

THE ROLE OF THE UNITED NATIONS IN SUPPORTING THE LEGAL AND INSTITUTIONAL FRAMEWORK FOR HUMAN RIGHTS IN IRAQ

Prof Mostafa Fazaeli¹, Wijdan Raham Khudhair²

¹University of Qom, Professor of International Law, University of Qom, Qom, Islamic Republic of Iran

<https://orcid.org/my-orcid?orcid=0009-0008-5793-2585>

²Assistant Professor, University of sumer Dhi Qar, Iraq

Ph.D. Candidate in International Law, University of Qom, Qom, Islamic Republic of Iran

fazaeli2007@gmail.com¹

Wijdanlawyer2014@gmail.com²

Abstract:

After clarifying in the preceding sections of our research the legal basis for the United Nations' humanitarian intervention and the mechanisms of applying international law, particularly in Iraq, as well as Iraq's obligations under international conventions and the United Nations' monitoring of Iraq's compliance with its humanitarian commitments, it becomes evident that the United Nations, through its mission in Iraq, has provided assistance in various fields. These areas will be highlighted in the subsequent parts of our research, specifically through examining the role of the United Nations in developing human rights-related legislation in Iraq and in supporting the national institutions concerned with human rights.

Keywords: United Nations, Human Rights, Iraq, Institutions, International Law, Legal Basis, International Conventions

Introduction

Due to the Iraqi governments' laxity in finding fundamental solutions to ensure the provisions established by international rules, covenants, and declarations, there has been a significant decline in the basic services that must be available to the Iraqi individual. This, in turn, has had a clear impact on the humanitarian assistance provided by the United Nations across various sectors, including those related to social services. According to the United Nations' continuous reports on Iraq, particularly during the period from 2014 to 2022, and in light of the crises Iraq has experienced—as previously outlined—the United Nations reduced its humanitarian assistance to Iraq in the health sector. Through its mission in Iraq, the United Nations indicated that the primary reasons for this decline were the war against terrorist organizations as well as the global COVID-19 pandemic, both of which led to the deterioration of essential services in Iraq. Consequently, Iraqis were not able to enjoy equal access to these services. (United Nations, 2025)

This indicates that the impact of the war against ISIS, as well as the COVID-19 pandemic, influenced the role of the United Nations in Iraq. However, these were not the only factors. As previously noted, and as emphasized by the United Nations Assistance Mission for Iraq (UNAMI), another fundamental reason was the failure of successive Iraqi governments to establish stable

foundations—free from sectarian and political quotas—for the provision of economic and social services to the Iraqi people. The United Nations has consistently sent clear messages to Iraqi officials regarding the need to overcome crises that have hindered both the state and the UN mission in Iraq.

In the same context, the United Nations affirmed that the social obstacles were not limited to the health sector. Due to non-compliance with international covenants and national legislation, as well as the difficult circumstances Iraq has faced, many Iraqis were deprived of education. In this regard, pursuant to Security Council Resolution 2479 (2019), which mandates the United Nations mission in Iraq to strengthen accountability and provide essential services, the UN prepared a report highlighting the right to education. The report, drawing upon the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, stressed that these instruments establish both immediate and progressive obligations on the State with respect to education. They guarantee the necessity of ensuring free and compulsory education for children, as well as access to secondary and higher education without discrimination.

The report, issued under Resolution 2479, concluded with several findings, including, for example, the absence of programs capable of bridging the knowledge gap. It also underscored the importance of addressing the needs of young people in conflict-affected and newly liberated areas, emphasizing that they should be empowered to play an active role in society, and that the government must not neglect them. **(Bu Sultan, 1993, p. 270)**

The recommendations contained in the resolution adopted by the Economic and Social Council at its first session on this matter established the first committee entrusted with protection tasks, following Order 5-D-1 of 16 February 1946. Initially composed of nine members, the committee was expanded under Resolution 9-D-11 of 21 June 1946 to 18 members. During the Council's second session, membership was further increased to 23, and later to 32. Finally, in 1992, the number of members was raised to 53, elected for a three-year term on the basis of equitable geographical distribution.

The Commission on Human Rights was mandated to submit proposals, recommendations, and reports to the Council concerning the Universal Declaration of Human Rights, to draft international conventions, and to promote the fundamental rights of individuals, in accordance with the matters set forth in its founding resolution. While safeguarding the rights of minorities, it also combats racism and all forms of discrimination, thereby ensuring the protection and promotion of human rights. Frequently, the Commission establishes working groups, appoints special rapporteurs, or designates representatives tasked with mobilizing and advancing human rights.

The Commission operates on two principal levels: first, by addressing human rights concerns regardless of the geographical location of violations; second, through the establishment of working groups, specialized committees, or by contributing to the creation of bodies. Ultimately, it also functions by appointing special rapporteurs to carry out its mandate. **(United Nations, 1968)**

After the founders of the Commission on Human Rights accepted the scope and intensity of the Commission's mandate, the Commission was granted the authority to establish branches, if

necessary, to perform its tasks. Accordingly, in 1946, the Sub-Commission on Freedom of Information and Human Rights was established, along with three sub-committees: the Sub-Committee on the Protection of Human Rights, the Sub-Committee on the Elimination of Racial Discrimination, and another sub-committee. Eventually, these were consolidated into a single body, namely the Sub-Committee on the Prevention of Racial Discrimination and the Protection of Minorities .(Ayat, n.d., p. 42)

The United Nations' Role in Strengthening Iraq's Legal and Institutional Human Rights Framework

As previously clarified in our study, the legal basis for the United Nations' humanitarian intervention and the application of international law—particularly in Iraq—has been established, alongside Iraq's obligations under international conventions and the UN's monitoring of Iraq's compliance with its humanitarian commitments. Accordingly, the United Nations, through its mission in Iraq, has provided assistance in various fields. These areas will be highlighted in the subsequent sections of our research, focusing on the United Nations' role in developing human rights legislation in Iraq, as well as its role in supporting national institutions related to human rights in the country.

Section One: The United Nations' Role in Advancing National Human Rights Legislation

When the United Nations operates in any country, it establishes an administrative and organizational structure to carry out its work, particularly with regard to human rights. Drawing on its extensive experience across various fields, including human rights, the United Nations maintains offices staffed with personnel trained by the organization, aimed at facilitating its operations within the target country. In this context, it was essential for the UN to establish specialized units for human rights, as well as to maintain organizational coordination between UNAMI and other agencies to promote and protect human rights.

