

# CONSTITUTION OF IRAQ DRAFT BILL OF RIGHTS

UPDATED JULY 27, 2005

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COMMENTARY AND TRANSLATION BY NATHAN J. BROWN

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NOTE:

July 27, 2005

In the past few days, a variety of constitutional drafts have circulated. I have not had time to translate, much less authenticate the various drafts. Two in particular deserve mention, however.

1. The Iraqi daily *Al-Sabah* published a complete Arabic text at:

<http://www.alsabaah.com/modules.php?name=News&file=article&sid=9064>

I believe that this draft is a compilation of the work of the six subcommittees that have been charged with developing the initial draft for each chapter of the constitution. From public comments it is clear that such a draft was circulated among committee members on Saturday, June 24. This *Al-Sabah* draft appears to be the one circulated on that date. It was thus compiled before the full return of the Sunni representatives to the committee; some Sunni representatives strenuously objected to the draft on the grounds that it had been composed and compiled without their participation. And indeed the *Al-Sabah* draft not only has a very strong religious flavor—as has been widely reported—but also a specifically Shi`i flavor. The draft indicates those issues where strong disagreements remain and offers alternative phrasing for some provisions. It also has some mild internal contradictions, suggesting that it is still incomplete. Since the draft's compilation, the Sunnis have returned to the committee and apparently some changes have been made, but I am not aware of any leaked version of subsequent drafts.

2. The website of the Patriotic Union of Kurdistan (PUK), one of the two main Kurdish parties, published a text of the second chapter of the constitution dealing with rights and duties. This text differs from the *Al-Sabah* text as well as from the earlier documents I translated. I do not know if it is earlier or later than the *Al-Sabah* draft. The subcommittee working on this section of the constitution has reported that it has completed its work. That means that any further changes on this section—Chapter 2 of the draft constitution—will have to be made by the full committee or later by the National Assembly. (Indeed there are some reports that the full committee has already made some changes in Chapter 2). The PUK version is available in Arabic at:

<http://www.pukmedia.com/news/26-7/news6.html>

The constitutional committee still seems determined to meet its self-imposed deadline of August 1 to refer the draft to the full National Assembly. (The Sunni committee members—or, as they preferred to be called, the representatives of those boycotting the January election—have begun to suggest that the rush to meet that deadline might limit their voice in the process.) Because developments are moving so quickly, they are outpacing my ability to translate.

The Iraqi Constitutional Drafting Commission has formed six subcommittees to draft the various sections of the text. One of those subcommittees is devoted to the second chapter of the constitution, focusing on rights, freedoms, and duties.

Earlier, on June 30, 2005, the Iraqi newspaper *al-Mada* published what it claimed was the subcommittee's draft. I posted translation and commentary of that draft on this site on July 6.

More recently, an apparently newer draft has been circulating. An article in the *New York Times* (<http://www.nytimes.com/2005/07/20/international/middleeast/20women.html>) on July 20 was based on that draft. **I am providing a translation and commentary on that draft.** I have appended the translation of the earlier *al-Mada* draft at the end of this document.

Those interested in a general analysis of the constitutional drafting process can find it at: <http://carnegieendowment.org/files/PO19Brown.pdf>

This current draft—like the earlier one—is still very much a work in progress. There are some editorial errors in the text (such as a spliced sentence and an incorrect date) and some repetition. Public comments by Commission members indicate that the process of technical review has not yet begun. Therefore this document should be regarded as an indication of the subcommittee's inclinations, but significant changes are still possible.

The various subcommittees will each complete a section of the draft; an additional subcommittee is working to coordinate among the groups. Thus, this draft bill of rights is not only rough but also preliminary: it has not yet been formally approved by the Commission.

