

The Impact of Changing Electoral Systems on Women's Political Representation in Iraq: An Analytical Study in Light of the 2005 Constitution

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Abstract

The issue of women's political representation in Iraq is no longer confined to the absence of constitutional provisions, but rather lies in the instability of the governing "electoral system." This study aims to measure the impact of legislative variables (changing electoral laws) on the effectiveness of women's participation, by analyzing the dialectical relationship between "constitutional stability" represented by the Quota (Article 49) and "legislative turbulence" represented by the fluctuation of laws between the Proportional Representation system (Sainte-Laguë) and the Multi-District system. The research adopts a descriptive-analytical approach supported by a statistical reading of election outcomes (2010-2021) and a review of the historical development of political rights. The study concludes that there is a direct correlation between the electoral system type and the quality of female representation; while the "Sainte-Laguë" system entrenched women's subordination to party leaders (the Proxy MP phenomenon), the "Multi-District" system in the 2021 elections caused a qualitative leap, enabling 57 women to win by their own votes, exceeding the constitutional quota ceiling. The research also discusses the structural challenges (political violence, funding, patriarchal dominance) facing women, offering a forward-looking vision to evolve the Quota from a "protection" mechanism into a "competition" base.

Keywords: Electoral Systems, Women's Quota, 2005 Constitution, Sainte-Laguë, Multi-District, Political Empowerment.

1. Introduction

The Constitution of the Republic of Iraq of 2005 constitutes a pivotal turning point in the legal and political history of the modern Iraqi state; as it was not merely a document for organizing the authorities only, but rather represented a new social contract aimed at breaking with the era of totalitarianism, and establishing a pluralistic democratic system based on the principles of citizenship and the rule of law. Amid these transformations, the issue of women's political rights occupied a fundamental space in the constitutional structure, as one of the most important criteria for measuring the democracy of contemporary political systems, and a necessary condition for achieving sustainable political development. The philosophy of the Iraqi constitutional legislator clearly moved toward strengthening women's political participation, going beyond the limits of the traditional right to vote,

to include the right to candidacy, holding public positions, and decision-making. This was embodied through explicit constitutional guarantees, perhaps the most prominent of which is the approval of the women's quota system as a mechanism of positive discrimination to ensure a minimum level of representation in the legislative authority. However, these textual guarantees collided –and still collide– with the complexities of practical reality governed by political rivalries, social customs, and the nature of changing electoral laws.

1.1 Research Problem:

The study proceeds from a fundamental problem, namely: the existence of a widening gap between the constitutional text that granted women broad political rights, and the political reality that worked to limit these rights and strip them of their effective content. The dilemma does not lie in the absence of texts, but rather in the mechanisms of activating them and the extent to which subsidiary legislation (election and party laws) conforms to the constitutional spirit. Accordingly, the study raises the following main questions:

1. To what extent were the constitutional provisions of 2005 effective in politically empowering women in light of legislative changes?
2. Did the "quota" system succeed in creating an effective female leadership elite, or did it turn into a ceiling that determines the size of participation and produces numerical representation subordinate to the leaders of political blocs?
3. How did the repeated amendments to election laws (from the closed list to multiple districts and then Sainte-Laguë) affect the quality of women's representation?

More specifically, this study does not examine women's political representation in Iraq as a general constitutional issue only. Rather, it focuses on the way in which repeated changes in the electoral system affected the practical value of the constitutional quota established under Article 49 of the 2005 Constitution. The central concern of the research is therefore to determine whether electoral laws merely preserved women's numerical presence in Parliament, or whether they contributed to producing more autonomous and competitive female political representation.

Accordingly, the study limits its analytical scope to the relationship between three main variables: first, the constitutional guarantees of political equality and women's quota; second, the changes in Iraqi parliamentary electoral systems, especially the shift from list-based proportional representation to the multiple-district system; and third, the actual electoral outcomes achieved by women in the parliamentary elections, particularly during the period from 2010 to 2021. This focus allows the research to move beyond a descriptive account of women's rights and toward an evaluation of the effectiveness of electoral design in transforming constitutional guarantees into political reality.

1.2 Importance of the Research:

This study derives its importance from its timeliness, as it comes nearly two decades after the entry into force of the Constitution and the implementation of the quota system. This is a sufficient period

of time to conduct an objective evaluation of the Iraqi experience, and to determine whether the adopted legislative mechanisms have contributed to transforming women from voters or supplementary candidates into political partners in decision-making, or whether structural obstacles still prevent that.

1.3 Research Hypothesis:

The study proceeds from the hypothesis that the constitutional provisions of 2005, despite their theoretical progressiveness, have been contained through a subsidiary legislative system and a socio-political context that worked to domesticate women's participation, and confine it within the scope of embellishing the democratic image of the system, without allowing women to reach sovereign decision-making positions in the executive and legislative authorities.

1.4 Materials and Methods:

The study employs the methodology of description and analysis of legal and political sciences in order to investigate the effect of the transformation of the electoral systems on women's political representation in Iraq. Description methodology will be employed in the presentation of the legal and constitutional basis of women's political rights while the analysis will be used in order to assess the influence of various electoral systems on the efficiency of women's political representation.

The source materials of the study can be divided into primary and secondary materials. Primary materials include the Constitution of the Republic of Iraq of 2005 (Art. 14, Art. 16, Art. 20 and Art. 49); laws regulating parliamentary elections in Iraq; Political Parties Law No. 36 of 2015; court decisions issued by the Federal Supreme Court; and official statistics regarding parliamentary election results and women's quota seats issued by the Independent High Electoral Commission. These materials have been chosen due to the direct influence they exert on the legal status of women's political participation and mechanisms through which women enter parliament.