This was the case in Iraq, where the United Nations mission has a dedicated Human Rights Unit and collaborates with the Iraqi government and other agencies that support human rights. When the UN intervenes in a country to provide assistance, particularly in the field of human rights, it does so pursuant to **Article 68 of the United Nations Charter**, which authorizes the establishment of various committees. The International Commission on Human Rights also relies on the recommendations contained in the resolution adopted by the Economic and Social Council at its first session on this matter.

The first committee tasked with protection duties, established under Order 5-D-1 on 16 February 1946, initially consisted of nine members. Under Resolution 9-D-11 dated 21 June 1946, the number of members was increased to 18, and during the Council's second session, it was further raised to 23, then to 32. Finally, in 1992, membership was increased to 53, elected for a three-year term on the basis of equitable geographical distribution. The International Commission on Human

Rights is responsible for submitting proposals, recommendations, and reports to the Council regarding the Universal Declaration of Human Rights, drafting international conventions, and promoting fundamental rights for individuals in accordance with the issues outlined in its founding resolution. While safeguarding minority rights, the Commission also combats racism and all forms of discrimination, thereby ensuring the protection and promotion of human rights. The Commission often establishes working groups, appoints special rapporteurs, or designates representatives tasked with advancing human rights.

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It retained this name until 1999, after which it became the Sub-Commission on the Promotion and Protection of Human Rights. It is composed of 26 experts elected by the Commission on Human Rights for a three-year term. The Sub-Commission holds meetings at least once a year for a duration of three weeks. Its meetings are limited to representatives of Member and non-Member States, representatives of specialized United Nations agencies and liberation movements, and observers from non-governmental organizations in an advisory capacity (United Nations, 1968)

Now, having clarified the formation of committees related to human rights, we will outline the role of the United Nations in supporting draft laws and legislation, as well as in legally monitoring Iraq's compliance with international conventions, through the next two subsections.

First Subsection: The United Nations' Support for Drafting Laws and Human Rights Legislation in Iraq

Through its offices in Iraq, spread across several governorates, the United Nations has gained insight into the laws and draft legislation concerning human rights in the country. Consequently, it has become necessary for the UN to support these projects, particularly those directly related to human rights, as they contribute to the promotion and protection of these rights. Accordingly, the United Nations has endeavored to support human rights-related laws and legislation, while providing observations on others. The most significant of these laws and legislative initiatives will be outlined below:

1. Law on the Prevention of Family Violence

Following the circumstances Iraq has experienced, particularly in the years after the fall of the previous regime and from 2014 onwards (without specifying an end date up to 2022), the country witnessed increasing cases of domestic violence due to the political, social, and economic conditions affecting Iraqi society. This situation highlighted the urgent need for legislation to protect families from the escalating violence. Consequently, a draft Law on Combating Domestic Violence was prepared in 2019 and submitted to the Parliament for approval. However, due to political disagreements and, secondly, legal objections, the draft law remains pending in Parliament without ratification. **(Osamatuma Legal, 2024)**

Given the significant importance of legislation for societies facing various challenges, including domestic violence, all laws across different fields function as regulatory tools aimed at serving communities in ways that ultimately promote stability and progress. They also provide legal protection that helps prevent violations of rights. Accordingly, legislation in the criminal and penal fields holds particular significance, and laws that serve both individuals and society complement one another in achieving the ultimate objective of legislation: the realization and protection of rights.

As a result, and in light of Iraq's ratification of several international conventions, this section will present the legal frameworks through which the United Nations provides support, highlighting its approach under both the international legal system and national legislation, as outlined below:

A. The International Legal Framework

Since Iraq is a party to international conventions that prohibit all forms of discrimination against women, it is therefore obligated to take the necessary measures to ensure that women enjoy the same rights as men. As previously noted, Iraq is a member of the International Covenant on Civil and Political Rights, in which Articles 2, 3, and 26 establish the principles of human rights on an equal basis. These principles thus require Iraq to uphold the rights of women, including victims of domestic violence, guaranteeing them the enjoyment of political and civil rights. This is also affirmed in the United Nations Declaration on Fundamental Principles. **(United Nations, 1985)**

Furthermore, Iraq, within its international obligations, is a party to the Convention on the Elimination of All Forms of Discrimination. Among the international conventions related to women is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), an international treaty aimed at eradicating all forms of discrimination against women. CEDAW was adopted in 1979 by the United Nations General Assembly and ratified by Iraq under Resolution 34/180 in 1981, entering into force thereafter. The Convention consists of five parts, comprising approximately 30 articles. It defines discrimination against women as "any distinction, exclusion, or restriction made on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women of human, political, or civil rights." **(United Nations, 1981)**

B. The National Legislative Framework

Regarding national legislation, foremost among which is the permanent Iraqi Constitution of 2005, it explicitly prohibits all forms of violence within the family, school, and society, and guarantees the right to life. Furthermore, Article 14 of the Iraqi Constitution states that “Iraqis are equal before the law without discrimination based on sex, race, nationality, origin, color, religion, sect, belief, opinion, or economic or social status.” **(Iraqi Constitution, 2005, Arts. 14, 29(4))**

Although legislation has sought to mitigate this phenomenon to the greatest extent possible, in practice these laws may currently be insufficient to protect women from the psychological, economic, or social oppression they face.

The Iraqi Penal Code is among the laws that include provisions for the criminal protection of individuals. Specifically, in Chapter Four, Section Eight, it addresses crimes affecting the family in Articles 376–380. Article 376 stipulates the following penalties: “Anyone who enters into a marriage contract knowing that it is null and void for any reason under religious or legal law, or anyone who conducts such a contract knowing the reason for its invalidity, shall be punished by imprisonment for a term not exceeding seven years or by detention. The penalty shall be imprisonment for a term not exceeding ten years if the spouse, against whom the cause of invalidity applies, concealed it from the other spouse or consummated the marriage based on the invalid contract.” **(Iraqi Penal Code No. 111, 1969, Art. 376)**

The above article stipulates imprisonment or detention for entering into a marriage contract known to be void, with a penalty of up to ten years if the invalidity was concealed from the wife. This provision is intended to protect the wife from the husband’s abuse through the establishment of a void contract.

