with disabilities, but it is yet to provide this data for the three rounds of election. In addition, CSOs voiced concern about the small number of persons with disabilities represented among polling station workers.

The political participation and representation of persons with disabilities in the national government has so far remained insignificant, with no persons with disabilities in government, serving as president, or elected in the 2014 parliament. No candidate with a disability ran for the presidential office in 2019, as in 2014. However, for the first time in Tunisian legislative elections, two lists entirely composed of PWDs ran in the two constituencies of Sfax. In addition, various coalition or party lists included PWDs as candidates and heads of lists. While the electoral law provides a financial incentive for the inclusion of PWDs among the top ten candidates for municipal elections, no rule of that sort exists for the legislative elections. Despite the unprecedented inclusion of persons with disability in legislative lists, there are no PWDs among the newly elected MPs in 2019.

Disability rights associations shared concerns with the mission that inadequate access to information about candidates and their platforms (especially for the hearing and visually impaired) prevented PWDs from fully participating in the political process. The presidential and legislative televised debates that were fully translated in sign language were a positive initiative to bridge this information gap. Although the vast majority of campaign platforms did not mention any proposal regarding political participation and inclusion of PWDs, it is worth noting that a majority of international observation missions and citizen observer groups included the issue of polling station accessibility for voters with mobility challenges in their Election Day observation, and most also observed access to the voting process for persons with hearing and visual disabilities, which they had not done in previous elections.

The mission recommends that the ISIE continue to facilitate the participation of persons with disabilities in all aspects of the electoral process, including participation as election workers, candidates, voters and observers. Persons with disabilities should be able to access all polling stations and the ISIE should continue to translate all its public and official communications into sign language and make them available through audio spots for the hearing and visually impaired.

Minority/Marginalized Groups' Political Participation

LGBTQ COMMUNITY

Tunisia's LGBTQ community faces discrimination with a severe penal code outlawing and punishing homosexual activity with up to three years in prison. Nevertheless, and for the first time in Tunisia and the larger MENA region, an openly gay

candidate — Mounir Baatour, the founder of the LGBTQ advocacy group Shams—sought registration as a presidential candidate in June 2019. His candidacy was ultimately rejected by the ISIE due to the non-compliant format of the submitted endorsements. Baatour has since fled to France due to continuing death threats and had also been subject to hate speech and insults based on his sexual orientation during the electoral period.

Reforms advancing individual freedoms and LGBTQ rights, such as the abolition of Article 230 in the penal code criminalizing homosexuality, were largely discussed during the campaign for the first round of the presidential election. Six of the 26 presidential candidates opposed the annulment of laws criminalizing homosexuality and "obscene behavior."³² Of the two candidates in the run-off, Kais Saied, a declared conservative Muslim, was opposed to the reform of the penal code on homosexual activity, considering it a private issue and not a priority in Tunisia's reform agenda, while Nabil Karoui did not clearly express his position. While LGBTQ rights defenders observed that none of the candidates took any public position in support of LGBTQ rights, no hate speech against the LGBTQ community came from candidates nor was detected in the media during the legislative campaigns.

THE AMAZIGH COMMUNITY

Although there are no official statistics, the *Amazigh* community is estimated to represent between two to ten percent of the Tunisian population.³³ *Amazigh* communities are spread throughout the country, and those who use Tamazight as their first language are concentrated in the southern regions. Since the 2011 removal of Ben Ali, who denied the existence of and marginalized the *Amazighs*, numerous *Amazigh* cultural associations have emerged to gain

³² The penal code encloses articles that punish "obscene behavior" and "affront to public morality." According to the CSOs of the sector, these legal provisions target particularly LGBTQs, allowing the police to detain them, and the court system to impose them prison sentences and fines for their uncommon appearance.

³³ Indigenous Peoples in Tunisia." *International Work Group for Indigenous Affairs*, 19 May 2016, www.iwgia.org/en/tunesia/1016-indigenous-peoples-in-tunisia.html.

recognition and integration of their language and culture into the public system. Despite improvements to the visibility of the Amazigh community, its representatives reported ongoing discrimination and complained that the 2014 Constitution fails to recognize their existence, referring solely to the “Arab and Muslim identity” of Tunisia. The party Akal (“Land”) was founded in May 2019 with the aim of advocating for the political rights of the *Amazighs* and for their community to be acknowledged as part of the Tunisian identity. Its formal registration is still pending. In the legislative elections, no Amazigh list was presented; however, approximately 20 *Amazigh* candidates reportedly close to the Akal movement ran in six coalition lists in Sfax 2, Gafsa, Médenine, Kebili and Tunis 2.³⁴ None of these candidates were elected.

