



مؤسسة تماسك لتعزيز الديمقراطية والشفافية
Tamasek For Strengthening Democracy and Transparency



منظمة بما تكون حقوق الانسان والامنة
Being Together Organization For Human Rights



مؤسسة الحق لحقوق الانسان
A.H.R



جمعية العمل العراقية
Iraqi Al-Amal Association

Report on the Early Elections in Iraq

October 2021

Methodology

This report was prepared by several active organizations, in cooperation with human rights defenders. Information was collected by distributing observers in all Iraqi governorates before, during, and after the electoral process. However, several challenges were faced during monitoring, information gathering, and writing the report. In particular, observers were prevented from accessing some election centers and the time needed to prepare the report was short, to coincide with the announcement of the final preliminary results by the Commission and the submission of complaints and appeals by some political currents.

Other risks were related to the establishment and organization of the working group, in light of the political and social tensions that arose after the announcement of the election results. However, the report was completed in accordance with the established action plan. It affirms the organizations' commitment to complete impartiality and evidence based reporting, as a tool for evaluating the performance of the institutions concerned with conducting the 2021 elections.

Introduction

The October protests carried a set of demands, especially holding early elections, amending the electoral law to its current status (multiple medium-sized districts), and creating a new impartial commission instead of the previous commission (which was described as partisan and based on quotas). Additionally, they called for international monitoring and that they be conducted under a set of conditions, most notably securing the process, limiting uncontrolled weapons, and controlling political money.

Parliament approved the multi-district election law in December 2019. However, it took 11 months to ratify, after the announcement of the current government. The President of the Republic ratified the law on November 5, 2020. The new government took upon itself to conduct early elections and set more than one date until setting on October 10, 2021.

Nevertheless, the government failed in its promise to control the influence of weapons, which had a negative impact on electoral security. Political money and state resources were used by dominant parties in the government, despite a legal ban.¹ Thus, it reduced the chances of emerging parties in a fair competition. It allowed the participation of armed non-state actors, in violation of the provisions of Chapter Three, Article 8 (Third) and Article (47) of the Political Parties Law No.36 of 2015.² In addition, changes made to the Commission did not fully meet the aspirations of the street.

¹ Political Parties Law No.36 of 2015, Article 25 (fifth). ² <https://tinyurl.com/ujbmbj4u>.

The October events gave birth to several parties and movements carrying the ideas of protesters to transform them into effective political programs. They aimed at bringing about changes to the country's system as a whole and providing a political alternative after the political process was completely paralyzed and unable to provide the most basic citizen need.

The emerging parties faced many obstacles during the registration period in the Department of Parties Affairs. They included the high ceiling of the amounts required for registration and the complications resulting from the obligation to provide a certain number of people as a general body for the party. In addition, parties had to provide a headquarters (in the capital), limiting opportunity for small emerging parties, not to mention the red tape and bureaucratic procedures.

Participation Rate

According to the statistics of the Independent High Electoral Commission,² the participation rate did not exceed 43% of the total number of voters. However, international and local observers³ suggested that it could be less.

The low rate was a result of the reluctance of many voters to cast their votes due to several reasons, including lack of political awareness and confidence in the political process, on the one hand, and the boycott against politically active parties, movements, and personalities on the other.

Government Actions

A) Electoral Awareness

1. Although the Iraqi government allocated 327.5 billion dinars on preparing for the elections,⁵ there was a lack of communication and support for parties and organizations concerned with political awareness and electoral monitoring. Our observers noted the small number of local observers and the lack of practical qualifications for most, due to poor funding and the delay in launching grants allocated to organizations and networks concerned with electoral monitoring.

² <https://tinyurl.com/3xkcednu>.

³ <https://tinyurl.com/43ay66bj>. ⁵ <https://tinyurl.com/3a9nfsb4>.