Regarding the effects of such a void contract, Dr. Al-Sanhouri asserts that it must have certain consequences. These may be material, without inherent effects, as in Islamic law, such as the enjoyment of marital rights, maintenance, or inheritance between spouses. Incidental effects, as a result of the material fact of the contract, include the obligation of the waiting period (‘iddah), the payment of the dowry after consummation, and issues related to the establishment of paternity or the nullification of prescribed penalties (hudud). **(Al-Sanhouri, n.d., pp. 760–777)**

One of the provisions that may require amendment is Article 41 of the Penal Code, which states in its first paragraph: “There is no crime if the act is committed in the exercise of a right established by law. The exercise of a right is considered to include: (1) disciplining a husband’s wife, and disciplining children under guardianship by parents, teachers, or their equivalents, within the limits prescribed by Sharia, law, or custom.” **(Iraqi Penal Code No. 111, 1969, Art. 41)**

Article 128 of the Penal Code stipulates: “Excuses may either exempt the offender from punishment or mitigate it. An excuse exists only in cases specified by law. Outside these

cases, a mitigating excuse is considered when the crime is committed for noble motives or as a result of serious provocation by the victim without right.” **(Iraqi Penal Code No. 111, 1969, Art. 128)**

The above article permitted the killing of women under this legal rationale, which has contributed to an increase in cases of murder and abuse, particularly as such acts occur within the framework of tribal customs and traditions. We rely on the Iraqi legislator to amend the article and remove the clause stating “a mitigating excuse exists when the crime is committed for noble motives,” so that it cannot be exploited. In practice, however, this provision has been misused, and there are numerous judicial rulings in this area involving husbands, fathers, brothers, or other relatives of the victim.

Since the Domestic Violence Law has not yet been enacted, the Iraqi state adopted a policy aimed at combating violence and developed a plan for the period 2018–2030. This plan incorporated two main objectives: first, the empowerment of women; and second, the establishment of a protection strategy. It further emphasized the urgent need for the adoption of a Domestic Violence Law. In this regard, the Ministry of Interior strengthened the divisions of the Family and Child Protection Directorate, while the Higher Judicial Council established specialized courts to address such cases.

With respect to international support mechanisms related to human rights and the Domestic Violence Law, the United Nations, through its offices in Iraq, has undertaken monitoring, reporting, and documentation to encourage and accelerate the adoption of the law. One of the UN reports highlighted deficiencies in this regard, focusing on four key areas. **(United Nations Assistance Mission for Iraq [UNAMI], 2024)**

1. **Legislative Shortcomings:** While the Iraqi legislator criminalizes physical assault, it simultaneously permits the disciplining of a wife and provides a lawful excuse for the aggravated circumstance of killing a wife in cases of adultery.
2. **Failure to Report All Cases of Domestic Violence:** This poses an obstacle to accountability, as not all families report such incidents.
3. **Absence of In-Depth Investigations into Domestic Violence.**
4. **Inefficiency of Judicial Procedures in Addressing Domestic Violence.**

In fact, there are observations regarding the points raised in the above-mentioned United Nations report on combating domestic violence, particularly with respect to certain provisions of the Iraqi Penal Code, which were enacted based on the principles of Islamic Sharia concerning the disciplining of women or the concept of “honorable motives” in cases of killing. Each society has its own customs and traditions, which cannot simply be set aside, especially in an Islamic country such as Iraq. Therefore, we believe that such observations should be left to advanced legal and Islamic jurisprudence. Moreover, despite the abundance of observations, the Office of the High Commissioner for Human Rights in Iraq cannot alter this prevailing reality.

2- The Law Amending the Personal Status Law

As for the Iraqi Personal Status Law No. 188 of 1959, it may be said that laws enacted in a specific historical period cannot necessarily be suitable for all times. When measured against the effects they produce, they often fail to address the magnitude of the harm caused by crimes in the present context. Although Iraq, within the framework of its international obligations and with the assistance of the United Nations through its mission in Iraq, sought to introduce legal provisions consistent with these obligations, and despite the debate surrounding the amendments to the Personal Status Law, the first amendment was enacted in 2025. However, this amendment faced clear objections from several domestic as well as international parties, as the law granted...

With respect to personal status matters regarding marriage contracts, the amendment provided for the choice between the Shi'a or Sunni jurisprudence. Within the Shi'a framework, however, civil society organizations expressed concerns about the potential legalization of child marriage.

In terms of addressing legislative shortcomings, the United Nations, in its continued support for laws and legislation in Iraq, expressed its position on this amendment. It issued a statement affirming that the United Nations is closely monitoring the amendments made to the Iraqi Personal Status Law and emphasizes the necessity for such legislation to align with Iraq's international human rights obligations, particularly in the protection of women and children. The United Nations further stressed that it remains in ongoing communication with the relevant Iraqi authorities and continues to support Iraq and its legal and legislative institutions. **(United Nations in Iraq, 2024)**

3- Law Supporting Survivors of Yazidi Women

Due to what Iraq endured during the ISIS occupation of several Iraqi governorates, and as a result of the terrorist acts committed by ISIS—including killing, intimidation, abduction, rape, and the sale of women, particularly Yazidis—calls intensified for the enactment of a law to support this segment of the Iraqi population. Like other groups of Iraqi citizens, Yazidis were subjected to ISIS terrorism, making it necessary to provide compensation and protection to those who suffered persecution, killings, abductions, and the sale of women outside Iraq.

On this basis, and considering the circumstances Iraq experienced during what is regarded as one of the darkest periods in its history, particularly from 2014 until 2022, the Iraqi Council of Representatives, as the legislative authority, enacted Law No. 8 of 2021, entitled the Law on Yazidi Survivors. This law includes several legal provisions defining “survivors” as any woman or girl who was subjected to sexual violence crimes, including abduction, sexual enslavement, sale in slave markets, separation from family, forced conversion, forced marriage, pregnancy or abortion, or physical or psychological harm by

the ISIS terrorist organization from 3 August 2014 onwards, and who were later liberated. **(Law No. 8, 2021, Art. 1(a))**

The law also extended its provisions to survivors from other communities, including the Shabak, Turkmen, and Christian populations, as well as children who survived from the Yazidi, Christian, Shabak, and Turkmen communities. **(Law No. 8, 2021, Art. 2(1)(b))**

One critique of this law, particularly regarding the definitions provided in the articles mentioned above, is that although Yazidis were the most affected, the law included a paragraph covering other affected groups. It would have been more appropriate for the law to be titled “Survivors from the Yazidi, Shabak, and Turkmen Communities”, rather than focusing primarily on one affected group and then adding the others as if they were less affected.

