

Iraqi CMC Draft Regulation on Digital Content in Iraq

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Brief Analysis

Part of a series: [Militia Spotlight: Profiles \(https://www.washingtoninstitute.org/policy-analysis/series/militia-spotlight-profiles\)](https://www.washingtoninstitute.org/policy-analysis/series/militia-spotlight-profiles)

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English translation of the March 16, 2023, draft regulation on digital content by the Iraqi Communications and Media Commission.

Below is a translation of the March 16, 2023, draft regulation by the Iraqi Communications and Media Commission (CMC), a body controlled by *muqawama* factions (i.e., Iran-backed militias and politicians), that lays out the commission's intention to institute draconian new social media and online censorship in Iraq.

The Militia Spotlight profile of the CMC can be found [here \(https://www.washingtoninstitute.org/policy-analysis/profile-communications-and-media-commission\)](https://www.washingtoninstitute.org/policy-analysis/profile-communications-and-media-commission).

The original Arabic draft regulation can be found [here \(https://drive.google.com/file/d/1KXHyU1HGfLbYrRcdtj_u3mW23T1kuW0l/view\)](https://drive.google.com/file/d/1KXHyU1HGfLbYrRcdtj_u3mW23T1kuW0l/view).

The critique of the draft regulation by twelve human rights and freedom of expression NGOs can be found [here \(https://www.accessnow.org/press-release/digital-content-regulation-iraq/\)](https://www.accessnow.org/press-release/digital-content-regulation-iraq/).

The Need to Regulate Digital Content in Iraq

March 16, 2023

Pursuant to the provisions of Articles (3), (7), (8), (14), (38/first and second), (42), (46) and (103/first) of the Constitution, which guarantee freedom of expression and freedom of the press and printing And advertising, media and publishing, and guided by the provisions of Article (19) of the Universal Declaration of Human Rights of 1948, which granted everyone the right to enjoy freedom of opinion and expression and to embrace opinions without harassment, as well as Articles (19) and (20) of the International Covenant of Civil and Political Rights.

And based on the powers granted to the Media and Communications Commission in accordance with the provisions of Sections (1, Paragraph (4) and (5) Paragraph (B) of Order (65) of 2004 regarding encouraging development in electronic media and communication networks in order to achieve the greatest amount of benefit for users.

And in recognition of the commission, that dialogue and publishing based on the free exchange of information can only be achieved by enabling all Iraqis to freely access the free, independent and diverse professional media.

And the desire of the authority to actively contribute to the promotion of upbringing, education, organization, consolidation and promotion of digital use in all fields in the Republic of Iraq through cooperation with the official authorities, as well as the relentless desire to immunize society and special groups such as women, children and youth, as well as protect the rights of users in digital content in Iraq from Individuals, entities, or institutions, and the Commission's belief in supporting digital leadership and creativity in solid content, especially content that supports solid national, cultural, intellectual, scientific, and literary values. In order to organize and promote the publication of digital content in Iraq, we have issued the following regulation

No. (1) for the year 2023

The need to regulate digital content in Iraq

Chapter one

Definitions, objectives and validity

Article 1 (Definitions)

For the purposes of this law, the following expressions shall have the meanings indicated opposite them:

First: The Media and Communications Commission

Second: The website is a virtual space on the internet that has a specific domain and a well-known name that enables the browser to access it. It works to achieve a goal or set of goals in a specific topic or field, and is advertised through multiple digitals.

Third: The electronic address: letters, numbers and symbols that are used to indicate a website in the internet, and enables the browser to access it.

Fourth: The electronic blog: A personal mini-site, which the user creates for free or for a paid fee, through digital services provided by some major internet sites. It should have a specific domain and a well-known name.

Fifth: The digital application: a specific program that is presented through a single digital space, under a specific name, that can be obtained from well-known digital stores or from the entities that own the application itself, and is used to process data and digital content in its various forms, and to provide specific services or facilities to users, using containers Different smart digital

Sixth: The Digital Forum is a website with a fixed address that allows its members to present various topics and interact with each other through text, sound or image, or all of them, by following procedures determined by the administrator that respect the rules of freedom of expression, which may be specific to a specific field, or divided into a group of sections, and may include A group of accounts for users who benefit from it in the form of dialogue rooms that allow them to contribute their opinion.

Seventh, the Digital Publishing House is an official and documented publishing institution. It is concerned with marketing multiple digital works, through virtual containers, in return for certain amounts, by adopting well-known electronic financial dealing mechanisms authorized under Iraqi legislation and instructions in force, or free of charge in the event of the approval of the owner of the original digital work, and on condition Commitment to digital intellectual property rights in all its working mechanisms.

Eighth: User (digital user): every natural or legal person who benefits from the various services provided by the internet, and deals with them by default through various digital channels. He can be a recipient or digital content, a manufacture of it, or a participant in it.

Ninth: Registration The registration and notification that the user submits to the Media and Communications Authority before proceeding with the publication of digital content in accordance with the procedures or application specified by the Authority to prove identity.

