

35th SESSION

Report
 CG35(2018)10prov
 24 September 2018

Information report on the municipal elections in Tunisia (6 May 2018)

Rapporteur:¹ Xavier CADORET, France (SOC, L)

Summary

Following the invitation by the Tunisian Government, the Congress deployed an Electoral Assessment Mission of reduced scope to observe the municipal elections in Tunisia on 6 May 2018, which were the first elections held in this country at the local level after the Arab Spring of 2011.

The Congress delegation welcomed the fact that, despite difficult structural conditions, both in terms of the political and socio-economic situation of the country, the vote was successfully accomplished and carried out, by and large, in line with international legal standards for elections and good practices. It stressed that the electoral success of truly independent candidates and the number of female, young and disabled candidates who were elected gives rise to hope for further democratic progress at the local level.

In view of the low turnout, not least due to the socio-political situation and political disenchantment in the country, particular attention should be paid, according to the Congress, to the situation of the media, especially with regard to the creation of a regulatory framework which allows for a fully-fledged electoral campaign as part of a genuine democratic environment of elections. Simplification also with regard to eligibility requirements and the submission of candidatures could be conducive to the political participation process in general.

The Congress concludes that in the medium term, until the next municipal elections, the Tunisian authorities should strive for strengthening of the local level and further decentralisation steps which involve extraordinary opportunities for the country as a whole.

1 L: Chamber of Local Authorities / R: Chamber of Regions
 EPP/CCE: European People's Party Group in the Congress
 SOC: Socialist Group
 ILDG: Independent and Liberal Democrat Group
 ECR: European Conservatives and Reformists Group
 NR: Members not belonging to a political group of the Congress

1. Introduction

1. In response to an invitation from the Tunisian government, the Bureau of the Congress decided to send an ad hoc mission to assess the municipal elections in Tunisia, held on 6 May 2018.

2. The Congress delegation comprised Xavier CADORET (France, SOC, L), Head of delegation and Rapporteur, alternate thematic spokesperson on South-Mediterranean Partnership; Stewart DICKSON (United Kingdom, ILDG, R), Thematic Spokesperson on Observation of Local and Regional Elections; Luc MARTENS (Belgium, EPP/CCE, L), Congress substitute member on the Venice Commission's Council for Democratic Elections. The Delegation was accompanied by Prof. Tania GROPPPI, expert on electoral matters, and members of the Congress Secretariat. On polling day, three teams of observers monitored the electoral process in some 50 polling stations chosen at random in different regions, including in Tunis and the surrounding area, Bizerte, Beja, Kairouan, Zaghuan and Sousse.

3. The detailed programme is appended to the present report.

4. The Congress Delegation wishes to thank all interlocutors it spoke to during this visit for their receptiveness and for the information they kindly provided. It also thanks Tunisia's institutions for their support for the preparation of the visit. Special thanks go to the Head of the Council of Europe Office in Tunis, William MASSOLIN, and his team for their contribution to the organisation and success of the visit.

2. Political context

5. The municipal elections of 6 May 2018 were the first vote at the local level in Tunisia since the 2011 revolution and the adoption of the Constitution of 27 January 2014, which enshrined the principle of administrative autonomy of local authorities and the election of municipal councillors by direct universal suffrage.

6. The previous municipal elections had been held in 2009 under the Ben Ali regime in accordance with the 1959 Constitution.

7. After the 2011 Revolution, the municipal councils were dissolved and replaced by "special delegations" whose government-appointed members were assigned responsibility for managing day-to-day affairs until elections were organised.

8. Initially scheduled for 2016, and then repeatedly postponed, the elections were finally held on 6 May 2018. Soldiers and security forces personnel voted one week before. The municipal elections had been convened by a Presidential Decree of 19 December 2017,² on the basis of the electoral timetable established by the Independent High Authority for Elections.³ On the other hand, regional elections were not convened at the same time.

9. In total, this was the fifth vote held in Tunisia since the 2011 revolution. The very first ballot took place on 23 October 2011 for the election of the 217 members of the National Constituent Assembly (ANC). The vote was organised as part of the constitutional transition: an Independent High Authority for Elections (ISIE) was assigned the task of preparing, supervising and monitoring the elections to the ANC. The authority completed its work and was dissolved on 14 November 2011, when the definitive results were published, as provided for in the law.⁴

10. The first Parliamentary and Presidential elections took place after the entry into force of the new Constitution and were run in 2014 (on 26 October 2014 for the election of the Assembly of the Representatives of the People (ARP), and on 23 November and 21 December for the two rounds of voting in the presidential elections respectively) within the framework of the new electoral law approved by the ANC in 2014.⁵

2 Presidential decree no. 2017-254 of 19 December 2017, convening voters for the 2018 municipal elections.

3 ISIE decision no. 2017-22 of 18 December 2017, on the timetable for the 2018 municipal elections.

4 Legislative decree of 18 April 2011, creating an Independent High Authority for Elections, *Journal Official Gazette of the Tunisian Republic*, no. 27, 19 April 2011, pp. 484-486.

