



**Iraq Foundation**

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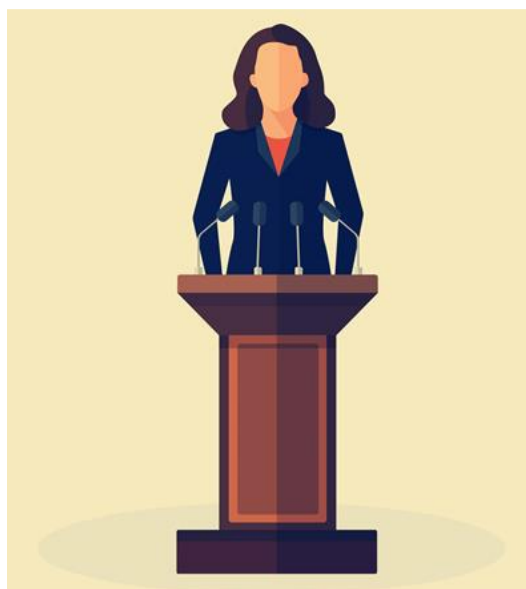
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**Gender Based Violence and Hate Speech Against  
Female Candidates in the  
Iraqi Parliamentary Elections 2021- Election Watch Project**

**Executive Summary  
of the Facts analysis report**

Funded by

**United Nations Assistance Mission to Iraq (UNAMI)**



prepared for

**Iraq Foundation**

by

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January 2022



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- **Introduction**

The Report highlights violations targeting female candidates for election during the Iraqi parliamentary elections of October 2021. It clarifies the reasons and factors behind the spread of hate speech during electoral campaigns, and their diverse forms and shapes. It also analyzes the practice of hate speech and violence, and highlights the need to assess electoral legislation and government procedures to ensure women's empowerment, draft more equitable legislation and applications to ensure women's effective participation in political life and to allow women to play an important role in the decision-making process and peace building.

The Report draws on the analysis and classification of reported and verified incidents of gender-based violence and hate speech monitored by Iraq Foundation and partner organizations during the election campaign in seven governorates (Baghdad, Mosul, Kirkuk, Saladin, Al Diwaniya, A Najaf, Basra). The incidents underlying the analysis do not necessarily represent the totality of violations that occurred in these governorates.

- **Methodology**

To provide a context for the analysis of hate speech and gender-based violence against candidates, Iraq Foundation's legal expert conducted a rights survey of legal text aimed at combating and preventing hate speech during electoral campaigns, including the Iraqi constitution, the Iraqi criminal code, and the various laws and regulations issued by parliament and other government bodies relevant to the conduct of elections. We determined available legal means of redress by following the rules set forth by the Independent High Electoral Commission (IHEC) and the opinions of its administrative officials, and the Communications and Media Commission (CMC) lists regulating media work and its reports.

A monitoring and reporting protocol for communication with female candidates was adopted in the seven governorates whereby interviews were held to clarify their rights and means to legal redress, encourage evidentiary reporting, and document violations and abuses. A dedicated electronic platform was developed by our partner Tech4Peace to facilitate use by activists and actors in reporting cases of abuse against women in electoral campaigns and determine locations and types of abuse while ensuring sender and candidate confidentiality.

Analysis, verification, and classification of gender-based violence and hate speech reported during the electoral campaigns were conducted based on monitoring reports, individual interviews, and email communication with female candidates. Tech4Peace verified electronic authenticity of digital content on social media. Our



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analysis allowed us to reach conclusions on the legislative framework's effectiveness and implementation processes to stem the spread of hate speech, and to assess the alignment between the legislative texts and actual compliance. A series of academic research studies and reports issued by government and non-government organizations and international standards of human rights were reviewed to determine the wider context of women's rights, the causes behind the spread of hate speech and gender-based violence and means to end or reduce it and end perpetrators' impunity.

### **First: The Legal Framework for Women's Political Participation**

Women's political participation is regulated by the principle of gender equality<sup>1</sup>. In fact, the constitution entails express positive discrimination in parliamentary representation, granting women at least 25% of seats pursuant to the provisions of article 49/4 of the 2005 Constitution, clearly upheld in subsequent electoral laws, specifically article 16 of law 9/2020.