Tenth: Personal Website: A site created by a person to display his CV and interests, and to enable him to communicate with his friends and people of common interest.

Eleventh: Social Media: A group of Internet applications through which digital content can be created and exchanged in all its forms

Twelve: Digital Content Contents that are encoded in multiple digital containers, to give an understandable and accessible meaning to users according to specific criteria, foundations and rules, and it has multiple forms (text, pictures, video, audio, graphics, case studies, e-books, etc.) and is prepared and produced or has already been prepared and updated. It is circulated, transmitted, published and accessed through electronic means represented by the Internet or various communication networks.

Thirteen: Discreet or purposeful digital content The contents of digital containers produced by digital content creators adhere to prevailing societal values, and contain elements of digital content quality, and provide knowledge additions to users, contributing to the development of their target communities in all fields.

Fourteen: Downward digital content Contents of digital containers produced by digital content creators that do not take into account prevailing societal values, promote immoral concepts and practices that are tainted by depravity, offend public decency, offend norms and degrade human dignity, or support acts that are mandated by Iraqi legislation in force.

Fifteen: Digital content makers are a group of Internet users who have the digital skills that qualify them to embody contents related to Iraqi, regional and international affairs in various fields in various digital forms through the digital containers available in the virtual public domain.

Sixteen: Standards for the quality of digital content: the rules and values that should be available in digital contents, according to which the effectiveness of the content and the extent of its sobriety are measured, and they are related to aspects related to the content itself, as well as the digital environment surrounding it, such as technologies, users, and societal and ethical factors.

Twelve: Digital Content Contents that are encoded in multiple digital containers, to give an understandable and accessible meaning to users according to specific criteria, foundations and rules, and it has multiple forms (text, pictures, video, audio, graphics, case studies, e-books, etc.) and is prepared and produced or has already been prepared. And updating, circulating, transferring, publishing and accessing it through electronic media represented by the Internet or various communication networks.

Thirteen: Discreet or purposeful digital content The contents of digital containers produced by digital content creators adhere to prevailing societal values, and contain elements of digital content quality, and provide knowledge additions to users that contribute to the development of their target communities in all fields.

Fourteen: Substandard digital content: Contents of digital containers produced by digital content creators that do not take into account prevailing societal values, promote immoral concepts and practices, are tainted by depravity or

offend public decency, offend norms and degrade human dignity, or support acts that are mandated by Iraqi legislation. the window.

Fifteen: Digital Content Creators: A group of Internet users who have the digital skills that qualify them to embody content related to Iraqi, regional and international affairs in various fields in various digital forms through the digital containers available in the virtual public domain.

Sixteen: Standards for the quality of digital content The rules and values that should be available in digital contents, according to which the effectiveness of the content and the extent of its sobriety are measured, and they are related to aspects related to the content itself, as well as the digital environment surrounding it, including technologies, users, and societal and ethical factors.

Seventeen: Every internet influencer public personality maker of digital content of all forms and contents has followers of no less than (25) twenty-five thousand users who achieve great interactions with him, in a way of that enables him to influence the discussion of issues of public interest.

Eighteen: Digital advertising is all digital content aimed at marketing, selling or promoting a tangible or immaterial product in return for paying a specified amount, through well-known electronic financing channels, to different categories of users, by highlighting the positive elements of the product and requiring adherence to the elements of quality and credibility.

Nineteen: Digital publishing Employing user-generated content in multiple digital containers, through multiple digital formats, to reach the masses of users in a clear and understandable way, including the content that is being shared to other users.

Twenty: Electronic News Agency is a website with a fixed address that provides print, audio and visual press publishing services on the network, and allocates all or some of its pages to subscriber surfers from institutions and individuals, with specific monthly or annual financial fees, without non-subscribers being able to view the same pages that It is intended for subscribers.

Twenty-one: electronic defamation Intentionally announcing facts and events of a high degree of personal privacy that carry more than one opinion or interpretation, through digital channels, in a way that constitutes exposure or abuse of the person targeted by it, and presents it in an unacceptable way to his social environment.

Twenty-two: electronic extortion: bargaining with the victim user of digital content leaks with a high degree of privacy in exchange for obtaining sums of money or exploiting him in any way to push him to commit unacceptable acts that are criminalized by Iraqi legislation or rejected by societal values.

Twenty-three electronic prostitution: Employing digital containers to mediate between two parties to rent or provide sexual services outside the legal frameworks, including sex services provided through augmented reality techniques and tools.

Twenty-four: Cyberbullying: publishing content through digital containers with the intent of directing repeated abuse towards specific people, in a way that causes them harm or results in material or moral harm.

Twenty-five: Racism and electronic discrimination: Publishing digital content that divides targeted communities on religious, ideological, political, or ethnic grounds, or according to skin color, dialect, etc., or incites against them, and in a way that threatens community peace and national unity.