### General observations on the draft

- Numerous Iraqis connected with the drafting process have suggested that the constitution will replicate the basic structures created by the Transitional Administrative Law (or TAL, the interim constitution written before the dissolution of the American-led Coalition Provisional Authority last year). There are some indications (in the provisions on federalism and the parliament) that this will indeed be the case. Yet the draft bill of rights is clearly not based on the TAL (while it does borrow some elements).
- The document makes very extensive welfare commitments. This is not unusual in more recent constitutions, but it is a marked departure from the TAL. In contrast to the earlier draft published in *al-Mada*, however, this draft makes fewer promises and acknowledges the fiscal limitations of the state.
- While the rights provisions are extensive, there are actually significant qualifications. Sometimes these relate to religion, morals, and values. This gives the document a very conservative flavor.
- More often qualifications on rights occur in implementing legislation. European constitutions introduced phrasing that suggested that freedoms be defined by law. The original purpose of such provisions was to ensure that only parliament (as the agent of the entire society) would define the way in which a right would operate. This took the task out of the hands of the monarch and the executive and placed it in the hands of those deputized by the nation. But over time it has become clear that defining a right might also mean limiting it. This could occur anywhere but seems especially likely in countries in which the parliament falls under executive domination. In such cases, rights might almost be defined out of existence. Indeed, this is the pattern in much of the Arab world. The drafting committee in Iraq has indicated that it is writing a more parliamentary document, which might diminish but certainly cannot eliminate the possibility of rights being deprived out of their meaning by implementing legislation. Some countries have attempted to forestall such a possibility by including a constitutional provision that implementing legislation cannot limit the essence of a right. No such provision is included in this draft.

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## Chapter Two: Rights, duties, and public and private freedom

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### RIGHTS

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1. a. Iraqis are all equal before the law without regard to gender, opinion, belief, nationality, religion, sect, or origin. Discrimination on the bases of gender, nationality, religion sect, origin, or social position is forbidden. They [Iraqis] have the right to personal security, life, and liberty. Nobody may be deprived of his life or liberty except in accordance with law.  
b. Equality of opportunity is guaranteed to all citizens in accordance with law.
2. Anyone who bears Iraqi nationality is considered an Iraqi citizen. His citizenship gives him all rights and duties stipulated by the constitution. His citizenship shall be the basis of his relationship with the homeland.
3. a. An Iraqi may not be deprived of his nationality nor exiled or deported unless it is proven in a trial that he provided false essential information that resulted in his being granted nationality.  
b. It is forbidden to try a person without citizenship; this shall be regulated by law.

*[The meaning of the word I have translated as “try” (qada’) is obscure in this context.]*

4. An Iraqi is allowed to bear more than one citizenship. An Iraqi who was stripped of his citizenship after February 8, 1968 for any reason is considered Iraqi and is entitled to regain [his citizenship].

*[The reference to February 8, 1968 may be a drafting error. Presumably the drafters mean to offer citizenship back to those stripped of it by the Ba’th party. But the Ba’th came to power in a coup in July 1968, not February 1968. A coup did occur on February 8, 1963 (in which the Ba’th participated though it was edged out of power later that year. The drafters may have conflated the two dates.]*

*The earlier al-Mada draft took pains to exclude Israelis from those who could obtain dual citizenship. That effort is absent from this text. This more focused clause would not apply to most Israelis of Iraqi origin, since the vast majority would have lost citizenship rights considerably before 1968 (though some did emigrate in aftermath of espionage trials in 1969.)*

*The main purpose of this article is to treat those who lost citizenship in the 1970s—chiefly Shi’a but also some Kurds.]*

5. The children of an Iraqi woman enjoy citizenship in accordance with law.

*[This article is hardly airtight in its wording, but it does offer women the right to pass citizenship on to their children, a significant victory for women’s rights advocates. In most Arab states citizenship is regulated by law more than by constitutional text. This article offers a right to women but still leaves the details to legislation.]*

6. It is forbidden to grant Iraqi citizenship for the purposes of population settlement disturbing to the demographic structure of Iraq.
7. Non-Iraqi women married to Iraqi [men] are granted Iraqi citizenship five years after marriage.

***[Significantly, even though women may pass citizenship on to their children, the constitution does not provide them the right to pass it to their husbands.]***

8. The state shall provide for harmonization of the duties of the women towards their family and their work in the society. [It shall also provide for] their equality with men in all fields without disturbing the provisions of the Islamic shari'a.
9. Iraqi citizens have the right to enjoy security and free health care. It is the responsibility of the central Iraqi state and the regional, provincial, local, and municipal governments to provide [health care] and to expand [it] in the fields of prevention, treatment, and protection of children, pregnant women, school students, workers, the disabled, and the aged.
10. a. The Iraqi citizen has a complete and unconditional right to ownership in all parts of Iraq without limitation.