- **Women's participation in numbers during the 2021 elections.**

Statistical analysis resulted in several indicators concerning female candidates:

1. Prevalence of female candidates on political parties' electoral lists compared with independent candidates
2. Absence of political or social support constituted a reason behind independent candidates abstaining from political work.
3. IHEC stipulated the adoption of a women's quota in party electoral lists, thereby ensuring female candidates' percentages remain no less than 25%
4. The dedication of one quota seat to women in each electoral district increased the number of female candidates in open lists, given some political parties' tendency to encourage female candidacy in less competitive districts
5. The number of women winning the elections rose to 95, of which 57 outside the quota system, a noticeable development bringing women's representation closer to one third of parliamentarians.

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<sup>1</sup> Article (20) of 2005 Constitution: "Iraqi citizens, men and women, shall have the right to participate in public affairs and to enjoy political rights including the right to vote, elect and run for office".



## Second: Government Support and Performance Change

Government entities issued decisions to promote women's political participation and exerted efficient and effective efforts to empower and strengthen candidates' capacities by forming the Supreme Committee to Oversee Women's Political Participation in parliamentary elections, pursuant to order n.32/2021 and in collaboration with civil society organizations and relevant government institutions to raise social awareness of women's right to participate in public life and run for office.

The government also formed a supreme security committee to ensure elections protection. The security committee took several measures, including the creation of a free hotline (5669) to receive election complaints and document security and other violations threatening elections and candidates' and security breaches.

## Third- The Legal Framework of Electoral Campaigns

1. The Elections Law of 2020 does not include criminalization of specific acts cited in the campaigns section. It expressly specifies prohibited behavior and restrictions but fails to determine appropriate penalties in the section on electoral crimes<sup>1</sup>, and focuses on prohibition of acts without linking them to the penalty, in a clear legislative drawck.
2. Female candidates had recourse to the standard courts to seek legal redress since IHEC lacks jurisdiction to look into their complaints, yet lengthy procedures in the ordinary courts render them unable to urgently examine these legal complaints within the campaign period.
3. IHEC possesses extensive discretionary authority in determining penalties in the complaints as well as the proportionality of the act with the penalty.
4. Most electoral crimes texts included a specific criminal intent, thereby reducing legal accountability and the possibility of establishing judicial evidence; hence the need to reformulate and restrict them to the general criminal intent to widen the scope of protected interests.

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<sup>1</sup> Unless the law stipulates a legal penalty according to the following articles:

Article 25: "ministries and other state institutions and places of worship shall not be used for electoral campaigns or activities by political entities and candidates"

Article 26: "the official state logo shall not be used in electoral meetings, campaigns and newsletters or in campaign logos and images".

Article 27: "state institutions or local authorities' employees shall not use their influence or state resources, means or agencies for their own or a candidate's interest, including security or military instances in electoral campaigns or to affect voters".

Article 28: "all forms of pressure, coercion, material or moral rewards to affect elections results shall be forbidden".

Article 29: "spending on electoral campaigns from public finances, ministries budgets, endowment funds or foreign support shall be prohibited".



#### **Fourth: CMC Progressive Processes**

1. The CMC passed a decision including 11 measures to regulate media expression to prevent incitement to violence, hatred, racial, national, religious or intellectual intolerance as well as other sources of conflict and strife.
2. Rules of media coverage in the 2014 elections were amended by adding article (9) on “media empowerment of women running for elected office”, a qualitative leap that guarantees positive protection in media activity and ensures protection against verbal abuse or any violation committed by the media during political campaigns.
3. Media organizations are required to respect a number of commitments during electoral campaign coverage:
  - a. Refrain from publishing biased media content inciting hatred or violence against female candidates.
  - b. Refrain from showing indecent or immoral media content
  - c. Avoid generalized accusation against female candidates to prevent creating an inappropriate and stereotypical image of said candidates.
  - d. Refrain from addressing candidates’ private lives.
  - e. Respect candidates with disabilities and refrain from spreading any material that might be offensive, derogatory or derisive.
  - f. Ensure accuracy and precision when publishing candidate-related information and data, and allow for retractions, corrections and apology for publishing information deemed incorrect to the candidate.

