



European Union  
Election Observation Mission

**IRAQ 2021**

Final Report



**Parliamentary elections**

10 October 2021



**EU EOM IRAQ  
PARLIAMENTARY ELECTIONS  
10 OCTOBER 2021**

**FINAL REPORT**

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This report contains the findings of the EU Election Observation Mission (EOM) on the 2021 Parliamentary Elections. The EU EOM is independent from EU institutions, and therefore this report does not represent the official position of the European Union.

## LIST OF ABBREVIATIONS

ACHR	Arab Charter on Human Rights
BoC	Board of Commissioners
BVC	Biometric Voter Card
BVR	Biometric Voter Registration
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CMC	Communication and Media Commission
CEO	Chief Election Officer
CoR	Council of Representatives
CPJ	Committee to Protect Journalists
CPT	Christian Peacemaker Teams
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organisation
EJP	Electoral Judicial Panel
EU	European Union
EOM	Election Observation Mission
EUR	Euro
EVC	Electronic Voter Card
GC	General Comment
GEO	Governorate Electoral Office
GPS	Global Positioning System
HRC	Human Rights Commission
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
IDP	Internally Displaced Person
IFES	International Foundation for Electoral Systems
IHEC	Independent High Electoral Commission
IJS	Iraqi Journalists Syndicate
IMN	Iraqi Media Network
INA	Iraqi News Agency
INSM	Iraqi Network for Social Media
IOM	International Organization for Migration
IRI	International Republican Institute
IS	Islamic State
IT	Information Technology
IQD	Iraqi Dinar
KDP	Kurdistan Democratic Party
KRI	Kurdistan Region of Iraq
LTO	Long Term Observer
MEP	Member of the European Parliament
MP	Member of Parliament
NDI	National Democratic Institute
NGO	Non-Governmental Organisation
OCV	Out-of-Country Voting
OHCHR	Office of the High Commissioner for Human Rights
PCOS	Polling Station Count Optical Scanner
PM	Prime Minister



PMF	Popular Mobilisation Forces
PS	Polling Station
PUK	Patriotic Union of Kurdistan
PwD	Persons with Disabilities
QR	Quick Response
RSF	Reporters Without Borders
RTD	Results Transmission Device
SNTV	Single Non Transferable Vote
UN	United Nations
UNAMI	United Nations Assistance Mission for Iraq
UNCAC	United Nations Convention Against Corruption
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
USB	Universal Serial Bus
USD	United States Dollar
VVD	Voter Verification Device
VSAT	Very Small Aperture Terminal
WHO	World Health Organisation

## I. SUMMARY

The early 2021 parliamentary elections, held under the new electoral system, were called in response to demands of the mass *Tishreen* protests. The elections were technically well-managed, competitive, and the largely calm electoral campaigns enabled voters to make informed choices. Voting was largely peaceful and orderly, and voters were generally able to freely express their will. However, the legislation imposed some undue restrictions on electoral rights, unregulated campaign spending negatively affected the level playing field, freedom of the media and expression was not properly safeguarded during the campaign and the tabulation and announcement of results lacked transparency.

- The 10 October 2021 **Council of Representatives (CoR) elections** were the sixth parliamentary elections in the post-Saddam Hussein era and the first ones held before the expiry of a four-year parliamentary term. The previous 2018 elections were overshadowed by allegations of massive fraud and manipulation of the electronic results transmission system. Mass protests led by youth and civil society, which started in October 2019, were violently suppressed by security forces and non-state armed actors and led to the resignation of the prime minister. His successor announced snap elections for 6 June 2021, one year earlier than they were due. Election date was later postponed to 10 October upon request of the Independent High Electoral Commission (IHEC).
- The Constitution guarantees fundamental rights and freedoms necessary for holding credible elections. However, **electoral legislation** imposes undue restrictions on electoral rights that run contrary to Iraq's international commitments, such as legal capacity for the right to vote; and age, education and De-Baathification requirements on candidatures. Furthermore, it contains several gaps and imprecisions with many aspects of the electoral process left unregulated, thus compromising legal certainty. In the absence of reliable population data, it is not possible to ascertain whether the equality of the vote is ensured by the current constituency delimitation.
- In total 3,249 **candidates**, including 951 women (29.3 per cent) contested 329 seats, and there were competitive contests held in each constituency. Grounds for disqualification of candidates between registration and election day are ill-defined in the IHEC regulation to the point of undermining the principle of legality. Furthermore, several candidates were disqualified on the grounds of violations of the Criminal Code, without any corresponding criminal court decision.
- **Campaigning** mainly promoted the candidates and political blocs that dominated the previous elections, while many parties affiliated with the *Tishreen* protest movement boycotted the elections. Fundamental freedoms of expression, assembly, association and movement were generally respected during the campaign, enabling voters to make informed choices. Violent election-related incidents during the campaign period were rare. However, there were reported instances of intimidation vis-à-vis both the electorate and candidates by party-affiliated non-state armed actors, which may have had effect on voters' choice and turnout.
- The amount a political party or candidate can spend on campaigning is not regulated, which negatively affected the level playing field for candidates, penalising smaller or new parties and independent candidates. Interlocutors reported that despite explicit prohibition, many holders of public office used public **funds for campaigning**.
- Technical electoral **preparations** were generally conducted efficiently. The overall performance of the IHEC at national and governorate level was assessed positively, with timely implementation of operational plans. Commendably, an independent audit company assessed the integrity of the

electronic counting and results management IT system. However, the results of the audit were not published and stakeholders' trust in the whole IT system remained low.

- Stakeholders' perception of the **IHEC** independence varied noticeably and many stakeholders perceived the members of the Board of Commissioners as political nominees. Transparency in the work of the IHEC was limited, despite some recent improvements. Important information, in Arabic only, was available on the IHEC website; however, the systematic publication of the full text of the IHEC decisions, regulations, and instructions in both Arabic and Kurdish language was lacking. Furthermore, public outreach, and especially engagement with stakeholders was found inadequate and nearly all stakeholders pointed to the lack of a robust voter education programme.
- The final **voter register** contained 25.2 million eligible voters, with 17.2 million Iraqis biometrically registered. In addition, some 5 million voters could vote using the old non-biometric, electronic voter cards. Since not all biometric voter cards issued were distributed before election day, only some 20 million voters were in possession of a valid voter card required for voting. Overall, the biometric voter registration process was not sufficiently inclusive and in the absence of reliable population data, it was not possible to assess the accuracy of the voter registration data.
- A strongly polarised **media** scene allowed for a vibrant but mostly partisan coverage of the campaign and the post-election period on most private television channels. The public broadcaster Al Iraqiya News organised pluralistic debates but failed to cover campaign activities in primetime news programmes and to allocate sufficient free airtime to all candidates. Access to polling centres and the verification and recounting venue for television channels was restricted by the IHEC, reducing transparency. The Communication and Media Commission (CMC), the media regulatory body, lacked transparency as it did not publish its warnings and decisions. Serious concerns for freedom of expression persisted, with threats reported countrywide, and heavy prison sentences pronounced against journalists in the Kurdistan Region of Iraq.
- According to the **EU EOM media monitoring**, the public broadcaster Al Iraqiya News was not equitable in its coverage, favouring the *Azm* Coalition, the Kurdistan Coalition and the State of Law Coalition, while sidelining the Sadrist, the *Taqadum* Alliance, the National State Forces Alliance and the *Fatah* Coalition. The main private broadcaster, Al Sharqiya News, clearly favoured the *Taqadum* Alliance, both in all election programmes (29 per cent) and in the paid political ads (64 per cent). The main Kurdish television channel Rudaw favoured KDP (48 per cent) and the Kurdistan Coalition (28 per cent) in all election programmes, as well as in the paid political ads (66 and 34 per cent respectively).
- Freedom of expression online was curtailed by numerous clauses of the Penal Code and vague criminal provisions, such as the ones included in the Kurdistan Region's Law to Prevent the Misuse of Telecommunications Equipment. Several interlocutors reported rampant disinformation and manipulative interferences online that disrupted the integrity of the online space. The prevalence of online surveillance and reported harassment by state and non-state actors over the last two years has endangered **social media** users, including during election period. Contestants and third parties campaigned on social media, including with paid political ads. Repeated threats, insults, and attacks online hindered the inclusiveness of the political debate. Women candidates were targeted by online smear campaigns.
- The implementation of the constitutional requirement for at least 25 per cent **women** representation in the CoR is hampered by the inherent difficulties of quotas within a predominantly majoritarian

system, as well as by the lack of clarity in the relevant legal provisions. Moreover, relevant provisions have been interpreted to implementation of the quota as a maximum rather than as a minimum. According to the complete preliminary results, 97 women (29.5 per cent) were elected, out of them 57 based on the number of votes received, while 40 thanks to the quota provisions.

- The electoral legislation is silent on ways to ensure the exercise of political rights by **persons with disabilities** (PwD), thereby falling short of international commitments. The IHEC failed to demonstrate a proactive approach by following up on proposals that would enable PwD to cast their ballot in a way that would respect the secrecy of their vote.
- The Election Law guarantees nine reserved seats for some **national minorities**, but its implementation once again failed to fully achieve their meaningful political representation. Internally displaced persons (IDPs) numbers decreased considerably, but their participation remained a challenge, as only a minority of them lived in official camps and could therefore be officially registered as IDPs and benefit from the special voting provisions.
- The legislation does not contain any provisions on deadlines for submission and adjudication of **complaints** at administrative level and few provisions regarding legal standing. Leaving crucial aspects of the electoral dispute resolution mechanism to the regulatory power of the IHEC, instead of codifying them in law, does not ensure legal certainty or the right to an effective legal redress. The regulation for complaints on election day procedures is not harmonised with the legal provision for announcement of results. The handling of appeals on results was conducted in circumvention of the process and deadlines as established in the legislation.
- **Voting** on election day was largely peaceful and orderly. Voters were generally able to freely express their will, party agents were present in the vast majority of polling stations and voting procedures were largely followed. The overall conduct of the voting was assessed positively in 95 per cent of the polling stations visited by the EU EOM observers. However, the secrecy of the vote was not always ensured and fingerprint verification procedures were not implemented consistently, resulting in some voters being disenfranchised. The officially announced turnout was low, 44 per cent.
- Access to the **tabulation** process at the IHEC National Results Tabulation Centre was granted neither to the EU EOM nor to domestic observer groups despite the procedural reference to the presence of accredited observers throughout the process and the administrative agreement signed between the EU Delegation to Iraq and the IHEC. The tabulation of results process lacked transparency and did not respect the citizens' right to information. As a result, the EU EOM could not make an informed assessment of this phase of the process.
- In contrast, the IHEC Central Verification and **Counting** Centre, which was operational from 12 to 16 October and then from 27 October onwards, offered the EU EOM, domestic observers, and political party and candidates' agents full access to observe the process which was well-managed and transparent. The Centre initially processed 3,681 quarantined polling stations (6.3 per cent) from across the country that experienced technical issues with sending the results on election day and later the initial batch of 2,153 challenged polling stations (3.6 per cent) that were manually recounted.
- According to the IHEC, 22,118,368 voters were on record, and 9,602,876 or 44 per cent of them voted. The Sadrist bloc confirmed its status as the **strongest political force**, while *Fatah* Coalition

and the Alliance of National States Forces lost most of their seats; *Taqadum* and *Tishreen*-associated candidates made a strong showing. The IHEC's lengthy proceedings and lack of clear communication earned it criticism from the losing forces, who refused to accept the results and backed up protest camps in different sites of the country.

- The publication of **results** lacked transparency. Constituency results with the number of votes per candidate, but without candidate's party/coalition/independent affiliation, were published on the IHEC website. However, the detailed polling station results and disaggregated statistics pertaining to constituency-level valid and invalid ballots were not available. The only polling station results that were published on the website were the ones related to the 3,681 quarantined polling stations.

The EU EOM has 23 recommendations for improving elections in Iraq. They include the following seven priority recommendations:

1. *Remove the requirement for voters to have full legal capacity in order to bring the provision in line with international human rights commitments.*
2. *Remove unreasonable restrictions on the right to stand, inter alia, education and all political affiliation requirements; lower the age requirement.*
3. *Introduce limits on donations, including in-kind, and on campaign spending to enhance transparency and accountability of political financing, including online political advertising. Oversight to be appropriately resourced and defined, and with strong administrative enforcement and sanctioning powers, able to ensure timely publication of all political party finance reports.*
4. *Accurately define and decriminalise defamation, libel and legitimate information actions in line with international obligations.*
5. *Adopt a comprehensive data protection law and oversight mechanism to guarantee citizens the right to privacy of their personal data, and protection against pervasive tracking of individuals and their activities online, as well as against unsolicited information, including political propaganda.*
6. *Establish in the law clear deadlines and competencies about each distinct stage of electoral dispute resolution. Deadlines for election day complaints that may affect election results must allow for resolution before the announcement of results.*
7. *To increase transparency and public trust in the electoral process by publishing progressive results during the tabulation process, and by publishing both preliminary and final results broken down by polling station.*

## II. INTRODUCTION

Following an invitation by the Independent High Electoral Commission (IHEC), the European Union (EU) deployed the first-ever Election Observation Mission (EOM) to Iraq between 28 August and 1 November to observe the 2021 parliamentary elections.

The mission was led by Mrs Viola von Cramon, a Member of the European Parliament (MEP) from Germany. The EOM comprised a team of twelve core team analysts based in Baghdad and Erbil and

20 long term-observers based in three hubs across Iraq. Shortly before election day the EOM was reinforced by the seven-member election observation delegation of the European Parliament led by Mr Domenec Ruiz Devesa, MEP from Spain, as well as 57 locally recruited short-term observers from the EU member states' diplomatic missions accredited to Iraq, as well as those from Canada and Norway. In total on election day the mission comprised 101 observers from 22 EU Member States, Canada and Norway.

The mission's mandate was to assess the whole electoral process against international obligations and commitments for democratic elections as well as the laws of Iraq. The EU EOM was independent in its findings and conclusions and adhered to the Declaration of Principles for International Election Observation commemorated at the United Nations in October 2005. The security situation negatively affected the freedom of movement of the EU EOM observers and their ability to observe across the country.

At the time of departure of the EU EOM, some parts of the election process were not concluded, namely the manual recount of challenged polling stations, which commenced on 27 October, adjudication of submitted complaints, and the certification of the final results by the Federal Supreme Court. This report includes developments observed by the mission up to 31 October 2021.

### III. POLITICAL CONTEXT

*Although the snap elections were triggered by the requests of the Tishreen (October) protest movement, many political forces representing it boycotted the elections.*

The 10 October 2021 Council of Representatives (CoR) elections were the sixth parliamentary elections in the post-Saddam Hussein era and the first ones held before the expiry of a four-year parliamentary term.

The previous elections in 2018 recorded the lowest turnout since the toppling of Saddam Hussein (46 per cent) and were won by the *Sairoon* coalition (14 per cent, 54 seats) led by Shiite cleric Moqtada al-Sadr, followed by Hadi al-Amiri's *Fatah* Alliance (48 seats). Former Prime Minister (PM) Haider al-Abadi's *Victory/Nasr* Alliance (42 seats), which had split from Nouri al-Maliki's State of Law coalition, was third, followed by the Kurdistan Democratic Party (KDP, 25 seats) and State of Law coalition (25 seats). The 2018 elections were overshadowed by allegations of massive fraud and manipulation of the electronic results transmission system; electoral legislation was changed retrospectively after the votes had been cast; a major ballot storage site was burnt down after a manual recount had been ordered. Final results were released only after three months, with the general public expressing mistrust in the outcome and in the electoral administration.

In October 2019 a wave of *Tishreen* movement protests started throughout the country, though focused on Baghdad and the Shiite heartland South. Young people and civil society demonstrated against corruption, poor services, lack of employment and the performance of government and political parties in general. Security forces and non-state armed actors responded with violence, killing hundreds and injuring thousands of unarmed protest participants. Well-known figures of the protest movement were killed by hitmen even after the end of the protests. The protests eventually led to the resignation of PM Adel Abdul Mahdi in December 2019.

New electoral legislation was passed to enhance trust in the electoral process, including a change of the electoral system, and all nine IHEC members of the Board of Commissioners (BoC) were replaced.

On 9 April 2020, Intelligence Service chief Mustafa al-Kadhimi was appointed PM after four months of political crisis and on 31 July he announced snap elections for 6 June 2021, one year earlier than they were due. Early in 2021, the election date was postponed to 10 October upon request of the IHEC, which needed more time to complete electoral preparations.

Under the new electoral Single Non-Transferable Vote (SNTV) system, independent candidates were for the first time allowed to run, and much smaller constituencies favoured both locally known candidates with proven track records in a given constituency, as well as well-organised political entities able to educate their electorate on tactical voting and provide means for the campaign. Although the *Tishreen* (October) movement with its demand for political and economic reform triggered the snap elections, many political forces formed to represent it boycotted the elections. The reasons quoted for boycott were: assassination of several movement leading figures, alleged threats, lack of time and resources and the intention “not to legitimise the current system”. The three *Tishreen* parties running fielded only some 100 candidates countrywide, less than three per cent of the total number of candidates, although *Tishreen* ideas according to the only pre-election opinion poll available resonated strongly with the electorate.

Muqtada al-Sadr’s ‘Sadrist’ party – *Akoutla al-Sadria* – was the only significant stand-alone formation on the Shiite side of the political spectrum. Its leader called in July on his supporters to boycott the elections, but reversed his decision by the end of August. Hadi al-Amiri’s *Fatah/Conquest Alliance* (*Tahalouf al-Fatah*) included several Shiite parties leaning towards Iran and linked to groups under the umbrella of the PMF (Popular Mobilisation Forces, *al-Hashid al-Saabi*). Two moderate Shiite coalitions ran as well: Alliance of State Forces (*Tahalouf Qiwa al-Daula*) co-led by Ammar al-Hakim, the former leader of the Islamic Supreme Council of Iraq, and former PM Haider al-Abadi; and the State of Law Coalition (*Tahalouf Daulat al-Qanun*) headed by former PM Nouri al-Maliki, leader of the Islamic Dawa Party.

The two main Sunni coalitions contesting the elections were the National Progress Alliance (*Tahalouf al-Taqadum al-Watani*) headed by the previous governor of Anbar and current Speaker of the CoR, Muhammad al-Halbousi; and the Azm Coalition (*Tahalouf al-Azm al-Iraqi*) led by Sunni businessman Khamis al-Khanjar.

In the Kurdistan Region of Iraq (KRI), where *Tishreen* protests hardly occurred and the political situation was far more static, the biggest party was the KDP, led by Masoud Barzani and his family. The other major force was the Kurdistan Alliance consisting of the Patriotic Union of Kurdistan (PUK, run by the Talabani family) and the Movement for Change (*Gorran*). Both KRI main forces agreed on the strengthening of Kurdish influence in the “disputed areas” vis-à-vis Baghdad as their main goal.

#### IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

***Restrictions, gaps and imprecisions result in lack of legal certainty and lack of effective protection of electoral rights. It is unclear if equality of the vote is ensured by the current constituency delimitation.***

##### **International Principles and Commitments**

Iraq is a State Party to the main international legal instruments pertinent to human rights and the conduct of genuine and democratic elections. It has ratified the International Covenant on Civil and Political Rights (ICCPR) in 1971 and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 1970. It acceded to the Convention on the Elimination of All Forms

of Discrimination against Women (CEDAW) in 1986, the Convention on the Rights of Persons with Disabilities (CRPD) in 2013, and the UN Convention against Corruption (UNCAC) in 2008. It is also a State Party to the Arab Charter on Human Rights (ACHR).

### **Constitutional Human Rights**

The Constitution of Iraq of 2005 establishes the separation of the three branches of power and provides for universal and equal suffrage. It guarantees the equality of all citizens before the law without discrimination based on gender, race, ethnicity, nationality, origin, colour, religion, sect belief or opinion, or economic or social status. It also guarantees the freedoms of expression, of the press and of assembly and peaceful demonstration, in a way that does not violate public order and morality. It further states that every individual has the right to enjoy life, security and liberty; deprivation or restriction of these rights is prohibited, except in accordance with the law and based on a decision issued by a competent judicial authority. The Constitution foresees the establishment of an independent High Commission for Human Rights.

### **Electoral Legislation**

The main pieces of legislation regulating elections to the CoR consist of the Election Law 9/2020, the Law on the Independent High Electoral Commission 31/2019, the Law on Political Parties 36/2015, the Law on the Supreme Federal Court 30/2005, most recently amended in March 2021. The legal framework is complemented by regulations and instructions issued by the IHEC.

The right to vote is granted to Iraqi citizens that are at least 18 years in the election year, are on the voter register, in possession of an electronic voting card and specific identification documents. In addition, they must be ‘fully competent’, i.e. must have full legal capacity. Such a restriction runs contrary to provisions of the CRPD<sup>1</sup>, especially in light of the 1951 Civil Code allowing for a broad deprivation of legal capacity on the basis of mental and intellectual disabilities.

*Priority recommendation: Remove the requirement for voters to have full legal capacity in order to bring the provision in line with international human rights commitments.*

The law leaves many crucial aspects of the election process unregulated. Matters pertaining to *inter alia* political party and candidate registration, revocation of candidatures, election campaign in the media, deadlines and procedures for resolution of electoral disputes are largely - and on occasion exclusively - governed by regulations issued by the IHEC. Such practice does not ensure legal certainty, nor does it guarantee effective protection of electoral rights.

### **Election System and Constituency Delimitation**

The electoral system, adopted by the outgoing CoR, is one of the Single Non Transferable Vote (SNTV), a predominantly majoritarian system with some elements of proportionality, and with reduced size of electoral constituencies.

The Constitution does not set the exact number of the CoR members. It mandates instead that there should be one seat per 100,000 Iraqis, as well as representation of all components (minorities). The Election Law sets the number of seats of the CoR to 329, out of which 320 are assigned to the governorates, each one further divided to multi-member constituencies, 83 in total, each with 3-5 seats.

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<sup>1</sup> Article 12 of the CRPD commits State parties to recognise that ‘persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life’ and article 29 requires State parties ‘to guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote’.



Parties and coalitions can field as many candidates as seats in a constituency. Independent candidatures are also allowed. A total of 9 seats is allocated to minorities.

Legislation does not establish any criteria on constituency delimitation, nor does it define the competent authority to carry out such delimitation. In the absence of a census since 1997 and consequently of reliable population data, ascertaining whether equality of the vote is ensured by the current delimitation is practically impossible.

*Recommendation: A nationwide population census to be held and serve as a basis for new constituency delimitation and seats allocation, including for national minorities reserved seats, to better guarantee the principle of equal suffrage.*

## V. ELECTION ADMINISTRATION

*Well-managed elections but limited transparency and engagement with stakeholders undermined confidence in the IHEC.*

### Structure and Composition of the Election Administration

The Independent High Electoral Commission (IHEC) is the constitutional body vested with broad administrative and regulatory powers to administer voter registration, voter education and elections. It consists of the Board of Commissioners (BoC) and the Electoral Administration.

The new IHEC BoC with a four-year term assumed office in January 2020 following the adoption of the new IHEC Law.<sup>2</sup> It is composed of seven first degree judges and two nominees of the State Council, approved by the majority of votes of the CoR. The BoC emphasised its independence and respect for the law in light of the negative legacy the IHEC carried from previous poorly managed elections. There was only one woman among the BoC members.

The Electoral Administration is headed by the Chief Electoral Officer, elected from amongst the BoC members for a one-year mandate. It consists of the National Office in Baghdad, Kurdistan Regional Electoral Office and 19 permanent Governorate Electoral Offices (GEOs). Under the new IHEC Law, all general directors of the national office departments, as well as GEO managers were appointed from outside the Commission's cadres. The IHEC did not provide gender-disaggregated data on election administration staff.

Although all BoC members were chosen by lottery from among the preselected candidates, many stakeholders perceive them as political nominees. Some civil society representatives do not recognise the IHEC as a politically independent institution, but as an election management body whose composition reflects the balance of power in the CoR. Stakeholders' perception of the IHEC varied noticeably. Distrust of the IHEC independence, the perception of potential exposure to political pressure and interference were concerns expressed by some stakeholders.<sup>3</sup> Still, some political parties noted a higher legitimacy of the new IHEC.

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<sup>2</sup> According to IHEC Law No. 31, 2019, five judges are chosen by the High Judicial Council, two judges are chosen by the Judicial Council from the Kurdistan Region of Iraq, and two consultants are nominated by the State Council.

<sup>3</sup> After the largely unsuccessful experience of 2018, there was a widespread lack of stakeholders' trust in the independence, integrity and competence of the institution, as well as in the use of information technologies and in the Commission's capacity to control these technologies.

## Administration of the Elections

Technical preparations for the special vote on 8 October and general vote on 10 October were conducted efficiently. The overall performance of the IHEC National Office and 19 GEOs was assessed positively by long-term observers (LTOs), with timely implementation of operational stages of the election process. However, some interlocutors reported that the IHEC was not always fully open to electoral actors. Political stakeholders reported on some cases when GEO's actions were perceived as politically biased or susceptible to pressure from the established parliamentary parties.

Transparency in the work of the IHEC was limited, despite several improvements noted close to election day. Important information, such as the polling station list, candidates' lists, sample ballot papers and polling station training manuals was available on the IHEC website, as well as an online voter-to-polling station database to verify registration records and assigned polling locations. However, the systematic publication of the full text of the IHEC decisions, regulations, and instructions in both Arabic and Kurdish language on the IHEC website, as required by law, was lacking.

The IHEC public outreach was not effective. Engagement with stakeholders in explaining the IHEC decisions, the use of technologies and the IHEC capacity to manage those technologies was inadequate. Information about software safeguards embedded in the electronic devices, especially regarding the secrecy of the vote and the transmission of results, was not clearly communicated. Only on 24 September did the BoC chairperson hold his first press conference since taking office in early 2020.

The IHEC's lack of transparency fed rumours about possible fraud schemes around election day, especially concerning the use of electronic counting and sorting devices and electronic transmission of results from polling stations to the National Office.

*Recommendation: Transparency of the IHEC to be further increased by timely publication of all information of public interest, including all IHEC decisions and regulations in both Arabic and Kurdish, and by regular consultations with stakeholders.*

The IHEC employed on election day three types of electronic devices, supplied by the South Korean company Miru Systems. Firstly, the Voter Verification Device (VVD), used already in the 2014 and 2018 elections, verified through fingerprints whether the voter was included in the electronic polling station voter list. Secondly, the Polling Station Count Optical Scanner (PCOS) introduced in 2018, which is a scanner counting device placed on top of a sealed ballot box. The scanner double-read both sides of the ballot paper simultaneously. Ballot papers introduced into the device for scanning ended up inside the ballot box. The device used the optical symbol reading technology, automatically calculated the vote on each ballot paper and printed a polling station results report. Finally, the Results Transmission Device (RTD) sent the polling station results after the completion of the electronic counting and sorting process. The cross-matching of VVD and PCOS ballot information in real time made voter impersonation or ballot box stuffing almost impossible.

While the IHEC gained IT experience and operational expertise in the use of electronic devices over the years, it remains overly dependent on technical support provided by the vendor company, including for sensitive election day operations that should fall exclusively under the IHEC's control.

*Recommendation: Develop the IT skills within the IHEC necessary to oversee and administer all aspects of the election process, including the tabulation of results.*

For the first time, the German audit firm Hensoldt assessed the integrity of the voter verification, electronic counting and results management IT system. Also, positively, three simulation exercises

were conducted by the IHEC in a limited sample of polling stations in all constituencies. The simulation replicated the election day process including the use of the VVD, the PCOS and the RTD. However, only the limited reports on the simulation outcome were published. In addition, transparency measures, such as the publication of the electronic systems descriptions, including details on the hardware and software technical components, were not implemented, nor were the results of the audit certification made available to the public.

*Recommendation: As a key transparency measure, the IHEC to maintain the independent third-party audit of IT systems for future elections and ensure that audit reports are publicly disclosed.*

The EU EOM was able to observe the simulation at 15 different locations across the country, with the simulations mainly focused on error testing. Overall polling staff showed an adequate knowledge of procedures and the use of the three types of electronic devices. The simulation did not always include the manual recounting that is mandatory for one polling station randomly selected within each polling centre.

Despite some initial challenges, around 350,000 polling staff were recruited and trained, with special attention given to operating the electronic devices and conducting the manual count. However, it was noticeable on election day that some polling procedures were not implemented consistently.

*Recommendation: Training of polling staff to be reinforced to ensure a uniform implementation of procedures throughout all polling stations and the secrecy of the vote.*

### **Voter Education**

The IHEC is responsible for voter education and public outreach activities. All stakeholders pointed to the lack of a robust voter education programme, and the need for a stronger engagement of the IHEC to address the low level of voter participation. Information on the new electoral system, the overall electoral process, the use of two different ballot papers for special and general voting respectively, and especially information on how to vote was lacking. The LTOs reported very limited voter education activities in the governorates. However, in the last weeks before election day a visible improvement of the IHEC's media outreach was noted.

*Recommendation: The IHEC to engage in civic and voter education activities throughout the electoral cycle and across the country, in both Arabic and Kurdish language, and specially aiming at first-time voters, women, minority groups and IDPs.*

During the first trimester of 2021 the IHEC experienced some financial constraints which resulted in a significantly reduced budget for public outreach. As a result, the IHEC voter education campaign relied mostly on broadcast and social media and SMS messaging. Between 1 and 19 September, the IHEC released 102 social media posts, in Arabic only. This limited the access of non-Arabic speakers to election-related information and ran contrary to the Constitution, which states that Arabic and Kurdish are the official languages of Iraq. Eight voter education videos were dubbed in sign language.<sup>4</sup>

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<sup>4</sup> Voter education information represented 22 per cent of the posts shared by the IHEC. One in six posts was targeted at a specific group, especially first-time voters, and youth. The best performing posts were the voter education posts on the procedures.

Other voter education activities, such as in-person and direct engagement of civil society organisations (CSOs), political parties and media were also negatively impacted by the COVID-19 pandemic limitations. There were, however, some small grants available for CSOs engagement in civil and voter education, capacity building for candidates and specialised training on how to counter hate speech.

## VI. VOTER REGISTRATION

*The biometric voter registration process was not sufficiently inclusive, out of 25 million eligible voters, 17 million registered biometrically, with low participation of first-time voters.*

### The Right to Vote

The right to vote is granted to Iraqi citizens that have attained at least 18 years in the election year, are on the voter register, in possession of an electronic voting card and specific identification documents, and are fully competent. The law protects voters from potential exclusion through administrative actions by requiring the IHEC to register all voters that meet the conditions of eligibility.

### Voter Registration Procedures

Iraq has a passive registration system where voters are not required to register for each electoral event. The voter register and its geographic attribution of voters to locations is based on the Public Distribution System registry from the Oil-for-Food Programme maintained by the Ministry of Trade. In this system, voters are assigned to polling stations based on the location of their food distribution centre rather than their home address. This system was not designed to serve as a voter register; however, in the absence of an updated census, it remains the population data base used by the IHEC. The last population census was conducted in 1997 and excluded the KRI. The lack of recent reliable population data makes it difficult to assess the accuracy of the voter register.

*Recommendation: The IHEC to ensure that all eligible voters are included in the future biometric voter registration process.*

Initially the IHEC announced a voter register containing 25.2 million eligible voters including 17.2 million Iraqis (68 per cent) biometrically registered, in addition to some 5 million voters who could vote using the old, non-biometric, electronic voter cards (EVCs) acquired before the 2014 and 2018 elections, and some 3 million voters who were never issued with either electronic or biometric voter card (BVC). The EVC had to be presented on election day together with two of the three permissible ID documents and it was not returned to the voter.

However, before the announcement of preliminary results the IHEC reduced the number of eligible voters to 22,118,368, i.e. including only the voters for whom either BVC or EVC was issued. The IHEC did not provide any details regarding the exclusion of some three million voters from the register, neither it provided data on how many deceased voters were removed from the register annually. It is believed that the excluded voters were primarily deceased voters who were not removed from the voter register and voters who emigrated from Iraq.

Overall, the biometric voter registration process was not sufficiently inclusive. Despite the IHEC efforts, until 5 October only 15.2 million BVCs, or 87 per cent, were distributed to voters, including to the registered internally displaced persons (IDPs) living in camps, members of security forces and prisoners. This means that out of initially announced 25.2 million eligible voters, only some 20.2 million were in possession of a valid BVC or EVC required for voting. Some 2.6 million youth qualified as first-time voters, out of which only 37 per cent registered for these elections.

The voter registration update was conducted from 2 January until 15 April 2021 at 1,079 stationary biometric voter registration (BVR) centres and 829 mobile BVR units distributed across the country. Registration had to be in person and only in one of the 83 constituencies. Voters could apply for correction, inclusion or deletion of voter register entries during the voter list exhibition exercise which was conducted on 16 – 22 April.

The law allows specific groups of voters to register for special voting using an absentee ballot. In total 120,126 IDPs living in camps registered to vote for their home constituency. Additionally, 1,076,345 Iraqi security personnel and 671 prisoners were registered for special voting. The special voting on 8 October was only possible by presenting the BVC.

