

Preliminary statement on the observation of parliamentary elections October 26th 2014 Tunisia

Gender Election Monitoring Mission

Gender Concerns International

1. Gender Concerns International and partners

Gender Concerns International supports women worldwide in claiming their role as “agents of change”. Currently, the organisation is active in Afghanistan, Pakistan, and the Middle East-North Africa region. Following Gender Concerns International’s success in the 2011 Tunisian election observation mission, a Gender Election Watch Mission from The Hague based NGO, has monitored the Tunisian elections from a gender lens for the second consecutive time. The mission continued the productive partnership of 2011 with 3 Tunisian partner organisations: The Tunisian League of Human Rights (LTDH), The Tunisian Association of Democratic Women (ATFD), and The Association of Tunisian Women for Research and Development (AFTURD). This partnership has proven to be essential to ensure the complete operationalisation of the gender-based election monitoring. This time we managed to send out 110 female observers to monitor the elections with a special focus on the rural areas where still a lot has to be done to promote and ensure women’s presence in elections.

2. Objectives of the mission

The specificity of the mission lies in the fact that this is an exclusive female observation team guaranteeing that the elections will be monitored from an exclusively gender perspective. How many heads of polling stations are female? Are there special facilities for pregnant women? What is the number of female candidates in the elections? Those are the type of questions that a large team of 10 international and 100 domestic female observers have been looking at to observe the Tunisian elections. In other words: are women fully included as voters, polling officials and candidates? If not, what can be done to improve on that in Tunisia’s future democratic process?

These elections provide a significant opportunity for women in Tunisia to participate in the political structures that will shape future economic and social reforms. Based on its extensive experience, Gender Concerns International recognises the vital importance of mainstreaming a gender perspective into the electoral process. This is not only beneficial for civil society organisations, but also a vital component of capacity building in state institutions.

3. Composition of the mission

Head of the Mission: **Sabra Bano**

Deputy Head of Mission: **Magdalena De Meyer**

Mission Consortium : National Gender Core Experts Team:

- For the ATFD: **Souad Mahmoud/Fetiha Hizem**
- For AFTURD: **Khadija Ben Hacine/ Salwa Kennou**
- For the LTDH : **Halima Jouini/Abdessatar Ben Moussa**

Gender Concerns International team:

- Mission Coordination: **Lucyna De Graaf**
- National Coordinator: **Ahlem Bousserwel**
- Capacity Building and training: **Reem Obeidet**
- Management and logistics: **Gosia Lukasik**
- Legal analyst : **Nadia Akacha**
- Communication officer : **Dylan Jones**
- International observers : **Alba Guitart Galo / Kunza Raja/ Hikmate Mohamed**

4. Political context

Tunisia has always been a model of safeguard of the human rights and specially the women emancipation. This characteristic dates from the time of Bourguiba and the Code of personal statute of 1956 which banned polygamy, consecrated the liberty of marriage and installed the institution of judicial divorce. Although, in reality the situation of women has not changed enough especially in the rural areas. In general women are not well integrated on the economic and political scene.

For the legislative elections of 2014 , women represent only 47% of candidates , (same turnout of 2011 elections) . There was only 12% as head of list (+ 5% comparing with 2011 election). These figures show that the Tunisian woman has not the place she deserve yet.

In the 2011 elections, 47% of the voters was women, in 2014, 50,5% of the voters are women.

5. Legal context

- **International and regional norms**

Tunisia had ratified several international instruments relating to Human rights protection. The international convention on civil and political rights, the international convention on socio-economic rights, the international convention on banishing all forms of racial discrimination, the international convention on eliminating all forms of discrimination against women (CEDAW) since 1985 with the leaving of the reserves officially in 17th April 2014 but the general declaration which oblige the state

to respect the provisions of the first article of the Constitution is still current. For instance, concerning heritage the problem of non-equality between man and woman is still up to date.

