

1. Who is "human" in the concept of modern human rights?

Everybody creature ,Known as a human body and has a spirit, whether the parts are complete or not, regardless of age or gender, His or her life begins from the moment when the soul is transmitted, and still as human after death, as the body remains and has dignity against any abhorrent behavior.

2. How is carried out of the protection of a right which is not regulated in the Constitution in your legal system? What kind of balancing is done when a right uncouncted in the Constitution is conflicted with a constitutional right?

In the Iraqi legal system, there are rights ,that mentioned as general principles in the constitution. In contrast, there are rights that , mentioned in different laws and organized in the form of special laws. Therefore, there are two levels in the Iraqi legal system, the first one is [legi generali](#). While the second is [lex speciales](#), and when the contradiction between them or when there is a gap in a right not regulated by the Constitution or a special law, in this case the Federal Supreme Court is the interpretation body, to determine according to the jurisprudence of the agreed solution to determine the rights not organized according to the Constitution or Iraqi laws.

3. Do International Human Rights Documents applied in your country represent minimum standards that are already provided or the must-reach aims? Are there any regulations in your legal system above international human rights standards? If there are, would you please explain?

In accordance with article (15) of the Iraqi Constitution, which states: Everyone has the right to life, security and freedom. No deprivation or restriction of these rights may be made except in accordance with the law and on the basis of a decision issued by a competent judicial body. The Council of Representatives has enacted a number of laws relating to international human rights law, including:

- The Law of Ratification of the Republic of Iraq on the International Convention against the Taking of Hostages No. 26 of 2012.*
- The Law of Accession of the Republic of Iraq to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment No. 30 of 2008*

4. In your legal system, is the jurisdiction an actor itself to move forward human rights standards? If it is, would you please explain?

5. Are there values and issues in your country that are not covered by human rights documents but need to be protected under the concept of human rights? If your answer is yes, would you please explain?

One of the values that remain largely unprotected is the right to rehabilitate persons who have been issued arrest warrants and then released for lack of sufficient evidence, or those who have been sentenced.

The problem is there is no legal system that protects those whose rights have been violated, without a legal basis for detention or imprisonment without being restitution.

6. Are there such human right regulations in the legal system of your country that is protected by the constitution but contradicts social reality and justice?

The Iraqi legislation in general, organized most of the basic rights of human beings, although some of them opposed to tribal customs, but the implementation of such legislation remains the biggest challenge, for example, taking revenge on murder cases or achieving justice outside judicial institutions.

Another issue is the contradiction between the provisions of the Constitution that regulate human rights principles and laws regulating human rights, for example in article 30 of the Iraqi Constitution, which regulates human rights issues, like the provision of health insurance for disabled children, women and adults. Displaced people as well as providing them with adequate housing, while the law of Social Welfare Law No. 11 of 2014 did not cover all segments and did not specify criteria that could address the issue of the provision of human rights that must be provided to the groups mentioned in article 30 of the Constitution, which led to the law being incompatible with the principles mentioned in the article 30 Of constitution, This has also led to widespread unemployment and lack of adequate housing

7. Are there any social realities contradicting international human rights concept based on individualism?

8. In your legal system, are there legal mechanisms to protect human rights if fundamental rights are violated by private persons? Are these mechanisms effective?

By reviewing the legislative policy in Iraq, and for periods that may go back decades, We find that the Iraqi legislator has covered most of the issues that protect of basic rights of human rights, through mechanisms that allow to the victim or the victim's family to resort to the judicial process. These mechanisms are still legally effective.

However, there are obstacles, not related to the law itself, but in implementation, which arise from the culture of Iraqi society, dominated by tribal customs and traditions, and these led to limiting access to the judicial process, especially if the victim and the accused of committing the violation of basic human rights are from the same family or tribe, as this violation is usually settled by waiving or satisfaction of the the victim's right voluntarily or coercively, all these settlements are carried out without recourse to the competent courts.

Another reason is the lack of adequate awareness of legal culture, and these facts led to the provisions of the law mostly , exist in reality and are effective in substance, but not at the required level in terms of implementation.

9. Are there groups in your country who have their own national, ethnical, religious and linguistic identities? Could you please give some information about them (especially if you feel yourself one of them)?

Yes, there are groups in my country who have their own national, ethnical, religious and linguistic identities, the Iraqi Constitution, groups that have distinctive characteristics in language, nationality and religion are mentioned In article 125 of Constitution stated: This Constitution guarantees the administrative, political, cultural and educational rights of various nationalities such as Turkmen, Chaldeans, Assyrians and other components, This is regulated by law.

10. What is the definition of the notion “minority” according to your constitutional system? What is your opinion on this concept? Do you think that minority rights should be protected broadly by the constitutional level? Do you think that constitutional regulations that would broaden the rights of minorities will solve the conflicts between majorities and minorities?

The Constitution of Iraq does not define the term minority, but rather it is mentioned in general as one of the components of the Iraqi community, which the Constitution guaranteed to protect it in accordance with the law. I think it is better to protect the minorities, and stated in the constitution to prevent marginalization or exclusion, The mention of minorities in the constitution would prevent ethnic or national conflict and would lead to the peaceful coexistence of the Iraqi people.

11. What do you think on the notion and the concept of minority rights in international law? Could the international regulations/treatments be a response to the reality and problems of the

peoples in your country? In other words, do they cover the reality in your country from the view of the state and the view of peoples?

I think that each minority in the world ,has different characteristics than the other. In same regard the International law cannot regulate them in a realistic way. Yes, the international law can restrict criteria for defining the minority and classify levels of protection, as well as international mechanisms that can consider abuses that may be curtailed.

12. What you think is the most current human rights problem in your country?

I think, that the current Iraqi constitution is one of the best constitutions in the region, but many of its provisions are still not drafted by law, as well as the most important issue is that most rights, especially living in dignity and providing basic services for human being , either not available or not commensurate with international standards of living in safety and dignity, in particular in health, education and service sectors.