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# Political Participation of Women and Men with Disabilities in Tunisia

## *An IFES Assessment*



**December 2018**

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# **Political Participation of Women and Men with Disabilities in Tunisia**

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***Authors:***

Ambar Zobairi  
Virginia Atkinson  
with Imed Ouertani





Political Participation of Women and Men with Disabilities in Tunisia: An IFES Assessment  
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International Foundation for Electoral Systems  
2011 Crystal Drive, 10th Floor  
Arlington, VA 22202  
Email: [editor@ifes.org](mailto:editor@ifes.org)  
Fax: 202.350.6701

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Cover photos: (top left) Haythem Srihi, elected municipal councilor from Jammel in May 2018, participates in a street rally; (top right) woman with a disability casts her ballot as part of a mock election exercise; (bottom left) Mannana Jarraya casts a ballot during Tunisia's 2011 Constituent Assembly elections. © Benedicte Desrus / Sipa Press/bdtunisia.045/1110241832 (Sipa via AP Images); (bottom right) man reads braille draft of this assessment at a socialization workshop.

## Table of Contents

IFES Expertise.....	6
Executive Summary.....	8
Methodology.....	8
Key Findings.....	9
Recommendations.....	12
Methodology of the IFES Assessment Mission.....	19
Background.....	20
International Standards.....	20
Rights of Persons with Disabilities in the Tunisian Constitution and National Laws.....	21
Past Efforts to Increase Political Participation of Persons with Disabilities in Tunisia.....	25
The Intersectionality of Disability, Gender and Youth.....	27
Electoral Legal Framework.....	29
Civic and Voter Education.....	32
Campaign Finance.....	34
Accessibility of Polling Stations.....	35
Election Observation.....	36
Accessibility for Elected Officials.....	37
Recommendations.....	38
Team Biographies.....	43

## IFES

### Expertise

Participation of persons with disabilities in the electoral process provides the basis for mainstreaming their inclusion in all aspects of society by breaking down social stigmas and increasing the accountability of elected representatives.

The International Foundation for Electoral Systems (IFES) works to strengthen political inclusion by:

- **Providing technical assistance to election management bodies on how to implement international standards such as the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD);**
- **Empowering persons with disabilities and civil society organizations to advocate for equal rights; and**
- **Assisting citizen-led efforts to define best practices through the development of global tools such as the Equal Access manual and the online resource [www.ElectionAccess.org](http://www.ElectionAccess.org).**

IFES began working to advance the political and electoral rights of persons with disabilities in 1997, and has since worked in more than 60 countries to include people with disabilities in the political lives of their communities.


In recognition of its efforts, IFES was the 2011 recipient of the InterAction Disability Inclusion Award, an annual award presented to international development organizations that work toward greater disability inclusion within their programs and management.

IFES' disability rights programming also received two Innovative Practice Awards in 2015 from the Zero Project, an initiative of the Essl Foundation. The awards provide a platform for global sharing of the most innovative and effective solutions to problems faced by persons with disabilities. IFES' Global Election Access Program, which encompasses IFES' broader work supporting the political participation of persons with disabilities, and an IFES grassroots advocacy project in Nepal were both identified as innovative practices in the field of political participation.


IFES is actively engaged in numerous international and regional forums, including hosting side events at the annual Conference of States Parties to the CRPD at UN headquarters in New York City and collaborating with regional bodies such as the Pacific Islands Forum and Association of Southeast Asian Nations. IFES Inclusion Advisor Virginia Atkinson is also a member of the Organization for Security and Co-operation in Europe (OSCE) Office of Democratic Institutions and Human Rights (ODIHR) Expert Working Group on Persons with Disabilities. The working group is an ongoing collaboration of OSCE field operations, ODIHR, Council of Europe, European Union Fundamental Rights Agency, IFES, and regional disabled people's organizations to develop strategies to mitigate barriers to the political participation of persons with disabilities.

**One out of every seven people in the world has a disability, yet citizens with disabilities remain underrepresented in political and public life.**





Women with disabilities were **less likely** to have voted in the municipal elections compared to men with disabilities and people without disabilities.




Women with disabilities were **less likely** to participate in political parties, have government jobs, or run for office.



Women with disabilities reported being **actively engaged** in civil society organizations while women without disabilities did not see the value in participating in civil society.




## HOW MEN & WOMEN WITH DISABILITIES EXPERIENCE POLITICAL LIFE IN TUNISIA




Men with disabilities were **twice as likely** as women with disabilities to see themselves as leaders in their communities.



A quarter of men with disabilities surveyed **strongly opposed** persons with disabilities as government ministers – almost **twice** the rate of women respondents with disabilities.



Women with disabilities were **less likely** to participate in political parties, have government jobs, or run for office.



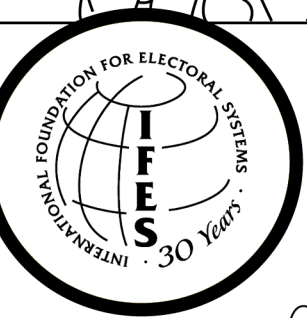
People with disabilities were **less likely** to trust that government agencies work to represent their interests.



Women with disabilities noted that new security measures **helped** them participate.



Men with disabilities were **twice as likely** as women to advocate or be involved with community initiatives.



## Executive

### Summary

On May 6, 2018, Tunisia held the first municipal elections since the 2011 popular uprising that ousted President Zine El Abidine Ben Ali, a critical step in the country's democratic transition and implementation of the system of decentralization enshrined in the 2014 Constitution. Voters made clear their dissatisfaction with the status quo, with independent candidates winning most seats and voter turnout at a low 36 percent. At the same time, progressive electoral laws resulted in the election of nearly an equal number of men and women councilors, 37 percent of councilors under the age of 35, and 144 councilors with disabilities.

While voter turnout was low, the municipal elections provided an opportunity to assess political access for voters with disabilities ahead of the 2019 presidential and parliamentary elections. During the May 2018 municipal elections, the Independent High Authority of Elections (ISIE) took positive steps to make the electoral process more inclusive for Tunisians with disabilities. However, assistive tools were not always developed in consultation with disabled people's organizations (DPOs); there was no specific training for poll workers on disability inclusion; and there was insufficient voter education to raise people with disabilities' awareness of accessibility initiatives. Barriers were compounded for women with disabilities, who experienced marginalization from the political process because of their gender and disability. The elections were the first time an innovative new disability quota was implemented for candidate lists, resulting in 144 people with disabilities being elected. The large number of newly elected councilors with disabilities gives a unique opportunity to demonstrate positive political leadership of people with disabilities and empower other people with disabilities to participate in political life, even as the quota remains controversial.

### Methodology

The International Foundation for Electoral Systems (IFES) conducted a disability rights assessment mission over a two-week period in June 2018 with IFES headquarters-based technical experts collaborating with IFES Tunisia staff and a Tunisian disability rights expert. The assessment utilized IFES' Intersectionality Assessment Framework, which identifies intersectional barriers and opportunities related to political participation of people with multiple social identities, such as gender and disability. A desk review of relevant laws, policies, and reports was conducted followed by focus groups, which were held with men and women with and without disabilities to gain comparative information regarding political barriers all Tunisians face, versus those that are unique to people with disabilities or women. Team members also conducted key informant interviews with a variety of stakeholders involved in the electoral process, including government officials, observer groups and DPOs. Findings from a nationwide survey conducted in June 2018 were incorporated into the assessment.



## Key Findings

The key findings of the assessment are:

1.

**There is a lack of data related to the number of Tunisian voters with disabilities and where they live.** This is not unique to Tunisia – IFES finds this to be the case in many countries around the world. This lack of data is not just limited to voter statistics but is pervasive in other areas as well. Even basic data on how many people with disabilities live in Tunisia is difficult to ascertain. For example, the official data from the National Institute of Statistics is much lower than the number of people who hold a disability card; at the same time, it was widely acknowledged by many interlocutors that IFES met with that not all persons with disabilities register for the disability card. The low statistic of 2.3 percent from the official statistics is also significantly lower than the World Health Organization’s estimate of 15 percent across countries. While better data would help with distribution of assistive devices and targeted voter education, it is not necessary to know these numbers in order to take steps to improve access to the electoral process. Lack of data should not be viewed as a reason to prevent action toward inclusion of persons with disabilities in political processes.

2.

Compared to many other countries in the region, **Tunisia does have a supportive policy framework for inclusion of persons with disabilities in electoral processes.** Tunisia has signed the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and its optional protocol; it has provisions in the Constitution as well as a national disabilities law; the country also has a national disability strategy. The quota requirement for candidates with disabilities on municipal council lists is the most recent, positive development. While there is an inclusive legal framework, laws are not always effectively implemented or enforced. Still, this supportive legal framework is an area that can be leveraged by stakeholders and should be used to continue advocacy for greater inclusion.

3.

**The ISIE took numerous steps to make the electoral process accessible for the municipal council elections,** many of which were advanced compared to those taken by other election management bodies (EMBs) in the region. However, due to a lack of timely dissemination of information and communication about these measures, the majority of people with disabilities IFES spoke with were unaware of them, as were DPOs and observer groups. For example, most voters with disabilities did not know that the ISIE had posted audio on its website with the names of the lists and their numbers on the ballot in each of the 350 municipal constituencies or that the website also had voting procedures summarized and translated into braille so that voters who are blind could become acquainted with voting mechanisms. With stronger communication and coordination, these important accessibility features would have had greater impact.