- **National legal Framework**

The master piece of the legal framework is the new Tunisian Constitution adopted January the 27th 2014. This fundamental norm kept the safeguards of the Constitution of 1959 and the code of the personal status of 1956 relating to the status of women. The New Constitution, dedicates the equality of rights and duties between male and female citizens, and banishes all forms of discrimination. The state commits to protect women's accrued rights and work to strengthen and develop those rights. The state guarantees, also the equality of opportunities between women and men to have access to all levels of responsibility in all domains. Furthermore, conforming to the Constitution, the state shall take all necessary measures in order to eradicate violence against women. (article 46 of the Constitution).

The electoral law strengthened this charge since it provides that the presentation of candidatures for the legislative elections must obey to the principle of parity and the rule of alternation between male and female candidates. One of the positive measures in favor of the encouragement of participation of women in the electoral process is the rejection of a candidate list if it doesn't respect parity and alternation.

In reality, the legal framework is convenient for an optimal participation of women in the electoral process; the only concern is that the socio-economic context and the practice do not follow the legal orientations. There is a need of the consecration of the innovative combined principle of parity and rule of alternation in the electoral law to be extended to the designation of heads of candidates lists. Thus, a coherent consequence will be a parliamentary female representation suitable to the number of female candidatures.

6. The electoral system

The electoral system adopted by the electoral law is the proportional representation with the biggest rest. The application of this system with the principle of parity and the rule of alternation, leads to mixed lists with alternation between women and man. When replacing a removed candidate, a man should be replaced by a man and a woman should be replaced by a woman.

The electoral law imposes also a doorstep of 3 % of votes to win a seat in the chambers of the Representatives. No quotas has been reserved to women, so the configuration of the parliament assembly depends of numbers of seats won by women candidates. The parity and the alternation on the list combined with the electoral system do not guarantee an optimal representation of women.

With a favorable legal context, the challenge was to nominate women as head of candidate list. Nevertheless, in 2014, women represent only 12% of the heads of candidate's lists (there are 148 female head of a candidate list for 1326 admitted list). In Tunis 2 we reach the top with 29% female head of candidate list, but in the others constituencies it's less than 10% .

Women as head of list are very few in the interior of the country especially in the south. The situation in 2014, is not an advance in comparison with the situation in 2011. In fact, female candidates were

heads of candidate lists in only 7 % of the constituencies with a top of 17 % in Tunis 2 and with a percentage less than 5 % in the two third of the 27 constituencies inside the country. There are even some regions where there is no woman at all heading a list of a political party presenting itself in that region. For instance, in Tataouine on 31 lists there was not a single woman as candidate.

7. The electoral administration

The Constitution provides that the Higher Independent Institution for elections (ISIE) is composed of 9 independent and neutral members (article 126 de la Constitution). The third of these members is renewed each 2 years. For the moment, ISIE is composed of 3 women and 6 men. This female presence is not provided by the law although it is a constitutional principle.

In the various departments at ISIE, there is almost 50% of women, among whom we can find chief of department (legal department) or responsible (training department).

Practice of parity in ISIE is highly needed also in the area of its public campaign. For example if we look at 2 the banners that the ISIE used for its awareness raising campaign we did not observe an equal representation between men and women. One showed only men, the other showed 1 woman and 2 men. Moreover the videos produced for awareness raising, we could see 3 men and only 1 woman in a stereotypic position.



- **Women as voters**

The totality of the new registered Tunisians for the electoral process of 2014 is 993.696 in which 50,5% are women. The total number of all registered Tunisian citizens, for both the parliamentary and the presidential elections is 5.285.136 including 359.530 out of country voters.

The electoral administration, in collaboration with the Ministry of the women affairs, the Ministry of Social Affairs with many civil society stakeholders has organized several campaigns to incite women especially rural women to have their ID Cards to be able to register as voters. We do appreciate that 300,000 rural women had benefit for these instigations.