BLACK TUNISIANS

Black Tunisians, approximately 15 percent of the population, have historically been subject to social, political and administrative discrimination. Severe violations of human rights, and several racially-driven murders have occurred since the 2011 revolution, including the murder of an anti-racism activist in December 2018.³⁵ In October 2018, Tunisia passed a law on racial discrimination, the first in the Arab world, which condemns and punishes a series of racist crimes: incitement to hatred, racist threats, apology of racism and repeated and organized discrimination. One black Tunisian currently sits in parliament. She is a member of Ennahdha and was elected in 2014 and re-elected in 2019. The 2019 elections saw a higher number of black Tunisian candidates competing on party, coalition and independent lists. However, most of these candidates, of whom the vast majority were women, occupied positions far down on their party lists and therefore had very low chances of winning.

ILLITERATE PERSONS

In Tunisia, illiterate persons amounted to 19 percent of the population in 2018, and 30 percent of those individuals are women. Illiteracy rates are particularly high in some regions: up to 35 percent in the South, and 40.1 percent of women from rural areas.³⁶ CSOs expressed concerns about inadequate awareness-raising for illiterate persons. Effective outreach to these groups requires a systematic door to door approach, which was not implemented by the ISIE nor CSOs due to time constraints and lack of funding. In addition, TU-MED reported that election campaign flyers were typically text-heavy and not accessible for illiterate voters. The electoral law does not allow illiterate voters to be assisted while voting. A poster explaining voting procedures with pictures was produced by the ISIE and placed in each polling center on the three election days. Additionally, during the two rounds of the presidential election, the ballot papers included photographs of the candidates along with their names, while for the legislative elections, ballot papers had the logos of the parties along with their names.

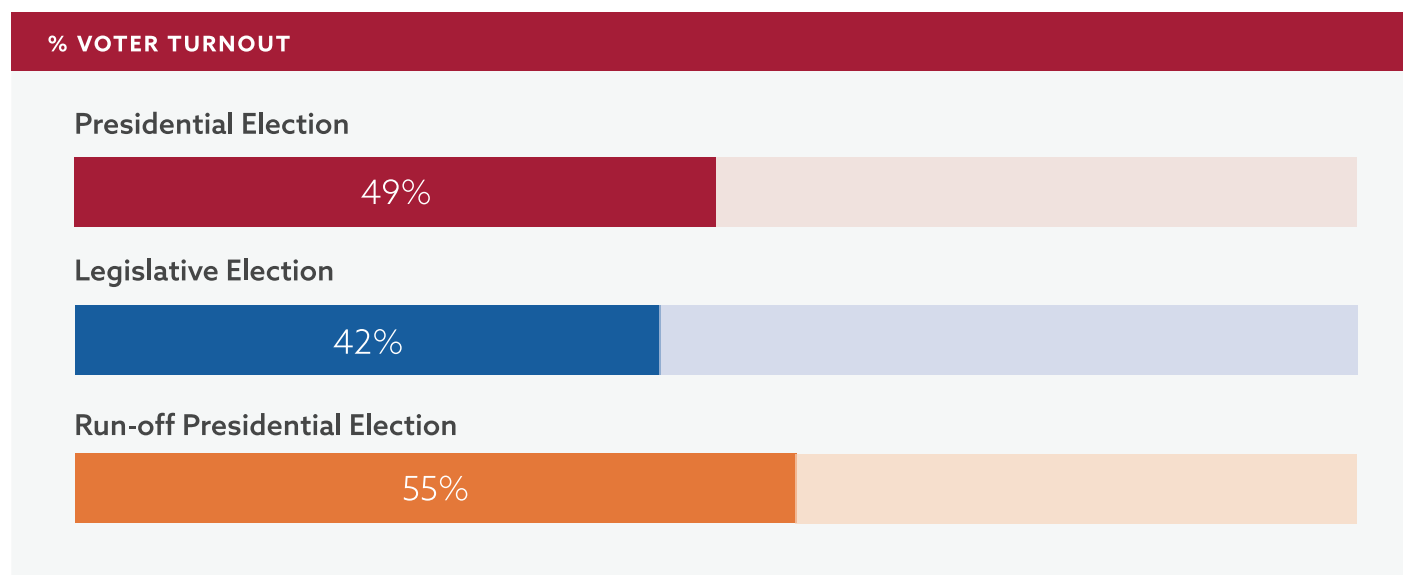
The parliament should explore additional mechanisms for increasing the representation of and access to the vote for under-represented groups including women, youth, PWDs, LGBTQ persons, Amazigh, and black Tunisians in the parliament and government.