2. Awareness measures taken to urge citizens to update their data were also weak, as evident from the update rate, which was estimated at 68%. There was also a weakness in educating citizens about the importance of participating in the elections.

B) Securing the Elections

1. Unlike previous elections, the last electoral process did not record any breaches at the security level. The government has prepared nearly 250,000 people to secure polling stations, protect international observers, and secure the transportation of voting supplies before and after voting.
2. No security incidents or targeting of any of the electoral centers distributed in the Iraqi governorates were recorded. The measures to protect polling stations were adequate and the efforts of the various security services can be commended.
3. Voter access to polling stations was smooth. Observers did not witness serious attempts by security forces to pressure or harass voters, except in some few cases that had no impact on the electoral process in general.
4. Compared to previous years, the atmosphere in which the voting process took place was described as "safe." Some exceptions were recorded, especially challenges and violations by armed political forces that tried to influence voters outside some polling stations, particularly in Diyala Governorate.

C) Freedom of Movement and Protection of Ballot Boxes

1. The Iraqi government prevented movement between provinces, which disrupted the regular flow of goods and people between one province and another, but it did not impose a complete curfew within the cities.
2. All malls and commercial centers were closed on the day of the poll, which negatively affected the living situation of their workers.
3. The Iraqi government succeeded in preparing, organizing, and implementing a plan to secure ballot boxes and protect them from accidents, whether intentional or unintended, as witnessed in the previous elections, such as (burning and breaking some box locks). No violations were registered during the transport of boxes and memory sticks. The government entrusted the process of transporting and securing the ballots to the security forces. The air force contributed to their transfer from the governorates to the Commission's National Office in the capital, Baghdad.

Independent High Electoral Commission

A) General Procedures

1. The Independent High Electoral Commission did not take measures that would contribute to increasing the rate of updating voters' electoral cards, whose rate did not exceed 68%.
2. The Commission's procedures failed in the distribution and delivery of updated cards to voters. It did not form any mobile teams or provide additional delivery outlets. Extending working days to deliver updated cards was not sufficient.
3. The Commission's awareness campaigns were not commensurate with the extent of reluctance; the campaigns did not cover all remote areas.
4. The Commission promised a prize for citizens who receive their cards in the final days of distribution (a \$10 phone recharge card), but had not delivered on its promise. Voter cards are a civil and political right and not delivering the award will affect citizens' confidence in the Commission.
5. Although the commission conducted three successful election simulations with one station for each registration center, our observers confirmed that a number of voting machines stopped during the first hours of the voting process. Around 250 devices throughout Iraq stopped for technical reasons. Some stations could not transmit their data due to a defect in the simulation process.
6. There was confusion in announcing the preliminary results, as the Commission had to hand count and sort more than 3681 boxes whose data was not sent for technical reasons.
7. The Commission deleted the preliminary results from its website. However, final results were significantly different, raising doubts about their credibility.

B) Training of Polling Officials

The Independent High Electoral Commission trained 553,828 polling officials throughout Iraq over a two week period between the 1st and 15th of September, 2021. However:

1. Several trainees did not attend on a regular basis, which created a gap in the link between theoretical and practical training on voting machines without taking measures to replace those who did not attend.
2. The training of polling officials was not at a level commensurate with the digital process of elections, as it was observed that there were no voting devices in some of the staff training centers.
3. Some polling center staff were not adequately trained and unable to use the voting equipment, which deprived some voters of the right to vote.
4. Our observers documented that some station managers changed the work capacity of the polling staff inside the station from an identification officer to a box observer as a result of their inability to deal with voting devices on election day, which is in violation of the Commission's regulations and organizational procedures.

Electoral Advertising

1. Our observers documented that some candidates belonging to influential parties in power exploited vehicles belonging to government institutions in their electoral advertising, leading to the withdrawal of some candidatures by the Board of Commissioners. However, the Federal Court overturned some of those decisions and they returned to the electoral race.
2. Some candidates belonging to lists of ruling parties used the state's public facilities (football fields, parks) to hold electoral rallies. Independent candidates were denied the use of any facilities.
3. The absence of a mechanism to determine the financial expenditure ceiling for electoral campaigns contributes to creating an unfair competition climate.