On 22 March 2021 the IHEC BoC decided to cancel the out-of-country voting (OCV). The BoC cited lack of time to organise the OCV coupled with difficulties in securing approval from the Ministry of Foreign Affairs to hold the registration and voting in Iraqi embassies and consulates. Implications of the ongoing COVID-19 pandemic restrictions which limited the ability of the IHEC staff to undertake their tasks abroad also impacted on the decision.<sup>5</sup>

## VII. REGISTRATION OF CANDIDATES

*Competitive contests were held in each constituency despite undue restrictions on the right to stand as well as gaps and vague regulations on disqualification of candidates.*

The right to stand for election is granted to Iraqi citizens that are ‘fully competent’, at least 28 years old and in possession of a high school diploma and without a conviction for certain crimes. Candidates also must not fall under the provisions of the Law on the Commission for Accountability and Justice.<sup>6</sup> Despite some restrictions having been relaxed compared with previous legislation, namely the age and education minimum requirements<sup>7</sup>, the provisions regulating the right to stand for election still contain undue limitations and are incompatible with international commitments.<sup>8</sup>

*Priority recommendation: Remove unreasonable restrictions on the right to stand, inter alia, education and all political affiliation requirements; lower the age requirement.*

The election law is silent on disqualification of candidates after registration has been concluded. The IHEC regulation grants the IHEC the right to revoke *ex officio* a candidature due to violations and even bar the candidate from contesting the next or next two elections. The regulation, however, does not define which specific violations would constitute grounds for disqualification nor does it establish any proportionality between violations committed and the severity of sanctions, which could result in arbitrary and discriminatory implementation. Moreover, the regulation invoked in the IHEC decisions

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<sup>5</sup> In 2018, 165,000 Iraqis voted overseas in 674 polling stations across 21 host countries. The CoR then annulled the OCV vote by legal amendment, but the Federal Supreme Court reinstated its validity.

<sup>6</sup> This Commission vets candidates’ credentials against compliance with ‘De-Baathification’ requirements.

<sup>7</sup> In order to contest the 2018 elections, a candidate should have been at least 30 years old and in possession of a bachelor’s degree.

<sup>8</sup> ICCPR General Comment 25 para 15 states that ‘Any restrictions on the right to stand for election, such as minimum age, must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation’.



that disqualified five candidates<sup>9</sup> was not published on its website. Candidates have had their candidature revoked based solely on the judgement of the IHEC BoC that there have been violations of Criminal Code provisions, without always specifying which provisions were breached, and with no corresponding court decision. These gaps, imprecisions, lack of transparency and lack of proportionality in sanctions undermine legal certainty and the principle of legality.

*Recommendation: Grounds for revocation of registered candidatures to be well defined and established in the law. Further sanctions on candidates for breach of law should abide by the principle of proportionality.*

A total of 167 parties participated in the elections; 109 of them ran individually, while the remaining 58 formed 21 coalitions. There was a total of 3,249 candidates, including 951 women (29.3 per cent), which was in line with the mandatory female quota of 25 per cent. Sixty-seven candidates contested the 9 minority seats, among them 34 candidates ran for the 5 Christian seats, and between 7 and 10 candidates contested each of the single Sabean Mandeian, Fayli-Kurd, Shabak and Yazidi seats. In total 789 candidates ran as independents, 959 within coalitions, and 1,501 candidates ran with parties.

Among the nominations for candidacy, 284 were denied registration by the IHEC (8.1 per cent) during the vetting process based on feedback from various institutions. The significantly lower number of candidates running compared with past elections<sup>10</sup> appeared to be a result of the new electoral system, which forced parties to nominate fewer candidates in order not to split the vote. However, enough plurality was maintained, as there were on average 10 candidates contesting each seat, and competitive elections were held in each constituency.

## VIII. CAMPAIGN ENVIRONMENT

*A calm campaign enabled voters to make an informed choice despite instances of intimidation by armed groups in the run-up to elections, allegations of misuse of state resources and vote-buying.*

### The Election Campaign

The official campaign period lasted from 8 July to 9 October, and the IHEC was responsible for monitoring the compliance of candidates and political parties with its campaign regulation.<sup>11</sup> On 15 September, the Iraqi president convened the leaders of Iraq's main political forces to sign an electoral Code of Conduct which, although being a purely political document, stressed the importance of avoiding conflicts and emphasised acceptance of the election results. The Code was signed in the presence of the IHEC BoC, the prime minister and the United Nations (UN) special representative by all participants, but not by former Prime Minister Nouri al-Maliki, who did not attend the meeting.<sup>12</sup> In cooperation with the United Nations Assistance Mission for Iraq (UNAMI), signing events of the Code of Conduct took place in all governorates.

<sup>9</sup> One candidate was reinstated after his appeal to the Electoral Judicial Panel was upheld.

<sup>10</sup> More than double the number of candidates contested the 2018 elections: 6,990 candidates, among them 4,979 men and 2,011 women.

<sup>11</sup> On 22 September, the IHEC BoC issued a "permit" for candidates to campaign until 6 a.m. on 9 October, based on the provisions of article 22 of the Elections Law no. 9/2020, which stipulates "free electoral campaigning (...) ending 24 hours before the start of the polling", thus clarifying that the campaign period would not end on 7 October at 6 a.m., i.e. 24 hours before the start of special voting, as hitherto had been believed.

<sup>12</sup> Nouri al-Maliki, leader of the State of Law Coalition, one of the four significant Shiite formations, stated in an interview, "I did not sign the document, nor did I see it, and no one invited me to attend the meeting."

Fundamental freedoms of expression, assembly, association and movement were generally respected during the campaign period, with some reports of intimidation mainly from the KRI.<sup>13</sup> Candidates and political parties could present their programmes, enabling voters to make an informed choice.

Given the history of political violence in the country, it is noteworthy that there were only a few acts of election-related violence reported, and most stakeholders stressed the calmness of the campaign. However, according to many interlocutors, the potential of party-affiliated non-state armed actors to intimidate both the electorate and candidates in different parts of Iraq may also have had a subliminal effect on voters' choice and participation. One of the most controversial campaign issues were groups "with arms not under State control" connected to parties running in the elections despite the legal prohibition.<sup>14</sup>

Interlocutors and media reported that members of some PMF groups were obliged to provide a certain number of voter cards from among their family and acquaintances to "secure" their vote. These reports referred to different regions, but more frequently to the "disputed areas" in Kirkuk and Ninewa; however, no concrete names of alleged perpetrators were revealed in the reports.

Due to tensions prior to election day, Arab and Turkmen CoR members from Kirkuk requested to postpone elections in the governorate, however this was denied by the IHEC. Factors contributing to tensions in the "disputed areas" of the governorates of Kirkuk and Ninewa included their unclear status between the KRI and Baghdad rule, their mixed ethnic and sectarian composition and the presence of different armed factions (PMF, Iraqi Security Forces, Peshmerga, Islamic State). Furthermore, a high number of internally displaced persons (IDPs) from these areas still lived in camps or far from their home constituencies and were reportedly subject to pressure for whom to vote.<sup>15</sup>

Another concern repeatedly mentioned by interlocutors was a risk immanent in the new electoral system that the winner of a CoR seat might be threatened by the highest ranked non-winning candidate in order to take over the seat. Various interlocutors also deplored that some women candidates faced threats and blackmail intended to force them to withdraw.

Campaigning was less intense than in the last elections and only increased over the last few weeks before election day, featuring party banners, campaign posters and billboards, in their majority promoting the candidates and blocs that already dominated the 2018 elections. According to interlocutors, the tone was less confrontational, with few discourses amounting to hate speech.

Prior to election day, some interlocutors alleged that there was a deliberate strategy to keep voter turnout low by casting doubts on the date of the elections, through the boycott threats by some parties and coalitions and the lack of clarity in parts of the election law and the IHEC regulations. This, in their view, not shared by the EU EOM, would have made victory easier for the well-organised parties who could count on disciplined and loyal supporters.<sup>16</sup>

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<sup>13</sup> KRI itself was the least competitive area of the country, given the dominance of the best organised party in Iraq, KDP, as well as PUK.

<sup>14</sup> While most stakeholders considered disarmament of the party-related militias or their complete integration into the regular security forces a primary task, the main campaign promise of Hadi al-Amiri, leader of Iraq's second biggest parliamentary bloc *Fatah*, was "to resist attempts to dissolve the PMF".

<sup>15</sup> Out of 27 IDP camps in Iraq, all but two (AAF camp in Anbar, and Jad'ah 5 camp in Ninewa) were in the KRI. According to different sources, most IDP camps in the KRI were run by organisations attached to the Kurdistan Democratic Party (KDP).

<sup>16</sup> Iraqi politics feature a long-standing tradition of conspiracy theories; the Ministry of Interior even includes a Rumours Department.

Many sources attributed the reduced interest of voters during the campaign period to the lack of alternatives to the traditional parties and the ethno-sectarian power-sharing quota system – *muhasasa* – they represent, as well as to the fact that all newly founded *Tishreen* parties, except three, boycotted the elections.

Independent candidates and newcomers only accounted for a small percentage of campaign advertisement, as they lacked funds. Their preferred strategy was door-to-door canvassing combined with small-scale neighbourhood meetings. Campaigning in traditional media decreased in importance in contrast to the rise of social media. Vandalising posters was reported to be the most common violation of electoral regulations.

Tribal networks based on ties of descent and tradition were more important for campaigning in rural areas, where sheiks (leaders) reportedly have control of their people and parties generally lack structures, but they also mattered in cities. The importance of tribes vis-à-vis political parties and candidates increased with the introduction of the SNTV system, as in the newly established smaller electoral constituencies candidates often relied on the ability of sheiks to mobilise their loyal voters in exchange for some offered benefits. This change of the electoral system translated into a reversal of the relationship between parties and tribes: now tribes were requesting political favours from parties and candidates in exchange for votes. In consequence, LTOs reported cases of sheiks from different regions approaching candidates to “sell” them the votes of tribe members.<sup>17</sup>

Most interlocutors reported to LTOs that state resources and public funds were frequently misused by incumbent candidates, resulting in an uneven playing field. Repeatedly mentioned examples were infrastructure works, such as road paving, water or electricity supply starting shortly before election day in the candidate’s constituency, although they were long due. Use of official vehicles and promises of public employment were also repeatedly mentioned to LTOs by interlocutors around the country. Distribution of food, gifts and sometimes money was reported to be common during rallies, which is a violation of provisions against vote-buying.

### **Campaign Finance**

Campaign financing is regulated by the Political Parties Law no. 36/2015, which permits campaigning without unreasonable limitations. Parties or candidates may not receive donations from foreign interests and anonymous donors; they may not use state resources; political parties are banned from engaging in commercial activities; donations need to go through the banking system; parties and candidates may not receive donations from corporate bodies with government contracts or partially owned by the government.

The amount a political party or independent candidate can spend on campaigning is not regulated, and therefore there are no campaign spending limits in place. The IHEC Election Campaign Regulation no. 5/2020 merely prohibits the use public funds, ministries’ budgets, endowment funds or external support funds for campaign purposes, and it states that “each candidate, party or political alliance shall bear the financing of its electoral campaign or the arrangements for its support, provided that its resources are legitimate.”

Despite the prohibition to use public funds to pay political advertising, interlocutors reported that many holders of public office used these resources for campaigning activities. The party leaders reportedly distributed shares of these “grey funds” to their candidates for campaigning, while new parties and independent candidates, if not supported by an external donor, had to pay their campaign expenditures

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<sup>17</sup> The amount per vote was reported by LTOs to be 25 – 40 USD in rural areas, but far higher in urban constituencies.



from their own pockets. Although current legislation provides for direct public funding of political parties, state subsidies are currently not paid out due to lack of an implementing regulation.<sup>18</sup> Therefore, there are no measures in place to level the playing field in terms of political financing.

*Recommendation: Undertake the necessary steps to implement public financing of political parties in order to provide a level playing field for campaigning, taking into account the new phenomenon of independent candidates. State subsidies be subject to meaningful scrutiny conducted by the IHEC.*

Political parties must submit an annual report on their finances; however, despite its legal obligation to scrutinise party funds and expenditures, the IHEC does not sufficiently monitor how political parties and candidates obtain money to finance their campaigns. The submitted financial reports of the parties are not published, thus hindering the overall transparency of campaign finance.<sup>19</sup> There are several other lacunae in the campaign finance legislation: there is no limit on the amount or in-kind contribution a donor can give to a political party or candidate, and it remains unclear if donors may later participate in public tender/procurement processes.<sup>20</sup> Finally, sanctions are not a sufficient deterrent, as the only immediate sanctions for political finance infraction are suspension of de facto already non-existent public funding and the initiation of a multi-step legal process, which after a decision of Iraq's Supreme Court of Justice may eventually lead to deregistration of the party. Such a sanction has never been imposed so far.

*Priority recommendation: Introduce limits on donations, including in-kind, and on campaign spending to enhance transparency and accountability of political financing, including online political advertising. Oversight to be appropriately resourced and defined, and with strong administrative enforcement and sanctioning powers, able to ensure timely publication of all political party finance reports.*

## IX. MEDIA

***A strongly polarised media scene allowed for a vibrant but mostly partisan coverage of the campaign and the post-election period; however serious concerns for freedom of expression persisted.***

### Media Environment

The Iraqi media scene, with 70 licensed television channels and radio stations, is rich and lively but remains deeply divided across sectarian and ethnic lines, with few independent media. Public (State-funded) broadcast, print and online media operate through the Iraqi Media Network (IMN), under the control of the prime minister's office and the Council of Representatives. Private media, mainly gravitating towards Shiite, Sunni and Kurdish political forces, are playing a major role in election periods. News websites, mostly distributed among political players, are gradually replacing print newspapers as a source of political information, with a 75 per cent internet access rate in 2021.<sup>21</sup>

### Legal Framework for the Media

The 2005 Iraqi Constitution guarantees freedom of expression and of the press. The Law on Political Parties No. 35/2015 stipulates that all political parties should have access to the media to present their

<sup>18</sup> Political Parties Law 36/2015, art. 42 – 44.

<sup>19</sup> UNCAC, art. 7(3), “[...] enhance transparency in the funding of candidatures for elected public offices [...]”

<sup>20</sup> According to a majority of interlocutors, participants in public tender/procurement processes allegedly have to pay commissions, which serve as incumbent politicians' campaign funds.

<sup>21</sup> Some 30,5 million internet users in 2021 out of 40,7 million total population, according to [www.datareportal.com](http://www.datareportal.com)

views. The Journalist Protection Law No. 21/2011 aims to safeguard journalists' rights.<sup>22</sup> The Communication and Media Commission (CMC), the media regulatory body, enjoys full sanctioning powers including suspension or withdrawal of broadcasting licenses for television channels and radio stations in case of violations.<sup>23</sup> Contrary to international standards, several laws criminalise indistinctly information content in the media and online. In the first place, the Iraqi Penal Code No. 111/1969 enshrines numerous vague definitions and provisions with excessive jail terms and fines for defamation, libel and other information and security related crimes, restricting freedom of expression.<sup>24</sup>

In the KRI, the Law No. 21/2003 amending Article 156 of the Iraqi Penal Code and the Law No. 6/2008 to Prevent the Misuse of Telecommunications Equipment also include broad provisions and heavy sanctions applicable to journalists. Other specific pieces of legislation passed by the KRI Parliament are considered more progressive.<sup>25</sup> Despite the existence of the Kurdistan Journalist's Syndicate Law No. 40/2004 and the Press Law in the Kurdistan Region of Iraq No. 35/2007, not all reporters are protected as, contrary to the law and inconsistently, freelance journalists for instance are often not considered by authorities to be journalists.<sup>26</sup>

*Priority recommendation: Accurately define and decriminalise defamation, libel and legitimate information actions in line with international obligations.*

## Freedom of Expression

Working as a journalist and in the media is considered challenging and dangerous, although freedom of expression is a pillar of the legal framework. While targeting of the media workers by Islamic State (IS) has declined sharply in the past years, threats against the media and journalists are still widespread with frequent abductions and attacks, especially since October 2019, when a wave of anti-government protests started. This generates fear, self-censorship and partisanship and acts as a deterrent for independent and non-partisan journalism. Consequently, Iraq ranked 163 out of 180 countries in the World Press Freedom Index 2021 of Reporters Without Borders (RSF)<sup>27</sup> and third out of twelve countries, after Somalia and Syria, in the 2021 Global Impunity Index of the Committee to Protect Journalists (CPJ) which spotlights countries where journalists are killed and alleged perpetrators go free.

During the election period, significant attacks, although not deadly, on journalists or the media were reported. Nevertheless, from July to September, according to the Iraqi Journalists Syndicate (IJS), "at least 10 to 15 journalists" investigating "corruption cases" and "political parties" were threatened by "unknown sources" and were consequently forced to flee abroad or to the KRI. Another journalist, an Iraqi correspondent for DW, a German public media, was abducted by unidentified elements in Baghdad on 7 October and released two days later. Also, in June and July, two Baghdad-based television channels faced temporary closure because they were allegedly criticising the PMF.<sup>28</sup>

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<sup>22</sup> However, the Journalists Protection Law leaves freelance journalists and bloggers unprotected and not benefiting from, for instance, special legal protection such as the confidentiality of the sources.

<sup>23</sup> Several television channels and radio stations were closed by the CMC following the Tishreen protests in 2019; the Baghdad bureau of Reuters news agency was closed for three months by the CMC in 2020.

<sup>24</sup> E.g., Penal Code articles 202, 210, 211, 433 and 434.

<sup>25</sup> The Press Law in the Kurdistan Region of Iraq No. 35/2007 aims to decriminalise defamation and libel and protect evidence-supported investigation against officials; the Right to Access Information Law No. 11/2013.

<sup>26</sup> Article 1 of the Press Law in the Kurdistan Region of Iraq No. 35/2007 defines a journalist as "someone practicing the journalism profession", with no additional criteria. Chapter 4 and 5 of this law grant rights and immunity, although with some limitations, to all journalists indistinctly.

<sup>27</sup> For comparison, Syria is listed 173 and Iran 174 in the RSF World Press Freedom Index 2021.

<sup>28</sup> According to RSF, in June and July, Al Taghier and Al Baghdadia television channels faced temporary closures because of being critical of PMF. On 26 October, the CMC stated that it did not order these closures.

In the KRI, freedom of expression was also under pressure. In May 2021, the UNAMI and the Office of the High Commissioner for Human Rights (OHCHR) released a joint report documenting allegations of unlawful restrictions on the rights of those expressing criticism of the authorities or policies of the Kurdistan Regional Government.<sup>29</sup> In February, an Erbil court pronounced six year-prison sentences for three journalists accused of seeking to undermine the security and stability of the State.<sup>30</sup> According to KRI-based media NGOs, from June to October, two other journalists were sentenced to 7-year and to 30-month jail terms respectively for defaming or criticising the KRI authorities. Also, several journalists, some of them working for NRT, an opposition television channel, reported that they were intimidated, arrested or their equipment seized by the KRI police during the campaign period.<sup>31</sup> In July, Sulaymaniyah-based iPlus television channel was closed down by security forces reportedly affiliated with PUK, as reported by the CPJ.

*Recommendation: To strengthen effective and independent investigation and prosecution by the police and the judiciary, in order to protect journalists, social media journalists and citizen journalists when threatened, targeted, or attacked.*

### **Campaign in the Media**

The election campaign officially started on 8 July and was initially supposed to last until 7 October. On 22 September, the IHEC decided to extend the election campaign period until 9 October, 6 a.m., allowing the media to cover candidates and political parties for two additional days.<sup>32</sup> On 1 October, the IHEC, in the same way as for the 2018 elections, decided to allow only 133 polling centres, out of a total of 8,954 countrywide, to host the television channels for their coverage of polling on 8 and 10 October.<sup>33</sup> This limitation, criticised by major media representatives, restricted the freedom of the media and reduced transparency of the process.

Media coverage of elections was mainly regulated by the IHEC Mass media regulation no. 4/2020 which required the media to cover the candidates “fairly”, a rather broad definition far from the international standards of equity. The regulation referred dealing with violations by the media to the CMC, the media regulatory body. On 12 September, the CMC stated that it had issued warnings for alleged breaches of campaign rules to some ten media outlets, without imposing any sanctions. The names of these media outlets were not published. On 26 October, in a letter to the EU EOM, the CMC stated that no sanctions were imposed to the media by the CMC during the election period. There was a lack of transparency in the work of the CMC, as it did not publish the warnings issued and sanctions imposed on its website.

*Recommendation: To publish decisions, including warnings and sanctions, on the CMC website in due time.*

One significant case of violation of campaign regulation happened during a live debate broadcast on 15 September by iNews television channel. It was dealt with by the IHEC on 19 September when two

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<sup>29</sup> [https://www.ohchr.org/Documents/Countries/IQ/Freedom-of-Expression-in-the-Kurdistan-Region\\_En.pdf](https://www.ohchr.org/Documents/Countries/IQ/Freedom-of-Expression-in-the-Kurdistan-Region_En.pdf)

<sup>30</sup> Also known as the “Badinan journalists”, this case also includes the arrest and prosecution of dozens of activists in the KRI from 2020 onwards for “endangering national security” and “acts of espionage” following contacts with “U.S., German, French consulates” and “the EU representative in Baghdad”, as reported by the Christian Peacemaker Teams (CPT).

<sup>31</sup> According to the Metro Centre for Journalist Rights and Advocacy, during the 3-month period before elections, 41 violations - mostly minor incidents - were committed in the KRI against 36 journalists, including 13 violations against journalists from NRT, an opposition television channel, and shooting on the car of an independent journalist.

<sup>32</sup> This decision effectively cancelled the silence period in the media for the special voting on 8 October, with potential media influence on security forces, inmates and IDPs vote difficult to assess.

<sup>33</sup> According to the IHEC this was done in order to minimise disturbances and strengthen security, and all accredited journalists without video and photo equipment were allowed to enter all polling centres in Iraq.

candidates were deprived of their right to stand for election because they had criticised the independence and the integrity of the judiciary.<sup>34</sup> Although the IHEC decision did not sanction iNews, it was perceived as a clear signal to all broadcast media to avoid defamation-type accusations against high officials when hosting candidates. On 29 September, the IHEC also confirmed its intention to refer to courts alleged cases of campaign regulation violations, including defamation, related to three private television channels: Al Sharqiya News, Dijlah and UTV.

On 31 August, the Iraqi Media Network (IMN), the public media operator, announced that during the campaign access for candidates and political parties would not be granted in the news programmes “in order to maintain balance and objectivity”, but would be ensured through dedicated election programmes, including debates and interviews on Al Iraqiya News, the main public television channel.<sup>35</sup> Although the IMN claimed that it was providing “everyone with equal opportunities to explain their electoral programmes”, the decision restricted citizen’s right to have access to a pluralistic coverage during the main news programme in order to make an informed decision. Also, the free airtime slots on Al Iraqiya News were offered to the candidates, including independent candidates, in the afternoon instead of prime time (see Annex 1, Media monitoring findings).<sup>36</sup>

*Recommendation: Free airtime/space to be offered equally to all candidates on prime time by the public broadcast and print/online media; election campaign to be covered pluralistically also in all news programmes and sections.*

While the public broadcaster launched its election-related programmes on 10 September, most major private television channels started weeks before. Their coverage of the campaign was generally perceived as lively, including news coverage, interviews and debates with candidates and leaders of political parties and paid political ads. Many television channels in Iraq are described as partisan because of their political or religious affiliation, and this applied as well to their coverage of the election campaign.<sup>37</sup> Similarly, in the KRI, the main television channels also supported specific candidates on political grounds, with some rare exceptions.<sup>38</sup> On 9 and 10 October, several monitored private television channels violated the silence period, broadcasting political ads or election-related content in favour or against political parties and coalitions.<sup>39</sup> Such violations were not observed on Al Iraqiya News public television channel.

The post-election period was dominated in the media by the IHEC announcement of the partial preliminary results, by the subsequent verification, counting and complaints handling procedures, and the related reactions from the main competing political leaders. These crucial phases were widely covered in the media, but their focus varied considerably. Whereas the main public broadcaster, Al Iraqiya News, mainly focused on the major political parties, the prime minister and the IHEC, most monitored

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<sup>34</sup> One of the candidates accused the Head of the High Judicial Council of being corrupt.

<sup>35</sup> Al Iraqiya News offered daily, from 10 September to 8 October, several hours of interviews and debates with candidates and political parties (9 p.m. to 12 a.m.), plus voter education-related content (11 a.m. to 12 p.m.).

<sup>36</sup> Free airtime slots were offered daily at 2.45 p.m. and 4.15 p.m. from 10 September to 8 October on Al Iraqiya News to “all candidates”, according to the IMN. According to the EU EOM monitoring from 25 September to 8 October, the distribution of the slots to candidates was assessed as not inclusive, and many slots remained vacant.

<sup>37</sup> As assessed by EU EOM media monitoring on a significant sample of Arabic private television channels: Al Sharqiya News, Al Ahad, Alsumaria TV, Dijlah, from 24 September to 8 October.

<sup>38</sup> As assessed by EU EOM media monitoring of a significant sample of Kurdish private television channels: Rudaw, K24, KurdsatNews, NRT, from 24 September to 8 October.

<sup>39</sup> According to EU EOM monitoring on 9 October: Al Ahad broadcast a 5-minute programme in favour of PMF at 9 a.m.; on KurdsatNews, a 9-minute political ad in favour of Kurdistan Coalition at 6 a.m.; on 10 October: on NRT, political ads in favour of New Generation and against KDP/PUK at 9.55 a.m. and 10.30 a.m.

private television channels were selective in their coverage according to their respective political affiliation or editorial line.<sup>40</sup> The pro-Fatah protesters demonstrating against the IHEC and the preliminary results were poorly covered by most major public and private broadcasters, whereas they were given full coverage on PMF-linked Al-Etejah television channel.

The media access to the IHEC venues during the post-election period was assessed as not sufficiently inclusive and limiting transparency: selective accreditation of television channels for the coverage of the verification and manual counting process from 13 October onwards mostly favoured the public broadcaster Al Iraqiya News.

On 24 October, the head of the public media operator IMN was dismissed by the IMN board on unclear grounds and replaced by a journalist who was known for hosting a debate programme with candidates on Al Iraqiya News during the election campaign period. The administrative court suspended the decision on 25 October, pending settlement of the case.

### Media Monitoring Findings

According to the EU EOM media monitoring (all media monitoring results are detailed in Annex 1),<sup>41</sup> in all election-related programmes the public broadcaster Al Iraqiya News, although mostly neutral in tone, was not equitable in coverage. It was favouring *Azm* Coalition (16 per cent), Kurdistan Coalition (15 per cent) and State of Law Coalition (9 per cent), while sidelining *Taqadum* Alliance and *Fatah* Coalition (3 per cent each), as well as Sadrists and National State Forces Alliance (1 per cent each). The main private broadcaster, Al Sharqiya News, clearly favoured *Taqadum* Alliance both in all election programmes (29 per cent) and in the paid political ads (64 per cent). The main Kurdish television channel Rudaw favoured KDP (48 per cent) and the Kurdistan Coalition (28 per cent) in all election programmes, as well as in the paid political ads (66 and 34 per cent respectively).

Candidates including independent candidates were offered free airtime slots on public broadcaster Al Iraqiya News from 10 September onwards.<sup>42</sup> According to EU EOM monitoring from 25 September to 8 October, 109 candidates, out of them 35 per cent independent, were given a total of 127 minutes with an average of 69 seconds each. Although the whole period, from 10 September to 8 October, when free airtime was provided to candidates, was only partly monitored, it is obvious that one month of free airtime could not cover all 3,249 candidates competing in the elections. Also, the breakdown of the free airtime provided per coalition and political party was assessed as neither equitable nor pluralistic during the period monitored.<sup>43</sup>

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<sup>40</sup> For instance, Muqtada al-Sadr's so-called "winner speech" on 11 October was broadcast live at 8.45 p.m. on Rudaw; Al Iraqiya News covered that speech on 12 October in the 8 a.m. news programme; Al Sharqiya News broadcast the speech during prime time at 8 p.m. on 12 October. Also, the 13 October press conference by PMF-linked Huqooq and Asa'ib Ahl al-Haq movements, rejecting the preliminary results and calling for protests, was covered live on PMF-affiliated Al Ahad and Al-Etejah television channels but neither on Al Iraqiya News nor on Al Sharqiya News. Al Iraqiya News nevertheless hosted representatives of Asa'ib Ahl al-Haq and the Sadrists during a 50-minute debate on prime time the same day.

<sup>41</sup> The EU EOM conducted a quantitative media monitoring of all election-related programmes including news, debates and interviews, from 24 September to 8 October with a team of seven Arabic and Kurdish-speaking media monitors headed by a media analyst. The programmes of the main public television channel, Al Iraqiya News, and the two main private Arabic and Kurdish television channels, Al Sharqiya News and Rudaw, were recorded daily from 6 p.m. to 12 a.m. and analysed following the EU EOM media monitoring methodology. In addition, the programmes of a selection of Arabic (Alsumaria TV, Al Ahad, Al-Etejah,, Dijah) and Kurdish (K24, KurdsatNews, NTV) television channels were also monitored based on election-related events and randomly.

<sup>42</sup> A total of 15 minutes split between several candidates was offered twice a day at 2.45 p.m. and 4.45 p.m.

<sup>43</sup> From 25 September to 8 October, in the free airtime slots on Al Sharqiya News, neither Sadrists nor *Fatah* Coalition candidates participated, while recently created political party, Coming for Change, presented 10 candidates, *Taqadum* Alliance 5, *Azm* Coalition 4, State of Law Coalition 3, National State Forces Alliance 3, *Imtidad* 3, KDP 1 and Kurdistan Coalition 1.



The coverage of the election campaign by the monitored news websites was mostly assessed as pluralistic and neutral, with consistent access being given to the IHEC.<sup>44</sup> However, Shafaq News slightly favoured KDP. During the post-election period, the public INA news agency focused on the prime minister, Moqtada al-Sadr and the other main winners, while poorly covering the unsuccessful political parties and their protesters rejecting the preliminary results. The Facebook pages of the television channels monitored were dominated by partisan comments.

## X. DIGITAL COMMUNICATION AND SOCIAL MEDIA

*Lively online campaign marred by pervasive disinformation and manipulative operations.*

### Social media environment

There were some 25 million social media users in Iraq in 2021. While Facebook was the most popular platform, Twitter, YouTube, Telegram, as well as other messaging platforms were all used to reach out to voters. Iraqi social media is a heavily fragmented space where concurrent narratives reflect the corresponding offline positions of the factions. Interlocutors across the board reported rampant disinformation and manipulative interferences online, including by political stakeholders and groups affiliated to foreign countries, that debunking initiatives and political shows have regularly exposed.<sup>45</sup>

Several interlocutors reported the usage of cyber armies by contestants to attack or threaten opponents and fabricate false narratives.<sup>46</sup> Multiple Facebook pages or groups have been allegedly bought by contestants ahead of the elections and had their name and purpose changed.<sup>47</sup> On 1 September, the prime minister announced several arrests linked to a Telegram channel, The Lady of the Green Zone, which was allegedly spreading disinformation and trying to rig the elections. Such campaigns disrupt the integrity of the online space and create disbelief by default. They risk impacting the turnout and interfering with voters' formation of an electoral opinion.<sup>48</sup>

### Legal framework

The Constitution guarantees freedom of expression using all means, as well as freedom of assembly and the right to privacy. There is no legal regulation on online content.<sup>49</sup> This leaves the decision-making process on issues such as the removal of online content at the discretion of the CMC, the regulatory body that oversees telecommunications, without judicial review, which results in a lack of transparency and accountability.

Freedom of expression online was curtailed by numerous clauses of the Penal Code.<sup>50</sup> Several interlocutors reported that this resulted in routine arrests of journalists, bloggers, and social media users for

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<sup>44</sup> Twelve major news websites in Arabic and Kurdish (see detailed list in Annex 1) and the social media pages of the monitored broadcast media were monitored randomly between 18 September and 28 October.

<sup>45</sup> This includes the Iraqi Network for Social Media, 72,379 followers on Facebook; Tech 4 Peace, 1,1 million followers on Facebook; The Al-Basheer show, 5,8 million subscribers on YouTube.

<sup>46</sup> Reported by LTOs in Babylon, Baghdad, Basra and Maysan. Two parties informed the EU EOM that they lodged official complaints to the police for threats online, that are yet to be answered.

<sup>47</sup> According to Facebook, this violated its policies against selling, buying, or exchanging site privileges. Accounts identified as violating the policies in this manner were removed.

<sup>48</sup> [ICCPR, HRC GC 25](#), at para 19: "Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind."

<sup>49</sup> The draft cybercrime law, that was criticised for its vague definitions and overly broad restrictions on electronic communication, was suspended by the CoR in February 2021, until further amendments.