4.

**There was not enough active consultation between DPOs and government stakeholders to ensure assistive devices and materials were effective.**

Stronger communication—and earlier communication—and consultation is needed around the election period, but more importantly, in the period between elections to make sure that measures taken are impactful for the targeted audience.

5.

**The process of getting a disability card and related policies are negatively impacting the political participation of Tunisians with disabilities.**

Persons with disabilities often choose to forego getting a government-issued disability card rather than deal with the bureaucratic and logistical challenges associated with getting it. The lack of a disability card has consequences for Tunisians with disabilities who wish to be politically active. Voters cannot receive special accommodations or assistance on Election Day unless they have a disability card, nor can Tunisians without a disability card be considered for the disability quota on candidate lists.

6.

**Outreach to persons with disabilities regarding information about the municipal council elections was insufficient.**

There was little accessible information available to persons with disabilities on how to participate as voters, candidates and observers. Additionally, few political parties actively reached out to persons with disabilities to understand their needs or to explain the political party's platforms. It was noted that no parties provided any accessible information for the 2014 or 2018 elections. Similarly, the official sensitization campaign about the elections was late, and the national TV channel did not provide subtitles or sign language for programs on the municipal elections.

## 7.

**The disability quota is a positive measure toward making municipal councils more inclusive, but there needs to be more consideration given to how to make the quota more effective so that it empowers candidates with disabilities, with a particular focus on women and youth with disabilities.** There are a number of problematic issues that require attention: these range from difficulties that lists faced in recruiting candidates from a very limited pool since only voters with disability cards could be put on the list, to candidates worrying they were being put on the list not as desired candidates but only in order for the lists to receive funding. IFES was told of several instances of people with disabilities being included on a party list without their consent. In the future, it will be important to consider how the quota can be implemented in a way that allows candidates with disabilities to be empowered rather than leave them feeling manipulated or like second-class candidates.

## Recommendations

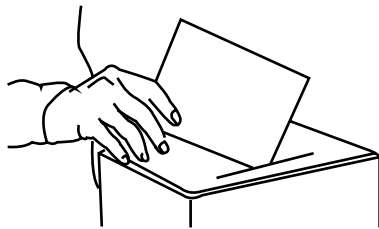
The individuals with whom the IFES team spoke over the course of this assessment identified a number of suggestions to reduce barriers and create opportunities for increasing the political participation of persons with disabilities. Recommendations are directed to specific Tunisian stakeholders. Key proposals include the following:

### *For the Parliament*

1.

**Consideration should be given to adopting a disability quota for future parliamentary elections.**

An inclusive Parliament is the next important step Tunisia can take to ensure the inclusiveness of its institutions and would make it an important role model for the region and globally.



2.

**The legal framework should be amended so that the assisted voting policy is aligned with Article 29 of the CRPD, which allows a voter with a disability to have assistance from any person of their choosing, not just a relative.** Currently, as per the law, a voter with a disability can be assisted by a voter who is a spouse or a relative and can prove his or her relationship to the voter. In the absence of such an assistant, the voter may request the head of the polling station to assign another voter to assist him or her in voting. However, this is in contradiction to Article 29 of the CRPD, which guarantees that persons with disabilities be assisted by any person of their choice. Since Tunisia has ratified the CRPD, it is required to harmonize its national laws with this international convention. DPOs should also consider advocating with Parliament on this issue.

3.

**Consideration should be given to amending the electoral law in order to make the quota requirement for persons with disabilities more effective by disqualifying lists that do not meet this requirement.**

Many stakeholders noted that this is already done for the gender quota and would make sense for the disability quota as well. This proposal requires careful consideration on how to increase the pool of individuals who qualify for the quota because it is difficult to hold lists responsible for finding candidates if there are not enough people who qualify. This could possibly mean including individuals who do not hold a disability card but are able to prove their disability in some other way or loosening the bureaucracy surrounding getting a disability card so that it is easier to acquire one.

4.

**In order to allow candidates with disabilities to engage fully in campaigning, the electoral law could include language that expressly allows reasonable accommodations for candidates with disabilities to be expensed above the current ceiling for reimbursements.** This would only include expenses that candidates without disabilities would not incur, such as a sign language interpreter for campaign events for candidates who are deaf. Without these, it may be difficult for candidates with disabilities to effectively communicate with voters.

5.

**The legal framework should be more specific on what necessary measures should be provided to accommodate elected members of municipal councils with disabilities so they can fulfill their roles and responsibilities once in office.** While the election law does state that “the local authority will provide all necessary measures for elected members with disabilities of local assemblies to allow them to effectively work,” there is no definition of how elected persons with disabilities will be practically supported to fulfill their duties.

6.

**Municipal council budgets should include a specific fund to support accommodations for elected councilors with disabilities so they can fulfill their duties** – for example, line items to translate documents into braille or provide for sign language interpreters at meetings. Without these types of accommodations, it will be difficult for some elected officials to fulfill their roles adequately and this could lead to lack of success in their new positions.

7.

**The Parliament could consider mandating in the law both a secretary of state for inclusion position as well as a requirement to fill that role.**

The CRPD requires countries to designate a focal point for disabilities within a government; the focal point strives to develop inclusive policies and programs in favor of persons with disabilities. This special advocacy role is mandated by the legal frameworks in many nations. The creation of this position should also be accompanied by a requirement to fill the position within a specific timeframe in order that it not remain empty for long periods of time, which may impact momentum around necessary reforms.

## *For the Election Commission*

1.

**The ISIE could consider developing an appropriate timeline for dissemination of voter information to persons with disabilities so that voters are adequately reached and can make timely decisions about their voting choices.** Voter education – including on voter registration, accommodations for persons with disabilities and other issues critical to participation in elections – should start early and correspond to the different stages of the electoral cycle to have maximum impact. The factsheet that the ISIE prepared summarizing its inclusion efforts was an excellent resource and should be replicated in the future but disseminated much earlier in the electoral process.

2.

**The relationship between the ISIE and DPOs could be institutionalized through periodic meetings focused on civic and voter education materials as well as other important issues related to electoral access.** Interlocutors noted that it would be beneficial to have continuous two-way communication that allows both sides to express concerns and address issues in a systematic fashion over a period of time rather than in one-off meetings that may take place too close to the elections.

3.

**As it builds its budget, the ISIE could ensure it has specifically budgeted for reasonable accommodations and production of accessible voter education material** such as braille, large print and easy-to-read text with pictures. **This is also an applicable recommendation for others working on civic and voter education, such as political parties, DPOs and civil society organizations (CSOs).** Voter education materials that should be accessible include: EMB websites; print campaigns including brochures, posters and e-mails; public service announcements on TV and radio; and political party or list's platforms and information on candidates.



**4.**

**The ISIE could proactively recruit people with disabilities to work at the election commission at a variety of levels, for example as members of the commission's secretariat or as polling staff.** This would allow individuals with disabilities to possibly impact, from the inside, policy and guidance as well as implementation on matters that would have an impact on the broader election community, hopefully through an inclusive lens.

**5.**

**The ISIE could consider appointing a disability focal point or develop a unit that specifically looks at electoral access issues for persons with disabilities.** Having dedicated staff working directly on disability rights would assist the ISIE in designing reasonable accommodations for voters with disabilities and could raise awareness about the importance of this matter within, but also outside, the institution. These staff members could also be tasked with liaising with DPOs.

**6.**

**Accessibility should be considered as a criterion for polling station selection.** The ISIE could approach the Ministry of Education to develop a long-term plan for making adaptations to schools used as polling stations.

**7.**

**The ISIE could collect information on reasonable accommodations that voters require as part of the voter registration process.** Having this data allows election commissions to better plan the distribution of accommodations in different voting districts.

## *For Political Parties*

1.

**Political parties could consult with people with disabilities in order to include issues important to people with disabilities in party platforms.**

Political parties should proactively reach out to the disability community and solicit feedback on their policy priorities.

2.

**Political parties should disseminate platforms in accessible formats and hold campaign events, speeches, announcements and debates at accessible venues, including sign language interpreters.** This will ensure that people with disabilities have equal access to information and are able to make informed choices about their vote. If parties ensure campaign materials and events are accessible, this could also give them access to a new voting block that is not courted by other parties.

3.

**Political parties should proactively recruit people with disabilities to serve on party lists and in party leadership positions.** Parties that are more inclusive will be more likely to attract the most votes. People with disabilities bring unique perspectives that are currently missing from political parties.

4.

**Political parties should develop voter education targeting persons with disabilities and integrate people with disabilities into messages targeting the general public.** This two-pronged approach will ensure accessible information reaches people with disabilities and will also incorporate the concept of persons with disabilities as part of the electorate and candidates, thereby helping to mitigate the misconception that people with disabilities are not interested in politics.

## For DPOs

1.

**DPOs can proactively reach out to the ISIE and offer to support development of assistive tools and voter education.**

A partnership will benefit all stakeholders involved as DPOs are best placed to provide such advice and the ISIE will benefit by ensuring that the tools and materials it develops are impactful.

2.