4. A candidate from Salah al-Din Governorate posted on her personal Facebook page a picture of a bag full of electoral cards presented by a community notable to the candidate in her support. A recording of a call between a candidate from Basra Governorate and a citizen was leaked that included an offer to buy electoral cards in exchange for cash and in-kind materials.
5. Our observers obtained video clips showing some candidates making inflammatory sectarian and nationalist remarks that correspond to hate speech and threatening social peace. However, neither the Commission nor concerned authorities took any deterrent measures against sectarian and nationalist incitement.⁴
6. Our observers documented several violations related to the electoral campaigning of candidates near the polling stations, at a distance less than that set by Commission regulations, without legal measures being taken against some violators.
7. Other cases involved officers affiliated with security ministries calling on members of the security forces who are covered by special ballot to elect specific candidates.⁷

International and Regional Observers and Local Organizations

More than 509 international observers were present, including 274 from the EU mission, 130 from the UN, and 291 international media professionals.

International participation in monitoring the elections was reassuring, especially since this mission played, for the first time, an oversight role under UN supervision of the Iraqi elections in accordance with Resolution 2576.

Several embassies operating in Iraq were also involved, visiting some electoral centers in coordination with the Iraqi government and the Electoral Commission.

The participation of international missions to help Iraq conduct fair elections was positive. However, we look forward to a greater role in monitoring all aspects of the electoral process, including the political, social, and general climate and not be limited to the Electoral Commission's performance and the counting process.

The international monitoring team will submit its report within 30 days after the end of the elections, according to the instructions of the Electoral Commission, including all the details of the electoral process.

The League of Arab States (LAS) also participated in the process of monitoring the early elections, but the numbers of Arab missions were not mentioned. The responsibility was

⁴ <https://tinyurl.com/zur5rx4>.⁷
<https://tinyurl.com/33z83bh7>

entrusted to the LAS Assistant Secretary, which reflects its interest in the elections by tasking an influential figure to strengthen the mission.

Local organizations and networks contributed around 5000 local observers. However, the number is lower than previous elections. Furthermore, many of these observers did not receive sufficient training due to poor funding and delay in launching grants for some organizations and networks. Local observers were often subject to harassment, including being banned from bringing mobile phones into the polling stations. They were deprived of the ability to access their networks, in addition to the loss of an important documentation tool to photograph accidents and violations.

Observers representing political entities reached 70 thousand agents. They were mostly interested in collecting their candidates' votes.⁵

Privacy

The electoral campaigning process witnessed a clear violation of citizens' privacy by some candidates. Data related to voters' phone numbers and geographical locations was used and messages were sent to their personal phones from campaign numbers using smart applications.

Integrity

Electoral campaigns varied between influential parties, on the one hand, and emerging parties and independent candidates, on the other. This discrepancy resulted in the absence of fair competition in light of the failure of regulatory and independent bodies to exercise their role in monitoring the impact of the use of state resources.

The Political Parties Law⁹ allowed funding in a varying manner. It allocated 80% to political parties and organizations represented in the House of Representatives according to the number of seats they hold and 20% for all parties registered under the aforementioned law. The discrepancy created a basis for unfair competition between entities.

In previous elections, the presence of armed wings in some parties revealed indications of manipulation of results and documented violations, including attempts to influence the will of voters, even by force.

⁵ <https://tinyurl.com/458u9st8> ⁹ Political Parties Law No.36, Articles 43 and 44.

The situation produced an electoral climate that was not characterized by transparency and justice in dealing with all political entities. It led to lack of popular confidence in the results of these policies. The same climate cast a shadow over the recent electoral process.