Twenty-six: Hate speech is any means of expressing an opinion by word, deed, behavior, or gesture that includes attacking or using offensive, offensive, or discriminatory language with reference to a person or group on the basis of their religion, race, nationality, color, origin, gender, or any factor. The identity of another, which explicitly and deliberately aims to provoke discrimination, strife, strife, hostility, or violence between individuals or groups.

Twenty-seven: Contempt for religions is every act, saying, or gesture that offends the divine being, religions, prophets, messengers, heavenly books, places of worship, or sacred symbols by any means.

Twenty-eight: Terrorism is every criminal act committed by an individual or an organized group that targets an individual or a group of individuals, groups, or official or unofficial institutions, causes damage to public or private property, with the aim of undermining the security situation, stability, and national unity, or introducing terror, fear, and panic among people, or creating chaos. In order to achieve terrorist goals, and in determining the nature of the terrorist act, refer to the Anti-Terrorism Law No. (37) of 2005 or the Anti-Money Laundering and Terrorist Financing Law No. (39) of 2015 or any other law that replaces them.

Twenty-nine: Personal information: Any information related to the user that determines his identity, location, or capacity, whether he uses it by itself or with other information, including name, residential address, e-mail, phone number, identification number, geographical location, voice recording, fingerprint, or any other means that enables other to get user access.

Article 2 Objectives of the Regulations

This regulation aims to achieve the following objectives:

First, organizing digital content in Iraq by achieving optimal and secure use of platforms and websites in a manner that respects individual privacy, freedom of opinion and expression, achieves interaction and social communication,

and protects social relations.

Second: Providing legal and technical protection for meaningful digital media content, by rooting professional and human values and facing challenges and risks that confiscate or restrict rights and freedoms.

Third: Reducing the misuse of degrading or offensive digital content and monitoring false and misleading information that would harm human dignity, national unity, civil peace or national security.

Fourth: Contribute to reducing the adoption, promotion, endorsement, incitement, preparation or justification of crimes, terrorism, racism, atonement or other violations through content digital.

Fifth: Achieving the goals of sustainable development.

Sixth: Preserving the user's rights in dealing with any form of content digital.

Seventh: Protection and rights of intellectual property, data, marks and digital works.

Eighth: Enhancing confidence in the use of digital content in Iraq.

Article 3 Applicability of the Regulations

First, the provisions of this regulation apply to all employees, whether natural or legal, in Iraq, including ministries, agencies, and entities not associated with a ministry, as well as non-official institutions such as civil society organizations, trade unions, or federations and others.

Second: This regulation applies to digital content in all of the following forms:

1. Websites of government agencies and educational and research institutions, scientific societies, literary, cultural, and sports clubs, among others.

2. Personal websites.
3. Digital publishing houses.
4. News agencies and digital newspapers.
5. E- forums and digital blogs.
6. Social media.
7. Digital applications.
8. Digital ads.
9. Any other form of electronic publication deemed necessary by the CMC added in the future.

Chapter 2

General standards for the quality of digital content

Article 4: Controls and standards for digital content

The user must abide by the following digital content controls:

First: Promoting Iraq's national identity, values and cultural heritage.

Second: Preserving sound social values and the role and importance of the family in building the society.

Third: Protecting national security and public order and preserving national unity and fabric social.

Fourth, protect and enhance the high quality of digital content

Fifth: Preserving the general rules of public decency and courtesy.

Sixth: Not to prejudice the dignity of persons or their private lives, or to belittle or offend them.

Seven: Refrain from divulging or leaking official documents or what goes on in secret official meetings without a special permission from it.

Article 5 Digital Content Prohibitions

First: Any act, statement or gesture in the digital content that includes anything that incites hatred, incitement, disparagement, prejudice, discrimination, racism, fanaticism, contempt for religious, tyranny, sectarianism, violence, crimes or terrorism is prohibited.

Second: The following acts are considered among the acts that violate digital content and a form of prohibited media discourse, which includes, but is not limited to:

1. Undermining or degrading the human dignity of any individual, especially children and women and people with special needs.
2. Offending the state, its public authorities, or natural and moral persons, such as Iraq.
3. Targeting the democratic system in Iraq or breaking the constitution or laws in force.
4. Endangering the state's national security, civil peace, or national unity.
5. Stirring up hatred or division between the people, their nationalities, or the different religious sects, or anyone that is liable to rupture the national unity.
6. Violating public order, morals, moral values, and public and private taste.