Secondary materials include academic publications, journals articles, reports of national and international organizations, and previous studies related to women's political participation, electoral systems, quota system and political parties in Iraq. These materials have been used in order to provide additional information to legal analysis as well as for political and social explanation of the difficulties associated with women candidacy.

In the process of collecting data, the technique of document analysis was used. Legal documents, official electoral statistics, judicial interpretations and scholarly writings relevant to the period following the adoption of the Constitution of 2005 and focusing particularly on parliamentary elections in the period from 2010 to 2021 have been collected. It is reasonable to choose this period of time as many transformations in the electoral system such as proportional representation system, modified Sainte-Laguë formula and multiple district system have taken place during this period of time.

The collected data have been processed using qualitative and comparative analysis. First of all,

constitutional provisions have been studied in order to identify legal guarantees offered to women. Secondly, electoral laws have been compared from the point of view of structure, candidate selection rules, districts and their influence on the chances of women to win. Thirdly, election results have been processed statistically through comparison of quota requirement stipulated in the constitution with the actual numbers of women entering parliament and particularly winning through their own votes. Thus, it has become possible to identify whether each electoral system led to mere representation of women or contributed to their political empowerment.

In the course of the study, no field interviews and questionnaires have been conducted. The results of the study have been based on legal analysis, official electoral statistics and academic and institutional writings. This methodology is appropriate for the research goal as the research is focused on the connection between constitutional guarantees, electoral law and parliamentary outcome.

1.5 Research Structure:

For the purpose of encompassing all dimensions of the topic, the study was divided into an introduction and four main sections, according to the following order:

- **Introduction:**

reviews the historical development of women's political rights in the Iraqi constitutional memory, beginning with the monarchical era and the basic laws, passing through the republican and totalitarian era, and reaching the stage of new constitutional foundation.

- **Section One (Constitutional Foundation):**

Addresses the analysis of the constitutional provisions regulating political rights (Articles 14, 16, 20), and discusses the thorny constitutional controversy between "civil rights" and "religious constants" and the impact of personal status laws on political capacity.

- **Section Two (Quota System and Elections):**

Is devoted to discussing the legal nature of the women's "quota" system in Article (49), and analyzing the impact of changing electoral systems (from the closed list to multiple districts) on the quality of women's representation numerically and realistically.

- **Section Three (Institutional and Partisan Reality):**

Examines the status of women within the organizational structure of political parties under Law No. (36) of 2015, and the extent of their access to sovereign positions in the executive authority and independent bodies beyond the dome of Parliament.

- **Section Four (Challenges and Prospects):**

Is allocated to monitoring the real obstacles facing women, specifically political violence, the dominance of the male partisan mentality, and the economic and social challenges that prevent the independence of their political decision .

2. Literature Review

The subject of women's political representation has been extensively researched in studies related to constitutions, politics, and elections, especially in post-conflict and transition states. The existing literature mostly shares the idea that the constitutional recognition of political equality is a vital, but still insufficient condition of women's successful participation in the process. Legal scholars highlight the normative role of the equality clauses and political rights provisions creating the preconditions for participation, however, their impact depends on the presence of the additional electoral and institutional tools transforming the political rights into practical access to power (Al-Hilali, 2014; Matar, 2011).

One of the most discussed topics is the quota system as a tool of positive discrimination. These works prove the need to use quotas in societies when the history, culture, lack of financial and partisanship support creates significant obstacles to fair political competition. In such a way, the quota is not an exception to equality, but rather a tool providing its realization (Yusuf, 2017; Al-Janabi, 2019). At the same time, several authors warn about the danger of transformation of the quota systems in mere numbers without the necessary reforms in political parties, the rules of electoral financing, and the tools preventing violence and defaming women candidates (Hussein, 2020; Al-Ani, 2018).

Another line of research is devoted to the connection between the electoral systems and women's political representation. According to the literature on the topic, the proportional representation systems can increase women's descriptive representation when political parties are obliged by the law to select women candidates for electable positions. However, at the same time, the list-based system may contribute to women's dependence from the decisions made by the party leadership that is in charge of candidates' positions on the list, funding of the campaigns, and voter contacts (Al-Zubaidi, 2019; Kazem, 2021). On the other hand, the district-based systems provide more opportunities to build relations with the voters, but they also may lead to exposure of women candidates to the local social pressure, influence of the tribe, financial and political money, and direct electoral competition with men (Al-Hadithi, 2015; Hassan, 2020).

In the case of Iraq, the existing literature discusses the quota of women in accordance with Article 49 of the Constitution, development of the electoral legislation after 2003, and political activities of women in the Parliament. Several studies focus on the constitutional foundation of women's political rights, including Articles 14, 16, 20, and 49 of the Constitution (Al-Jubouri, 2010; Al-Shawi, 2007). Some researchers investigate the obstacles to the development of women's political career, including domination in the political parties, lack of financial support, patriarchal traditions, and the violence against women in public life (Al-Obaidi, 2018; Al-Harbi, 2019; Ali, 2022). Finally, several studies discuss the effect of the Sainte-Laguë formula and multiple-district system on the competition in the elections and success of the candidates in gaining the seats in the Parliament (Hussein, 2020; Kazem, 2021).

However, despite the importance of these works, the majority of the existing literature treats women's

representation either as the constitutional issue or social-political problem. Much less attention is paid to the relation between the instability of the electoral legislation and changing quality of women's parliamentary representation. This research will help to bridge this gap analyzing the impact of different types of electoral systems on not only number, but also autonomy of women elected to the Parliament. Specifically, the research is focused on the difference between quota-protected and popularly-elected women candidates and their position in the 2021 elections, when the official results proved that women had exceeded the constitutional quota (Independent High Electoral Commission, 2021).