Despite all the negative indicators. The work of the Electoral Commission seems to have improved, in particular, the use of modern technological and digital methods in the voting process to reduce fraud and proxy voting, which was practiced by certain influential political parties. The initial results were also announced quickly, within 24 hours after closing the polls.

Ballot Secrecy

Despite the provisions of the second paragraph of Article 4 in Chapter Two of the Iraqi Parliament Elections Law No.9 of 2020,⁶ our observers documented cases of violations of the rule of voter secrecy in some electoral stations, including the entry of station managers and observers of political entities to the polling booth with voters, without need or request by the voter.

Special Elections

A) Elections Abroad

The Electoral Commission violated the text of Article 39, Paragraph Four, of the Parliament Elections Law No.9 of 2020, which caused the cancellation of the elections for Iraqis abroad under the pretext of technical, financial, legal, and health obstacles. It failed to implement administrative procedures, thus depriving them of participation.

B) Hospitals

Hospital patients were not included in the voting process under the pretext of preventive measures related to Covid-19 and there were no administrative facilities for medical staff on polling day to ensure their participation in the elections. Many electoral centers witnessed overcrowding and lack of commitment to preventive measures by the Commission's staff and voters alike. The Commission and health authorities did not follow any recommendations or procedures to limit large human gatherings during election campaigns. None took into account social distancing and protection kits, including masks and sterilizers, were lacking.

⁶ <https://tinyurl.com/ns2jpfye> ¹¹
<https://tinyurl.com/ur2pskhe>

C) The Displaced

Although Article 1 of the Parliament Elections Law guarantees the right to vote for the displaced and Article 2 emphasized ensuring equality in participation in the second paragraph, the procedures followed by the commission were not sufficient.

Out of 1,224,108 Iraqi IDPs,¹¹ very few were able to participate due to weak measures by the Commission and the small number of special polling stations.

D) Security Forces

The Popular Mobilization Forces (PMF) did not send its members' papers to the commission,⁷ denying them participation in the special vote. It constituted a clear violation of the provisions of Article 39, Paragraph 1 of the Parliament Elections Law No. 9 of 2020.

E) Inmates

Inconsistencies in the data sent by the Ministry of Justice, Reform Department, to the Commission prevented all reform prisons from being included in the elections, with the exception of the central prisons of Samawah and Al-Amarah, whose inmates enjoyed the right to vote. Prisoners cast their votes in the remaining reformatories.

Women

Women won about an unprecedented one third of the seats in the October 10 elections. They exceeded the allocated seats for the first time since the introduction of the quota system in 2005. Women won 97 seats, including 57 who qualified without the need for the quota and many ranked first in their constituencies.¹³

Despite the progress made in the number of seats, many feminist activists objected to the way the commission calculates the women's seats. They believed it was necessary to calculate the winning women's seats directly in the electoral districts, in isolation from the quota seats, which in turn leads to an increase in the number of women representatives and ensures their true representation in Parliament.

It should also be noted that the number of female candidates has been reduced by half in this parliamentary session, according to what was reported by the commission, due to legal and societal obstacles. One independent woman candidate from Waset Governorate said that society still prefers to elect men. She was personally pressured by allies of another candidate. She also mentioned the weak financial capacities of women candidates compared to men.⁸ Moreover, women voters, especially in villages, rural areas, and areas with tribal influence, still suffer from male dominance over their opinions and choosing candidates freely. Some of them are even prevented from participating because of societal norms that do not allow them to go to polling stations. Furthermore, there were no awareness campaigns by the government, the Electoral Commission, or CSOs on the need for women to vote in complete freedom.