7. Contempt for religions, sects and sects recognized in Iraq.
8. Using methods of threat and blackmail and influencing judges regarding lawsuits displayed before them.
9. Exposure to others through obscene language, defamation, insult, or slander in their own right, whether in comments or publications of individuals or entities by any means.
10. Broadcasting false news and rumors aimed at overthrowing the democratic system, national security, or the national economy.
11. Promoting illegal relationships, prostitution or brokering.
12. Promoting homosexuality, atheism, blasphemy, sectarianism, extremism, or entity Zionism or Freemasonry.
13. Magic, sorcery or astrology
14. Publishing or promoting content that includes posting any visual or audio material or photographed for any specific places to enter, such as clubs, cabarets, and others.
15. Anything related to violations of intellectual property rights or trademarks and commercial data and consumer rights.
16. Publishing or promoting content that includes leaking exam questions to students of different grades.
17. Promoting sexual games or drugs that are not licensed by the official authorities.
18. Humorous pranks or hidden cams that are not based on safe technical controls.
19. Promoting games or competitions that endanger the lives of individuals in general and children or adolescents in particular.

Third: The Media and Communications Authority undertakes the task of digital monitoring of everything that violates the provisions of this regulation, in coordination with the competent authorities, whether the act violating the digital content takes the form of adoption, incitement, introduction, glorification, promotion, or justification for these acts.

Contempt for religions in digital content

Article 6

Any digital content that calls through one way of expressing opinion to declare takfir on individuals or groups, incite them to takfir or kill them for any reason, or force them to change religion, sect or belief

Article 7

The following acts are considered defamation of religions in the digital content, and they include, for example:

1. Transgression, defamation, or prejudice against the divine entity.
2. Offense, contempt, or ridicule, towards any of the religions or sects recognized in Iraq, or one of its rituals, sanctities, or beliefs, whether by word, deed, or gesture, or disrupting them by calling for violence, threats, or extortion, including the Husayni shrines.
3. Offending the sanctity of the Holy books through distortion, destruction, desecration, or otherwise.
4. Overstepping one of the prophets, messengers, imams, references, or religious symbols, or harming or insulting them.
5. Offending one of the places of worship or holy shrines of all recognized religions or sects in Iraq.

Chapter 4

Violence, discrimination, extremism and terrorism in digital content

Article 8

Any media content that incites violence, extremism, terrorism or hatred is prohibited.

Article 9

The following acts are among the violations of digital content that takes violence and discrimination

extremism and terrorism, including, for example:

First: Anyone who commits an act, word, or gesture that incites or adopts hate speech, or encourages, promotes, or glorifies it by any means.

Second: Anyone who commits an act, statement, or gesture that incites tribal, national, ethnic, regional, ethnic, or clan strife with the intent to incite hatred or violence between individuals, or intends to commit acts of violence, or calls for them, even if it is a hidden or implicit threat.

Third: anyone who commits an act or word that causes any form of discrimination by any means, incites violence, includes expressions of ostracism, insult, or calls for exclusion or discrimination, unless it is in a context that condemns the content or discusses it in a neutral manner.

Fourth: Threatening civil peace by word, deed, or gesture by publishing or transmitting media materials issued by any party or individual that encourage the targeting of specific individuals, groups, or institutions, which would provoke societal crises.

Fifth: Threatening the national security and unity of the country or the democratic system and all its institutions, or contributing to obstructing elections or other democratic practices guaranteed by the Iraqi constitution.

Sixth: Offending, in word or in deed, the international relations of Iraq, the countries or peoples of the region and the world.

Seventh: Advocating or promoting terrorist crimes, the activities of terrorist groups or armed gangs, their approach and practices, or justifying their motives, which leads to targeting the lives of individuals and threatening the supreme interest of the country.

Eighth: Exposing people's lives to danger by disclosing their identities without permission.

Ninth: Abusing any Iraqi city, governorate, or region, or making fun of it or its residents, and not discriminating between individuals on the basis of shape, color, language, dialect, gender, customs, traditions, and social heritage.

Tenth: Any expressions that contain meaning of incitement of violence, threatening individuals, targeting entities in their moral capacity, calling for revenge or taking revenge, or any content that could endanger their lives of citizens.

Chapter 5

Article 10

The user is prohibited from manufacturing, publishing, promoting, adopting, paving the way for, or justifying digital content in any of the following cases:

First: If the digital content includes one of the crimes stipulated in a law.

Second: If the digital content includes one of the crimes stipulated in special penal laws, such as crimes related to weapons, drugs, organized crime, money laundering, terrorist financing, selling human organs, and others.

Third: If the content incites criminal behavior at any stage of implementation of the crime.

Fourth: If the content encourages self-harm or suicide, regardless of the context.

Fifth: If the content is liable to prejudice the sovereignty of the state, its democratic system established in the constitution, its flag, emblem, or national anthem.

Article 11

The user of the digital content must refrain from the following violations, whether they constitute a separate violation or part of the violation acts linked to other violations, and this includes, for example:

First: Content that promotes or favors the sale or purchase of antiquities that are legally prohibited, unless it is in the context of condemning or discussing the content neutrally.

Second: Content that includes text, pictures, or video clips about kidnappings and everything that may disturb the security of the individual unless it is shared to seek help, condemnation, or raise awareness of the dangers of this crime.

Third: Content that includes the manufacture, sale, or promotion of all types of weapons and explosives, or encouraging their use and exchange except in accordance with the provisions of the law, or in the context of news

coverage, or the promotion of commercial video games, or if the publication has been completed.