**DPOs should conduct election observations focused entirely on access and inclusion of people with disabilities and share their results and recommendations with government stakeholders.**

Standalone observations provide more in-depth analysis of disability inclusion than observations that mainstream questions on disability access. Targeted observations are centered entirely on election access of persons with all types of disabilities. Election access observations may collect more detailed reports and have the opportunity to engage disability rights advocates with extensive experience on access and inclusion. DPO-led observation also places people with disabilities in visible leadership roles, which breaks down societal stigma. In conjunction with this, election observation groups should include additional questions on election access for voters with disabilities on their checklists and proactively recruit more observers with disabilities, especially women with disabilities.

3.

**DPOs in Tunisia could also consider partnering with CSOs that work in the election space, for example CSOs that are conducting voter education or get out the vote campaigns.**

This would allow the CSOs to incorporate the insight of DPOs into the needs of persons with disabilities as they design voter education campaigns and allow greater accessibility of materials and information that target voters with disabilities.

4.

**DPOs should include feedback on Tunisia's implementation of CRPD's Article 12, which concerns equal recognition before the law in all aspects of life, and Article 29, regarding participation in political and public life, in all shadow reports to the CRPD Committee.**

This will be one way to track how Tunisia is meeting its commitments but also provide a venue for recommendations in areas that continue to require improvement.

5.

**DPOs could create a network of elected officials with disabilities who can support each other and also mentor those interested in running for office.** This peer group would create opportunities for collaboration among elected members with disabilities across different areas of Tunisia; the group could also support each other to raise awareness of Tunisia's commitments under the CRPD and share experiences and lessons learned.

## *For CSOs*

1.

**Election observation groups should include additional questions on election access for voters with disabilities on their checklists and proactively recruit more observers with disabilities, especially women with disabilities.** In addition to voters with disabilities, the elderly, pregnant women and people who have a temporary disability, such as a broken leg, experience access issues. Additionally, Tunisia has ratified the CRPD, and as such, has made an international commitment to election access. Observers with disabilities are best qualified to report on progress toward meeting these commitments.

2.

**Women's CSOs should engage with women with disabilities and include their concerns in political advocacy campaigns, in particular those of rural women with disabilities.** Women with disabilities experience many of the same issues as women without disabilities yet are often not included in mainstream gender programming. The women's movement could benefit from the inclusion of these voices.

3.

**Youth CSOs should engage with youth with disabilities and include their concerns in political advocacy campaigns, in particular those of rural youth with disabilities.** Youth with disabilities are often put in separate schools or classes, thereby missing the opportunity to socialize with other children their own age. This also leads to the development of negative stereotypes about disability from a young age. Youth CSOs can help mitigate some of these issues by proactively including youth with disabilities in their programs.

## *For the Ministry of Women, Children and Family and the Ministry of Youth, Sports and Physical Education*

1.

**Women and youth with disabilities should be integrated into broader voter education and outreach programs.** The Ministry of Women, Children and Family and the Ministry of Youth, Sports and Physical Education should proactively reach out to women and youth with disabilities via DPO networks and ensure all materials and activities are accessible to and inclusive of women and youth with disabilities.

## Methodology of the IFES Assessment Mission

The IFES Tunisia Disability Rights Assessment Mission focused primarily on the preparations for and conduct of the May 6 municipal council elections. The assessment involved desk review, focus group discussions, key informant interviews and a nationwide survey. IFES conducted the mission over a two-week period in May 2018 with IFES headquarters technical experts collaborating with IFES Tunisia staff members and a Tunisian disability rights expert. The assessment utilized IFES' new Intersectionality Assessment Framework which identifies intersectional barriers and opportunities related to political participation of people with multiple social identities, such as gender and disability. Focus groups were held with men and women with and without disabilities, in order to gain comparative information regarding political barriers all Tunisians face, versus those that are unique to people with disabilities or women. Focus group data was generated through democratic, collaborative, and participant-led means. Participants worked in groups to identify and present key information on their political participation that they then analyzed, categorized and prioritized in different ways. Participants were also asked to take open "votes" on opinions and priorities that were immediately tabulated and visualized to guide open discussions on results. This methodology emboldens even the quietest of participants to think for themselves and voice their opinions, as opposed to more traditional group interviews where a handful of participants may monopolize the conversation. The result is a rich mix of qualitative and quantitative data, and a preliminary, stakeholder-led analysis of the information gathered.

The IFES Intersectionality Assessment Framework methodology was adapted for Tunisia, where a high percentage of the population has low literacy, in particular among persons with disabilities. Images were added to key activities in the focus group discussions, so that information was not conveyed solely with words. Key areas examined during focus groups included:

- What civic and political participation means to participants;
- How participants engage in civic and political processes in Tunisia;
- Factors that help and hinder civic and political participation in Tunisia; and
- The impact of gender and disability on civic and political participation.



*Men with disabilities participate in a focus group discussion.*

Assessment team members also conducted key informant interviews with a variety of stakeholders involved in the electoral process, including government officials, observer groups and DPOs.

The IFES assessment team included two international experts and one Tunisian expert: IFES Inclusion Advisor Virginia Atkinson, IFES Middle East and North Africa Deputy Regional Director Ambar Zobairi, and Tunisian disability rights advocate and founder of the Tunisian Organization for the Defense of the Rights of Persons with Disabilities (OTDDPH) Imed Ouertani. The authors wish to thank IFES Tunisia Country Director Nicolas Kaczorowski, IFES Tunisia Outreach Manager Khamayel Fenniche, and IFES Senior Program Manager for Tunisia Suzanne Abdallah for their insight into the Tunisian context and feedback on this report.

## Background

There are not clear statistics for how many people with disabilities live in Tunisia. Official numbers from the 2014 census conducted by the National Institute of Statistics show that 2.3 percent of the Tunisian population (or 252,000 persons) has a disability, with women comprising approximately 33.6 percent of this number.<sup>1</sup> This number is significantly lower than the 15 percent global estimate and reflects only half of the global estimate of women with disabilities. The number of Tunisians who hold a disability card is also higher than the official statistic, at approximately 340,000 according to the Ministry of Social Affairs (MSA), which distributes the cards. However, it is well acknowledged that not all people with disabilities register for the disability card.

**The World Health Organization estimates that 15 percent of the world's population has a disability, with 60 percent being women.**

## International Standards

Article 20 of the 2014 Constitution of the Tunisian Republic states that “International agreements approved and ratified by the Assembly of the People’s Representatives are superior to laws and inferior to the Constitution.”<sup>2</sup> Therefore, all international treaties ratified by Tunisia, customary international law and general international law have legal force, and international human rights treaties that Tunisia has ratified are applicable and binding in domestic law. Therefore, the high standards for political access described in the CRPD supersede national law.

Tunisia ratified the CRPD and its Optional Protocol through Law No. 4 on February 11, 2008. Article 29 of this treaty details the political rights of people with disabilities, Article 12 focuses on legal capacity and Article 6 focuses on the rights of women with disabilities. Since ratification, the government has taken steps to harmonize domestic law with the CRPD; however, there are still gaps in implementation. Tunisia is also a party to the UN Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The CRC specifically recognizes the right of a child with a disability to participate in his or her community, enjoy access to special care and resources required by the child’s disability, and have access to education, training, health care and employment. CEDAW protects the rights of women with disabilities to enjoy full participation in society. Tunisia is also a party to the International Covenant on Civil and Political Rights, as well as a number of other international instruments, that protect and promote the basic human rights of all Tunisians.

1 [http://www.adry.up.ac.za/images/adry/volume3\\_2015/adry\\_2015\\_3\\_tunisia.pdf](http://www.adry.up.ac.za/images/adry/volume3_2015/adry_2015_3_tunisia.pdf)

2 [http://www.constitutionnet.org/sites/default/files/2014.01.26\\_-\\_final\\_constitution\\_english\\_idea\\_final.pdf](http://www.constitutionnet.org/sites/default/files/2014.01.26_-_final_constitution_english_idea_final.pdf)



## ***Rights of Persons with Disabilities in the Tunisian Constitution and National Laws***

The Tunisian Constitution explicitly addresses the rights of persons with disabilities in Article 48, which says that: “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 the disability, from all measures that will ensure their full integration into society, and the state shall take all necessary measures to achieve this.”<sup>3</sup>

Tunisia promulgated Tunisian Law 83-2005 on the advancement and protection of persons with disabilities on August 15, 2005 (hereafter, referred to as the Orientation Law). Article 1 of section 1 of the Orientation Law states that “The aim of this law is to guarantee equal opportunities for persons with disabilities and the others, promote them and, protect them from any kind of discrimination.”<sup>4</sup> This law comprehensively addresses the rights of persons with disabilities, and creates a framework to guide Tunisia in creating plans, policies and tools for the promotion and protection of persons with disabilities.<sup>5</sup> Some key definitions within this law include:

**“The perception in Tunisian society is that people with disabilities are demanding, but we just ask for our rights.”**

*-Man with a physical disability,  
IFES focus group discussion*

- *Persons with Disabilities* - Article 2 of the law defines persons with disabilities as “Every person who has a congenital or acquired long-term lack of capacity and function of her physical, intellectual or sensorial ability which restrict her ability to perform one activity or more of her essential personal and societal daily activities and which limits her opportunity for integration into society.”<sup>6</sup>
- *Discrimination* - The law defines discrimination as “Every provision or action that causes exclusion, or results in the restriction of opportunity or creates damage to persons with disabilities.”<sup>7</sup> Conversely, it states that “positive actions that aim to achieve substantive equality between persons with disabilities and others are not considered discrimination.”<sup>8</sup>

This law comprehensively addresses the rights of persons with disabilities and creates a framework to guide Tunisia in creating plans, policies and tools for the promotion and protection of persons with disabilities.<sup>9</sup> The Orientation Law is divided into 13 sections, which cover issues such as prevention of disability, accessibility, social protection, education and employment. However, the Orientation Law does not address political participation of persons with disabilities.

