

A Legal Analysis of Barriers to Independence, Resource Provision, and Inter-Institutional Coordination in Iraq's Human Rights Monitoring System and the Presentation of Reform Strategies

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The protection of human rights constitutes one of the most important requirements of a state governed by the rule of law and is a fundamental criterion for assessing the legitimacy and effectiveness of political and legal systems. Despite having established legal frameworks and undertaken international human rights obligations, Iraq continues to face challenges concerning the effective implementation of these rights and the efficiency of its monitoring mechanisms. The present study aims to evaluate the legal and institutional framework for the protection of human rights in Iraq and to examine the effectiveness of national and international monitoring mechanisms. The study employs a descriptive-analytical method based on the examination of documents, legislation, international treaties, reports issued by human rights institutions, and relevant scholarly sources. The findings indicate that the Iraqi Constitution of 2005 and Iraq's accession to a number of international treaties have provided an appropriate legal foundation for the protection of fundamental rights and freedoms; nevertheless, a considerable gap persists between legal obligations and their practical implementation. Limited independence and institutional capacity of monitoring bodies, inadequate coordination among domestic institutions, insufficient resources, and the persistence of certain human rights violations constitute the principal existing obstacles. Furthermore, international non-governmental organizations and the United Nations Assistance Mission for Iraq (UNAMI), through monitoring, documentation, reporting, capacity-building, and support for legal and institutional reforms, play an important role in strengthening accountability. Ultimately, the study concludes that enhancing human rights protection in Iraq requires strengthening the independence of monitoring institutions, reforming legislation, increasing implementation capacity, expanding institutional and international cooperation, and institutionalizing a culture of respect for human rights.

Keywords: *human rights, Iraq, monitoring institutions, international monitoring, non-governmental organizations, rule of law.*

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1. Introduction

Human rights constitute a set of fundamental rights and freedoms that belong to every individual by virtue of being human and are founded on principles

such as inherent dignity, equality, freedom, and non-discrimination. These rights are independent of individuals' identity, language, religion, race, gender, nationality, and social status, and equal enjoyment of them is regarded as an essential condition for the



realization of justice, freedom, and peace. Accordingly, the deprivation or infringement of human rights, except in exceptional circumstances and within the framework of legitimate legal restrictions, cannot be justified, and widespread violations may entail serious human and social consequences (Hadi, 2011). In the legal sense, human rights are not merely a collection of moral aspirations; rather, they constitute a body of binding norms that oblige states to respect, protect, and guarantee individuals' fundamental rights (Jafari Langroudi, 2005). In the field of human rights, the concept of a right is associated with characteristics such as inherence, universality, indivisibility, and non-discrimination. This means that human beings possess fundamental rights solely by virtue of being human and that these rights should not depend on nationality, social status, or other individual characteristics (Abu Saeidi, 1964; Kadivar, 2008; Rasekh, 2008). In contemporary international law, human rights have moved beyond the sphere of states' exclusive domestic jurisdiction and have become one of the central subjects of international law. The adoption of the Universal Declaration of Human Rights in 1948 constituted a turning point in the development of the global system for the protection of human rights, followed by instruments such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which established specific obligations for states. Accordingly, human rights may be understood as a body of international rules and principles that guarantee individuals' fundamental rights and freedoms vis-à-vis public authority and oblige states to respect, protect, and fulfill them (Al-Zubaidi, 2020). Consequently, the international community has become increasingly attentive to the manner in which states treat individuals and to the extent to which their fundamental rights are respected. Nevertheless, the development of human rights norms alone is insufficient to guarantee their realization. Effective implementation of human rights requires efficient monitoring mechanisms capable of identifying violations, examining complaints, documenting and reporting the human rights situation, and, where appropriate, facilitating accountability for perpetrators. Treaty-based mechanisms, including committees supervising human rights treaties, face certain limitations because their jurisdiction is generally confined to states parties and the obligations accepted by

them, while in some cases the consideration of individual complaints also depends on acceptance of optional protocols or state consent (Moeckli et al., 2022; Smith, 2009). Non-treaty mechanisms, particularly where they are recommendatory in nature, likewise face limitations in terms of enforceability. Even the Security Council may encounter practical constraints in responding to certain human rights crises because of disagreements among its principal members and the difficulty of achieving consensus (Evans, 2006; Tomuschat, 2007). The necessity of human rights monitoring is not confined to ordinary circumstances but continues during emergencies, armed conflict, insecurity, and crises. Article 4 of the International Covenant on Civil and Political Rights permits limited derogation from certain obligations in situations of public emergency but subjects such derogation to the existence of a public danger, official proclamation of a state of emergency, compliance with other international obligations, and observance of the principle of non-discrimination. Moreover, certain rights, including the right to life, prohibition of torture, prohibition of slavery, prohibition of imprisonment for inability to fulfill a contractual obligation, the principle of legality of crimes and punishments, recognition of legal personality, and freedom of thought, conscience, and religion, are non-derogable (Moeckli et al., 2022). Accordingly, even under emergency conditions, states may not invoke their authority without limitation, and observance of fundamental rights remains part of their legal obligations (Negahdari et al., 2018).