The ISIE should explore additional mechanisms for increasing access to the vote for under-represented groups including women, youth, PWDs, LGBTQ persons, Amazigh, and black Tunisians.

³⁴ Due to the unpopular nature of the Amazigh cause, the leader of the Akal movement did not disclose the name of these candidates, for fear of retaliation by Islamists on social media.

³⁵ Souli, Sarah. “Activist’s Murder in Tunisia Attests to Racism’s Grip.” *Al-Monitor*, 8 Jan. 2019, www.al-monitor.com/pulse/originals/2019/01/activist-murder-tunisia-racism.html.

³⁶ The World Factbook: Tunisia.” *Central Intelligence Agency*, Central Intelligence Agency, 1 Feb. 2018, www.cia.gov/library/publications/the-world-factbook/geos/ts.html.

Figure 3: 2019 Voter Turnout

Political parties and candidates should strive to increase the inclusiveness and representativeness of political processes and elections by recruiting and fielding more women, youth, persons with disabilities and other under-represented or marginalized groups as candidates and integrating issues relevant to them into party platforms and electoral campaign strategies and messaging.

Election Day

Voting in the presidential, legislative and presidential run-off elections took place on September 15, October 6 and October 13, 2019, respectively. In total there were 4,871 polling centers and 13,850 polling stations, including 384 abroad. Schools were used as polling centers, and each polling center had from one to 13 polling stations (classrooms). Each polling center had one president and one or more information agents. The polling center president was responsible for: receiving the election materials and distributing them to each polling station president, ensuring the replacement of absent polling staff, helping voters find their

polling stations, making sure the campaign silence days were respected and collecting statistics related to the number of voters who voted (by gender and age) and submitting to the IRIE. Each polling station had three members, including a presiding officer and two officials, whose responsibilities were to: check the identity of voters, keep and distribute the ballot papers, ink voters' fingers and monitor the ballot box. Voting took place from 8 am to 6 pm on each Election Day, with the exception of a small number of polling centers that opened during a more restricted period (10 am to 4 pm) due to security concerns.

Following the close of voting, polling officials counted all of the ballots from the ballot boxes in each polling station. The president of the polling center, citizen observers, and candidate list representatives oversaw this process. All materials from polling centers were then transported to regional tabulation centers at the level of the IRIEs, generally in gymnasiums, where all materials were processed and stored. The processing took place both manually and electronically.

While the number of polling stations visited by the mission does not constitute a representative sample, the mission's findings aligned with those of citizen election observers, whose more expansive coverage contributed to nationally representative findings.

OPENING AND VOTING

The voting process on each Election Day unfolded in an orderly and smooth manner. The conduct of the process improved from the first election to the third, as voters grew increasingly confident about their duties and election officials became more familiar with procedures and more capable at handling unforeseen challenges. Despite several vacant executive positions within the ISIE Secretariat, the amended electoral calendar and the resulting operational pressures put on election authorities, key electoral operations were effectively and impartially implemented.

Generally, observed polling stations opened on time and in line with procedures. Observers reported that sufficient numbers of polling officials were present for the opening and that essential materials were widely provided. Overall, election officials seemed knowledgeable, well-trained and prepared. The secrecy of the vote was respected at the majority of polling stations observed. Transparency of the process was generally ensured, although in several instances during the legislative elections, observers were not given the requested turnout figures.

Some observers noted that they saw voters, particularly the elderly, having difficulties understanding procedures. No major issues with the voter registry were reported at the observed polling stations, although observers noted that some voters were turned away by polling officials when coming to the wrong polling station or for having no or incorrect forms of identification. In isolated cases, observers reported disorganization, tension, ink running out, ballots being stamped

before voters arrived and observers and polling officials using cellphones inside the polling stations, contrary to the rules. Large ballots did not fit properly behind the voting screens and were difficult to fold without compromising the secrecy of the vote. In a few polling stations, officials effectively dealt with minor disruptions to the voting process.