5 Implementing act no. 2014-16 of 26 May 2014 on elections and referendums.

11. The 2011 and 2014 elections received a favourable assessment, on the whole, from the national and international observers.⁶

12. The Parliamentary elections in 2014 had a turnout of 67.72%, with a record of 78.15% in the Tunis 2 constituency. The Nidaa Tounes party became the leading political force in Tunisia, with 37.56% of the vote and 86 seats. The Ennahdha party founded as "The Movement of Islamic Tendency" in 1981, which had achieved the highest score in the elections to the ANC, won 27.79% of the vote and 69 seats.

13. Turnout in the Presidential elections was 63.18% for the first round and 60.34% for the second round, in which the Nidaa Tounes party candidate, Béji Caid ESSEBSI, was elected President of the Republic.

14. Nidaa Tounes has led the Government since 2014. The current national unity Government, which took office in August 2016 and is led by Youssef CHAHED, is supported by the Nidaa Tounes, Ennahdha, Free Patriotic Union and Afek Tounes parties and the Al Horra bloc.

15. The ISIE, which was reorganised on the basis of a new law after the 2011 vote,⁷ prepared, organised and supervised the 2014 elections. Its nine members were elected by the ANC on 8 January 2014, for a 6-year term. The ISIE's impartiality, independence and professionalism were highlighted in particular.⁸

16. However, in May 2017, the President of the ISIE, Chafik SARSAR, and two of its members, announced their resignation, partly because of a conflict caused by the arrival of members elected by the ARP for the first partial renewal.⁹ A report published by the Chamber of Audit a few days later revealed a series of failings within the ISIE.¹⁰ The ensuing replacement of members and the election of the new President did not take place until November 2017, when Mohamed Tlili MANSRI was elected President. The crisis within the ISIE has not been overcome in the wake of the municipal elections: on 28 May 2018 the Board of the ISIE approved a request for the dismissal of the President criticising his bad management. On 5 July 2018, Mohamed Tlili MANSRI announced his resignation from the ISIE Presidency.¹¹

3. Administrative structure at local level

17. The Tunisian Constitution of 2014 stipulates, in Article 14, that "the State shall strengthen decentralisation and apply it throughout the country, within the framework of the unity of the State". Chapter VII, which contains twelve articles (Arts. 131-142), is dedicated to "local authority".

18. This is a ground-breaking text compared to the 1959 Constitution, which referred solely to municipal and regional councils in Art. 71 but did not mention local authorities, autonomy or administrative autonomy.¹²

19. The 2014 Constitution provides for three levels of local authorities throughout Tunisia's territory: Municipalities, Regions and Districts,¹³ which have legal personality and financial and administrative autonomy. That autonomy is reinforced by the recognition of the principle of administrative autonomy for them.¹⁴

6 [Doc. 12795](#) ; [Doc. 13654](#)

7 Implementing act no. 2012-23 of 20 December 2012 on the Independent High Authority for Elections

8 On the 2011 elections, see: https://eeas.europa.eu/headquarters/headquarters-homepage/24404/eu-election-observation-mission-tunisia-2011_en; on the 2014 elections, see: http://eeas.europa.eu/archives/eueom/missions/2014/tunisia/pdf/150313-rapport-final-moeue-Tunisia-2014_fr.pdf

9 <http://www.jeuneafrique.com/436925/politique/Tunisia-chafik-sarsar-a-demissionne-de-presidence-de-linstance-electorale/>

10 <https://www.leconomistemaghreb.com/2017/05/11/rapport-cour-comptes-epingle-isie/>

11 <http://afrique.le360.ma/Tunisia/politique/2018/05/29/21140-Tunisia-demis-pour-faute-grave-le-president-de-lisie-refuse-la-sanction-21140>; <http://kapitalis.com/tunisie/2018/07/05/mohamed-tlili-mansri-demissionne-de-la-presidence-de-lisie/>

12 Under Art. 71 of the 1959 Constitution, "Municipal councils, regional councils and the structures to which the law gives the quality of local authority, manage local affairs according to the terms established by law".

13 Article 131 states in this connection that: "Local government is based on decentralisation.

Decentralisation is achieved through local authorities comprised of municipalities, districts and regions covering the entire territory of the Republic in accordance with boundaries established by law. The law may provide for the creation of specific types of local authorities".

14 These two principles stem from Article 132 which stipulates that: "Local authorities shall enjoy legal personality as well as financial and administrative independence. They manage local matters in accordance with the principle of administrative autonomy".

20. Through the 2014 decentralisation process, elections became the principle underlying the formation of Local Councils. Members are directly elected in the case of Municipal Councils and indirectly in the case of District Councils. Article 133 extends the electoral process to Municipal Councils, Regional Councils and District Councils. It stipulates that Municipal and Regional Councils are to be elected through universal suffrage whereas district councils are to be elected by the members of municipal and regional councils.¹⁵ Although, for the time being, the Districts have not been created yet. Consequently, there are only two levels of local authorities in Tunisia in place, namely Municipalities and Regions.

21. Government Decree no. 2016-602 of 26 May 2016¹⁶ created 86 new Municipalities (taking the total number of municipalities to 350), fully covering Tunisia's territory, in line with the new constitutional provisions. Accordingly, all Tunisians, wherever they reside, are part of a municipality and may participate in municipal elections.