3 Ibid

4 Tunisia’s Orientation Law on the advancement and protection of persons with disabilities 83-2005.

5 Committee on the Rights of Persons with Disabilities, *Implementation of the International Convention on the Rights of Persons with Disabilities: Initial report submitted by States parties under article 35 of the Covenant, Tunisia* (CRPD/C/TUN/1,2010). [www2.ohchr.org/SPdocs/CRPD/4thsession/CRPD.C.TUN.1\\_en.doc](http://www2.ohchr.org/SPdocs/CRPD/4thsession/CRPD.C.TUN.1_en.doc)

6 Tunisia’s Orientation Law on the advancement and protection of persons with disabilities 83-2005

7 Ibid

8 Ibid

9 Committee on the Rights of Persons with Disabilities, *Implementation of the International Convention on the Rights of Persons with Disabilities: Initial report submitted by States parties under article 35 of the Covenant*.

It is worth noting that within the Orientation Law’s definition of a person with disability, the notion of disability and the individual’s social environment are inextricably intertwined. However, despite the social dimension integrated into this definition, Tunisia’s approach to disability appears to be more based on the medical model than on the social model. The definition focuses on the type and severity of an individual’s disability, which appears to be the exclusive cause of restriction on the individual’s functioning in his or her daily personal and societal activities or to be integrated into society. Understood in this way, the definition of disability provided by this law does not challenge societal norms. If there is limitation of activities or integration, it is considered to be caused by the individual’s health and not because of an inaccessible environment or lack of support. As a result, the UN Committee on the CRPD, an independent, elected group of experts who monitor implementation of the CRPD, has issued a recommendation that Tunisia modify the legal definition of disability to align with the CRPD approach.

A number of orders and decisions have been issued in accordance to the Orientation Law<sup>10</sup>, including:

- Order 3029 (2005), which creates a Higher Council for the Protection of Persons with Disabilities;
- Order number 1467 (2006) concerning accessibility in public spaces<sup>11</sup>;
- Order No. 3086 (2005, and amended by Order No. 1859 in 2006), which defines disability and lays out requirements to obtain a disability card; and
- Order No. 3087 (2005) on the employment of persons with disabilities.<sup>12</sup>

### Disability card:

*To be recognized as a person with a disability under Tunisian law, citizens must hold a disability card provided by the Tunisia Ministry of Social Affairs. According to the law, an individual must provide a medical certificate as well as other documents to prove his or her disability, and these are revised by the local commission, which must make its decision to grant the card within 45 days. The commission also determines what level of disability card to grant: low, mid or high; this is dependent on the “degree of impairment” an individual is determined to have. However, in practice, this heavily bureaucratic system has proven burdensome as persons with disabilities struggle to provide the many required documents; at the same time, the decision often takes much longer than the 45 days prescribed by the law. Hence, many persons with disabilities do not apply to obtain a card or reapply for a card, which is given to an individual for five or ten years, at the discretion of the commission.*

**Reasonable Accommodation:** There is no mention of the denial of reasonable accommodation as a form of discrimination in the Orientation Law. Per Article 2 of the CRPD, reasonable accommodation “means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.”<sup>13</sup> Equally significant, there is no mention of the duty to provide reasonable accommodation in the general duties stated in Article 3

10 Ibid

11 Ibid

12 Ibid

13 The UN Convention on the Rights of Persons with Disabilities, Article 2.

or in any article of the law. However, Article 23 (section 6), which is related to vocational skills trainings, is the only article that notes the duty to accommodate the training environment when necessary for persons with disabilities, and there is no requirement for reasonable accommodation in the workplace itself. However, it is not clearly stated that the denial to provide this accommodation restricts the human rights of the person. Thus, implementation of this article is extremely limited as persons with disabilities are often unable to seek effective remedy under the law.

**Accessibility:** Section 4 of the Orientation Law focuses on accessibility of information and facilitation of mobility for persons with disabilities as well as access to services and housing. According to Article 10, the state and the private sector should adapt the environment as well as communication and information means to be accessible for persons with disabilities. The article states that both the private and public sector should facilitate mobility and access to services for persons with disabilities. Additionally, it requires that the state provides accessible public transportation. Furthermore, Articles 12 and 13 require that all buildings should be constructed in accordance to technical specifications that facilitate the mobility of persons with disabilities.

**Right to Employment:** Article 26 of the Orientation Law states that “Disability should not be considered a reason to deny the right of employment to a citizen if he or she has the adequate ability to fit the job requirement,”<sup>14</sup> while Article 27 stipulates that “It is not permissible to exclude candidates with disabilities for general contest for employment in the public or private sector if he or she (the candidate) has adequate capacity to participate in the contest and if the job responsibilities do not require special physical abilities...”<sup>15</sup> Under Articles 29 and 30 of the Orientation Law, private and public firms that employ 50 employees should have at least one employee with a disability while firms that employ more than 100 employees must have at least two percent of employees with disabilities. Furthermore, two percent of annual recruitment in the public sector should be reserved for persons with disabilities. Additionally, under Articles 34 and 35, companies that employ persons with disabilities receive a tax exemption while some other charges are compensated by the state. The amount of tax exemptions and compensation depends on the “level” of disability of the recruited employee, with higher tax exemptions for companies which recruit an individual with a “mid-level” or “high-level” disability. The law also mandates the work inspection agency to control and enforce the law; however, evidence from a survey conducted by the Defence of the Rights of Persons with Disabilities and Humanity and Inclusion in 2013-14 shows that 89 percent of companies in Tunisia, out of 500 companies interviewed, claim that they never received visits from the inspection agency regarding the employment of persons with disabilities<sup>16</sup>. This lack of oversight or enforcement may dramatically restrict implementation of the law.

**Education:** Tunisian law provides for free public education to all school-age children as long as they “are able to pursue their education in accordance with the applicable regulation.” Children who have a physical disability that can easily be “integrated” into a school, for example, those who may have a hearing disability that can be corrected by a hearing device, have a visual disability that can be accommodated with glasses or have a moderate intellectual disability, may be approved to attend public school by the local commission that provides disability cards. Hence, only children who can easily be integrated have the right to attend a public school while others may be placed in special institutions, usually run by

14 Tunisia Orientation Law 83-2005

15 Ibid

16 OTDDPH and Handicap International research under the “Leadership and Empowerment for Action on Disability” project concerning implementation of the law requiring employment of persons with disabilities in Tunisia. Funded by the U.S.-Middle East Partnership Initiative (2014).

associations or organizations funded by the MSA. In 2010, 276 institutions were under the responsibility of associations while only 12 institutions were actually managed by the government.<sup>17</sup> The MSA does not currently collect information on persons with disabilities who attend its educational centers for illiterate Tunisians. It also stated that its centers are not always accessible and do not have special accommodations for persons with disabilities. Teachers are not trained on braille or sign language.

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<sup>17</sup> Committee on the Rights of Persons with Disabilities, *Implementation of the International Convention on the Rights of Persons with Disabilities: Initial report submitted by States parties under article 35 of the Covenant: Tunisia* (CRPD/C/TUN/1, 2010)

## Past Efforts to Increase Political Participation of Persons with Disabilities in Tunisia

Following the Jasmine Revolution, Handicap International supported a nascent network of disability activists, OTDDPH, to advocate to include disability on the political agenda, with a specific focus on incorporating disability rights into the new constitutional framework. With the support of a Moroccan network for people with disabilities<sup>18</sup>, OTDDPH directed advocacy efforts toward the newly created ISIE. The ISIE had already incorporated Article 61 into Decree Law 35 on the National Constituent Assembly elections, which stated: “Illiterate voters or voters who clearly suffer from a disability that prevents them from performing the polling steps mentioned in article 60 above shall be authorized to assistance by a voter of their choice and who shall not be a candidate. One helping voter cannot assist more than one person.”<sup>19</sup> OTDDPH developed a memo that recommended making the electoral process more inclusive through increased physical access to polling stations, booths designated for persons with disabilities

**“I voted in the legislative elections because after the revolution we were all happy to vote. But after the elections the people elected did not fulfill their promises. They were empty promises. That is why the municipal elections I did not vote.”**

*-Woman with a physical disability,  
IFES focus group discussion*

and provision of sign language interpretation for TV broadcasts about the elections. The group met with the ISIE to discuss these recommendations, which led to the ISIE amending the law to “take all necessary measures in order to permit disabled voters to exercise their right to vote in favourable conditions.”<sup>20</sup>

Despite the ISIE starting to consider the accessibility of the electoral process, a number of barriers impeded persons with disabilities from fully exercising their right to vote during the 2011 National Constituent Assembly elections. These included a lack of accessible voter and civic education materials, inaccessible voting centers, insufficient training for polling officials and lack of awareness and interest of political parties in disability rights.