From this perspective, Iraq represents an important case for examining the effectiveness of a human rights monitoring system. Following 2003 and Iraq's transition to a federal political system, the Constitution of 2005 recognized and guaranteed a broad range of fundamental rights and freedoms. Articles 14 and 15 of the Constitution emphasize equality before the law and protection of life, security, and personal liberty, while Article 19 addresses judicial independence and the right to defense. Article 117 also recognizes the Kurdistan Region as a federal region (Fathi, 2025; Fazaeli & Khudhair, 2025). Despite this legal foundation, international reports indicate a continuing gap between rights formally recognized in law and their practical implementation. For example, assessments concerning Iraq have continued to identify deficiencies in

observance of the legal and procedural guarantees necessary for a fair trial before an independent and impartial tribunal (Fazaeli & Khudhair, 2025). Political instability, security problems, disagreements between federal and regional authorities, political influence, and the presence of armed groups are also among the factors that constrain the capacity of Iraqi institutions to establish an effective human rights protection system (Khidir & Salih, 2014). Iraq's human rights challenges are not confined to civil and political rights but also encompass economic, social, and cultural rights and access to essential services. The war against terrorist groups, the COVID-19 pandemic, and the failure of successive governments to establish sustainable service-delivery infrastructure have affected areas such as education and health. In the field of education, problems involving equal access and the absence of adequate programs to remedy educational disparities have also been identified as continuing challenges (Fazaeli & Khudhair, 2025). Accordingly, realization of human rights in Iraq depends not only on the existence of laws and international obligations but also on the capacity of responsible institutions to conduct monitoring, secure resources, coordinate their activities, and translate legal obligations into practical measures. Within this framework, institutional independence, resource provision, and inter-institutional coordination constitute three fundamental components of an effective human rights monitoring system. Monitoring institutions must possess sufficient legal and practical independence to identify and document violations, handle complaints, and prepare credible reports without political or administrative pressure. Likewise, shortages of financial, human, and technical resources may diminish their ability to conduct investigations, document violations, and follow up on cases. Furthermore, the multiplicity of national institutions, international organizations, and non-governmental organizations, in the absence of a clear division of responsibilities and effective information exchange, may result in duplication of efforts and fragmentation of responsibility. Thus, the principal issue is not merely the number or existence of monitoring bodies but rather the quality of the legal structure, the degree of independence, the adequacy of resources, and the manner in which these institutions interact. Iraq's human rights protection system consists of a range of domestic and international actors. At the

national level, the Iraqi High Commission for Human Rights, the judiciary, and other domestic oversight mechanisms contribute to the protection of fundamental rights and freedoms. At the international level, United Nations bodies, the Office of the United Nations High Commissioner for Human Rights, the United Nations Assistance Mission for Iraq, and international and non-governmental organizations participate in monitoring, documentation, reporting, the formulation of recommendations, and support for legal and institutional reform. Consequently, the degree of coordination among these institutions and the manner in which they interact with Iraq's legal and executive structures constitute determining factors in the effectiveness of the monitoring system. Meanwhile, developments in international law have also provided avenues for strengthening oversight. Recognition of obligations *erga omnes* emphasizes the principle that certain legal obligations are owed to the international community as a whole and that all members of the international community have a legal interest in their observance (Crawford, 2002). The doctrine of countermeasures in general international law, although accompanied by limitations and risks of abuse, also reflects efforts to develop mechanisms for responding to breaches of international obligations (Abdollahi et al., 2015; Crawford, 2002; Dawidowicz, 2017). Nevertheless, the application of such measures must comply with the limitations governing countermeasures under the law of state responsibility (Crawford, 2002). Against this background, the central issue addressed by the present study is the extent to which Iraq's human rights monitoring system possesses the institutional independence, adequate resources, and inter-institutional coordination required for the effective discharge of its functions, as well as the principal legal and structural barriers affecting these elements. The importance of this question arises from the fact that international obligations and constitutional guarantees, in the absence of independent institutions with adequate resources and effective interaction, do not necessarily result in genuine human rights protection. Therefore, examination of Iraq's human rights monitoring system must move beyond a description of laws and institutions toward an analysis of the structural and legal obstacles affecting their performance.

Accordingly, the principal research question is: What are the legal and institutional barriers to independence, resource provision, and inter-institutional coordination within Iraq's human rights monitoring system, and what measures can be proposed to reform and enhance the effectiveness of this system? Using a descriptive-analytical approach and drawing on library sources, Iraqi domestic legislation, international instruments and treaties, and reports of human rights institutions, the present study seeks to provide a comprehensive analysis of the current situation and propose strategies for reforming Iraq's human rights monitoring system.

2. Legal and Institutional Foundations of the Human Rights Monitoring System in Iraq

The position of human rights within Iraq's legal system must be examined in light of the country's political and legal transformations, particularly following the fall of the Ba'ath regime and the adoption of the Constitution of 2005. By recognizing a broad range of fundamental rights and freedoms, the new Iraqi Constitution established an important legal foundation for the protection of human dignity, equality, liberty, and personal security. Nevertheless, the gap between recognition of rights in legal instruments and their practical realization remains one of the most significant challenges facing Iraq's human rights system. Accordingly, an examination of the position of human rights in Iraq requires simultaneous consideration of constitutional foundations, international obligations, religious and national sources, and the relevant implementation and monitoring mechanisms, which are discussed in this section.

