

## **Is Iraqi Media Law a Step Forward?**

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Iraq's new media law, the product of several years of debate, is supposed to protect journalists, but it has been the subject of much controversy. **Hazim al-Sharaa**, an IWPR editor in Iraq, looks at why some fear the legislation will restrict rather than enhance freedom of speech.

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### **Can you describe the new media law?**

This legislation is designed to regulate journalistic activities in Iraq. President Jalal Talabani says the law stems from a wish to respect "freedom of the press and expression, as well as guaranteeing the rights of Iraqi journalists... and their important role in making democracy a reality in the new Iraq".

There were high hopes that this law would protect Iraqi journalists from intimidation and harassment by officials, and lead to greater freedom of expression. However, many on the Iraqi media scene worry that the law will actually serve to restrict freedom of speech.

When it was in draft form, the bill was criticised for applying only to members of the Iraqi Journalists' Syndicate, IJS, a publicly-funded trade union closely associated with the government. Anyone not a member of the IJS would have been excluded. However, when the law was finally passed – it has been in place since August 2011 – this was among several points amended from the earlier version, so that a journalist is now defined as "any individual practicing a full-time journalism job".

However, concerns remain that this still excludes citizen journalists and bloggers, who have played an important role in building the modern Iraqi media.

The law also states that journalists cannot be arrested or interrogated without a warrant and without their place of employment being alerted about the alleged violation, although there is no provision for legal aid.

But benefits such as pension rights and eligibility for compensation for injuries received in the line of work still only apply to members of the IJS.

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### **How will the law affect journalists and their work?**

Although the law mainly affects those working in the media, it is likely to affect the flow of information.

The document contains sweeping statements such as article four, which says that "journalists have the right to obtain information, news, data and statistics which are not restricted, from various sources, and have the right to publish them in accordance with the law". But it does not spell out what "not restricted" or "in accordance with the law" mean, even though a journalist who is deemed to have contravened these loose definitions can be taken to court. This has led to warnings that journalists could find their freedom restricted.

While the 15,000-strong IJS backs the law, other groups like the Committee to Protect Journalists, CPJ, and the Iraqi Journalistic Freedoms Observatory, JFO, say the vague terminology offers little legal protection.

Reporters Without Borders has described the law as "pointless at best and dangerous at worst".

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### **Has the new law had any positive impact since it was enacted?**

Iraq is still a very dangerous place for journalists to work, and critics say the media law falls far short of providing them with any real protection.

Media workers say they have seen no tangible benefits since the law was enacted. As of January 1, the JFO had recorded 15 violations of the rights of journalists working in Iraq, and said the new law had not been used to address these violations. The most recent case was on November 24, 2011, when a journalist was severely beaten and hospitalised in Diwaniya.

Journalists say they have not pressed for the law to be invoked because they have no confidence that it will be applied in their favour.

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