



A Review of Violations from the 2017 Iranian Elections

Nabz Nameh

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INTRODUCTION

Iran held three concurrent elections in May 2017: presidential, city and village council, and mid-term parliamentary. It is nothing new to say that elections in Iran are neither free nor fair, but a careful look at the types of electoral violations reported makes it possible to identify different facets of challenges in how elections are organized in Iran and to come up with suggestions for ways to reform them. As in many countries, around each election Iranian press and media outlets are filled with reports of violations, campaign-related arrests, and legal proceedings. Deeper analysis of these violations can provide an understanding of the scope of such problems and how their scale might be related to problems in the system that could be improved. More importantly, citizens have to identify their role in the problem to ensure a broken system with violations as a symptom is not allowed to be considered "normal."

During the 2017 election cycle, Nabz-Iran collected reports of violations reported from the very beginning of candidate registration through the final hour of voting on May 19 and shortly thereafter. Given the rules against formal independent observation, these reports were not collected in a systematic or scientific manner, but simply drawn from various media reports and first-hand observations by the authors. A total of 798 reports of electoral violations pertaining to the presidential elections and the city and village council elections were collected from a variety of sources. Although Nabz-Iran does not have the ability to verify the reports and acknowledges that this inventory is far from comprehensive, analyzing the details highlights the phases where violations took place and the elements most susceptible to violations.

Violations were reported by all sides, including by electoral officials themselves, official state observers, the media, competing candidates and the public; some of the re-

ports were baseless accusations or stemmed from an inadequate understanding of the electoral process in Iran, while others were seemingly well-founded and precise. Important questions to ask in all this are how can violations be addressed in a fair and objective manner, how can they best be prevented, and which individuals or entities bear a responsibility for addressing the shortcomings that allow violations to take place?

ELECTORAL INTEGRITY AND VIOLATIONS

Elections are not isolated phenomena but are rather continuous and periodic affairs; during each election, local and national leaders consolidate their social bases, convey their ideas and proposals to the public, and rally voters around their causes. Election season is the manifestation of this cycle, which reaches its peak on election day, when issues and policies are put to public judgment.

In any fair elections, people need the opportunity to get to know and evaluate their political leaders in order to cast judgment upon them. As such, organizing free and fair elections is not limited to what happens on election day or the campaigning period; further, it requires a constant political dynamism from the participation of parties and associations of various kinds, as well as independent media and civil society, and must allow them all to be able to act freely within a flexible system that seeks to tolerate diverse political orientations. At the same time, the process of voter regis-

tration, campaigning, and organizing elections is particularly significant as it represents the step-by-step formation of people's desire for choosing and replacing candidates and elected officials. The right to be elected and to vote is an irrefutable human right that should be formally recognized in any stable and democratic political system.

Violations of rules and regulations in the election process - and accusations about them - happen everywhere and in every cycle. The question is not if a violation occurs; more important are the answers to several questions: at what scale do they occur; is there the ability within the political process to address complaints and fix the problems; how normal has it become for people to expect and ignore violations; and are the violations systemic and therefore favoring one group over another? If the answers to these are negative and there are perceptions that the system is not working and violations are pervasive and common, it can have serious implications.

In the case of Iran, due to the inflexible nature of the political system, many citizens lack the ability to break into the electoral field and those in power use their position to sideline potential and rivals; violations become a tool for maintaining power. As a result, public trust in the overall political system is eroded and the credibility of those participating is diminished as an overarching sense of arbitrariness and impunity prevails. Because of the lack of independent election observers, media and other mechanisms common elsewhere, citizens are unable to differentiate the levels of seriousness of violations, understand the scope or scale and consider remedies. Instead, whether true or not, people begin to assume it is nor-

mal, violate the rules themselves and diminish the value of the exercise in which they could be participating and trying to change the system.

AREAS OF VIOLATIONS

The challenges facing the Iranian electoral system lay the ground for violations, which may arise from government bodies in charge of elections, electoral campaigns, or voters. A glance at the violations that have been gathered reveals areas which are breeding grounds for electoral violations that might impact the election results but certainly undermine public trust in its integrity. While it is not possible to conduct an exact statistical or legal analysis with the information available, the gathered reports paint a picture of the current state of how elections were most recently conducted in Iran.