3. The Historical Development of Women's Political Rights in the Iraqi Constitutional Memory

A reading of the constitutional texts represented by the 2005 Constitution remains incomplete unless they are placed within their cumulative historical context. The Iraqi constitutional legislator did not create women's rights out of nothing, but rather came in response to a long historical dialectic that fluctuated between total exclusion, formal participation, and ultimately mandatory constitutional empowerment. Accordingly, we will divide this section into two requirements, in which we review this historical process.

3.1 Political Rights in the Monarchical Era and the First Republics:

Since the establishment of the modern Iraqi state, the Iraqi Basic Law (Constitution) of 1925 was issued, influenced by Western constitutional thought but constrained by the conservative social structure at that time. From a purely legal standpoint, this constitution deprived women of exercising any political role, whether through election or candidacy. Article (30) of the Basic Law explicitly stipulated that: "No one shall be a member of the Chamber of Deputies unless he is... male...". The Law on the Election of Deputies of 1924 confirmed this prohibition, as it restricted the right to vote to males obligated to pay taxes. Although that era witnessed the birth of enlightening feminist movements such as the Women's Renaissance Club in 1923), (Constitution: 1925 AD), the Iraqi legislator remained committed to a narrow interpretation of citizenship, considering women subordinate to men in political rights and unqualified for public guardianship.

The Revolution of 14 July 1958 marked a radical turning point in the state's legal philosophy. The Interim Constitution of 1958 stipulated in Article (9) that: "Citizens are equal before the law without discrimination" (Constitution of 1958 AD), which opened the door for women to assume public offices. Perhaps the most prominent practical application of this transformation was the appointment of Dr. Naziha al-Dulaimi as Minister of Municipalities in 1959, making her the first female minister in the history of Iraq and the Arab world (Al-Hasani, Abdul Razzaq. 2005 AD). Despite the absence of parliamentary life during that period, the linkage between political right and civil right became evident through the issuance of Personal Status Law No. (188) of 1959, which the women's movement considered the solid ground from which women advanced toward the public sphere, on the basis that liberating women within the family is a prelude to liberating them in politics.

3.2 Political Participation between Ideological Instrumentalization and Constitutional Empowerment (2005-1968):

The period extending from 1968 to 2003 AD was characterized by the state's adoption of a totalitarian policy, as the Interim Constitution of 1970 stipulated in Article (19) equality among citizens. With the issuance of National Council Law No. (55) of 1980, women were granted the right to vote and stand for election for the first time for membership in the National Council Parliament, yet an analytical reading of the reality of that participation reveals the formal nature of that law, as women's participation was governed by the mechanisms of the General Federation of Iraqi Women, which was a governmental institution affiliated with the ruling party, making women's access to Parliament dependent on party loyalty rather than independent competence or free competition. Despite women's entry into Parliament, the percentages fluctuated, reaching about 13% in the 1984 session, then declining in the 1990s (Khalil, Mohsen. 1982 AD), and women in those councils were not decision-makers, but rather part of the decorative scene of the regime to prove its modernity before the international community, which political scholars term "Mobilized Participation," aimed at rallying the masses behind authority rather than holding it accountable.

After the change of the political system in 2003 AD, Iraq faced the challenge of reformulating the social contract. Here, the "Law of Administration for the State of Iraq for the Transitional Period" of 2004 emerged as a temporary constitutional document that established new concepts. Iraqi women's organizations, supported by United Nations Security Council Resolution No. (1325), engaged in a fierce legal struggle to consolidate women's rights. This resulted in the inclusion of Article (30/C) of the Law of Administration for the State, which stipulated: "The electoral law shall aim to achieve representation for women of no less than one quarter in the National Assembly" (Shabib, Kazim. 2005 AD). This text is considered the cornerstone and legislative precedent that transferred women's rights from the stage of permissibility and allowance, that is, (that the law allows her to run for office), to the stage of guarantee and obligation, that is, (that the state is required to guarantee seats for her). This transformation was not merely a response to international pressures, but rather a necessity imposed by the reality of marginalization, and a need to ensure a female voice during the stage of drafting the permanent constitution, which paved the way for Article (49) of the 2005 Constitution AD (Al-Abadi, Haider. 2018 AD).

4. The Constitutional Foundation of Women's Political Rights

Women's political rights in the 2005 Constitution cannot be read as mere legislative "grants," but rather as constitutional entitlements founded on a new philosophy of citizenship that broke with the legacy of exclusion and totalitarianism. This section aims to deconstruct the constitutional structure of these rights, and to analyze the extent to which the verbal formulations correspond to the legislator's intent to empower women, through the following requirements:

4.1 The Philosophy of Gender Equality in Article (14):

The text of Article (14) of the Constitution: "Iraqis are equal before the law without discrimination

on the basis of sex....” represents the transition from the concept of subjects of authority to the concept of legal citizenship. The added constitutional value of this text lies in explicitly mentioning the term sex as one of the criteria for prohibiting discrimination. Constitutional jurisprudence considers that this specification is not a linguistic excess, but rather a constitutional safeguard aimed at closing the door to any subsequent legislative interpretations that may attempt to discriminate between men and women in rights and duties, particularly in matters of public authority and testimony (Al-Jubouri, Qahtan. 2010 AD).

The equality intended by the legislator here is not rigid mathematical equality, but rather “legal equality in similar positions, which requires treating women and men according to one legal standard whenever the conditions of competence and citizenship are alike, which makes any condition preventing women from assuming the judiciary or the presidency contrary to the essence of this article” (Al-Shawi, Mundhir. 2007 AD).