Fourth: Content that includes promoting the sale and circulation of medical drugs that are not licensed by the Ministry of Health and the competent authorities, and advertising them in any way,

Fifth: Content that promotes alcoholic beverages, tobacco, or drugs of all kinds, or encourages their trade, including digital drugs.

Fifth: Content that includes the promotion of gambling games, roulette, or other similar businesses.

Sixth: Content that incites, paves the way, glorifies, promotes, or justifies Saddam's resurrection in Iraq and its symbols.

Seventh: Content that promotes or incites conflicts and clan conflicts.

Eighth: Content that promotes, encourages, or favors acts of magic, sorcery, and occultism.

Ninth: Content that includes the crime of trafficking in human beings or their organs, unless it is in a media context that aims to intensify security efforts or educate society about its dangers

Tenth: Content that encourages homosexuality and homosexuals, and promotes their activities, ideas, symbols, or images in any way.

Eleventh: Content that promotes or encourages the use of chemicals, radioactive substances, hazardous waste, or any substance that harms the lives of individuals, the environment, or public property.

Chapter Six

Digital content directed against special groups

First Branch

Protecting women in digital content

Article 12

The user is prohibited from making, publishing, promoting, approving, or justifying digital content if it would offend the status of women or the family, or prejudice the rights established by the constitution, laws, and heavenly teachings.

Article 13

First: All Borouge digital content prohibits, facilitates, incites, justifies or favors the commission of any of the following actions:

1. Violating public morals, outraging public modesty, spreading or promoting immorality and debauchery.
2. Violating the national, religious and moral values of the Iraqi family.
3. Defamation, insult, slander, and transgression with offensive or obscene words and expressions against women, whether directly or indirectly.
4. Exposing women in general, and veiled or unveiled women in particular, to embarrassment or abuse by revealing their pictures without a veil or niqab without their prior permission. - Digital extortion, fraud, impersonation or bullying.

Second: It is prohibited to promote, use, or publish any digital content that includes the exploitation of women, or insulting their human dignity, including in particular the following acts:

1. Trafficking in human organs
2. For the sexual exploitation of women through the production of pornographic films and images, including minors and adults.
3. Forced marriage of minors.
4. Being forced to engage in criminal activities.
5. Homelessness or begging in the streets and public roads.

Section two

Child protection in digital content

Article 14

First, it is prohibited to manufacture any digital content that includes abuse of childhood or its human values, and this includes publishing, promoting, facilitating, inciting, justifying, or encouraging the commission of any of the following actions:

1. Violating public morals or moral and religious values.
2. Spreading immorality and immorality, calling for or promoting any of them.
3. Defamation, insult, slander, and transgression with offensive or obscene words and phrases.
4. Violation of the age classification of the child when publishing digitally.
5. Allowing children under the legal age of less than 15 years to create personal accounts or blogs.
6. Digital extortion, fraud, impersonation, or exploitation in all its forms of children and minors.
7. Publishing beggars or homeless children, unless it is for humanitarian or correctional purposes

Second: It is prohibited to promote, use, or publish any digital content that involves exploitation of children or diminishing their human dignity, and this includes in particular the following actions:

8. Trafficking in human organs of children, including sexual trafficking.
9. Sale of children for illegal adoption.
10. Child trafficking or exploitation, whether male or female.

11. Forced marriage of children.
12. Being forced to engage in criminal activities.

Section III

Digital content for people with special needs

Article 15

The user is prohibited from publishing, promoting or approving digital content if it would offend people with special needs or prejudice their rights under the constitution and laws, or expose them to ridicule, disparagement, pity or societal contempt, or endanger life or reputation by any means.

Article 16

Second: It is prohibited to promote, use, or publish any digital content that includes exploitation of people with special needs, and this includes in particular the following actions:

1. Use of terms and phrases that are not consistent with international terminology and legal requirement for them.
2. Not taking into account the feelings of people with special needs or detracting from their disability in a way that might.
3. Undermining the human dignity of people with special needs.
4. Showing cases of violating the rights of people with special needs, unless it is to support their cause or fulfill their demands

Section Four

Digital content for seniors

Article 17

It is prohibited to manufacture, publish, promote or favor digital content if it is liable to offend, degrade or diminish the human dignity of the elderly, or prejudice the rights granted to them under the constitution and laws, or expose them to ridicule, disparagement, pity or societal contempt.

Article 18

It is prohibited to manufacture, promote, use, or publish any digital content that includes exploitation of the elderly, and this includes, in particular, the following actions:

1. Touching their feelings or feelings or belittling them in any way that might lead to belittling or contempt for them.
2. Displaying clips that include violating the rights of the elderly in their official homes, unless it is to support their case, fulfill their demands, or increase attention to them.

Section Five

Digital content protection for some special categories

Article 19

It is prohibited to manufacture, publish or promote any digital content in any of the following cases:

First: the threat to media professionals and journalists.