The law recognizes that the crimes committed by the terrorist ISIS groups constitute genocide and crimes against humanity, while it assigned the task of defining these crimes in international forums to the Ministry of Foreign Affairs. **(Law No. 8, 2021, Art. 7(1)(b))**

As for the United Nations, through its mission in Iraq, it praised the Law on Yazidi Survivors in Iraq. The UN Mission issued a statement describing the law as a milestone for those who were subjected to persecution, noting that the law allowed more than 1,600 survivors to receive monthly compensations. However, the statement also emphasized the need to exert further efforts to ensure the provision of services to the survivors. **(United Nations, 2024)**

Since the outset, the United Nations has worked with the Iraqi government and legislative authorities on the necessity of enacting the law concerning survivors, in order to provide them with a minimum level of protection due to the severe physical and sexual violence they endured. The UN Mission in Iraq emphasized that the law should guarantee the minimum rights required for these survivors, assisted in drafting the legislation, and facilitated its publication in the Official Gazette.

4. The Law on the Prevention of Torture and Enforced Disappearance

As previously noted in our research, this law has been discussed before. Despite its significance and the insistence of the United Nations Mission, Iraq, under its Constitution, has ratified the International Convention against Enforced Disappearance and Torture. The Committee on Enforced Disappearances urged Iraq to take urgent and swift measures to incorporate the law into the legislation approved by the Council of Representatives. The Committee also expressed several observations regarding the law, including the absence of a definition for enforced disappearance as a distinct crime in Iraqi national legislation, and highlighted the difficulty of obtaining data clarifying the number of individuals subjected to this crime. **(Committee on Enforced Disappearances, n.d.)**

The Law on Enforced Disappearance has yet to come into effect, despite the support of the United Nations through its mission in Iraq, which emphasized the need to amend

the draft law to align with international law and Iraq's international obligations under the Convention. Following sustained efforts by the UN, including continuous meetings with governmental and legislative authorities to address gaps in national legislation, the government submitted the draft to the Council of Representatives in 2023. However, it was not included among the laws scheduled for voting and was returned to the Iraqi government for further amendments. The draft was then resubmitted to the Council in 2025 and placed on the agenda, but it has still not been voted upon.

5. The Law on Human Trafficking

Iraq ratified the Protocol to Prevent, Suppress, and Punish Trafficking in Persons. Subsequently, Iraq took additional steps to strengthen national legislation in line with its international obligations. The United Nations, through its mission in Iraq, emphasized the necessity of enacting a law to prevent human trafficking, particularly as Iraq had become a vulnerable environment due to the political, social, and economic instability following the fall of the previous regime and the subsequent ISIS invasion in 2014, which targeted and oppressed Iraqi minorities. Successive Iraqi governments sought to comply with international standards and UN guidelines. Accordingly, the Human Trafficking Law, numbered 28 of 2018, was enacted. The law defines human trafficking as “the recruitment, transportation, harboring, or receipt of persons through threat or use of force, coercion, abduction, fraud, deception, abuse of power, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another, with the purpose of selling or exploiting them in prostitution, sexual exploitation, forced labor, slavery, begging, organ trafficking, or for purposes of human experimentation.” (**Human Trafficking Law No. 28 of 2018, art. 1(1)**)

Through the above-mentioned law, which defined the responsible authorities for combating human trafficking, a permanent committee was established within the Ministry of Interior, known as the Central Committee for Combating Human Trafficking. This committee was assigned several objectives, including, but not limited to, the

development of plans and programs to combat human trafficking, providing recommendations in this regard, preparing reports related to human trafficking in accordance with relevant international conventions, and submitting them to the competent authorities. (**Human Trafficking Law No. 28 of 2018, arts. 2–3**)

1. The above-mentioned law also prescribes a range of penalties for perpetrators of human trafficking crimes, including temporary imprisonment and a fine of no less than five million Iraqi dinars. It further stipulates life imprisonment and a fine of no less than ten million dinars if the crime is committed under threat, extortion, fraudulent methods, or by offering financial inducements. Moreover, the Iraqi legislator intensified the penalties to life imprisonment and a fine of no less than fifteen million dinars if the victim is under the age of eighteen, a female, a person with a disability, or if the crime is committed by a criminal organization. **Iraq. (2021). Law on Anti-Family Violence (Draft/Official legislative proposals referenced in UN reports).**

Section Two: The Role of the United Nations in Harmonizing Iraqi Laws with Human Rights

Regarding the United Nations mission and its assistance to Iraq in this regard, after the enactment of the laws, it continued to urge the government to address legislative gaps and to work diligently toward the implementation of the law. The United Nations also provided technical and training support to ministries concerned with human rights, such as the Ministry of Justice and the Supreme Judicial Council, aiming to enhance the capacities of human resources in the field of human rights. Furthermore, UN legal experts offered legal support and advice regarding Iraqi legislation, emphasizing the inclusion of fundamental human rights principles. The United Nations also promoted partnerships with Iraqi institutions, particularly the High Commission for Human Rights. (**Human Rights in Iraq, 2021**)

In a statement issued by the United Nations Mission, it was emphasized that, although Iraq is experiencing a period of relative security, its territory remains vulnerable, particularly in the area of human trafficking. The majority of victims of this crime are women and children, and perpetrators exploit social media platforms and the dark web to reach their victims in order to conceal their activities and evade capture. While significant efforts have been made in Iraq to combat human trafficking, the path ahead remains long, and gaps in protection and prevention must be addressed. In 2022, to support Iraq, the International Organization for Migration and the United Nations Office on Drugs and Crime established a task force to combat human trafficking. The United Nations Mission in Iraq called for the strengthening of Law No. 28 of 2018 to ensure the following:

