



# Fact sheet



## Elections for Iraq's Council of Representatives

### FACT SHEET # 6 Women's Quota

#### **What is the legal framework for women's participation in Iraq's elections?**

Women's political participation in Iraqi elections and gender equality are promoted through both international commitments and domestic legal provisions. As a State party to the International Convention on Civil and Political Rights (ICCPR) and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Iraq is obliged to ensure participation in public life without discrimination based on gender. Furthermore, Iraq has committed to achieve Sustainable Development Goal 5 on "gender equality and empowerment of all women and girls," which aims to "ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life."

The Constitution of Iraq prohibits discrimination based on gender equality and guarantees the right of women to participate in public affairs and to enjoy political rights, including the right to vote, elect and run for office. Also, the Constitution sets a minimum quota for women in Iraq's Council of Representatives (CoR).

#### **What is a women's quota?**

It is an allocation for women of a certain number or percentage of seats of a body such as a parliament, committee or government.

#### **Why is a women's quota needed?**

The participation of women in government or parliaments at the policy level continues to be low in general, and there is an urgent need to achieve a balance between women and men holding publicly elected positions. The women's quota is a temporary special measure mandated by CEDAW with the aim to accelerate de facto equality and progress towards ultimate equality of gender representation.

#### **What is the women's quota for the CoR elections?**

According to the Constitution of Iraq and Election Law, women's representation in the CoR shall be no less than 25% of the total number of CoR members. Political parties are required to have at least 25% of their candidate lists consisting of women candidates.

**What is the minimum number of women that needs to be elected to the CoR?**

There should be at least one seat allocated to a woman candidate in each constituency. There should be a minimum of 83 seats for women out of a total of 329. That represents 25.2% of all seats.

**Is it possible for women to have more than 83 seats (more than 25 % of the seats)?**

Yes. The Constitution, Election Law and Independent High Electoral Commission (IHEC) Regulations, provide for and guarantee a minimum quota of 83 seats for women in the CoR. However, it also allows for more women to be allocated seats, if they are elected.

**How are the seats allocated to ensure the women's quota?**

First, the constituency's seats are allocated to candidates winning the highest votes, regardless of their gender. If the quota of women is achieved in the constituency according to the results of the elections, there will be no replacement process. If a woman does not win any constituency seat, the winning male candidate of the last seat in the constituency will be replaced with the woman candidate who obtained the highest votes among women candidates in the same constituency.

**How is the women's quota ensured at the governorate and constituency level?**

As an example, if a given governorate has two constituencies (one with 4 seats and one with 3 seats), then IHEC Regulations guarantee that each constituency shall elect at least one woman. However, they do not pre-empt women from winning all the seats in that constituency.

*Scenario 1:* In the first constituency, if the candidates winning the four highest seats are all women, they will all get seats. (Any constituency may elect all women, which will impact the overall number of women in the CoR.)

*Scenario 2:* If the first constituency elects 4 women, but the second does not elect any women, then IHEC Regulations guarantee that the last winning male candidate from the second constituency will be replaced by the woman candidate who obtained the highest votes among women candidates within the second constituency.

Thus, even though the first constituency elected 4 women already, and the number of elected women candidates exceeds the quota at the Governorate level, the woman candidate in the second constituency will still be awarded a seat – because the quota was not met at the constituency level. In this hypothetical situation, it will now be ensured that 5 women have been elected from the governorate, which has a total of 7 seats.

Scenario 3: In the second constituency, which has 3 seats, if a women candidate wins a seat (regardless of whether she came in first, second or third place), there will be no replacement process. The winning candidates will thus be allocated their seats.