2.1. *The Position of Human Rights in the Iraqi Legal System*

In 1948, Iraq was among the states that supported the Universal Declaration of Human Rights; however, during Saddam Hussein's rule, particularly throughout the 1980s and 1990s, widespread and systematic violations of fundamental rights and freedoms became a defining feature of the political system. Following the fall of that regime in 2003, human rights became a central issue in the reconstruction of Iraq's political and legal system, and increasing attention was directed toward education, promotion, and institutionalization of a culture of human rights (Khidir & Salih, 2014). Adoption of the

Constitution of 2005 constituted a turning point in this respect because, in addition to establishing a new framework for a parliamentary political system, it recognized fundamental rights and freedoms and provided for independent institutions to exercise oversight over public authorities (Hamdi, 2025). Furthermore, pursuant to Article 117 of the Constitution, the Kurdistan Region of Iraq was recognized as a federal region and acquired a distinct legal and political status (Fazaeli & Khudhair, 2025). Despite these legal advances, security problems, political instability, disputes between federal and regional authorities, and the influence of certain political factions and militias continue to affect the capacity of Iraq's legal system to guarantee human rights effectively (Khidir & Salih, 2014). Within the framework of the Iraqi Constitution, human rights comprise inherent and fundamental rights grounded in human dignity, liberty, and equality. Article 14 emphasizes the equality of all Iraqis before the law and prohibits discrimination based on gender, race, nationality, origin, color, religion, sect, belief, opinion, or economic and social status, while Article 15 guarantees every individual the rights to life, security, and liberty. Moreover, Article 19 emphasizes judicial independence and guarantees the right to defense at all stages of investigation and trial, thereby providing a legal basis for fair-trial guarantees (Al-Kubaisi, 2022; Fathi, 2025). Within this framework, human rights are not limited to civil and political rights but also encompass economic, social, and cultural rights. For example, the right to work is recognized in Article 22, the right to health in Article 31, and the right to education in Article 34 of the Constitution (Al-Kubaisi, 2022). Thus, human rights within Iraq's legal system are understood as an interconnected and indivisible set of rights whose ultimate purpose is to safeguard human dignity, liberty, security, and equality. In addition to the Constitution and domestic legislation, the foundations of human rights in Iraq are rooted in the country's international obligations. Principal international sources include the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, which together constitute the core framework of international human rights law (Ahmad, 2018; Hassan, 2017). By recognizing a broad spectrum of civil, political, economic, social, and cultural

rights, the Universal Declaration of Human Rights established a common standard for evaluating state conduct, whereas the two international covenants impose more specific legal obligations upon states parties (Al-Zahra, 2019). The International Covenant on Civil and Political Rights also protects rights such as the right to life, prohibition of torture, prohibition of slavery, freedom of thought and religion, freedom of expression, and the right to a fair trial, while some of these rights remain non-derogable even during emergencies (Moeckli et al., 2022). From this perspective, human rights are not exclusively domestic matters but possess a transnational and universal character, and states bear responsibility before the international community for their observance. The concept of obligations erga omnes confirms this development in international law, insofar as compliance with certain human rights obligations is owed not merely to a particular state but to the international community as a whole (Crawford, 2002). Despite the extensive recognition of human rights in Iraq's Constitution and international obligations, the principal issue remains effective implementation and monitoring. International assessments have demonstrated a gap between legal guarantees and their practical implementation, and in certain instances, fair-trial requirements and procedural safeguards have not been fully observed (Fazaeli & Khudhair, 2025). Accordingly, in addition to the judiciary, Iraq's legal system relies on independent oversight institutions such as the High Commission for Human Rights and other competent bodies to address violations of individual rights (Al-Zubaidi, 2020). Alongside domestic mechanisms, international treaty-based and non-treaty mechanisms also contribute to monitoring compliance with human rights obligations, although such mechanisms face limitations including dependence on state participation in treaties, the requirement of accepting certain optional protocols, and weak enforcement mechanisms (Moeckli et al., 2022; Smith, 2009). Consequently, the position of human rights in the Iraqi legal system may be regarded as relatively extensive in terms of normative and legal recognition, while continuing to face challenges concerning practical implementation and effective guarantees. This gap between recognition and realization demonstrates the necessity of effective monitoring and protection mechanisms in Iraq and underscores the importance of

examining the status and performance of supervisory bodies, particularly the Iraqi High Commission for Human Rights.

2.2. Structure of National and International Monitoring Institutions

The contemporary structure for human rights protection and monitoring has developed at both national and international levels. At the national level, constitutions, ordinary legislation, judicial independence, and procedural guarantees constitute the principal foundations for the protection of human rights. Experience has nevertheless demonstrated that domestic protection alone is insufficient, as states may invoke emergencies, security, or public order to restrict certain rights. Human rights protection has therefore gradually moved beyond the domestic sphere, and international instruments, institutions, and monitoring mechanisms have emerged, thereby also strengthening the position of the individual within international law (Bassiouni, 2003; Fouda, 1964). At the international level, the Charter of the United Nations, the Universal Declaration of Human Rights, and the two 1966 Covenants constitute the principal normative framework, while treaty bodies such as the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, and specialized committees monitor implementation through state reporting, review of state performance, and issuance of recommendations (Al-Daqqaq, 1998; Bassiouni, 2003; Mahmoud al-Azzawi, 2005). The Human Rights Council and the Office of the High Commissioner likewise play important monitoring roles through reporting, investigation, technical assistance, and dialogue with states. Alongside these mechanisms, the International Court of Justice and the International Criminal Court contribute to judicial and criminal protection of human rights. By exercising jurisdiction over genocide, crimes against humanity, war crimes, and the crime of aggression, the International Criminal Court represents an important development in ensuring criminal accountability for perpetrators of the gravest human rights violations (Nisan al-Kashkoush, 2020). Humanitarian intervention, countermeasures, and international sanctions also constitute responsive mechanisms, although the legitimacy of unilateral intervention remains contested because of the potential for political exploitation (Al-Rashidi, 1997). At the

domestic level, criminal-law and procedural guarantees, including the prohibition of torture and unlawful methods used to obtain confessions, complement the human rights protection system. Iraqi criminal procedure likewise recognizes protections intended to prevent unlawful coercion during interrogation (Saad, 2019). Accordingly, the human rights monitoring system may be characterized as a multilevel network of national safeguards, international institutions, judicial and criminal mechanisms, and responsive measures designed to strengthen state accountability and reduce the dependence of fundamental-rights protection on the exclusive will of states.