1. Providing shelter unconditionally for victims of human trafficking.
2. Ensuring that criminalization does not occur under other laws, such as residency or prostitution laws.
3. Enhancing governmental mechanisms and institutional efforts to more effectively identify potential cases of human trafficking.
4. Analyzing the factors contributing to child trafficking in order to fully understand and address these cases. (**United Nations Mission in Iraq [UNAMI], 2024**)

Thus, the United Nations’ vision in Iraq played a significant role in legislating laws, addressing legal gaps, and persistently advocating for the enactment of human rights-related legislation, including those mentioned above. However, the reality in Iraq—whether human rights laws are enacted or not—has not yielded sufficient results due to the high number of cases, and the country continues to face instability arising from fragile security conditions. This instability has affected the proper implementation of these laws, sometimes further complicated by political interference. The following table summarizes the laws supported by the United Nations:

Official Academic English Translation:

Law	Year	UN Role / Support
Family Violence Law	2019–2021	Supported legislation and provided recommendations
Law on Supporting Yazidi Survivors	2022	Legal recommendations and legislative support
Anti-Torture and Enforced Disappearance Law	2022	Issued statements and recommendations; not yet enacted
Human Trafficking Law	2015–2018	Provided support and recommendations; law enacted
Amendment to Personal Status Law	2025	Advocated for amendments

Table. Prepared by the researcher.

Chapter Two: The Role of the United Nations in Supporting Iraqi National Institutions Concerned with Human Rights

After clarifying in the previous sections of our study the role of the United Nations regarding human rights obligations, including the support provided by UNAMI in Iraq for laws and legislation, it is natural that such support aligns with Iraq’s international commitments under the treaties it has ratified, obligating the country to enact legislation consistent with those international obligations, as well as with the Iraqi Constitution.

Accordingly, the UN mission played a role in this process; however, that role was limited to providing advice, assistance, and observations on laws and legislation related to human rights in Iraq.

The circumstances that Iraq has endured, as previously discussed, placed the country in a severe economic, political, social, and security crisis, which clearly affected societal conditions and contributed to the disintegration of Iraqi society due to sectarianism and the American occupation. Therefore, UN support to Iraq focused mainly on offering recommendations and legal advice. Nevertheless, Iraq had an actual need for institutional support and capacity-building, particularly for institutions related to human rights.

The ongoing UN support for these institutions, despite limited observable progress, cannot negate its impact in certain areas, as reflected in its continuous reports on the aspects it supports. In this section, we will outline the most significant Iraqi institutions that have benefited from UN support, focusing on their development, cooperation, and the provision of guidance and advice.

Section One: Capacity-Building of the High Commission for Human Rights in Iraq

Before delving into the contributions of the United Nations in Iraq through its mission in supporting the High Commission for Human Rights, it is necessary to clarify the formation of the Commission. The High Commission for Human Rights in Iraq was established pursuant to Law No. 53 of 2008. The law outlines the mechanism for its formation; according to Article 7, the Council of Representatives is responsible for forming a committee of experts not exceeding fifteen members. This committee includes representatives from the Council of Representatives, the Council of Ministers, the Supreme Judicial Council, and certain civil society organizations. The same article permits the inclusion of the United Nations Office in Iraq as an observer member, who may provide advice but does not have voting rights. The law also specifies that the High Commission shall consist of eleven principal members and three alternates, with a mandated quota for female representation. (Abdullah & Adnan, 2022, pp. 204–205)

1. Monitoring, supervision, and oversight of the Commission.
2. Reviewing human rights conditions and preparing related reports.
3. Adopting decisions and recommendations necessary to prevent violations of human rights and public freedoms.
4. Preparing an annual report for the Council of Representatives, detailing the achievements of the Board of Commissioners.
5. Coordinating and collaborating with civil society organizations active in the field of human rights.
6. Promoting and disseminating a culture of human rights. (Abdullah, 2022, pp. 204–205)

The High Commission for Human Rights in Iraq also maintains close relations with other Iraqi state institutions to establish a foundation of cooperation and mutual understanding. It has engaged with the three branches of government—legislative, executive, and judicial—to foster openness and collaboration in the field of human rights. Additionally, it has reached out to non-governmental entities, including civil society organizations involved in human rights, to ensure the proper fulfillment of its duties and to secure support for the protection of human rights.

Through this framework, the Commission is able to operate, cooperate, and secure funding to carry out its mandated tasks in the field of human rights, in accordance with the provisions of its establishing law. Given Iraq's urgent need for such critical institutions—particularly in light of the events the country has experienced during various periods, including 2014 and 2022—it was essential for every institution working in the field of human rights, especially in a country that has endured devastating wars, to receive international support, particularly in matters related to human rights.

Regarding the support provided by the United Nations Assistance Mission for Iraq (UNAMI) to the Independent High Commission for Human Rights in Iraq, the Mission initiated training for the Commission's staff. UNAMI assisted by organizing courses on the preparation of human rights reports, including guidance on report drafting, the role of these reports in establishing monitoring mechanisms for human rights in Iraq, and the practical and methodological approaches for collecting and verifying information. The training also addressed quality monitoring and included practical exercises for participants to apply the information and engage in discussions. The supporting courses offered practical insights into the work of the Independent High Commission for Human Rights and the challenges it faces. According to UNAMI, this training contributed to achieving Sustainable Development Goal (SDG) 16 in Iraq, aimed at promoting peaceful and inclusive societies, ensuring access to justice, and building accountable and effective institutions. **(United Nations Assistance Mission for Iraq [UNAMI], 2024)**

The United Nations Assistance Mission for Iraq (UNAMI) did not limit its role to support and training; it also provided guidance, technical assistance, and advisory services to the Independent High Commission for Human Rights in Iraq. This support contributed to facilitating the Commission's work and mitigating operational challenges. Additionally, the Mission promoted awareness regarding the importance of the Commission's independence and financial sustainability. **(Al-Aidi, 2023, p. 16)**

Section Two: Supporting Judicial and Executive Institutions in Aligning with International Standards

After outlining the support provided by the United Nations to Iraq in relation to certain institutions concerned with human rights, it is evident that the Organization has also played

a role with other institutions through which the promotion of human rights within Iraq can be further advanced. These institutions maintain direct engagement with the Iraqi individual, the most significant of which are the judicial and executive bodies. It must be emphasized, however, that the support extended by the United Nations through its mission in Iraq must rest on a legal basis, as previously noted with reference to the legal frameworks governing the work of the United Nations Mission in Iraq. Nevertheless, given the judiciary's importance as a fundamental institution, the question arises as to how cooperation and support between it and the United Nations Mission may be established and developed.