Security officials were present in all polling centers visited, generally adhering to their legally prescribed role of noninterference in the election process. No serious security incidents were reported during the three election days. Accredited citizen or international observers were present at most polling stations, as were multiple candidate agents. In several instances, mission observers were denied access to polling stations due to overcrowding. Mission observers reported that the number of observer or candidate agents allowed into a polling station depended on the seats available, which limited the overall transparency.

CLOSING, COUNTING AND TABULATION

Polling stations were set to close at 6 pm and closed either on time or with only a slight delay. The mission found that the closing and counting process was effective although in various instances officials lacked a clear understanding of the procedures. At the observed polling stations, counts were recorded in the official minutes, signed by polling officials and candidate agents, a copy of the official minutes was posted publicly at the polling station entrance and another copy was sent securely to the tabulation center. All teams reported being permitted to observe without restrictions and reported a high level of transparency in the counting process. Tabulation centers that the mission visited were positively assessed overall; although the observers noted differences in procedures for intake and processing of materials, counting methodology and the level of overall transparency across tabulation centers.

Figure 4: Presidential Election Results

PRESIDENTIAL CANDIDATES	%VOTE*
✓ Kais Saied	18%
✓ Nabil Karoui	16%
Abdelfettah Mourou	13%
Abdelkrim Zbidi	11%
Youssef Chahed	7%
Safi Said	7%
Mohamed lotfi Mraïhi	7%
Seifeddine Makhoulouf	4%
Abir Moussi	4%
Mohamed Abbou	4%
Moncef Marzouki	3%
Mehdi Jomaa	2%
Mongi Rahoui	1%
Hechmi Hamdi	1%
Hamma Hammami	1%
Elyès Fakhfakh	<1%
Omar Mansour	<1%
Said Aidi	<1%
Hamadi Jebali	<1%
Mohsen Marzouk	<1%
Néji Jalloul	<1%
Abid Briki	<1%
Selma Elloumi	<1%
Mohamed Sghaier Nouri	<1%
Slim Riahi	<1%
Hatem Boulabiar	<1%

* % Popular Vote ✓ Advancing to Run-off Election

RESULTS ANALYSIS

First-Round Presidential Election Results

The turnout rate for the first-round of the presidential election was 48.9 percent (number of voters compared to those registered to vote), which is lower than the 63.2 percent turnout rate for the 2014 presidential election. However, with approximately 1.5 million more voters registered in 2019 than in 2014, the total number of people voting remained about the same, at approximately 3.5 million.

Kais Saied and Nabil Karoui took the top two spots in the September 15 first-round presidential election, with Saied winning 18.4 percent of the vote and Karoui winning 15.6 percent. Abdelfattah Mourou, Ennahdha's candidate, came in third with 12.9 percent; Prime Minister Youssef Chahed came in fifth with 7.4 percent; and Abir Moussi came in ninth place with 4.7 percent.

Legislative Election Results

The legislative elections had a slightly lower turnout rate than the first-round presidential election at 41.7 percent. This turnout is considerably lower than the 2014 legislative turnout rate of 67.7 percent and demonstrated wide variation between constituencies. The parliamentary vote also took place against a backdrop of a run-off presidential election, which may have had an impact on the turnout rate and the level of legislative campaigning. The October 13 date of the run-off presidential election was not determined until well into the legislative campaign period, confusing many voters about the election calendar and the election in which they were voting. Significantly, the debate and press coverage surrounding the incarceration of Nabil Karaoui and his ability to campaign distracted attention from legislative races. Additionally, the highly regulated campaign environment, a lack of campaign funds, the high number of contestants and a perceived comparative

Figure 5: Legislative Election Results

TOTAL SEATS: 217

Political Parties Represented in Parliament

● Ennahdha	52	● Errahma	4
● Qalb Tounes	38	● Nidaa Tounes	3
● Al Tayar	22	● Republican Popular Union	3
● Al-Karama Coalition	21	● Al-Badil	3
● Free Destourian Party	17	● Afek Tounes	2
● Echaâb Mouvement	15	● Democratic and Social Union	1
● Tahya Tounes	14	● Popular Front	1
● Machrou Tounes	4	● Other	17

importance of the presidency over the parliament may have contributed to a subdued campaign period and lower voter turnout.