2.3. Foundations of the Independence and Competence of Monitoring Institutions

The foundations of the independence and competence of monitoring institutions in Iraq are primarily rooted in the Constitution of 2005 and ordinary legislation. Emphasis on the rule of law, separation of powers, judicial independence, accountability of public officials, and recognition of fundamental rights and freedoms establishes the legal framework for the activities of these institutions, while Iraq's international obligations further reinforce the necessity of aligning domestic law with human rights standards (Abd al-Latif, 1984; Saad, 2019). The independence of monitoring institutions should encompass legal, administrative, financial, and institutional dimensions and must be accompanied by adequate resources, access to information, staff expertise, and the capacity to conduct investigations independently. Such independence does not imply separation from the state structure but rather the exercise of legally conferred powers without improper interference and within the framework of the rule of law (Al-Ani, 2019; Al-Zubaidi, 2020). Depending on the status of each institution, the competence of Iraqi monitoring bodies includes judicial, supervisory, preventive, corrective, and advisory functions. The judiciary, public prosecution authorities, and the Council of Representatives contribute through judicial proceedings, protection of the public interest, and parliamentary oversight, while the High Commission for Human Rights performs specialized functions through receiving complaints, monitoring the human rights situation, conducting field visits, documenting violations, and issuing reports and reform-oriented

recommendations. The Federal Board of Supreme Audit also indirectly contributes to the protection of citizens' rights through oversight of public funds and efforts to address financial and administrative irregularities (Abu al-Wafa, 2018; Ahmad al-Shibli, 2018; Fouda, 1964). Ultimately, the effectiveness of the monitoring system depends on the existence of clear and enforceable competencies, genuine independence, adequate resources, coordination among institutions, and meaningful responses by relevant authorities to monitoring findings. Receiving and following up complaints, documenting violations, publishing reports, and cooperating with national and international institutions can likewise strengthen transparency, accountability, and conformity of Iraq's domestic system with international human rights standards (Al-Azzawi, 2019; Al-Daqqaq, 1998).

3. Challenges of Human Rights Monitoring in Iraq

Human rights monitoring in Iraq, although grounded in obligations arising from international law and the country's participation in international treaties, encounters numerous legal and institutional challenges in practice. The principal issue is the gap between the state's formal commitment to respect human rights and the actual implementation of those commitments. Mere acceptance of international treaties, in the absence of effective mechanisms for incorporating and implementing them within the domestic legal system, does not guarantee genuine protection of individual rights. In Iraq, the status and manner of application of international rules and treaties within the domestic legal order have not been determined in a completely clear and coherent manner, potentially creating uncertainty regarding their direct applicability and invocation before domestic authorities, particularly the judiciary. Moreover, the distinction between legal obligations arising under the international covenants and the manner in which they are implemented nationally demonstrates the need to harmonize domestic legislation with international standards (Abd al-Samarrai, 1997), particularly because obligations concerning civil and political rights are generally of an immediate nature, whereas economic, social, and cultural rights require the adoption of positive measures and provision of the resources and conditions necessary for their realization (Jad Allah, 2010). Another challenge

concerns the practical limitations of international monitoring mechanisms and the influence of political considerations on their impartiality and effectiveness. Although institutions such as the United Nations Human Rights Council and treaty-based mechanisms hold states accountable in relation to their human rights obligations, the legally binding character of certain decisions and recommendations remains debated, and their implementation continues to depend substantially on state cooperation and political will. Furthermore, extensive reservations to certain international obligations and ambiguity regarding withdrawal from some human rights treaties may affect the scope and coherence of international protection (Abu Hijaza, 2005). Historical experience also demonstrates that international human rights mechanisms have at times been influenced by political considerations and the interests of major powers, potentially undermining the principles of impartiality and universality in international monitoring. The challenge of international monitoring therefore concerns not merely weaknesses in legal rules but also their mode of application, the independence of monitoring institutions, and the relationship between human rights requirements and states' political considerations (Tavernier & Rolland, 2008). At the domestic level in Iraq, a range of structural and operational obstacles likewise limit the effectiveness of human rights monitoring. Incomplete alignment of domestic legislation with international obligations, weak application of international norms before domestic courts, the absence of a clear mechanism for the direct or automatic incorporation of certain international rules, weak follow-up concerning decisions and recommendations of international bodies, and limited institutional capacity constitute some of the most important obstacles. Furthermore, where domestic monitoring bodies lack sufficient independence, adequate human, financial, and technical resources, or necessary cooperation from public authorities, their ability to translate legal powers into genuine human rights protection is diminished. From this perspective, effective monitoring requires an enabling legal and institutional environment in which monitoring institutions can perform their functions without improper interference, with adequate resources, and in cooperation with other national and international authorities. Otherwise, human rights oversight risks

becoming largely declaratory and lacking practical impact (Al-Daqqaq, 1998; Ayman al-Sabawi, 1995). Accordingly, the challenges of human rights monitoring in Iraq may be analyzed at three interconnected levels: first, legal and institutional barriers to the independence of monitoring institutions, which affect their ability to exercise their powers independently and impartially; second, challenges relating to resource provision and institutional capacity, which constrain effective monitoring, documentation, complaint handling, and follow-up of violations; and third, barriers to inter-institutional coordination arising from the multiplicity of domestic and international bodies, overlapping mandates, and inadequate information exchange and cooperation. Consequently, an examination of human rights monitoring challenges in Iraq cannot be complete without simultaneously addressing institutional independence, financial and human capacity, and coordination mechanisms (Abd al-Samarrai, 1997; Ayman al-Sabawi, 1995; Jad Allah, 2010). Each of these barriers is examined separately below.