There was demonstrable progress for the next round of elections. In 2014, the National Democratic Institute’s observation report found that the ISIE and the Independent Regional Authorities for Elections made a concerted effort to improve access for persons with disabilities to the electoral process, including consultations with CSOs on selecting accessible polling stations and putting other measures in place<sup>21</sup>. For example, 46 polling centers in 12 districts were designated for voters with disabilities for those elections, ramps were constructed, and sleeves with braille texts were made available for voters with a

18 The Collective for the Promotion of the Rights of Persons with Disabilities is a network of organizations focused on the rights of persons with disabilities in Morocco. IFES has partnered with it to advocate for increased political participation of persons with disabilities in Morocco.

19 Decree Law No. 35 on Election of the National Constituent Assembly. <http://aceproject.org/ero-n/regions/africa/TN/tunisia-decree-no.-35-dated-10-may-on-the-election>

20 “The Arab Spring and the rise of Tunisians with disabilities: Interview with Imed Ouertani.” <https://www.ohchr.org/Documents/Issues/EqualParticipation/contributions/IDA.pdf>

21 *Final Report on the 2014 Legislative and Presidential Elections in Tunisia*. National Democratic Institute. [https://www.ndi.org/sites/default/files/Tunisia%20Election%20Report%202014\\_EN\\_SOFT%20\(1\).pdf](https://www.ndi.org/sites/default/files/Tunisia%20Election%20Report%202014_EN_SOFT%20(1).pdf)

visual disability. However, there were still numerous challenges as voters were unaware that the braille sleeves were available, poll workers were not always trained to assist voters to use these and the sleeves were not available in all stations.

It should be noted that while past efforts to energize women and men with disabilities were hampered by a lack of accessibility, Tunisians with disabilities also experience the same lack of confidence in elected officials and general indifference toward the political process as Tunisians without disabilities. Access barriers often compound these feelings of political apathy, leading to a disproportionately low turnout among Tunisians with disabilities.

**“I see myself as  
a leader in the  
community.”**

men with disabilities were  
**twice** as likely  
as women with disabilities to agree



## The Intersectionality of Disability, Gender and Youth

Women with disabilities experience compounded barriers to political participation, based on their gender and their disability. Youth with disabilities are also not incorporated into efforts targeting young Tunisians. The headquarters of the Ministry of Youth, Sports and Physical Education, as well as the Ministry of Women, Children and Family are not physically accessible, information about their work is not disseminated in accessible formats and, for the most part, their programs do not incorporate women with disabilities or youth with disabilities. Women with disabilities and youth with disabilities are not proactively included in outreach efforts or recruited to participate in the ministries' programs.

**“Political parties do not include men or women with disabilities, but no party specifically mentions women with disabilities. They are particularly excluded.”**

*-Man who is blind,  
IFES focus group discussion*

The Ministry of Women, Children and Family knows that 48 percent of women across the country are registered to vote, and that 30 percent voted in the last elections, but this information is not disaggregated by disability. The Ministry of Women held voter education workshops for women but did not include any women with disabilities. The women and youth ministries defer to the MSA for all matters related to women with disabilities or youth with disabilities respectively.

Women with disabilities who participated in IFES' focus group discussions reported that political decisions were made by the men in their households. Information and materials related to the electoral

process were controlled by male family members. This information barrier was particularly acute for Deaf women, who had to rely on radio and TV messages being relayed by family members because of their lack of mobility outside their home and lack of accessible information and the low levels of literacy among the Deaf population. Women with and without disabilities reported that it was difficult to engage in political life, and in leadership positions in particular, due to the burden of family duties and social norms against women engaging in politics. They also noted that the expectations of a patriarchal society had an even greater impact on rural women's ability to be politically engaged.

**“How can I participate in political life when I am unable to participate in life? My father tells me about politics so what is the benefit of me contributing to political life?”**

*-Woman who is deaf,  
IFES focus group discussion*

In the focus group discussion with men with disabilities, one young man with a physical disability noted that “youth without disabilities do not have access to voter education, it's not just youth with disabilities.”

Young women with disabilities noted that if they or their friends did vote, it was because their families were supportive and DPOs provided assistance. One young woman with an intellectual disability noted that the only reason she knew about the elections was because a DPO encouraged her to participate and described the process, step-by-step. She also benefited from the fact that her family did not block her participation on Election Day.

Interestingly, women with disabilities did note a higher sense of personal security during the municipal council elections. Focus group participants noted that women are often subjected to harassment, and women with disabilities are particularly vulnerable in their daily lives, including at work and when they go out to public places such as cafes. In previous elections, they felt there was less security to protect them; however, they felt that the visibility of the security forces contributed to their safety and they were not “subject to violence during the [municipal council] elections.”

## Women with disabilities

noted that new security measures helped them participate in the municipal council elections,

## while men with disabilities

mentioned international nongovernmental organizations defending disability rights to help them participate.

### When asked what factors most hinder their political participation...

**Women with disabilities said:**

- Lack of physical accessibility for all persons with disabilities
- Loss of trust as a result of fake promises by leaders or no confidence in leaders
- Lack of access to information in all formats (absence of information)

**Men with disabilities said:**

- Political parties’ lack of focus on persons with disabilities
- Lack of awareness by political parties and citizens about the needs of persons with disabilities
- Persons with disabilities’ lack of access to information
- Society’s perception of persons with disabilities

**Men and women with disabilities said:**

- Ignorance
- Insufficient political conscience
- People’s perception of politics as a “dirty game”
- No hope and no confidence in politics as a result of politicians’ fake promises

## Electoral

### Legal Framework

Article 133 of the 2014 Constitution provides that “municipal and regional councils are elected by universal, free, direct, secret, honest and transparent suffrage.”

Organic Law 2017-7 of February 14, 2017, provides the rules for the municipal elections. It modified and completed Organic Law 2014-16 of May 26, 2014, which initially contained only the rules applicable to legislative and presidential elections as well as referendums. The electoral law sets the rules for each phase of the electoral process.

In addition to the electoral law, the ISIE adopted several decrees and regulatory decisions that contain provisions that complement and explain provisions of the electoral law. They relate, in particular, to the organization and functioning of the ISIE structures, districting, the electoral calendar, voter registration, candidate nominations, the accreditation of observers, the electoral campaign and its financing and media coverage, the procedures for voting, counting, and tabulation and proclamation of results.<sup>22</sup>

### *The Right to Vote for Tunisians with Disabilities*

Specifically, as pertains to persons with disabilities, it is important to highlight Articles 131 and 132 of Organic Law 2014-16, which recognize the right of persons with disabilities to participate in political life. Article 131 recognizes the importance of an accessible voting station so that persons with disabilities can freely exercise their right to vote in a manner that protects the secrecy of their vote. Article 132 emphasizes that persons with disabilities can be assisted to vote if:

- The voter has a disability card;
- The voter is assisted by a voter who is a spouse or a relative of the voter with a disability and can prove his or her relationship to the voter; and
- In the absence of an assistant chosen by the voter with disability, the voter may request the head of the polling station to assign another voter to assist him or her in voting. No assistant may accompany more than one voter with a disability.

Unfortunately, as noted previously, many persons with disabilities do not have disability cards, and are therefore, unable to enjoy the accommodations provided by the law and the ISIE. ISIE’s Board of Commissioners (BoC) members expressly highlighted this as an issue and noted that the legal framework tends to link persons with disabilities with the disability card.

<sup>22</sup> All regulatory decisions are available on the ISIE website at the following address: <http://www.isie.tn/elections/elections-municipales-2018/cadre-juridique/>

**“The government is embarrassed to say ‘no’ to requests for disability inclusion but when it comes to reality, they are not inclusive.”**

*-Civil society representative,  
key informant interview*

Additionally, ISIE commissioners noted a concern about the requirement that companions must be relatives. It should be noted that the requirement that the voter must bring a relative to assist him or her to vote is in direct contradiction to Article 29 of the CRPD which “Guarantee[s] the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice.”<sup>23</sup> The ISIE posited that the more they are able to provide tools to increase accessibility for the voter, the more independent a voter with disability will become.

Additionally, it should be noted that Article 6 of the amended 2017 election law states that persons placed under guardianship as a result of “global dementia” are not allowed to vote in national and local elections; however, the law does not make any statement about whether those individuals with intellectual or psychosocial disabilities who are not under guardianship are allowed to vote. While it can be argued that the law does not restrict their right to vote, neither does it make any accommodation for voting.

## ***The Right to be Elected***

Mourakiboun’s August 2017 survey posed a question about whether Tunisians would elect a person with a disability. The results showed that 9.6 percent strongly agreed that they would, 51 percent agreed, 23.4 percent did not agree and 13.7 percent strongly disagreed.