4.2 Participation in Public Affairs:

Article (20) came to move women from theoretical equality to active political practice, as it stipulated: “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.” It is noteworthy here that the legislator used the dual plural formula men and women, which is a drafting technique aimed at cutting off strict jurisprudential interpretations that may attempt to limit the term “citizens” to males only in the context of public authority” (Al-Sharafi, Muhammad. 2016 AD). At the level of substantive analysis, this text is considered the direct constitutional application of Article (7) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), as the legislator did not merely grant the right to vote, the negative aspect of participation, but linked it to the right to run for office, that is, the positive aspect, and the right to participate in public affairs, which extends to assuming ministerial positions and heading independent bodies, “which makes women partners in sovereignty, not merely subordinate voters” (Abdullah, Sabah. 2019 AD).

4.3 Equal Opportunities:

If Article (14) granted legal equality, then Article (16): “Equal opportunities are a guaranteed right for all Iraqis....” came to address the gap in reality. The constitutional legislator recognizes that equality before the law does not necessarily mean equality in reality, given the historical economic and social disparities between men and women. Therefore, this text is interpreted as imposing an obligation on the state to adopt positive discrimination policies to remove the material and moral obstacles that prevent women from reaching positions. The right to run for office remains ink on paper if the female candidate does not possess the financial resources for the electoral campaign compared to her male competitor, or lacks security protection and tribal support. Accordingly, activating Article (16) requires “the enactment of legislation that guarantees fairness in competition, such as supporting funding funds for female candidates and criminalizing political defamation” (Alwan, Mona. 2014 AD).

4.4 The Constitutional Dialectic between Religious Constants and Women's Civil Rights:

The constitutional texts related to women's rights in the 2005 Constitution cannot be read in a fragmented manner; as this Constitution is characterized by a conciliatory nature that brought together divergent intellectual references, creating a kind of tension between the religious identity of the state and its democratic aspiration. This issue is clearly manifested when examining women's political rights, where they are pulled between texts that establish absolute equality, and others that may open the door to interpretations that restrict this equality, in addition to personal status provisions that touch upon the essence of women's legal capacity. We will discuss this dialectic through two axes:

4.4.1 Conflict of References: A Reading of Articles (2) and (14):

The researcher in Iraqi constitutional affairs faces the problem of conflict between Article (2), which considered Islam a fundamental source of legislation and prohibited the enactment of any law that contradicts the established provisions of Islam, and Article (14), which affirmed the principle of full equality before the law without discrimination on the basis of sex. The danger here lies in the fact that the concept of the established provisions of Islam is a broad term that allows for multiple jurisprudential interpretations, as a traditional jurisprudential trend holds that women may not assume "public authority such as the presidency of the state or the supreme judiciary" (Al-Shawi, Mundhir. 2007 AD). This interpretation, if adopted constitutionally, would empty women's political rights of their content, reduce them to incomplete rights, and place the constitutional text in a state of internal conflict. However, the contemporary constitutional reading, favored by modern Iraqi constitutional jurisprudence, tends toward reconciling the two texts through the gateway of democracy. Article (2) itself also prohibited the enactment of any law that contradicts the principles of democracy. Since gender equality is a fundamental pillar of the modern democratic system, any interpretation of the established provisions of Islam must be consistent "with the objectives of Sharia in justice and consultation, not with historically contingent jurisprudential rulings" (Al-Hilali, Ali Hadi. 2014 AD). Accordingly, the Federal Supreme Court, as the guardian of the Constitution, is obligated to adopt the interpretation that gives precedence to the rights and freedoms contained in Chapter Two, and to regard political equality as a constitutional principle that may not be restricted except by an explicit provision, which is absent from the constitutional document (Federal Supreme Court Decision No. 12/Federal/2010 AD).

4.4.2 Article (41) and the Impact of Personal Status on Political Capacity:

The transition from private rights to public rights is an organically interconnected process; it is impossible to imagine a woman fully enjoying her political rights in Parliament while suffering from a diminished legal capacity within her family. Here, Article (41) of the Constitution emerges as one of the most controversial provisions, as it permitted Iraqis the freedom to adhere to their personal status according to their religions or sects. Legal scholars believe that this article may establish a dangerous legal pluralism that could permit—according to some sectarian interpretations—"the marriage of minors or the restriction of women's freedom of movement and work except with the husband's permission" (Al-Obaidi, Bushra. 2018 AD).

This text has direct political repercussions, not merely social ones; a woman who is married at an early age is often deprived of education, which weakens her political awareness and makes her dependent in her electoral decision on her guardian or husband. Moreover, the inferior view of women in personal status laws as lacking reason or capacity unconsciously seeps into the public sphere, which justifies the Iraqi voter's reluctance to vote for her, and justifies parties' exclusion of her from leadership positions (Hassan, Enas Abdul. 2020 AD). Therefore, women's political empowerment does not begin with the election law, but rather with guaranteeing their legal, financial, and social independence in personal status laws, for a woman who is "minor" in her home cannot be a "leader" in her state.

5. Women's Quota System (Positive Discrimination) and its Problems

The quota system is the main pillar on which the Iraqi legislator relied to guarantee women's political representation, as a measure of positive discrimination aimed at correcting the historical imbalance in the balance of political power. This section aims to analyze the legal nature of this system, trace its practical development through successive electoral laws, and examine its numerical outcomes, through the following requirements:

5.1 The Legal Nature of the Quota:

Article (49/Fourth) of the Constitution stipulates that: "The electoral law shall aim to achieve a representation rate for women of no less than (25%) of the number of members of the Council of Representatives." The wording of this text raises a jurisprudential debate regarding the significance of the term shall aim. A deep legal analysis tends to consider this aim as an obligation of result, not merely an obligation of care or a political directive. This means "the invalidity of any electoral law or results that do not ultimately lead to the seating of (83) women under the dome of Parliament as a minimum" (Yusuf, Samir. 2017 AD).

