

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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Received: 2026-05-11

Revised: 2026-08-24

Accepted: 2026-08-31

Initial Publish: 2026-09-01

Final Publish: 2027-11-01

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1. Round 1

1.1. Reviewer 1

Reviewer:

The Introduction discusses treaty-based monitoring mechanisms and states that their competence “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.” This is correct in broad terms, but the manuscript would benefit from a more differentiated treatment of the various treaty-monitoring procedures. State reporting, individual communications, interstate communications, inquiry procedures, general comments, concluding observations, and follow-up mechanisms have different legal foundations and different levels of practical influence. Because the article is centrally concerned with monitoring effectiveness, the authors should specify which international mechanisms are most relevant to Iraq, whether Iraq has accepted the relevant individual complaint procedures, and how these mechanisms interact with domestic Iraqi institutions. Without such specificity, the discussion remains too generic for an article focused on Iraq.

In the same introductory paragraph, the treatment of Article 4 of the International Covenant on Civil and Political Rights is valuable but incomplete. The manuscript states that derogation is conditioned upon “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.” The authors should add the requirements that derogating measures must be strictly required by the exigencies of the situation and that states must comply with the notification requirements applicable under the Covenant. In addition, the list of non-derogable rights should be carefully distinguished from the broader body of rights that may acquire non-derogable dimensions through interpretive practice. Given Iraq's history of armed conflict, terrorism, emergency governance, and security-based restrictions, this issue is directly relevant to the article and deserves more than a brief doctrinal reference.

In the second paragraph of the Introduction, the manuscript identifies “institutional independence, resource provision, and inter-institutional coordination” as the three fundamental components of an effective human rights monitoring system. This is the core analytical contribution of the paper, yet the manuscript does not provide an explicit theoretical or evaluative model showing why these three dimensions were selected and how they are operationalized. The authors should formulate a clear analytical framework specifying indicators for each dimension. For example, institutional independence could include appointment procedures, tenure protection, removal safeguards, budgetary autonomy, investigative authority, and freedom from political interference; resource adequacy could include budget stability, staffing, expertise, regional coverage, digital infrastructure, and training; coordination could include information-sharing protocols, referral mechanisms, joint reporting, division of mandates, and follow-up procedures. Establishing these criteria early would make the later evaluation substantially more systematic.

In Section 2.3, the manuscript asserts that “the independence of monitoring institutions should encompass legal, administrative, financial, and institutional dimensions.” This is an important proposition, but the article should engage directly with internationally recognized standards governing national human rights institutions, particularly the Paris Principles. Given that the article evaluates the Iraqi High Commission for Human Rights, the Paris Principles provide an obvious normative benchmark for assessing independence, pluralism, mandate, investigative powers, accessibility, resources, appointment procedures, and institutional autonomy. The absence of a structured Paris Principles analysis is a major weakness. The authors should assess the Iraqi institution systematically against these standards rather than relying predominantly on general statements about independence.

In Section 3, the manuscript states that “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.” This is a central legal claim and should be substantiated with specific Iraqi constitutional provisions, legislation, judicial decisions, or documented doctrinal disputes. At present, the argument is presented at a high level of abstraction. The authors should identify whether the problem concerns treaty hierarchy, absence of implementing legislation, judicial reluctance, conflicting domestic statutes, constitutional review, or administrative non-compliance. Each of these represents a different legal obstacle and would require a different reform strategy. A precise diagnosis is essential if the article aims to offer meaningful legal recommendations.

The final paragraph of Section 3 proposes that the challenges can be analyzed at three levels: independence, resources and institutional capacity, and inter-institutional coordination. This structure is coherent, but the manuscript should avoid presenting these categories as completely discrete because substantial causal interaction exists among them. For example, budgetary dependence may itself constitute a form of institutional dependence; weak coordination can generate inefficient resource allocation; and political interference may obstruct information sharing among agencies. The authors should explicitly acknowledge these interdependencies and perhaps provide a conceptual matrix showing how legal independence, resource autonomy, and coordination interact. Doing so would move the paper from a compartmentalized descriptive structure toward a more sophisticated institutional analysis.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The Introduction states that “Iraq’s human rights protection system consists of a range of domestic and international actors,” including the High Commission for Human Rights, the judiciary, United Nations bodies, UNAMI, and non-governmental organizations. The manuscript should more clearly distinguish between institutions that possess legally mandated oversight authority and actors that contribute to monitoring without exercising formal public authority. The Iraqi High Commission for Human Rights, courts, parliamentary bodies, UNAMI, OHCHR, international NGOs, and domestic civil society organizations have substantially different legal bases, mandates, access rights, reporting functions, and enforcement capacities. Treating them collectively as “monitoring institutions” risks conceptual imprecision. A typology distinguishing constitutional bodies, judicial

mechanisms, parliamentary oversight, administrative oversight, international monitoring mechanisms, and civil society watchdogs would greatly improve the institutional analysis.

In Section 2.1, the manuscript states that “in 1948, Iraq was among the states that supported the Universal Declaration of Human Rights.” This historical claim should be verified and formulated with precision because “supported,” “joined,” “adopted,” and “voted in favor of” have distinct legal and historical meanings. The Universal Declaration is not a treaty to which states “accede.” The manuscript should specify Iraq’s actual position during the General Assembly vote and avoid terminology implying treaty accession. More broadly, the authors should carefully distinguish throughout the manuscript among signature, ratification, accession, acceptance, and participation in non-binding international instruments, because these terms carry different legal consequences.

Section 2.1 relies heavily on constitutional provisions, particularly Articles 14, 15, 19, 22, 31, and 34 of the Iraqi Constitution, but does not examine the constitutional architecture governing the relationship between international treaties and domestic law. This omission is significant because Section 3 later identifies uncertainty regarding the domestic application of international human rights obligations as a major challenge. The authors should analyze the constitutional and statutory rules governing treaty ratification, incorporation, hierarchical status, direct applicability, and judicial invocation in Iraq. If Iraqi courts do not consistently treat human rights treaties as directly enforceable, the manuscript should explain the doctrinal basis for that position. This would establish a stronger bridge between the descriptive constitutional section and the later discussion of implementation gaps.

In Section 2.2, the manuscript states that “the International Court of Justice and the International Criminal Court contribute to judicial and criminal protection of human rights.” This formulation should be qualified. Neither court is a general international human rights court. The International Court of Justice resolves disputes between states and provides advisory opinions within its jurisdiction, while the International Criminal Court imposes individual criminal responsibility for specified international crimes where jurisdictional requirements are satisfied. The authors should avoid presenting these institutions as direct equivalents of human rights treaty bodies or regional human rights courts. The section would be stronger if it differentiated international human rights monitoring, international adjudication, international criminal accountability, and state-responsibility mechanisms.

Section 2.2 also introduces “humanitarian intervention, countermeasures, and international sanctions” as responsive mechanisms within the human rights protection system. This portion is insufficiently integrated with the article’s principal research question concerning independence, resources, and inter-institutional coordination in Iraq’s monitoring system. The authors should either explain the precise relevance of these doctrines to human rights monitoring in Iraq or reduce this discussion. In particular, humanitarian intervention raises highly contested questions concerning the prohibition on the use of force, sovereignty, Security Council authorization, and the Responsibility to Protect, whereas countermeasures arise primarily within the law of state responsibility. These concepts should not be grouped together as if they constituted comparable monitoring mechanisms. Their inclusion requires stronger doctrinal differentiation and a clearer connection to the article’s analytical framework.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.