<sup>50</sup> Articles 210; 211, 434; 435 of the Iraqi Penal Code on the publication of false news or provocative propaganda, on defamation, and insults.

online comments perceived as critical of the government policies, especially in the KRI.<sup>51</sup> In addition, in the KRI, the Law to Prevent the Misuse of Telecommunications Equipment imposes harsh punishment and imprisonment of social media users for online comments. The law is too broad, fails to provide a definition of the key terms and has been used to curtail freedom of expression online.<sup>52</sup>

To date there is no data protection law in Iraq. The prevalence of online surveillance and harassment by state and non-state actors over the last two years has endangered social media users, including during the election period.<sup>53</sup> While the collection of biometric data is progressing, some interlocutors have voiced concerns over the lack of proper law and oversight mechanism to protect citizen's personal data. At least three contestants launched campaign apps that required users to share personal data and location without proper privacy policies.<sup>54</sup> Moreover, interlocutors reported the distribution of unsolicited political text and WhatsApp messages to reach out to voters before and after the elections.<sup>55</sup>

*Priority recommendation: Adopt a comprehensive data protection law and oversight mechanism to guarantee citizens the right to privacy of their personal data, and protection against pervasive tracking of individuals and their activities online, as well as against unsolicited information, including political propaganda.*

The campaign online was little regulated, and there was no code of conduct covering parties' online activities. The IHEC was conducting limited social media monitoring on an *ad hoc* basis, due to a reported shortage of manpower, tools and skills.

### **Social media monitoring findings**

The Iraqi social media landscape was fragmented between platforms, partly due to the fact that several stakeholders had their Facebook and Twitter accounts closed by the platforms for violating their policies. Despite some slight decreases in numbers of followers, pages of political leaders enjoyed considerably higher popularity than parties and coalitions pages.

The EU EOM identified numerous Facebook pages created in the months leading up to the elections, including pages of women candidates, that registered the fastest growths in percentage, but did not compare with long established pages in terms of audience and interactions.<sup>56</sup>

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<sup>51</sup> Since March 2020, UNAMI/OHCHR has documented several cases of criminal proceedings initiated against journalists and activists posting on social media; proceedings were primarily brought under either Article 433 of the Penal Code Law, which prohibits 'defamation', or under Article 2 of the Law to Prevent the Misuse of Telecommunications Equipment, [OHCHR](#).

<sup>52</sup> Xallat Sindy and Omer Barushky have been charged under Article 2 of the Kurdistan Region's Law to Prevent Misuse of Communications Equipment., [Human Rights Watch](#), [OHCHR](#), and [CPT](#).

<sup>53</sup> On 9 October 2021, the protester Haider Mohammed Al-Zamili was found dead. NGOs reported that his criticism of political parties on Facebook is the likely reason for his death. The UNHCR 2021 report on [Disinformation and Freedom of Opinion and Expression](#), para. 92 reads: "States should adopt strong data protection laws and update electoral and other relevant laws to limit the pervasive tracking and targeting of individuals and their activities online."

<sup>54</sup> ICCPR, GC 34, para. 18: "... every individual should have the right to ascertain in an intelligible form, whether, and if so, what personal data is stored in automatic data files, and for what purposes." Sadrist party, Ammar al-Hakim and Hana al-Fatlawi launched campaign apps.

<sup>55</sup> [ICCPR, article 17](#): "No one shall be subjected to arbitrary or unlawful interference with his privacy... Everyone has the right to the protection of the law against such interference or attacks." [ICCPR, GC 16, para. 10](#): "The gathering and holding of personal information on computers, data banks and other devices, whether by public authorities or private individuals or bodies, must be regulated by law."

<sup>56</sup> The EU EOM used the Facebook social media listening tool CrowdTangle to monitor 16 and 14 public pages of political stakeholders in Arabic and Kurdish respectively, as well as a selection of election-related keywords. In total 5,669 posts between 1 September and 15 October were analysed and coded. The mission manually identified election-related hashtags on Twitter and mapped three of them with netlytic.org in the post-electoral period.

Contestants largely used social media for campaigning. The EU EOM monitoring of Facebook showed that only a limited number of contestants' posts depicted actual programmes. Instead, political posts overwhelmingly covered campaign activities as well as get out the vote messages. Some 18 per cent of the campaign posts in Kurdish included criticism of opponents. Notably, the Facebook pages of KNN and NRT, two Kurdish media with millions of followers, campaigned respectively for Gorran and New Generation, including through boosted posts. Although the tone of the campaign was overall neutral or positive, the EU EOM assessed that one in five posts in Kurdish was negative. Political stakeholders did not discredit the IHEC on their Facebook pages.

Several contestants and third parties' pages ran political ads on Facebook.<sup>57</sup> The regulation does not foresee online campaign spending, hindering the overall transparency of campaign finance online.<sup>58</sup> The EU EOM identified networks of pages running ads paid by unique advertisers, namely individuals and agencies. Additionally, numerous ads ran without disclaimers, contrary to the platform community standards, thus lacking transparency. Multiple contestants and third-party pages shared campaign posts and ads on Facebook during the campaign silence.

The official social media page of the IHEC shared information until 2 October in Arabic only, limiting access of non-Arabic speakers to election-related information.<sup>59</sup> After the elections, the EU EOM assessed that 10 per cent of the Commission's postings were fighting misinformation.<sup>60</sup>

The EU EOM monitoring of election information on Facebook showed that posts shared in Arabic were mostly of a technical nature, including voter education and get out the vote posts, released by media and government pages. Information in Kurdish was more of a political nature, shared by media and contestants, thus reflecting the lack of official election information available in Kurdish. The mission identified several widely shared narratives in both Arabic and Kurdish, including calls for boycotting the elections; and Sunni and Shiite religious leaders recalling that vote buying and selling is forbidden.

The EU EOM observed repeated instances of insults and attacks against women candidates, journalists and human rights activists, both in Kurdish and Arabic.<sup>61</sup> The EU EOM monitoring showed that women were particularly targeted by gender-based inflammatory speech and disinformation.<sup>62</sup> Together with existing barriers to freedom of expression online, this impaired the inclusiveness of the political debate online.

*Recommendation: To foster the inclusiveness of the political debate online and the participation of women in public life, the CMC and the IHEC could consider reinforcing their online monitoring of campaign violations online, especially gender-based violations.*

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<sup>57</sup> Facebook Ad Library showed that from 25 August till 8 October, 421,195 USD were spent on political advertising.

<sup>58</sup> [UNCAC](#), art. 7(3), "[...] enhance transparency in the funding of candidatures for elected public offices [...]"

<sup>59</sup> Article 4 of the 2005 Iraqi Constitution states that Arabic and Kurdish are the official languages of Iraq.

<sup>60</sup> From the end of September, the IHEC launched a visual campaign on social media to fight misinformation.

<sup>61</sup> This includes Shanaz Ibrahim, high official of the PUK (Qubad and Bafel Talabani's aunt), Alla Talabani, PUK candidate (the Kurdistan Coalition), Ashwaq Jaff, KDP candidate, Beda'a Khider Salam (MP, Babylon Block), Sabah al-Tameemi (independent candidate), Dr. Hanan al-Fatlawi (founder and president of the Irada movement). Comments including "bitch", "slut", "eat a bucket of shit, ugly prostitute", "old lady", "come visit our apartment" were observed on women political leaders' and candidates' Twitter and Facebook accounts.

<sup>62</sup> [CEDAW](#), 1979, article 7 states that "States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country".



After the elections, Telegram and Twitter channels and accounts of groups reportedly backed by regional powers, supporting defeated contestants, including the *Fatah* Coalition and *Hukook* Movement, rejected the preliminary results, called for protests, and discredited the IHEC and UNAMI, threatening the UNAMI staff. The EU EOM mapping of hashtags shared by those groups showed that a large part of the tweets was reshared from only a handful of accounts backed by a neighbouring country.

## **XI. PARTICIPATION OF WOMEN**

*Legal framework ensures 25 per cent women quota, but this is de facto interpreted as a maximum.*

The Constitution mandates a representation of at least 25 per cent of women in the CoR. An annex to the Election Law allocates one seat in each of the 83 constituencies to women. In an apparent attempt to ensure presence of female candidates in all constituencies, the IHEC Regulation 6/2021 required parties to take account of the gender quota when submitting candidatures in the following manner: if they submitted more than three candidates per constituency and in more than one constituency, at least one should have been female. If the quota in a constituency was not achieved, then parties that fielded more than one candidate were required to add or replace a male candidate with a woman in the given constituency. Despite the challenges posed by the predominantly majoritarian electoral system and the attacks female candidates were subjected to during the campaign, female candidates ran for elections in all constituencies.

If the quota is not met naturally through election results, i.e. if less than 83 women are returned, only then a replacement mechanism is activated. The relevant provision of the Election Law lacks clarity and appears to contradict the constitutional principle of 25 per cent as a minimum, as well as another Election Law provision that repeats the said principle. In addition, the Election Law states that in case a woman loses the seat in the CoR, it is not required that another woman replaces her, unless it impacts the quota on constituency level.

Only on 10 September, the IHEC published a regulation on seat allocation, including implementation of the gender quota. The regulation states that in a constituency where no woman gets elected, the male candidate that has won a seat with the least votes should give up the seat in favour of the woman with the most votes among the female candidates. According to the IHEC complete preliminary results, 97 women (29.5 per cent) were elected, out of them 57 based on the number of votes received, while 40 thanks to the quota provisions.

The electoral system permits individual candidatures, however neither the legal nor the regulatory framework contain any provision for the eventuality of no female candidate contesting in a constituency or of female candidates not obtaining any of the votes cast.

*Recommendation: Amend the current provisions on women seat allocation with the aim to clarify them. Pertinent provisions and regulations to be drafted in compliance with the constitutional principle of a minimum 25 per cent female representation.*

## **XII. PARTICIPATION OF NATIONAL MINORITIES AND IDPs**

*The law guarantees reserved seats for some minorities, but largely fails to achieve their meaningful representation. IDP numbers decreased, but their participation remains a challenge.*

Iraq is a State Party to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).<sup>63</sup> The Constitution affirms the cultural, educational and political rights of minorities, including the right to assume public office, and calls for their inclusion and representation. Neither the Constitution nor successive legislative measures provide an inclusive and exhaustive list of national minorities. Ethnic minorities include Turkmens, Shabaks, Chaldeans, Assyrians, Armenians, black Iraqis and Roma; religious minorities include Christians, Yazidis<sup>64</sup>, Sabean-Mandaeans, Baha'i, Kaka'i and Jews. In the absence of recent census data, no reliable demographic data on minorities is available.

A comprehensive law on minorities was discussed in the Parliament in 2018 but has not been approved.<sup>65</sup> The Election Law guarantees reserved seats for some minorities: five for Christians, one each for Yazidis, Sabean Mandaeans, Shabaks and Fayli Kurds. Several EU EOM interlocutors think that some minorities are unjustly not represented or under-represented by the current quota system and call for a new census, followed by a new allocation of reserved seats in compliance with the Constitution.<sup>66</sup>

The voter register, in accordance with international standards, makes no distinction based on ethnicity or religion. The electoral constituencies for the reserved seats are larger than the regular ones to take into account the geographical distribution of each minority, but this has resulted in some unintended consequences. As the number of votes needed to win minority seats has often been lower than for the regular ones, these seats have become the “low hanging fruit” to be picked by well-organised, non-minority parties, through proxy parties or formally independent candidates. This is especially true for the Christian minority, whose five quota seats are elected in one single nationwide constituency.<sup>67</sup> Based on the complete preliminary results published on 16 October, three Yazidis, one Fayli Kurd and two Kaka'is – but no Christian – have been able to get elected outside the quota.

While national minorities representatives met by the EU EOM have different opinions on what corrective measures could be taken, they all agree the system needs to be rethought and redesigned, in close consultation with the minority communities, to restore their right to meaningful political representation.<sup>68</sup> Such right was also negatively affected by the cancellation of the 2021 Out-of-Country voting programme, as national minorities are an important part of the Iraqi diaspora.<sup>69</sup>

More than six million Iraqis were displaced at the height of the military operations to combat the Islamic State in 2014 – 2017. According to the International Organization for Migration, as of 30 September 2021 there remained 1,189,581 IDPs in Iraq.<sup>70</sup> IDPs are estimated to represent around three

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<sup>63</sup> In its latest review in 2018 the ICERD Committee pointed out the lack of sufficient reference to ICERD in Iraq's national legislative framework and raised questions about its implementation by national courts.

<sup>64</sup> Some Yazidis consider themselves a distinct ethnic group, while others identify as Kurds.

<sup>65</sup> The KRI passed in 2015 a law which expands the constitutionally protected rights of its minorities.

<sup>66</sup> Constitution, art.49: “The Council of Representatives shall consist of a number of members, at a ratio of one seat per 100,000 Iraqi persons (...) The representation of all components of the people shall be upheld in it”.

<sup>67</sup> On 14 October seven Christian political parties reacted to the Babylon Movement's win of four out of five Christian seats with a joint statement denouncing “very suspicious” results, the “theft of the political will of the Christian component” and calling on the international community “to defend real representation of Christians”.

<sup>68</sup> Proposed solutions include: smaller electoral constituencies delineated around minority areas, stricter criteria for selecting candidates for the reserved seats, separate voter registers, separate ballots and even separate elections.

<sup>69</sup> While exact data on ethnicities and religions of the Iraqi diaspora are not available, multiple reports – including from UNHCR and USCIRF (United States Commission on International Religious Freedom) - indicate that minorities are disproportionately (over)represented among Iraqi refugees and emigrants.

<sup>70</sup> An Iraqi IDP is legally defined as an individual who was forcibly displaced to another place inside Iraq after 9 April 2003 and is registered in the Ministry of Migration and Displacement.

per cent of Iraqi population (down from some six per cent in 2018), but, officially, IDP voters represented only 0.5 per cent of the total registered voters, with the rest living outside camps and unable to benefit from special IDP voting provisions.<sup>71</sup>

The Election Law gives registered IDPs, living in camps, the right to vote in the place of their current residency for the constituency they were displaced from. In line with established procedures, 120,126<sup>72</sup> IDP voters living in the camps<sup>73</sup> were biometrically registered by the IHEC and allocated to 309 dedicated polling stations situated inside the camps or in their proximity. The distribution of BVCs was facilitated by the IHEC mobile teams. The IDPs voted on 8 October, using BVCs only. The EU EOM observers were informed, and in some cases directly observed, that several IDPs discovered on election day that they were still registered to vote in their place of origin instead of where they were currently living and were therefore unable to vote. IDPs in the KRI camps were reportedly exposed to undue partisan political pressure and vote buying. Specific voter education activities were foreseen by the IHEC, but according to stakeholders they were insufficiently implemented.

An estimated 85 per cent of the total IDP population lives outside camps.<sup>74</sup> While they could *de jure* participate in the elections as regular voters, many of them were *de facto* disenfranchised, since due to security concerns and logistical difficulties they were not able to return to their home locations on election day.<sup>75</sup>

### **XIII. PARTICIPATION OF PERSONS WITH DISABILITIES**

***Legislation is silent on political rights of persons with disabilities. No significant efforts undertaken to reduce hindrances to their participation on election day.***

Iraq has acceded to the Convention on the Rights of People with Disabilities (CRPD) in 2013, without having thus far signed the Optional Protocol that allows for individual complaints for violations of the CRPD by State Parties. Regrettably, reliable official data on persons with disabilities (PwD) in the country do not exist.<sup>76</sup> CSOs that advocate for the respect of the rights of PwD estimate that there are 4 – 10 mil. PwD; however, this number is just an extrapolation of World Health Organization estimates that set the number of PwD to be at least 15 per cent in every country, coupled with the recent history of Iraq that has seen years of armed conflict and terrorism.

Article 29 of the CRPD requires State Parties ‘to guarantee to PwD political rights and the opportunity to enjoy them on an equal basis with others, as well as to promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination...’. Relevant CSOs have informed the EU EOM that on top of social stigma and negative perceptions of PwD, the legislator has also opted for a ‘medical, caregiving approach’ towards

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<sup>71</sup> More than half of IDPs come from four districts (Mosul, Sinjar, Al-Ba’aj, Telafar) in the Ninewa governorate.

<sup>72</sup> This number includes both IDPs who were registered for the first time by the IHEC and those whose registration status was updated between 2 January and 15 April 2021.

<sup>73</sup> As of July 2021, approximately 184,000 IDPs in Iraq lived in 27 formal camps, two in federal Iraq (AAF camp in Anbar and Jad’ah 5 camp in Ninewa) and 25 under the administrative control of the KRG. Members of religious minorities, and in particular Yazidis, make up the majority of IDPs living in the KRI camps.

<sup>74</sup> Some 76 per cent are out-of-camp IDPs living in private settings, while 9 per cent live in substandard housing and shelters outside of camps. The proportion of IDPs in urban centres has been increasing since 2018 as many formal camps were closed down.

<sup>75</sup> Return rates have stagnated, with only 140,562 returns (three per cent of the total) taking place over the last year.

<sup>76</sup> Article 31 of the CRPD states that ‘States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention.’

PwD, instead of a rights-based one that would enable inclusivity and involvement in public life. While the Law 38/2013 contains some positive elements, it is titled ‘Law on the Care of Persons with Disabilities and Special Needs’ and lacks provisions relevant to political rights.<sup>77</sup>

The electoral legislation is silent on ways to ensure and facilitate the exercise of political rights by PwD. There is no provision that compels the IHEC to take special measures. PwD faced many hindrances, firstly reaching the polling station and, secondly, casting their ballot. Persons with mobility issues could not easily approach the polling station due to barriers erected for security purposes. In addition, many polling stations were located above the ground floor in buildings that lack elevators. According to CSOs and PwD the EU EOM met, the majority of persons with visual and hearing disabilities remain semi-literate, given their lack of access to education beyond a certain level. This makes it even more challenging for them to participate in the elections. CSOs have stated to the EU EOM that they did not have an efficient or regular channel of communication with the IHEC, much less a dedicated department or staff members within the IHEC to discuss their proposals that remained unanswered.

The IHEC Procedures department informed the EU EOM that efforts were made to locate as many polling stations as possible on ground floors. It was also included in the election day procedures manual that PwD be given priority in the queue at polling stations and that voters with disabilities could be helped in casting their votes by a relative of their choice up to the fourth degree. PwD themselves have however stressed that they would prefer to have in place mechanisms enabling them to vote independently and unassisted and cited the secrecy of their vote as a concern. Proposals to the IHEC for printing of ballot papers jackets in Braille and hiring a roving, available on call sign language interpreter for each district were not acknowledged or implemented.

*Recommendation: Bring legislation in line with international commitments by including provisions to ensure participation of persons with disabilities in the electoral process and to allow them to effectively exercise their right to vote in an independent manner that would respect the secrecy of their vote. The IHEC to include specific measures in the regulatory framework.*

#### **XIV. CIVIL SOCIETY AND INTERNATIONAL OBSERVATION**

***Despite limited funding, citizen groups deployed large number of observers across Iraq and contributed to increasing the transparency of the process.***

Domestic election observers are recognised and regulated by the IHEC Law No. 31/2019 and the IHEC regulations, and they are bound in their activities by a Code of Conduct. Accreditation procedures, although stricter than in the past, were known by stakeholders, and did not unreasonably limit domestic observation.<sup>78</sup> Nevertheless, a subsequent late IHEC decision not to allow domestic observers to use mobile phones inside the polling centres, taken just a few days before the elections, created some difficulties in their pre-planned reporting activities. This decision, however, was not implemented consistently, according to the domestic observers.

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<sup>77</sup> The Kurdistan Region of Iraq 22/2011 Law on the Rights and Privileges of People with Disabilities and Special Needs is equally silent on the topic of political rights.

<sup>78</sup> According to the regulation, a CSO can lose its accreditation if more than five per cent of the names submitted for accreditation do not conform with the requirements. The rule, mainly intended to exclude partisan NGOs which may try to disguise political party agents as domestic observers, is considered too harsh by some domestic observer groups but it was not unreasonably applied by the IHEC.

More than 46,000 domestic observers were accredited, however not all of them were deployed, mainly due to lack of adequate funding.<sup>79</sup> The most organised and visible group was the Alliance of National Networks and Organisations which included seven observer coalitions – Shams, Tammuz, Nooraqib, Ein, Alliance of Iraqi Minorities, Freedom Ambassadors and South Youth. Together they deployed around 8,800 observers throughout all 18 governorates. Their observation and public reports – before, during and after election day – contributed positively to the transparency of the process.

Based on the UN Security Council decision, the UN deployed an election monitoring mission to Iraq. Some 200 UN monitors scrutinised the polling on election day across the country. Smaller, short-term election observation missions were deployed by the League of Arab States and the Organisation of Islamic Cooperation.

## **XV. ELECTORAL DISPUTES**

### ***Gaps in legislation and lack of transparency in administrative practice undermine legal certainty and the right to effective legal redress.***

The provisions of the Election Law and the Law on the IHEC regulate the resolution of electoral disputes. The system of resolution provides for two instances, the first one administrative and the second one judicial.

The BoC resolves complaints arising from the preparation and implementation of elections. The BoC may delegate authority for investigation and adjudication of complaints to governorate branches of the election administration. Complaints with elements of criminal cases must be forwarded to the competent authorities.

The legislation does not contain any provisions on deadlines for submission and adjudication of complaints at administrative level and few provisions regarding legal standing. These aspects were mostly governed by the IHEC regulations. The fact that crucial aspects of the electoral dispute resolution mechanism are not codified in the legislation, but left instead to the regulatory power of the election administration, does not ensure legal certainty. In addition, it brings into question the protection of the right to an effective legal redress, since essential rules of the procedure are not always known well in advance by contestants and voters, and can furthermore be defined in a discretionary manner that is not subject to the checks of the legislative process.<sup>80</sup> The IHEC issued two pertinent regulations that overlap in certain topics; only one of these regulations was published on the IHEC website.

Deadlines for filing complaints varied according to the type of complaint, and the relevant provisions were dispersed among various IHEC regulations: complaints pertaining to voter lists had to be submitted within two days from the alleged violation; complaints on candidate registration had to be submitted until the final approval of candidatures; complaints on campaign violations during the time when the violation persisted; and election day complaints had to be filed within two days. Defendants had to be notified and they had the right to respond. The IHEC Regulation states that the BoC must publish its decisions in the two official languages (Arabic and Kurdish) within three days from their issuance and that it shall adopt the appropriate manner of publication. The decisions published by the IHEC on its website were exclusively in Arabic.

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<sup>79</sup> CSO interlocutors estimated that just over a half of accredited observers were actually deployed on election day.

<sup>80</sup> Article 2.3 of the ICCPR mandates State Parties to ‘ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy’.

In the pre-election period, the bulk of complaints at the IHEC level concerned candidate registration and election campaign violations. The IHEC informed the EU EOM about 189 complaints on candidate registration and 183 complaints on campaign violations. Furthermore, the IHEC campaign monitoring teams recorded 174 cases of campaign violations. Following complaints and monitoring results, some 180 fines were issued to candidates for violating campaign rules, mainly about placement of posters.

The Electoral Judicial Panel (EJP) consisting of three judges designated by the High Judicial Council adjudicates appeals against BoC decisions. Its decisions are final. The Law on the IHEC states that political parties or candidates<sup>81</sup> may challenge BoC decisions to the EJP within three days of publication; the BoC has the right to respond within seven working days from receipt of the EJP requests and inquiries<sup>82</sup>; the case must be adjudicated within ten working days from the BoC response.

The Election Law compels the IHEC to announce results within 24 hours from the closing of the polls; however, as per the IHEC regulation, complaints on election day procedures could be filed within 48 hours from election day. This discrepancy in the deadlines leads to results being announced while related complaints are still pending. The IHEC announced that it received in total 397 complaints, 10 of them with the potential to affect election results.<sup>83</sup> The IHEC did not provide any information on which constituencies these 10 complaints referred to or any other details. Decisions that dismissed complaints contained minimal information and did not mention which violations the plaintiffs invoked.

Following the second announcement of preliminary results on 16 October there was some confusion with seemingly contradictory public statements of the IHEC to the media about whether the IHEC would examine appeals against election results.<sup>84</sup> The EJP stated to the EU EOM on 20 October that it received no appeals. It transpired that by two letters of 13 and 20 October respectively, the EJP instructed the IHEC not to transfer any appeals before it prepares an answer, citing the legal provisions that give the IHEC as a respondent seven days to present its arguments. By 26 October, the IHEC decided to uphold 70 out of 1,432 appeals and perform a manual recount of 2,153 ballot boxes that was concluded on 3 November. However, the IHEC decided to receive and examine additional appeals up to 7 November which led to the manual recount of another 2,136 ballot boxes. The legal basis for yet another extension is unclear and none was invoked by the IHEC. The irregularities that were the grounds for these recounts were not made known by the IHEC, as its decisions were not published.

The handling of appeals against election results in such a manner resulted in a blurring of instances and circumvention of deadlines established in the legislation and undermined the right to an effective legal redress.

*Priority recommendation: Establish in the law clear deadlines and competencies about each distinct stage of electoral dispute resolution. Deadlines for election day complaints that may affect election results must allow for resolution before the announcement of results.*

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<sup>81</sup> There seems to be a discrepancy between legal standing as established in the Law on the IHEC which grants it to parties and candidates only, while the IHEC regulation of 12 August 2021 grants it also to agents and voters; the wording of both provisions would suggest that voters cannot further appeal BoC decisions on election day related complaints.

<sup>82</sup> The law does not specify within which deadline from receipt of the appeal the EJP must notify the IHEC to submit its response.

<sup>83</sup> In total 88 out of these 397 complaints were still being categorised at the time of this announcement

<sup>84</sup> The Law on the IHEC states that appeals against IHEC decisions can be filed directly with the Electoral Judicial Panel or with the IHEC office at central or governorate level.

## XVI. POLLING, COUNTING AND TABULATION OF RESULTS

*Largely peaceful and orderly voting process with rather low participation of voters. Inaccessible tabulation but well-managed verification and manual recount of challenged polling stations.*

### Overview of Voting and Counting

The EU EOM observers visited on election day 278 polling stations in 39 of the 83 constituencies, covering 11 of the 18 Iraqi governorates. The overall conduct of the voting was assessed positively in 95 per cent of the polling stations visited, and voting procedures were largely followed. Outside the polling station, no significant problems were reported. In 94 per cent of polling stations observers reported no long queues of voters throughout the day. The officially announced turnout was low, 44 per cent.

Voter cards were checked in 99 percent of stations visited, with 60 per cent of polling stations having some voters who voted with an electronic voter card. In 31 per cent of polling stations observed some voters were turned away, mostly because they were not found on the polling station voter list or for failing to present the required identification documents.

The polling station layout was in 97 per cent of cases adequate and sufficiently protecting the secrecy of the ballot. However, secrecy of vote was not always ensured in 32 per cent of polling stations observed, as some voters introduced the ballot paper into the optical scanner facing up and therefore possibly revealing their choice. Furthermore, voters could not fold the ballot paper after marking it, since the scanner was not able to read the ballot papers that were previously folded.

Voters were processed in an orderly fashion, with no disruptions reported, however in 12 per cent of polling stations observed voters were seen voting together in the same polling booth.<sup>85</sup> Some 78 per cent of observed polling stations were accessible for voters with reduced mobility, and 87 per cent were offering a suitable layout for such voters. Women were mostly employed as ballot paper issuers and ballot box monitors.

Voting procedures were generally followed, except for inconsistent implementation of the fingerprint verification procedures which resulted in the disenfranchisement of some voters.<sup>86</sup> Observers noted that some voter verification devices and optical scanners malfunctioned, however technical issues were in most cases resolved, and voting resumed at the affected polling stations.

In 98 per cent of polling stations observed, candidates, party agents and domestic observers were able to observe the voting process without undue restrictions. Candidate and party agents were present in 91 per cent of polling stations, while domestic observers in 30 per cent of polling station visited.

In 12 per cent of polling stations observers noted an unauthorised person inside the polling station. These were mostly uninvited security personnel and unauthorised agents. In 91 per cent of such cases, polling staff did not ask the unauthorised people to leave the polling station.

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<sup>85</sup> Assisted voting for illiterate voters and voters with disabilities was permitted, however the law forbids proxy and group voting.

<sup>86</sup> The law allows a maximum of 5 per cent registered voters in each polling station to vote even without successful fingerprint verification. In some polling stations observed this provision was not implemented and all voters whose fingerprints were not successfully verified were not allowed to vote.

The observation sample for electronic and manual counting at polling stations was too small and therefore the EU EOM was not able to make a qualified assessment of the process.

### **Tabulation of Results**

The IHEC Department of Operations and Information Technology is responsible for tabulating and analysing the national results of the Iraqi parliamentary elections. The IHEC operated the National Results Tabulation Centre at the National Office in Baghdad and the Central Verification and Counting Centre at the nearby location.

Without any explanation, access to the tabulation at the National Results Tabulation Centre, a crucial stage of the election process, was granted neither to the EU EOM nor to domestic observer groups. This was a clear violation of the IHEC Regulation which includes the procedural reference to the presence of accredited observers throughout the process<sup>87</sup> and the administrative agreement signed between the EU Delegation to Iraq and the IHEC which granted the EU observers access to the tabulation centre.<sup>88</sup> The UNAMI was granted read-only access to the results tabulation database. The IHEC failed to clearly communicate to stakeholders the complex components of this final stage of the elections. The results tabulation process lacked transparency and did not respect the citizens' right to information. The EU EOM could not make an informed assessment of this phase of the process as it was not granted access to observe it.<sup>89</sup>

The Central Verification and Counting Centre was operational from 12 to 16 October, with an intake, quarantine, storage, and archive areas, and two large rooms dedicated to the verification of the PCOS results and manual counting of polling stations. Procedures for this phase were drafted late and they were not readily available to stakeholders. The EU EOM, domestic observers, and political party and candidate agents had full access to observe the process.

According to the IHEC, results were electronically received from 93.6 per cent of polling stations, i.e. from 54,263 out of 57,944 polling stations. On 11 October 3,681 polling stations (6.3 per cent) from across the country were confirmed to have failed to send the election results.<sup>90</sup> On 13 October, the IHEC clarified that out of these 3,681 polling stations, 3,037 stations failed to send results via satellite transmission, 504 stations failed to deliver the USB memory stick and 140 polling stations failed both to send satellite data and deliver the USB memory stick. The latter stations were promptly earmarked for manual counting, while in case of all the others it was first checked if the PCOS results could be sent electronically via the Results Transmission Device (satellite transmission).

Largely, PCOS devices were able to be connected to the satellite transmitter and the results were sent to the National Results Tabulation Centre for cross checking and tabulation. At the end, some 265 stations were identified for a manual count after the results data from PCOS devices were found to be

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<sup>87</sup> “Accredited observers, agents and media representatives who have the commissions identification cards have the right to enter the Results Management and Tabulation Division to monitor the process of entering the election results”, IHEC Regulation.

<sup>88</sup> “On polling day and thereafter IHEC will guarantee the EU EOM and its members, ... , freedom of access at any time, to all polling stations and counting/tabulation centres ... ”.

<sup>89</sup> Tabulation procedures included receiving, entering, auditing, and archiving electronic data received via satellite transmission and via USB memory sticks; uploading USB data which included photocopies of the ballot papers, fingerprint file, and PCOS results; comparing polling station results sent via satellite with the USB data to ensure matching figures for each station; and comparing polling station data recorded on reconciliation form 41 with PCOS results.

<sup>90</sup> Polling stations (PSs) signalled for investigations included: i) PSs whose results were sent via satellite transmission but failed to be sent via USB stick; ii) PSs whose results were sent via USB stick but failed to be sent via satellite; iii) PSs where a difference was found between the satellite and USB stick results; iv) PSs that failed to send results both via satellite and USB stick, with only the manual count results reaching the IHEC.



inaccessible. The breakdown of the 3,681 quarantined polling stations showed that 24 per cent of un-sent results originated from Ninawa, 18 per cent from Baghdad and 9 per cent from Sulaymaniyah. On the other hand, governorates of Karbala, Kirkuk and Muthanna recorded only 24, 9 and 1 un-sent polling station result respectively.

Problems with sending polling station electronic results were attributed to polling officials not understanding how to operate the satellite transmission devices, PCOS malfunctions and technical issues with the transmission linked to the limited satellite link bandwidth, as all polling stations tried to connect simultaneously. Some PCOS devices on election day reportedly stopped working and required a new password to be entered to resume operations.<sup>91</sup>

It was noted by LTOs that invalid votes, which were sorted electronically and marked by a red stamp on the back of the ballot paper by the PCOS device, were not double checked during the manual count for accuracy. This would have been an important verification, given the SNTV system in which a seat can be won or lost by a very small margin.

The LTOs observed that copies of the results forms, both from the manual count and the PCOS transmission, were readily posted outside the verification centre for party agents and observers to scrutinise them.

There was limited information available on the daily schedule and progress of the verification process, and the overall IHEC communication regarding the process was poor despite the public television station broadcasting live from the centre. The media were invited although without recording equipment. A live stream of the verification process was broadcast on the IHEC Facebook page, however for viewers it was difficult to understand the details of the process.

*Recommendation: The IHEC to guarantee accredited political party agents, candidates, observers, and all media, including broadcast media, full access to all stages of the electoral process, including access to all polling centres and to the tabulation of results at the national tabulation centre.*

The IHEC Chairman and members of the BoC supervised and managed the centre, with senior staff from the National Office and GEOs conducting the PCOS verification and the manual counting of ballots. Initially the IHEC appeared ill-prepared, but after the second day it operated more efficiently. The centre was regularly attended by UNAMI advisors, IFES experts and representatives of the armed forces and diplomatic community. Observer accreditations were valid for the national verification and counting process, and party and candidates' agents, observers, and UN monitors were provided with viewing areas around the counting tables.