4. Legal Analysis of Barriers to the Independence of Human Rights Monitoring Institutions in Iraq

The independence of human rights monitoring institutions is an essential prerequisite for the impartiality, credibility, and effectiveness of oversight activities. In Iraq, however, this independence faces legal, political, and institutional barriers. Although the Constitution and domestic legislation confer certain powers upon monitoring bodies, legislative gaps, overlapping mandates, and insufficient guarantees for implementation of issued recommendations constrain their independence and effectiveness. Moreover, the dependence or vulnerability of monitoring institutions vis-à-vis political and administrative structures may result in oversight of public authorities lacking genuine independence. Under these circumstances, strengthening legal guarantees of independence, clarifying jurisdictional boundaries, and establishing effective mechanisms for following up the implementation of recommendations constitute fundamental requirements for reform of Iraq's human rights monitoring system (Al-Ani, 2019). From a political perspective, institutional independence is also influenced by the general political environment and the degree of political willingness to accept independent

scrutiny. At the international level, state sovereignty remains an important factor limiting external intervention and monitoring, and states may invoke sovereignty to resist implementation of certain human rights standards. In addition, the political character of international relations has meant that human rights implementation can be affected by political considerations, while major powers have in some instances employed human rights as an instrument of political pressure, potentially affecting the credibility and impartiality of monitoring mechanisms (Ignatieff, 2001; Rodriguez & Research Taqa, 2024). Therefore, independence of monitoring institutions in Iraq cannot be achieved solely through amendment of domestic regulations but also requires an enabling political and institutional environment in which such bodies can operate independently. Another dimension of independence concerns financial and administrative autonomy. Institutions that lack adequate financial resources and administrative discretion will not be capable of performing their oversight functions effectively, even where they possess sufficient formal legal competence. Comparative experience demonstrates that many national human rights institutions and ombudsman offices in developing countries face limitations in holding governments accountable because of insufficient independence and inadequate budgets (Carver, 2011). Consequently, guaranteeing administrative autonomy, providing independent and sustainable financial resources, and establishing transparent mechanisms to prevent executive interference are among the most important requirements for strengthening the independence of human rights monitoring institutions in Iraq. Ultimately, institutional independence becomes meaningful only where reports and recommendations are accompanied by effective enforcement and follow-up mechanisms. The absence of binding arrangements for implementing recommendations, failure of certain public authorities to respond, and inadequate follow-up of monitoring reports may substantially diminish the practical authority of these institutions. Accordingly, strengthening legal, financial, and administrative independence should be accompanied by mechanisms obliging relevant authorities to respond and report on implementation of recommendations; without such guarantees, formal independence does not necessarily

translate into genuine independence and effective human rights protection (Baitam, 2003). In Iraq, limitations on financial and administrative resources may similarly increase the practical dependence of monitoring institutions on government bodies and weaken their decision-making autonomy. Consequently, guarantees of financial independence, establishment of sustainable funding sources, and allocation of administrative powers commensurate with statutory functions should form part of structural reforms to the human rights monitoring system. Finally, weaknesses in institutional independence should also be analyzed in connection with broader deficiencies in human rights implementation and compliance mechanisms. Even where monitoring institutions issue well-documented reports and recommendations, inadequate enforcement mechanisms and resistance by public authorities may reduce their practical impact. Such circumstances are also consistent with challenges observed in developing states, where weak domestic institutions and limitations in enforcement and sanctioning mechanisms complicate implementation of human rights norms (González, 2011). Genuine independence of Iraqi monitoring institutions therefore requires an integrated set of legal, political, financial, and administrative guarantees enabling these bodies to conduct monitoring, reporting, complaint handling, and follow-up of human rights violations without interference, pressure, or dependence.

5. Challenges of Resource Provision and Institutional Capacity in Iraq

Provision of financial, human, and technical resources constitutes one of the fundamental prerequisites for the effectiveness of human rights monitoring institutions in Iraq. Effective monitoring requires adequate funding, specialized personnel, information infrastructure, and appropriate systems for receiving, registering, analyzing, and following up complaints and alleged violations. Economic and structural constraints in developing countries, however, may reduce the resources available for human rights programs. Poverty, indebtedness, weak infrastructure, and structural corruption are among the factors that may divert public resources away from programs relating to human rights protection; accordingly, assessment of the realization of human rights must take into account the economic and

institutional capacities of the country concerned (Landman, 2018). This issue is particularly significant in Iraq because resource constraints can directly affect the ability of monitoring institutions to achieve adequate geographic coverage, process complaints, and conduct specialized inspections (Al-Ani, 2019). A shortage of specialized human resources constitutes another significant challenge. Growth in the number and diversity of human rights complaints, the complexity of cases, and the need to employ contemporary documentation and data-analysis methods require professionals with expertise in law, social sciences, statistics, and information technology. In the absence of such capacity, the possession of formal legal powers does not necessarily result in effective monitoring. These limitations also affect human rights education and awareness programs, as limited budgets, inadequate facilities, and shortages of specialized personnel reduce both their quality and scope (Fathi, 2025; Khidir & Salih, 2014). Resource limitations are not exclusively financial but also affect institutional capacity and the practical implementation of human rights standards. Monitoring institutions lacking adequate funding, appropriate equipment, and organizational independence face difficulties in performing functions such as inspection, documentation, complaint handling, education, and follow-up of recommendations. In many developing countries, inadequate independence and limited budgets of national human rights institutions have reduced their ability to hold governments accountable (Carver, 2011). Similarly, realization of economic, social, and cultural rights requires investment in education, health care, housing, and welfare systems, while limited state financial capacity may hinder implementation of human rights obligations (Landman, 2018). Resource limitations therefore cannot be regarded merely as an operational difficulty; rather, they are directly related to the effectiveness of the human rights monitoring system. Adequate funding, recruitment and training of specialized personnel, development of information infrastructure, and establishment of continuous capacity-building programs constitute important measures for improving the institutional capacity of Iraqi monitoring bodies. Cooperation with international and regional organizations may also help offset some deficiencies through transfer of experience, specialized training, and technical assistance, particularly because