Second: threatening doctors and health professionals.

Third: To threaten judges or lawyers

Fourth: Artists and athletes.

Fifth: Educational cadres.

Sixth: Military and security cadres.

Seventh: Any other categories for which the law decides to provide special protection.

Chapter Seven

Digital content related to electronic prohibitions

Article 19

First: it is prohibited to publish digital content for the purpose of illegally accessing user data or publishing or leaking confidential or personal information belonging to government or private institutions or individuals.

Second: It is prohibited to publish content that promotes and spreads malicious software, viruses, without the user's notice or consent.

Third: It is prohibited to publish content that involves sabotaging or disrupting systems on the Internet

Fourth: It is prohibited to promote or advertise mechanisms that encourage and allow users to access to blocked content

Fifth: it is prohibited to promote or advertise devices that are used for electronic fraud, eavesdropping, unauthorized recording, monitoring, or tracking, unless it is in a context that condemns or discusses the content in a neutral manner.

Sixth: In cases other than the aforementioned, Penal Code No. (111) of 1969 or any other law that replaces it shall apply with regard to other electronic crimes and violations.

Chapter Eight

Elimination-oriented digital content

Article 20

First: It is prohibited to manufacture, publish, promote or incite digital content if it is liable to offend the judicial authority or one of its formations or symbols with the aim of defamation, defamation, provoking public opinion, spreading lies or rumors, or refraining from implementing judicial decisions.

Second: It is not permissible to publish or copy digital content if it includes a judicial decision that has not been published according to the official methods or if the law prohibits the displacement.

Article 21

Digital content is prohibited if it includes one of the following violations:

First: Publication of documents of cases brought before the judiciary in order to prevent interference with the course of justice from any external influences.

Second: the court's deliberations during the issuance of the decision

Third: Decisions taken by the investigating judge if they are confidential in nature or exist in them

Fourth: Offending by words or gestures the Supreme Judicial Council or its formations or the Federal Supreme Court or the judicial committees formed in Iraq.

Fifth: All other prohibitions stipulated in the Penal Code, the Code of Criminal Procedure, or other laws related to the judiciary, such as the Judicial Organization Law No. (160) of 1979, the Supreme Judicial Council Law No. (45) of 2013, and the Public Prosecution Law No. (49) of the year

Chapter Nine

Media disinformation in digital content

Article 22

It is prohibited to publish or promote digital content before verifying the information, credibility and reliability of the news, obtaining it from its official sources, and attributing it to him upon publication.

Article 23

Each user is prohibited from committing one of the following acts:

First: Committing any form of misleading or deceiving public opinion by publishing media content.

Second: Deducting part of the media materials and manipulating them in content and form through the use of artistic effects in a way that negatively affects and distorts the facts, which gives the recipient an unrealistic impressions.

Third: Every publication or promotion of digital media content that includes false allegations or accusations against the association, individuals, groups, or entities, whether in their personal or moral capacity.

Fourth: Publishing any digital content that includes false and misleading news about the economic situation of the country and everything that would negatively affect it.

Fifth: Deducting part of the media materials and manipulating them in content and form through the use of artistic effects in a way that negatively affects the facts and distorts them, which gives the recipient an unreal impression

Sixth: Every publication or promotion of digital media content that includes false allegations or accusations against the association, individuals, groups or entities, whether they are in their personal or moral capacity.

Seventh: Spreading misleading news during the election period with the intent of thwarting the electoral process or provoking public opinion, such as calling for a boycott of the elections or calling against some candidates, bullying, disparagement, spreading rumors, attacking, slandering, or verbal abuse in all its forms.

Chapter Ten

Media content in commercial activities

Article 24

First: Both the user and the companies that own social media are prohibited.

Secondly, all users and social media must respect intellectual property, trademarks, broadcasting and copyright rights, and the need to obtain approval and rights required prior to publication.

Third: The Media and Communications Commission is obligated to collect taxes, fees, and wages from social media companies for all promotion and advertising work in accordance with the law and regulations that are prepared for this purpose.

Chapter Eleven

Media content aimed at public taste and public morals

Article 25

First: It is prohibited to publish anything that may harm public morals or offend modesty.

Second: It is prohibited to manufacture, promote, or publish digital content that includes sexual clips or that may suggest sexual temptations, including prostitution, brokering, or any other act.

Third: The Penal Code applies. No. (111) for the year 1969 and the Anti-Prostitution Law No.

(8) for the year 1988 with regard to matters not provided for in this chapter.

Chapter twelve

Prevent privacy violations in digital content

Article 26

First, the Commission and all public authorities are committed to ensuring freedom of expression and respect for personal privacy, in accordance with the provisions of the Constitution and the laws in force.

Second: It is prohibited to publish or promote digital content if it would violate the personal freedom and privacy of individuals by inappropriately exposing their family life or dealing with their stories or lifestyle in a way that leads to social contempt.