***[Oddly, this is one of the few rights that is absolute, not depending on implementing legislation.]***

- b. Private ownership is protected. Nobody may be prevented from using his property except within the boundaries of law. Nobody may be deprived of something he owns except for purposes of public welfare in cases specified by law and in the manner stipulated therein and with the condition of just and prompt compensation.
- c. The dignity of the individual must be honored and protected. All forms of bodily and psychological torture are forbidden. Those harmed have the right to demand compensation for the material and moral harm they suffered in accordance with law
11. a. The state shall take care to strengthen the role of civil society on the basis of legitimate goals and peaceful means, as well as empowering it through cooperation with the institutions of international civil society.
- b. It is forbidden to construct civil society organizations whose activities are aggressive, harmful to the interests of the society, secret, military in character, or take the form of militias.

***[The draft here seems to include a typographical error in one letter causing the word I have translated as "forbidden" to be written as "prepared." The two letters are pronounced the same in some dialects, leading me to suspect that this is simply a transcribing error.]***

- c. The state shall take care to revive the tribes, benefiting from those positive values and customs that do not conflict with the principles of the true religion, the law, and noble humanistic values that aim to strengthen the bonds of society, strengthening unity and peace among its members.
12. a. The family is the basis of the society. The state shall preserve its authentic Iraqi nature, based on religious, moral, and national principles and values. It shall provide for the protection of motherhood and childhood, safeguarding infants and youth and providing them the appropriate conditions for the development of their aptitudes and abilities.
- b. Parents must care for their children, raising and educating them after choosing their names well.
- c. Children must respect and care for their parents especially in poverty, disability, and old age.
- d. Children and youth may not be used in vulgar trades or employed in work that is not appropriate for their age. The state shall take measures to guarantee the protection of children.
13. a. No one may be detained, held or searched, except by a decision from a competent judicial agency.
- b. The privacy of houses is protected. It is not permitted to enter or search them except in accordance with law.
- c. Abusive, harsh, and inhumane treatment is forbidden. Any evidence in a trial from any confession obtained by force, torture, or threat is not admissible for any reason.

- d. Initial investigation papers are to be sent to the competent judge within 24 hours of the arrest of an accused.
- e. The dignity of the individual must be honored and protected. All forms of bodily and psychological torture are forbidden. Those harmed have the right to demand compensation for the material and moral harm they suffered in accordance with law.

***[This last clause duplicates the last clause of article 10, indicating some roughness in the drafting process.]***

- 14. Personal status shall be included in the law in accordance with the religion and the sect of the person.

***[This clause has been interpreted to require the repeal of the 1959 personal status law—which legislates a single code for all Iraqis (though it does grant some exemptions for some religious communities). That reading might go too far, but it would certainly require a very significant modification of that law. The significant word here is “sect,” a more accurate translation might be “school of jurisprudence.” This clause would therefore that laws be written that allow for personal status matters—marriage, divorce, and inheritance—to be determined separately for Sunni and Shi’i Muslims. It would not require a full resuscitation of the pre-1959 system, however.***

For more details, see my Policy Outlook, “Debating Islam in Post-Ba‘thist Iraq”

[www.CarnegieEndowment.org/files/PO13.Brown.final.pdf](http://www.CarnegieEndowment.org/files/PO13.Brown.final.pdf).]

- 15. All individuals have the right to express their opinion and publish it in any manner in accordance with the law, provided it does not disturb the public order of public morals.
- 16. a. The judiciary is independent. There is no power over the judiciary except the law.
- b. An accused is innocent until proven guilty in a just and legal trial.
- c. Court sessions are public unless the decisions of a court make them secret.
- d. The right of defense is sacred in all stages of investigation and trial; it will be organized in accordance with law.
- e. It is forbidden to try someone more than one time for the same accusation after his acquittal unless new evidence has appeared.
- f. Punishment is personal. It is forbidden to punish an innocent person for the crime of another.
- g. Criminal laws do not have retroactive effect except by law.

***[This essentially allows criminal laws to have retroactive effect as long as the retroactivity is stipulated in the law itself. But see 16 (l) below which seems to pull in a different direction.]***

- h. All individuals have the right to be treated justly in administrative and judicial proceedings.
- i. Court decisions shall be public and speedy. This shall be organized by law.
- j. An accused has the right to deputize a lawyer to participate in the preparation of his defense and to call witnesses and to speak with them and request the judge to do so. A person must be informed of his rights upon arrest. It is forbidden to force him to give statements for any reason. It is forbidden to apply a punishment more severe than the punishment in effect at the time of committing the crime.

