



The Law of Kurdistan Journalist's Syndicate

The Law No. (40) of 2004

The First Modified of

The Law No. (4) in 1998

Kurdistan Journalist's Syndicate



2010

In publications of Kurdistan Journalists Syndicate

**In the Name of Allah,
the Beneficent, the Merciful**

**In the Name of the People
Kurdistan National Council – Iraq**

Date of Issue: 06/10/2004

No. (4) in 1998

According to Article 1 of items 53 and 56 (modified law No. 1 in 1992) and according to what was shown by the legal number of Kurdistan National Council members, to what the council legalized in session No. 49 held on 5/10/2004 and by our authorization according to item 3 (the second Article law No. 10 in 1997), we decided the following:

Issue No: 40 Law No. 40 in 2004 The Modified Law of Journalists' Syndicate

First Chapter (Foundation and Aims)

First Article.

Definitions:

The following expressions refer to the opposite meanings for the purposes of this law.

- A) Union: Journalists Syndicate of Kurdistan - Iraq
- B) Council: Journalists Council of Kurdistan - Iraq
- C) Head: Journalists Head of Kurdistan - Iraq
- D) Journalist: Each member of the union connected to it union must fulfill their obligations.
- E) Newspaper: Every printed issue in a duration way or non-duration way in the region of Kurdistan must be licensed formally by the government of Iraq Kurdistan.
- F) Index: The already preparing index must

record the name of journalists and all information's which are concerned about their occupation.

Second Article.

Established accordingly to this law, the journalists syndicate is called the Kurdistan Journalists Syndicate – Iraq. It will be based in Arbil the capital of the canton. Many branches have been opened in the other and in Baghdad (the capital of Iraq) of the pronounces within the canton.

Third Article.

The union interests with the incorporeal character.

Fourth Article.

The union aims to achieve the following.

- 1) Respecting the liberty of the press and expression, defending journalists' rights and guaranteeing them necessary protection to enable them to achieve their duties.
- 2) The union has to facilitate journalists' duties in acquiring news and information.
- 3) Accepting the union with international and regional unions and being in contact with them.

- 4) Rehabilitating journalists through all available means.
- 5) Supporting journalists in the necessary cases.
- 6) Expressing federal regime or what the Kurdistan people choose.
- 7) Defending democracy, essential liberties, peace, and human rights.
- 8) Supporting the struggle of the Kurdistan people to acquire the national rights and propagating indulgence and peace in the society and strengthening the national and religious fraternization in Kurdistan of Iraq.
- 9) Supporting the concept of building an institutional country and segregated authorities.
- 10) Defending the law and court independence.
- 11) Protecting and developing national culture.

Second Chapter (Forming and membership)

Fifth Article:

The union formed according to the demand must not be less than 15 journalists who practice the occupation to the contrapuntal authority.

Sixth Article:

We can classify the Syndicate affiliates according to the public index into three categories:

First: The Hierarchical Journalist

An individual uses the press with its three paths as a main career. He/she is granted the title "journalist" after two continued years of practicing by the concerned authority he/she works for after being registered in the general registration. Thereafter, he/she'll be granted the excellence of active journalists and the training period will be added to his/her history. The grade period for those who have bachelor or equalized degree of the press and media is one year.

Second: The Practicing Journalist:

An individual works in the press in its three channels in practical way and takes it as a main job and has experienced the mentioned duration.

Third: The Participating Journalist:

An individual practicing the press without being an actual journalist, has to be approved by necessary contracts from the concerning authority. He/she has a right to transporting his/her name into the practicing press table after passing a

period not less than 5 continues years and taking the press as a main job for him.

Seventh Article:

The union contains from the following:

- 1) General Staff
- 2) Head
- 3) Committee of Discipline
- 4) Committee of Monitoring
- 5) Branches of the Union

Eighth Article:

These are the following conditions to who shall join the union:

- 1) Inhabited in Kurdistan Region - Iraq
- 2) Completed 20 years old
- 3) Not sentenced in a tort or perpetration.
- 4) Competent with and interest in the occupation.