To encourage persons with disabilities to participate in the elections as candidates, Organic Law 2017-7 amended Article 49 of the 2014 electoral law to state that candidate lists had to include a candidate who has a physical disability and holds a disability card issued by the Tunisian authorities among the first 10 members of the list. It is important to note the limitation of candidacy to persons with physical disabilities, whereas the disability card also recognizes individuals with motor, sensorial and intellectual disabilities. It is unclear if the terminology “physical disabilities,” which has no clear definition in Tunisia law, includes both motor and sensory disabilities, and individuals who were interviewed inferred that it was highly likely that legislators wanted to exclude persons with intellectual disabilities as candidates during this election. Additionally, one ISIE commissioner also pointed out that since not all persons with disabilities have a disability card, the pool of individuals who can run for seats is also very limited and political parties had a hard time recruiting candidates who met the requirement. This may explain why some lists may not have had persons with disabilities on them. At the same time, 10 lists included more than one person with a disability, showing that money is not the only reason that candidates with disabilities were included on the lists.

23 <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-29-participation-in-political-and-public-life.html>

The ISIE's president also recommended that requiring the lists to include persons with disabilities at a higher rank in the list would be another positive step forward.

Article 67 of Organic Law 2014-16 stipulates that the ISIE establishes the rules and procedures of media coverage for electoral campaigns in coordination with the High Independent Commission for Audio Visual Media through a joint decision. This article states that "the specific needs of candidates with disabilities must be taken into account." However, the law does not specify how the needs should be taken into account, by whom and what this stipulation exactly means. In 2014, a sign language interpreter translated all candidate speeches on TV and radio in sign language, but this was an attempt to increase access for hard-of-hearing and deaf voters to candidates' platforms. It was not a measure to assist candidates who had a disability.

Additionally, Article 10 of the 2017 electoral law states that "the local authority will provide all necessary



*Radhia Belhadj was the head of her Nidaa Tounis list. She was elected as mayor of Zaouiet Kontech municipality in Monastir. Belhadj has a motor disability.*

measures for elected members with disabilities of local assemblies to

allow them to effectively work." It is unclear what this will actually mean in practice but it could be referenced by elected persons with disabilities to ensure reasonable accommodation.

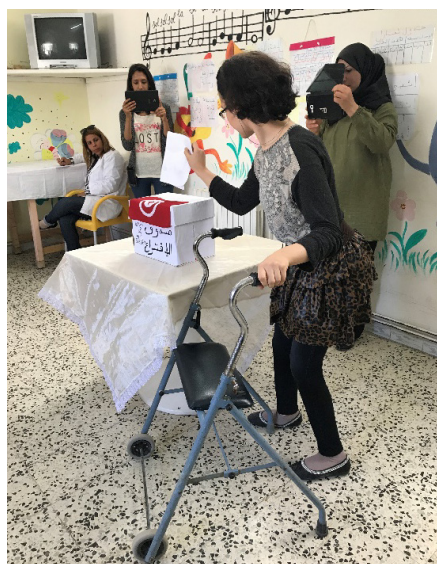
In total, 1,735 or 3 percent of persons with disabilities ran (1,332 men and 403 women) for municipal council seats out of a total 53,675 candidates. In total, 144 or 1.99 percent of persons with disabilities won seats out of 7,212 available seats. Overall, 18 candidates with disabilities headed a list, of whom five are women and 13 are men. Of these, all five women and 10 men won seats; among these, two individuals were elected mayors of their municipalities.

**"I thought about running for office, especially after the experience of 2014. I was motivated to participate in municipal elections but was unable to do this because I did not find independent or party lists that are able to interact with my disability. The problem is with accessible information."**

*-Woman with a disability,  
IFES focus group discussion*

## Civic and Voter Education

The ISIE made special efforts to encourage the participation of persons with disabilities. The ISIE BoC who met with the assessment team highlighted a number of attempts to increase inclusivity of the election process, including increased accessibility of the process and information. They stated that they have met with organizations that focus on disability rights to understand the needs of persons with disabilities and note that they will continue to meet with persons



*A young woman with a disability takes part in a polling station simulation.*

with disabilities regularly. They also stated that they want to regularly interact with the MSA. They did note that they have limited access to sign language interpreters and want to recruit more. Additionally, they noted that they have staff with disabilities in their regional offices and as part of their polling staff.

The ISIE developed TV ads explaining voting procedures that specifically targeted voters with disabilities. It also aired awareness ads with Tunisian Sign Language and created an inclusive voter mobilization video starring both actors with disabilities and without disabilities. When visiting the ISIE's Media Center, the assessment team also noted that all events and communication included sign language interpretation. A document highlighting all ISIE accessibility initiatives was disseminated at the Media Center the day before the election.

In order to assist low-vision voters, the ISIE posted audio on its website with the names of the lists and their numbers on the ballot in each of the 350 municipal constituencies. It also had voting procedures summarized and translated into braille so that blind voters could become acquainted with voting mechanisms. The ISIE planned to distribute the procedures document through DPOs. Additionally, in front of each polling station, the ISIE displayed a poster on voting procedures with photos of a sign language interpreter describing the process.

However, during the course of this assessment, it became clear that many DPOs had not heard about most of these measures and that the ISIE had not effectively disseminated adequate information far enough in advance of the elections. Additionally, the materials were not tested by people with disabilities to ensure their utility. Many of the individuals, DPOs and observer groups that IFES met with or who were part of IFES' focus groups stated that they had very little accessible information on the elections.

Mourakiboun noted that the sensitization marketing was weak. Billboards showed information on the elections, but only in the weeks before the election. The ISIE, while proud of what it has done to make these elections more accessible, noted that there is still much room for improvement. Specific areas noted by commissioners included making laws more accessible to persons with disabilities, including in braille and sign language.

**"Political life is new for us. We have to explore it more."**

*-Man with a visual disability, IFES focus group discussion*



Mourakiboun also noted that outreach by political parties is weak, with few actively reaching out to persons with disabilities to understand their needs or to explain the political party's platforms. They noted that one political party made an accessible audio file of its platform in 2012 but no parties provided any accessible information for the 2014 or 2018 elections. For the municipal council elections, IFES focus group participants stated that political parties made no efforts to reach out to voters with disabilities; none of their public events or TV campaigns utilized sign language interpretation or provided information in accessible formats. A focus group participant stated that she didn't understand the parties' platforms and therefore had no idea if they were keeping their promises or not. One candidate with a disability stated that his list was the only list that allocated part of its platform to specific issues<sup>24</sup> targeting persons with disabilities and introduced his list's platform in sign language.

The Tunisian Association for Integrity and Democracy of Elections (ATIDE) suggested that ISIE, as well as political parties, conduct more targeted voter education for persons with disabilities and adapt its communication for persons with disabilities. ATIDE also recommended that the national TV and radio stations should provide more information on the lists to the public, and noted that the national TV channel did not provide subtitles or sign language for the municipal elections the way it did for the previous national election. In general, ATIDE noted that there needs to be more accessible information available to persons with disabilities on how to politically participate as electors, candidates and observers.

In IFES' focus groups, many participants (women with disabilities, men with disabilities and men and women without disabilities) noted the important role that DPOs and CSOs play in increasing political and civic engagement among Tunisians. One participant stated that "civil society has become a power in the country," while another noted that CSOs are more trusted than representatives of political parties. Men and women with disabilities stated that since 2011, persons with disabilities have become more involved with CSOs that have provided them with greater access to information, training and capacity building; one of their few sources of information about the municipal elections came from the outreach activities conducted by CSOs and DPOs, with some DPOs walking through voting procedures in-depth with some voters with disabilities.

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24 This included a charter that promised to make Jemmel more inclusive; the charter was introduced to eight heads of lists in Jemmel and signed by seven of them. The municipality of Jemmel also pioneered translating its legal framework for marriage into sign language. Twenty-five other municipalities have followed Jemmel's example.

## Campaign

### Finance

For these elections, the government reimbursed election expenses for candidate lists that received 3 percent of the valid votes cast in the electoral district. A primary condition for reimbursement was the requirement that the candidate lists include a candidate with a disability among the first 10 members of the party list. Candidate lists that did not adhere to this nomination requirement were still permitted to participate in the elections but could not be reimbursed by the state for their electoral expenditures. While individuals who took part in IFES focus groups were excited about the quota requirement on lists and saw it as a step forward, many were disappointed in the enforcement mechanism. If the disability quota was not met, parties received a financial penalty, whereas if the gender quota was not met, the party list would be disqualified. In meetings with the ISIE BoC, ISIE noted that the updated law was a step forward but recommended that disqualification of the list would make the law stronger. On the other hand, some candidates with disabilities who were invited to join lists worried that they were only being asked to join in order to meet the quota requirement for the list to receive public funding. DPOs representatives noted several instances of people with disabilities being included on a party list without the person's consent.

In meeting with a newly elected official with a disability, other concerns related to political finance and disability came to light. More details are included in the section on Accessibility for Elected Officials.

## Accessibility of Polling Stations

The ISIE did take measures to accommodate persons with disabilities on Election Day. Polling station staff were to be equipped with guidelines on how to welcome, accommodate and assist voters with different disabilities. Braille ballot folders containing the ballot paper were to be made available in each voting center for blind voters and voters with low vision. They included the candidate lists' numbers but not their names. The braille folder was accompanied by a note in braille that allowed voters to match the name and the number of each candidate list in the electoral constituencies. A DPO that IFES met with stated that the ISIE did not consult with blind persons as it procured braille materials and noted that the braille ballot folder was not of good quality and hard to read. ATIDE observers noted that braille folders were not present in all centers but were observed in most. This was considered an advancement from 2014.