22. Legislative delays have caused repeated postponements of Tunisia's municipal elections. The two dates for the holding of elections on which there was political consensus (30 October 2016 and 26 March 2017) had to be abandoned along with the corresponding electoral timetables established by the ISIE.

23. Finally, the draft Local Authorities Code, drawn up by the Government in 2016 to replace pre-existing legislative texts, was approved by the Council of Ministers on 28 April 2017.¹⁷ It was passed by the ARP, by a majority of 147 deputies with 10 abstentions, on 26 April 2018. It was published in Official Gazette of the Presidency of the Republic no. 39 dated 15 May 2018.¹⁸ This delay in passing the Code resulted in part of the electoral campaign for municipal elections taking place without there being a definitive framework establishing the scope of municipalities' powers.

4. Legislative framework and electoral system

24. The municipal elections are governed by Implementing Act no. 2014-16, as amended by Implementing Act no. 2017-7.¹⁹

25. Municipal Council members are elected for a five-year term, under the proportional system. Voting is by electoral constituency: the territory of each municipality constitutes an electoral constituency. The number of Municipal Council members is determined on the basis of the number of inhabitants, using a table established by the law, and varies from a minimum of 12 (for municipalities with fewer than 10,000 inhabitants) to a maximum of 60 (for municipalities with more than 500,000 inhabitants).²⁰

26. Voting is list-based and takes place in a single round. The voter chooses one of the lists of candidates, without striking out any names or changing the order in which the candidates appear.

27. Seats are allocated at the level of the constituencies on the basis of the electoral quotient (determined by dividing the number of votes cast by the number of seats reserved for the constituency). Candidate lists receiving less than 3% of the votes cast at the level of the constituency are not eligible for seat allocation.

28. A list is awarded one seat each time it attains the electoral quotient. The seats are allocated to the lists following the order in which the candidates are listed. Any seats not allocated on the basis of the electoral quotient will be allocated, in a second phase, on the basis of the largest remainder at the level of the constituency.

¹⁵ Article 133: "Local authorities are headed by elected councils.

Municipal and regional councils are elected through general, free, direct, secret, fair and transparent elections.

District councils are elected by the members of municipal and regional councils.

The electoral law shall guarantee the representation of youth in local authority councils".

¹⁶ Available in Arabic only: http://www.leaders.com.tn/uploads/FCK_files/JournalArabe0432016.pdf

¹⁷ Implementing act no. 2017-7 of 14 February 2017 had stipulated in Art. 173 bis that, in accordance with Article 148 concerning the Constitution's transitory provisions and until the passing of the laws provided for in the chapter on local authority, the provisions of Implementing act no. 75- 33 on municipalities continued to apply.

¹⁸ Implementing act no. 2018-29 of 9 May 2018, on the Local Authorities Code <https://legislation-securite.tn/ar/node/104277> (in Arabic)

¹⁹ See Articles 117 bis- 117 septies.

²⁰ Government decree no. 2017-1033 of 19 September 2017, establishing the number of members of municipal councils.

29. The Chair of the Council is elected by the Council members from among the Heads of the winning lists. It is the candidate obtaining the absolute majority of votes who is elected as chair. If none of the candidates obtains an absolute majority, a second round of voting is held between the candidates having come first and second in the first round of voting. The candidate who then obtains the highest number of votes is elected as Chair.

30. Very precise rules have been introduced regarding the eligibility requirements and the submission of candidatures.

31. Any voter of Tunisian nationality who is at least 18 years of age and free of any legal impediment may stand for election as a Municipal Council member for the constituency in which he or she is registered. The law specifies the criteria governing the eligibility of those having exercised functions in electoral constituencies in the year preceding the submission of candidatures. It is prohibited to stand as a candidate on more than one electoral list and in more than one electoral constituency.

32. The lists must comply with a set of requirements established by the law or will otherwise be deemed inadmissible. These include the principle of gender parity, in accordance with the Tunisian Constitution.²¹ For the first time, this parity is both vertical and horizontal: in addition to the rule whereby male and female candidates must alternate on the lists (already in place for the Parliamentary elections) there is now gender parity for the Heads of lists put forward in more than one electoral constituency. These criteria are considered by many political parties as an obstacle to providing a complete electoral list.

33. Another requirement relates to the involvement of young people, in accordance with the Constitution.²² Each list must include a female or male candidate under 35 years of age among the first three candidates and, in the rest of the list, one female or male candidate under 35 years of age for every six candidates.

34. Finally, the law stipulates²³ that each list must include a female or male candidate with a physical disability and holding a card attesting to it among the first 10 candidates or otherwise have its public grant withheld.

5. Electoral administration

35. The elections of 6 May 2018 were prepared, organised and supervised by the ISIE, as all previous ballots have been in Tunisia since the revolution. The ISIE also has wide-ranging regulatory powers: all the aspects of the electoral process not directly governed by the law have been subject to decisions taken by the ISIE.

