



Tunis, 24 October 2011

Elections for Constituent National Assembly signal the Tunisian people are on their way to guaranteeing human rights and democracy

This statement is based on the observations made by the delegation of the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE PA) under the leadership of OSCE PA Vice-President Riccardo Migliori (Italy) during two pre-election assessment visits and a short-term election observation mission during the last phase of the election. The OSCE PA assessed the elections against the country's international obligations, in particular Article 25 of the International Covenant on Civil and Political Rights, and national legislation. The observer mission thanks the authorities of Tunisia for the invitation and high degree of co-operation.

After the events of the Arab Spring, which challenged decades of authoritarianism, the 23 October 2011 elections for the Constituent National Assembly of Tunisia laid a first solid cornerstone for future democratic institution-building. In this early phase of democratic transition, only months after violent protests, the elections were free, and observers did not witness any widespread or systematic irregularities. Voters were enthusiastic that they were finally able to cast their votes freely; this enthusiasm enabled them to wait patiently for hours in long queues, until it was their turn to cast their vote. Since these are the first democratic election in Tunisia, no political party could have any positive knowledge about its place and strength in the society before going through this first test for the political composition of the country.

The low-key and generally peaceful campaign period was described in the press by all stakeholders as "normal." All competitors were treated on the basis of strict equality and overall received fair media coverage, giving voters a chance to make a genuine choice from the 1,517 lists of political parties, coalitions and independent groups with altogether 11,618 candidates in the 27 domestic and 6 out-of-country constituencies. Election day was calm, orderly, and voters turned out in high numbers to cast their ballots in the almost 8,000 polling stations. Observers did not witness evidence of alleged vote-buying by stakeholders and asked that contestants refrain from making such allegations unless they are able to provide evidence. Counting was generally assessed as honest. More than 13,000 domestic and 600 international observers, as well as the media, observed these elections, contributing to the transparency of the electoral process.

Certain particularities of these elections were decided after intense and transparent debates in the revolutionary bodies, and have to be seen against the background of the transition the country is going through. Examples are the restrictive policy on public advertising, the exclusion of followers of the authoritarian regime from the elections, an imperfect voter registration system, as well as a number of technical shortcomings and other clauses of the election law. These particularities did not affect the observers' assessment of these elections as free and fair. In the months to come, identified shortcomings will have to be addressed and remedied, and the system will gradually have to leave behind specificities that are owed to the transition.

All in all, these elections demonstrated the will of the Tunisian people to send out a clear and promising signal that the country is on its way to guaranteeing freedom, human rights, a democratic rule based on good governance and controlled by an independent judiciary.

Details:

In general, the election law (Decree-law 35 of 10 May 2011) provides a solid basis for a modern and pragmatic organization of free and fair elections, although it contains several restrictions excluding some groups of voters (Article 4) and limiting the right to stand for elections (Article 15) and to campaign (for instance articles 37, 38, 46), which need to be reviewed in order to avoid misuse. The postponement of the election date and several amendments of the law by the ISIE (L'Instance Supérieure Indépendante pour les Élections) should be seen as another one-time particularity resulting from the revolutionary situation. Also, some provisions of the law are ambiguous. Since the courts and the Administrative Tribunal play a crucial role in dealing with litigation connected to elections, further efforts are needed to strengthen the independence of the judiciary in the country.

The election law is very progressive in establishing a 50 per cent quota of women and a male/female candidate alternation for the electoral lists, but considering there are so many political parties and the fact women led seven per cent of the party lists, women are likely to be underrepresented in the Constituent National Assembly.

The supreme electoral body, the ISIE, proved to be truly independent, addressing the many challenges posed by the revolutionary situation, finding solutions without political bias, mostly within its deadlines, and therefore enjoyed high public confidence. However, the present distribution of responsibilities between different authorities which deal with election-related matters (ISIE, Liaison Committee, Ministries) needs to be consolidated, the transparency of its work needs further enhancement, and the election administration will have to be equipped with an adequate administrative substructure, including an increase in the number of local poll workers.

The creation of special polling stations – in order to accommodate potential voters who had not registered within the deadline but who held a valid Identity Card and were on the Civil Registry – demonstrated the will of the ISIE to ensure that all potential voters could cast their ballot, but the implied change in the system from active to passive registration and the existence of two different types of polling stations also tended to create confusion and technical as well as logistical difficulties. A number of voters, often students, were denied the vote because they were registered at a residence which did not correspond to the place in which they actually lived and wanted to vote. Others were not registered because of the imprecision of the address in their ID.

While resulting from a legitimate concern for the equality of all competitors, the funds political parties are allowed to spend for their campaigns (Articles 52 and 53 of the election law) and the limited amount of space for political advertising, which favored political parties that can rely on already existing infrastructures, should be reviewed under the aspect of effective campaigning.

The ISIE, the Ministry of Education and Nongovernmental Organizations conducted voter education programmes, including providing material for the illiterate and training more than 50,000 poll workers. Despite the devotion of election officials on all levels of the election administration, this needs to be intensified in future.

As long as there are a high number of regional candidate lists (1,428), the current electoral system favors smaller parties in order to create an Assembly in which all regions and political camps are represented.

The OSCE PA made two pre-assessment visits to the country (6 to 9 September and 28 September to October 1, 2011) and deployed a short-term election observation mission of 75 observers from 21 OSCE participating States and Algeria to Djerba, Gafsa, Hammamet, Kairouan, Nabeul, Sidi Bouzid, Sousse, Tozeur, and Tunis.

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