**“The ISIE needs to conduct a sensitization campaign. People with disabilities are excluded from voting. It’s seven years after the revolution. This needs to change.”**

*-Man with a disability,  
IFES focus group discussion*

Mourakiboun staff who IFES met with prior to the elections noted that persons with disabilities are often assigned to polling stations on higher floors. This also affects retired military and security force members who use wheelchairs and other mobility assistive devices. Mourakiboun staff also said that in 2014, 46

**“When we asked about the braille ballot, the poll worker glared at us and she didn’t know what we were talking about. They should have been trained on this.”**

*-Woman with a disability,  
IFES focus group discussion*

percent of polling stations were considered accessible per their mapping efforts; however, since then, there have been no improvements made to these facilities. ATIDE, which observed at 20 percent of polling stations during the municipal council elections, said that more than half of all voting centers were inaccessible. Some problems noted included a lack of ramps, the height of ballot boxes and the width of doors. Polling staff were not always properly trained to lay out a room accessibly; ATIDE observers noted tables that were put in front of ramps, rendering them useless. ATIDE staff also recommended increased facilitation for persons with disabilities at polling stations and the need to retrofit them.

## Election

### Observation

Persons with disabilities did serve as election observers in the 2014 elections and 2018 local elections. ATIDE, a local election observation organization, has been particularly diligent in integrating access for persons with disabilities into its work since 2011, including its observation teams. It noted that two visually-impaired observers were charged with designing forms and other resources in braille and had hired an intern who is a sign language interpreter and was charged with making ATIDE's reports accessible. Additionally, ATIDE made recommendations on increasing accessibility for the elections and feels some of these were integrated into the law, including the quota.

ATIDE specifically integrated questions on accessibility into its observation questionnaires, including:

- Did persons with disabilities have a companion? Did companions accompany more than one person?
- Were people showing their disability cards?
- Were persons with disabilities being influenced?
- Were polling stations and polling centers accessible?
- Were braille ballots, instructions, posters or other accessible material used?
- Were persons with disabilities given priority?

IFES' *Election Access Observation Toolkit* provides examples of more detailed questions that mainstream election observers can add to their checklists in order to strengthen disability access monitoring.<sup>25</sup>

In 2014, in Manouba, ATIDE had 32 observers with a disability, including individuals with a visual disability and others who used sign language. In 2018, it had only 10 observers with disabilities, noting that, in general, participation by all groups of people, including persons with disabilities, in all aspects of the elections was lower than it was in 2014. One young woman who participated in IFES' focus group discussion stated that despite having a wonderful experience as an election observer in 2014, she decided not to observe in the municipal elections because she saw a general lack of enthusiasm and reluctance on the part of youth with disabilities to participate in the elections. It would be disappointing to see the trend to integrate persons with disabilities into mainstream election observation reverse to reduced participation in the future.

**"This is my first time observing and it won't be my last. I participated because I wanted to integrate people with disabilities into the entire process."**

*-Male long-term observer who is blind, key informant interview*

25 Atkinson, Virginia and Aaberg, Rebecca. *IFES Election Access Observation Toolkit*. October 2018. Pgs. 58-63. [https://www.ifes.org/sites/default/files/election\\_access\\_observation\\_toolkit\\_accessible.pdf](https://www.ifes.org/sites/default/files/election_access_observation_toolkit_accessible.pdf)

## Accessibility for Elected Officials

As noted above, 144 (1.99 percent) persons with disabilities won municipal council seats out of 7,212 available seats. These newly elected councilors, such as Haythem Srihi (see textbox), will continue to face the most basic challenges, such as accessing the buildings where they need to work, as they take office. The law is vague about accommodation in the workplace, often leading to a fundamental misunderstanding about the concept of “reasonable accommodation” in Tunisia. Per Article 2 of the CRPD, reasonable accommodation “means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.”<sup>26</sup> While the election law does state that “the local authority will provide all necessary measures for elected members with disabilities of local assemblies to allow them to effectively work,” there is no definition of how elected persons with disabilities will be practically supported to fulfill their roles and responsibilities.

### *Jammel Local Community Service Charter for People with Disabilities Could Be a Model*

*Municipal council candidate Haythem Srihi, from the list “Jammel is our City,” developed a Local Community Service Charter for People with Disabilities. The charter guarantees a minimum set of rights for persons with disabilities in Jammel and promises to make the municipality more inclusive. All of the charter’s activities are also linked to income-generating activities. This was of importance to Haythem and the other authors of the charter so they could prove to critics that including persons with disabilities can generate income rather than cost money.*

*The charter includes formation of a committee made up of persons with disabilities, municipal councilors and public works staff to follow up on accessibility issues, including trying to make buildings more accessible. The charter focuses not just on physical accessibility, but also access for people with visual, hearing and intellectual disabilities. It suggests imposing fines on those that do not adhere to accessibility requirements mandated in the legal framework, such as construction companies that do not meet the accessibility criteria set in the law.*

*Haythem convinced the heads of seven out of eight lists running in Jammel to sign the charter as well. All seven of these individuals won their seats. Haythem also won his seat, and his list took 10 of the 30 seats in Jammel.*

For example, the Jammel municipal council building is not accessible and Haythem will be required to work in the cafe next door. While the building was allocated funds to build a ramp to the entrance of the council in 2016, the head of the council has refused to build the ramp as only one politician uses a wheelchair and he does not want to seem like he is favoring that party. A ramp to a government building is not a political favor. It increases accessibility not only for the elected members of the municipal council who have a disability, but also for citizens with a disability and older citizens. This misconception of favoritism could also be viewed as an abuse of administrative resources issue, with state funds for reasonable accommodation being withheld on political grounds.

<sup>26</sup> CRPD Article 2.

## Recommendations

Parliament	
<b><i>Electoral Framework</i></b>	<ul style="list-style-type: none"> <li>• The disability quota should be considered for the upcoming parliamentary elections and future election cycles.</li> <li>• Delink the disability card from the definition of who qualifies as a voter with a disability. However, for candidates, holding a disability card should still be a qualifying factor in order to meet the quota.</li> <li>• Align the assisted voting policy with Article 29 of the CRPD, which allows a voter with a disability to have assistance from any person of their choosing, not just a relative.</li> <li>• Parliament should review laws which restrict people with disabilities under guardianship from voting, in order to comply with commitments made under Article 12 and 29 of the CRPD.</li> <li>• Consider mandating in the law both a secretary of state for inclusion role as well as a requirement to fill that role.</li> </ul>
<b><i>Political Finance</i></b>	<ul style="list-style-type: none"> <li>• Consider making the quota requirement for persons with disabilities more effective by disqualifying lists that do not meet this requirement.</li> <li>• Consider additional positive incentives to meet the quota by giving lists that include persons with disabilities additional funds or provide additional funding if a candidate is placed within the top three candidates on the list.</li> <li>• The electoral law should include language that expressly allows accommodations for candidates with disabilities to be expensed. This would only include expenses that candidates without disabilities would not incur, such as a sign language interpreter for campaign events for candidates who are deaf. These expenses should be considered refundable electoral expenses and they should not be counted toward the ceiling of elections expenditure.</li> <li>• Conduct training for government officials on reasonable accommodations so that accessibility provisions are not viewed as political favors to parties with candidates with disabilities or specific elected officials with disabilities.</li> </ul>
<b><i>Accessibility for Elected Officials</i></b>	<ul style="list-style-type: none"> <li>• Clarify the legal framework to be more specific on what necessary measures should be provided to accommodate elected members of municipal councils with disabilities so they can fulfill their roles and responsibilities.</li> <li>• Ensure that buildings where municipal councils conduct their work are accessible, both for elected councilors with disabilities who want to access their newly elected council members.</li> <li>• Municipal council budgets should include a specific fund to support accommodations for elected councilors with disabilities so they can fulfill their duties, for example, line items to translate documents into braille or provide for sign language interpreters.</li> </ul>

<b>Independent High Authority of Elections (ISIE)</b>	
<b><i>Civic and Voter Education</i></b>	<ul style="list-style-type: none"> <li>• Institutionalize relationship between the ISIE and DPOs by holding periodic meetings with DPOs on civic and voter education materials. This could be in the form of an Election Access Working Group that begins two-way communication between ISIE staff and DPOs in order to build relationships, share information, and provide consultation on appropriate methods to reach people with different types of disabilities and women with disabilities. This transparent group would help build trust in the integrity of the electoral process.</li> <li>• Include images of people with disabilities in voter education targeting the general public and develop voter education targeted to people with disabilities, in accessible formats.</li> <li>• Increase production of voter education materials in easy-to-read format for voters with intellectual disabilities and those with low literacy.</li> <li>• Develop an appropriate timeline for dissemination of voter information to persons with disabilities so that voters are adequately reached and can make timely decisions about their voting choices. Voter education including on voter registration, accommodations for persons with disabilities and other issues critical to participation in elections – should start early and correspond to the different stages of the electoral cycle to have maximum impact. The factsheet that the ISIE prepared summarizing its inclusion efforts was an excellent resource and should be replicated in the future but disseminated much earlier in the electoral process.</li> <li>• Review existing website and social media presence to make these more accessible, through audio files and video with captions or a sign language interpreter, as well as easy-to-read text.</li> <li>• Strengthen collaboration with the Ministry of Social Welfare, Ministry of Women, Ministry of Youth and Ministry of Education to more effectively reach people with disabilities, especially women and youth.</li> <li>• When sign language interpreters are included in voter education videos or live events at the media center, increase the size of the box so that Deaf Tunisians can effectively see the interpreter. Consult with DPOs when identifying interpreters.</li> <li>• Increase representation of men and women with disabilities in voter education materials.</li> <li>• Hold mock elections where people with disabilities can practice using assistive devices, such as tactile ballot guides, well ahead of the election.</li> <li>• Recommend and encourage political parties to produce their information in accessible formats and hold accessible events with accessible venues, sign language interpreters and other reasonable accommodations.</li> </ul>