First: The Legal Basis for Cooperation between the Judiciary and the United Nations Mission in Iraq

The judiciary has held significant importance and effectiveness across various fields in safeguarding human rights and ensuring their development in a manner consistent with the realities of life, as well as in providing protection for those rights. Such protection, whether in the civil sphere through its legislative framework or in the criminal sphere, remains essential. In the civil context, the protection of the individual and his private rights is particularly emphasized. In Iraq, the Civil Code No. (40) of 1951 addresses these matters under the title 'Property and Rights' in its second section, wherein provisions are dedicated to safeguarding aspects closely connected with human life. Article 65 of the Code defines 'property' as 'any right that has a material value. **(Article 65, Iraqi Civil Code No. 40 of 1951)**In the second book of the aforementioned Code, under the section concerning unlawful acts committed against the person, Article 202 stipulates that: 'Any harmful act against the person, whether killing, wounding, beating, or any other form of harm, shall render the perpetrator liable for compensation to the injured party. **(Article 202, Iraqi Civil Code No. 40 of 1951)**

One of the most significant aspects of protecting the individual is safeguarding his life and physical integrity, which constitutes one of his fundamental rights. Such protection is ensured by the judiciary through the criminal law framework. The core function of criminal law is to safeguard human rights, both through substantive criminal law (the Penal Code) and procedural criminal law (the Code of Criminal Procedure). The latter, in particular, has a profound impact on most aspects of an individual's life. **(Bodro, 2022)**

Since Iraq has ratified numerous human rights-related treaties, it has incorporated parts of some of these treaties into its domestic legislation. However, Iraq has entered reservations on certain provisions of many treaties, indicating that while it endorses some provisions, it withholds others—primarily those it perceives as potentially conflicting with its domestic laws. There are diverse opinions regarding the hierarchy between international law and domestic law, particularly

when international law is derived from treaties. Constitutions established in 1919, often described as subordinate to international law, adopted the principle of domestic law's subordination to international law, yet without establishing a clear hierarchy among legal norms. Some constitutions have mandated the incorporation of international law and its rules into domestic law, imposing this obligation on the legislature. Others, however, have explicitly affirmed the supremacy of international law over domestic law, as is the case with the Constitution of the Federal Republic of Germany of 1948. **(Rassou, 1987, pp. 26–27)** In Iraq, and in order to ensure the independence of the national judiciary, the constitutions—such as the Constitution of Iraq of 2005—stipulate in Article 19, Paragraph 1: 'The judiciary is independent; no authority may interfere with it except as provided by law. **(Article 19, Constitution of the Republic of Iraq, 2005)**

From this perspective, supporting institutions in Iraq—without interfering in the country's internal politics—relies on the Constitution of Iraq and the alignment of its institutions with international law, provided that such alignment does not infringe upon these institutions, including the judiciary. On this basis, the United Nations and its mission in Iraq cannot intervene in the judicial institution; rather, they work alongside it to ensure the protection of human rights in Iraq.

Second: Cooperation between the Iraqi Judiciary and the United Nations Mission

In this context, the United Nations, through its mission in Iraq, has sought to support the judicial institution. We will refer to the most recent reports issued by the United Nations Mission in Iraq concerning the Iraqi judiciary. This report covers the period from 2023 to 2025 and analyzes approximately 170 cases in the Central Criminal Court, which specializes in corruption-related cases, in addition to over 80 cases in criminal and misdemeanor courts and the rulings issued therein. From this analysis, the report reached several key findings, including:

1. An increase in the number of trials involving senior state officials, reflecting a strict approach to combating corruption
2. The high number of convictions indicates a thorough examination of these cases.
3. The decrease in the number of cases returned for further investigation reflects improvements in investigative methods.
4. A deeper analysis of corruption patterns indicates that corruption cases are concentrated in Baghdad and in key sectors such as finance, industry, and municipalities. The report also addressed judicial authorities, summarizing what it termed 'beyond the verdicts,' noting that court judgments alone are insufficient unless there is progress in electronic case management systems to ensure the preservation of evidence, the integrity of investigations, and, ultimately, justice in rulings. Regarding the Supreme Judicial Council and the role of the United Nations through its development program on anti-corruption, the report commended the judiciary's efforts in this direction while also emphasizing the importance of electronic systems and their role in the judicial process. **(United Nations Development Programme [UNDP], 2025)**

However, the approach of the United Nations in Iraq—whether in combating corruption in connection with the human rights of defendants or in encouraging the Iraqi judiciary to

implement electronic systems to achieve justice—reveals that the judicial apparatus still requires significant development, free from political interference, as it is frequently accused in this regard. Moreover, the judiciary needs full independence and must refrain from engaging in political matters or issuing decisions influenced by political pressures. This indicates that while the Iraqi judiciary is progressing, it does so at a slow pace. Additionally, judicial personnel, including judges and staff, have not participated sufficiently in training workshops, particularly international ones, to stay abreast of advancements in electronic judiciary systems. The continued reliance on primitive paper-based methods delays the resolution of cases. Furthermore, the above-mentioned United Nations report which focused solely on the Central Criminal Court, presents a somewhat misleading picture, as many of its findings, especially regarding progress in case resolution, are inaccurate. The report was based on a limited sample of cases and did not target the majority of courts, investigations, or investigative procedures. Moreover, courts continue to suffer from human resource constraints and a high caseload due to the shortage of staff and judges, a factor not addressed in the report.