international cooperation can promote improved monitoring methodologies, stronger documentation practices, and enhanced domestic human rights capacity (Al-Majdhoub, 2018; Bilal Hamid Badiwi, 2016). Accordingly, strengthening the institutional capacity of Iraqi monitoring bodies requires increased and sustainable funding, recruitment and training of specialized human resources, development of technical and information infrastructure, and expansion of human rights education programs. This requirement becomes even more important where insecurity, political instability, and resource limitations constrain access of different segments of society to human rights education and protection mechanisms (Khidir & Salih, 2014). Reform of the monitoring system without attention to genuine institutional and economic capacity may therefore merely expand formal powers without creating the operational capacity necessary to exercise them, whereas effective realization of human rights requires a simultaneous relationship among legal rules, adequate resources, and the executive capacity of responsible institutions (Purwanto & Hassan, 2025).

6. Barriers to Inter-Institutional Coordination in Iraq's Human Rights Monitoring System

One of the significant barriers to the effectiveness of Iraq's human rights monitoring system is the fragmentation of powers and responsibilities among different institutions. Monitoring bodies, executive agencies, the judiciary, the Council of Representatives, ministries, independent commissions, and civil society organizations each assume part of the responsibility for protecting and monitoring human rights; however, inadequate coordination among them may result in overlapping mandates, duplication of work, delayed proceedings, and even shifting of responsibility among different authorities. Where there is no clear division of labor, the multiplicity of oversight bodies may weaken rather than strengthen monitoring. Clarification of institutional mandates, establishment of regular information-sharing mechanisms, and assignment of responsibility to each institution throughout the monitoring and follow-up process are therefore necessary (Al-Ani, 2019). Coordination among national institutions is likewise important for transforming monitoring findings into corrective measures. Reports and recommendations issued by monitoring bodies can

have practical effects only where executive authorities, the judiciary, and the legislature respond appropriately and follow up their implementation. Cooperation with ministries, independent commissions, civil society organizations, and academic and research institutions can strengthen the national human rights protection system through information exchange, transfer of experience, education, and joint programming (Al-Saeed, 2010). Conversely, weak cooperation and the absence of clearly defined information-sharing mechanisms may cause monitoring findings to remain confined to reports rather than resulting in changes to administrative and legal practices. At the international level, coordination between Iraqi institutions and United Nations human rights mechanisms and other regional and international organizations is likewise significant. Participation in national reporting, follow-up of recommendations issued by the Human Rights Council and treaty bodies, cooperation with the Office of the High Commissioner for Human Rights, and use of training programs and comparative experience can enhance Iraq's monitoring capacity and promote alignment between domestic law and practice and international obligations (Abd al-Latif, 1984; Al-Majdhoub, 2018). Nevertheless, state sovereignty and resistance to external intervention remain important barriers to the implementation of international standards, while the political nature of international relations may affect the implementation of human rights obligations (Rodriguez & Research Taqa, 2024). Overall, weaknesses in inter-institutional coordination in Iraq should be considered at three levels: internal, national-civil society, and international. At the internal level, the mandates and responsibilities of different institutions must be clearly defined; at the national level, cooperation among monitoring institutions, the three branches of government, executive agencies, and civil society must be strengthened; and at the international level, regular engagement with United Nations human rights mechanisms and regional bodies should be expanded. Removing barriers to inter-institutional coordination therefore requires establishment of a coherent framework for division of responsibilities, information exchange, referral and follow-up of complaints, and assessment of implementation of recommendations. Monitoring reports can perform their intended function only where an organized relationship exists between the reporting

institution and legislative, executive, and judicial authorities for reviewing and implementing recommendations. Strengthening such coordination will not only improve the effectiveness of monitoring bodies but also increase transparency, reduce duplication, enhance public-sector accountability, and ultimately contribute to strengthening Iraq's national human rights protection system (Abd al-Latif, 1984; Al-Daqqaq, 1998). Such coordination can prevent repetition of activities, fragmentation of information, and inadequate follow-up of recommendations and can transform the human rights monitoring system from a collection of dispersed institutions into an integrated and accountable system. This requirement assumes greater significance in light of broader weaknesses in enforcement and compliance mechanisms in developing countries because the combination of poor institutional coordination, inadequate resources, and weak enforcement guarantees further reduces the effectiveness of human rights norms (Carver, 2011; González, 2011; Purwanto & Hassan, 2025).