Out of the 1,432 appeals challenging the complete preliminary results, the IHEC accepted 70 appeals which initially led to the opening and manual recounting of 2,153 polling stations from 15 governorates. Recounting took place from 27 October onwards and the EU EOM was able to observe the process during the first five days (27 – 31 October). The process was well-organised and transparent with appellants, candidate and party agents, UNAMI staff and observers having full access to the counting tables. The broadcast media were also present. The manual recount results generally matched the electronic count results, except for some polling stations where following the physical examination of invalid ballots a very small number of them were reclassified as valid. This did not impact on the

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<sup>91</sup> In this case the GEO manager contacted the software provider Miru Systems at the IHEC for a new password. It is not clear how many new passwords were requested and if the delay in operating the PCOS impacted the voter turnout. By election day noon the solution provided was a smartphone app that generated a password after entering the PCOS and PS identification numbers.

overall constituency results. The polling station recounting reports were submitted to the BoC to respond to the appellants.

## **XVII. RESULTS AND POST-ELECTION ENVIRONMENT**

*Preliminary constituency results announced and published within 24-hour deadline, but without polling station breakdown and disaggregated data on turnout and invalid votes.*

### **Publication of Results**

The election law compels the IHEC to announce preliminary results within 24 hours after the election day, while also mandating the disclosure of detailed election statistics.<sup>92</sup>

Partial preliminary results were announced on 11 October with a total of 22,118,368 registered voters and 9,077,779 votes cast, corresponding to a 41 per cent turnout. The number of eligible voters decreased from previously declared 25.2 million voters, after the IHEC decided to calculate the turnout from the lower base consisting of the total number of BVCs issued (17.1 million) and the total number of old valid electronic voter cards in possession of voters (5 million). Partial constituency-based results were broadcast via the IHEC social media platforms, however incomplete, without individual polling station results and invalid ballot information.

According to IHEC, the manual count at 8,273 randomly, by lottery, chosen polling stations was found 100 per cent matching with the PCOS electronic count, while the USB memory stick results, which copied election results from the PCOS, matched completely with the results sent via satellite transmission. These manually counted stations were initially not included in the preliminary results announcement due to an error by the IHEC staff, a glitch that was criticised by stakeholders.

On 16 October the IHEC announced complete preliminary results. Out of 22,118,368 eligible voters a total of 9,602,876 voters or 43 per cent participated in the elections.<sup>93</sup> A total of 8,882,633 valid ballots were cast, with a 7.5 per cent of invalid ballots reported nationwide. The high prevalence of invalid votes can be, to some extent, interpreted as a protest vote; however the ballot paper design featuring rather small boxes for marking voters' choice and the IHEC's insufficient voter education on how to vote could also be contributing factors.

Constituency results with number of votes per candidate, but without candidate's party/coalition/independent affiliation, were available on the IHEC website and they were also broadcast on public television channel and on the IHEC social media platforms. However, disaggregated statistics, such as polling station results, constituency-based valid and invalid ballots, gender and first-time voters' participation, were not available. The only polling station results (printouts from PCOS) that were available on the website and the IHEC Facebook page were the ones pertaining to the 3,681 initially quarantined polling stations.

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<sup>92</sup> Election Law No.9, 2020: "The IHEC is committed to announce the electoral data, in details, at each constituency, such as the number of population, number of registered voters, number of electoral lists, and the number of political parties and individual candidates ... in addition to the detailed results of election, such as the number of valid and invalid votes, voter turnout, and the number of votes that open list and individual list have gained, and winner and loser candidates in each constituency".

<sup>93</sup> <https://app.powerbi.com/view?r=eyJrIjoiNmUzYjAzNTYtZTJiNS00NzhkLTg0ZWUtMzlkZ-DAYZGM5NmMzIiwidCI6IjNkZTVhZmM2LWZhMDItNDM3OS04MDJkLThjZjY3YjNmYzQ0ZiIsImMi-OjEwfQ%3D%3D&pageName=ReportSection17cb90c44073d7b88131>

*Priority recommendation: To increase transparency and public trust in the electoral process by publishing progressive results during the tabulation process, and by publishing both preliminary and final results broken down by polling station.*

### Political Overview of the Election Results

A turnout of 41 per cent was announced by the IHEC on 11 October, which after the inclusion of 3,681 initially quarantined polling stations was raised to 43 per cent on 16 October. A further update by the IHEC on 21 October increased the countrywide turnout to 44 per cent, and for the first time a breakdown per governorate was provided.

In line with previous elections, Baghdad's turnout was the lowest in the country, while more rural and conflict-prone governorates scored above average.<sup>94</sup> This feature was explained in the past by the tighter-knit social tissue in rural areas where inhabitants are subject to more intense social control than in the capital, to domination by their tribal sheikhs or to threats, while higher poverty rates might make citizens more receptive to vote-buying. The KRI, traditionally the area with the highest turnout, showed diverse results, with clearly KDP-dominated Dohuk having the highest turnout in Iraq at 59 per cent, while PUK-controlled Suleimaniyah scored second-lowest after Baghdad with only 41 per cent.

Preliminary results published on the IHEC website showed that the Sadrist bloc increased its number of seats from 54 in 2018 to 73 now, thus confirming its status as the strongest political force. Third strongest party was again a Shiite force: former PM Maliki's State of Law Coalition rose from 25 seats in 2018 to 33 now. PMF-associated *Fatah* Coalition, with 48 seats hitherto the second strongest bloc after the Sadrists, won only 14 seats. However, four Christian minority seats *de facto* could be added to this figure, as they were obtained by the PMF-associated Babylon Movement, a development the Chaldean patriarch previously had called "the hijacking of the Christian seats".

*Taqadum* Alliance led by the CoR Speaker Halbousi (Sunni) became the second strongest force in the new parliament with 37 seats, six times more than what Halbousi had obtained with his party in 2018. Nujaify's *Muttahidun*, previously the strongest Sunni party with 14 seats, failed to win a single seat this time. *Azm* Coalition, the main competitor of *Taqadum* for the Sunni vote, obtained 13 seats.

The third (*ex aequo* with the State of Law Coalition) and fifth rank went to two Kurdish parties. KDP rose from 25 seats in 2018 to 33 now, while PUK despite negative prognoses due to its leadership struggle only fell from 18 seats in 2018 to 15 now. New Generation appeared to have taken over the opposition role in the KRI from *Gorran*, as it apparently took over the 5 seats held by *Gorran* since 2018 and rose from 4 to 9 seats, while *Gorran*, in coalition with PUK, did not obtain any seat.

Nine seats for *Imtidad*, one of the three *Tishreen* parties contesting, came as a surprise, equally as a drop from 61 seats in 2018 (if the seats of both leaders' parties are counted together) to only 4 seats for the Alliance of State Forces co-led by Hakim and Abadi. Hakim originally congratulated the election winners, but a few days later joined a statement of the *Fatah* Coalition-led "Coordinating Committee of the Resistance/*muqawama* factions", which announced "its appeal against the preliminary results and its non-acceptance" and called to "take all measures to prevent voter manipulation".

Three new parties showed remarkable results: *Ishraqat Qanun*, founded by Shiite cleric Jawad al-Khoei, obtained 6 seats, *Tasmim* Coalition led by Asaad al-Idani, the Governor of Basrah, won 5, and

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<sup>94</sup> Baghdad-Rusafa 33 per cent, Baghdad-Karkh 36 per cent vs. Ninewa 48 per cent, Diyala 49 per cent, Salah Al-Din 51 per cent.

the National Contract Party, led by the leader of the Popular Mobilisation Committee, Falih al-Fayyad, won 4 seats with Shiite and Sunni candidates from the PMF spectrum.

The most unexpected elements of the elections were the serious defeats of the *muqawama* forces mainly backed up by Iran and the main moderate Shiite alliance, as well as the strong showing of both *Taqadum* and *Tishreen* movement-affiliated candidates. About a dozen of the elected independent candidates have some *Tishreen* background and could constitute a sizeable force together with the nine *Imtidad* seats. This might enable them to play a considerable role in shaping the new government. According to most analysts, these changes were mainly attributable to the new election law – based on the SNTV system and dividing Iraq in 83 smaller constituencies – which has seemingly rewarded parties who were capable of strategizing electoral tactics and using the new system to their benefit.

According to preliminary results, 97 women were elected, including two women from minorities. This is the highest number of women so far in any parliamentary elections since 2003 and 14 women more than required by the constitutional quota of 83 women, at least one per constituency.<sup>95</sup> Out of them, 57 were elected based on the number of votes received, while 40 were elected thanks to the quota provisions.

The IHEC’s lengthy proceedings and lack of clear communication earned it criticism, mainly from the losing forces, who claimed “stolen votes” and manipulated tabulation. Hadi al-Amiri, the leader of *Fatah* Coalition representing the majority of PMF/*Hashd* groups, stated: “We do not accept these fabricated results, whatever the cost”. On social media, several accounts and channels linked to Iran-backed groups insulted and seriously threatened the UNAMI and its electoral staff. Less radical narratives called for dismissal of the prime minister and new elections within six months. However, protests on the ground did not escalate beyond small-scale street protests and blockades with burning tyres.

**Preliminary results published by the IHEC per constituency as of 21 October and calculated countrywide by the EU EOM:**

Party/coalition	Number of seats won
Sadrists	73
Independent candidates	40
Taqadum Alliance	37
State of Law Coalition	33
Kurdistan Democratic Party – KDP	33
Patriotic Union of Kurdistan – PUK (nominally Kurdistan Alliance)	15
Fatah Coalition	14
Azm Coalition	13
New Generation	9
Imtidad	9
Ishraqat Qanun	6
Tasmim Coalition	5

<sup>95</sup> In 2005, only 70 women were elected, in 2010 and 2014 83 women each, and in 2018 84 women. Although the figures suggest an increase in female participation over time, this was not the case, as the number of CoR seats was increased from 275 in 2005 to 325 in 2010 to 328 in 2014 to 329 in 2018, so the percentage of elected women remained each time between 25.3 and 25.5 per cent, just complying with the 25 per cent quota regulation. The 2021 elections increased women representation for the first time beyond the legal minimum.

<b>Kurdistan Islamic Union</b>	<b>4</b>
<b>Aqd - National Contract Coalition</b>	<b>4</b>
<b>Babylon Movement (Christian minority seats)</b>	<b>4</b>
<b>Alliance of National State Forces</b>	<b>4</b>
<b>Jamahiruna Hawiatuna Coalition</b>	<b>3</b>
<b>Hassim Reform Movement</b>	<b>3</b>
<b>Turkmen Front</b>	<b>2</b>
<b>National al-Sanad Gathering</b>	<b>2</b>
<b>Arab Coalition in Kirkuk</b>	<b>1</b>
<b>National Jamaheer</b>	<b>1</b>
<b>Iraqi National Project</b>	<b>1</b>
<b>National Product</b>	<b>1</b>
<b>Iqtidar</b>	<b>1</b>
<b>Wasit Peoples' Autonomous Gathering</b>	<b>1</b>
<b>National Hopes Coalition</b>	<b>1</b>
<b>National Nahj Coalition</b>	<b>1</b>
<b>Euphrates River</b>	<b>1</b>
<b>Kurdistan Justice League</b>	<b>1</b>
<b>National Biladi Movement</b>	<b>1</b>
<b>Hukook Movement</b>	<b>1</b>
<b>Ataa Movement</b>	<b>1</b>
<b>Yazidi Progress Party</b>	<b>1</b>
<b>Watan Party</b>	<b>1</b>
<b>Sincerity and Change Block</b>	<b>1</b>
<b>TOTAL</b>	<b>329</b>

## XVIII. RECOMMENDATIONS

NO.	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL / REGIONAL PRINCIPLE / COMMITMENT
<b>LEGAL FRAMEWORK</b>					
1	<p>The right to vote is granted to Iraqi citizens that are at least 18 years in the election year, are on the voter register, in possession of an electronic voting card and specific identification documents. In addition, they must be ‘fully competent’, i.e. must have full legal capacity. Such a restriction runs contrary to provisions of CRPD, especially in light of the 1951 Civil Code allowing for a broad deprivation of legal capacity on the basis of mental and intellectual disabilities. (FR page 11).</p>	<p><b>Priority recommendation:</b> <b>Remove the requirement for voters to have full legal capacity in order to bring the provision in line with international human rights commitments.</b></p>	<p>Election Law, article 5.2</p>	<p>CoR</p>	<p><b><i>Right and opportunity to vote</i></b> <b>ICCPR, art. 25 (b):</b> “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions : (a) to take part in the conduct of public affairs, directly or through chosen representatives (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.” <b>CRPD, art.12: 1.</b> “States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law. CRPD art: 29: States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to: (a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected.”</p>
2	<p>The right to stand for election is granted to Iraqi citizens that are ‘fully competent’, at least 28 years old and in possession of a high school diploma and without a conviction for certain crimes. Candidates also must not fall under the provisions of the Law on the Commission for Accountability and Justice. Despite some restrictions having been relaxed compared with previous legislation, namely the age</p>	<p><b>Priority recommendation:</b> <b>Remove unreasonable restrictions on the right to stand, <i>inter alia</i>, education and all political affiliation requirements; lower the age requirement.</b></p>	<p>Election Law, article 8</p>	<p>CoR</p>	<p><b><i>Right and opportunity to participate in public affairs and hold office</i></b> <b>ICCPR, art. 25 and General Comment no 25, par.15 and 16</b> “... Any restrictions on the right to stand for election, such as minimum age, must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation...States parties should indicate and explain the legislative provisions which</p>

NO.	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL / REGIONAL PRINCIPLE / COMMITMENT
	and education minimum requirements, the provisions regulating the right to stand for election still contain undue limitations and are incompatible with international commitments. (FR page 16).				exclude any group or category of persons from elective of-fice.”
<b>ELECTORAL ADMINISTRATION</b>					
3	The IHEC public outreach was not effective, with a limited level of openness shown to electoral actors and voters. There is a need to communicating clearly and regularly with stakeholders, explaining decisions and actions, and in particular the use of technologies and the IHEC capacity to manage those technologies. (FR page 13).	Transparency of the IHEC to be further increased by timely publication of all information of public interest, including all IHEC decisions and regulations in both Arabic and Kurdish, and by regular consultations with stakeholders.	No change	IHEC	<p><b>Transparency and access to information</b>  <b>ICCPR, GC,34, para. 19:</b> “To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information.”  <b>UNCAC, article 10:</b> “Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. [...]”</p>
4	For the first time, an independent audit firm (Hensoldt from Germany) assessed the integrity of the electronic counting and results management IT system. However, the results of the audit certification were not made available to the public. (FR page 13).	As a key transparency measure, the IHEC to maintain the independent third-party audit of IT systems for future elections and ensure that audit reports are publicly disclosed.	No change	IHEC	<p><b>Transparency and access to information</b>  <b>ICCPR, GC,34, para.19:</b> “To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information.”  <b>UNCAC, article 10:</b> “Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate.”</p>



NO.	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL / REGIONAL PRINCIPLE / COMMITMENT
5	While the IHEC gained IT experience and operational expertise in the use of electronic devices over the years, it remains overly dependent on technical support provided by the vendor company, including for sensitive election day operations that should fall exclusively under the IHEC's control. (FR page 13).	Develop the IT skills within the IHEC necessary to oversee and administer all aspects of the election process, including the tabulation of results.	Election Law	CoR, IHEC	<p><b>Transparency and access to information</b>  <b>ICCPR GC 25, para. 20:</b> "An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant."  <b>UNCAC, article 10:</b> "Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate."</p>
<b>CONSTITUENCY DELIMITATION</b>					
6	In the absence of a census since 1997 and consequently of reliable population data, ascertaining whether equality of the vote is ensured by the current delimitation is practically impossible. (FR page 11, 12).	A nationwide population census to be held and serve as a basis for new constituency delimitation and seats allocation, including for national minorities reserved seats, to better guarantee the principle of equal suffrage.	Election Law	CoR, IHEC	<p><b>Equal suffrage</b>  <b>ICCPR, art. 25 and General Comment no 25, par.21:</b> "The principle of one person, one vote, must apply, and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely."</p>
<b>VOTER REGISTRATION</b>					
7	Around 17.2 million Iraqis are biometrically registered, in addition to some 5 million voters who could vote using the old non-biometric, electronic voter cards (EVCs) acquired before the 2014 and 2018 elections. The voter register and its geographic attribution of voters to locations is based	The IHEC to ensure that all eligible voters are included in the future biometric voter registration process.	No change	IHEC	<p><b>Right and opportunity to vote</b>  <b>ICCPR article 25:</b> "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions (...) (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors."</p>



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	<p>on the Public Distribution System (PDS) food registry from the Oil-for-Food Programme maintained by the Ministry of Trade. In this system, voters are assigned to polling stations based on the location of their food distribution centre and not to their home address. This system remains the population data base used by the IHEC. (FR page 15).</p>				<p><b>ICCPR, GC 25, para. 11:</b> “States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed.”</p>
<b>VOTER EDUCATION</b>					
8	<p>All stakeholders pointed to the lack of a robust voter education programme, and the need for a stronger engagement of the IHEC to better address the low level of election participation.</p> <p>Information on the adoption of the new electoral system, the overall electoral process, the use of two different ballot papers for special and general voting, and especially on how to vote was lacking. (FR page 14).</p>	<p>The IHEC to engage in civic and voter education activities throughout the electoral cycle and across the country, in both Arabic and Kurdish language, and specially aiming at first-time voters, women, minority groups and IDPs.</p>	<p>Election Law</p>	<p>CoR, IHEC</p>	<p><b>Transparency and access to information</b>  <b>ICCPR. Article 19 (2):</b> “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”  <b>ICCPR, GC 34, para. 19:</b> “To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information.”  <b>ICCPR GC 25, para. 25:</b> “Positive measures should be taken to overcome specific difficulties, such as illiteracy, language barriers, poverty, or impediments to freedom of movement which prevent persons entitled to vote from exercising their rights effectively.”</p>
<b>REGISTRATION OF CANDIDATES AND POLITICAL PARTIES</b>					
9	<p>The election law is silent on disqualification of candidates after registration has been concluded. An IHEC regulation grants the IHEC the right to revoke <i>ex officio</i> a candidature due to violations and even bar the candidate from contesting</p>	<p>Grounds for revocation of registered candidatures to be well defined and established in the law. Further sanctions on candidates for breach of law should abide by the principle of proportionality.</p>	<p>Election Law</p>	<p>CoR</p>	<p><b>Rule of Law</b>  <b>UN Report of the SG, S/2004/616:</b> “The ‘rule of law’... refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally</p>

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	<p>the next or next two elections. The regulation, however, does not define which specific violations would constitute grounds for disqualification nor does it establish any proportionality between violations committed and the severity of sanctions, which could result in arbitrary and discriminatory implementation. Moreover, the regulation invoked in the IHEC decisions that disqualified five candidates is not published on its website. Candidates have had their candidature revoked based solely on the judgement of the IHEC Board of Commissioners that there have been violations of Criminal Code provisions, without always specifying which provisions were breached, and with no corresponding court decision. These gaps, imprecisions, lack of transparency, lack of proportionality in sanctions undermine legal certainty and the principle of legality. (FR page 16, 17).</p>				<p>enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.”</p> <p><b>ACHR, art. 15:</b> “No crime and no penalty can be established without a prior provision of the law. In all circumstances, the law most favourable to the defendant shall be applied.”</p>
<b>CAMPAIGN FINANCE</b>					
10	<p>Although current legislation (Political Parties Law 36/2015, articles 42 – 44) contemplates direct public funding of political parties, state subsidies are currently not paid out due to lack of a valid regulation, thus not providing measures to level the playing field in terms of political financing. (FR page 19).</p>	<p>Undertake the necessary steps to implement public financing of political parties in order to provide a level playing field for campaigning, taking into account the new phenomenon of independent candidates. State subsidies be subject to meaningful scrutiny conducted by the IHEC.</p>	<p>New regulation to be issued by a committee consisting of representatives of the IHEC and the prime minister’s office.</p>	<p>Committee consisting of representatives of the IHEC and the prime minister’s office; CoR</p>	<p><b>Prevention of corruption/Fairness in the election campaign</b> <b>ICCPR, art. 25:</b> “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country.”</p>

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					<p><b>UNCAC, art. 7.3:</b> “Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.”</p> <p><b>ICCPR, art. 19 (1):</b> “Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order, or of public health or morals.”</p>
11	<p>The amount a political party or independent candidate can spend on campaigning is not regulated, and therefore there are no campaign spending limits in place. There is no limit on the amount or in-kind contribution a donor can give to a political party or candidate. It remains unclear if donors may later participate in public tender and procurement processes. Political parties must submit an annual report on their finances; however, despite its legal obligation to scrutinize party funds and expenditures, the IHEC</p>	<p><b>Priority Recommendation: Introduce limits on donations, including in-kind, and on campaign spending to enhance transparency and accountability of political financing, including online political advertising. Oversight to be appropriately resourced and defined, and with strong administrative enforcement and sanctioning powers, able to ensure timely publication of all political party finance reports.</b></p>	<p>New law or amendment to Political Parties Law 36/2015</p>	<p>CoR</p>	<p><b>Prevention of corruption/Fairness in the election campaign</b></p> <p><b>ICCPR, art. 25 (b) :</b> “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.”</p> <p><b>ICCPR, art. 25 (c):</b> “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (c) To have access, on general terms of equality, to public service in his country.”</p>

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	<p>does not sufficiently monitor how political parties and candidates obtain money to finance their campaigns. Sanctions are not a sufficient deterrent, as the only immediate sanctions for political finance infraction are suspension of de facto non-existent public funding and the initiation of a multi-step legal process, which after a decision of Iraq's Supreme Electoral Court may eventually lead to deregistration of the party, a case so far never occurred. (FR page 20).</p>				<p><b>ICCPR GC 25, para. 19</b> : “Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party.”</p> <p><b>UNCAC, art. 7.3</b>: “Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.”</p> <p><b>UNCAC, art. 13.1 (b)</b>: “Each State Party shall take appropriate measures (...) such measures as: (b) Ensuring that the public has effective access to information.”</p>
<b>MEDIA</b>					
12	<p>Laws include disproportionate and vague provisions which can be used to curtail freedom of expression. (FR page 20, 21).</p>	<p><b>Priority recommendation:</b> <b>Accurately define and decriminalise defamation, libel and legitimate information actions in line with international obligations.</b></p>	<p>Amend: -Iraqi Penal Code (Law No. 11/1969) (Articles 156, 201, 202, 208, 210, 211, 214, 215, 222, 226, 227, 229, 372 (1) and (5) and Section Four crimes (Articles 433 to 438)). In KRI amend - Law (No. 21/2003) that amends Article 156 of the Iraqi</p>	<p>CoR, KRI Parliament</p>	<p><b>Freedom of opinion and expression</b> <b>ICCPR, art. 19.2</b>: “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” <b>ICCPR, General Comment (GC) 34, para. 47</b>: “States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty.” <b>ICCPR, GC 34, para. 11</b>: Sub paragraph 2 requires States parties to guarantee the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds regardless frontiers. <b>ICCPR article 19, GC 34, para.: 33</b>: “Restrictions must be “necessary” for a legitimate purpose”.</p>

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			Penal Code, Law (No. 6/2008) to Prevent the Misuse of Telecommunications Equipment in the KRI.		
13	Journalists, social media journalists and citizen journalists were threatened, targeted, attacked, and forced to flee their home/region/country due to their reporting on corruption and politics or other sensitive issues. In most cases, there was a clear lack of investigation and prosecution, and impunity for perpetrators prevailed. (FR page 21, 22).	To strengthen effective and independent investigation and prosecution by the police and the judiciary, in order to protect journalists, social media journalists and citizen journalists when threatened, targeted, or attacked.	Specific amendments to the Penal Code, Criminal procedure Code/Law, Ministry of Interior and/or Ministry of Justice regulations	CoR, Ministry of Interior, Ministry of Justice	<p><b><i>Freedom of opinion and expression, Right to security of the person</i></b>  <b>ICCPR, art. 19.2:</b> see above recommendation no. 12.  <b>ICCPR, GC 34, para. 23:</b> “States parties should put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression. (...) Journalists are frequently subject to such threats, intimidation and attacks (...) [also those] who publish human rights-related reports, including judges and lawyers. All such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims or, in the case of killings, their representatives, be in receipt of appropriate forms of redress”.</p>
14	Communication and Media Commission (CMC) lacked transparency when issuing decisions in relation to the media, including sanctions/warnings concerning broadcast media. (FR page 22).	To publish decisions, including warnings and sanctions, on the CMC website in due time.	CMC internal regulations	CMC	<p><b><i>Transparency and access to information</i></b>  <b>ICCPR, art. 19.2:</b> see above recommendation no. 12.  <b>GC 34 para. 13:</b> “A free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights (...). The free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential.”  <b>GC 34, para.18:</b> “Article 19, paragraph 2 embraces a right of access to information held by public bodies. Such information includes records held by a public body, regardless of the form in which the information is stored, its source and the date of production.”</p>

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					<p><b>GC 34, para.19:</b> “To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information.”</p>
15	<p>On public media access of candidates/independent candidates to free airtime was not inclusive and not broadcast on primetime; news programme did not cover election campaign following the decision by the Iraqi Media Network (IMN). This restricted voters’ right to make an informed choice. (FR page 22, 23).</p>	<p>Free airtime/space to be offered equally to all candidates on prime time by the public broadcast and print/online media; election campaign to be covered pluralistically also in all news programmes and sections.</p>	<p>IHEC media and campaign-related regulations to be updated accordingly, CMC regulations, IMN regulations</p>	<p>IHEC, IMN, CMC, CoR, political parties</p>	<p><b>Prevention of corruption/Fairness in the election campaign</b>  <b>ICCPR, art. 25.b:</b> “Every citizen shall have the right and the opportunity (...) without unreasonable restrictions, to vote and to be elected.”  <b>ICCPR, GC 25, para. 15:</b> “The effective implementation of the right and the opportunity to stand for elective office ensures that persons entitled to vote have a free choice of candidates (...). No person should suffer discrimination or disadvantage of any kind because of that person’s candidacy.”  <b>ICCPR, art. 19.2:</b> see above recommendation no. 12.  <b>GC 34, art. 16:</b> “States parties should ensure that public broadcasting services operate in an independent manner. In this regard, States parties should guarantee their independence and editorial freedom. They should provide funding in a manner that does not undermine their independence.”  <b>GC 34 para. 20:</b> “The free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues and to inform public opinion without censorship or restraint.”</p>
<b>SOCIAL MEDIA</b>					
16	<p>The prevalence of online surveillance and harassment by state and non-state actors over the last two years has endangered social media users, including during election period. While the collection of bio-</p>	<p><b>Priority recommendation:</b>  <b>Adopt a comprehensive data protection law and oversight mechanism to guarantee citizens the right to privacy of their personal data, and protection against pervasive</b></p>	<p>New law on data protection</p>	<p>CoR</p>	<p><b>Right to privacy</b>  <b>ICCPR, article 17:</b> “No one shall be subjected to arbitrary or unlawful interference with his privacy... Everyone has the right to the protection of the law against such interference or attacks.”</p>

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	metric data is progressing, some interlocutors have voiced concerns over the lack of proper law and oversight mechanism to protect citizen's personal data. Moreover, interlocutors reported the usage of unsolicited political text and WhatsApp messages to reach out to voters, before and after the elections. (FR page 26).	<b>tracking of individuals and their activities online, as well as against unsolicited information, including political propaganda.</b>			<p><b>ICCPR, GC 16, para. 10:</b> "The gathering and holding of personal information on computers, data banks and other devices, whether by public authorities or private individuals or bodies, must be regulated by law."</p> <p><b>ICCPR, GC 34, para. 18:</b> "every individual should have the right to ascertain in an intelligible form, whether, and if so, what personal data is stored in automatic data files, and for what purposes."</p>
17	The EU EOM has observed repeated instances of insults and attacks against women candidates, journalists and human rights activists, both in Kurdish and Arabic. The EU EOM monitoring shows that women have been particularly targeted by gender-based inflammatory speech and disinformation. Together with existing barriers to freedom of expression online, this impaired the inclusiveness of the political debate online. The IHEC was conducting limited social media monitoring on an ad hoc basis, due to a reported shortage of manpower, tools, and skills. (FR page 27).	To foster the inclusiveness of the political debate online and the participation of women in public life, the CMC and the IHEC could consider reinforcing their online monitoring of campaign violations online, especially gender-based violations.	IHEC Regulation, CMC Regulation	IHEC, CMC	<p><b><i>Prevention of corruption/Fairness in the election campaign, Women's participation in public affairs/Equality between men and women</i></b></p> <p><b>ICCPR, article 3:</b> "The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant."</p> <p><b>CEDAW, article 7:</b> "... take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: ...(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government."</p>
<b>PARTICIPATION OF PERSONS WITH DISABILITIES</b>					
18	The electoral legislation is silent on ways to ensure and facilitate the exercise of political rights by PwD. There is no provision that compels the IHEC to take special measures. PwD faced many hindrances, firstly reaching the polling station and secondly, casting their ballot. Persons with mobility issues could not easily approach the polling station due to barriers	Bring legislation in line with international commitments by including provisions to ensure participation of persons with disabilities in the electoral process and to allow them to effectively exercise their right to vote in an independent manner that would respect the secrecy of their vote. The IHEC to include specific	Election Law, IHEC Regulations	CoR, IHEC	<p><b><i>Right and opportunity to participate in public affairs and hold office</i></b></p> <p><b>CRPD art.4:</b> "States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake: (a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention; (b) To</p>



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	<p>erected for security purposes. In addition, many polling stations were located above the ground floor in buildings that lack elevators... PwD themselves have however stressed that they would prefer to have in place mechanisms enabling them to vote independently and unassisted and cited the secrecy of their vote as a concern. Proposals to the IHEC for printing of ballot papers jackets in Braille and hiring a roving, available on call sign language interpreter for each district were not acknowledged or implemented. (FR page 31).</p>	<p>measures in the regulatory framework.</p>			<p>take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities.” <b>CRPD art.29:</b> “States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to: (a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by: (i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use; (ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate; (iii) Guaranteeing 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.”</p>
<b>PARTICIPATION OF WOMEN</b>					
19	<p>If the quota is not met naturally through election results, i.e. if less than 83 women are returned, only then a replacement mechanism is activated. The relevant provision of the Election Law lacks clarity and appears to contradict the constitutional principle of 25 per cent as a minimum, as well as another Election Law</p>	<p>Amend the current provisions on women seat allocation with the aim to clarify them. Pertinent provisions and regulations to be drafted in compliance with the constitutional principle of a minimum 25 per cent female representation.</p>	<p>Election Law article 16, IHEC Regulations</p>	<p>CoR, IHEC</p>	<p><b><i>Women’s participation in public affairs/Equality between men and women</i></b> <b>CEDAW, art. 7:</b> “States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: ... To participate in the formulation of government policy and the</p>

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	<p>provision that repeats the said principle. In addition, the Election Law states that in case a woman loses the seat in the CoR, it is not required that another woman replaces her, unless it impacts the quota on constituency level. (FR page 28).</p>				<p>implementation thereof and to hold public office and perform all public functions at all levels of government.” <b>Constitution of Iraq, art. 49.4:</b> “The election law shall aim to achieve a percentage of representation for women of not less than one quarter of the members of the Council of Representatives.”</p>
<b>ELECTORAL DISPUTES</b>					
20	<p>The legislation does not contain any provisions on deadlines for submission and adjudication of complaints at administrative level and few provisions regarding legal standing. These aspects are mostly governed by IHEC regulations. The fact that crucial aspects of the electoral dispute resolution mechanism are not codified in the legislation, but left instead to the regulatory power of the election administration, does not ensure legal certainty. In addition, it brings into question the protection of the right to an effective legal redress, since essential rules of the procedure are not always known well in advance by contestants and voters and can furthermore be defined in a discretionary manner that is not subject to the checks of the legislative process... The Election Law compels the IHEC to announce results within 24 hours from the closing of the polls; however, as per IHEC regulation, complaints on election day procedures may be filed within 48 hours from election day. This discrepancy in the</p>	<p><b>Priority recommendation:</b> <b>Establish in the law clear deadlines and competencies about each distinct stage of electoral dispute resolution. Deadlines for election day complaints that may affect election results must allow for resolution before the announcement of results.</b></p>	Election Law	CoR	<p><b>Right to effective remedy</b> <b>ICCPR 2.3:</b> “Each State Party to the present Covenant undertakes:(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy...; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) To ensure that the competent authorities shall enforce such remedies when granted.”</p>

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	deadlines leads to results being announced while related complaints are still pending. (FR page 32, 33).				
<b>POLLING, COUNTING AND TABULATION</b>					
21	<p>Despite some initial challenges in recruitment, around 350,000 polling staff were employed and trained, with special attention given to operating the electronic devices and conducting the manual count.</p> <p>Possibly due to poor training of polling staff, difficulties in the uniform implementation of procedures throughout election day, including the ones related to protection of the secrecy of the vote, were noticeable. (FR page 14).</p>	<p>Training of polling staff to be reinforced to ensure a uniform implementation of procedures throughout all polling stations and the secrecy of the vote.</p>	No change	IHEC	<p><b><i>Right and opportunity to vote</i></b>  <b>ICCPR article 25:</b> “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions (...) (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.”  <b>ICCPR article 25(b):</b> “Every citizen shall have the right] to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.”</p>
22	<p>Constituency results with number of votes per candidate were available on the IHEC website and they were also broadcast on public television channel and on the IHEC social media platforms. However, disaggregated statistics pertaining to polling station results, constituency-based valid and invalid ballots, gender and first-time voters’ participation, were not available. (FR page 37).</p>	<p><b>Priority recommendation:</b>  <b>To increase transparency and public trust in the electoral process by publishing progressive results during the tabulation process, and by publishing both preliminary and final results broken down by polling station.</b></p>	Election Law	CoR, IHEC	<p><b><i>Transparency and access to information</i></b>  <b>ICCPR GC 43, para.19:</b> “To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information.”  <b>UNCAC article 10:</b> “Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate.”</p>

NO.	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL / REGIONAL PRINCIPLE / COMMITMENT
23	<p>There was a limited information readily available on the daily schedule and progress of the verification process, and the overall IHEC communication regarding the process was poor even with the public television station broadcasting live from the centre. The media was invited although without recording equipment. (FR page 22, 23, 35, 36).</p>	<p>The IHEC to guarantee accredited political party agents, candidates, observers, and all media, including broadcast media, full access to all stages of the electoral process, including access to all polling centres and to the tabulation of results at the national tabulation centre.</p>	<p>Election Law</p>	<p>CoR, IHEC</p>	<p><b>Transparency and access to information</b>  <b>ICCPR GC 43, para.19:</b> “To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information.”  <b>UNCAC article 10:</b> “Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate.”</p>

## **XIX. ANNEXES**

## Annex 1 - Media Monitoring Findings - EU EOM Iraq 2021



*A journalist from the public television channel Al Iraqiya News reporting from the IHEC headquarters in Baghdad on 26 October 2021 - ©EU EOM Iraq 2021*

The EU EOM conducted a quantitative media monitoring of all election-related programmes (news, debates, interviews, free airtime, paid political ads and voter education) on three television channels (Al Iraqiya News, Al Sharqiya News and Rudaw), from 24 September to 8 October. The media monitoring was conducted by a team of seven Iraqi Arabic and Kurdish-speaking media monitors, including a media assistant, headed by a media analyst.