As for the legal characterization of the type of quota adopted in Iraq, it is a reserved seats quota, not merely a candidacy quota. A candidacy quota obliges parties to place women on electoral lists without guaranteeing their victory, whereas the Iraqi text guaranteed the final outcome. Although the phrase "no less than" opens the door to increasing the percentage, political reality has transformed this minimum threshold into a glass ceiling, as political blocs suffice with nominating the number legally required to fulfill the obligation, without any genuine effort to increase representation (Hussein, Laila. 2020 AD).

5.2 Legislative Fluctuations:

The quota was not isolated from the political conflict over the shape of the electoral system, as it was positively and negatively affected by the nature of the laws, particularly the closed-list system (2005). This system represented the golden age for ensuring women's access with ease, as the zipper mechanism was adopted, requiring the placement of a woman's name after every three male names, which compelled the voter to vote for the list including its female candidates. As for the modified

Sainte-Laguë system (2014-2018), it represented a qualitative setback. Despite the numerical preservation of the quota, the method of calculating votes and distributing vacant seats made women's advancement dependent on the "vote fractions" obtained by the head of the list. This led to stripping the women's seat of its independence, "as the female deputy became indebted for her rise to the bloc leader rather than to her public, which entrenched partisan dependency" (Kazem, Ali. 2021 AD).

As for the multiple-district system (2020), Law No. (9) of 2020 imposed a new challenge by stipulating a women's quota for each electoral district, or a governorate quota. This system, despite its technical complexity, placed women face-to-face with the public, which filtered the female candidates and highlighted those capable of engaging in direct competition away from the cover of large lists (Independent High Electoral Commission. 2021 AD).

5.3 Constitutional Judiciary and the Quota:

The Federal Supreme Court played the role of a safety valve in protecting women's political rights from legislative manipulation. Its historic and interpretive Decision No. (43/Federal/2010) is particularly prominent, as it settled the debate over the mechanism for replacing members of Parliament. The Court affirmed a fundamental principle: "If a seat allocated to a woman becomes vacant, she may only be replaced by a woman, regardless of the list or votes, in order to preserve the constitutional percentage" (Federal Supreme Court. 2010 AD), and this interpretation closed the legal loopholes that some political blocs attempted to exploit in order to reduce the number of women under the pretext of electoral entitlement for lists, thereby giving precedence to the constitutional quota over partisan electoral entitlement (same source).

5.4 An Analytical Statistical Reading of the Outputs of the Electoral Process:

The effectiveness of the constitutional text, Article (49), cannot be evaluated apart from reality as represented in successive election laws and ballot-box results. Iraq has witnessed dramatic transformations in its electoral systems, beginning with the closed-list system, passing through proportional representation under Sainte-Laguë, and reaching the Single Non-Transferable Vote system (SNTV) in multiple districts. Each system cast its direct shadow on the nature of women's representation, creating a legal and political dialectic between the female deputy who wins through the strength of her own public support, and the female deputy who rises through the strength of the quota, which we will detail in the following requirements: The electoral period extending between 2010 and 2018 was characterized by the dominance of the list system, whether open or semi-open, and the adoption of a high electoral divisor according to the modified Sainte-Laguë formula (1.6, then 1.7, then 1.9). Although this system guaranteed women's numerical share (25%), it produced fundamental problems in the quality of representation. The mechanism of distributing votes redirected list votes in favor of the bloc leader, usually a man, and women were later elevated to fill the vacant seats in order to satisfy the legal condition represented by a results quota rather than a candidacy quota (Al-Zubaidi, Walid Jasim. 2019 AD).

The statistics of the 2018 elections revealed the depth of the crisis; the overwhelming majority of

female candidates failed to reach the electoral threshold through their personal votes. Due to the rise of the electoral divisor (1.7), women's advancement became entirely dependent on the surplus votes of the head of the list, which transformed the female deputy from a representative of the people into a partisan employee indebted for her seat to the bloc leader rather than to the voters. This is what political jurisprudence calls the phenomenon of the "Proxy MP," whereby politically less empowered women are selected to ensure their absolute loyalty in voting inside Parliament, thereby emptying the quota of its purpose in creating independent female leaderships (Al-Shammari, Enas. 2022 AD).

The issuance of Iraqi Council of Representatives Elections Law No. (9) of 2020 constituted a pivotal turning point in the course of women's political rights. The law adopted the multiple-district system and individual candidacy, which relatively liberated female candidates from the dominance of the leaders of large lists and allowed them to communicate directly with the public in smaller geographic districts that could be managed organizationally and financially (UNAMI. 2018 AD). The outcomes of the October 2021 elections recorded a historic precedent; official data from the Independent High Electoral Commission indicate that (97) women won membership in the Council of Representatives, thereby exceeding the constitutionally prescribed quota of (83 seats) by (14) additional seats. More important than this quantitative figure is the qualitative analysis of these results, as the data showed that (57) female deputies won their seats through the strength of their valid votes, without needing the quota allocation, and some of them even topped their electoral districts, outperforming heavyweight male competitors (Independent High Electoral Commission. 2021 AD). This numerical transformation carries a profound sociological significance; it indicates the gradual erosion of the psychological barrier among Iraqi voters toward electing women, and the beginning of the formation of a societal conviction that women may be a better service-oriented and oversight choice than men, especially with the growing public resentment toward the traditional political class.