Chapter Thirteen

User rights and duties

Article 27

First: the Authority and all public authorities and security agencies are obligated to maintain the confidentiality of the user's personal information and data and not to disclose them except for judicial or security necessity and by a decision from the competent judge.

Second: The Authority guarantees all procedures that preserve property rights.

Third: Ensuring fair administrative and judicial treatment of the user in case of suspicion that the user's personal information has been violated.

Fourth: The user may appeal against the decisions issued by the Commission before the hearing committee if he is not convinced, and he may appeal the decision issued before the appeal board formed in the Commission.

Article 28

First, the personal user registration is on all social networking sites, free of charge.

Second: The manager of the page or platform whose members exceed (100,000) one hundred thousand subscribers must register for free with the Media and Communications Commission.

Third: The page manager whose number ranges from (100,000,001,000,000) sources, of which a lump sum fee of (50,000) fifty thousand dinars.

Third: The manager of the page whose number ranges from ---- 10-1,000,000 (followers) is committed to registering with the Media and Communications Commission according to the form prepared for this purpose, and fulfilling from it a lump sum wage of (50,000) fifty thousand dinars.

Fourth: The manager of the page or platform to which more than one million people subscribe or follow is obliged to register with the Communications and Media Commission and receive a lump sum fee of (100,000) one hundred thousand dinars.

Fifth: The Commission must activate the account, page, or platform after completing the following data:

1. In the absence of a headquarters, the authority shall be provided with the full name of the person, date of birth, residence or work address, e-mail, phone number, a scanned copy of the unified card or passport, the names of the work staff, and a list of equipment (studio cameras...) if any.
2. In the case of a fixed headquarters, it is necessary to register in the name of a company (a vacation incorporation for the legal person).

Third: Users are given a period of (60) sixty days for the purpose of adjusting the conditions for registering the page or platform, otherwise it is suspended until the completion of the registration process.

Fourth: The Authority issues identification cards to registrants to facilitate their movement for a small fee.

Fifth: The Authority is committed to removing and closing all fake pages and accounts within a maximum period of (6) months from the date this regulation comes into effect, in coordination with the companies that own them.

Chapter Fourteen

Digital Content Support Fund

Article 29

First, a fund shall be established in the Media and Communications Commission called (Digital Content Support Fund in Iraq. It will be financed from the Commission's budget and other amounts allocated for it in the federal general budget of the Republic of Iraq for the purpose of enabling the Commission to carry out all the activities and events necessary for digital monitoring and bringing digital content to international standards.

Second: The deduction and collection of fees and fees related to digital content or promotional advertisements mentioned in these regulations shall be regulated by controls issued by the Authority in coordination with the Ministry of Finance.

Third: The authority addresses social media companies for the purpose of regulating their work and its activities in Iraq.

Chapter Fifteen

Digital Creativity Award in Purposeful Content

Article 30

First: the Commission creates an annual award called (the Digital Creativity Award for Purposeful Content, which is granted to the best digital content in Iraq.

Second: The controls and conditions related to this award are established in accordance with the criteria contained in this regulation, and its forms are determined by controls issued by the Authority in coordination with the Ministry of Culture, and Ministry of Tourism and Antiquities.

Third: The Commission is working to urge commercial companies to advertise on solid pages.

Chapter Sixteen

Ads in digital content

Article 31

First: the authority is concerned with licensing advertisements in digital content from platforms and others, and fees are collected at the rate of (15%) of the value of the advertisement

Second: Every person who wishes to advertise or promote digital content is bound by the following controls:

1. Compliance with the standards and prohibitions of digital content contained in this regulation.

2. The advertisement should not include any material that offends religious beliefs, has an incitement nature, or promotes violence against specific individuals or groups.
3. That the advertisement does not include incorrect or misleading claims or monopoly and claim exclusivity and competition.
4. The advertisement should not include the promotion of medical drugs or treatment methods that are not officially approved from the relevant official authorities.
5. The advertisement should not include counterfeit trademarks or violate intellectual property rights.
6. The advertisement must be real, not exaggerated, and not lead to confusion with the names of other products or activities.

The advertisement should not contain anything that offends modesty and public taste or contradicts customs of the general community.

Second: If the advertisement is in Arabic, it must use the standard Arabic language or the local Iraqi dialect that is understandable, but if it is in another language, translation must be used.

Third: The digital content advertiser is obligated not to publish ads except after obtaining approval or authorization from the authorities concerned with the advertisement.

Fourth: the Commission shall license electronic applications, software, games, and others, in accordance with the controls it prepares for this purpose

Chapter seventeen

Legal penalties

Article 32

First, the Communications and Media Commission is obligated to conduct electronic monitoring of all digital content that is published, promoted, or advertised by any means.

Second: the Commission may, according to the monitoring reports, notify the judiciary or the security authorities of any issue it deems dangerous or sensitive, or if it is not dealt with urgently by the competent authorities, and it may address the official authorities to block pages in the event of severe breaches of the published digital content.