7. Legal Evaluation of the Effectiveness of Iraq's Human Rights Monitoring System

The effectiveness of Iraq's human rights monitoring system should be evaluated in light of the degree of independence, competence, and operational capacity of its monitoring institutions. These institutions constitute important guarantees of the rule of law, accountability of public authorities, and protection of fundamental rights and freedoms. Their competence is not limited to administrative and financial oversight but also extends to monitoring observance of fundamental rights, receiving complaints, documenting violations, and proposing corrective recommendations (Al-Shukri, 2020). In Iraq, the Constitution of 2005 and ordinary legislation provide the legal basis for the activities of monitoring institutions. Nevertheless, the actual effectiveness of this system does not depend solely on the existence of statutory powers but also on institutional independence, availability of adequate resources, staff expertise, and the ability to exercise functions autonomously. Consequently, legal gaps, overlapping jurisdiction, administrative or financial dependence, and weak enforcement of recommendations may increase the gap between formal competence and practical effectiveness (Al-Saadi, 2018;

Al-Zubaidi, 2020). From the perspective of institutional capacity, Iraq's human rights monitoring system faces constraints regarding financial resources, specialized personnel, technical infrastructure, and the facilities required for effective monitoring and documentation. Experience in developing countries indicates that insufficient resources and weak institutional capacities can diminish the ability of national human rights institutions and oversight offices to hold governments accountable (Carver, 2011). Economic and structural limitations, including poverty, deficient infrastructure, and pressure on public resources, may likewise limit sufficient investment in human rights-related programs (Landman, 2018). This challenge is also apparent in human rights education and awareness-raising because political instability, insecurity, resource limitations, and shortages of specialized personnel reduce the scope and quality of educational programs (Fathi, 2025; Khidir & Salih, 2014). Thus, the existence of multiple monitoring institutions, without financial, human, and technical capacity proportionate to their functions, cannot by itself guarantee effective oversight. With respect to accountability and cooperation, the monitoring system possesses positive features including periodic reporting, receipt and examination of complaints, issuance of recommendations, and cooperation with government institutions and civil society organizations. By documenting the human rights situation, identifying violations, and proposing corrective measures, monitoring reports may increase transparency and public-sector accountability (Hamdi, 2025). Cooperation with national and international institutions, exchange of information and experience, participation in preparation of national reports, and follow-up of recommendations issued through international mechanisms can likewise strengthen Iraq's monitoring capacity (Abd al-Latif, 1984; Al-Majdhoub, 2018). Nevertheless, fragmented mandates, inadequate coordination among domestic institutions, and limited enforceability of some recommendations may prevent monitoring findings from being translated into effective corrective measures. Strengthening cooperation among monitoring bodies, public authorities, civil society organizations, and international mechanisms, alongside clarification of institutional responsibilities, is therefore necessary for improving the effectiveness of the system (Al-Saeed, 2010). Overall, legal evaluation of Iraq's human rights

monitoring system demonstrates that it possesses considerable potential in terms of legal foundations, multiplicity of oversight institutions, reporting mechanisms, complaint procedures, and national and international engagement. However, the gap between the existence of legal rules and institutions and their ability to generate practical and binding effects remains a fundamental challenge. Such deficiencies may weaken genuine human rights protection. Weak enforcement mechanisms and state resistance to external or independent oversight constitute important factors reducing the effectiveness of human rights systems (González, 2011; Purwanto & Hassan, 2025). State sovereignty and political considerations may also influence the degree of acceptance and implementation of human rights standards and may, in certain circumstances, transform human rights from a legal obligation into a matter shaped by political considerations (Ignatieff, 2001; Rodriguez & Research Taqa, 2024). Accordingly, enhancing the effectiveness of monitoring in Iraq requires strengthening the legal, financial, and administrative independence of monitoring institutions, providing adequate resources and specialized capacity, establishing coherent coordination mechanisms, and ensuring that relevant authorities are held accountable for responding to monitoring reports and recommendations.

8. Legal and Institutional Strategies for Reforming the Human Rights Monitoring System

Reform of Iraq's human rights monitoring system first requires strengthening the legal, administrative, and financial independence of monitoring institutions. Laws governing the activities of these bodies should therefore be revised to define competencies precisely, eliminate overlapping functions, guarantee independent decision-making, and provide sufficient financial and administrative safeguards. Genuine independence is realized when monitoring institutions are protected from political interference and possess effective authority to conduct inspections, receive and examine complaints, document violations, and issue corrective recommendations. Reform of ambiguous criminal provisions and restriction of opportunities for arbitrary interpretation and enforcement, particularly in cases involving political critics and human rights defenders, are likewise necessary for strengthening the rule of law

(Fathi, 2025; Fazaeli & Khudhair, 2025). In this regard, establishment or strengthening of independent monitoring mechanisms with authority to conduct unannounced inspections, investigate complaints, and pursue accountability of officials implicated in human rights violations can enhance accountability of public institutions (Fazaeli & Khudhair, 2025). Effective implementation of Iraq's national human rights programs and revision of legislation governing monitoring institutions can likewise provide a more appropriate legal framework for strengthening their independence and effectiveness (Al-Tamawi, 2017). Reform of resource allocation and improvement of institutional capacity are also essential conditions for an effective monitoring system. Budget constraints, shortages of specialized personnel, and inadequate technical infrastructure reduce the ability of monitoring institutions to conduct monitoring, documentation, complaint handling, and specialized reporting. Increased funding, recruitment and training of personnel specializing in human rights, investigation, and documentation, as well as development of electronic complaint-registration systems and comprehensive databases, should therefore be prioritized. Continuous staff training and improvement of professional skills relating to human rights, investigation methods, monitoring, and modern technologies can improve the quality of oversight reports and recommendations (Al-Shafii, 2011). Alongside institutional capacity-building, economic and social development should also be addressed because poverty, unemployment, weak infrastructure, and economic inequality may constrain the capacity of both the state and society to realize human rights. Investment in employment, transportation infrastructure, energy, water, sanitation, and communications, together with support for small and medium-sized enterprises, can improve economic conditions while reducing structural circumstances that contribute to human rights violations (Fathi, 2025). From this perspective, effective domestication of human rights norms in Iraq cannot be achieved without legal reform, institutional capacity-building, and sufficient socioeconomic investment (Mutua, 2016; Purwanto & Hassan, 2025). At the level of inter-institutional coordination, permanent mechanisms should be established for information exchange, referral and follow-up of complaints, joint meetings, and