#### **Fifth: Forms of Media Campaigns Used by Women Candidates.**

1. Most candidates avoided adopting slogans on women’s or children’s issues, rather choosing to focus primarily on political and economic slogans.
2. Sponsoring youth, specifically sports-related activities.
3. Communication with social actors in electoral districts.
4. Virtual (social media) communication thanks to the ease of use, spread, and cheaper accessibility.

#### **Sixth: Violence in Digital Campaigns.**

Women running for public office faced different forms of online discrimination:



1. Candidates were the subject of mockery, degrading and sexual jokes on influential accounts on social media platforms, by digital media content creators, and on satirical political shows.
2. Campaign content on social media was subject to interference by opponents with harassing and bullying comments.
3. Efforts to hack personal or electoral campaign accounts or identity theft.
4. Content falsification attacks by cropping images or placing fabricated statements, including offences to a community's religious beliefs, as a form of illegal targeting.

### **Seventh: Analysis of Database Using Reported and Verified Violations**

- **Quantitative Analysis of Monitored Data**

1. Over time: 166 female candidates were subject to 311 violations during the campaigns with violations decreasing during elections silence period and on elections day, and rising again following elections day, when 16 candidates were subject to 28 violations.
2. Geographically: Baghdad registered the highest number of reported violations, followed by Kirkuk; Najaf and Diwaniya were ranked lowest in terms of numbers, reflecting the level of competitiveness that reaches illegal proportions during campaigns.
3. In the same geographic framework, the 4<sup>th</sup> Basra district and 1<sup>st</sup> Kirkuk district registered the highest number of violations, followed by districts 11 and 12 in Baghdad, while Ninawa's 1<sup>st</sup> district ranked last.
4. In terms of the nature of violations, hate speech ranked first with 57 monitored cases, followed by fake news, defamation and attacks against female candidates' images.

- **Types of hate speech and gender-based violence**

Candidates were subject to several types of violations monitored by Iraq Foundation:

1. Physical violence: assassination attempts reported by two female candidates; physical attacks against candidates, their family members or campaign team; prevention of holding electoral assemblies or causing problems when they are held.
2. Emotional and psychological violence: death threats targeted several women candidates on social media or via direct messages; violation of the right to



privacy through unauthorized sharing of family photos or impersonation on fake social media pages.

3. Sexual abuse: manifested in verbal harassment during campaign activity or online communication; this form of abuse was widely spread on social media.
4. Verbal abuse: defamation, offensive language, threats, and bullying<sup>1</sup>.
5. Hate speech based on religious or ethnic discrimination: ethnically or religiously diverse regions saw the rise of speech claiming that the female candidate's ethnic or tribal affiliation disqualifies her from running for elected office in the electoral district.
6. Spreading fake news about candidates: spreading unfounded statements, announcing her withdrawal or spreading false disqualifying rumors to affect voters' decision on the last few days before Election Silence Day to convince voters to vote for other candidates.
7. Violence targeting material means of campaigning: types of violence included forbidding female candidates from hanging campaign posters in some regions, writing over or distorting the candidate's photo by adding drawings or inappropriate expressions, or scratching off, erasing or removing the candidate's number and electoral district number.



Aggressions against campaign images and announcements took two forms:

<sup>1</sup> Interagency standing committee, guiding principles on interventions on gender-based violence in humanitarian situations  
<https://interagencystandingcommittee.org/>



- Organized acts perpetrated by individuals or supporters of competing electoral candidates as a form of unlawful competition (ripping and removing signs, impeding electoral campaigning).
- Individual acts carried out by individuals who do not believe in the elections as a means of peaceful transfer of power or do not believe in women's political participation (writing inappropriate expressions or drawings).