36. In particular, it is the ISIE which has the task of preparing the electoral timetable, compiling voters' lists, receiving applications from potential election candidates, monitoring election campaigning, appointing the members of polling stations, supervising the electoral process on Election Day and monitoring voting and vote-counting operations, accrediting national and international observers and Tunisian monitors in polling stations, announcing the initial results of the elections and publishing the final results, and drawing up and publishing a report on the running of the elections. In addition, it is the ISIE which is responsible for organising campaigns to explain the electoral process to the public and encouraging citizens to turn out to vote.

21 See Article 34: "The rights to elect, vote and stand as a candidate are guaranteed, in accordance with the law. The State shall ensure that the representation of women in elected assemblies is guaranteed". Article 46: "The State shall protect women's accrued rights and ensure that those rights are consolidated and promoted.

The State shall guarantee equal opportunities for women and men to have access to all levels of responsibility in all domains.

The State shall work to attain parity between women and men in elected assemblies.

The State shall take all necessary measures in order to eradicate violence against women."

22 See Article 133 and Article 8: "Youth are an active force in building the nation.

The State shall provide the conditions conducive to developing the capacities of youth and realising their potential and encourage them to assume responsibility and expand their contribution to social, economic, cultural and political development".

23 Article 48: "The State shall protect persons with disabilities from all forms of discrimination.

Every disabled citizen shall have the right to benefit, according to the nature of their disability, from all measures that will ensure their full integration into society, and the State shall take all necessary measures to that end".

37. The ISIE is made up of a Central Commission with its headquarters in Tunis and Sub-Commissions at the level of the electoral constituencies based in the chief towns of the governorates and diplomatic missions. The Central Commission establishes the composition and structure of the Sub-Commissions.²⁴

38. For the municipal elections, the ISIE created 27 regional bodies for the elections (IRIEs), tasked with assisting the Central Commission in supervising the elections of 6 May.²⁵ There was one body per Governorate (but two for Tunis, Sfax and Nabeul), comprising a maximum of four members, appointed by the ISIE from among specialists in the fields of law, communication, computer science and public finance or academics.

39. The ISIE drew up the list of polling stations in each electoral constituency (Municipality), ensuring that there were no more 600 voters per polling station. It also appointed members of the polling stations and commissions, choosing them from the applications received.²⁶

40. The polling centre (normally an education establishment) contains one or more polling stations. It is run by a chairman, who is responsible for coordination and logistics as well as facilitating the work of the chairmen of the polling stations.²⁷

41. The ISIE set about preparing the municipal elections in a context that was heavily jeopardised by the domestic crisis mentioned above. During the visit, the Congress delegation learnt that, besides the president and two other members of the board, several Heads of unit of the institution's executive bodies had resigned. According to the information received, the technical capabilities of the ISIE's executive structure had been affected and none of the key posts vacated had been filled.

6. Voter registration

42. In Tunisia, to be able to vote in elections citizens must be registered on the voters' list, which is maintained by the ISIE. Voter registration is voluntary, although the law describes it as a "duty". Once completed, registration is permanent.

43. Anyone sentenced to an additional penalty within the meaning of Article 5 of the Criminal Code, depriving them of the right to rehabilitation, and individuals prohibited from voting owing to mental health issues may not be registered as voters. Soldiers and interior security forces personnel are registered to vote solely in municipal and regional elections.

44. For the municipal elections, the ISIE planned an additional registration period, which began on 19 December 2017 and ended on 6 January 2018. The voter lists were made available for public scrutiny on 11 January so that any omissions could be contested. The definitive lists were published once remedies had been exhausted, by the deadline of 7 February 2018.

45. There were 5,369,892 voters registered for the elections of 6 May 2018,²⁸ which was barely higher than the figure for the 2014 elections.

7. Submission of candidatures

46. The period for submitting candidatures ran from 15 February to 22 February 2018. The rules and procedures governing candidatures were established by an ISIE decision, in compliance with legislation.²⁹

47. Candidates' applications must be submitted to the regional sub-commissions, which decide whether or not to accept them.

24 As per Article 21 of Implementing act no. 2012-23. See also ISIE decision no. 2017-5 of 11 April 2017 on the requirements and procedures for creating IRIEs, their tasks and operating methods,

25 ISIE decision no. 2018-7 of 13 February 2018 creating regional bodies for the elections with a view to the municipal elections of 2018 and establishing their composition and territorial jurisdiction.

26 ISIE decision no. 2014-19 of 5 August 2014 on the requirements and methods of appointment for members of polling stations and how they are to be replaced, as amended and supplemented by decision no. 2018-3 of 9 January 2018.

27 ISIE decision no. 2014-30 of 8 September 2014 on the rules and procedures for voting and vote-counting as amended and supplemented by ISIE decision no. 2018-2 of 2 January 2018.

28 <http://www.isie.tn/elections/elections-municipales-2018/electeurs/>

29 ISIE decision no. 2017-10 of 20 July 2017 on the rules and procedures for candidatures in municipal and regional elections.

48. The lists may be party lists, coalition lists or independent lists. 2,074 lists (1,055 party lists, 860 independent lists and 159 coalition lists) were accepted, making a total of 53,668 candidates contesting the 7,177 Municipal Councillor seats in 350 municipalities.³⁰ The lists were made up of 50.7% men and 49.3% women; the heads of list were 30.33% women and 69.67% men; more than 50% of candidates were under 35 years of age compared to only 4.41% who were over 60 years of age; 18 lists were headed by people with disabilities.