5.5 The Future of the Quota in Light of Current Indicators:

The success of women in breaking through the constitutional ceiling of (25%) raises a legitimate legal question regarding the future of the quota system: Has the time come to abolish it? Comparative constitutional jurisprudence views the quota as a temporary measure rather than a perpetual right, aimed at reaching what is known as the critical mass capable of influencing decision-making. Despite the promising results of 2021, the call to abolish the quota at present appears premature and fraught with risks. The gains achieved remain fragile and tied to a specific electoral law, namely the multiple-district system, which may change with shifts in political balances, "as actually occurred in the 2023 amendments through the return to Sainte-Laguë" (Hassan, Haider Adham. 2020 AD).

Therefore, the legal analysis concludes that the quota remains a constitutional necessity and a safety net to ensure that no setback occurs in women's representation, but it must be developed from a rigid numerical quota into more effective mechanisms that guarantee the rise of qualified women, such as requiring female representation percentages in the leadership bodies of political parties, and linking public funding for parties to the percentage of women who actually win, not merely those who are nominated (Al-Ali, Saja. 2023 AD).

6. Women in Light of the Political Parties Law and Institutional Reality

If the Iraqi Constitution succeeded, through the quota system, in securing seats for women within the legislative authority, the scene differs radically when leaving the dome of Parliament toward the corridors of political parties and the seats of the executive authority. In these spaces, the explicit constitutional obligation disappears, and the dominance of political customs and partisan balances emerges, reproducing male hegemony. Accordingly, in this section we will shed light on the gap between the legal text and institutional reality through three requirements:

6.1 Women in the Organizational Structure of Political Parties:

Political Parties Law No. (36) of 2015 is the legal framework regulating organized political work in Iraq. Upon reading the provisions of this law, we find that the legislator was satisfied with general texts related to non-discrimination, as Article (5/Second) stipulated the right to establish parties for every Iraqi man and woman, and Article (11) affirmed respect for rights and freedoms (see: Iraqi Political Parties Law No. (36) of 2015 AD). However, the legislative shortcoming lies in the absence of any provision obligating parties to adopt a voluntary quota within their leadership structures, whether political bureaus or general bodies. This legal vacuum allowed traditional political parties to confine women's role to "affiliated women's organizations, whose task is often mobilizational in gathering electoral votes, rather than decisional in policymaking" (Al-Jubouri, Intisar. 2019 AD).

The partisan reality in Iraq reveals a systematic exclusion of women from the political kitchen, as it is rare to find a woman participating in negotiations to form the government, heading a parliamentary bloc, or holding the position of secretary-general of an active political party. This reflects a defect in political socialization, as parties do not invest in building female leaderships, but rather seek "female facades to complete the registration requirements before the Electoral Commission, which makes women's presence quantitative rather than qualitative" (Al-Karkhi, Maytham. 2020 AD).

6.2 The Dialectic of Sovereign and Service Ministries:

Moving from partisan work to the executive authority, Iraqi women face what is known in political literature as the glass ceiling, "which is an invisible barrier that prevents them from reaching the top of the executive hierarchy despite possessing the legal qualifications" (Abdullah, Sanaa. 2017 AD). Since the formation of the first elected government in 2006 until today, a political custom contrary to the Constitution has been entrenched, whereby men monopolize the four sovereign ministries, namely Foreign Affairs, Interior, Defense, Finance, and sometimes Oil and Planning. This exclusion is justified by weak arguments, at times under the pretext of "the security situation, which requires a strong man to manage security files, and at other times under the pretext of the ability to engage in tribal or political negotiation, which women are alleged to lack" (Report of the Iraqi Women and Future Organization. 2021 AD).

Restricting women's representation to state ministries without portfolio or ministries of a service/social nature such as women, migration, health, and education constitutes an explicit violation

of Article (16) of the Constitution, which guarantees equal opportunities, and Article (14), which affirms equality. This gendered division of ministerial portfolios entrenches the stereotypical image of women as caregivers rather than “decision-makers in the strategic files of the state, thereby emptying their executive participation of its political weight” (Federal Public Service Council. 2022 AD).

6.3 Women in Independent Bodies and Special Grades:

The executive authority is not limited to the Council of Ministers alone, but also includes a wide network of independent bodies such as the Electoral Commission, the Integrity Commission, the Central Bank, the Media and Communications Commission, and special grades, including deputy ministers, advisers, and directors general. These positions constitute the administrative backbone of the deep state and the actual engine of public policies. Statistics and employment surveys indicate that women’s representation in heading these bodies is almost nonexistent, and their percentage in special grades does not exceed 5–7% at best (Report of the United Nations Assistance Mission for Iraq, UNAMI. 2020 AD). This absence is more serious than the ministerial absence, because the minister is a changing political position, whereas special grades are stable and long-term administrative positions. The reason for this marginalization lies in the mechanism of partisan quota-sharing that controls the distribution of these positions, as the economic committees of parties prefer appointing loyal men to ensure control over state resources, excluding women who are often less involved in complex networks of interests and corruption, which deprives the state of competent and honest administrative capabilities (same previous source).

7. Realistic Challenges and Future Prospects

If the Iraqi Constitution granted women a legal ticket to participate in the political sphere, practical reality may be difficult. Political participation in Iraq does not operate in a legal vacuum, but rather within an environment governed by rigid power balances, tribal, financial, and partisan, which often function as centrifugal forces pushing women toward the margins. This section is devoted to analyzing the hostile environment in which women operate, and how socio-political factors combine to neutralize the effect of constitutional texts, through the following requirements:

7.1 Systematic Political Violence:

Violence against political women in Iraq is no longer merely a series of isolated individual incidents, but has transformed into a phenomenon of systematic political violence aimed at deterring women from entering the public sphere. This violence takes two interconnected paths: the first is physical violence, as many activists and female candidates have faced direct threats to their physical safety, reaching in some cases actual assassination, particularly in governorates witnessing armed partisan competition. This oppressive security climate pushes independent female competencies toward the option of early withdrawal in order to preserve personal and family safety, thereby clearing the field for female candidates supported by armed partisan wings that provide them with protection (Al-Harbi, 2019 AD).