Despite all these efforts, the participation of women in rural areas, as during the 2011 election, was again not satisfactory for October 26TH elections. Illiterate women voters found to be asking for assistance from a family member faced difficulties to vote since it was illegal to be helped.

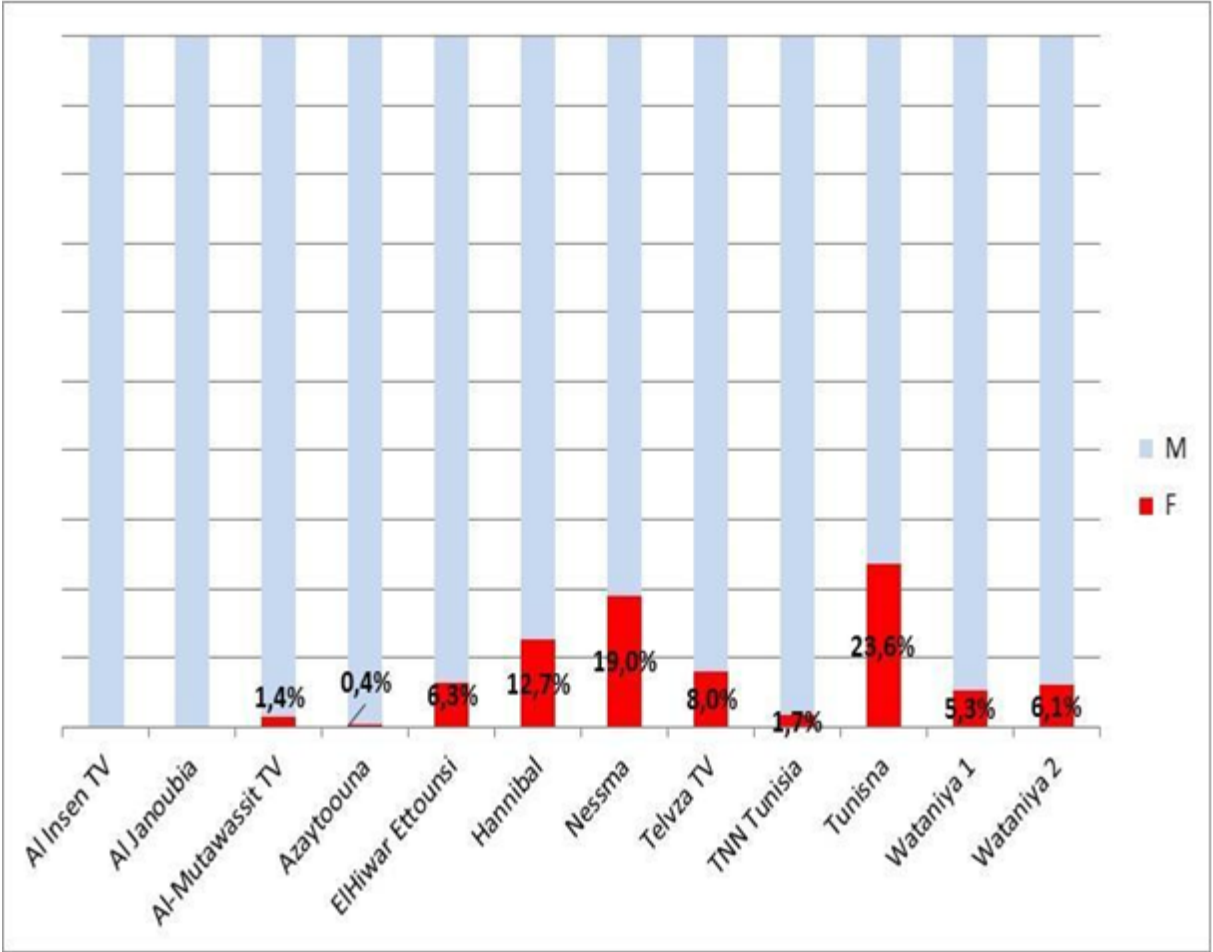
8. The electoral campaign

During the election campaign only the female candidate of the two biggest parties had the possibility to lead campaigns using the means of their respective parties. In the entire electoral campaign, the campaigns of women candidates were modest.