The media monitoring provided data on the media's coverage of the elections to assess: the access granted to the coalitions, political parties, candidates and independent candidates in the media and whether this coverage was fair and balanced; the tone of media coverage towards the political entities and candidates, including possible use of defamation, fake news and hate speech; whether the electoral process was covered in an unbiased and equitable manner in the public and private media monitored; whether the electorate received diverse and comprehensive information in order to make an informed choice on election day, especially from the public media.

The programmes of the main public television channel, Al Iraqiya News, and the two main private Arabic and Kurdish-speaking television channels, Al Sharqiya News and Rudaw respectively, were recorded daily from 6 p.m. to 12 a.m. from 24 September to 8 October and analysed, using a dedicated software, and following the EU EOM media monitoring methodology.<sup>1</sup>

<b>Quantitative media monitoring (24 September to 8 October)</b>			
<b>Television channel</b>	Al Iraqiya News	Al Sharqiya News	Rudaw
<b>Public/private media</b>	Public	Private	Private
<b>Location</b>	Baghdad	Baghdad	KRI
<b>Main language</b>	Arabic	Arabic	Kurdish
<b>Daily time slot</b>	6 p.m. – 12 a.m.	6 p.m. – 12 a.m.	6 p.m. – 12 a.m.

<sup>1</sup> See section 4.8 Media, p.78-84, *Handbook for European Union Election Observation*, third edition, 2016, EODS [https://www.eods.eu/library/EUEOM\\_Handbook\\_2016.pdf](https://www.eods.eu/library/EUEOM_Handbook_2016.pdf)

As for qualitative analysis of television channels, the sample included the three above television channels monitored quantitatively plus a selection of seven other television channels – four Arabic-speaking television channels (Alsumaria TV, Al Ahad, Al-Etejah, Dijlah) and three Kurdish-speaking television channels (K24, KurdsatNews, NTV) – monitored according to election-related events and randomly (see table below).

<b>Qualitative media monitoring (18 September to 31 October)</b>				
<b>Baghdad-based</b>				
<b>Television channel</b>	Alsumaria TV	Al Ahad	Dijhla	Al-Etejah <sup>2</sup>
<b>Public/private media</b>	Private	Private	Private	Private
<b>Main language</b>	Arabic	Arabic	Arabic	Arabic
<b>Kurdistan Region of Iraq (KRI)</b>				
<b>Television channel</b>	K24	KurdsatNews	NRT	
<b>Public/private media</b>	Private	Private	Private	
<b>Main language</b>	Kurdish	Kurdish	Kurdish	

In total, twelve television channels were recorded 24/7 from 24 September to 31 October (see table below).

#	TV channel (main language)	Type of media monitoring
<b>Baghdad-based channels</b>		
1	Al Iraqiya News (Arabic)	Quantitative / Qualitative
2	Al Sharqiya News (Arabic)	Quantitative / Qualitative
3	Al Sumaria (Arabic)	Qualitative
3	Al Ahad (Arabic)	Qualitative
5	Dijlah (Arabic)	Qualitative
<b>Kurdistan Region of Iraq (KRI)-based channels</b>		
6	Rudaw (Kurdish)	Quantitative / Qualitative
7	K24 (Kurdish)	Qualitative
8	Kurdsat News (Kurdish)	Qualitative
9	NRT (Kurdish)	Qualitative
<b>International channels (based abroad)</b>		
10	Al Arabiya News (Arabic)	Qualitative
11	Al Jazeera News (Arabic)	Qualitative
<b>Additional channel</b>		
12	Al-Etejah (Arabic)	Qualitative

Also, the Facebook pages and/or Twitter accounts in Arabic and/or Kurdish language of a majority of the above-mentioned television channels were monitored randomly on a rolling basis during the period of observation, as well as a representative sample of the main news websites in Arabic and Kurdish (see tables below).

<sup>2</sup> Al-Etejah was monitored with a specific focus following the IHEC announcement of the initial preliminary results on 11 October, since this television channel was giving huge coverage to the Fatah Coalition and PMF-linked protesters rejecting the results.



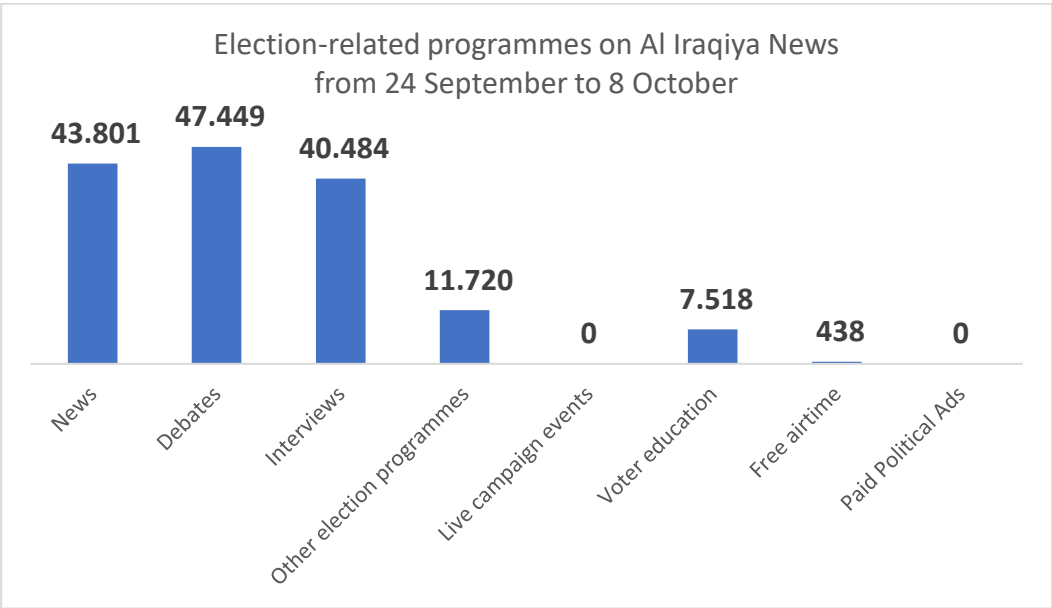
Qualitative media monitoring – Baghdad-based news websites		
Public news websites	Iraqi News Agency (INA)	<a href="https://ina.iq/multimedia/">https://ina.iq/multimedia/</a>
	Al-Saba (daily newspaper)	<a href="https://alsabaah.iq/">https://alsabaah.iq/</a>
Private news websites	Faceiraq	<a href="http://www.faceiraq.org/">www.faceiraq.org/</a>
	Alsumaria News	<a href="http://www.alsumaria.tv/news">www.alsumaria.tv/news</a>
	Nas News	<a href="http://www.nasnews.com">www.nasnews.com</a>
	Shafaq News	<a href="http://www.shafaq.com/ar">www.shafaq.com/ar</a>

Qualitative media monitoring – KRI-based news websites		
Private news websites	Rudaw	<a href="http://www.rudaw.net/arabic">www.rudaw.net/arabic</a>
	Xendan	<a href="https://www.xendan.org/">https://www.xendan.org/</a>
	Xebat	<a href="https://xebat.net/ku">https://xebat.net/ku</a>
	Hawlati	<a href="https://hawlati.co/">https://hawlati.co/</a>
	Zaman Press	<a href="https://www.zamenpress.com/">https://www.zamenpress.com/</a>
	Kurdistani New	<a href="https://knwe.org/">https://knwe.org/</a>



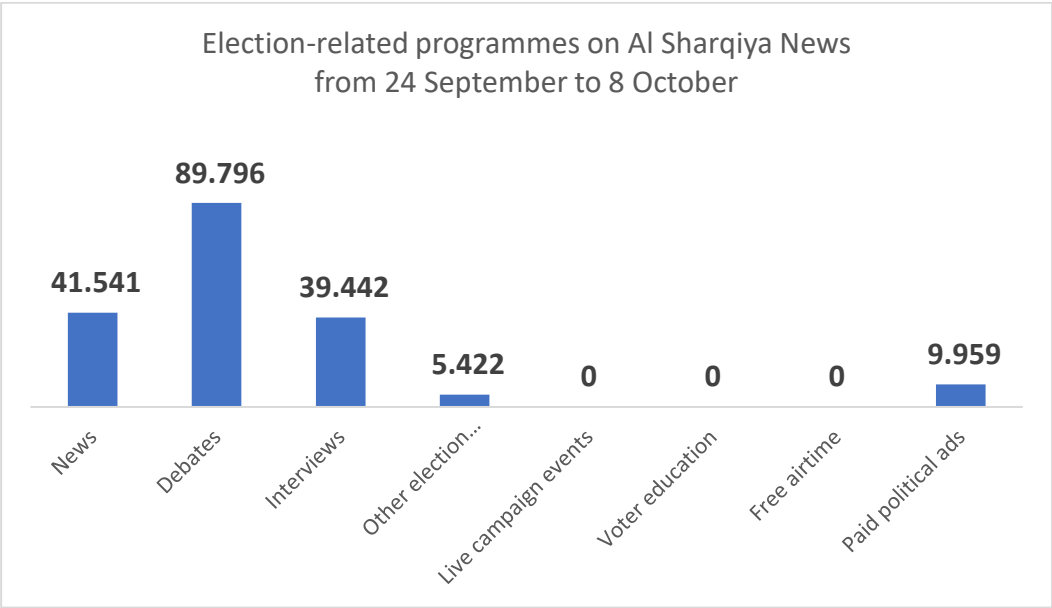
*Television crew on stand-by in a polling station on election day in Baghdad on 10 October 2021 - ©EU EOM Iraq 2021*

**Media monitoring findings**



*Figure 1 (the duration of coverage appears in seconds)*

On the public broadcaster Al Iraqiya News (figure 1), the total time devoted to the election coverage in all programmes during the monitored period from 24 September to 8 October was 42 hours and 3 minutes (151,410 seconds). The breakdown of the coverage by different type of election-related programmes clearly shows that debates (31 per cent), news (29 per cent) and interviews (27 per cent) were the main tools for providing information, with a significant time dedicated also to voter education (5 per cent). It is to be noted that most free airtime for candidates was broadcast in the afternoon, outside of the period monitored (6.p.m.-12 a.m.).



*Figure 2 (the duration of coverage appears in seconds)*

On the main Arabic private television channel Al Sharqiya News (figure 2), the total time devoted to the election coverage in all programmes during the monitored period from 24

September to 8 October was 51 hours and 42 minutes (186,160 seconds). The breakdown of the coverage by different type of election-related programmes clearly shows an important focus on debates (48 per cent) together with news (22 per cent) and interviews (21 per cent), and a strong offer of paid political ads (5 per cent).

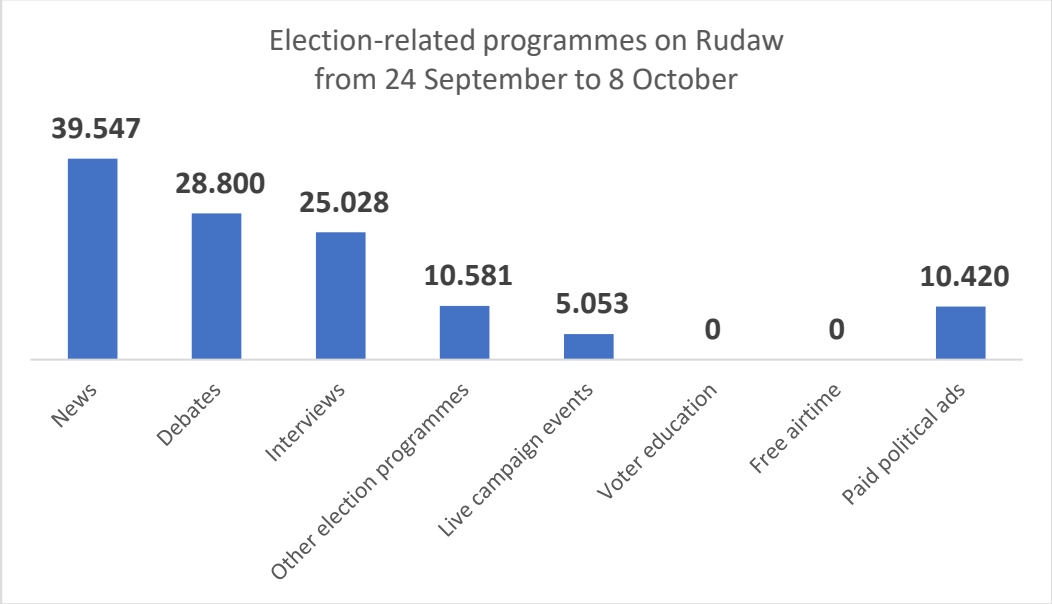


Figure 3 (the duration of coverage appears in seconds)

On the main Kurdish private television channel Rudaw (figure 3), the total time devoted to the election coverage in all programmes during the monitored period from 24 September to 8 October was 33 hours and 10 minutes (119,429 seconds). The breakdown of the coverage by different type of election-related programmes clearly shows an important focus on news (33 per cent), together with debates (24 per cent) and interviews (21 per cent), and a strong offer of paid political ads (9 per cent).

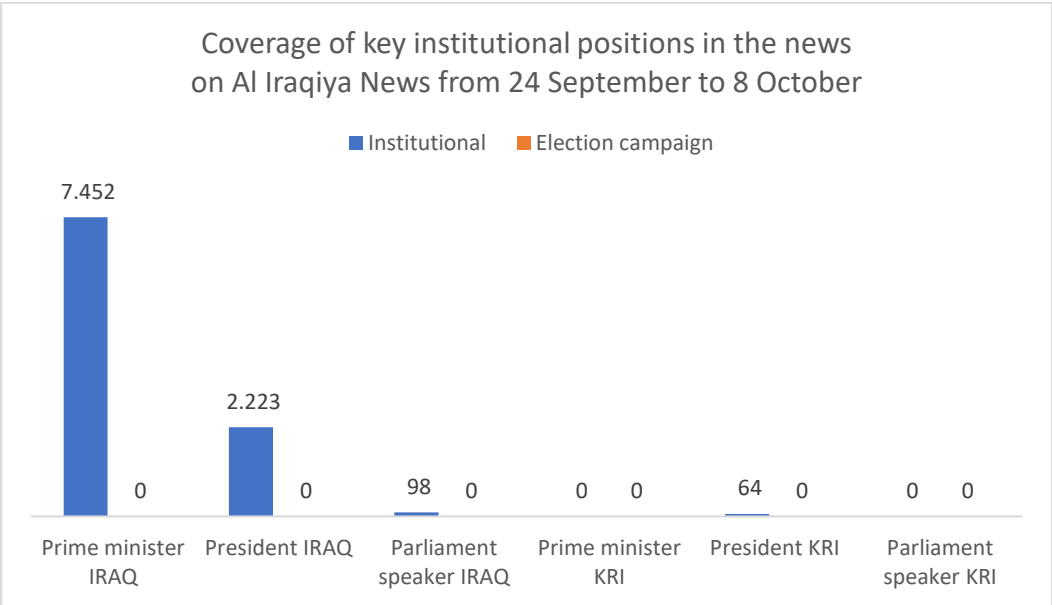


Figure 4 (the duration of coverage appears in seconds)

The prime minister of Iraq and the president of Iraq dominated the institutional coverage in the news programmes on the public broadcaster Al Iraqiya News (figure 4). The content of the coverage was assessed as totally institutional and neutral, with no support being given to any coalition or political party in the election campaign.

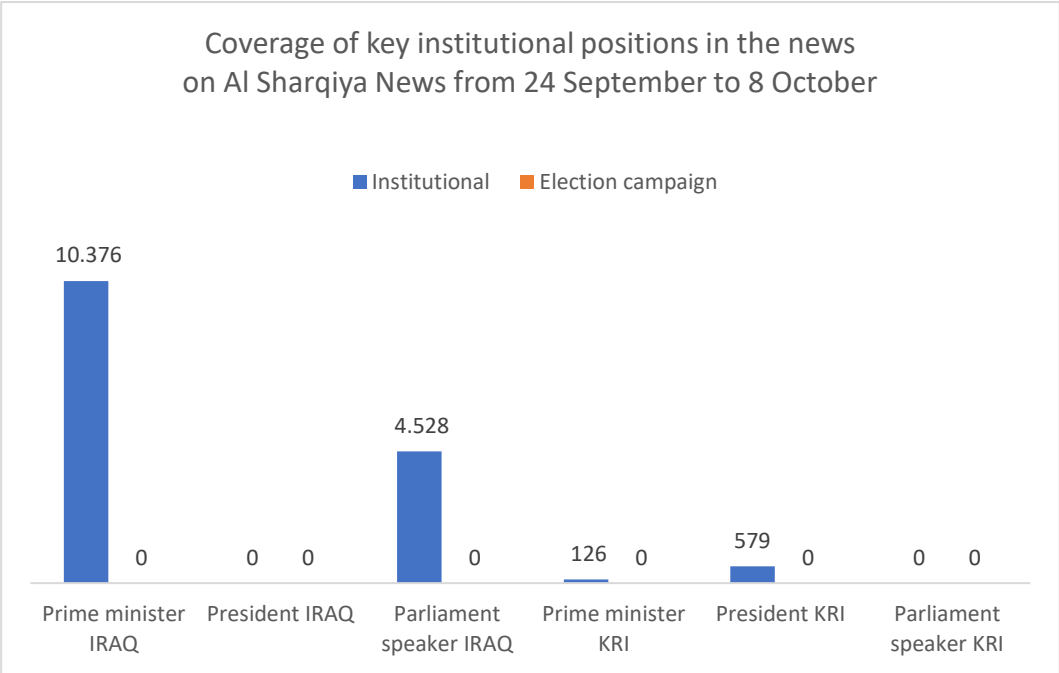


Figure 5 (the duration of coverage appears in seconds)

The prime minister of Iraq and the speaker of the Parliament of Iraq (figure 5) dominated the institutional coverage in the news programmes on the private television channel Al Sharqiya News, with a rather minimal part devoted also to the president and the prime minister of KRI. The content of the coverage was assessed as totally institutional and neutral, with no support being given to any coalition or political party in the election campaign.

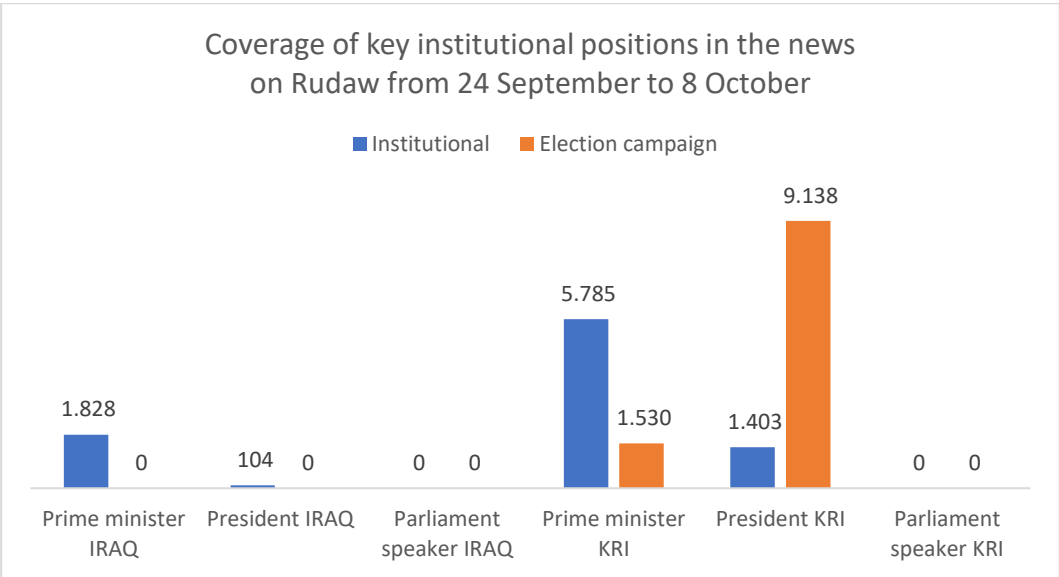


Figure 6 (the duration of coverage appears in seconds)

The president and the prime minister of KRI (figure 6) dominated the institutional coverage in the news programmes on the private Kurdish television channel Rudaw. The content of the coverage of the president of KRI was assessed as mostly partisan in favour of KDP, and partly partisan in favour of KDP in the case of the prime minister of KRI. The coverage of the prime minister of Iraq and of the president of Iraq was assessed as purely institutional, non-partisan and neutral in tone.

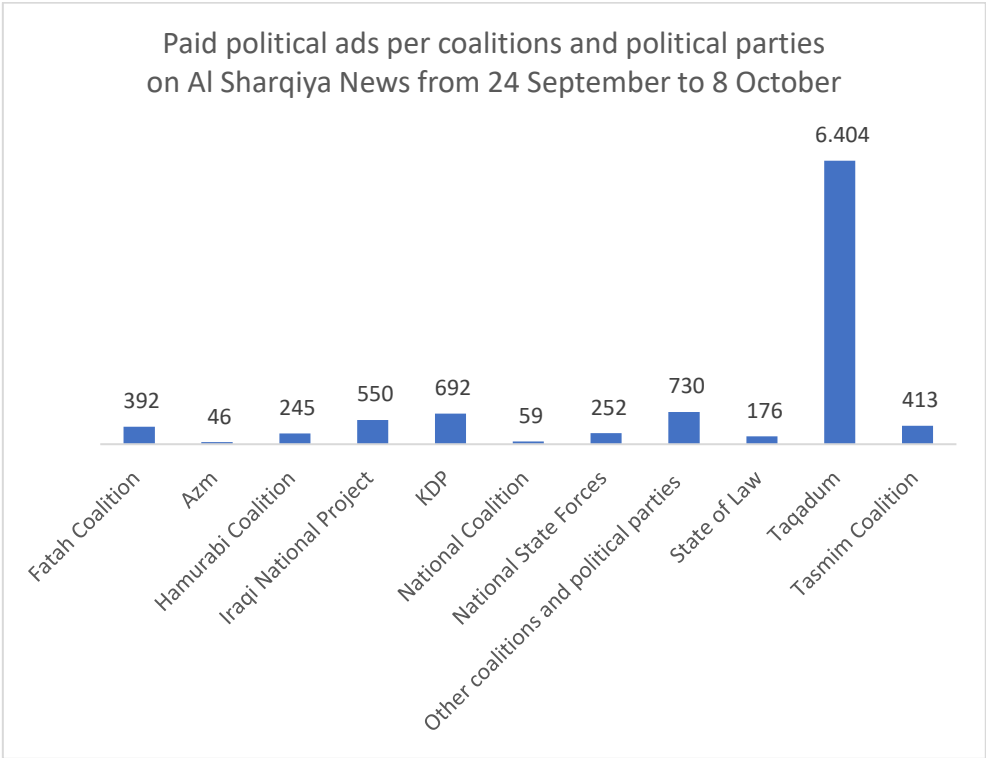


Figure 7 (the duration of coverage appears in seconds)

The breakdown of paid political ads on Al Sharkiya News (see figures 7 and 8) shows an overwhelming dominance of Taqadum Alliance (64 per cent), and a smaller presence of KDP (7 per cent), Fatah Coalition (4 per cent), National State Forces Alliance (3 per cent) and Sate of Law coalition (2 per cent). There were no ads paid for by the Sadrists on Al Sharkiya. Also, significant advertising efforts of less popular political entities like Iraqi National Project (6 per cent), Tasmim Coalition (4 per cent) and Hamurabi Coalition (2 per cent) were noticeable.

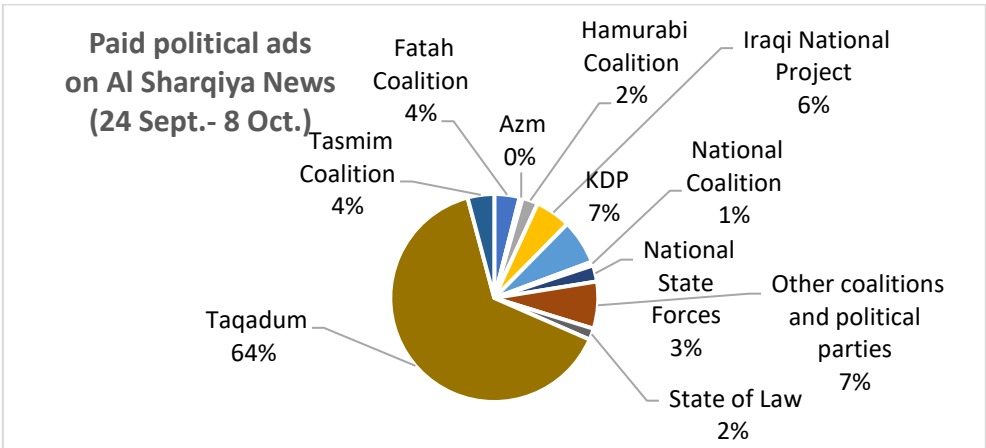
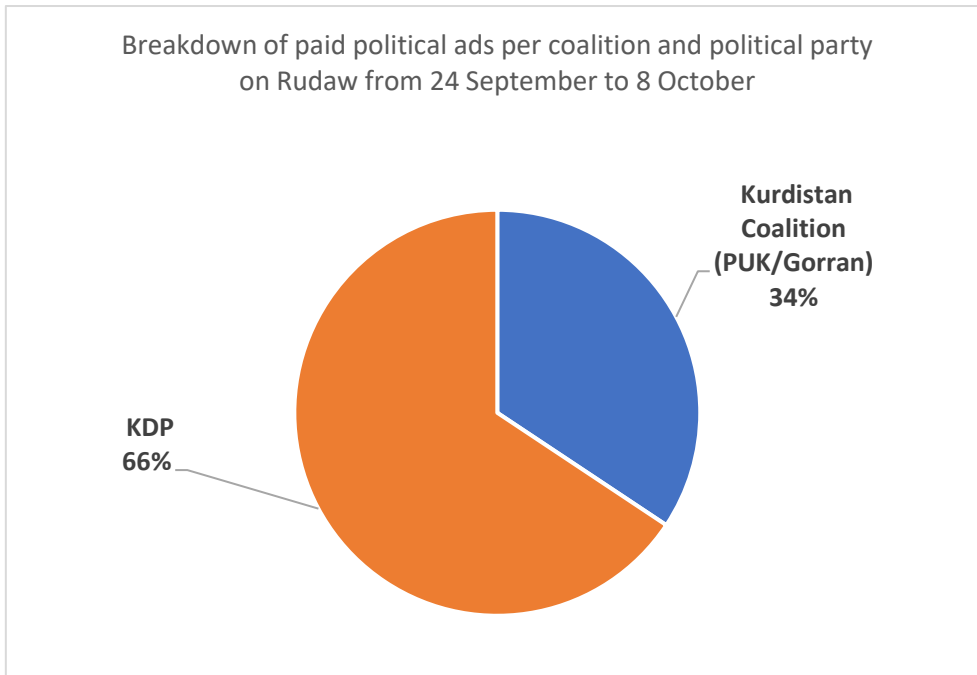
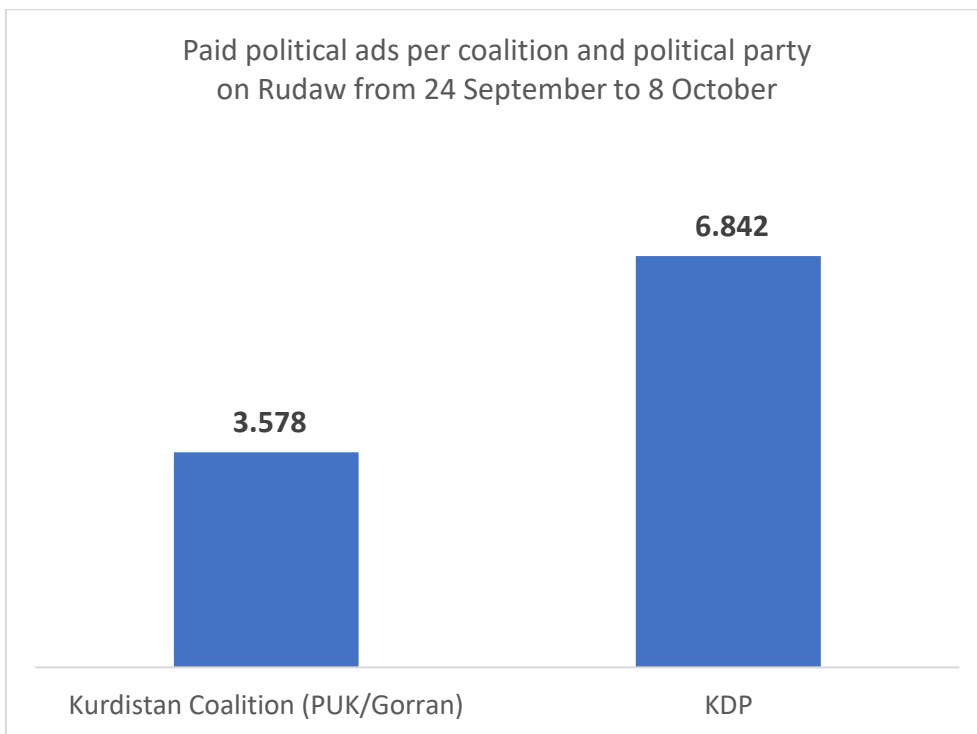


Figure 8: Breakdown of paid political ads on Al Sharqiya News per political entity

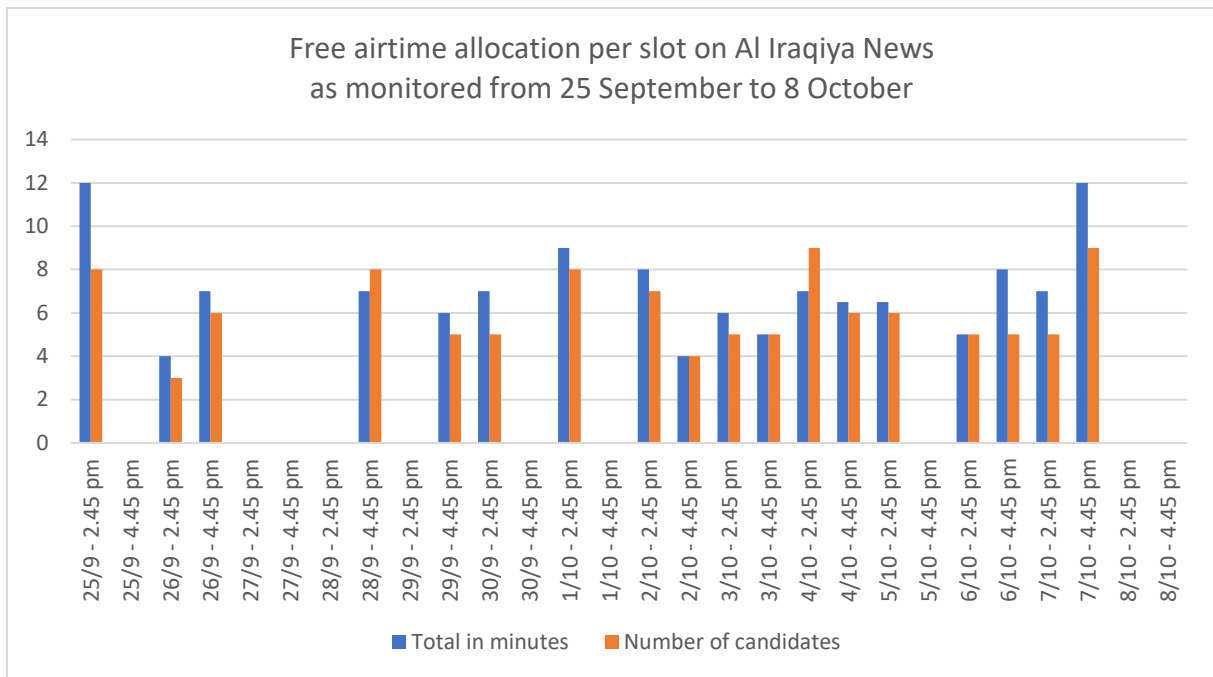


**Figure 9**



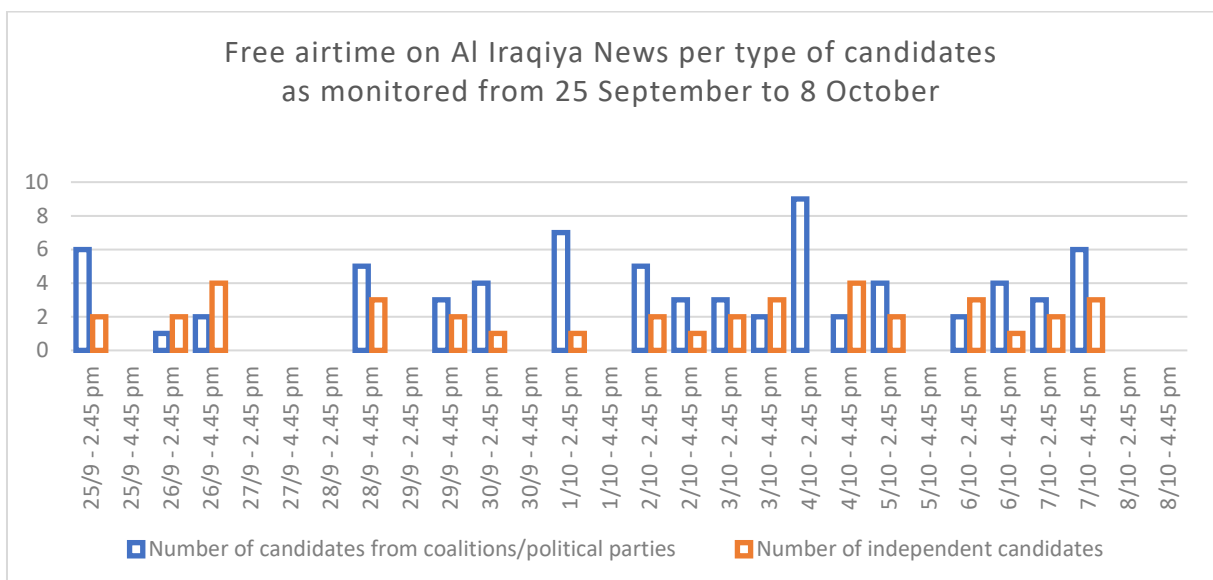
**Figure 10** (the duration of coverage appears in seconds)

On the main Kurdish television channel Rudaw (see figure 9 and 10), paid political ads were dominated by KDP (66 per cent) ahead of the Kurdistan Coalition (PUK and Gorran, 34 per cent). Other KRI political parties, like New Generation did not advertise on Rudaw. The absence of major Iraqi political actors was also noticeable on this KRI-oriented private broadcaster.