***[In the Arabic text, the first sentence is spliced, with the second part placed at the end of the article. I assume this is a word processing error and I have corrected it in this translation.]***

- k. Criminal courts must deputize a lawyer at state expense for someone who has been accused of a felony and does not have a lawyer.
- l. The law that is most favorable to the accused is to be applied. Criminal laws shall have no retroactive effect unless it is in the interest of the accused.
- m. It is forbidden to arrest, detain, or hold someone except by a decision issued by a competent judicial authority.
- n. Doubt is interpreted in the interest of the accused.

*[This seems to duplicate 16(b) above, though the wording is slightly different.]*

- o. It is forbidden to arrest or detain in places other than those assigned for that purpose by law. [The place of detention must] include health and social care and be under judicial supervision.

#### DUTIES

- 17. a. Paying taxes and fiscal expenses are a duty for each Iraqi citizen, provided that the taxes and fees are not imposed, computed, or collected except by law.
  - b. The law will organize exemptions for those with low incomes in a way that is guaranteed not to infringe on the minimum necessary for livelihood.
  - c. Citizens are forbidden to possess, bear, buy, or sell weapons except with a permit issued in accordance with the law.
- 18. Preserving national unity, protecting state secrets, and supporting and defending the constitution are duties of every Iraqi citizen.
- 19. The Iraqi citizen is to defend the homeland and preserve its unity provided that military service is organized by law and voluntary service can be the equivalent of this service.

#### PUBLIC AND PRIVATE FREEDOMS

- 20. a. Freedom of religion, belief, and performance of religious rites are guaranteed in accordance with the law.
  - b. The state shall provide for the defense of the Iraqi citizen from intellectual, political, and religious compulsion.
 

*[Elsewhere in this document, I have translated similar phrasing as “Iraqi citizens” rather than the more literal but stilted English phrase “The Iraqi citizen.” I have not done so here in order to make clear that the draft bill of rights here places the freedoms on an individual basis, not on a communal basis as is frequently done in other constitutions in the region.]*
  - c. Postal, electronic, telegraphic, and telephonic messages are protected. Inspecting them and placing them under surveillance is forbidden except for legal necessity and defense of security in accordance with law.
  - d. Compulsory service (the corvee), slavery, the slave trade, forced labor, or any work that is imposed on the Iraqi citizen not in accordance with the provisions of the constitution or the law are forbidden.
- 21. Freedom of opinion, expression, organization, publishing, printing, the press, media, advertising, meetings, peaceful demonstration, and parties is guaranteed in accordance with the law and insofar as public security and morals are not harmed.

*[The words “organization” and “parties” are written in by hand. Article 26 seems to overlap with Article 21.]*

22. The idea of the dissolved Ba'ath party and all thought based on racism, sectarianism, accusations of apostasy, and terrorism are forbidden and are not permitted to be a part of political pluralism in the state.

*[The term “accusations of apostasy” (takfir) refers to a trend among some radical Sunni groups to declare self-proclaimed Muslims as apostates if they reject certain doctrines. Historically accusations of apostasy are fairly rare in Muslim societies.]*

23. In addition to the rights stipulated in this constitution Iraqi citizens enjoy the rights stipulated in international treaties, agreements, and international legal documents that Iraq has signed or joined or that are considered binding according to the provisions of international law, so long as these do not contradict Islam.

*[The provision on international human rights instruments is very strong. The only qualification has to do with the Islam. Notably, this draft refers simply to “Islam” rather than “Islamic law.” Nowhere in this bill of rights is any guidance given for authoritative determination of what constitutes Islam; if such guidance is given (and it may not be) it would have to be in other sections of the constitution.]*

24. The state shall provide for the care of relatives of martyrs, prisoners, politicians, and those harmed by the practices of the fallen regime. This shall be organized by law.
25. Iraqi citizens have the right to enjoy security, education in all its stages, health care, and social insurance. The Iraqi state and its governmental units including the regions, provinces, municipalities, and local authorities shall ensure these rights within the limits of their resources, taking into consideration that the state shall strive to provide prosperity and employment opportunities for all members of the Iraqi people.
26. Freedom of the press, printing, publishing, media, and advertising are guaranteed and the law regulates the exercise of these freedoms.
27. There shall be no censorship on newspapers, printing, publishing, media, and advertising except by law.