Ninth Article:

Admission to the Syndicate will be:

- 1) Producing a written request to the preparing staff or council supporting a recommendation from two practicing journalists and the preparing staff must decide about the request during 30 days from the date of recording. The decision in

the request will not be final although if the period mentioned in paragraph (1) has finished it will be accepted spontaneously.

2) If the rejection occurs, the concerning authority must show the causes of rejection. The complainant has the right to dent in the rejection decision before the Court of Discrimination in Kurdistan – Iraq within (15) days from the date of informing with the decision and thereafter the decision will be final.

Third Chapter (General Staff)

Tenth Article:

1) It is a higher authority in Syndicate, which includes all the practicing journalists who are affiliated and who are satisfied all their obligations according to this law.

2) The general staff holds a meeting by the calling from the preparing staff or council every three years to elect the union council, and three members committees which consist of, discipline and monitoring committees. The election will be delayed to the same day of the following week

and the decision will be completed in a case of attendance according to majority of members.

- 3) In case of increasing the number of the member of the staff about more than (500) member, the election should be done by the delegates. The proportion of representation is specified by the council or its members.
- 4) The staff has the right to take apart the union with two third votes of the presents.

The Tasks of the Public Staffs

Eleventh Article.

The public authority meets annually with the presence of its members and is signing its decisions with the majority of the following Articles.

- 1) Discussing the inner regime and approved it.
- 2) Discussing the annual report and the union affairs, its accounts and producing its recommendations.
- 3) Approving the balance.

Twelfth Article.

There is a condition, to be a member in syndi-

cate council such as the head, the vice and secretary. Members of the two comities of discipline and controlling, receive the degree of practicing

- 2) It is not acceptable to mix between the memberships of elected committee by the public staff.

Syndicate Council

Thirteenth Article.

- 1) This council contains 9 members similar to the head, his vice, and secretary.
- 2) This council is not in charge of executing the decisions of public staff and other tasks.

Fourteenth Article.

The committee of controlling consists of the head and two members. Their task is to check the membership truth and the scope of applying the law.

Fifteenth Article.

The committee of discipline consists of the head and two members. Their task is to investigate in complains which come to them from the council and according to the decisions of this law.

Sixteenth Article.

Branches of Union

- 1) To form the branch in the centers of each province, a committee and each containing from five members and electing the member of branch from practicing journalist who practiced the job of press in province.
- 2) In the meeting of a branch committee and an election, it is what to follow the same procedures which concern the meetings of public staff.
- 3) Specifying the specialties of the committee branch in the inner system.

Seventeenth Article.

If a member of council loses the necessary conditions for elections or he/she is absent for three meetings without any excuse, he/she would be considered excused and replaced by an alternative member who gets the majority of sounds.

Eighteenth Article.

The head represents the syndicate council in the concerning issue and signed on orders, de-

isions, instructions and addressing, and having authority from the members of union council authorization.

Fourth Chapter Rights and Obligations

First: Rights

Nineteenth Article.

- 1) The journalist is to be treated as the employee in the concerning issue about his right in the normal and sick licenses.
- 2) The period of working is added to the press for the purposes of preferring and retired in a case of employing in any employment.
- 3) The renewing concerning authority has to offer necessary help for journalists and to compensate them. This must have no relation with retired rights.
- 4) According to the retired rights, the retired journalist can work in the press and media institutions, through work contract, and enjoining with the same excellence of practicing journalist.

5) The union must be informed about any complaints submitted against the journalist and in the non witnessed criminal, and it is not allowed to question the journalist and investigate with him/her in an attributed crime which is concerned in his job, just after informing the union.

6) Punish those who are assaulting the journalist during his job with decided punishment to whom assaulting on the journalist during his job.

7) The death of a journalist, who died during his job, shall get the name of honor member in the union in a decision by the council and honored according the inner system.