The ISIE presented the final results of the legislative elections on November 8. Ennahdha won the most seats with 52, Qalb Tounes followed in second with 38 seats, Al Tayar came in third with 22 seats, followed by Al-Karama Coalition (21 seats), PDL (17 seats), Echaâb Mouvement (15 seats), Tahya Tounes (14 seats), Machrou Tounes (4 seats), Errahma (4 seats), Nidaa Tounes (3 seats), Republican Popular Union (3 seats), Al-Badil (3 seats), Afek Tounes (2 seats), Democratic and Social Union (1 seat) and the Popular Front (1 seat).

Run-Off Presidential Election Results

Kais Saied won the presidency with 72.7 percent of the votes (2,777,931) against 27.3 percent for Nabil Karoui (1,042,894). The run-off presidential election turnout rate was 55 percent, significantly higher than the previous two rounds. The total number of votes cast in the run-off election was higher than in 2014, although the percentage turnout was lower, due to the new voter registration push in the lead-up to the election. The higher voter turnout for the run-off presidential election in this election cycle suggests that many Tunisians place disproportionate importance on the office of the presidency over the parliament.

No appeals were received for the run-off, effectively permitting the newly elected president to be sworn in within the constitutionally prescribed timeline.

Complaints and Appeals

SHORTENING OF COMPLAINTS AND APPEALS TIMELINE

In consultation with the ISIE, the parliament amended Article 148 of the electoral law on August 30, 2019 to align Articles 84 and 86 of the Constitution — which call for a newly elected president to be sworn in within 90 days of an incumbent president's death — and the maximum duration of the electoral process under the electoral law. The amendments decreased the time limits for litigation applicable to the preliminary results of an early presidential election, both at first instance and on appeal. The total time dedicated to the results litigation phase (complaints and appeals) was therefore reduced from 29 to 15 days. Typically, weekends are not included in

the adjudication period; however, Article 148 also mandated the inclusion of Saturdays and Sundays in the calculation of time limits, further reducing the duration of the adjudication period. Despite these reductions in time limits, had appeals been submitted for the run-off presidential election, a new president would likely not have been sworn in within the 90-day constitutional time limit for the interim president to exercise his powers.

In a parliamentary session to solicit views on the amendment, representatives of the Administrative Tribunal expressed concern about the court's ability to properly rule on electoral complaints under these shortened timeframes. Furthermore, various stakeholders raised concerns that the shortened timelines may limit their ability to gather and present sufficient evidence and sound legal reasoning.³⁷

CONTESTATION OF RESULTS

For presidential elections, candidates could contest the preliminary results before the Appellate Chambers of the Administrative Tribunal with the help of a cassation lawyer. All candidates running in the first round of the presidential election were also eligible to contest the election results for the run-off. Candidates or the ISIE were able to appeal the rulings of the Appellate Chamber, which would transfer the case to the Plenary Sessions of the Administrative Tribunal.

The preliminary results of the legislative elections could be contested to the appeal chambers of the Administrative Tribunal within three days of the date of publication of the preliminary results by the ISIE. For legislative elections, the right of appeal was open only to heads and members of candidate lists and legal representatives of political

³⁷ The complaints on the preliminary results of the presidential election had to be submitted within two days of their official publication instead of the three days originally mandated under the Electoral Law. An Appellate Chamber needed to schedule a hearing within two instead of three days of the submission of the complaint. The judgment had to be delivered within two instead of five days of the hearing and parties had to be notified within 24 hours instead of three days. The ISIE or a candidate had 48 instead of 72 hours to appeal the rulings of the Appellate Chamber. The appeal then had to be assigned to the Plenary Sessions of the Administrative Tribunal and a pleading session scheduled within two instead of three days of the date of notification of the first instance judgment. The Plenary Session had to pronounce the ruling within three instead of seven days of the pleading session, and the tribunal had to notify the parties of the ruling within 24 hours instead of two days of the pronouncement. The decisions of the Plenary Session were final and could not be appealed.

parties. They could only contest the results of the constituency in which they were candidates. The request for appeal had to be submitted to the appeals court by a cassation lawyer and accompanied by evidence of the notification of appeal to the ISIE and any other related party. The Appeals Chamber had to conduct the hearing within three days of filing for the appeal. The judgment had to be delivered within five days of the hearing and the parties had to be notified within three days of the decision.

Judgments rendered by the appeal chambers could be appealed before the Plenary Assembly of the Administrative Tribunal. The appeal had to be lodged within three days of notification of the first instance judgment. The first president of the Administrative Tribunal had to schedule the hearing within three days. The judgment on appeal had to be rendered within seven days of the date of the hearing and the parties had to be notified within two days of the judgment. The judgment rendered on appeal was final and could not be challenged further.