⁷ <https://tinyurl.com/2thac38r> ¹³

<https://tinyurl.com/kxevfa9k>

⁸ [_https://tinyurl.com/4x4859cs](https://tinyurl.com/4x4859cs)

People with Disabilities and the Elderly

- 1) PwDs were not employed as part of the staff of facilitating elections.
- 2) Physical access to polling stations for some PwDs was lacking. For example, the Commission did not take PwDs into account in distributing and organizing polling stations in a way that facilitates the voting process. It included the presence of stations on the upper floors without the availability of measures to guarantee the right to access their polls.
- 3) Not allocating ballot papers for blind people printed in Braille, which deprived them from voting.
- 4) Not employing sign interpreters at polling stations to facilitate the voting process for persons with disabilities.
- 5) Failure to distribute the entrances and exits of polling stations in line with the capabilities of the elderly, forcing them to walk long distances between entry and exit.
- 6) Our observers documented inductions of older people to elect specific candidates, taking advantage of their inability to read.

Freedom of Expression

- 1) Two people belonging to the Communist Party were arrested for distributing flyers calling for a boycott of elections in Al-Diwaniyah Governorate. They were released on bail 24 hours after their arrest.⁹
- 2) Several journalists were prevented from covering the polling stations on the day of the general election.
- 3) Candidates were disqualified from the electoral race due to personal statements and opinions expressed through the media.
- 4) Our observers documented several violations against journalists in Kurdistan on the special polling day, including physical assault, confiscation of their equipment, and preventing them from performing their work, although some centers where violations were recorded were designated for media coverage. Journalists were not allowed to enter some centers until after 9:30 am.

⁹ <https://tinyurl.com/rz269tyz>

- 5) Prior to the elections, several journalists were subjected to harassment by security services and parties, including threats¹⁰ by those close to or affiliated with the candidates.

Grave Violations

- 1) Repeated attacks, assassination of candidates (Hashem al-Mashhadani, Abdel Moneim Rashid al-Salmani), and assassination attempts against candidates (Ammar al-Rubaie, Muhammad al-Dayni, Atab al-Douri, Sadir al-Khafaji) were registered.
- 2) Threats against independent candidate Bassem Khashan by followers of the Sadrist movement increased after his statement criticizing the cleric Muqtada al-Sadr.^{11/18}
- 3) Some party observers inside electoral stations indoctrinated voters with candidate names to pressure them to vote for them; station managers ignored these interventions.
- 4) Security forces personnel entered some polling stations carrying firearms, without the request of the commission's coordinator.
- 5) Some observers were prevented from being present during the counting process, transferring boxes, and sending information; they were forced by security forces to leave the center immediately after the voting ended.
- 6) Some people with diabetes or other diseases whose fingerprints did not show on the scanner were unable to vote.
- 7) One electoral center was closed due to a quarrel between armed parties who opened fire in front of the center. The rapid response forces intervened and the center was later reopened.
- 8) Some verification devices were switched between polling stations and electoral cards were tampered with after the devices stopped.
- 9) Voters were threatened by candidate agents to vote for their candidate.
- 10) Our observers were prevented from entering some polling stations.
- 11) There were allegations that some residents of Diyala Governorate in electoral districts 3 and 4 were threatened with forced displacement if they did not vote for the candidates of blocs with armed factions.

Post-Result Conflict

We commend the Independent High Electoral Commission's announcement of the preliminary results only 24 hours after the end of the voting process. However, the noticeable loss and

¹⁰ <https://tinyurl.com/2hzmya34>

¹¹ <https://tinyurl.com/2zew9x83> ¹⁸
<https://tinyurl.com/3vph4c6v>

decline of some forces affiliated with the Coordinating Framework¹² led them to announce their skepticism about the results. As indicated in a statement, they submitted all technical observations to the Electoral Commission. The conflict escalated when the Commission declared that electronic voting results matched the manual count. The Coordination Framework appealed the results and said it will take all available measures to prevent the manipulation of their votes. Other political parties revealed their categorical rejection of the results.