Second. Obligations

Twentieth Article.

The journalist is not allowed to act out the followings.

1) The authority of investigation or courts take what will effect on the investigated or court.

2) Practicing the job without renewing the parking in union according to this law.

3) Using any means or instrumentally in an intent of an illegal earning.

4) Accepting the helping just after the acceptance of union.

5) Offense to the reputation of job and revealing the secrets or threatening the citizens by any means of press.

6) Unsettling the trust in the federal regime to Kurdistan – Iraq with the direct and indirect means and arousing instincts of republic by any means.

7) Exploiting the written or sent word, specially used for his personal interest which is harm for others or play-acting idea or feature which is an offence to the public systems and manners.

8) Deceiving the public in false information and describing the events in a way not save or spreading an event no sure.

9) Quotation of any trace of traces without noticing to his owner or the center of source.

10) Exploiting the freedom of press to dent and defame in blessed religions and patriotic customs.

Fifth Chapter

The administrations procedures

Twenty-First Articles

First.

Each journalist who commits a violation in their career duties, behaves in a shameful way, produces a false document for the union and infracts a rule of this law will be punished disciplinarily by the committee of disciplinary board according to the rules of the state employees discipline law that permeates with the following punishments:

- 1) Alarming. Being in a published directing to the journalist attracting him to what he has done and asking him not to repeat his act again.
- 2) Warning. In a case of repeating the foul by the journalist, it is mentioned in the paragraph (1), which warns him/her not to repeat this act again.

3) Stopping him/her from practicing his/her job for a period not exceed one year.

4) Isolating him temporary. by canceling his name from the public index and it is not allowed to record his/her name just after two years repeatedly.

Second. Not to execute the above punishments in the journalist just after approving it by the union council.

Third. The punished journalist has the right to dent the decisions of union council which specialized in forbidding or isolating to the court of appeal through 30 days from the date of notifications with the decision, and not execute the punishment until it gains the degree of decision.

Fourth. Crossing the name of member if it issued on him a final sentence in a punishment of limiting freedom in a delicate or non-political perpetration.

Fifth. In a case of a sentence imposed on him/her in perpetration concerning an honor, stopping his debit from the public index and not allowed to rename his name again.

Sixth Chapter Union financial

Twenty-Second Articles:

First: The union's financial containing the followings:

- 1) Portray of joining.
- 2) Annual tax
- 3) Gifts of the canton government
- 4) Earnings of parties and general subscribing which are done by the union according to the cared laws.
- 5) Profits of projects which are done by the union.
- 6) Profits of union printings
- 7) Donations and puffs which are getting from the members or others in a condition not affect on the marching of union and informing the concerning authorities about this.

Second: Considering applying the origins of general accountancy on the union financially.

Third: limited the sum of joining and the substitute of sharing according to the inner system.

Seventh chapter Final Judges

Journalist's addresses

Twenty-Third Articles:

Means by the name of journalist who is bearing one of the following addresses:

Nineteenth Article:

Journalist means the person who has the following titles:

- 1- Chief
- 2- Editor in Chief
- 3- Deputy Editor in Chief
- 4- Main Editor
- 5- Editing Secretary
- 6- Editor
- 7- Journalistic Translator
- 8- Journalistic Correspondent
- 9- Journalistic Photographer
- 10- Journalistic Painter
- 11- Journalistic Designer
- 12- Journalistic Corrector
- 13- Archives organizer
- 14- The listener journalist

Twenty Fourth Article:

The journalist>s union has the right to issue the inner regime according to the judges of this law.

Twenty-Fifth Article:

It is not allowed to be worked under any text differs from this law.

Twenty-Sixth Article:

The competent ministers have to execute this law.

Twenty-Seventh Article:

This law is valid up from the date of publishing in (Waqayi Kurdistan newspaper).

Dr. Kamal A. Foad
President of National Council
of Kurdistan - Iraq