PRESIDENTIAL ELECTION

For the first round of the presidential election, candidates submitted six appeals challenging the ISIE and the three candidates who received the most votes. The appeals generally focused on the lack of equal opportunity and access of candidates, and the lack of ISIE sanctions for campaign violations, such as political advertisement. The Administrative Tribunal rejected all six appeals, three on procedural grounds and three on substance. Five of these six decisions were appealed by candidates in a second round of appeals. The Plenary Assembly of the Administrative Tribunal dismissed all five appeals, three on procedural grounds and two on substance. The three dismissals on procedural grounds related to Article 145 of the electoral law, failing to notify all concerned parties. The court did not agree with the ISIE's position that all candidates lacked self-interest given that

invalidated results would not impact their status, an argument that had previously been used as grounds for dismissal. Dismissals on grounds of substance were mainly justified by the lack of evidence and an inability to directly link candidates to media and social media advertising.

The shortened time frame for appeals put significant pressure on candidates, the ISIE and the Court, and likely contributed to the high proportion of appeals dismissed on procedural errors.

LEGISLATIVE ELECTIONS

The Administrative Tribunal received 102 complaints after the announcement of preliminary legislative election results, which were reviewed from October 16 to November 6. Two-thirds of these complaints were submitted by Ennahda and Qalb Tounes, the two parties who received the most seats. Most of the complaints were based on alleged campaign violations, including illegal media or social media advertising. The court dismissed 59 of the 102 complaints on merit, while 40 were dismissed due to procedural errors. The procedural dismissals for the legislative election complaints were based on failures to adhere to strict submission processes and deadlines. Several complainants noted that the strict enforcement of procedural rules makes the complaint process more difficult and reduces the number of challenges overall, negatively affecting the right to legal remedy.

Of the three complaints accepted by the Administrative Tribunal, the court ruled against the ISIE and cancelled seats in Kasserine (a Nidaa Tounes seat was awarded to the El Chaab Movement) and the overseas Germany district (an Ennahdha seat was awarded to the Democratic Current). The court also ruled against the ISIE's decision to revoke a seat from El Rahma party in Ben Arous. In the appeals process, however, the Plenary Assembly of the Administrative Tribunal reversed its decision,

ruling in favor of the ISIE in the Kasserine and Germany cases, and hence reverting to the original preliminary result. In Ben Arous, the Tribunal upheld its decision against the ISIE, confirming a seat for the El Rahma party. This case was the only appeal to lead to a change in the preliminary results.

The Administrative Tribunal's acceptance of only three complaints calls into question the constraints of the current appeals process. Many of the complaints evoked Article 143, which states that violations have to be committed by the candidate in question and should be substantial enough to affect the results. However, the term "substantial" is not defined, making it difficult for complainants to substantiate their claims. The large number of rejected appeals based on procedural errors could also show that lawyers are

unfamiliar with the electoral litigation process, and that the litigation deadlines are too constrained to allow for adequate review. For instance, the Court heard approximately 75 challenges in one day, raising concerns about the effects of such expediency on due process. Despite these issues, the Court's support of the majority of the ISIE's results affirms the integrity and professionalism of the electoral body.

To further ensure effective legal oversight in the electoral process, the electoral law should be reviewed to ensure that the complaint procedures and litigation processes are well-defined, that all complaints receive adequate consideration and that lawyers and judges receive adequate time to assemble and review appeals respectively.

Beni Watani door-to-door campaign in Tunis 1 in advance of the legislative elections.



RECOMMENDATIONS

The 2019 Tunisian elections took place under extraordinary circumstances put into motion by former President Essebsi's death and the subsequently compressed electoral calendar. The following recommendations acknowledge that some of the shortcomings of the 2019 electoral process stemmed from the challenges imposed by the new timeline. The Institutes will continue to work with Tunisian and international stakeholders to further improve the electoral processes and Tunisia's overall democratic development. In the spirit of international cooperation, and based on the observations and conclusions made by the joint international election observation mission throughout the election period, the mission offers the following recommendations:

General recommendations:

1. The mission urges all relevant stakeholders to review the electoral process in order to ensure that electoral authorities take proactive steps to improve Tunisia's electoral mechanisms and strengthen the independent institutions that can guarantee the integrity of future elections in Tunisia.
2. The mission urges the parliament to appoint the remaining members of the Constitutional Court, ensure swift formation of other constitutionally mandated independent institutions, and dedicate resources to the ISIE to further develop its capacity to oversee and administer future elections. Key aspects of the ISIE's institutional development that will require financial backing include: establishing its organizational structure, managing and tracking human resources, improving internal and external communication, organizing and publicizing election-related information and statistics in analyzable formats and contributing to on-going public outreach and voter education initiatives.
3. The mission urges that all legal amendments and consultations take place through a transparent, consultative and inclusive process at least one year before the start of the next election cycle, with input from civil society at all stages of the review and amendment process.