Third: the Authority may delete any digital content in one of the following cases:

1. If a judicial decision of conviction was issued against him.
2. If a security decision was issued regarding him that includes a threat to national security or an offense to the armed forces and security services.
3. If it was issued by the health authorities, which includes a threat to public health.
4. If it includes prejudice to the educational, educational or cultural path based on a communication from the concerned authorities.
5. If it includes prejudice to trade union work based on a letter from trade unions or specialized federations according to their laws.
6. If it includes prejudice to religious matters based on an address from the Awqaf offices.

Article 33

First, in the event that the user from government institutions violates the standards of digital content quality based on the electronic monitoring report or according to the complaint submitted, then an official warning is sent to correct the violation within a period of 10 days from the date of notification as a maximum and to sign a legal pledge not to repeat the violation, and in the event of non-response, the matter will be referred To the Digital Monitoring Department to take appropriate action and recommend closing or blocking the website or electronic page or removing the publication, and a reasoned decision is issued.

Second: in the event of a violation by the user from the non-governmental institutions (private sector) or (individuals) based on a report from the electronic monitoring, or according to the complaint submitted, then the matter is referred to the Digital Monitoring Department in the Commission to take one of the appropriate measures to close the website or the electronic page or remove the publication with a reasoned decision

Third: In the event that the digital content related to an entity is violated, the Authority imposes one of the following penalties:

1. Posting a comment.
2. Delete the offending article.
3. Warning, reviewing the authority and undertaking not to repeat the violation.
4. Preventing appearances in the media
5. Convert the file to crack.
6. Blocking.

Fourth: In addition to the foregoing, the authority imposes penalties on the user who violates quality standards of media content, the following fines:

1. A fine not exceeding (500,000 five hundred thousand dinars) for written digital content.
2. A fine not exceeding (100,000) million dinars for digital audio content.
3. A fine ranging between (100,000 – 500,000) dinars for digital visual content.

Fifth: The penalties mentioned in this article are aggravated if they are associated with an aggravating circumstance, such as if they were committed against public authorities or security agencies, or if they were committed by an employee or assigned to a public service.

Sixth: The Iraqi Penal Code No. (111) for the year 1969 and the Media and Communications Authority Law No. (65) for the year 2004 or any other law that replaces it shall be applied unless otherwise stipulated in this list.

Chapter Seventeen

General and final provisions

Article 34

First: all websites, agencies and platforms are committed to registering the national Iraqi extension (IQ).

Second: the Authority is working to set conditions and standards for classifying and promoting solid pages, and creation of an electronic complaint registration application.

Third: A center shall be established in the Authority called (the training center specialized in media and digital content, funded from the Authority's budget and what is allocated for it from the federal general budget.

Article 35

First: The head of the executive body in the Media and Communications Authority is responsible for licensing the work of all companies that own social media, controlling them and supervising their activities and decisions issued by them.

Second: The head of the executive body, in coordination with the Council of Ministers and the specific committees issuing the necessary directives and policies to regulate the work of these international companies in accordance with Iraqi law.

Article 36

First: this regulation shall be implemented from the date of its approval and publication by the Board of Commissioners on the official website of the authority.

Second: The digital content user is granted a period of (60) days for the purpose of adaptation to their legal status is consistent with the provisions of this regulation. ❖

PART OF A SERIES

[Militia Spotlight: Profiles \(/policy-analysis/series/militia-spotlight-profiles\)](/policy-analysis/series/militia-spotlight-profiles)



How to Use Militia Spotlight: Profiles

(/policy-analysis/how-use-militia-spotlight-profiles)

الرأي والتعبير واعتناق الآراء دون مضايقة، وكذلك المادتين (١٩) و (٢٠) من العهد الدولي الخاص بالحقوق المدنية والسياسية.

واستناداً للتصاريح الممنوحة لهيئة الإعلام والاتصالات وفقاً لأحكام القسمين (١) الفقرة (٤) و(٥) الفقرة (ب) من الأمر (٦٤) لسنة ٢٠٠٤ بشأن تشجيع التطور في الإعلام الإلكتروني وفي شبكات الاتصالات من أجل تحقيق أكبر قدر من المتعة للمستخدمين.

واعترافاً من الهيئة بأن الحواجز والتشتر المبني على تبادل المعلومات بحرية لا يتحقق إلا بتمكن جميع العراقيين من الوصول بحرية إلى وسائل الإعلام الحرة المستقلة والمتنوعة المهنية.

ورغبة من الهيئة في المساهمة الفاعلة في تعزيز التنمية والتثقيف والتنظيم والترسيخ وتعزيز الاستخدام الرقمي في كافة المجالات في جمهورية العراق عبر التعاون مع الجهات الرسمية، كذلك الرغبة الحثيثة في تحسين المجتمع والقطاعات

Iraqi CMC Draft Regulation on Digital Content in Iraq

(/policy-analysis/iraqi-cmc-draft-regulation-digital-content-iraq)



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