



## Policy Paper on:

# "Freedom of Opinion and Expression for Women in Iraq from a Civil Legal Perspective"

The protection of the right to freedom of expression for women and the preservation of their intellectual and political freedoms in civil and legal terms are essential for the development and progress of societies.



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**2024**

## General Introduction:

Undoubtedly, the human rights system was born out of the struggles waged by advocates, both men and women, to obtain those rights. Expressing the vision of these individuals for them to enjoy freedom of opinion and expression, whether in social, political, cultural, or other matters, in which the defenders of these rights described this right and freedom in its exercise as an essential requirement for expression, not only of opinion but also of expressing those human needs. Without this, humans cannot live and continue to strive to build and stabilize the earth.

Iraq has passed through several phases and stages since the establishment of the modern state a century ago, and the sacrifices made by feminist figures have had a significant impact on increasing the desire for more rights available to humans, which we do not want to be issued in the form of grants or gifts, but rather as rights and freedoms associated with human life. This made the development of these rights face new challenges of repression, domination, and prevention, whether by employing the legacies, and traditions of society or by using legal tools enacted by the authorities themselves to prevent the exercise of those freedoms for all members of society.

The year 2003 provided a suitable opportunity for the emergence of feminist leadership activities once again through the activities of civil society organizations, as they provided a channel and a safe space for women to express their opinions without obstruction or incitement against them. Women sought, through this, to establish a set of fundamental rights in the constitution, representing a guarantee for them to reduce violations against them based on gender inequality.

The policy paper aims to present and discuss the issue of freedom of opinion and expression by focusing on the legal resources available within local legislation or international law through the system of conventions and treaties that Iraq has committed to by ratifying those treaties and international agreements.

Thus, the policy paper aims to enrich the intellectual discussion on the issue of freedom of opinion and expression from a feminist perspective that focuses on this freedom as a correlate to enjoying other rights, as well as identifying a set of basic proposals for

recommendations or means of response to improve the situation of Iraqi women in the context of expressing their opinions and their ability to participate.

## Firstly: The essence of freedom of opinion and expression

Freedom of expression is a fundamental right of every human being as stipulated in Article 19 of the Universal Declaration of Human Rights, which guarantees everyone the right to freedom of opinion and expression. This right includes the freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media regardless of frontiers.

UN literature indicates that freedom of expression is a fundamental human right, as stated in Article 19, and it serves the broader developmental goal of empowering people.

Empowerment is a multidimensional social and political process that helps individuals control their own lives, and this cannot be achieved except through access to accurate, fair, and neutral information, representing the diversity of opinions, and means of active vertical and horizontal communication, thus participating in the active life of the local community.

However, to make freedom of expression a reality:

- There must be an organizational and legal environment that allows for the emergence of a diverse and open media sector.
- There must be political will to support this sector and the rule of law to protect it.
- There must be a law to ensure access to information, especially information in the public domain.
- New followers must have the necessary educational skills to analyze information critically and use it in their daily lives, and the media must be held accountable for their actions.

These elements, along with the commitment of journalists to the highest ethical and professional standards set by practitioners, serve as a fundamental structure for freedom of expression, which must prevail. Based on this foundation, the media serve as oversight bodies, civil society engages with authorities and decision-makers, and the flow of information occurs within and between local communities.

## Secondly: The Constitutional and Legal Framework for Women's Freedom of Opinion and Expression in Iraq

The Iraqi Constitution of 2005 establishes a framework for protecting fundamental rights, thereby providing essential guarantees for the right to freedom of expression and explicitly ensuring the structural independence of bodies responsible for protecting and guaranteeing these freedoms. The importance of freedom of opinion and expression is evident in Article 38 of the Constitution, which stipulates, without prejudice to public order and morals:

- Firstly: Freedom to express opinions through all means.
- Secondly: Freedom of the press, printing, advertising, media, and publication.
- Thirdly: Freedom of peaceful assembly and demonstration, regulated by law.