Disqualification

The Guardian Council of the Constitution is the main supervisory body over the process of conducting elections in Iran. Through a particular interpretation of the law, the Guardian Council uses its supervisory right to filter out electoral candidates that are not to the approval of the Islamic Republic. On the basis of this interpretation and with the law's silence regarding the requirements for candidacy, the Guardian Council disqualifies candidates whom it does not approve of politically from running for the presidency, the Majles [parliament], and the Assembly of Experts, without any accountability. But disqualification of candidates is not limited to the oversight of the Guardian

Council. In city and village council elections, where the Guardian Council plays no role, many candidates are barred as a result of intervention by judicial and state security agencies, political factions in the Majles (the supervisory authority), and the presidential administration (the executive authority), out of political, religious, or ethnic reasons. The disqualifications of electoral candidates are a violation of basic human rights, and they can even be considered the primary form of violation as cited by observers of Iranian elections. Denying candidates their credentials restricts the sphere of choice for voters and deprives individuals from being elected to the positions they merit. Furthermore, the arbitrary actions of the Guardian Council and other supervisory bodies in Iran mean that many candidates who find themselves outside the circle of power lack the ability to see ahead and plan their electoral campaigns. This situation creates inequality across electoral contests.

Correcting this would involve developing clearer criteria for candidacy in a deliberative and inclusive manner with various segments of society. It would also involve publishing those criteria and the overall candidacy process well before the registration process. Importantly, reasons for disqualification should be clearly detailed and shared with the individuals barred from running, which is not the case currently.

Poor Understanding of Laws and Regulations

Electoral officials, and state observers, campaigns and voters alike must all possess a

firm grasp of electoral laws and regulations. A failure to properly do so is often at the root of other issues, leading to confusion, misunderstandings, and even some of electoral violations outlined below. One of

Poor understanding about violations



DISTRIBUTING AID AS PART OF ELECTORAL CAMPAIGN IS NOT AN ELECTION VIOLATION BY ITSELF, IF THE SOURCES ARE LEGITIMATE (E.G., IT IS NOT FUNDED BY GOVERNMENT ENTITIES).

the reasons for voters' mistrust toward the electoral process in Iran is their poor understanding of the process and of their electoral rights, coupled with a lack of transparency in the mechanics of how elections are conducted. Countless reports of violations in the news and social media are a reflection of this public mistrust, which is further perpetuated by political actors. The situation has been exacerbated by the lack of independent

and credible entities to carry out transparent investigations of violations. Many of the reported cases of violations may well be accusations that opposing sides level at one another, which could be the case anywhere in the world; but the lack of independent observer groups, adequate training, and transparency have created a situation in which it is difficult if not impossible for ordinary voters to distinguish baseless accusations from actual violations. As such, a violation report is interpreted to mean that a violation has taken place even if little proof is offered or it is in fact not a violation.

Campaign violations

Electoral campaigns are permitted a small, defined window of time during which they can advertise and push their campaigns as far forward as possible. In the meantime electoral violations take place in a number of ways and for various reasons. Based on the gathered reports, the bulk of these violations can be categorized as below:

- **Early campaigning:** Iran's electoral laws do not permit candidates to campaign before the list of successfully vetted candidates is announced. However, it is sometimes no easy matter to distinguish the public relations work that prominent individuals and officials engage in from their campaign activities. Social media activity is another ambiguous issue in this area, as people naturally use social media to talk about themselves, their activities, and their opinions, which may be interpreted as campaign advertising during an electoral period. During the

2017 elections, the judiciary, the police, and the Electoral Executive and Supervisory Boards dedicated a great deal of effort and time to combat cases of early campaigning, particularly in city and village council elections, where the timelines for registration and advertising are strictly limited by law. Nabz-Iran collected a total of 162 cases of such violations from the news and elections reports. *It is important, however, for citizens to understand that there are legal differences between early formal campaigning and the informal process by which individuals build support and a profile to improve their chances of winning, which can be an on-going process.*



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Mahmoohd Sadeghi, A MEMBER OF THE MAJLES, ACCUSED "THE ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC) OF SIDING WITH A PARTICULAR CANDIDATE AND USING STATE FUNDS TO UNDERMINE HIS RIVAL."

- **Use of government resources:** Iranian electoral law forbids the use of any kind of government resources or resources of entities that draw in any way from the public budget. Nevertheless, electoral campaigns make use of government resources in various ways. This issue is particularly more difficult to track and combat in presidential elections, in which the candidates benefit from their positions in power to access vast resources. For instance, officials might pay for travel, lodging, or meals without it being possible to determine whether government resources were used. It has not been possible to verify various reports and accusations lodged by rivals against one another in this regard due to the lack of independent supervisory groups.