As for digital or symbolic violence, it has escalated with the growing role of technology, as the phenomenon of electronic armies has emerged as a deadly weapon in electoral battles. The Iraqi female candidate faces a gendered type of attack that differs radically from what men face; while men are attacked over their financial integrity or political positions, attacks against women focus on “honor, social reputation, and outward appearance, exploiting the conservative nature of Iraqi society. This moral assassination is considered, in light of the shortcomings of the Iraqi Penal Code in addressing cybercrimes precisely, more effective than bullets in burning a woman’s political future” (Ali, 2022 AD).

7.2 Problems of Funding and Partisan Dependency:

Iraqi political parties suffer from a deeply entrenched dominant structure, in which traditional leaderships control the keys to decision-making, money, and influence. This distorted structure is reflected in women’s partisan status from two angles: the first is financial dependency. In the absence of transparent governmental funding for parties, and with the growing role of often illicit political money in financing costly electoral campaigns, the female candidate finds herself unable to finance her campaign independently. This economic inability forces her to enter into a relationship of mutual benefit with wealthy bloc leaders, whereby her campaign is financed in exchange for “absolute loyalty and the surrender of the independence of her voting decision inside Parliament, transforming her into merely a number added to the leader’s balance” (Al-Ani, 2018 AD).

The second lies in exclusion from politics. Despite the presence of women at the parliamentary forefront, they are completely absent from political decision-making, where real deals are concluded, such as forming governments, distributing ministries, and establishing strategic alliances. Parties deliberately confine women to marginal committees, such as family, childhood, and culture, and exclude them from “committees of power such as security and defense, finance, and oil, thereby reinforcing the stereotypical image of women as decorative elements rather than sovereign partners” (Al-Jubouri, 2019 AD).

7.3 Socio-Cultural Determinants:

The shift toward the multiple-district system, in the 2021 elections, led to a sharper reproduction of tribal influence. In small districts, tribal weight becomes the decisive factor in directing votes. Since tribal custom in wide areas of Iraq, including the south, center, and west, tends to favor the tribal sheikh or the male candidate to represent the tribe, the chances of independent women diminish in the face of candidates backed by tribal consensus. Indeed, some social customs prevent women from organizing evening electoral festivals or entering tribal guesthouses, men’s diwans, to present their programs, creating “an inequality in marketing opportunities between them and male competitors who possess complete freedom of movement in the social space” (Al-Hadithi, 2015 AD).

7.4 Future Prospects:

Based on a reading of the current scene, the future of women’s political representation in Iraq fluctuates between two scenarios: the first is the scenario of stagnation, in which women remain

prisoners of the numerical quota and partisan dependency. This scenario assumes the continued dominance of traditional political Islam forces and the return to closed electoral systems such as Sainte-Laguë, which reproduce the same faces.

The second is the scenario of qualitative empowerment, whose signs have begun to appear with the rise of a new generation of independent women and the activity of protest movements. The realization of this scenario depends on the maturation of electoral awareness among the public, which has begun searching for alternatives outside the traditional system. Experience has shown that the Iraqi voter has become more inclined to elect technocratic or opposition women out of dissatisfaction with the failure of male political elites, which opens a window of hope for changing the equation in the future (Al-Rafidain Center for Dialogue, 2022 AD).

8. Results and Discussion

The results of the study are discussed in light of the research questions and hypothesis. The analysis shows that the constitutional quota alone cannot explain the development of women's political representation in Iraq. Instead, the decisive factor lies in the interaction between the quota and the electoral system applied in each electoral cycle. Therefore, the discussion is organized around three issues: the effect of electoral systems on the number of women elected, the effect of those systems on women's political independence, and the continuing obstacles that limit the transformation of numerical representation into effective political participation.

Electoral System	Main Feature	Effect on Women's Representation	Analytical Evaluation
Closed-list system	Party list controls candidate order	Guaranteed women's access through list arrangement	Strong numerical protection but weak individual autonomy
Proportional representation / Sainte-Laguë	Seats distributed through party votes and electoral divisor	Preserved the quota but increased dependence on party leaders	Produced formal representation and strengthened the "proxy MP" phenomenon
Multiple-district system 2021	Smaller districts and more direct competition	Enabled 97 women to enter Parliament, including 57 who won by their own votes	Improved women's electoral independence, but exposed candidates to tribal pressure, money, and local political violence

The research results prove that constitutional recognition of the right of women to participate in politics does matter. The articles (14), (16), (20), and (49) included in the constitution of Iraq of 2005 provide adequate conditions for women's political representation in parliament. The key mechanism used to ensure that constitutional requirements were followed was the women's quota. Still, the actual value of this legal achievement depends on the specific characteristics of the electoral system used during the voting period.

The study shows that electoral system changes impact not only the number of women represented in parliament, but also the level of their political representation. The closed-list system helped women become MPs because their presence on party lists was legally required under this voting regime. However, women remained dependent on the support of the party leader whose position was key to

ensuring victory and thus women's entry into parliament. Women were safe thanks to the quota law, but they could not rely on personal voter support.

Under the proportional representation system implemented according to the modified Sainte-Laguë formula, the quota system worked similarly to the closed-list system. While the requirement of women's representation remained, the mechanism of vote distribution sometimes meant that female deputies' representation became even less secure as they depended on extra votes from party leaders. As a result, the representation of women in parliament was no longer direct but dependent on the actions of other people and therefore unreliable as well. Quotas protected women from being excluded from politics, but the possibility of advancement appeared to be limited.