While this article represents a step forward and includes relatively advanced provisions, it is notable that although freedom of the press is a fundamental component of the right to freedom of expression, the Constitution separates the protection of these two rights. Additionally, the Constitution does not specify the content of freedom of expression as outlined in Article 19 of the International Covenant on Civil and Political Rights, which encompasses the right to seek, receive, and impart information, ideas, and opinions across borders and through any media outlet.

This constitutional groundwork represents an important trajectory for supporting women's activism in this field. However, the deprivation of women's freedom of opinion and expression may not be explicitly addressed in legal texts as much as it is subject to the influence of the social, political, and cultural environment in Iraqi society.

## Thirdly: Iraqi Women and Legal Obstacles to Freedom of Opinion and Expression

Iraqi women face numerous challenges and obstacles when it comes to expressing their opinions or even engaging in fields of work that contribute to developing their rights and enhancing their participation in political, economic, and social agendas.

Women have demonstrated significant capabilities in the fields of media and politics, particularly in elections at both the local and national levels. Their unique experience was evident in securing a significant number of seats allocated for quotas in the Iraqi Parliament

elections in 2021. Additionally, they achieved positive outcomes in the elections for provincial councils in December 2024.

However, women, on the other hand, have faced a high level of hate speech towards their participation and have not been provided with sufficient protection guarantees to exercise their roles in expression and political participation. Many female candidates have been subjected to harassment, whether from the local community or during the display of their images in the streets and squares during elections.

The absence of a legal framework in Iraq, despite the existence of constitutional provisions, may not be sufficient to protect the right to freedom of opinion and expression for all groups. Women face vulnerability within these legal frameworks, as social norms increasingly empower the deprivation and prohibition of this right.

To this day, there is no law for freedom of opinion and expression or regulation of demonstrations, which has allowed for the restriction of this right on many occasions. Advocates of this right, of both genders, are threatened with their security and lives. Despite the growing legal coverage and the establishment of national plans under the agenda of Resolution 1325 through the efforts of Iraqi organizations and government, especially in the participation pillar, the situation in Iraq, where women face further restrictions on their expression, is exacerbated by the worsening manifestations of armed violence and an increase in child marriages without their consent, making it difficult for them to express their opinions in courts or elsewhere. Additionally, they are vulnerable to exploitation, and the weak mechanisms and protection guarantees in the workplace in general even delay or neglect their demands for enhancing these guarantees.

### **What can be done: Response Strategies and Recommendation Proposals:**

Demands for enhancing the right to freedom of opinion and expression, with a focus on women, appear not to be a luxury in the Iraqi reality, given the violations that women have experienced amidst armed conflicts, including abduction, captivity, and others. Therefore, women's voices in advocating for their rights, whether in the political, social-legal, cultural, or educational fields, are essential for improving response frameworks for women, as they are in greater need of protection and participation than other groups.

Accordingly, response strategies and recommendation proposals vary and include the following:

## **Legislative Authority:**

**Firstly:** Enact a law on freedom of opinion and expression after its approval by the Iraqi Cabinet.

**Secondly:** Approving a legislative package, including laws such as the Law on Protecting Women from Violence, safeguarding them in the workplace, and preventing harassment and exploitation.

**Thirdly:** Supporting women's participation in the core committees of the Iraqi Parliament.

**Fourthly:** Establish a women's forum or platform within the workings of the Iraqi Parliament, dedicating a session in each legislative term to discuss issues concerning women and involving women from civil society, local communities, and women victims.

## **Executive Authority:**

**Firstly:** Enact codes of professional conduct in public institutions to prevent any forms of violence, harassment, or exploitation against women. Building the capacities of public institutions in the state by these codes.

**Secondly:** Allocating a session for the council of ministers every quarter, meaning four sessions per year, to discuss issues related to women's needs and approve executive measures that enhance their participation and protect their right to expression.

## **Local and International Organizations:**

**Firstly:** Building the capacities of women in the media and journalism fields and supporting their success stories through purposeful media content that focuses on the roles of women in promoting the right to freedom of expression.

**Secondly:** Working on compiling an annual report specifically on women's exercise of their role in the right to expression and participation. This report will be based on monitoring, follow-up mechanisms, and evaluation of programs by local and international civil society organizations, as well as developments in the measures implemented by institutions in Iraq.