49. The number of independent lists is noteworthy, despite the fact that a few of them were not real lists of independent candidates but lists of party candidates camouflaged to circumvent horizontal parity or tribal lists linked to local clans.

50. During the visit, the Congress Delegation found out that the validity criteria for lists, including the principle of horizontal parity imposed on party and coalition lists and measures promoting the involvement of young people and people with disabilities, were seen as a challenge by many political formations. For that reason, only the two parties in power (Nidaa Tounes and Ennahdha) were capable of presenting lists in virtually all of the municipalities. The large number of independent lists is partly due to the difficulties of parties and coalitions to comply with the horizontal parity rule as well as to tactical choices.

8. Election campaign

51. The election campaign officially began on 14 April 2018 and ended on 4 May 2018. The legal framework is determined by the electoral law and by a decision of the ISIE.³¹

52. Several of the Delegation's interlocutors reported that there had been a lack of coordination between the IRIEs, tasked with monitoring campaigning, particularly where election posters were concerned. The refusal of several regional bodies to approve certain expressions used on the posters of the competing lists which had been approved in other regions suggests a lack of consistency in interpretations of what is permitted.³² The ISIE did not manage to coordinate the IRIEs in this respect. The circular sent out to the IRIEs went no further than giving a reminder of the law and was perceived as a sign of a weakened position of the ISIE.

53. All those spoken to by the Delegation stressed that campaigning was not very visible, for a number of reasons: firstly, the difficult socio-economic context has resulted in a loss of trust towards the political parties, especially among young people. It was also mentioned that the ceiling set for campaign spending meant that candidates were limited to minor activities, such as leaflet distribution, door-to-door canvassing or gatherings in cafés. The very few rallies that took place were poorly attended (30-40 people maximum). Furthermore, the candidates made very little use of social networks. The Delegation's interlocutors mentioned an overbearing legal framework and a problem of equal opportunities in relation to the political forces in office.

54. While campaigning was deemed to be serene on the whole, 900 violations were reported, with 121 of them referred to the Public Prosecutor, relating primarily to vote-buying, breaches of the electoral silence period, acts of violence and the misuse of administrative resources.³³

9. Campaign funding

55. Campaign funding is based on the system of reimbursements of documented expenditure for the lists attaining the 3% threshold. The lists failing to attain that threshold are not entitled to public grants. The Delegation was told that the rules on reimbursements had changed since 2014 and had become far more complicated, owing to their overly restrictive interpretation by the ISIE, to the extent that financial management of the campaign had become too complex.

³⁰ <http://www.ifes.org/faqs/elections-tunisia-2018-municipal-elections>

³¹ ISIE decision no. 2014-28 of 15 September 2014, establishing the rules and procedures for the organisation of election and referendum campaigning, as amended and supplemented by decision no. 2017-18 of 23 October 2017.

³² Several IRIEs also interpreted the message conveyed by certain opposition parties such as the Democratic Current, Machrouu Tounes or the Popular Front coalition, as an affront to the dignity of their political adversaries. Accordingly, posters alleging "false promises" or "cronyism" on the part of the administration in office were rejected.

³³ <https://directinfo.webmanagercenter.com/2018/06/13/Tunisia-municipales-2018-tous-les-recours-ont-ete-rejetes-et-les-resultats-preliminaires-annonces-sont-valides-isie/>

56. For the municipal elections of 6 May, Decree no. 2017-1041 of 19 September 2017 set the amount of public grants with a campaign ceiling of around 35,000 dinars, and 5,000 dinars for the smallest municipalities. For the constituency including the capital Tunis, for example, the ceiling for expenditure per list for 21 days of campaigning was set at 38,780 TND (about 13,000 EUR).

57. That ceiling was seen as too low by some of the Delegation's interlocutors, while others felt that it had stopped the big parties monopolising the campaign and also fostered equal opportunities for the independent lists by obliging all the candidates to canvas locally.

10. Media

58. The rules for covering the municipal election campaign are established by the ISIE in consultation with the Independent High Authority for Audiovisual Communication (HAICA) on the basis of Article 67 of Implementing Act no. 2014-16.³⁴

59. The election campaign received markedly scant media coverage: the campaign did not reach a wide target audience as, apart from the public channel Al Wataniya and Tunisian National Radio (RNT), the television and radio broadcasters did not devote any coverage to rallies and other campaign events. According to the Delegation's interlocutors, this situation was a result of the rules on the allocation of air-time to the different lists and political parties, which were seen as very strict and potentially deterring private television channels from covering the campaign for fear of being sanctioned by the regulating authority.³⁵

11. Appeals

60. The legal framework for appeals provides for the possibility of applying to an Administrative Court in all phases of electoral procedure. For registration of candidates, the electoral campaign and the preliminary results, the general rules of the electoral law apply, with the possibility of lodging applications with the Administrative court of appeal.

61. With a view to the municipal elections, 12 Administrative Courts of first instance were set up and started to operate on 22 February 2018.