- **Printing and publishing illegal posters or banners:** Iran's electoral laws specify precisely the maximum permissible size of posters and banners, as well as the locations where they may be installed. The large number of violations of these rules shows that candidates and their campaign staffers lack an adequate grasp of electoral regulations and/or that electoral officials and legislators have been ineffective in arranging for appropriate regulations on advertising and training in this area.

Campaign posters outside of designated areas



- Destroying rival campaign materials:** Article 70 of Iran's Law on Presidential Elections stipulates that "no one has the right to tear down or deface campaign posters of electoral candidates that have been placed in permissible areas within the legally allowed period, and any violation as such is considered a crime." Nevertheless, there were reports from the media, social networks, and candidates telling of widespread destruction of campaign posters at the national level. Although the destruction of campaign materials might not have an impact on the result of a presidential election, it may be interpreted in some parts, relative to the cultural or political situation there, as a threat, intimidation tactic, or show of strength against a particular candidate or his or her supporters. *Combat-*

ing this kind of violation is difficult but can involve public education on rules and encouragement of a culture of open dialogue and discussion.

Examples of destroyed poster



- Threats and intimidation:** Article

33 of the Law on Presidential Elections recognizes "threats or enticement" in the area of elections as a crime, while Clause 16 of this article criminalizes the intimidation of voters or polling officials. However, the electoral law does not mention the intimidation of or threats to candidates and campaign workers. During the campaign period for the 2017 election, at least two cases of shooting at city and village council candidates were reported. There were also **reports on social media** about attacks and destruction at presidential campaign offices. The use of intimidatory tactics during the campaigning period stoked public sentiment over the notion that there are certain forces within Iranian society which are above the law and which use violence against opposing candidates as a show of force, with no one capable of countering them. *While legislators may have assumed that the law considers threats and intimidation as a crime anywhere and that there was no need to repeat it specifically to elections, they should consider tightening the law specifically to protect candidates and their campaigns.*

- **Vote buying:** Article 33 of the Law on Presidential Elections (and Clause 19 of the Law on City and Village Council Elections) forbids the purchase or selling of votes. Vote buying is a blemish on any free and fair election. The previous edition of the Nabz-Nameh, titled *Campaign Finance Transparency in Iran*, discussed the issue of vote buying at length. Electoral, police, and ju-

Candidates and their campaigns should be protected against threats and intimidation



dicial officials in Iran engage in fierce battle against vote buying. Nevertheless, a lack of transparency or clear information regarding arrests, how cases are handled in court, and the verdicts issued has made the process of combating this challenge a contentious one. **For example**, intervention on the part of the IRGC – as a military entity – in identifying and apprehending suspected vote buying "networks" reflects how certain groups involve themselves in affairs outside their areas of responsibility, and might be used to intimidate and silence particular political groups or rivals. In the end though, it is unclear which candidate(s) these networks acted in favor of, to what ex-

tent they acted with the support of the campaigns themselves, and where they drew their financial resources from, among other such questions. Most reported cases of vote buying involved city and village council elections.

Illegal Interference by Governmental or Semi-Governmental Agencies

Electoral laws, including the Law on Presidential Elections, clearly and forcefully forbid governmental and semi-governmental agencies from interfering in favor of or against a particular candidate. Nevertheless, the 2017 election in Iran saw numerous claims and accusations regarding interference from state entities in favor of one candidate or another. The previous issue of the Nabz-Nameh, *Campaign Finance Transparency in Iran*, took a detailed look at interference by governmental or semi-governmental agencies in Iran. Preventing and combating this kind of violation is very difficult and can seem impossible given the power of the intervening bodies. *Campaign transparency, freedom of expression, an independent and impartial judiciary, a more robust civil society, as well as domestic and international election observation groups that can objectively monitor the processes leading up to an election and report back to citizens, are among the tools that can be used to combat such interference.*

Violations of the Right to a Secret Ballot

The right to a secret ballot ranks among the basic human rights that are affirmed in the Iranian Constitution and in other Iranian electoral laws. At the same time, this right is violated in a variety of ways in Iran. Family voting, polling stations that do not respect the voter's privacy, and cameras and camera phones in polling stations are some of the major ways in which the right to a secret ballot is violated in Iran. Before the 2017 election, Nabz-Iran conducted a webinar on this topic, a recording of which can be accessed via this [link](#). The goal of Nabz-Iran in conducting this webinar was to raise awareness among citizens relative to the right to a secret ballot. *By means of training, the government, civil society organizations, and civil rights activists can help improve the culture of respect around this right.*