**Figure 11**

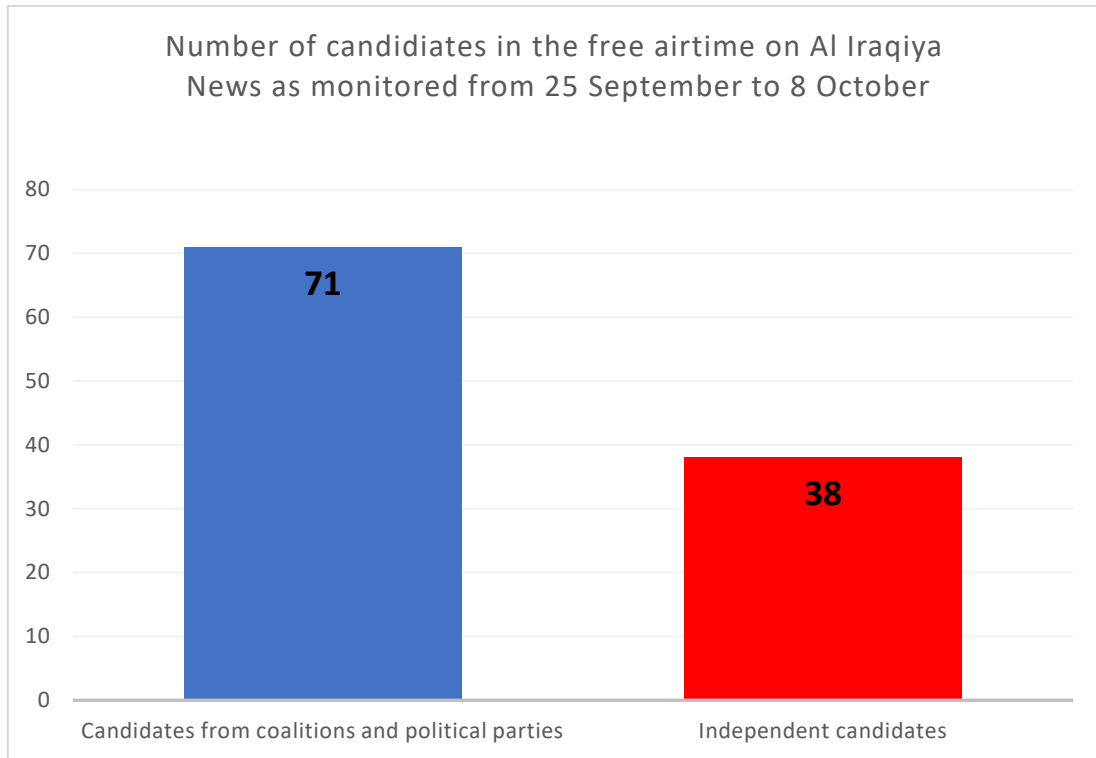
Figure 11 shows the breakdown of total time and number of candidates per free airtime slot per day, as monitored from 25 September to 8 October. For each date the first slot was from 2.45 to 3.00 p.m., and the second one from 4.45 to 5.00 p.m. The blue column represents the total time in minutes per slot, the orange column the total number of participating candidates per slot. When no column appears, there were no candidates in the slot. During the monitored period, 10 out of 28 slots were left vacant (36 per cent), and the number of candidates and minutes per slot varied considerably. This can be assessed as a lack of planning by the public broadcaster Al Iraqiya News in managing the free airtime slots offered to the candidates, and an inability of many candidates to make use of the free airtime slots available for their campaign.



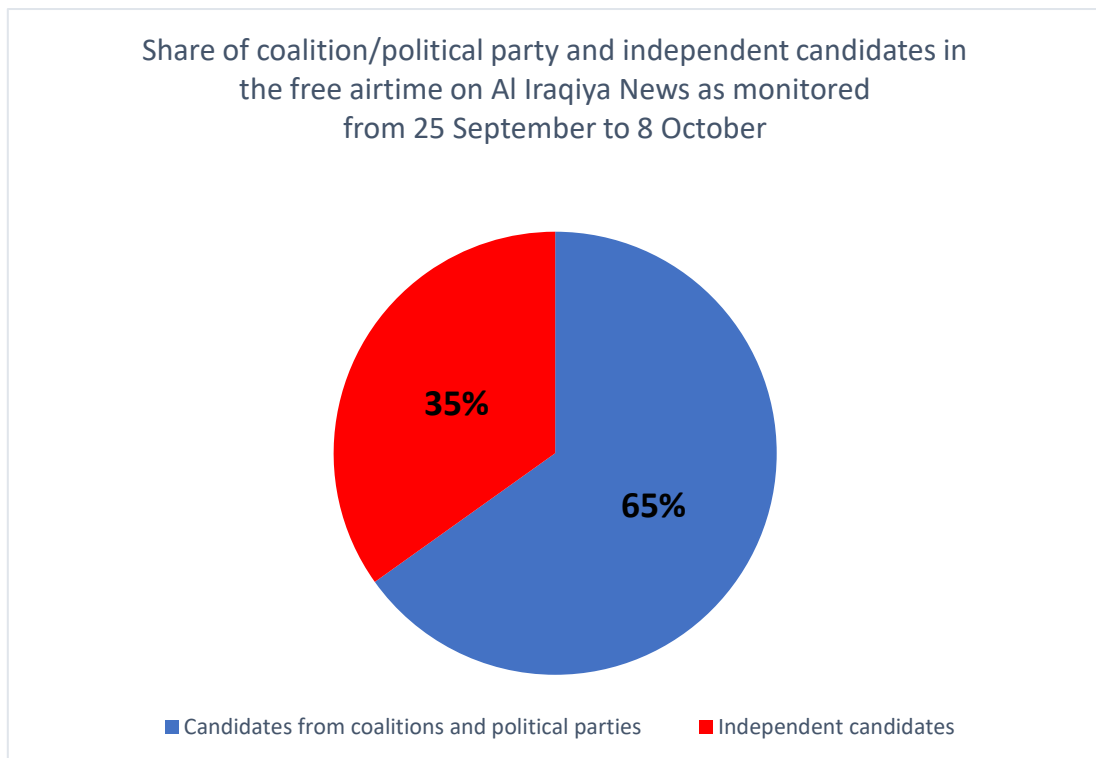
**Figure 12**

Figure 12 shows a significant participation of independent candidates, in comparison with the number of participating candidates from coalitions and political parties.



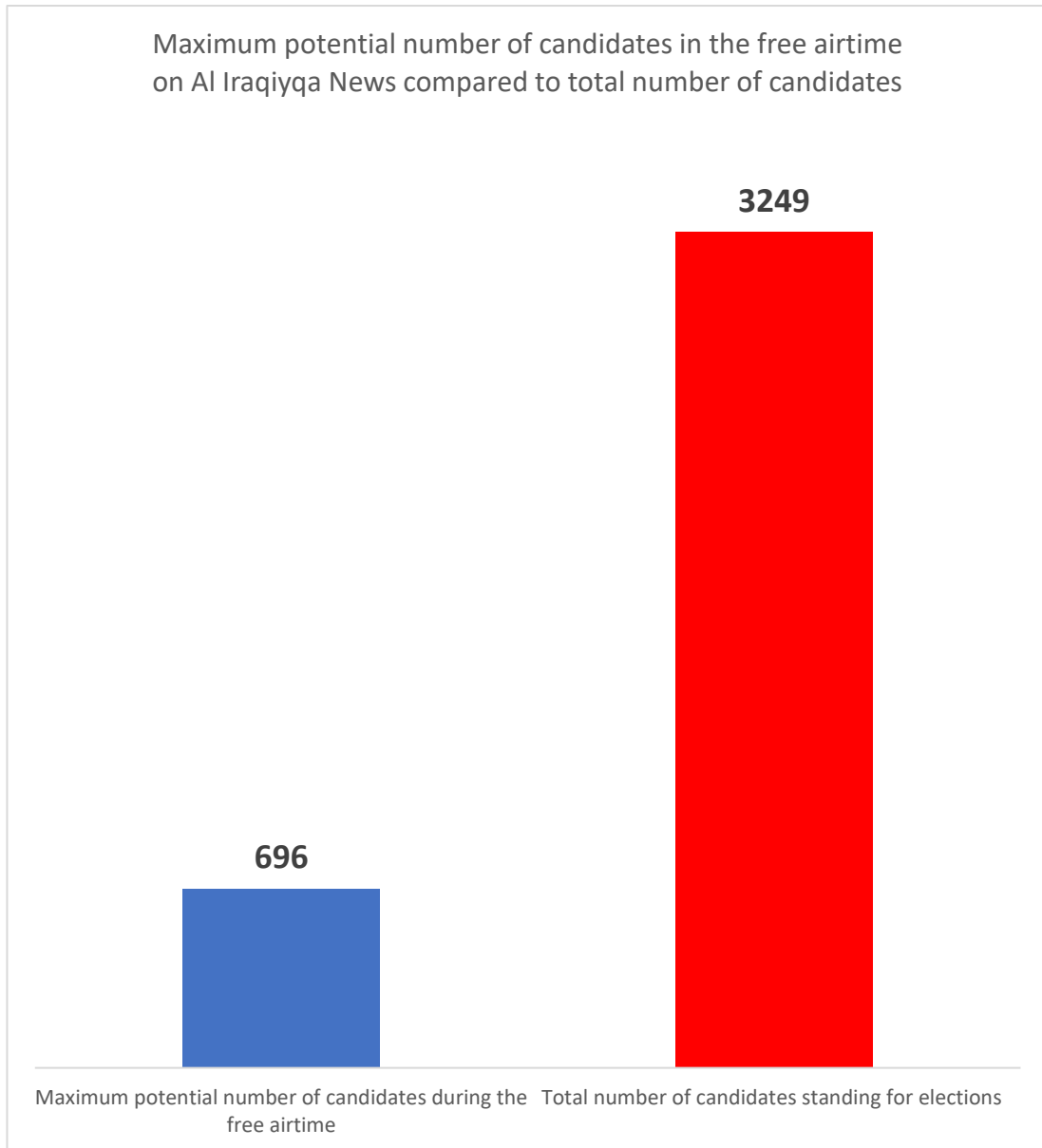


*Figure 13*



*Figure 14*

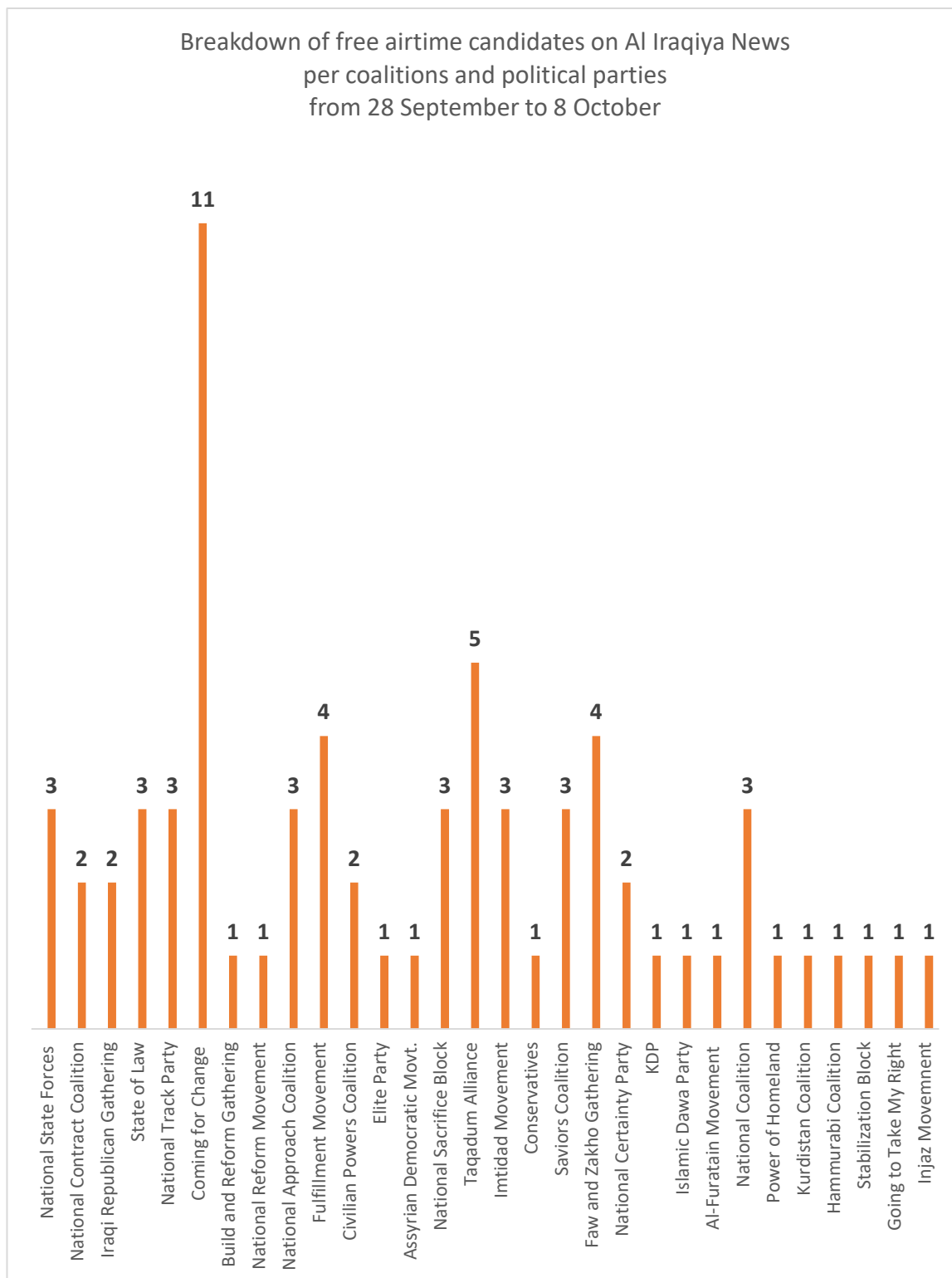
Out of a total of 109 candidates who appeared on Al Iraqiya News (figures 13 and 14) during the offered free airtime slots, 71 candidates (65 per cent) belonged to coalitions or political parties, whereas 38 (35 per cent) were independent candidates, which is quite significant.



**Figure 15**

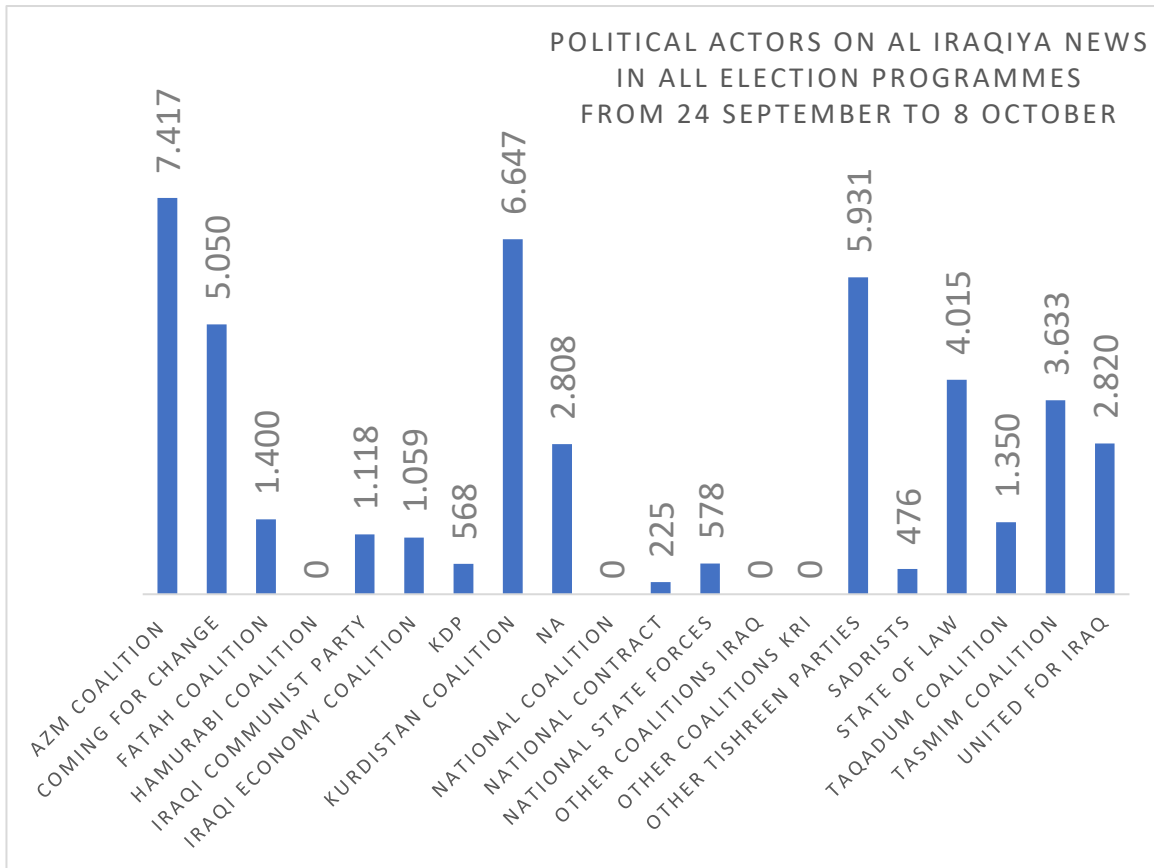
Would the free airtime slots on Al Iraqiya News have reached the full capacity (figure 15), the maximum number of candidates would have been 696 (12 candidates maximum per slot, 2 slots per day, 29 days from 10 September, start of the free airtime period on Al Iraqiya News, to 8 October, end of the campaign).

This would represent only 21 per cent of the total number of candidates (3,249) standing for elections. A total of 3 hours 44 minutes per day would have been necessary with 3 minutes per candidate from 10 September to 8 October, or 1 hour 45 minutes per day from 8 July, start of the campaign, until 8 October, end of the campaign.

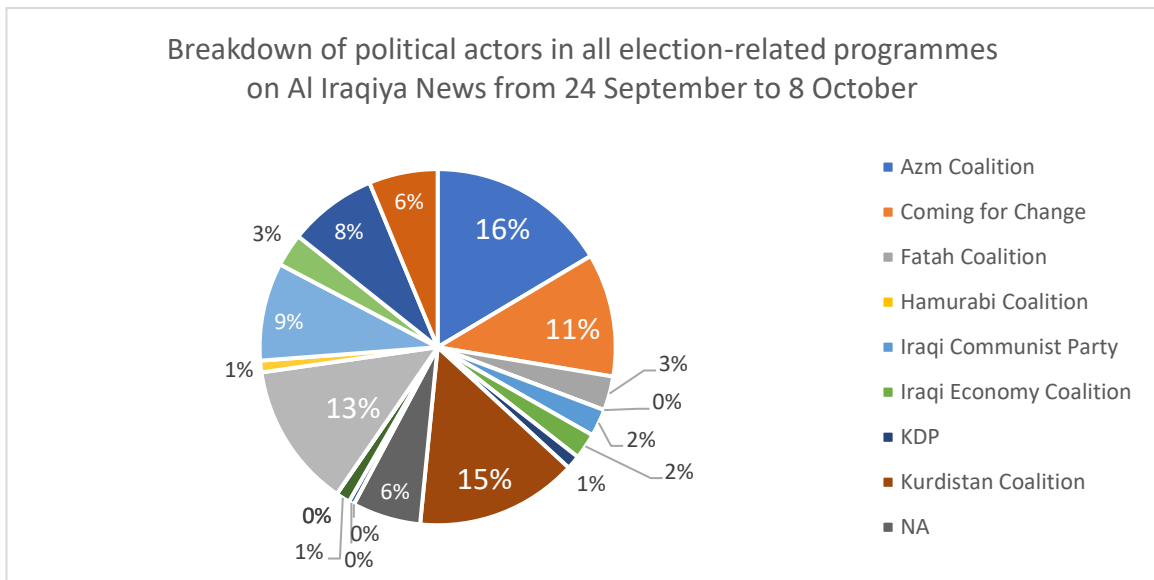


**Figure 16:** Number of candidates per coalition/political party in the free airtime on Al Iraqiya News

The breakdown per coalition or political party (figure 16) of the 71 coalition/party candidates appearing in the free airtime slots on Al Iraqiya News during the monitored period (25 September to 8 October) shows that the political representation was neither equitable nor pluralistic. For instance, Sadrist candidates were absent, while there was a clear disproportion between the number of candidates (11) from Coming for Change, a new political party, and the number of candidates from major coalitions, like Taqadum Alliance (5) or State of Law Coalition (3).

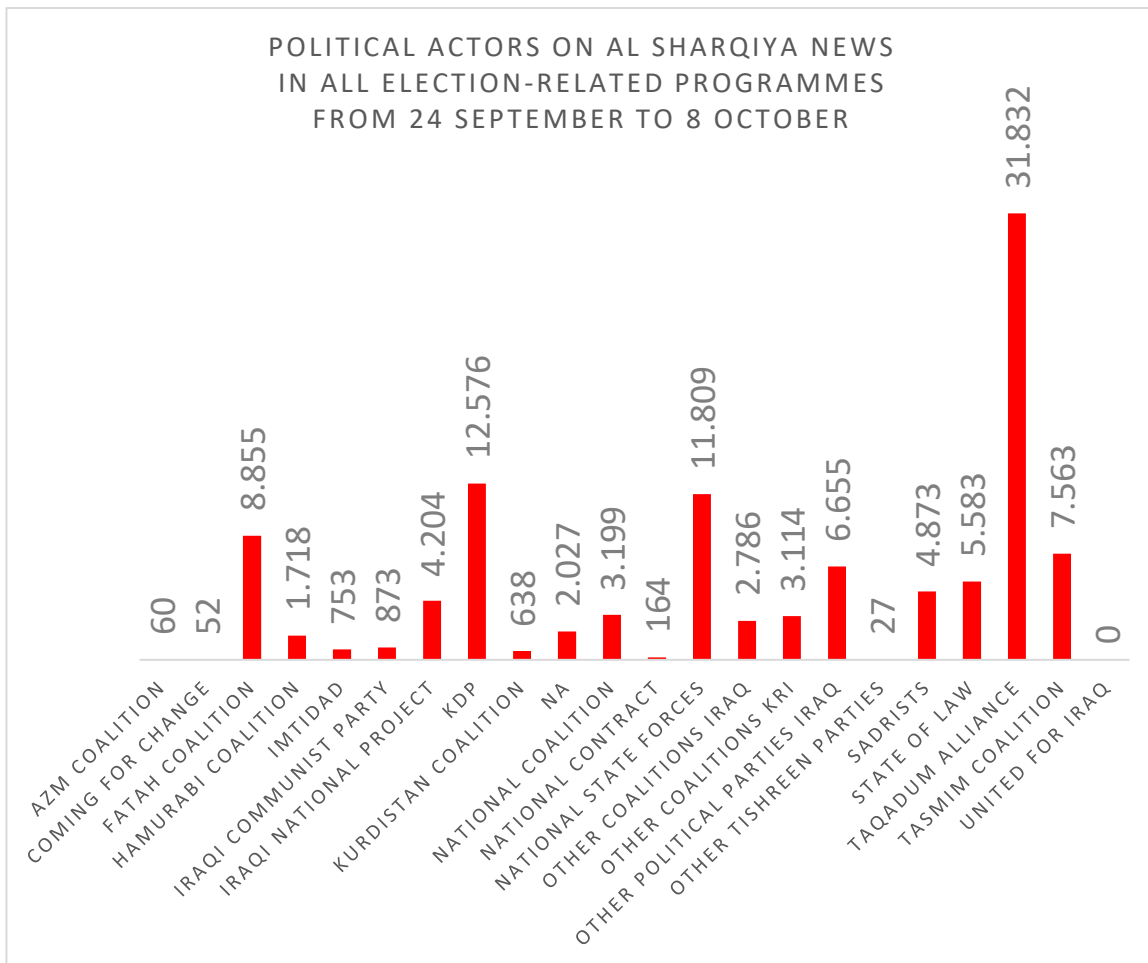


**Figure 17:** The duration of coverage of political actors in seconds on Al Iraqiya News

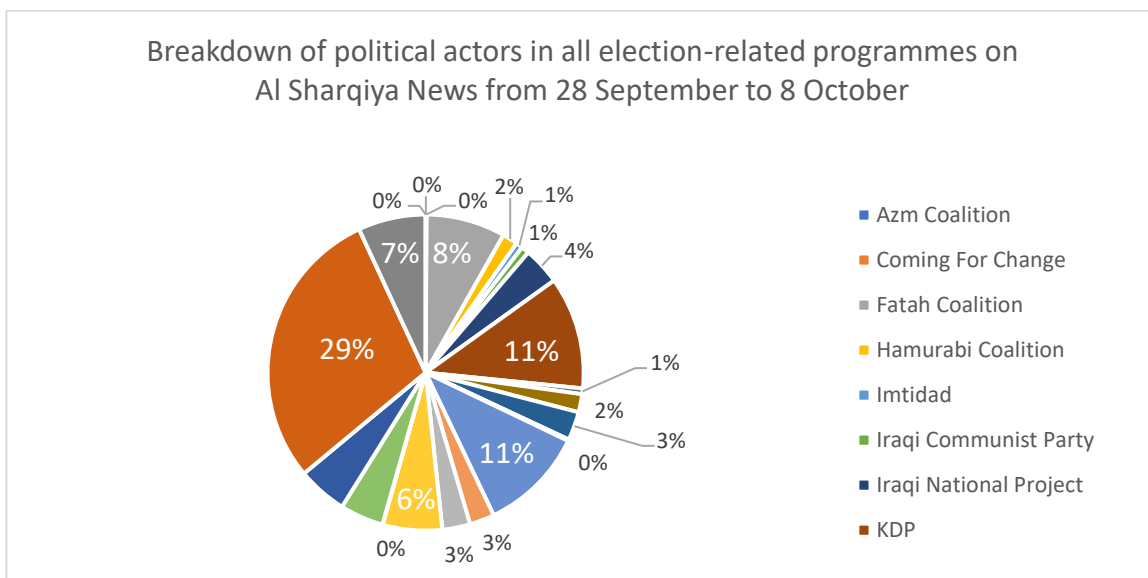


**Figure 18:** Share of political actors in all election-related programmes on Al Iraqiya News

In all election-related programmes (figures 17 and 18), the public broadcaster Al Iraqiya News, although mostly neutral in tone, was not equitable in coverage. It was favouring Azm Coalition (16 per cent), Kurdistan Coalition (15 per cent), Coming for Change (11 per cent) and State of Law Coalition (9 per cent), while sidelining Taqadum Alliance and Fatah Coalition (3 per cent each), as well as Sadrists and National State Forces Alliance (1 per cent).