Third: The Executive Authority in Iraq and the Role of the United Nations Mission

On the other hand, given the importance of the executive authority in Iraq as one of the three branches of government, we will first outline this authority and its constitutional status, and then highlight the support provided to it by the United Nations in Iraq. A brief overview of the executive authority in Iraq shows that the first Iraqi constitution, known as the Basic Law of 1925, divided powers into three branches: legislative, executive, and judicial, under a hereditary monarchy. This system continued until 1958, after which the constitutions during this period were provisional, extending up to 2003. The significance of constitutions in the lives of nations is indisputable, and since legal systems are generally hierarchical, the constitution occupies the highest position. Accordingly, all laws and regulations, when enacted, must comply with the constitution. **(Nouji, 2014, p. 91)** It should be noted that, until 1970, the transfer of power in Iraq under its constitutions occurred primarily through revolutions and coups. This system remained in place until the changes that took place in Iraq after 2003. The period of occupation in Iraq was politically, economically, and socially extremely burdensome for the country, its sovereignty, and its people. It is considered one of the most challenging transitional periods, during which Iraq's civil, security, and military institutions collapsed entirely, and social divisions, sectarianism, and discrimination emerged as a result of the American occupation. **(Hussein, 2022, p. 577)**

Subsequently, the Constitution of Iraq was enacted, establishing the constitutional foundations for the three branches of government in Iraq, including the executive authority, for the first time. Prior to this, Iraq had a republican form of government with provisional constitutions, and the Iraqi people lacked the ability to choose the government or its officials. Naturally, these constitutional foundations are closely linked to the protection of Iraqi human rights, which had been systematically violated during the oppressive years of the former regime.

Thus, the constitutional framework plays a crucial role in aligning with international law and ensuring the separation of powers. Although the Iraqi Constitution of 2005 does not explicitly define the nature of the political system, its drafters indicated that this system could prevent tyranny and oppression. Executive powers are concentrated in the executive branch, while the head of state has a symbolic role. The parliamentary system is based on a dual structure of authority, combining the presidency and the executive branch, along with mechanisms for cooperation and oversight, through which either the government or the parliament may be held accountable. **(Al-Shukri, 2010, pp. 10–12)**

The Iraqi Constitution organizes the three branches of government, and Article 47 explicitly addresses the principle of separation of powers, stating: 'The federal authority shall consist of the legislative, executive, and judicial branches, each exercising its competencies and duties based on the principle of separation of powers. **(Article 47, Constitution of the Republic of Iraq, 2005)**

The question that arises is whether this holds significance for the life of the Iraqi individual. The answer is affirmative, as it ultimately leads to the protection of individual freedoms and rights, and ensures oversight of these authorities, particularly the executive and legislative branches. The judiciary cannot be interfered with, but cooperation exists solely in the realm of laws and legislation. Consequently, it is inconceivable to envisage the protection of individual rights without such a framework.

The protection of individual rights and freedoms cannot be ensured without the separation of powers. Particularly, if authority is concentrated in the hands of a single individual or body, there is a risk that such individual or body may enact laws characterized by injustice and arbitrariness in their implementation, or that the executive branch may pass laws or regulations granting itself excessive powers. The same concern applies to the judiciary. **(Al-Haleem, 2022, pp. 64–65)**

Consequently, the executive authority, empowered by the Constitution to manage the affairs of the country, operates in close connection with human rights and must comply with international laws in this regard, ensuring the provision of basic necessities for its citizens while safeguarding them from persecution and discrimination based on color, ethnicity, or sect. Regarding the role of the United Nations Mission in Iraq in supporting Iraqi institutions, the UN has been essential due to the conflict with the terrorist organization ISIS since 2014, which caused extensive destruction to Iraq's infrastructure.

This left successive Iraqi governments, represented by the executive authority, in urgent need of international assistance. ISIS targeted not only Iraqi individuals but also everything built by them or serving their communities. The terrorist ideology of ISIS is reactionary, self-centered, racist, and sectarian, supported by external agendas that sustain this ideology across different groups, all aiming at killing, displacement, and destruction. The year 2014 was extraordinary for Iraqis, as the ISIS attack resulted in mass atrocities, the displacement of millions from their homes, and the destruction of houses and infrastructure. The displacement crisis posed the greatest challenge to successive Iraqi governments; in 2014 alone, over six million Iraqis were displaced. Displacement continued through 2015, 2016, and 2017, until Iraqi forces ultimately defeated ISIS. According to

the International Organization for Migration, through its Iraq office, the displacement process was divided into seven distinct phases. **(International Organization for Migration [IOM], 2018)**

As previously noted, the displacement process was one of the most significant challenges faced by the executive authority. This challenge was compounded by the destruction and devastation of infrastructure, placing the executive branch in a position where it had to provide not only the basic necessities for the displaced but also additional services to meet their needs. Furthermore, the displacement crisis did not cease, as highlighted by the International Organization for Migration's report on Iraq; it continued alongside internal and external obstacles. In 2018, the executive authority faced difficulties due to the lingering effects of the war against ISIS and the financial demands of the conflict, which depleted state resources, limiting the government's ability to do more than pay employees' salaries amid rising market prices. In 2019, the situation remained largely unchanged, as Iraq experienced a series of financial crises coupled with ongoing challenges related to displacement.

The electricity crisis significantly affected the Iraqi population, provoking unprecedented public protests across the country from 2020 to 2022. Consequently, the executive authority in Iraq required international assistance through the United Nations Mission in Iraq. Among the programs provided by the UN mission office to address this issue was the reconstruction of vital infrastructure, including 3,600 development projects that improved the lives of over eight million people across Iraq and facilitated the return of more than four million displaced persons.

The United Nations Development Programme (UNDP) contributed to rebuilding infrastructure such as schools, healthcare systems, and the electricity network. Another key aspect of these programs was the creation of employment opportunities to restore Iraq's fragile economy, support vulnerable groups including women, promote peace and governance, and contribute to environmental sustainability. Regarding the reconstruction of areas liberated from ISIS, a total of 1.5 billion USD was allocated with the participation of multiple countries, coordinated through the United Nations Mission in Iraq. **(United Nations Development Programme [UNDP], 2025)**

In reality, however, this international support has not been sufficient, as Iraq still requires comprehensive development across all sectors of life. The country continues to face challenges at multiple levels that hinder growth, foremost among them administrative, financial, and political corruption, which the United Nations, through its mission in Iraq, has sought to highlight and draw the executive authority's attention to for urgent remediation.