coordination in preparation of human rights reports and programs. In the absence of a clear division of responsibilities, the multiplicity of monitoring bodies may result in duplication, waste of resources, and delays in case processing. Establishing a network or coordination mechanism among monitoring institutions, the three branches of government, ministries, independent commissions, civil society organizations, and academic institutions could therefore increase the coherence of the monitoring system. Transparency should also be strengthened through regular publication of reports, statistics concerning complaints and violations, and information on the extent to which monitoring recommendations have been implemented, thereby increasing public-sector accountability and citizen trust (Abu Heif, 2016; Al-Kubaisi, 2022; Hijazi, 2019). Use of digital systems, integrated databases, and data-analysis tools can likewise facilitate identification of patterns of violations, prioritization of cases, and continuous evaluation of the performance of monitoring institutions (Abdullah, 2021). Finally, cooperation with international institutions should be pursued as a complement to domestic capacity rather than as its substitute. Technical cooperation with the United Nations, regional institutions, and international human rights organizations; participation in reporting mechanisms and periodic reviews of the Human Rights Council; use of comparative experiences; and implementation of capacity-building programs can improve Iraq's domestic capacity to monitor and protect human rights. Technical support for national human rights institutions, parliamentary committees, and the judiciary, as well as expansion of academic and cultural exchanges, can contribute to knowledge transfer and the development of supportive networks (Fathi, 2025). International cooperation should nevertheless respect Iraq's sovereignty and territorial integrity while focusing on strengthening domestic capacity and establishing sustainable accountability mechanisms (Purwanto & Hassan, 2025). At the same time, expanding the role of civil society and strengthening monitoring mechanisms may reinforce the binding and practical character of human rights obligations (Rodriguez & Research Taqa, 2024). Overall, reform of Iraq's monitoring system requires a multidimensional strategy that simultaneously addresses institutional independence, resource provision, capacity-building, inter-institutional

coordination, transparency, and international cooperation in order to narrow the gap between legal obligations and the actual implementation of human rights.

9. Conclusion

Effective protection of human rights cannot be achieved merely through recognition of fundamental rights and freedoms in domestic legislation or accession to international treaties. Rather, it requires a coherent set of legislative, institutional, executive, and monitoring guarantees capable of narrowing the gap between legal obligations and practical realities. Focusing on the legal and institutional framework for human rights protection in Iraq, the present study demonstrated that the country, particularly following the adoption of the Constitution of 2005 and accession to a number of international human rights instruments and treaties, possesses relatively appropriate legal foundations for recognizing and protecting fundamental rights and freedoms. The Iraqi Constitution recognizes a broad range of civil, political, economic, social, and cultural rights, while international obligations have expanded the scope of this protection. Nevertheless, the principal issue is not a complete absence of legal rules but rather the gap between formal recognition of rights and their effective implementation. The study demonstrated that human rights protection in Iraq rests on significant legal foundations. The Constitution of 2005 and Iraq's participation in various international treaties provide an appropriate framework for recognition and protection of fundamental rights and freedoms. Nevertheless, the findings indicate a continuing gap between formal recognition of human rights and their practical implementation. The persistence of certain human rights violations, weaknesses in the implementation of some legal provisions, and the need for greater harmonization of domestic legislation with international obligations demonstrate that the mere existence of legal rules cannot guarantee effective protection of rights and freedoms. The findings further showed that national monitoring institutions constitute the principal domestic pillar of human rights protection in Iraq. Through monitoring public authorities, receiving and following up complaints, documenting violations, preparing reports, and issuing reform-oriented recommendations, these institutions play an important role in realizing the

rule of law and governmental accountability. Nevertheless, limitations in financial and human resources, inadequate coordination among institutions, and the need to strengthen legal, administrative, and financial independence are among the most important factors reducing their effectiveness. Strengthening independence and institutional capacity, creating coordination mechanisms, and increasing transparency and accountability are therefore fundamental requirements for reforming Iraq's human rights monitoring system. The study also emphasizes the important role of international and non-governmental organizations in complementing domestic mechanisms. International human rights organizations contribute through monitoring, documentation, and reporting of violations, while the United Nations Assistance Mission for Iraq contributes through monitoring, technical advice, support for legal reform, and enhancement of the capacity of national institutions. International monitoring, however, can generate sustainable results only where it is accompanied by domestic capacity-building and effective cooperation between government institutions and civil society. The persistence of challenges concerning freedom of expression, peaceful assembly, and arbitrary detention further demonstrates the need to strengthen law enforcement, reform ambiguous regulations, and guarantee accountability for those responsible for violations. Moreover, the relatively weak human rights culture within certain public institutions underscores the need to expand human rights education and awareness-raising. Sustainable human rights protection in Iraq therefore requires a multidimensional strategy encompassing legal reform, stronger independence and resources for monitoring institutions, greater cooperation among national and international actors, civil society participation, use of modern monitoring technologies, and institutionalization of a culture of respect for human rights. Overall, the findings demonstrate that Iraq's principal challenge is not merely the absence of human rights norms but the gap between legal obligations and their effective implementation. Reducing this gap requires genuine commitment to the enforcement of law, strengthening of monitoring and judicial institutions, increased accountability of public authorities, and sustained national and international cooperation. Fulfillment of these requirements can consolidate the

rule of law, enhance public trust, and create the conditions necessary for genuine and sustainable protection of fundamental rights and freedoms in Iraq.

Authors' Contributions

Authors contributed equally to this article.

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In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

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