62. Decisions on candidatures may be appealed by the Head of the list or the list's legal representative, or the Heads of the other candidate lists in the same constituency, before Administrative Courts of first instance, whose judgments may in turn be appealed before the appeals chamber of the administrative court.³⁶ The lists on which a final judgment has been made are accepted. Once all remedies are exhausted, the ISIE declares the lists definitively accepted.

63. Several of the ISIE's decisions on candidatures were appealed, with six lists being reinstated as a result. All disputes over candidatures had been settled by 2 April. The ISIE published the definitive lists by constituency on 5 April, which totalled 2,074 lists, of which 1,055 were political party lists, 159 coalition lists and 860 independent lists.³⁷

34 Joint decision of the ISIE and the HAICA of 14 February 2018 establishing the rules and procedures for coverage of the municipal and regional election campaign by the audiovisual media.

35 In this connection, see *inter alia* the comments of the European Union election observation mission of 8 May 2018: https://eeas.europa.eu/sites/eeas/files/declaration_preliminaire_de_la_moe_ue_tunisia_2018_fr_2.pdf

36 See Articles 49 septdecies –49 univies of Implementing act no. 2014-16, as amended by Implementing act no. 2017-7.

37 69 applications at first instance and 25 appeals. Disputes revealed several shortcomings in registration procedures, particularly with regard to the restrictions imposed by the ISIE on the right to correct candidature files: see https://eeas.europa.eu/sites/eeas/files/declaration_preliminaire_de_la_moe_ue_tunisia_2018_fr_2.pdf

64. Once the data had been presented by the president of the ISIE on 13 June 2018,³⁸ 43 complaints were lodged at first instance and 12 at appeal level. These applications related chiefly to the violation of electoral silence, impartiality of members of polling stations or the president of the polling centre, the banning of an election campaign, the similarity of the candidate list codes in the Ariana constituency, errors in the distribution of ballots (M'dhilla) and a request to check the security measures taken for spoiled ballots in certain polling stations (Mornag constituency).

65. The Nidaa Tounes party lodged 11 applications at first instance and 10 appeals. Ennahdha lodged three applications at first instance, while the Popular Front lodged five. The independent lists lodged 14 applications at first instance and two appeals.

12. Election Day

66. Polling day passed off peacefully, not least because of the low turnout. Only 35.6% of registered voters took part in the ballot (the turnout of soldiers and security forces personnel on 29 April was only 12%).

67. The highest turnout, 69.38%, was recorded in a municipality in the Monastir governorate (Manzel Harb). The lowest turnout was recorded in a poor district of the Capital (Ettadhamen, Ariana) governorate with 18.46%.

68. The polling stations observed by the Congress teams opened on time, and voting procedures were correctly implemented. Most polling station presidents had already gained experience during the elections of 2011 and 2014 and were well trained. In the polling stations observed, the vote counting process was transparent and presented no particular problems. The list representatives were usually present at the polling stations. In some cases, independent observers such as the Mourakiboun network, the Tunisian Association for the integrity and democracy of elections (ATIDE) and the Chahed Observatory were also present.

69. Despite the low turnout, the allocation of voters to polling stations by age sometimes resulted in queues in front of the polling stations reserved for the most elderly whereas those reserved for young people remained empty. Difficulties in understanding the voting procedure experienced by elderly women were also noted, especially in rural areas.

70. While the ISIE adopted specific measures favouring disabled voters (such as the inclusion of a booklet on sign language for communicating with deaf-mute voters in the polling station member's handbook and the provision of ballots in braille), problems did arise in some polling stations regarding wheelchair access.

71. A degree of tension was noted in the polling stations observed in the Beja Governorate, possibly because campaigning continued outside polling stations.

72. The only serious problem was reported in M'dhilla, in the Gafsa Governorate, where the ISIE decided to call off voting and postpone it to 27 May 2018, following a ballot printing error, prompting anger among the voters, who ransacked the polling stations.

13. Voting results

73. The preliminary results of the elections were announced on 9 May 2018, in keeping with the electoral timetable. The definitive results were announced on 13 June 2018, also in line with the timetable. In his press conference, the President of the ISIE stressed that "all complaints have been rejected by the Administrative Court, and the preliminary results of the 2018 municipal elections announced by the Independent High Authority for Elections have been validated".³⁹

38 See <https://directinfo.webmanagercenter.com/2018/06/13/Tunisia-municipales-2018-tous-les-recours-ont-ete-rejetes-et-les-resultats-preliminaires-annonces-sont-valides-isie/>

39 <https://directinfo.webmanagercenter.com/2018/06/13/Tunisia-municipales-2018-tous-les-recours-ont-ete-rejetes-et-les-resultats-preliminaires-annonces-sont-valides-isie/>

74. The independent lists took first place with 2,373 candidates elected, making around 32.9% of the vote, Ennahdha came second, taking 28.6% of the seats with 2,139 candidates elected, and the Nidaa Tounes party took third position with 22.17 % of the seats, or 1,600 candidates elected.