In our view, the process of national development requires fundamental solutions while simultaneously necessitating swift decision-making. Naturally, such decisions carry a political dimension to ensure the continuity of development initiatives. The question arises, however: does the political aspect of development inherently contain contradictions? We argue that it does. This contradiction is intrinsic, as initiating development cannot occur without rapid and immediate actions, yet it cannot rely solely on consultations and political participation. **(Safo, 2007, p. 100)**

Iraq, as one of the countries that has experienced extremely difficult conditions in the Arab region due to ill-considered policies by successive governments, has seen these policies exert a clear

negative impact on the national landscape, creating fertile ground for corruption within state institutions. Policies tied to the political decision-making of the country ultimately led Iraq through periods of war and sanctions, leaving Iraqi society increasingly impoverished. Across social strata, there was a pronounced economic decline, leaving only a single dominant class during the economic sanctions period. Even the educated class, which should have led intellectual and student initiatives, was compelled to rely on alternative employment merely to secure basic sustenance.

As a result, Iraq, in its entirety of institutions, became incapable of confronting administrative and financial corruption, while the regime focused on the military institution, which drained the state budget despite the sanctions imposed on the country. **(Ahmed, 2012, p. 27)**

But what did these conditions, through which Iraq has passed, ultimately lead to? Naturally, when a country experiences a difficult period and political, social, and cultural will align genuinely, strategic plans can be designed to combat corruption. Unfortunately, in Iraq, this will was absent. The reason is political: the former regime, prior to 2003, continued to deprive the Iraqi people of basic needs, and there was no genuine political will other than the desire to cling to power. **(Al-Najafi, 2006, p. 33)**

After the occupation, conditions in Iraq further deteriorated, as all state institutions were destroyed, compelling the Iraqi people to attempt rebuilding them. However, political obstacles formed the main barrier to this reconstruction, intertwined with political corruption. The American occupation, in particular, created an unprecedented environment that facilitated corruption in Iraq. Consequently, the anti-corruption framework was weak, encompassing both institutional effectiveness and legal procedural measures, as well as efficient administration. The political situation in Iraq became characterized by religious, sectarian, and ethnic exclusivity, compounded by the emergence of parties that had historically represented political, economic, and social authoritarianism. **(Al-Azzami, 2025)**

Based on the conditions that Iraq has experienced and the weakness of its key institutions, particularly the judicial and executive branches, living conditions became extremely difficult. In this context, the United Nations, through its mission in Iraq, monitored numerous violations, beginning, as previously mentioned, with the occupation of large areas of Iraq by ISIS in 2014. The subsequent years saw growing calls for the revival of Iraq; however, restrictions on freedom of opinion and expression—fundamental human rights for the Iraqi people—persisted.

In 2015, widespread protests erupted due to deteriorating conditions, prompting the Iraqi government to reduce the salaries of ministers and high-ranking officials and to downsize the government from 33 ministries to 22 in an effort to appease public discontent. That same year witnessed deadly attacks by ISIS, resulting in the deaths of hundreds of Iraqis and security

personnel. As in 2014 and 2015, mass displacements occurred due to military operations against ISIS in the governorates of Nineveh and Salah al-Din. Displaced persons endured severe hardships both during displacement and upon returning to their homes, facing damages to property, retaliatory attacks, and deplorable conditions for children. Furthermore, fundamental rights such as freedom of expression, peaceful assembly, and press freedom remained under serious threat. **(Iraqi Observatory for Human Rights, 2025)**

In 2017, following the victory of Iraqi forces over ISIS, the year was still marked by significant political, economic, and social events. The Kurdistan Region announced a referendum on its independence from Iraq, and Kurdish factions attempted to seize control of Kirkuk. The Iraqi government rejected these moves, resulting in clashes between Iraqi and Kurdish forces.

Amid these conditions, protests in Iraq continued. In 2019, widespread demonstrations occurred across multiple governorates due to deteriorating economic, political, and social conditions. A United Nations report documented violations arising from these protests, noting that demonstrators were targeted by armed groups and security forces. The report also highlighted the deterioration of freedom of opinion and peaceful expression. According to the UN mission in Iraq, over 487 deaths and more than 7,716 injuries were recorded. Furthermore, the Office of the High Commissioner for Human Rights in Iraq documented the detention of over 3,000 demonstrators, including cases of arbitrary arrest and restrictions on freedom of expression, such as internet shutdowns. **(United Nations Mission in Iraq, 2020)**

Thus, the United Nations, through its mission in Iraq, has provided assistance either by leveraging the available support in reporting on Iraq and its conditions, which included alerting the Iraqi government to the necessity of safeguarding human rights—whether through addressing gaps in legislation affecting individuals' lives or by preventing violations such as arbitrary detention and restrictions on peaceful protests and expression—or through direct technical support and training for human resources working within state institutions, such as the High Commission for Human Rights in Iraq, as well as through support extended to the judicial and executive institutions.

In this chapter, we have clarified, through its discussions, the legal framework governing how the United Nations intervenes to assist Iraq, based on international legal foundations and in a manner that does not conflict with domestic laws. In the first section, we examined the legal framework for UN intervention in protecting human rights in Iraq, including the legal principles derived from the United Nations Charter and the related international obligations imposed on Iraq through international treaties.

In the second section of our study, we illustrated the role of the United Nations in supporting Iraq's legal and institutional infrastructure, which required such support due to the conditions that Iraq faced from 2014 onward and in the following years up to 2022. We addressed the UN's contributions to Iraqi legislation and laws related to human rights, as well as its support for institutions, focusing specifically on the judicial and executive branches because of their pivotal role in safeguarding human rights in Iraq and the UN's role in supporting them.

conclusion

This chapter presents the key findings regarding the United Nations' intervention in assisting Iraq, based on international legal principles and in a manner consistent with domestic laws. The first major finding highlights the legal framework governing UN involvement in the protection of human rights in Iraq. This framework is grounded in the provisions of the United Nations Charter and the international obligations imposed on Iraq through various human rights treaties, ensuring that UN actions respect the country's legal sovereignty.

The second major finding emphasizes the role of the United Nations in strengthening Iraq's legal and institutional structures, a necessity arising from the challenges Iraq faced from 2014 through 2022. The study reveals that the UN significantly contributed to Iraqi legislation and policies related to human rights and provided targeted institutional support. This support was particularly evident in the judicial and executive branches, which play a central role in safeguarding human rights. The UN's involvement in these sectors has been instrumental in enhancing institutional capacity, promoting rule of law, and ensuring the protection of individual rights across Iraq.

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