

**International Conference on Freedom of Expression and Media  
Development in Iraq**

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**Regulatory Frameworks, Legislation**

If we refer to the Iraqi constitutions that were enacted starting from the Basic Law in Iraq in 1925 through the Temporary Constitution of the Republic of Iraq in 1958 and the constitutions that followed, whether the constitution of 1964 or the Temporary Constitution of the Republic of Iraq in 1970, as amended 24 times, which lasted until the fall of the regime, and the current constitution that was issued on 28 December of 2005, we will find that they all included provisions that guaranteed the freedom of expression and also the freedom of the press, media and thought. However the real situation reveals that these provisions have been violated, especially under the defunct regime. There are many laws that violated the constitution and in particular the penalties laid down in the current Penal Law that is still in force. In addition to the Penal Law, there are numerous other laws that remain in force, and that constitute a violation of the freedom of expression, and are not in harmony with the Universal Declaration of Human Rights.

The current constitution guarantees freedom of opinion and freedom of expression in Part Two, Chapter Two, Section 38. However Section 46 of the Constitution stated these provisions as follows:

“The exercise of any of the rights and freedoms stated in this constitution may be restricted or limited only by a law or under a law, provided that such restriction or limitation does not impact the essence of the right or freedom.”