### **Eighth: Causes of Violence**

1. Gender discrimination puts men in immutable social positions of ascendancy with women coming second. Acceptance of this condition may lead men to reinforce their social standing as holders of absolute decision-making power and control over women.
2. Religious speech continues to allege women's failure by reiterating her inability to assume political leadership positions. In addition, cultural heritage in some regions is centered around women's inability and inadequacy to assume such positions.
3. Female candidates' weak legal capacities is an indicator of weak legal knowledge in general among all candidates, but especially among female candidates, specifically with regard to legal assistance in filing complaints and follow-up, and the entities with jurisdiction to receive such complaints. Some complaints were filed without the supportive legal evidence<sup>1</sup>, and thus were more likely to be rejected.

### **Ninth: Conclusion.**

Though tremendous efforts were made, and numerous workshops and conferences were held prior to the elections to promote women participation, the actual results achieved may not have met expectations. This does not mean that these measures are inefficient; in fact, they constituted the main driver of progress in the female candidates' performance and the rise in the number of winners outside the quota system. Rather, these efforts indicate a need for more democratic awareness and education campaigns starting in primary education through school curricula in order to change social stereotypes, ensure wider acceptance of women's roles in political

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<sup>1</sup> IHEC decisions 24 and 25, record (38) of 7/10/2021 on the dismissal of the complaint filed by Itab Al Dawri for lack of evidence, as well as a candidate's complaint against Moayed Ghazi Obeid on the removal of her campaign billboard and replacing it with his, due to IHEC inability to provide evidence, decision on complaint 28/campaigns/2021).





life and decision-making processes, and promote a true understanding of equality and citizenship.

### **Tenth: Recommendations**

#### **1. Recommendations to parliament**

- Work on passing family protection legislations (child protection law and domestic violence law) and amend laws that bar women from fulfilling their role in society.
- **Reformulate chapter 5 in the Elections Law that deals with electoral campaigns by including express articles including:**
  - Require candidates to refrain from tarnishing, defamation, incitement against their opponents or violating their personal lives.
  - Prevent the use of hate speech or incitement to violence on the basis of gender, ethnicity, confession, affiliation, and others.
  - Determine a ceiling for campaign spending to reduce economic disparity among male and female candidates and promote women's chance of competing; develop a legal framework to define the number and size of campaigns and ensure equal opportunity.
  - Include text to penalize candidates purposefully spreading news or perpetrating acts harmful to competitors, spreading lies or defamation, or allegations of withdrawal; penalties may include stripping candidates of electoral votes, imposing more stringent penalties and doubling the financial penalty if voters are unable to establish the truth.
  - Apply to the candidate the same penalty imposed on a member of his electoral campaign if such acts are perpetrated with his knowledge or approval by depriving him from the right to run for elected office for a period of 5 years minimum starting from the acquisition of jus cogens.
- **Reformulate articles in section on election crimes to include:**
  - Consider acts committed by public servants or government employees to influence voters a cause for removal from office.
  - Specify cases that require imposition of financial penalty and amount or stripping of votes in an electoral center or station in cases of use of force, carrying weapons, tampering with ballots or ballot boxes, to avoid discretionary authority exceeding the cause-and-effect limits.
  - Adopt preventive measures of criminalization in the chapter on electoral campaigns and hold perpetrators accountable for endangering protected interests.



- Add a provision stipulating the imprisonment for a period of 1 month or a financial penalty no less than one million and no more than 5 million dinars or both for violation of the provisions of the law unless a relevant criminal text is present.
- Add a provision in the law stipulating that incrimination provision in the electoral law shall not impede the imposition of more severe penalties stipulated in any other punitive law.
- **Reformulate the procedural mechanisms for crimes committed during electoral campaigns.**
  - Address the issue of procedural overlap in electoral campaigns complaints to separate the violations of the female candidate's personal right complaints from those that constitute a violation of state institutions or commission; ordinary jurisdiction should intervene and apply the principles of swift investigation and prosecution, given that the elections and the natures of such contraventions may affect candidates' chances and require swift legal attention; require informing IHEC of such complaints to amend its decisions pursuant to legal verdicts.
  - In the event the current procedures are maintained in adjudicating complaints and crimes, collaboration should be enhanced and IHEC should be allowed to look into violations committed by candidates or their campaigns; IHEC should also be granted additional legal authority by giving the IHEC board, electoral district manager and electoral offices managers in provinces and governorates, as well as electoral center directors (for the purpose of implementing the electoral law), the authority of judicial oversight pursuant to the provisions of the Code of Criminal Procedure 23/1971 amended.
- **Increase the quota for women**  
(Available options)
  - Amend the law to ensure candidacy quota on a 50-50 basis while maintaining the constitutionally approved quota of 25% minimum of parliamentary seats. Increased candidacy quota allows swifter access to elected bodies and ensures alignment with the provisions of article 14 of the constitution maintaining equality of all Iraqis without discrimination based on gender. It will also allow women broader visibility and lead political parties to build the capacities of their women candidates and mobilize their skills to assume elected office.