75. In addition to the fact that the municipal elections were seen by a number of the Congress Delegation's interlocutors as a chance for the political parties to test the weight they carried with the electorate, they marked a sharp drop for the two main parties in power, even considering the low turnout. The Ennahdha party obtained 400,000 votes (compared to 1.4 million in 2011, and then 0.9 million in 2014). The Nidaa Tounes party, which had garnered 1.2 million votes in the 2014 elections, only managed to receive 350,000 votes.

76. Several independent lists gained a significant majority, such as the list headed by the former ANC deputy Fadhel Moussa in Ariana, in the north of Tunis (15 seats out of 36), or in La Marcha, a northern suburb of Tunis where "La Marcha change" won 11 seats out of 30.

77. The Democratic Current, the country's third party which is present only in 86 municipalities, managed to win 205 seats.

78. The new political formations (formed since the 2014 elections) won few seats: these included Al Irada, the party of the former president Moncef Marzouki, and Machrou Tounes, the party of the former Secretary General of Nidaa Tounes, Mohsen Marzouk.

79. The preliminary results also point to a broad dispersal of votes: some 93% of candidate lists won at least one seat.

80. Some 37% of those elected in the municipal elections of 6 May 2018 are under 35 years of age, and 47% are women. Of the Heads of list winning seats, men account for 70% and women for 30%, while young people aged under 35 years account for 37% of those elected. A total of 1,800 people with disabilities, of whom 18 were Heads of list, won seats.

14. Conclusions and recommendations

81. Assessing the first municipal elections in Tunisia after the Arab Spring of 2011 on 6 May 2018, the Congress found that, despite difficult framework conditions, both in terms of the political and the socio-economic situation of the country, this vote was successfully accomplished and carried out, by and large, in line with international legal standards for elections and good practices. Having visited some 50 polling stations randomly chosen on Election Day in selected regions of the country including Tunis and its environs, Bizerte, Beja, Kairouan and Sousse, the three teams of the Congress ad-hoc delegation were able to observe an overall well-organised vote managed by experienced electoral staff in an efficient and transparent manner, in particular during the counting.

82. The fact that a considerable number of women, young and disabled people took part in these elections as candidates is a positive sign for the political future of the country. This also applies to the election success of truly independent candidates at the local level.

83. However, there is a need for improvement of important areas, in particular as regards the legal requirements for compiling the lists of candidates, which have proved, in practice, complicated and over-restrictive, to some extent, in the 6 May 2018 municipal elections (gender, age, persons with disabilities).

84. A simplified regulatory framework is also recommended with regard to the media in order to ensure a fully-fledged electoral campaign and to strengthen their role in a genuine democratic environment. Increased media coverage may be conducive to more interest in local elections and, as a consequence, to a higher turnout in such elections.

85. With regard to the electoral campaign, also better co-ordination between the IRIEs is required, in particular regarding the application of campaigning standards, and ISIE should be encouraged to fully play its coordinating role vis-à-vis the regional bodies.

86. As regards the allocation of voters to specific polling stations, sorted by age group, this has led to queues in some polling stations reserved for the elderly, while some places reserved for younger voters were empty. This practice should be reviewed before the next municipal elections. Furthermore, as far as possible, voters with disabilities should be given better opportunities to access the polling stations.

87. Overall, the Tunisian authorities should take care, in good time before the next municipal elections, to address the issue of the misuse of administrative resources during electoral processes and to identify organisational weaknesses.

88. In the medium term, until the next municipal elections, the Tunisian authorities should strive for the further strengthening of territorial democracy and decentralisation. Well-implemented, this constitutes an extraordinary opportunity for the country and could be a revolutionary process. Against this background, the Congress pledges support for the country, in particular in the framework of the South-Mediterranean Partnership.

APPENDIX I

FINAL PROGRAMME

Thursday 3 May 2018

Various times Arrival in Tunis

Friday 4 May 2018

- 09.00 – 09.30 Technical briefing of the delegation by the Congress Secretariat
Venue: Hotel Carthage Thalasso, Les Côtes de Gammarth, Tunis,
Room « Carthage 11 »
- 09.30 – 10:00 Meeting with **Mr William MASSOLIN, Head of the Council of Europe Office in Tunis**
Venue: Hotel Carthage Thalasso, Les Côtes de Gammarth, Tunis,
Room « Carthage 11 »
- Coffee break
- 10.00 – 11.00 Meeting with **Mr Riccardo BARRANCA, Chief Technical Adviser, Support to the Electoral Process in Tunisia, UNDP Tunisia** and **Mr Nicolas KACZOROWSKI, Country Director, International Foundation for Electoral Systems (IFES)**
Venue: Hotel Carthage Thalasso, Les Côtes de Gammarth, Tunis,
Room « Carthage 11 »
- 11.30 – 12.30 Meeting with **Mr Gilles SAPHY, Deputy Chief Observer of the European Union Election Observation Mission**
Venue: Hôtel Golden Tulip Carthage Tunis La Marsa
- Lunch break Côté jardin, Lac 2
- 14.00 – 15.00 Meeting with **Mr Mohamed Tiili MANSRI, President of the « Instance Supérieure Indépendante pour les Élections » (ISIE)**
Venue: Media centre ISIE, Palais des Congrès, Avenue Mohamed 5, Tunis
- 16:30 – 17:30 Round table with **representatives of organisations:**
- **Ms Nazek BEN JANNET**, Director of the National Federation of Tunisian Cities
 - **M. Moncef BEN SLIMANE**, President of **Lam Echaml**
- Venue: Hotel Carthage Thalasso, Les Côtes de Gammarth, Tunis,
Room « Carthage 11 »
- 19:30 Cocktail offered by the Ambassador of the Kingdom of Belgium
Venue: Embassy of Belgium, 32-34 rues du 1^{er} juin, Tunis-belvédère