By comparison, the use of the multiple-district system introduced during the last election period (2021) led to a more favorable result. The division of electoral districts by governorates combined with the individual candidacy requirement facilitated a higher number of votes gained by female candidates. Thus, women were able to compete successfully with men and establish close relations with voters as individuals rather than members of certain parties or groups. As a result, 97 women became MPs instead of the expected 83 deputies. Moreover, as many as 57 women received enough votes to enter the parliament independently of the quota.

It becomes clear that Iraqi society tends to be gradually more interested in voting for women provided that candidates are politically active and have good relations with their electorate. At the same time, it seems unwise to conclude that the quota system is now redundant. Indeed, it appears that the achievements of women in parliament in 2021 depend directly on the characteristics of the electoral system. If the state goes back to supporting party and bloc power over female political ambitions, then women would likely end up having fewer opportunities than before.

The results indicate that women continue to face difficulties in competing with men in the electoral race despite the constitutional recognition of their right to stand for election. The factors preventing women from gaining votes include political violence, digital defamation, low-level funding, social patriarchy, tribalism, and exclusion from decision-making positions in political parties. Women experience all these difficulties more intensely than men do, which means that their chances in the election process remain limited despite the constitutional requirements.

According to the obtained results, there is a connection between the electoral system and women's representation, but its nature varies from case to case. Electoral reforms help women to advance and increase the number of seats gained by female deputies, but unfriendly systems mean that even quotas cannot guarantee women's independence. Hence, quota should not be seen as the solution to female representation problems as it provides minimum protection only. Political empowerment requires electoral stability, internal reform of political parties, safety, funding, and legal support.

To summarize, the study proves its initial hypothesis: the constitutional texts developed in 2005 provide a good basis for female representation in parliament, yet their effectiveness depends greatly on electoral and socio-political situation. Electoral reforms positively influence women's chances,

whereas unfavorable conditions may prevent them from achieving independence despite the existing legal background.

9. Conclusion, Findings, and Recommendations

9.1 Findings and Conclusion:

In conclusion, the issue of representation of women in the Iraqi politics cannot be solved with the help of constitutional guarantees, but requires stability of the electoral legislation and the existence of institutions supporting the effective participation of women. The 2005 Constitution offered a high level of legal base in the form of guarantees of equality, equal opportunities, political participation, and women's quota. But all these provisions were conditioned by the specificities of the applied electoral system in every new election of the parliament.

The main point here is that electoral systems influence not only quantitative aspects, but also the qualitative ones concerning women's participation in politics. On one hand, there could be a system guaranteeing women's presence in the parliament without any independence from party leaders. On the other hand, the competitive district system can ensure that women establish direct connections with voters and get seats on their account. The 2021 elections showed it perfectly well since the number of women was higher than the constitutional quota, and many women got elected not due to quota distribution.

Based on the foregoing analysis of the constitutional texts and the tracing of the legislative path of election laws, the study concluded that the electoral system represents the most influential governing variable in shaping women's political scene, according to the following findings:

- The study proved the existence of a direct relationship between the type of electoral system and the quality of women's representation. While the closed-list system (2005) provided maximum protection for women's access, the proportional representation/Sainte-Laguë system (2014-2018) dissolved the independent personality of the female candidate and made her dependent on the head of the list for the purpose of filling the seat, whereas the multiple-district system (2021) created a qualitative leap that allowed the emergence of female leaders who won through direct competition and personal electoral strength.
- The research revealed that changing electoral systems adapted the function of the constitutional quota, Article (49), in different ways; under large districts and a high electoral divisor, the quota turned into a ceiling that limited women's ambitions. By contrast, under small districts and individual candidacy, the quota resumed its role as a safety net from which women advanced to achieve victories exceeding the prescribed percentage, reaching 97 seats in 2021.
- Although the 2005 Constitution provided theoretical protection through Articles (20) and (49), the instability of election laws and the amendment of the law in each electoral cycle placed women's political rights in a state of fluidity, making them vulnerable to political disputes that tailor laws to fit the interests of dominant forces, had it not been for the guaranteeing interpretive interventions

of the Federal Supreme Court.

- It became clear that changing the electoral system automatically changes the type of challenges. The multiple-district system, despite its advantages, placed women in direct confrontation with the challenges of political money and tribal influence in narrow districts, which requires legal treatments that go beyond the mere form of the electoral system.

9.2 Recommendations:

The research has also suggested that any further electoral reform must go beyond the mere preservation of the constitutional quota. It must work to improve the effectiveness of the representation of women through ensuring the provision of a fair campaign environment for them, preventing political and cyber-based violence against them, campaign financing, and inclusion of women in party politics. The failure to do so will render the quota system meaningless in its objective of empowering women politically.

Proceeding from the premise that reforming the electoral system is the gateway to reforming political representation, the researcher recommends the following:

1. Calling on the Iraqi legislator to abandon the approach of continuous experimentation in election laws, and to work on stabilizing an electoral system that combines multiple districts, in order to ensure genuine regional and women's representation, with national lists, in order to strengthen political programs, in a manner that serves the stability of the legal position of female candidates.
2. Amending the election law in a way that obliges political blocs, in the event that lists are adopted, not only to include 25% women, but also to place them in advanced positions among the first three candidates, in order to increase their chances of winning through valid votes rather than through the quota alone.
3. Activating Article (16) of the Constitution, which provides for equal opportunities, by including in the election law a provision establishing a support fund for independent female candidates, or exempting them from candidacy and deposit fees, in order to reduce the enormous financial gap between them and the candidates of influential parties.
4. Tightening penalties in the election law and the Penal Code for crimes affecting freedom of election, specifically digital violence and defamation targeting female candidates, and classifying such acts as crimes involving dishonor that prevent the perpetrator from running for office in the future.

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