<b><i>Electoral Operations</i></b>	<ul style="list-style-type: none"> <li>• Coordinate as needed with the MSA during the pre-electoral period in order to ensure that people with disabilities are issued disability cards ahead of the voter registration process.</li> <li>• Clarify the ISIE regulation to clearly define what is considered a reasonable accommodation in the context of Tunisian elections and harmonize it with the CRPD.</li> <li>• Budget for reasonable accommodations and production of accessible voter education material.</li> <li>• Appoint a disability focal point within the election commission.</li> <li>• Provide enhanced training for ISIE staff on how to include people with disabilities in the electoral process.</li> <li>• Polling staff should be trained to facilitate voting assistance to facilitate voting assistance to persons with disabilities who want to vote, even if they do not have a disability card.</li> <li>• Proactively recruit people with disabilities to work at the ISIE, in accordance with the government quota.</li> <li>• Include accessibility as a criterion for polling station selection. Collaborate with the Ministry of Education to develop a long-term plan for making adaptations to schools used as polling stations.</li> <li>• Collect information on accommodations voters require as part of their voter registration process.</li> <li>• Make election results available in accessible formats, such as sign language.</li> <li>• Redesign the tactile ballot guide, including by printing the tool on braille-quality paper and designing the ballot and the guide so that voters can insert the ballot unaided.</li> <li>• Procure magnifying glasses for each polling station and center.</li> <li>• Polling stations should have better lighting or flashlights should be available to help voters see the ballot.</li> <li>• Include people with disabilities in lessons learned activities and seek their feedback on access to the political process.</li> </ul>
<b>Ministry of Social Affairs (MSA)</b>	
	<ul style="list-style-type: none"> <li>• Develop a more robust methodology for collecting information on persons with disabilities so that the MSA and other stakeholders can provide more targeted services for this population as citizens, voters and candidates.</li> <li>• Review procedures for providing people with disabilities ID cards in order to make the process less cumbersome.</li> <li>• Process applications for the disability card in a timely fashion and in accordance with legal deadlines.</li> <li>• Create a manual detailing the procedures for how to get a disability card and keep it updated as required.</li> <li>• Conduct a public awareness campaign on how to acquire a disability card ahead of the voter registration period to ensure that voters with disabilities have the necessary documentation ahead of the voter registration process.</li> <li>• Conduct a national sensitization campaign in partnership with relevant governmental and nongovernmental stakeholders, the media and CSOs on the political rights of people with disabilities, targeting the general public.</li> </ul>

<b>Political Parties</b>	
	<ul style="list-style-type: none"> <li>• Develop voter education targeting persons with disabilities and integrate people with disabilities in messages targeting the general public.</li> <li>• Consult with people with disabilities in order to include issues important to people with disabilities in party platforms.</li> <li>• Disseminate platforms in accessible formats and hold campaign events, speeches, announcements and debates at accessible venues, including sign language interpreters.</li> <li>• Proactively recruit people with disabilities to serve on party lists and in party leadership positions.</li> </ul>
<b>Disabled People's Organizations (DPOs)</b>	
	<ul style="list-style-type: none"> <li>• Adopt the Tunisian Charter on the Rights of Persons with Disabilities as a political advocacy tool.</li> <li>• Proactively reach out to Parliament and the ISIE and offer to support development of assistive tools and voter education.</li> <li>• Leverage regularly scheduled meetings related to other topics to encourage people with disabilities to register to vote and participate in the political process.</li> <li>• Create a network of elected officials with disabilities who can mentor those interested in running for office.</li> <li>• Increase advocacy at the local level in order to take advantage of decentralization.</li> <li>• Conduct election observations focused entirely on access and inclusion of people with disabilities. Share results and recommendations with government stakeholders.</li> <li>• Consider partnering with CSOs that work in the election space.</li> <li>• Include feedback on the implementation of Articles 12 and 29 in all shadow reports to the CRPD Committee.</li> <li>• Develop a cadre of people with disabilities who are interested in running for office, including by offering political leadership training. Host "meet and greets" where people with disabilities and political parties can connect and determine if they would like to collaborate on a party list.</li> <li>• Increase coordination and collaboration between DPOs.</li> </ul>
<b>Civil Society Organizations (CSOs)</b>	
	<ul style="list-style-type: none"> <li>• Election observation groups should include additional questions on election access for voters with disabilities on their checklists and proactively recruit more observers with disabilities, especially women with disabilities.</li> <li>• Women's CSOs should engage with women with disabilities and include their concerns in political advocacy campaigns, particularly those of rural women with disabilities.</li> <li>• Youth CSOs should engage with youth with disabilities and include their concerns in political advocacy campaigns, particularly those of rural youth with disabilities.</li> </ul>

<b>The High Independent Authority of the Audiovisual Communication &amp; Media Centers</b>	
	<ul style="list-style-type: none"> <li>• Develop appropriate guidance for the mass media to ensure access to political information for persons with disabilities.</li> </ul>
<b>Ministry of Women, Children and Family and Ministry of Youth, Sports and Physical Education</b>	
	<ul style="list-style-type: none"> <li>• Integrate women and youth with disabilities into broader voter education and outreach programs.</li> </ul>

## Team Biographies

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### **Virginia Atkinson**

#### *Inclusion Advisor*

Virginia Atkinson has more than a decade of international advocacy and capacity building experience focused on empowerment of marginalized groups. She is the inclusion advisor at the International Foundation for Electoral Systems (IFES), where she is responsible for providing strategic leadership to IFES' disability rights portfolio and technical assistance and training to civil society organizations and government stakeholders on inclusive democracy and governance. She spearheads IFES' intersectional approach to program design, including initiatives to advance the human rights of women and youth who identify with multiple social identities.

Atkinson is lead author of the manual [\*Equal Access: How to Include Persons with Disabilities in Elections and Political Processes\*](#) and led the development of [ElectionAccess.org](https://electionaccess.org), a global resource on the political rights of persons with disabilities. Her writing has been published in academic and practitioner journals, including the [\*Nordic Journal of Human Rights\*](#), *Journal of African Elections* and *Elections in Europe*.

Atkinson is actively involved in numerous regional and international human rights groups including as an adviser to the General Election Network for Disability Access in the Association of Southeast Asian Nations and serves as a member of the Advisory Board for American University's Institute on Disability and Public Policy and the Organization for Security and Co-operation in Europe's Expert Group on the Rights of Persons with Disabilities.

Prior to joining IFES, she worked for Survivor Corps, an organization that advocates for the rights of conflict survivors. Atkinson holds a master's degree in international relations from the University of Reading, England.

### **Ambar Zobairi**

#### *Deputy Regional Director, Middle East and North Africa*

Ambar Zobairi currently serves as the International Foundation for Electoral Systems' (IFES) deputy regional director for the Middle East and North Africa (MENA), bringing almost 20 years of experience in the international nonprofit arena. She has worked on numerous democracy and governance projects in the MENA region, including in Egypt, Iraq, Jordan, Lebanon, Libya, Morocco, Palestine, Syria, Tunisia and Yemen. These projects have focused on providing technical election assistance to local stakeholders, such as election commissions and the judiciary; they have also built civil society's capacity to promote the rights of persons with disabilities, advocate to improve the status of women and mitigate election violence. Zobairi is an accredited facilitator in the Building Resources for Democracy, Governance and Elections (BRIDGE) methodology, a comprehensive professional development program focused on electoral processes and effective electoral administration.

Prior to joining the MENA team, Zobairi worked at the United Nations Foundation and Centre for Development and Population Activities. She holds a master's in international relations and international economics from the Johns Hopkins School of Advanced International Studies in Washington, D.C.

***Imed Ouertani******Tunisia Disability Rights Advocate***

Imed Ouertani is an advocate for the rights of persons with disabilities. Since the Tunisian revolution in 2011, he has planned, implemented and evaluated several advocacy actions. These actions focused on legislative changes, such as the amendment of the electoral law and the Tunisian Constitution. In addition, he worked to ensure political commitments at the national level, such as the signing of the “Tunisian Charter for the Rights of Persons with Disabilities” which has been signed by political parties represented by 187 deputies in the Assembly of Representatives of the People.

In 2016, he obtained a master’s degree in international and comparative disability law and policy from the National University of Ireland, Galway. He became the first Building Resources for Democracy, Governance and Elections (BRIDGE) fellow within the International Disability Alliance and Humanity and Inclusion. During his fellowship, Ouertani provided trainings, support and mentoring to several groups, including persons with disabilities, in their advocacy actions in different regions of the world such as Africa, the Middle East and Europe.





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