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Below is a translation of the draft published in *al-Mada* on June 30. Please note:

- Where similar phrasing is used in the two drafts I have not made a strong effort to maintain consistency.
- The earlier draft below was even rougher than the later one above. Some infelicities are also due to my limited translation abilities.

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## ARTICLE 1

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1. Anyone who has Iraqi nationality is considered an Iraqi citizen, with all the rights and duties according to law.

2. An Iraqi may not be deprived of his nationality nor exiled or deported unless it is proven in a trial that he provided false essential information that resulted in his being granted nationality.
3. Any individual with another nationality (except for Israel) may obtain Iraqi nationality after a period of residency inside the borders of Iraq of not less than ten years for an Arab or twenty years for any other nationality, as long as he has good character and behavior, and has no criminal judgment against him from the Iraqi authorities during the time of his residency on the territory of the Iraqi republic.
4. An Iraqi may have more than one nationality as long as the nationality is not Israeli.
5. An Iraqi who was stripped of his nationality in the period of Saddam's fallen regime for political, religious, racial, or sectarian reasons may reclaim it and be considered Iraqi. [This applies to] all who were stripped of citizenship for the stated reasons.
6. The provisions of Iraqi nationality and naturalization will be established by a federal law passed by the National Assembly that operates in accordance with the provisions of this constitution.
7. The competent courts will oversee disputes that arise from the special and general provisions related to Iraqi nationality and naturalization.
8. Iraqi women have the right to grant Iraqi nationality to their children and likewise to their (non-Iraqi) husbands after five years have passed from the marriage contract provided that the husband is resident in Iraq.
9. A woman married to someone with Iraqi nationality or who has been naturalized has the right to earn Iraqi nationality.
10. All Iraqis are equal and have the right to acquire or earn Iraqi nationality and to pass it to their spouses and children.

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## **ARTICLE 2**

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All Iraqis are equal before the law without regard to gender, opinion, belief, nationality, religion, or origin. Discrimination on the basis of gender, nationality, religion, origin, or social standing is forbidden. They have the right to personal security in life and freedom except in accordance with the law. Equality of opportunity is guaranteed to all citizens in accordance with the law.

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## **ARTICLE 3**

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All Iraqis are equal before the law and equal in the rights that they enjoy by virtue of citizenship just as they are equal in the duties that are imposed upon them by virtue of citizenship without regard to gender, opinion, belief, nationality, religion, sect, or origin.

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## **ARTICLE 4**

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Non-Iraqis resident or present in Iraq in a legal way enjoy all the rights which Iraqi citizens enjoy as well as the duties presented by the constitution or laws governing subjects. This will operate in reciprocity with a state that has Iraqis among its subjects.



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## ARTICLE 5: THE BASIC ELEMENTS OF THE SOCIETY

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1. People are equal in their humanity and human dignity. Their humanity is protected and honored. Social justice is the basis of building the society. The Iraqi people are one people, unified by belief and the unity of the homeland and culture. Anything that exposes this unity to danger is forbidden.
2. Justice is the basis of governance. Cooperation and compassion form the bond of trust among citizens. Freedom, equality, security, peacefulness, and social solidarity are guaranteed to all citizens before the law.
3. The family is the basic nucleus of the society; it is composed by religion, science, morals, and patriotism. The law protects its rightful, sacred nature and strengthens its bonds and its values. The state must guarantee its defense and support it, protect motherhood and childhood, spread, support, and implant moral values and the culture of tolerance, guard youth and protect it from exploitation and other forms of moral, bodily, and spiritual neglect. The state shall take special concern with the physical, moral, mental, and cultural development of young people. The state shall take responsibility for combating moral and behavioral depravity and encourage people and agencies to spread virtue, providing it help and support.
4. The state shall ensure harmony between the duties of woman toward her family and her work in the society and equality with men in the fields of political, social, and economic life without conflicting with or disturbing the provisions of the Islamic shari'a.
5. The state shall guarantee for women the appropriate services related to pregnancy, childbirth, and the period after childbirth and provide her free health services as well as adequate nutrition while she is pregnant and nursing.
6. The introduction of a system of maternity leave, paid or with equivalent benefits, without a woman losing her position, seniority, or bonuses.
7. The state shall guarantee the realization of social and health insurance for the child from his birth until he completes his university studies.
8. Issuing of strict binding laws against using children and minors in vulgar trades or those that are dishonorable or unsuitable for children. Issuing of laws requiring education and considering it one of the means of security and protection.
9. The state shall guarantee the realization of the social guarantee necessary for citizens in case of old age, disease, inability to work, or if they are homeless, orphans, widowed, or unemployed. It shall provide them social insurance services and health care and protect them from the talons of ignorance, fear, and want, providing them with housing, and special programs to train them and care for them. A law shall be issued regarding this.
10. The state shall support, in accordance with law, the families of martyrs, guaranteeing the legitimate rights taken by the fallen regime.
11. The state shall support the victims of the regime and terrorism and their families and protect their rights in accordance with law.