Electoral Irregularities and Mismanagement

Electoral irregularities and mismanagement in the latest election were marked by a number of factors, some of which were seen in previous elections as well. For example, according to various accounts of the 2017 election, between one and four million people were unable to cast a ballot. This violates Iranian electoral laws, which compel the state to facilitate the ability to vote for all its citizens. *Such problems could be addressed in part by making sure to plan properly for the distribution of polling stations in proportion with the population of electoral districts; registering voters or alternative*

means of estimating the number of voters per district; allocating an adequate number of ballot papers – no more and no fewer than what is needed; and adequate training for polling officials, election observers, candidates' agents, and voters. Other factors that would safeguard the right to a secret ballot include: training the campaigns themselves (about electoral laws and regulations); making suitable arrangements for polling stations to be free of any promotional materials; facilitating the movement of voters to avoid congestion inside polling stations and providing enough time and space for voters to fill out their ballots; and maintaining order within polling stations. Nabz-Iran's training manual *Candidates' Agents - Guide to Election Day* is recommended to electoral campaign planners and anyone who is interested in being present at a polling station as a candidate's agent. The webinar on the secret ballot [Slideshow in Persian] likewise describes the various ways in which the secret ballot is important and how it can be protected in Iran.

SUPERVISION AND INVESTIGATION

In Iran, the Interior Ministry is in charge of conducting elections; the Guardian Council supervises presidential, parliamentary, and Assembly of Experts elections; and the parliament oversees city and village council elections. The police and the judiciary are meanwhile in charge of maintaining security and investigating electoral violations. Therefore, the state holds a monopoly on the conduct and supervision of elections.



ARTICLE 72 OF THE LAW ON PRESIDENTIAL ELECTIONS STATES THAT "ANY KIND OF ADVERTISEMENT OR PROMOTIONAL MATERIALS MUST BE REMOVED FROM POLLING STATIONS BY POLLING OFFICIALS BEFORE THE START OF VOTING."

Lawmakers assumed that state institutions would administer elections honestly and impartially. In practice, it is clearly very difficult to inspire trust in the electoral process without the existence of free and independent media, active civil society, and citizen monitoring and observation. If we take elections as the manifestation of citizens' role in determining their destiny and the political future of their society, it is difficult to imagine a system in which people are sidelined from monitoring and supervising officials yet continue to trust that system. Undeniably, parts of the Iranian regime – likely more so within its unelected segment – merely view elections as a means to gain credit on the international stage and consolidate their power. This is despite the fact that ardent turnout for elections in Iran reflects the people's desire to make an impact, affirm their will, and participate in the gov-

erning of the country. Such a perspective requires a constant effort by civic and political activists at various levels – local, regional, and national – since elections and of course election observation are not limited to election day, the campaigning period, or the counting of votes. Electing local and national representatives and leaders for the country, and not voting for undesired candidates, is the only means of fighting to determine one's own destiny. The period between elections is an opportunity to consolidate a social base, establish relations with elected officials, prepare younger leaders, and monitor the processes leading up to the next election.

PROMOTING ACCOUNTABILITY

Elections are probably a citizen's most important tool for holding officials accountable, as they are a means to remove from office those officials who are ineffective, unaccountable, or unpopular. They can also breathe fresh spirit into a society and pave the way for a new generation of political leaders. Elections are meaningful and functional only when they are conducted transparently, freely, and with integrity, and when citizens place their trust in the electoral process. Whereas repressive governments use elections to consolidate their own power by demonstrating to others that they enjoy a broad social base and public backing, in democratic societies elections are considered an opportunity for public judgment and a chance to determine the future direction of the country. The fundamen-

tal difference between these two perspectives influence the administration and implementation of the electoral process itself. State-controlled elections limit the right to be elected and to elect others, granting only a specific group of individuals the chance to compete for government office. Closed and unfree elections tighten these restrictions even further through a number of ways, including organized violations, thereby denying voters even small victories. Elections by the people and for the people are a different matter though. Such elections serve as a wake-up call to leaders, compelling them to pay attention to citizens and remain accountable to voters. Citizens have a shared responsibility here as well: to remind officials of people's role and standing through constant participation. By means of direct contact with their leaders and representatives, citizens can ensure elected officials are aware of their priorities and problems while keeping an eye on the officials' performance. Greater participation by citizens is in one way important in order to consolidate people's role and power as true owners of their own votes, and in another way, as much as possible, to encourage officials to be accountable.