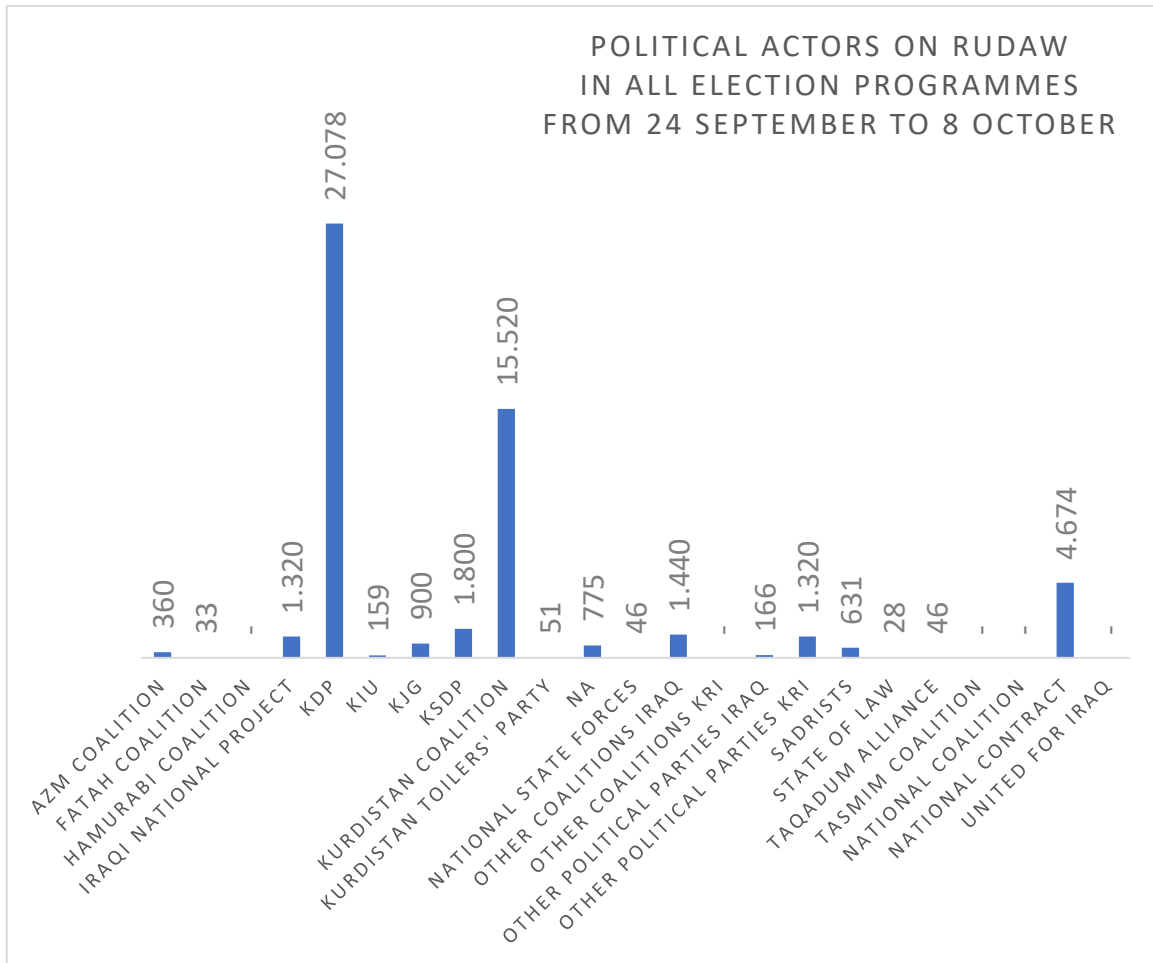


**Figure 19** (the duration of coverage of political actors appears in seconds)

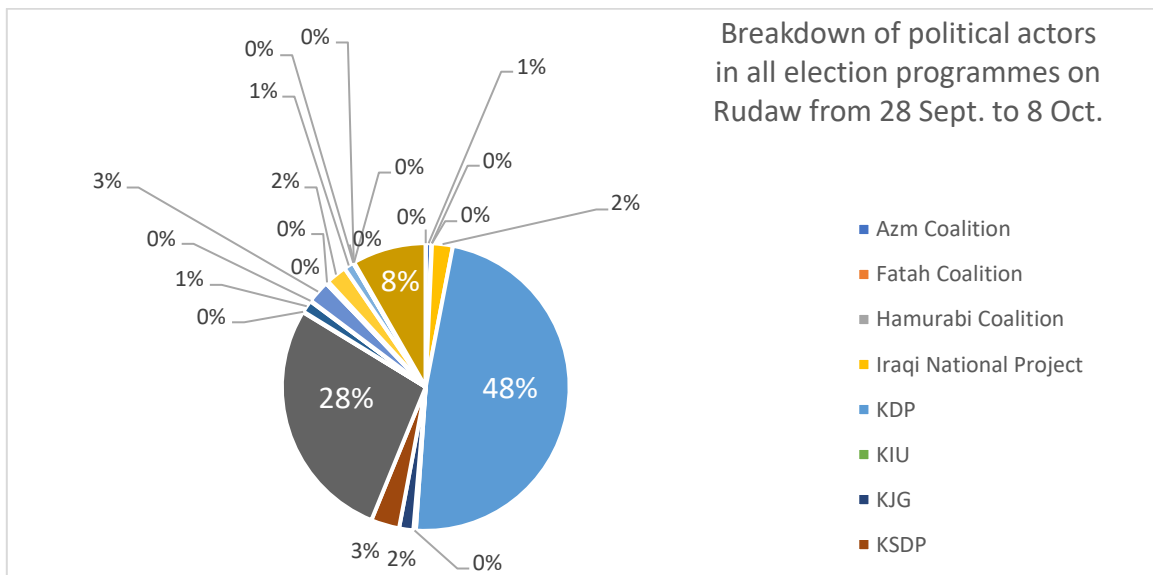


**Figure 20:** Share of political actors in all election-related programmes on Al Sharqiya News

On Al Sharqiya News (figures 19 and 20), Taqadum Alliance was clearly favoured (29 per cent of the total coverage) in the monitored election-related programmes including news, debates, interviews and paid political ads, but other major election competitors, like KDP (11 per cent), National State Forces Alliance (11 per cent), Fatah Coalition (8 per cent), State of Law coalition (5 per cent), and Sadrists (4 per cent) received also significant coverage.

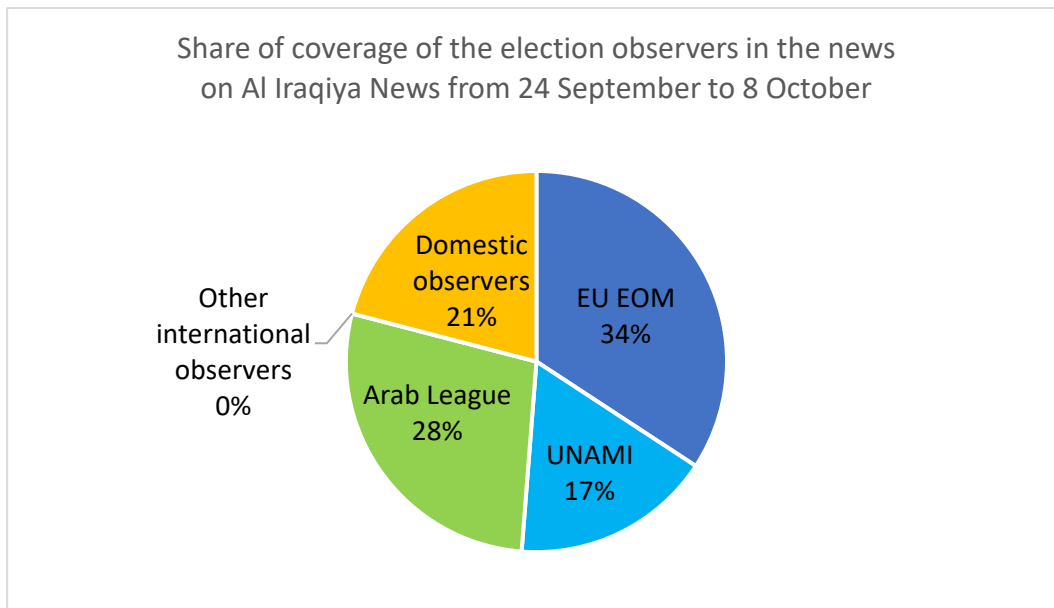


**Figure 21:** The duration of coverage of political actors in seconds on Rudaw



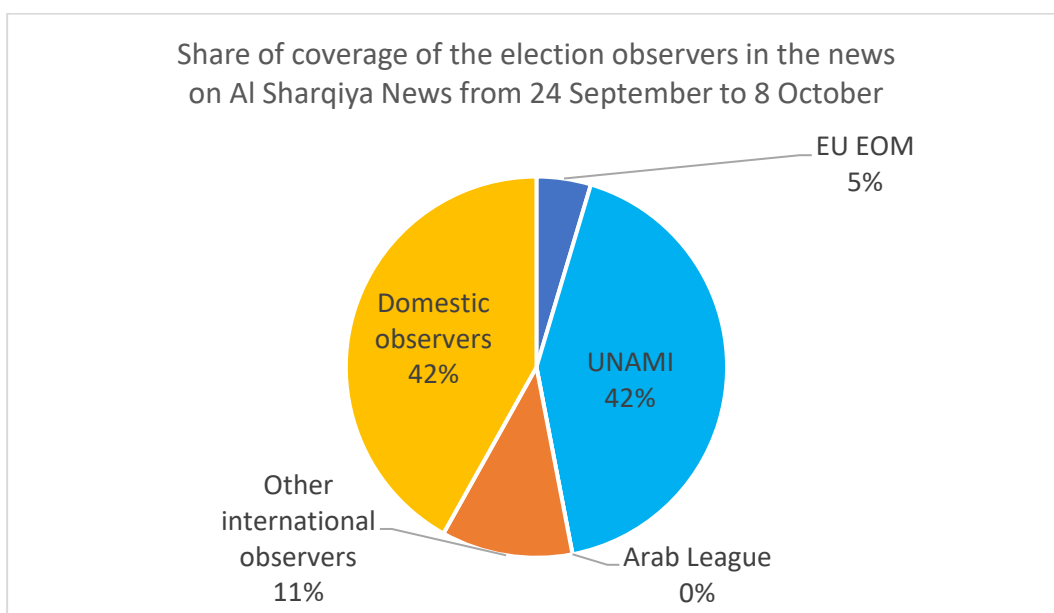
**Figure 22:** Share of political actors in all election-related programmes on Rudaw

The main Kurdish television channel Rudaw (figures 21 and 22) clearly favoured KDP (48 per cent) and the PUK/Gorran-led Kurdistan Coalition (28 per cent) in all election programmes, with a strikingly low coverage of all other main Iraqi political actors.



**Figure 23**

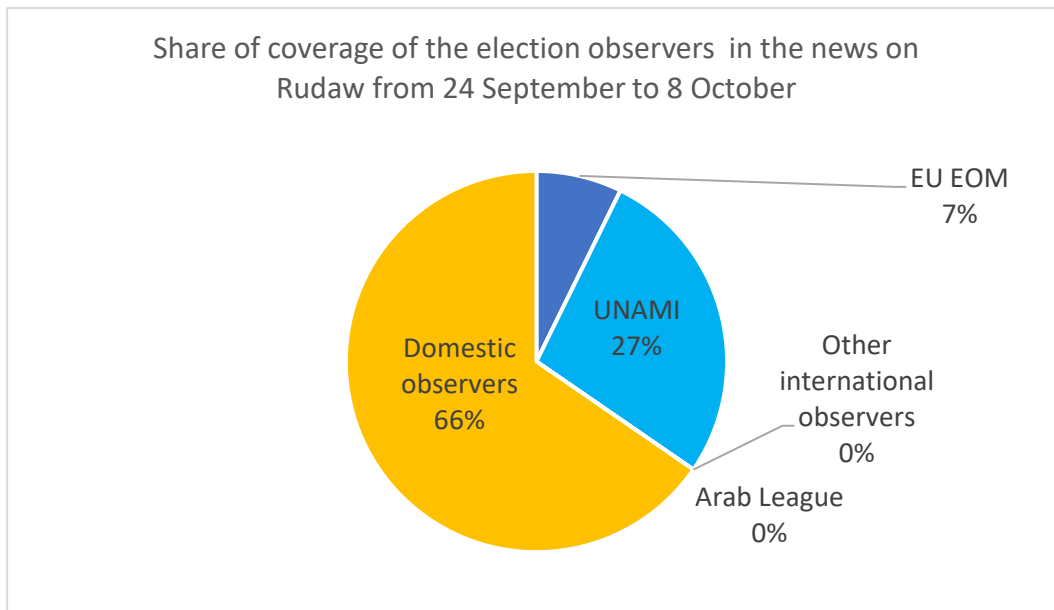
During the monitored period, the EU EOM (figure 23), with a total of 8 minutes, attracted the main part (34 per cent) of the coverage of international observers in the news programmes of the public broadcaster Al Iraqiya News ahead of the Arab League (6 minutes, 28 per cent) and the UNAMI (4 minutes, 17 per cent). The coverage of the EU EOM, UNAMI and Arab League was assessed as totally neutral in tone.



**Figure 24**

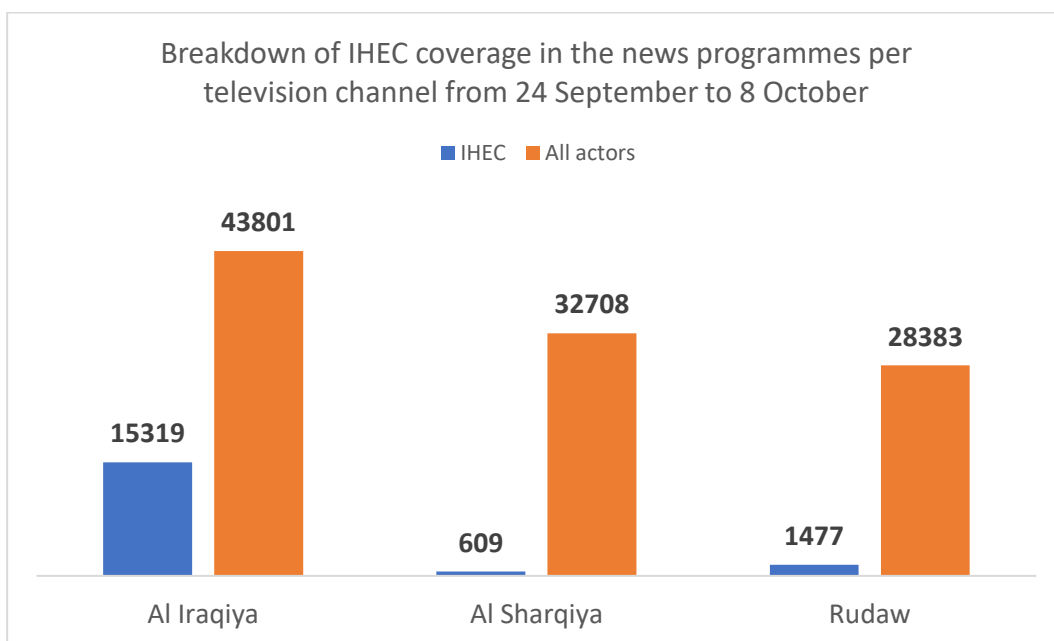
During the monitored period, the UNAMI (figure 24), with a total of 10 minutes and 42 seconds, attracted the main part (42 per cent) of the coverage of the international observers in the news programmes on the main private Arabic television channel Al Sharqiya News ahead of the EU EOM (1 minute 10 seconds, 5 per cent) and the Arab League (0 minutes, 0 per cent). The coverage of the UNAMI and EU EOM was assessed as totally neutral in tone.





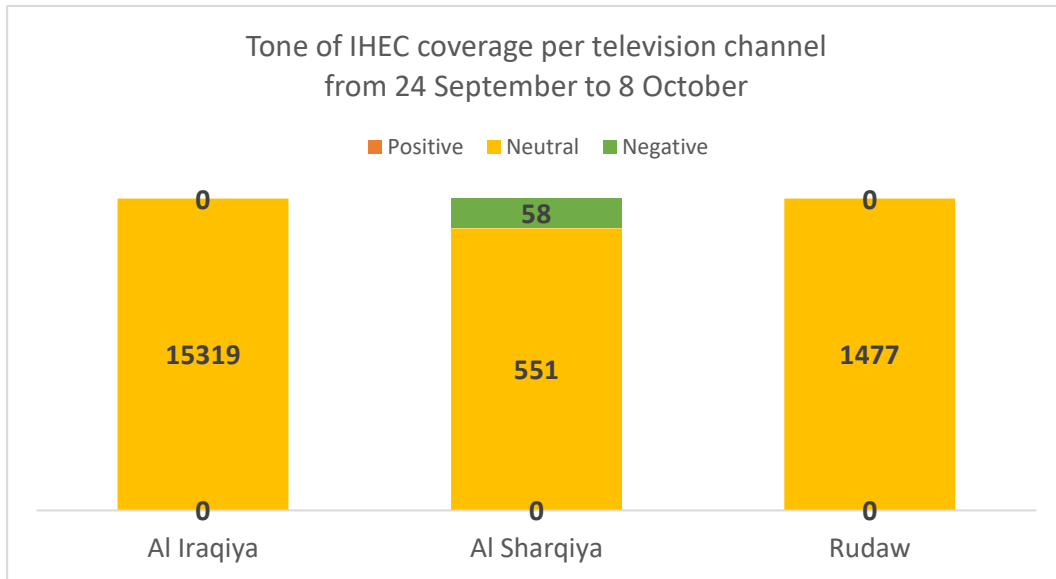
**Figure 25**

During the monitored period, the UNAMI (figure 25), with a total of 3 minutes, attracted the main part of the coverage of international observers in the news programmes on the main private Kurdish television channel Rudaw, ahead of the EU EOM (1 minute, 7 per cent) and the Arab League (0 minute, 0 per cent). The coverage of the UNAMI and EU EOM was assessed as totally neutral in tone.



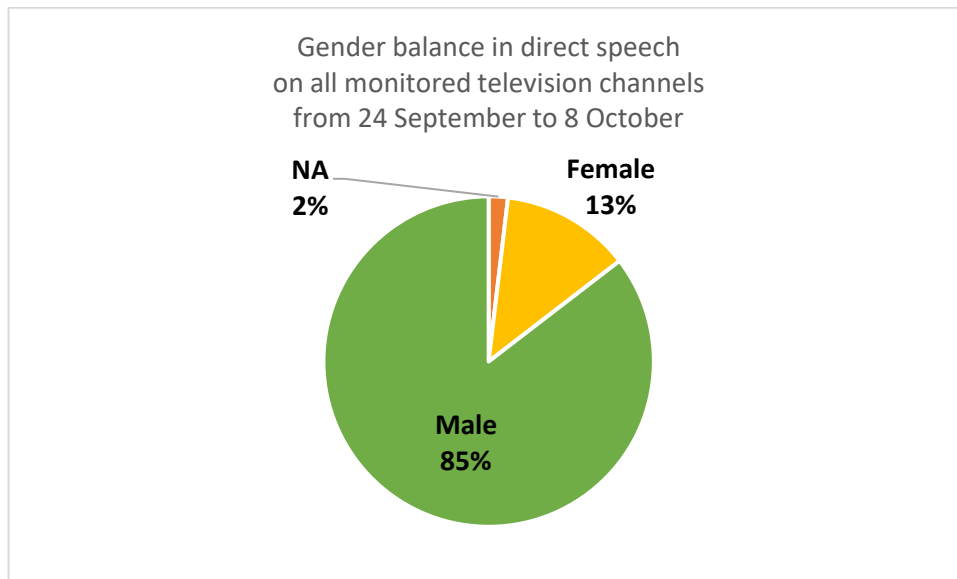
**Figure 26** (the duration of coverage appears in seconds)

The duration of coverage of the IHEC by the three monitored television channels in the news programmes (figure 26) shows a significant interest of the public broadcaster Al Iraqiya News in publicising the electoral commission, compared to Al Shariqiya News and Rudaw. This was also a consequence of the decision by Al Iraqiya News not to cover the campaign activities and competing political actors in its news programmes.



**Figure 27** (the duration of the coverage appears in seconds)

The tone of the coverage of the IHEC by the monitored television channels was assessed as totally neutral (Al Iraqiya News and Rudaw) or mostly neutral (Al Sharqiya News).



**Figure 28**

The gender balance in direct speech (such as interviews and debates) by all election actors during all monitored election-related programmes on Al Iraqiya News, Al Sharqiya News and Rudaw shows an overwhelming dominance of the male actors over the female actors.

## Methodology

The EU EOM monitored Facebook public pages and groups from 1 September till 15 October 2021, using primarily CrowdTangle.

Topic	Facebook posts analysed	Type of analysis
IHEC_Official	540	By page
Campaign online	2,008	By page
Election Information	1,169	By keywords
Other <sup>1</sup>	1,952	By keywords
<b>Total</b>	<b>5,669</b>	

Some 5,669 posts in Arabic and Kurdish were coded and analysed by a team of six Iraqi monitors. The monitoring was divided into four sections focusing either on the messenger (IHEC, political contestants), or on the message (election-related information received by voters, and "other": coverage of the EU EOM, inflammatory language, etc).

In total, 31 pages were selected to be systematically monitored (IHEC and political contestants), resulting in 2,548 posts analysed. Additionally, keywords have been used to set-up searches throughout Facebook to identify the messages shared about a range of topics. Some 3,121 posts selected by keywords, originating from around 1,076 Public Pages and 180 Public Groups, were also analysed.

Actor	Facebook page selected	Facebook posts analysed		Total Facebook pages selected	Total posts analysed
		Arabic	Kurdish		
IHEC_Official	1	539	1	1	540

### **IHEC\_Official**

All 540 posts shared by the IHEC\_Official page from 1 September until 15 October were analysed.

Actors	Facebook Pages selected		Facebook posts analysed		Total Facebook pages selected	Total posts analysed
	Arabic	Kurdish	Arabic	Kurdish		
Candidates/politicians	8	7	508	338	15	846
Parties/coalitions	8	5	309	253	13	562
Media	0	2	0	81	2	81
Posts categorised as "not campaign related"	NA	NA	180	339	NA	519
<b>Total</b>	<b>16</b>	<b>14</b>	<b>997</b>	<b>1,011</b>	<b>30</b>	<b>2,008</b>

### **Campaign online**

Some 2,008 posts generating more than 250 interactions were analysed on the 30 public Pages selected: 16 public Pages of prominent contestants, parties or coalitions in Arabic, and 14 such Pages in Kurdish. Pages were selected according to the impact on the political agenda (number of followers, activity, interactions, etc).

<sup>1</sup> Although they are not represented in this annex, the EU EOM analysed 1,952 posts about **other** topics to inform the analysis throughout the mission. This includes election information shared within 180 public groups; as well as inflammatory language and gender-based violence, discreditation of the electoral process, silence period and election day, post-election developments, coverage of the EU EOM and the Chief Observer, shared on at least 607 other public Pages.

Topic	Facebook posts analysed		Facebook Pages sharing election information analysed		Total Facebook pages sharing election related information analysed	Total posts analysed
	Arabic	Kurdish	Arabic	Kurdish		
Information received by voters about the elections	372	790	187	282	469	1,162

**Information received by voters about the elections**

Searches by keywords were launched over all Facebook public content relevant in Iraq to identify election related information.

Some 1,162 posts generating more than 350 interactions were analysed in Arabic and in Kurdish from 1 September until 10 October. The content analysed originated from 469 public Pages.

**Social media environment**

There were 25 million social media users by January 2021 in Iraq, a sizable 4 million growth from 2020.

Facebook was the most popular platform (Figure 1). Twitter share of the social media users remained limited, yet some key players, including Muqtada al-Sadr, had tremendous reach on Twitter and made the platform an agenda setter for legacy media.

Men formed the majority of the social media users and were overrepresented on Twitter and LinkedIn (Figure 2).

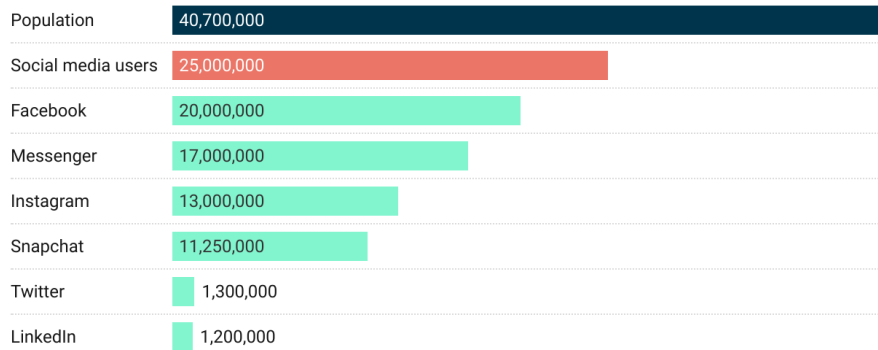


Figure 1. Social Media users by platform, January 2021  
Source: Datareportal - Digital Iraq 2021

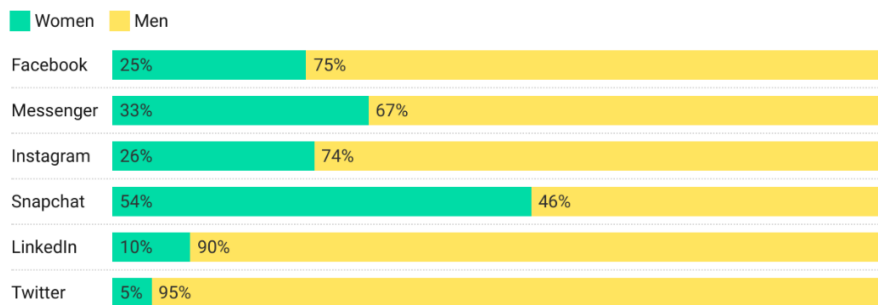


Figure 2. Share of women and men users by platform, January 2021  
Source: Datareportal - Digital Iraq 2021

## IHEC public outreach

From 1 September till 15 October, the number of followers of the IHEC official Facebook page increased by 38%, gaining more than 200,000 followers (Figure 3). In total, 540 posts, generating more than 1.06 million interactions, have been shared on the IHEC official page. The IHEC posting on Facebook steadily increased

throughout the period (Figure 4) and peaked on 8 and 10 October, during the special and regular polling days. The IHEC outreach sharply dropped after election day, when calls for protests and aggressive messages discrediting the IHEC and UNAMI were circulated, and reliable information was critically needed.

The IHEC number of followers continued increasing strongly after election day, much quicker than the audience of the Telegram channels discrediting the electoral process.

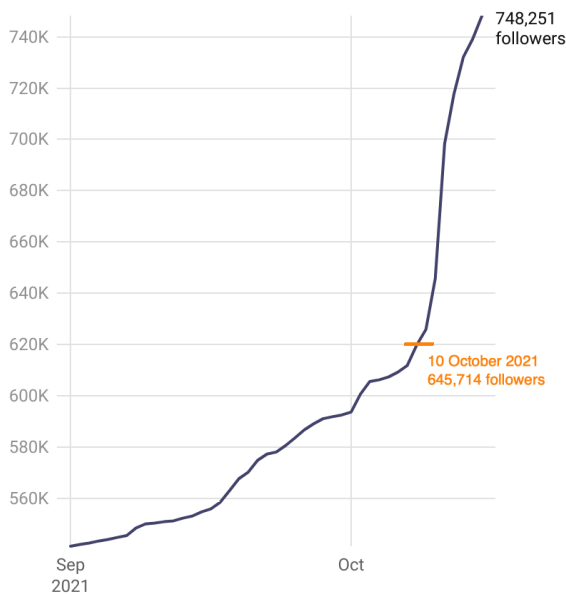


Figure 3. IHEC\_Official followers count 1 Sept. - 15 Oct.  
Source: CrowdTangle

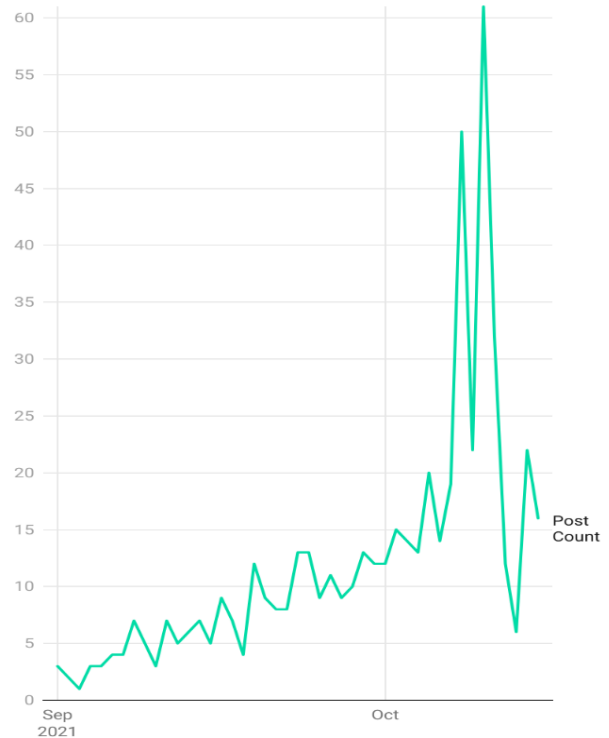


Figure 4. IHEC\_Official post count 1 Sept. - 15 Oct.  
Source: CrowdTangle

The 19 IHEC governorate electoral office (GEO) pages, which were not official – no blue verification tag –, showed various levels of followers and activity (Figures 5 and 6), from limited (25 posts during the period, Sulaymaniyah IHEC GEO) to very active (440 posts, Rusafa-Baghdad IHEC GEO). IHEC GEO pages published information from the IHEC official page as well as photos and posts on their own activities.

While the IHEC official Facebook page released only one post in Kurdish during the monitoring period, the IHEC GEOs in Kurdistan Region of Iraq (KRI) in Erbil, Sulaymaniyah and Dohuk were releasing information both in Arabic and Kurdish (IHEC GEOs in Sulaymaniyah and Dohuk were notably the two less active IHEC GEOs on Facebook). The IHEC GEO in Kirkuk, a disputed area, home to Arabic and Kurdish speakers, was releasing information in Arabic only. This limited the amount of official election-related information available to Kurdish-speaking population.

	Followers on Facebook on 1 Sept. 2021	Followers on Facebook on 15 Oct. 2021
IHEC Official	541,300	748,300
IHEC GEO Missan	3,000	4,900
IHEC GEO Basra	3,500	6,300
IHEC GEO Diwaniyah	3,800	6,200
IHEC GEO Dohuk	6,400	7,600
IHEC GEO Kerbala	8,200	18,100
IHEC GEO Samawah	9,200	13,900
IHEC GEO Sulaymaniyah	9,700	11,200
IHEC GEO Wassit	9,800	14,800
IHEC GEO Ninewa	10,200	20,400
IHEC GEO Rusafa-Baghdad	11,900	15,200
IHEC GEO Anbar	12,300	15,100
IHEC GEO Diyala	12,900	18,700
IHEC GEO Babylon	12,900	19,100
IHEC GEO Salah Al-Din	17,600	24,200
IHEC GEO DhiQar	24,800	29,800
IHEC GEO Kirkuk	30,700	34,700
IHEC GEO Erbil	31,600	35,200
IHEC GEO Najaf	45,300	48,900
IHEC GEO Karkh-Baghdad	54,400	57,100

Figure 5. IHEC\_Official and IHEC GEO number of followers from 1 Sept. till 15 Oct. / Source: CrowdTangle

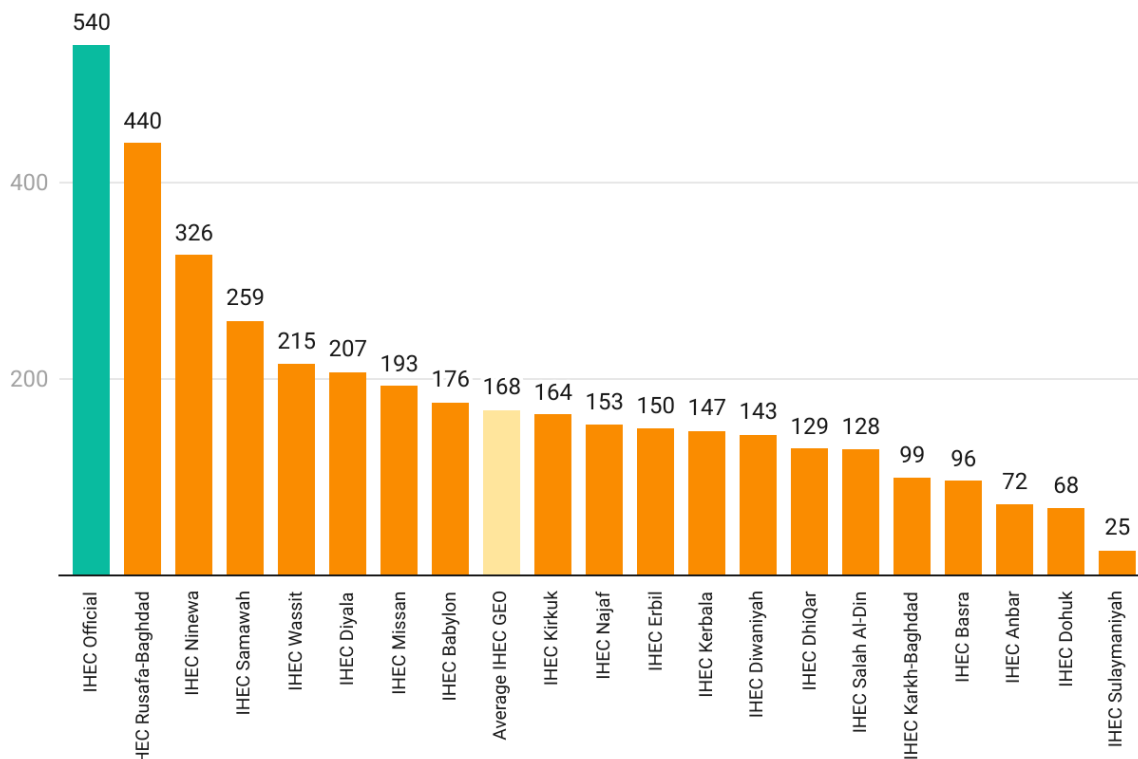


Figure 6. Post count of the IHEC governorate electoral offices  
Source: CrowdTangle

The IHEC covered a range of topics during the period, focusing on the commission’s activities as well as on voter education and motivational messages to get out the vote (Figures 7, 9, 10). This included specific messages, videos and

photos, targeted at specific population groups: the youth, women, IDPs, the military, and minorities (minority seats explanation) (Figure 8).

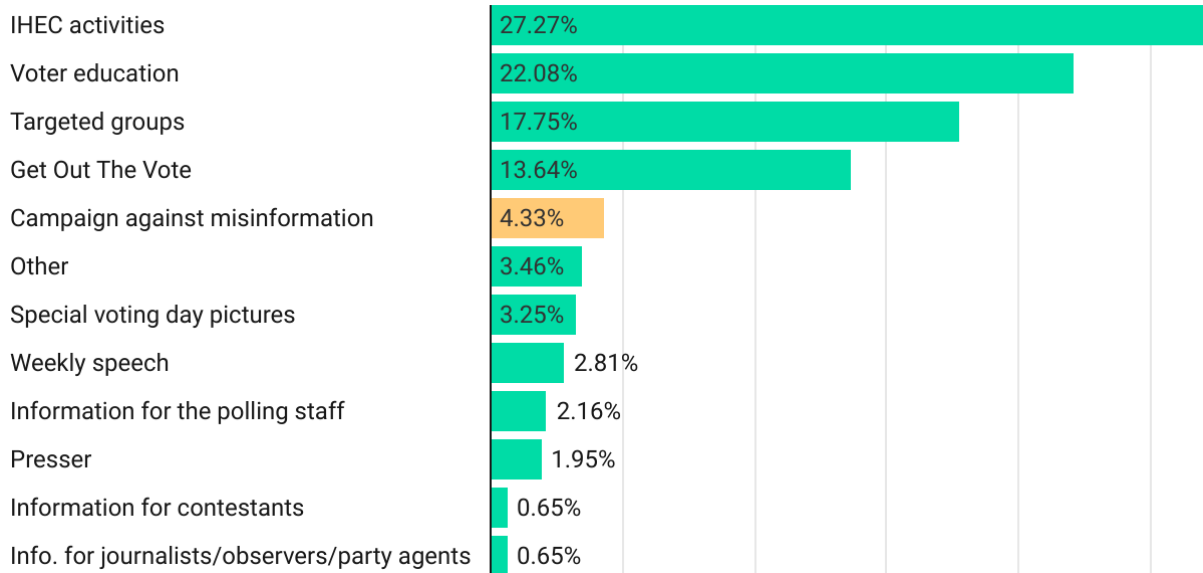


Figure 7. Topics of the posts shared by IHEC\_Official from 1 Sept. till 9 Oct.