Saturday 5 May 2018

- 10:00 – 11:00 Meeting with representatives from the political party Ennahda and candidates in the municipalities of Soukra and Ariana
Venue: Immeuble Le Boulevard, Lac II, 1053 Tunis
- 11:30 – 12:30 Meeting with representatives from the political party Afek Tounes (Coalition Civile) and candidates in the municipalities of Tunis centre, Tunis La Marsa and Ariana
Venue: Siège du parti Afek Tounes, Rue des Pères Blancs, El menzah4, 1082 Tunis
- 13.30 Briefing for Election Day with the Secretariat, the interpreter and the drivers

Sunday 6 May 2018 – Election Day

- Deployment of three Congress teams
- Return to Tunis and debriefing of Election Day

Monday 7 May 2018

- Various times Departure from Tunis

APPENDIX II

DELEGATION

Congress members

Mr Xavier CADORET, France (SOC, L)

Head of Delegation and Rapporteur

Deputy Thematic Spokesperson on South-Mediterranean Partnership

Mr Stewart DICKSON, United Kingdom (ILDG, R)

Congress Thematic Spokesperson on observation of local and regional

Mr Luc MARTENS, Belgium (EPP/CCE, L)

Deputy Congress representative in the Council for Democratic Elections of the Venice Commission /

Expert

Ms Tania GROPPi, Professor of Public Law, University of Siena

Congress' Group of Independent Expert on the European Charter of Local Self-Government, expert on electoral matters

Congress Secretariat

Ms Renate ZIKMUND, Head of Division, Local and Regional Election Observation

Ms Ségolène TAVEL, Election observation Officer

Ms Martine ROUDOLFF, Assistant, Local and Regional Election Observation

Mr Sandro WELTIN, Photographer

APPENDIX III

DEPLOYMENT PLAN

Congress teams / Equipes	Deployment area / Zone de déploiement	Interpreter and drivers Interprètes et chauffeurs
Team 1 / Equipe 1 Xavier CADORET Tania GROPPI Ségolène TAVEL Sandro WELTIN	Sousse (1h45 de Tunis) Kairouan (2h de Tunis, 1h15 de Sousse)	Driver: Jamel HAMDAOUI
Team 2 / Equipe 2 Luc MARTENS Martine ROUDOLFF	Bizerte (1h de Tunis) Béja (2h de Bizerte, 2h de Tunis)	Driver: Karim BEL HADJ AHMED
Team 3 / Equipe 3 Stewart DICKSON Renate ZIKMUND	Tunis et environs Kelibia (2h de Tunis)	Driver: Mourad BEL HADJ AHMED Interpreter: Mr Amine ALLOUCH

APPENDIX IV

PRESS RELEASE (7 May 2018)

Tunisia: Municipal elections successfully accomplished despite difficult framework conditions, decentralisation needs to take shape now, concludes Congress delegation.

A delegation from the Congress, composed of seven observers from five European countries, has concluded its ad-hoc mission to assess the first local elections after the Arab Spring of 2011, held on Sunday in 350 Tunisian municipalities.

Three teams of the Congress followed the voting process in some 50 polling stations randomly chosen in selected regions of the country including Tunis and its environs, Bizerte, Beja, Kairouan and Sousse. "In the polling stations visited by the Congress, we found that the elections were well-organised overall, the staff was in general aware of the procedures and counting was carried out in an efficient and transparent manner", said Congress Head of Delegation, Xavier CADORET (France, SOC), in a first statement after the Election Day.

"Apart from individual organisational flaws and accusations regarding misuse of resources and other types of fraud which need to be addressed by the authorities, we have the impression that these elections have been accomplished despite difficult framework conditions, both politically and socio-economically speaking", stated Xavier CADORET regretting, at the same time, the low turnout. "The fact that only 34% of the electorate has exercised the right to vote needs to be seen against this socio-political backdrop and the disappointment of considerable parts of the population. Therefore, after the Election Day, the real long-term challenge for Tunisia is now to shape democracy at the local level - this is a tremendous chance for the country, if you want, decentralisation could be a new revolution, if successfully implemented", Mr CADORET underlined. The fact that authentic independent candidates participated successfully in the 6 May elections was a positive sign, according to him.

"At the same time, there is still a long way to go to achieving the required standards in terms of a fully-fledged electoral campaign and the role of the media in a genuine democratic environment, to mention only two examples. In this spirit, the authorities should also reconsider the current set of electoral rules which seem complex and over-restrictive, to some extent", Xavier CADORET stressed.

Further to this assessment mission, a written information report including further details and recommendations will be presented at the Congress Monitoring Committee meeting to be held on 28 June 2018 in Büyükçekmece, Turkey.