THE ROLE OF CIVIL SOCIETY

Elections have been taking place in Iran for over a century now. Elections are continuous though repeating events that can be improved through participation and persistence. Civil society can play a marked role in this process, by means of raising public awareness, conducting monitoring, and encouraging accountability and transparency.

By demonstrating the value of their votes to people, civic activists can help citizens to protect their votes. An active and dynamic civil society can monitor the electoral process in order to protect individuals' rights, including the rights to freedom of expression, to the secrecy of the ballot, and to participation in public life and decision making in how their society is run.

For a variety of reasons, Iranian civil society has not been able to take on this role yet. Electoral laws and regulations in Iran do not formally recognize such actors, nor do they permit independent domestic or international groups to observe elections. Iran's political establishment also tries to maintain a monopoly, to the extent possible, over the conduct and supervision of elections. Other factors include a lack of public awareness around individual rights and international standards and experiences, as well as public suspicion toward outside intervention. In free and democratic societies, political parties publicize a diverse set of desires and outlooks and then give shape to them. Likewise, in free elections, parties act in their mutual interests to protect the electoral rights of their candidates and voters. The existence of effective political parties acts as an umbrella under whose shelter candidates and voters can feel safe. The activities of political parties, along with other prerequisites, could encourage a kind of transparency in electoral campaign finance and advertising. In Iran, political parties cannot operate freely, and apart from transitory coalitions, there is no sign of party or organizational activity in elections. In local elections in particular, many candidates are unknown to voters, it is unclear who the candidates' backers are, and candidates are

unaccountable in their campaigning.

Despite all the limitations above, there are still areas through which civil society can improve the conduct of elections. These areas are particularly applicable to city and village council elections, in which there are fewer disqualifications and less interference from the central government.

- **Public training** - The secret ballot and vote buying might be the most common areas of electoral violations that directly affect the public. Voters who are more aware of their electoral rights are less liable to hand over their most private of property—their votes—to family members, co-ethnics, or colleagues, or to sell them away. Activists are capable of changing public behavior and culture at the local level by training voters, of identifying violations at the local level through observation, of evaluating reports and rumors, and of addressing documented violations by working together with the candidates and official supervisory bodies.
- **Greater participation** - Participating in elections does not mean just voting. Civil society and political parties are a bridge between citizens and elected officials, and if they fulfill their obligations, they can improve the integrity of elections by a great deal. Leaders who lose touch with their electoral districts and with their voters are no longer accountable and are not considered true public leaders. Such circumstances could potentially encourage electoral violations for the purpose of holding onto office or gaining power. Voters who find that their voices are

not being heard due to a lack of access to their political leaders and representatives lose faith in the electoral process and in the power of their votes. Mistrust and apathy toward the electoral system are conducive to further violations, a vicious cycle that puts democracy at risk.

- **Observation and monitoring** - In Iran, the media, political parties, and civil society are faced with many challenges. In democratic systems, these entities are responsible for observing and monitoring the electoral process. Nevertheless, there are various aspects of election observation and monitoring in which Iranian civil society is able to partake, particularly in elections at the local level, where campaigns are less politicized.

THE 2017 ELECTION AND ITS IMPLICATIONS

The 2017 election in Iran was unique and significant from a number of electoral aspects. For the first time, social networks provided a platform for citizens and political and civic activists to make their voices heard, bypassing the restrictions placed on traditional media. The relative freedom and plurality that emerged as a result were a double-edged sword: on one hand they amplified the voices of the unheard, but on the other, they allowed the dissemination of incorrect, fake, or unconfirmable news. Political groups and factions perpetuated this as well; both main camps, along with other political and social groups, flooded social me-

dia and mobile messaging apps with claims of violations. In most cases, because of a lack of independent and credible groups on site, it was impossible to evaluate the veracity of these claims. The police, the official supervisory bodies, and the judiciary spent much time and energy trying to combat the obvious kinds of violations, such as campaigning outside the permitted window, over-sized posters, and the like.

For the first time the conservative side, which took on the role of the opposition this time, talked about electoral violations broadly and vigorously. Media outlets close to the IRGC made widespread proclamations along these lines, which at times also suggested support for particular candidates.

Regardless of the political goals behind such maneuvers, both ends of the political spectrum and civil society are now engaged in discussion about violations and the need for observing and monitoring elections in Iran, which requires a commensurate response that bolsters the voters' trust in their country's elections.