To the parliament:

1. The mission recommends that the parliament evaluate the shortcomings of the 2014 electoral law through a transparent, open and consultative process at least one year before the start of the next election cycle. The parliament should include the following revisions in their evaluation of the electoral law:

- a. *Align the contradictory timelines prescribed by the constitution and the electoral law.*
 - b. *Thoroughly review campaign regulations, particularly targeting the closure of loopholes, the clarification of key legal terms, and the loosening of restrictions where needed to promote more visible, engaging campaigns.*
 - c. *Review Article 143, which allows the ISIE to cancel election results should violations of campaign or campaign-finance rules affect the election results in a substantial and decisive manner, to ensure its objective application and its respect for the will of the voter.*
 - d. *Review the electoral boundary delimitation and seat distribution in a transparent manner open to public debate and consultation with a goal of setting clear criteria for seat allocation and ensuring equality of the vote.*
 - e. *Review the restriction preventing members of the military and national security forces from voting in presidential or legislative elections in order to take into account international standards for universal suffrage.*
 - f. *Review the candidate registration restriction that mandates that Tunisia's president must be Muslim, in order to bring the law into compliance with international standards.*
 - g. *Review and reduce the ban on public opinion polling during electoral periods, and put additional regulations in place to ensure that all public opinion polls are conducted with sound and transparent methodology, including informing the public who conducted and paid for the poll.*
 - h. *Review the electoral law to ensure that the complaint procedures and litigation processes are well-defined, that all complaints receive adequate consideration and that lawyers and judges receive adequate time to assemble and review appeals respectively.*
 - i. *Include the issue of an electoral threshold, as well as the formula for allocating seats in order to reduce the number of "wasted" votes, in any larger review of the election law.*
 - j. *Ensure full compliance of national legislation with international standards and commitments.*
2. The mission recommends that the parliament should explore additional mechanisms for increasing the representation of under-represented groups including women, youth, PWDs, LGBTQ persons, *Amazigh*, and black Tunisians in the parliament and government.

To independent institutions (ISIE, HAICA, Court of Accounts, Administrative Court):

1. The mission recommends that the ISIE fill remaining vacancies, clarify roles and develop its consultation and communication plan, including for crisis communications and the mitigation of disinformation (in coordination with the HAICA). This would enhance the transparency, professionalism and reliability in the ISIE's communication with stakeholders, and continue to strengthen confidence in the work of electoral authorities and the electoral process.
2. The mission recommends that the ISIE ensure the principle of gender parity within the ISIE Council as outlined in Article 6 of organic law n° 2018-47.
3. The mission urges the election authorities to consider regularly publishing detailed information on campaign violations and the resulting sanctions imposed. The courts should also increase the transparency of received and adjudicated election-related cases, for example, by establishing an online election complaints database. The parliament should also explore the possibility of introducing a timelier mechanism for dealing with election-related violations and complaints.
4. The mission recommends that the ISIE publish all relevant data disaggregated by age and gender including voter turnout and statistics on poll workers for each constituency, including statistics for management positions.
5. The mission recommends that the ISIE and the Court of Accounts thoroughly review the campaign finance regulations and ensure that sanctions imposed are timely and enforced. The mission also urges the ISIE and the Court of Accounts to review timelines for campaign finance review in order to provide timely information to the public and increase accountability.
6. The mission recommends that the ISIE enhance the transparency and integrity of the candidate registration process, for example by adopting a digital system for receiving and reviewing citizens' endorsements and ensuring that mechanisms for citizens' verification are available in a timely manner. The mission also urges the ISIE to increase the transparency of its work by publishing decisions on each candidacy rejection with full legal rationale.
7. The mission recommends that the ISIE continue to facilitate Tunisians' access to the vote in the following ways:
 - a. *Facilitate the participation of persons with disabilities in all aspects of the electoral process, including participation as election workers, candidates, voters and observers. Persons with disabilities should be able to access all polling stations and the ISIE should continue to translate all its public and official communications*

into sign language and make them available through audio spots for the hearing and visually impaired.

