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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by The Next Century Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 February 2021]

* Issued as received, in the language(s) of submission only.



Free and fair elections are vital in Iraq

For more than a year, Iraq has been embroiled in demonstrations protesting corruption, foreign interference, and dire public services. The upcoming parliamentary elections provide opportunities for reform that could provide a brighter future for all. Nevertheless, for reforms to occur, serious commitment from all of Iraq's political actors is required, commitment which has thus far been lacking. Fair elections, free from pressure by armed groups and political parties, are vital.

Electoral budget and electoral law

The Next Century Foundation (NCF) recognises the work of the Independent High Electoral Commission in Iraq (IHEC) and the United Nations Assistance Mission for Iraq (UNAMI) in preparing for these elections, and we welcome the approval by the Council of Representatives of the electoral budget.

The NCF also welcomes the new law for the election of Iraq's Council of Representatives which outlines the electoral district boundaries of Iraq's 83 electoral districts. With 329 parliamentary seats to be contested, 83 seats (25% of seats) are reserved for women. Plans to adopt a national development plan for women represent a renewed commitment to the empowerment of women. Women entering politics face considerable challenges. We urge political leaders to expand opportunities for women's participation.

Of the 329 parliamentary seats, nine seats are reserved for minority representatives, including five seats for Christians, and one seat each to Yazidis, Shabaks, Sabean Mandeans and Fayli Kurds. The NCF notes that this quota system may foster the exploitation of minority candidates by influential political parties that wish to secure quota seats, and urges the Government of Iraq to take action to reduce this exploitation.

Biometric voting and voter security

For free and fair elections to go ahead, IHEC must first ensure:

1. That all voters possess the biometric voter cards they need to vote biometrically;
2. That the security and safety of voters is prioritised;
3. That the risk of intimidation by local or foreign actors is minimised.

As of 12 January 2021, IHEC was operating 1,076 voter registration centres, and the weekly average of biometric voter registrations was 7,200 with 44,000 cards distributed weekly. At that rate, only a further 2% of the 11.3 million voters without biometric cards would have had them distributed before June 2021. The NCF supports the efforts of IHEC in deploying an additional 750 mobile voter registration teams across Iraq. We call upon IHEC and the Government of Iraq to ensure that biometric voting systems are secure, and risks of fraud through proxy voting and the hacking of devices are minimised. The NCF also urges the rescheduling of a nationwide general census (it was delayed in August 2020 due to the outbreak of COVID-19). The census needs to occur at the earliest opportunity to clarify issues related to voter registration.

The NCF reaffirms its desire for the prioritisation of the security and safety of voters in the preparation for elections in Iraq, noting Prime Minister Mustafa Al-Kadhimi's statement that all efforts are being made to "ensure electoral security". The security situation in Iraq continues to threaten the integrity of the electoral system.

We are concerned too about Iqtira Al Khas or the Special Elections for police and army, and possible use of bribery to influence any senior officer who can bring his soldiers or police to vote.

Fair elections may also be hampered by the presence of foreign forces or armed groups backed by foreign governments on Iraq's territory. The NCF calls all governments to

withdraw forces associated with them from Iraq's territory. We also note that interference by local armed groups or voter intimidation and corruption by political parties may hamper the process of free and fair elections and call upon them to respect the democratic process. This could apply in many corners of Iraq, including places such as Anbar, Salahedin, Diyala, Kirkuk, West Baghdad, and Nineveh, where powerful local politicians, army, and police officers are members of the establishment (Mu'asasa) but are not independent. NCF monitors have witnessed voter intimidation in instances including in Kirkuk (by Daesh suicide bombers), North Baghdad (by Shiite militia turning Sunni voters away), Medinat Sadr (by party loyalists intimidating those coming to polling stations). The NCF is also concerned by the uncontrolled flow of weapons into regions vulnerable to violence.

Next steps

Given these concerns, we welcome the Government of Iraq's decision to postpone elections until 10 October 2021 and urge Iraq's politicians to follow the guidance of IHEC with regard to the essential steps required for elections to go ahead, including expanding the biometric registration process. We hope that any failure to complete the complex process of biometric registration will not be used as an excuse to delay voting, as the forthcoming elections are not dependent on a system of biometric voting being in place. There are few countries in the world that have biometric voting and where it has been introduced there are many concerns, e.g. the possibility of voter disenfranchisement when characteristics used to verify voters become unavailable (such as fingerprint quality degradation). The elections should go forward whether or not biometric voting registration has been completed.

One of these steps is the agreement as to the membership of the Federal Supreme Court, in light of the death of one of its nine judges, without which the certification of electoral results cannot take place. The appointment of a new judge has been unable to go ahead due to a legal dispute within Iraq's judiciary on the mechanism for appointing Supreme Court judges, and the amendment of the Federal Supreme Court Law intended to ratify this has as yet not passed through parliament. The NCF calls upon the elected representatives of Iraq to finalise the amendment of the Federal Supreme Court Law and enact solutions to the membership of the Federal Supreme Court in order not to impede elections. We trust that politicians are not using debate about reform of the Federal Court (e.g. by suggesting that Federal Court members should retire after the age of 75) as a mechanism to further delay elections because they are concerned that they themselves may not do well in the forthcoming polls.

Another essential step for elections to go ahead is the registration of political parties. On 17 January 2021 IHEC's Board of Commissioners stated they would "extend the registration period for political alliances". The NCF calls on IHEC to disseminate the requirements, deadlines and subsequent steps for political party registration and candidate nomination while the accreditation process remains open.

The COVID-19 pandemic continues to have dire effects on the lives and livelihoods of many of Iraq's citizens. The NCF trusts that the IHEC Committee on COVID-19, comprising the Ministry of Health and the Supreme Committee for Health and Safety as well as IHEC and UNAMI, will clearly define and apply coherent strategies to mitigate the impact of COVID-19.

These essential steps will allow IHEC's Operation Committee to finalise the electoral operational plan and timeline defining key tasks, in addition to implementation and coordination mechanisms in collaboration with UNAMI, which the NCF trusts will be completed as soon as possible. We also trust that IHEC's board will remain impartial in regard to issues such as the appointment of local IHEC committees. IHEC has been more impartial than it has been perceived as being but local IHEC committees have often been subverted. It was tragic to see the impartial and efficient IHEC committee in Kirkuk abolished and replaced by a body that did not count the votes during the Kurdish referendum (voting figures given for Kirkuk were questionable at that time). We hope that better transparency will be the order of the day in the forthcoming elections.

Importance of independent oversight

The NCF endorses the IHEC's Board of Commissioners' statement highlighting the necessity for more international observers to monitor all stages of the electoral process to ensure the integrity and transparency of the democratic process, and appeals to members of the international community to promote the independent and comprehensive observation of Iraq's elections.

The Next Century Foundation recognises that UNAMI will not as a general rule conduct election observation outside the Green Zone and the Kurdistan Region. But we hope that other international bodies and non-governmental organisations (NGOs) will step up to the mark, and that Iraq's own able and excellent independent NGOs also be permitted, and encouraged, to observe the elections where the UN is unable or unwilling to do so. This oversight must not be limited to central regions of Iraq, and should be carried out throughout the whole territory of the country. We especially urge UNAMI not to discourage voting in the disputed territories as it has sometimes done in the past.

The importance of ensuring that the citizens of Iraq are able to vote in free, transparent and fair elections cannot be overstated. The integrity of the democratic process for the upcoming elections will lay the foundations for the legitimacy of the next governments of Iraq, and thus dictate prospects for political stability for years to come.