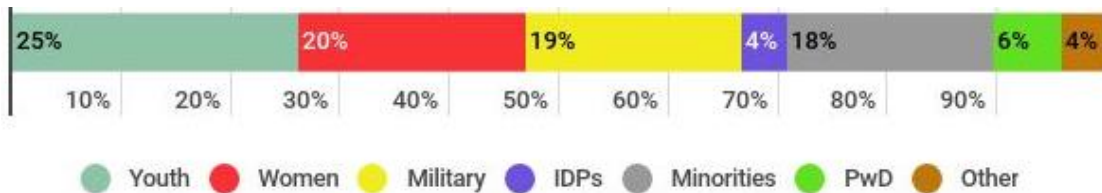


Figure 8. Targeted groups in the posts shared by IHEC\_Official from 1 Sept. till 9 Oct.

The posts performing the best were voter education posts, posts on the voting material and on the voting procedures. Information about the special voting, biometric voter cards, the electronic voting material, the recruitment of the polling staff or the prohibition of smartphones in the polling stations ranked among the most interacted with posts.

The hiring of the polling staff was one of the most commented issues on the IHEC Facebook page, generating a lot of angry comments (“You

are a failed commission and you don't have credibility, you are fooling people”, “The Commission itself is corrupt”), and calls for boycotting the elections, using hashtags like: #Graduate #yes\_to\_boycott\_elections #I\_will\_not\_elect. After the elections, numerous comments harshly criticised the IHEC because of the delay in the announcement of the preliminary results, accusing the commission of manipulating the results, being corrupt and generally stating mistrust in the IHEC work.



From the end of September, the IHEC launched a campaign to counter misinformation online, sharing visuals displaying false and true information. The campaign kicked in in the first days of October and amplified in the immediate

aftermath of the elections. The EU EOM assessed that from 10 to 15 October, one in ten posts shared by the IHEC was fighting misinformation (Figure 10).

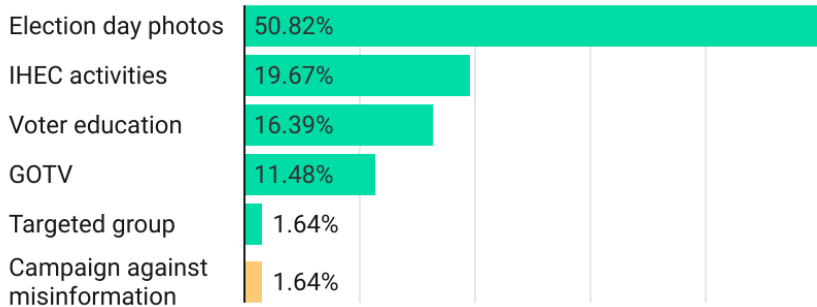


Figure 9. Topics of the posts shared by IHEC\_Official on election day (10/10/2021)

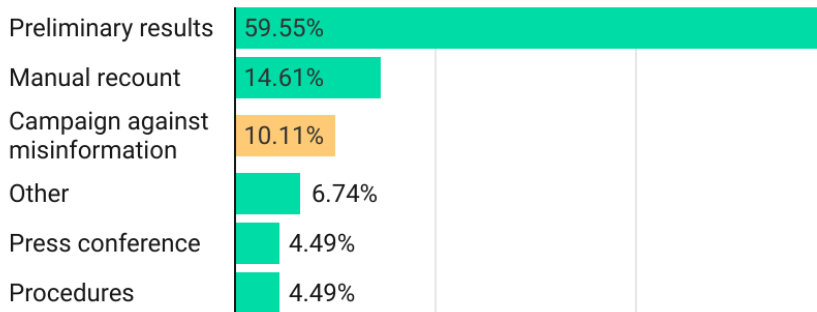


Figure 10. Topics of the posts shared by IHEC\_Official from 10 Oct. (closing of the polling stations) till 15. Oct.

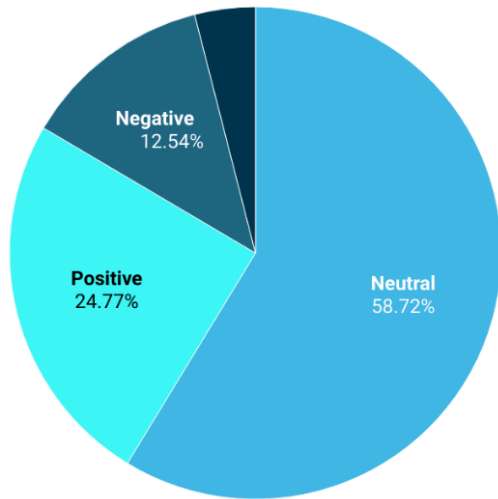
## Information voters received about the elections

### Methodology

The EOM launched searches on CrowdTangle to identify the information on the electoral process Iraqis received on Facebook from 1 September till 10 October. The EU EOM identified 12 keywords to launch searches in Kurdish and Arabic: voter registration, voter ID, biometric voter cards, ballots, voter verification devices, IHEC, electronic voting, fingerprints, elections, turnout, manual counting and preliminary results. The searches were launched on public Pages that were considered by Facebook as highly relevant for the Iraqi audience. Posts with the highest engagement (350 and above) were manually coded and analysed (372 in Arabic, and 790 in Kurdish).

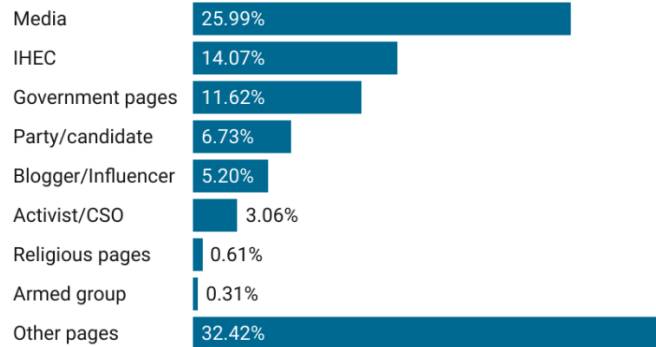
*N.B.: Not all public Pages and post were included in the search by CrowdTangle. Furthermore, some posts with less engagement might have generated an interest but fell short of the necessary threshold to be manually coded by the EU EOM Social Media Unit. Therefore, this is a snapshot of the information shared on Facebook on the electoral process and not a comprehensive report.*

**Information shared in Arabic**

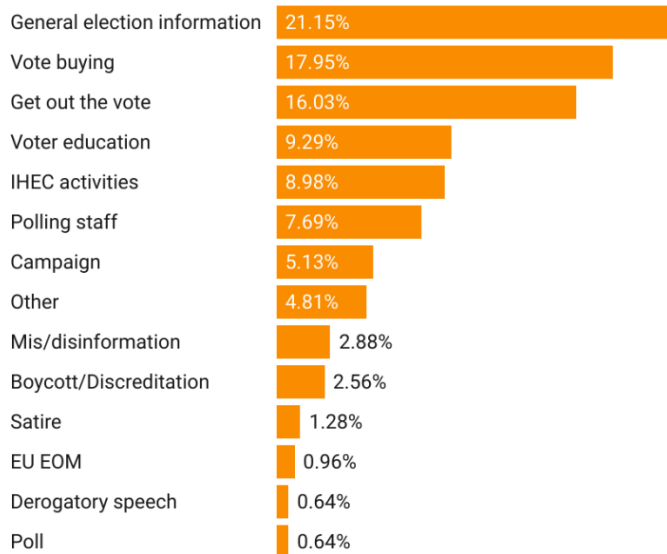


**Figure 11. Tone of the election-related posts shared from 1 Sept. till 10 Oct.**

The tone of the election-related information shared on Facebook was mostly neutral or positive (Figure 11). Media, as well as the IHEC official page and government pages were the most prominent messengers (Figure 12).



**Figure 12. Type of pages sharing election-related posts from 1 Sept. till 10 Oct.**



**Figure 13. Topics of the election-related posts shared from 1 Sept. till 10 Oct.**

Most of the posts analysed by the EU EOM dealt with general information on the elections, as well as technical and official information (Figure 13). The financial reward offered to voters to pick-up their biometric voter cards a few days before the elections, was widely shared by media pages as well as pages without clear

affiliation, generating high engagement as well as satirical comments. Notably, posts from Sunni and Shiite religious leaders recalling that buying and selling one’s vote was forbidden were among the most interacted with posts picked up by the EU EOM.

### Information shared in Kurdish

The tone of the election-related information shared in Kurdish was assessed as mostly positive by the EU EOM. However, more than one in three posts analysed was negative (Figure 14), which can be explained by the nature of the messengers. Contrary to rather informative and technical information in Arabic, the messages shared in Kurdish were more of a political nature, shared by parties, candidates, or affiliated pages, including media pages (Figure 15).

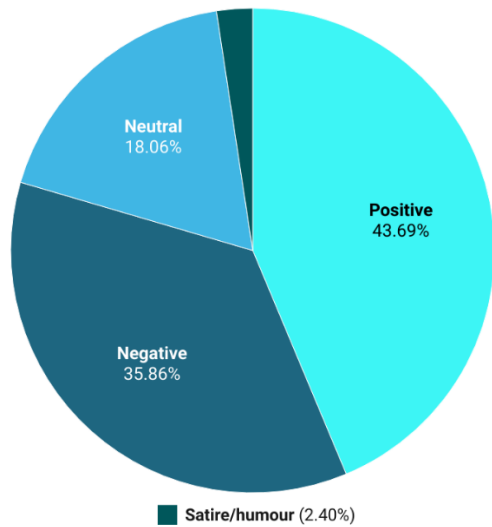


Figure 14. Tone of the election-related posts shared from 1 Sept. till 10 Oct.

The limited official electoral information from the IHEC or government pages available in Kurdish gave room to more polarised and partisan messages. Large parties and prominent

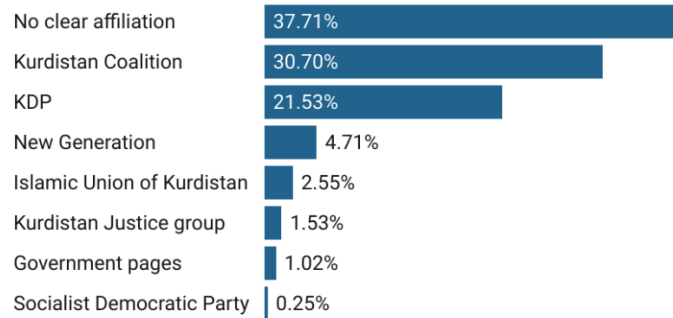


Figure 15. Affiliation of the pages sharing election-related posts from 1 Sept. till 10 Oct.

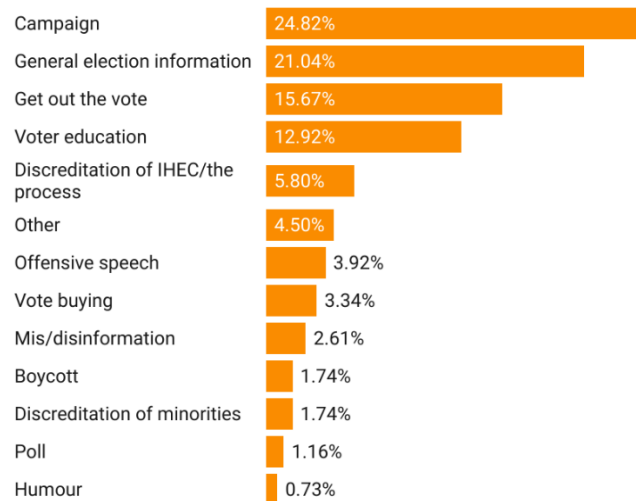


Figure 16. Topics of the election-related posts shared from 1 Sept. till 10 Oct.

contestants shared motivational messages and deployed a get out the vote campaign, while at the same time discrediting minorities and the vote for smaller parties (Figure 16).

## Campaign online

### Campaign in Arabic

The EU EOM exported 997 posts shared by a selection of major parties, candidates, coalitions, and political leaders' pages on Facebook from 1 September till 9 October 2021, that generated more than 100 interactions. Once exported, the posts were manually coded to identify the type of post, the tone, and the campaign topics. In total 180 posts were categorised as not campaign related; the remaining 817 were analysed.

Page name in English	Category	Affiliation	Official Page	Followers on 01/09/2021	Total Posts	Total interactions in the period	Ads	Paid political ads in USD from 25/08 till 15/10
Muqtada al-Sadr	Politician	Sadrists	No	267,383	58	582,379	0	0
Sairoon	Party	Sadrists	No	113,375	222	2,217	0	0
Dawlat Al Qanon - State of Law coalition	Coalition	State of Law Coalition	No	105,966	60	67,689	29	468
Ammar al-Hakim	Politician	Al Hikma/Alliance of State Forces	Yes	5,192,362	48	132,498	4	100
Al Hikma Movement	Party	Al Hikma/Alliance of State Forces	No	79,345	297	1,648	0	0
Mohamed al-Halbousi	Politician	Taqadum	Yes	1,035,728	56	132,622	0	0
Taqadum	Coalition	Taqadum	Yes	104,510	159	23,347	7	100
Ayad Allawi	Politician	Al-Wataniya, The National Coalition	Yes	666,638	31	30,570	12	139
Hanan al-Fatlawi	Candidate	Eradaa	Yes	2,181,786	20	55,251	0	0
Khamis al-Khanjar	Politician	Azm Alliance	Yes	531,315	30	40,233	0	0
Azm Alliance	Coalition	Azm Alliance	No	13,221	768	42,937	45	451
Tahalof Al Fateh	Coalition	PMF	No	0	138	86,187	7	140
Haider al-Abadi	Politician	Al Nasr/Alliance of State Forces	Yes	1,436,068	40	41,350	0	0
Al Nasr	Coalition	Al Nasr/Alliance of State Forces	Yes	899,277	153	126,032	110	9,533
Ola al-Tamimi	Candidate	Waey movement	No	13,671	96	40,879	3	100
Imtidad	Party	Tishreen	No	71,776	102	151,452	0	0

Figure 17. List of pages monitored, posts and interactions, ads and spending counts. Source: CrowdTangle

Political stakeholders, including pages of prominent politicians, candidates as well as parties and coalitions, enjoyed uneven numbers of followers and showed various level of activity. Several pages were created only a few months before the elections and registered the highest growths in percentage (see Figure 18), including the page of woman candidate Ola al-Tamimi

(created on 7 June 2021), and the Fatah Alliance page, Tahalof Al Fateh (created on 14 July 2021). In contrast, the three pages monitored by the mission showing the highest number of followers (Ammar al-Hakim, Hanan al-Fatlawi and Haider al-Abadi) all lost followers during the monitoring period.

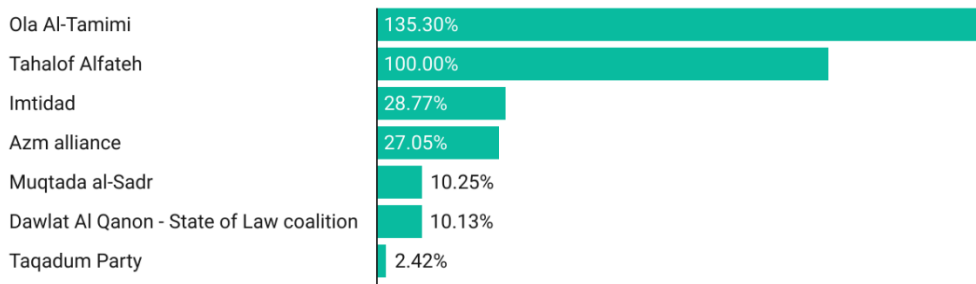
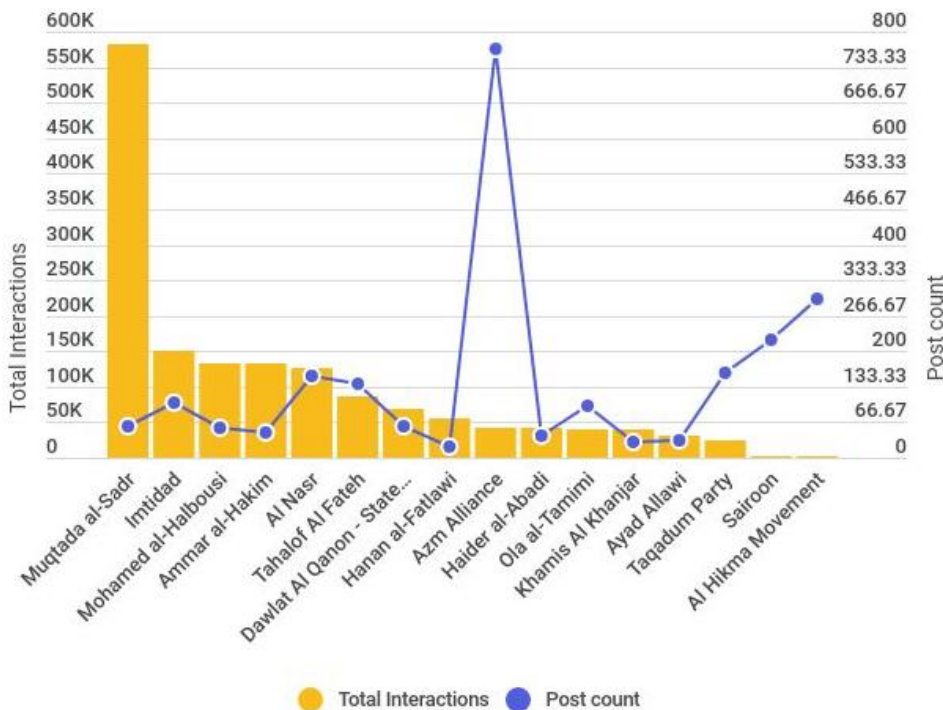


Figure 18. Pages with the highest growth in percentage from 1 September till 9 October

Source: CrowdTangle

Half of the pages monitored resorted to paid political ads on Facebook, although the amount spent and the number of ads run remained limited (110 ads maximum, and less than 10,000 USD spent, Figure 17). However, candidates, as

well as third-party pages did run ads supporting parties or coalitions (including Taqadum Alliance, Hukook Movement, Fatah Alliance, Azm Alliance and independent candidates).



Despite a limited number of posts shared and a limited number of followers, page of Muqtada al-Sadr, whose posts included a significant number of his tweets, showed exceptionally high levels of interactions, that did not compare with any other pages monitored by the EU EOM. Inversely, the Azm Alliance page was very active in sharing content, but generated few interactions.

Figure 19. Total posts count and total interactions from 1 September till 9 October  
Source: CrowdTangle

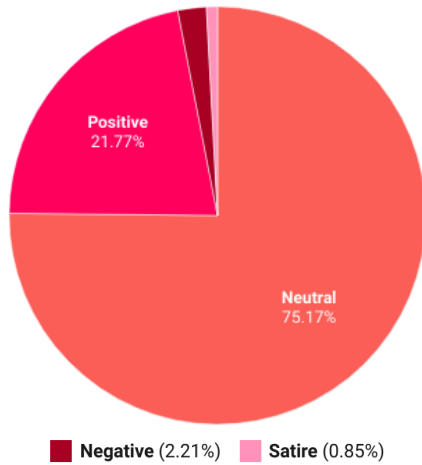


Figure 20. Tone of the campaign posts analysed

The tone of the campaign in Arabic was mostly neutral to positive, with only two per cent of the posts categorised as negative (Figure 20).

Only a limited share of the analysed campaign posts depicted actual programmes of the candidates. Almost two thirds of the posts pictured campaign events of the candidates, while campaign posters formed more than one in ten posts. Part of the candidates' posts, especially by the women candidates Hanan al-Fatlawi and Ola al-Tamimi, reported on campaign violations, mostly posters being torn down. Some 5% of the posts offered voter education messages, including ballot samples and step-by-step procedures to follow on election day (Figure 21).

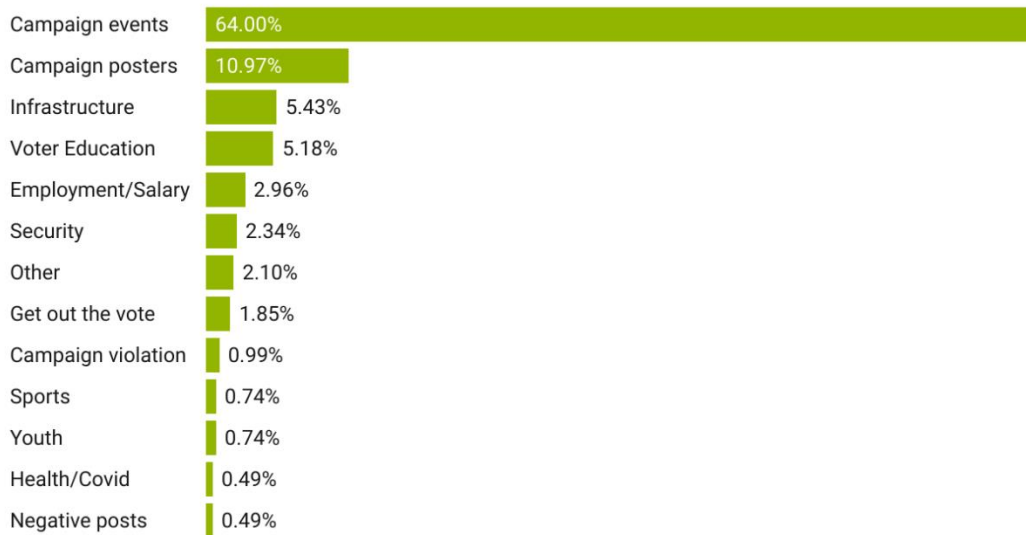


Figure 21. Topics of the campaign posts shared on Facebook

## Campaign in Kurdish

The EU EOM exported 1,011 posts shared by a selection of major parties, candidates, coalitions and political leaders' pages on Facebook from 1 September till 9 October 2021, that generated more than 100 interactions. Once exported, the posts were manually coded to identify the type of post, the tone, and the campaign topics. In total 339 posts were categorised as not campaign related; the remaining 672 were analysed.

Page name in English	Category	Affiliation	Official Page	Followers on 01/09/2021	Total Posts	Total interactions in the period	Ads	Paid political ads in USD from 25/08 till 15/10
Masroure Barzani	Politician	KDP	Yes	2,579,071	56	395,853	12	100
KDP Kurdistan	Party	KDP info	Yes	666,359	1,153	208,877	270	649
Vian Dakhil	Politician	KDP	Yes	161,948	95	60,279	0	0
Bafel Jalal Talabani	Politician	PUK	Yes	778,541	24	427,937	0	0
Qubad Talabani	Politician	PUK	Yes	638,598	50	801,159	0	0
PUK	Party	PUK	No	225,579	64	48,266	0	0
Kurdistan Coalition	Coalition	Change Movement and PUK	No	18,627	102	511,101	140	99,649
Gorran Movement	Party	Change Movement	No	498,442	199	70,807	5	524
KNN	Media	Change Movement	No	1,997,263	1,341	969,096	51	1,326
Shaswar Abdulwahid Qadir	Politician	New Generation Movement	Yes	1,016,802	12	754,928	0	0
NRT	Media	New Generation Movement	Yes	3,445,444	3,326	13,141,129	23	1,802
New Generation	Party	New Generation Movement	No	413,400	183	757,215	29	1,784
Soran Omar Saeed	Politician	Kurdistan Justice Group	No	318,825	102	174,294	0	0
Dr. Muthanna Amin	Politician	Islamic Union of Kurdistan	No	180,870	120	367,927	0	0

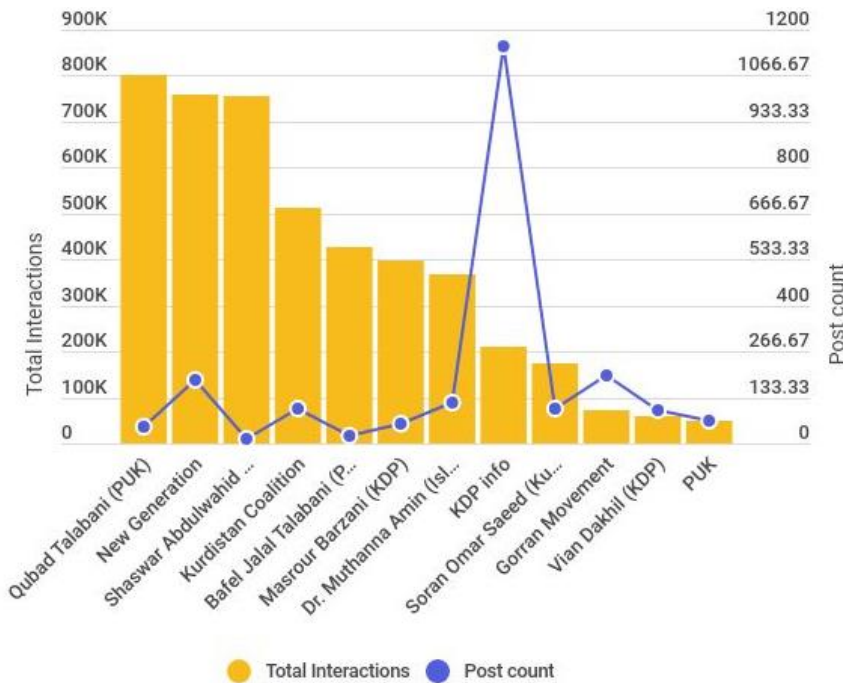
Figure 22. List of pages monitored, posts and interactions, ads and spending counts  
Source: CrowdTangle

The number of posts and followers of the two media pages were significantly higher than in case of other pages, providing parties they supported with access to large audiences. However, given that part of their posting was related to their media activity, the EU EOM excluded those posts from the total posts and interactions counts, and the tone and the page affiliation analysis (Figures 24, 25, 26) to avoid distorting the result.

The campaign on Facebook for the Kurdish contestants was dominated by leaders of the major parties and coalitions (KDP, PUK, Gorran Movement, Kurdistan Coalition, New Generation, Kurdistan Justice Group, Islamic

Union of Kurdistan), as well as by party pages and media pages, showing affiliation to certain parties, openly supporting their candidates, and running ads for those contestants.





Two of the three pages generating the highest number of interactions were affiliated to New Generation (Figure 23).

The Kurdistan Coalition Page, created in June 2021, also showed a high number of interactions, together with pages of PUK leaders. KDP pages generated less interactions, despite a high number of followers (Marsour Barzani) or a high number of posts (KDP Kurdistan official page).

Figure 23. Total posts count and total interactions from 1 September till 9 October  
Source: CrowdTangle

The pages monitored by the EU EOM resorted to political ads rather unequally, both in terms of number of ads shared (270 ads for the KDP Kurdistan official page, 140 for the Kurdistan Coalition and only 29 for New Generation) and in terms of amount spent (almost 100,000 USD for the Kurdistan Coalition, or 94 per cent of the total amount spent by the 14 pages monitored from 25 August till 15 October).

Although more than half of the posts analysed had a positive tone, one in five was categorised as negative. Those were mostly posts criticising the incumbent Kurdish authorities (“corruption”, “lies”) (Figure 24).

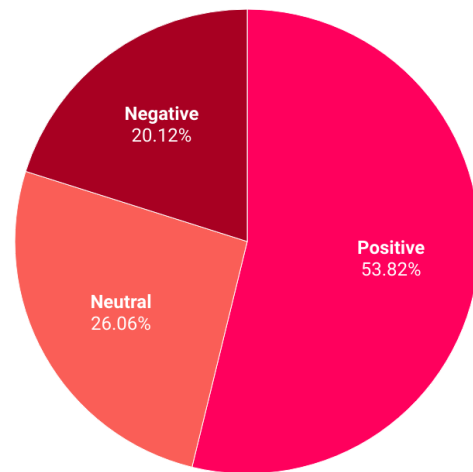


Figure 24. Tone of the campaign posts analysed

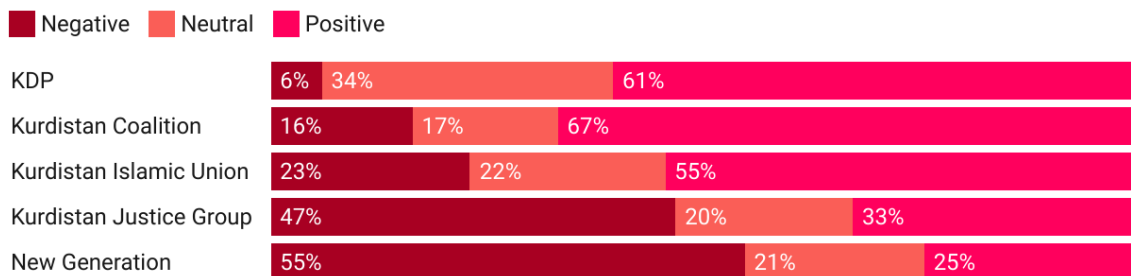


Figure 25. Tone of the posts analysed by page affiliation

Negative posts formed 55% of the New Generation affiliated pages postings and 47 per cent of the Kurdistan Justice Group ones, analysed by the EU EOM (Figure 25). On the contrary, negative posts formed only 6% and 16% respectively of the KDP and Kurdistan Coalition posts analysed.

Excluding the media pages (NRT and KNN), pages affiliated to the Kurdistan Coalition and the KDP formed more than half of the pages sharing campaign posts analysed by the EU EOM (Figure 26).

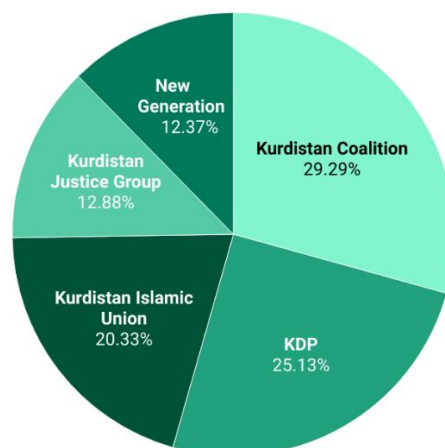


Figure 26. Affiliation of the pages sharing campaign posts that the EU EOM analysed

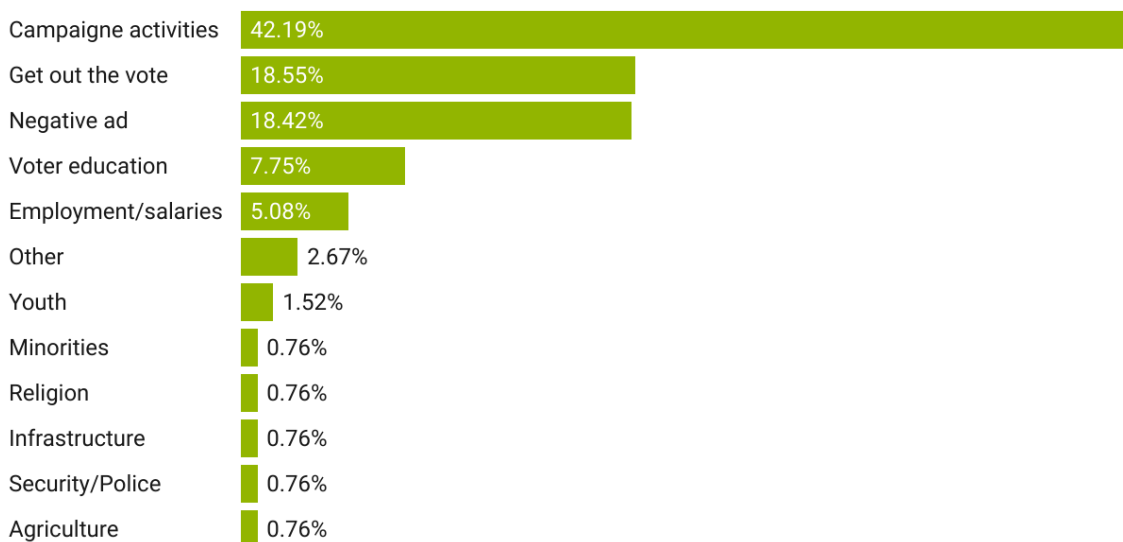


Figure 27. Topics of the campaign posts shared on Facebook and analysed by the EU EOM

Most of the monitored campaign posts shared (87%) did not depict actual programmes of the contestants (Figure 27). While 42% of the posts covered campaign activities and events, 18% were categorised as negative ads or posts

criticising opponents. Some 8% of the posts included voter education messages. Among topic-based posts, employment/salaries was the most discussed topic (5%).