- Increase representation quota to no less than 30% in the electoral law, without contradiction to the constitutionally guaranteed quota, since a legislated quota will be more effective in securing women's representation in elected office.
- Encourage political parties to adopt parity in electoral lists by giving them financial incentives.
- **Amend political parties' law**
  - Work on amending political parties' law to ensure no less than 25% women quota in leadership and key party positions
  - Adopt positive (or negative) reinforcement for political parties adopting parity in electoral lists by encouraging (or depriving them of) financial aid stipulated in the law.

## **2. Recommendations to decisionmakers**

- Develop strategies to be adopted by all state institutions to challenge negative social traditions and customs towards women and their social role.
- Work on developing initiatives to challenge gendered, technology-facilitated violence. This approach may require a faster adoption of the anti-cybercrime law provided that IT, information, legal, social and political experts assist in rewriting the version of the draft law currently with parliament, given its incompatibility with human rights and technological advancement. The objective should be to ensure legal texts are effective in addressing violations of freedom of speech and violations of women's dignity in the digital realm without discrimination.
- The economic empowerment of women plays a prominent and effective role in her political empowerment and requires the adoption of a strategy to promote women's economic conditions and develop her capability in making economic decisions within her household.
- Build female candidates' skills in managing their campaigns, recruiting and forming the campaign team, as well as their knowledge of electoral laws and specifically procedures for complaints arising from campaign violations.
- Enhance women's capabilities and knowledge of their rights and role to ensure their support for changing stereotypical perceptions dictated by social traditions, and to effectively demand their rights.
- Special committees should develop school curricula to eliminate any images or texts that denigrate the role of women or undermine their due participation in society.



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- Devise gendered professional training and capacity-building policies, and revise recruiting and promotion standards to ensure non-discrimination against women.
- 3. Recommendations to IHEC**
- When drafting regulations for electoral crimes and complaints, specify the acts leading to the repeal of party or candidate's ratification and their exclusion from elections, since knowledge of sanctions may serve as a legal deterrent.
  - Determine the cases that require the imposition of a financial penalty and its ceiling as well the cases that require depriving the perpetrator of the acquired votes in an electoral center or station to avoid discretionary authority exceeding the cause-and-effect limits.
  - In the area of leadership, expand women's participation in the highest administrative decision-making levels in IHEC and ensure women representation.
  - Establish an administrative unit in the IHEC administrative structure to support women, under the information and communication department, tasked with:
    - Opening official channels of communication with civil society organizations concerning women's empowerment in order to establish a continuous communication channel and exchange information to promote women's participation in elections quantitatively and qualitatively.
    - Present proposals and solutions to issues preventing women's effective participation by relying on studies and research conducted by IHEC specialists in light of elections data.
- 4. Recommendations to the CMC**
- Widen knowledge of affected persons and mechanisms to deal with violations committed by media institutions.
  - Periodically publish monitoring reports of violations and remedies to enhance transparency.
  - Develop a directory of terminology that falls under hate speech and require media institutions to develop employees' knowledge to avoid using and spreading such language in their dialogues.



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- Build the skills of stakeholders and media institutions on elections coverage that averts hate speech and incitement to violence in statements.
- Develop a media strategy to affect prevalent media rhetoric and to create behavioral change towards gender. Use social media to give real examples of successful experiences of women in politics and their impact on changing attitudes.
- Guide media outlets to develop targeted modes of speech appropriate for children and rural and tribal areas, in order to change gender traditions and customs to promote women's social standing.