- b. Facilitate rural women's access to national ID cards well ahead of the next round of elections. The mission also urges future civic and voter education campaigns to make a concerted effort to target rural areas.*
 - c. Consider extending the time provided for voter list review and enable voters to change their registration address closer to Election Day.*
 - d. Ensure all eligible voters are given the opportunity to register.*
 - e. Explore additional mechanisms for increasing access to the vote for under-represented groups including women, youth, PWDs, LGBTQ persons, Amazigh, and black Tunisians.*
 - f. Put in place more robust voter education and mobilization efforts designed in collaboration with relevant CSOs ahead of the next polls, combined with continuous work on civic and democratic education throughout the country for both the general population and the traditionally marginalized and disenfranchised groups.*
- 8.** The mission urges the ISIE to heed the recommendations of and work more closely with observer groups in future electoral processes. The mission also notes that CSOs help to reaffirm the integrity of Tunisian elections, and continued support to these organizations is necessary to undergird the integrity of future elections.
 - 9.** The mission urges the ISIE and the HAICA to ensure that all relevant media regulations are adopted and made public in a timely manner. The mission also urges the HAICA and the ISIE to coordinate more closely in future electoral cycles to adopt and announce media regulations in a timely manner, and participate in an ongoing exchange of media monitoring findings in order to ensure transparency of media funding and better regulation of online campaigns.

To political parties and candidates:

- 1.** The mission recommends that political contestants should comply with measures established to enforce the legal framework around elections. In particular, political parties should publicly demonstrate their commitment to transparency in Tunisian public life by abiding by campaign finance regulations and submitting all necessary documentation of campaign expenditures. Political contestants may also consider holding inclusive discussions to agree on a code of conduct for political contestants and candidates.
- 2.** The mission recommends that political parties and candidates strive to increase the inclusiveness and representativeness of political processes and elections by recruiting

and fielding more women, youth, persons with disabilities and other under-represented or marginalized groups as candidates and integrating issues relevant to them into party platforms and electoral campaign strategies and messaging.

To civil society:

- 1.** The mission recommends that civil society organizations continue to foster a spirit of collaboration as they work to achieve their goals between elections and in preparation for future elections. Observer groups should work together to present a joint assessment of the 2019 election process and recommendations for future improvements.
- 2.** The mission recommends that CSOs enhance cooperation with the ISIE and other relevant authorities on civic and voter education efforts, particularly targeting youth, women, rural residents, persons with disabilities and other citizens less represented in the political processes and decision-making. CSOs should continue to work with relevant government institutions to provide identification cards to rural women to facilitate their ability to register to vote.
- 3.** The mission urges future civic and voter education campaigns to make a concerted effort to target rural areas.

ANNEX: TERMS & ACRONYMS

ARP	Assemblée des représentants du peuple (Assembly of People's Representatives)
ATIDE	Tunisian Association for the Integrity and Democracy of Elections
COA	Court of Accounts
CSO	Civil society organization
EOM	Election Observation Mission
HAICA	High Independent Authority for Audiovisual Communication
ICA	L'Instance de la Communication Audiovisuelle (Audiovisual Communication Authority)
IEOM	International Election Observation Mission
IFES	International Foundation for the Electoral Systems
IRI	The International Republican Institute
IRIE	L'Instance Régionale Indépendante pour les Élections (Independent Regional Election Authority)
ISIE	L' Instance Supérieure Indépendante pour les Élections (Independent High Authority for Elections)
JSF	Jeunesse Sans Frontières (Youth Without Borders)
LTA	Long-term analyst
LTDH	Ligue Tunisienne des droits de l'homme (Tunisian League of Human Rights)
LTO	Long-term observer
NCA	National Constituent Assembly
NDI	The National Democratic Institute
PVTs	Parallel vote tabulations
PWDs	Persons with disabilities
SBOs	Sample-based observations
TUMED	Le Centre Tunisien Méditerranéen (The Tunisian-Mediterranean Center)
UGTE	Union Générale Tunisienne des Etudiants (The General Tunisian Students' Union)
UGTT	Union Générale Tunisienne du Travail (Tunisian General Labor Union)
UNDP	United Nations Development Program
VAW-E	Violence Against Women in Elections