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#### **ARTICLE 6**

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1. The state shall guard science, literature, and the arts and encourage scientific research. It shall provide educational and cultural services to citizens. Primary education shall be mandatory. The state and regional governments shall combat illiteracy and provide their citizens with the right of free education at the various stages
2. The freedom of culture and scientific research are guaranteed and the state and regional governments shall encourage, reward, and foster excellence, creativity, and invention and the various forms of talent.
3. Freedom of opinion, expression, publishing, printing, the press, advertising, media, meeting, peaceful demonstration, founding political parties, unions, and associations are guaranteed in accordance with the law. No one may be arrested or have his freedom restricted because of his belief, political thoughts, or religious convictions. The idea of the Ba'th party is absolutely forbidden and it is not permitted to be a part of political pluralism.
4. There is no censorship on newspapers, printing, publishing, advertising, or media except by law.
5. The secrecy of postal, electronic, telegraphic, and telephonic messages is guaranteed. It is not permitted to inspect them except for legal necessity and protection of security in accordance with law.

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#### **ARTICLE 7**

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Iraqi citizens have the right to enjoy security and free health care. The Iraqi federal government and regional governments must provide it and expand the fields of prevention, treatment, and medication by the construction of various hospitals and health institutions.

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#### **ARTICLE 8**

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Iraqis have the complete and unconditional right of ownership in all areas of Iraq without limitation.

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#### **ARTICLE 9**

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Citizens may not be forbidden from traveling outside the country or returning to it, nor may they be limited in their movement inside the country except in cases defined by law.

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#### **ARTICLE 10**

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1. The Iraqi citizen has the right to freedom of thought, conscience, religious creed and religious rites.
2. The Iraqi citizen enjoys the right of protection against intellectual, political, sectarian, religious, and national coercion so long as [this protection] is by law.

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#### **ARTICLE 11**

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The right of political asylum is guaranteed to all oppressed. It is forbidden to surrender a political refugee. It is forbidden to grant right of refuge (humanitarian or political) to someone accused of international crimes.

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#### **ARTICLE 12**

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1. Work is a right for every Iraqi citizen and a duty for him. The state and the governments of the regions shall strive to provide work opportunities for every able-bodied citizen.
  2. The state is responsible to support the provision of work opportunities for all qualified and pay monthly salaries for all unemployed for any reason until opportunities are provided in the case of disability, handicap, or illness until the malady ceases.
  3. The state provides for improving working conditions and raising the standard of living and expertise of all working citizens.
  4. No one may be required to undertake a specific task unless that task has a public benefit in accordance with law or in the case of staving off a sudden public danger.
  5. Compulsory service (the corvee), slavery, the slave trade, forced labor, or any work that is imposed on the Iraq citizen not in accordance with the provisions of the constitution or the law are forbidden.
  6. Citizens are equal in assuming public positions in accordance with the conditions established by law.
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#### **ARTICLE 13**

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1. Public and private freedoms are protected provided they do not conflict with moral values and public decency.
  2. Citizens' private lives are protected. Citizens may enjoy it in compliance with moral values and decency. No citizen has the right to deviancy in the use of his right or to exercise any of his rights...
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#### **ARTICLE 14**

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Iraqi citizens enjoy the freedom to belong to associations and the right to development the institutions of civil society even by cooperation with international civil society organizations. The federal, regional, provincial, and municipal governments and local authorities may not prevent this right so long as it is exercised in accordance with law.