The joint decision between the Independent High Authority for Elections (ISIE) and the Independent High Authority for Audiovisual Communication (HAICA), dated July 5, 2014, decrees that candidate lists will gain media coverage according to the number of candidate lists in the relevant constituency . Candidate lists will each receive three minutes of free broadcast airtime on national radio and television stations.

- **Media coverage of the female candidates**

According to the preliminary report of the HAICA on political pluralism on the audio-visual media, the media coverage for the female candidates needs much more attention especially on the public media. In fact, private media (Nesma TV and Mosaique FM) are doing a considerable effort to ensure a presence of women candidates and also the representatives of political parties in their programs. The public media (Watania 1, Watania 2 and the national radio) did not preserve more than 10% for women candidates. In well-known newspaper, La Presse, dedicates to the female candidatures 7 % of its electoral space.



9. Election day

Women came out in great numbers, many of them also came alone especially in big cities. In Ben Arous they often came in group, as well only women groups as mixed groups.

Security forces were clearly present . In 2/3rd of the polling stations where we observed ,had a female presence in security forces. No difference was observed in any discriminatory treatment of male and female voters.

When our observers noted the presence of journalists it was clearly seen that they paid less attention to women voters than to men.

Most of the voters' queues were mixed, only one third had separate queues. In some cases, the existence of two queues was spontaneous but in other cases it was a kind of intimidation. The members of the polling station sometimes imposed separated queues.

There were no separate queues for disabled people , men and women but they mostly were given priority.

As far as our observation was concerned, the waiting time for voting was less than 1 hour although there were some exceptions, especially early in the morning by opening of big polling stations in urban areas in Tunis. Long waiting times caused problems for women with small children. Pregnant women had facilities and priority to access to the polling stations, on the contrary, women with young babies didn't.

There was a remarkable presence of women being part of the working staff in the polling stations, moreover, a lot of them were in the leading position.

There was a very large number of observers, clearly more men as political party observers. We noticed more women with the civil society observers and the international missions.

10. Analysis and conclusion

According to the first turnouts, the leading party that gained the largest number of parliamentary seats, has only two places to a woman as head of list reserved.

As the presence of women in the parliament will be far from the gender parity practice, it is absolutely necessary that the new government considers to nominate a large number of women as ministers to compensate their low representation in the parliament. Gender parity is still a long way to achieve inclusive governance in Tunisia.

11. Recommendations for gender sensitive elections

1. A greater number of awareness campaigns and close monitoring of the participation of women in **rural areas** remains necessary. In order to help illiterate women to vote, much more emphasis should be given to the **symbols** of the lists in order to simplify the voting procedure.
2. Attention should be paid to find some practical measures within polling stations to help **women with young children** to vote, especially when the waiting time is long.
3. The **principle of parity** must be legally ensured in the composition of all state institutions, especially in ISIE and HAICA. A **gender unit** is necessary to guarantee a gender balance in the composition and operational framework of the electoral administration and other involved instances.
4. The **media coverage** of women candidates should be improved considerably. The **regulations** (joint decision ISIE/HAICA), should be reviewed to ensure the equal treatment of male and female candidates.
5. A gender perspective should be considered in all **statistics** related to elections and be published in order to enable civil society to monitor it.
6. ISIE should pay special attention to **gender-neutral promotion and awareness material**.
7. The legal consecration of **horizontal parity on electoral lists** is necessary to guarantee a real participation of women in elected bodies. Too often, women have had to fight for their rights to obtain good places on the lists.
8. The composition of the **new government** should grant Tunisian women the place they deserve in the political scene.