Despite calls for the need to resort to the law, statements and tweets continued to threaten social peace. Some threatened with "grave consequences", according to a statement by Abu Ali al-Askari, the military spokesman for Hezbollah Brigades, in his tweet on 10/17/2021, calling for escalation.¹³

The journalist Ahmed Abdel-Sada, who is close to the Popular Mobilization Authority, also threatened to deploy Popular Mobilization Forces in the government headquarters to overthrow the Prime Minister.²¹

¹²A coalition of parties and forces rejecting the October 10 results.

¹³ <https://tinyurl.com/zp4zmmmc>

²¹ <https://tinyurl.com/j2rt3n75>

Objections and appeals by the Coordination Framework were accompanied by taking to the streets, blocking roads, and burning tires in Baghdad and several provinces. The protests turned into an open sit-in at the gates of the Green Zone, which includes the main government headquarters. The sit-in remains at the time of writing this report.

Recommendations

- 1) Activate the articles concerning the prohibition of weapons in the Political Parties Law No.36 of 2015.
- 2) Amend Article 42 and Article 44, First and Second, of the Political Parties Law.
- 3) Legislate a Iraqi parliament elections law that ensures the real participation of women in parliament by clarifying that the quota seats must be calculated independently of the directly won seats.
- 4) Follow appropriate methods to accurately update the voter register, issue updated cards, and ensure that they reach citizens.
- 5) Involve CSOs and volunteer teams in awareness campaigns and urging citizens to fulfill their civil and political duties and rights.
- 6) Take necessary measures to facilitate the right of access for the elderly and PwDs to electoral centers and polling stations.
- 7) Allocate reception staff to guide and facilitate the election process for the elderly and PwDs.
- 8) Hold accountable negligent security personnel proven to have committed violations on the day of polling; train personnel concerned with securing the electoral centers in qualifying sessions in order to deal with various groups on the day of voting.
- 9) The government should open investigations into the assassination of some candidates and attempts to assassinate others, holding those involved accountable.
- 10) The Iraqi government should stop its prosecution of citizens who adopt public and promotional opinions about boycotting the elections, including using means of publication or protest to express their opinions; the Supreme Judicial Council should play its role in stopping the relevant prosecutions.
- 11) Preparing the electoral process staff in an appropriate manner, especially the adequate and comprehensive training of polling officials.
- 12) Open investigations into how some candidates obtained access to voter databases in their electoral districts.
- 13) Increase the number of local observers in the upcoming elections; ensure the participation of the largest number of local organizations in the monitoring and supervision process.
- 14) Find direct and decisive mechanisms to communicate with observers and organizations in order to find out the reality of violations on polling day, in order to limit or reduce their impact on the results and conduct of the electoral process.
- 15) In the upcoming elections, the Iraqi government should increase the number of security forces in electoral centers whose areas have witnessed security tension or

armed actions and threats; it needs to take immediate action against anyone who threatens the electoral process.

11

- 16) The Electoral Commission, the Iraqi government, and the concerned parties must take clear and early measures to ensure the conduct of elections abroad and special voting while ensuring the application of the highest standards of integrity and transparency.
- 17) Open investigations into the purchase of electoral votes by some candidates and the use of political money and public utilities.
- 18) Activate the role of independent oversight bodies to follow up on the work of party organizations and their financing.
- 19) Urge the bodies and departments related to the categories covered by the special vote to send the databases of beneficiaries within the legal period specified by the Electoral Commission.
- 20) The Electoral Commission must take real measures to address the malfunctions and confusion that accompanied the process of announcing the results.
- 21) Take legal measures against those who issued statements threatening social peace after the election results were announced.
- 22) Reduce the age of participation in founding parties and running for local and parliamentary elections to 18 years, to open more space for young people to participate in political work.
- 23) Reduce registration fees for political parties and movements, while adopting encouraging measures to ensure the involvement of youth and women in establishing and registering parties.
- 24) Correct the disparity in grants provided by the Ministry of Finance to political parties and movements, in a manner that guarantees justice and equality in distribution.