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#### **ARTICLE 15**

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1. Personal freedom is guaranteed in accordance with law.
2. Nobody may be arrested, detained, held, searched, placed under house arrest, or have his freedom of residence or movement restricted except in accordance with law and under judicial supervision.
3. Nobody shall be exposed to physical or moral torture, entrapment, or treatment offensive to dignity. The law shall specify the punishment for those who act in this

manner. Any statement or confession proven to be issued under pressure of torture, entrapment, such treatment, or threat of any of them is invalid.

4. A person may not be detained or held except in a place designated for that purpose in the laws for prisons. [The place of detention must] include health and social care and be under judicial supervision.
5. Punishment is personal and there is no crime or punishment except in accordance with law. Punishment may only occur for deeds committed after the law stipulating it becomes operative.
6. An accused is innocent until proven guilty in a court of law that grants him the necessary guarantees to engage in the right of defense in all phases of investigation and trial in accordance with law.
7. It is forbidden to injure an accused physically or morally.
8. Anyone accused of a felony must have an attorney he has accepted defending him.
9. The right of litigation is guaranteed in accordance with law.
10. The freedom of houses is guaranteed and they may not be entered or searched except according to law.

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#### **ARTICLE 16**

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1. There is no tax or fee except by law. The basis for taxes and public expenditures is social justice.
2. The law shall organize exempting those with low incomes from taxes in such a way as not to infringe on the minimum needed for subsistence.

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#### **ARTICLE 17**

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1. Public funds are sacrosanct and their protection is a duty for every citizen.
2. All natural resources and the [resulting] revenues are owned by the people. The state shall preserve them and invest them well.
3. The state shall strive to provide housing for those citizens with limited incomes either by constructing free and appropriate houses or housing blocs or by giving them grants and loans to build their private housing, granting priorities and in accordance with need.
4. The state shall take the necessary measures to realize the exploitation of land suitable for agriculture, stop desertification, and work to raise the level of the peasant and help farmers and their land ownership in accordance with law.
5. The state shall take the necessary measures to preserve the environment and protect it from pollution and to preserve the environmental order, considering it among its priorities. It shall issue strict laws and impose financial penalties on those who violate.

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#### **ARTICLE 18**

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1. The basis of the national economy is social justice. It is composed of cooperating between public and private activity. Its goal is economic growth in accordance with a

decreed plan and the realization of prosperity for citizens. This shall all occur within the boundaries of the law.

2. The state shall bear the responsibility for growth, developing production and services, building a solid infrastructure for the economy of the country, and providing services.
3. The competent authorities shall strive to encourage tourism and develop tourist institutions.
4. The state shall take the necessary measures to preserve Iraqi heritage and archeological sites. It shall issue strict laws for whoever abuses our civilizational heritage.

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**ARTICLE 19: TRIBES**

**ARTICLE 20**

1. Any Iraqi who meets the conditions stipulated by the elections law may nominate himself and vote.
2. It is forbidden to discriminate against any Iraq for electoral purposes on the basis of gender, sect, race, nationality, language, wealth, or ability to read and write.
3. Preserving the proportion of 25% as the share of representation for women in the seats of the parliament (the seats of the National Assembly), decision-making positions, and ministries for two stages. Then the proportion shall become open and according to ability.

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**ARTICLE 21**

The constitution guarantees compensation for any Iraqi citizen if any official in the Iraqi government harms him by depriving the citizen of the rights, which the constitution guarantees. This shall be in front of the law and in front of the competent bodies (that is, it will be the judiciary as the place of recourse for defending rights in this chapter. The court shall decide the penalty or compensation or both when it determines the extent of responsibility of the competent government authorities or direct personal responsibility or both.)

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**ARTICLE 22**

In addition to the rights stipulated in this constitution Iraqi citizens enjoy the rights stipulated in international treaties, agreements, and international legal documents that Iraq has signed or joined or that are considered binding according to the provisions of internal law, so long as these do not contradict the provisions of the Islamic shari'a. Non-Iraqis inside Iraq enjoy all human rights as long as they observe Iraqi society's moral values, public manners, and the like.

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**ARTICLE 23: DUTIES**

1. Iraqi citizens are responsible for defending the homeland and preserving its unity.
2. Paying taxes and fiscal fees are a duty for all Iraqi citizens, it being provided that there are no taxes, levies, duties, and fees imposed except by law.

3. Citizens may not own, bear, buy, or sell weapons, except by a permit issued in accordance with law.
4. Preserving national unity, protecting state secrets, and defending and supporting the constitution are the duties of every Iraqi citizen.