

Law Day Paper/Assignment

Instructions: Choose a country in the Eastern Hemisphere that has a Bill of Rights. Compare that with the United States Bill of Rights.

The country that I chose in the Eastern Hemisphere that has a Bill of Rights is Iraq. In Iraq the Bill of Rights significantly states in Article 13, which guarantees the keystone freedom of religion: Each Iraqi has the right to freedom of thought, conscience, and religious belief and practice."The religious freedom guarantees are nothing short of revolutionary in the context of the Middle East," said Center Director Nina Shea. In granting rights to the individual and in guaranteeing freedom of belief and freedom of religious practice, this provision protects women from having their legal rights determined by religious clergy; protects dissidents and reformers from being prosecuted for blasphemy and apostasy crimes; grants non-Muslim minorities a full religious life beyond worship services within church confines; and grants all Muslim sects legitimacy, Shea added. "Iraq will be the only Arab nation with these critical rights constitutionally enshrined." The Bill of Rights also protects freedom of expression, association, assembly, movement, privacy, women's rights, and rights to own property, fair trial and basic due process, including freedom from torture. It grants equal rights and equality before the law without regard to gender, sect, opinion, belief, nationality, religion, or origin. (Article 12) While press freedom is not

explicitly guaranteed, it should be protected under the provision protecting freedom of expression in Article 13 and the provision that generally incorporates all rights contained in Iraq's international treaty obligations under Article 23. In the United States Bill of Rights in Amendment 1 it talks about freedoms, and assembly. That is similar to Iraq's Bill of Rights because it also talks about protecting freedoms and assembly in Article 12. Another thing they have in common is fair trial. In the United States fair trial is stated in Amendment 6. In Iraq fair trial is stated in Article 12. Other similarities they have in common is both empathize on democracy. They seek to protect the dignity and liberty of man. They forbid any kind of emotional, psychological, or physical torture. Both are mindful of the welfare and security of its people despite the freedom of communication they provide that the freedom can be breached by a judicial decision whenever it is a matter of national security. There is also freedom of worship in the rights although the Iraq Bill of Rights further states that Islam is the official language. According to the Iraqi Bill of Rights in article 49 the council of representatives shall be elected and shall consist of a number of members at a ratio of one member per 100,000 Iraqi persons. These representatives shall be elected by a direct secret general ballot. The members are elected for a term of 4 years. The president is elected by the council of representatives by a two-thirds majority and is limited to 2 terms in office with a span of 4 years in 1 term. The president of Iraq has two deputies with whom they form a presidency council. The presidency council appoints the prime minister of Iraq and cabinet ministers who must be approved by assembly. There

should be two thirds majority for a president to be elected.

The United States Bill of Rights states that the president has all the executive power vested on him the president is the chief diplomat and the commander in chief of the armed forces. For a maximum of two four-year terms the president and vice-president are elected as running mates by the Electoral College for which each single state is allocated a number of seats based on its representation on the senate and House of Representatives whose members of both the houses are elected by the Americans. In the United States Bill of Rights the Supreme Court is the highest court of the land. The court is responsible for matters dealing with state disputes, and interpreting the constitution of the USA and overrules some legislations therefore creating precedents for future reference. The supreme and lower court justices are elected by the people while the rest are appointed since they are in the federal government. The Iraqi Bill of Rights provides that local court judges are appointed by the local authority, while the federal government appoints the supreme judges. Islam is also considered a source of legislation and the laws of administration circumscribe Shariah laws. A difference that they have is in the United States Bill of Rights they use Amendments and in Iraq's Bill of Rights they use Articles. Also, there is only 27 Amendments in the United States Bill of Rights and in Iraq there is 139 Articles.