

Status of the RULE OF LAW IN IRAQ and KRI

Investigator Organization for Supporting the Rule of Law and Democracy

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Overview

This issue provides a concise overview of the main rule of law developments in both Iraq and the Kurdistan Region of Iraq (KRI) during the first quarter of 2026. The newsletter highlights several key themes, including the launch of the (2025-2029) National Strategy to Strengthen the Rule of Law, the formation of the Maff as a new organizational network for civil society, Iraq's ongoing absence from the World Justice Project Rule of Law Index, and the continued constitutional challenges surrounding elections and government formation in the KRI and at the federal level. Together, these developments show the complex institutional landscape in which justice sector reforms are unfolding and underline the importance of coordinated national efforts to enhance legal frameworks, improve institutional performance, and strengthen the rule of law across the country.

National Strategy to Strengthen the Rule of Law (2025-2029)

The National Strategy to Strengthen the Rule of Law and Promote Justice (2025-2029) was officially launched in Baghdad on 2 July 2025, under the patronage of Prime Minister Mohammed Shia' Al Sudani. The event brought together more than 300 participants, including: Federal Minister of Justice Dr. Khaled Shwani, Federal Minister of Interior, the National Security Advisor, members of the Council of Representatives (CoR), representatives from the Supreme Judicial Council (SJC), the KRG Deputy to the Ministry of Justice, and other high-ranking officials at the Federal and KRI levels. The launch underscored a broad national consensus around advancing rule of law and positioned the strategy as a long term, foundational framework for strengthening justice institutions across Iraq and the Kurdistan Region - Iraq (KRI). The strategic process formally began with the issuance of the Council of Ministers' Administrative Order No. 70 on 10 October 2024, which mandated the creation of national team to lead the development of a unified rule of law strategy. To build on this mandate, the IOL, in cooperation with the Iraqi Ministry of Justice and with the support of international experts and Norwegian People's Aid (NPA), drafted the full national strategy throughout 2025. Upon completion of the strategy, it was submitted to the Federal Ministry of Justice for formal approval to proceed into the operational planning phase. The strategy establishes a comprehensive five year framework includes about 58 strategic initiatives, which are distributed among 16 institutional stakeholders responsible for implementation.

These stakeholders identified in the national team composition include:

- Ministries of Justice – Federal & KRG
- General Secretariat of the Council of Ministers
- Presidency of The Council of Ministers – KRG
- Supreme Judicial Council – Federal
- Judicial Council – KRG
- Ministries of Planning – Federal & KRG
- Ministry of Defense
- Ministry of Peshmerga
- Ministries of Interior – Federal & KRG
- Ministries of Higher Education and Scientific Research – Federal & KRG
- Commission of Integrity – Federal & KRG
- National Security Advisory
- Kurdistan Region Security Council



Within the framework of the national strategy, the strategic initiatives contained therein have been translated into a main implementation plan, and during the year 2026, the (IOL) in partnership with the Ministries of Justice in the Federal and KRI, will prepare sub-implementation plans for the 16 institutions included in the strategy.

Strategy for the Rule of Law in the State of Kosovo (2021-2026)

Kosovo adopted its National Strategy for the Rule of Law 2021-2026 as a comprehensive framework to consolidate justice sector reform, institutional accountability, and public trust in the rule of law. The Strategy was developed by the Ministry of Justice and engaged a broad range of institutions, including: the Kosovo Judicial Council, Kosovo Prosecutorial Council, courts and prosecution offices, Kosovo Police, Anti Corruption Agency, Academy of Justice, Free Legal Aid Agency, Ombudsperson Institution, correctional and probation services, and the parliament of Kosovo.

Structurally, the Strategy is built around four objectives: strengthening the judiciary and prosecution, improving the criminal justice system, expanding access to justice, and reinforcing anti corruption mechanisms. Implementation of the Strategy has been supported through a mixed financing model, combining allocations from the state budget with significant international donor support, particularly from the European Union (IPA funds), alongside contributions from USAID, UNDP, and the European Union Rule of Law Mission in Kosovo (EULEX Kosovo).



According to the Ministry of Justice's annual implementation reporting, several hundred activities were planned across the Strategy's lifespan, covering legislative reform, institutional strengthening, digitalization of courts, professional training, and access to justice services. However, official data shows that implementation progress has been uneven, with many activities only partially completed or delayed due to limited institutional capacity, coordination challenges, and budgetary constraints. Independent monitoring indicates that the Strategy has not been fully implemented to date.

Assessments by the Kosovo Law Institute (KLI) highlight that while progress has been achieved in legislative planning and selected anti corruption measures, structural challenges persist in judicial efficiency, case backlog reduction, and inter institutional accountability. The findings emphasize that the effectiveness of national rule of law strategies depends not only on comprehensive design but also on sustained political commitment, realistic planning, adequate funding, and continuous oversight throughout the implementation cycle.

Maff Network: A New Organizational Network to Promote the Rule of Law, Establish Justice and Develop Democracy

The Maff Network is a newly established legally-oriented civil society network that aims to promote the rule of law, establish justice, and develop democracy across Iraq and the KRI. It was officially announced in late 2024, and the network was created as part of IOL's broader efforts to unify legal and human rights organizations working on issues of justice, accountability, and legal reform.

The network is led by the IoL consists of 10 civil society organizations specializing in the legal field, including: Mizan Center for Supporting the Rule of Law (Babylon), Al-Shara'i Center for Developing Legal and Administrative Capacities (Baghdad), Justice Center for Supporting Marginalized Groups (Salah al-Din), Women Organization for Legal Assistance (Sulaymaniyah) WOLA, Justice Organization for Minority Rights (Mosul), Justice Horizon Foundation for Legal Support (Baghdad), Baghdad Center for Legal and Economic Development (Baghdad), Legal Development Institute (Erbil), and the Association of Judicial Investigators (Baghdad).

The Network aims to monitor national indicators of the rule of law and support democracy development. The purpose of establishing Maff Network is to bring together organizations with common mandates to promote the rule of law, protect constitutional rights, and contribute to justice-sector reform across the country.

The creation of the Maff Network followed extensive coordination between IOL and its national partners. Maff is established to unify and strengthen the legal efforts nationwide, ensuring that civil society plays a structured role in supporting implementation of national legal frameworks, monitoring the application of laws, and producing regular evidence based reports assessing Iraq's progress on rule of law indicators, using methodologies aligned with international standards.

With hopes that Maff will function as a long term platform to coordinate legal reform efforts, improve legislative monitoring, and enhance awareness of legal rights among the public. 4 &5



The World Justice Project Index and Iraq's Position

The World Justice Project (WJP) publishes the global Rule of Law Index, a data driven annual report measuring how the rule of law is experienced in practice across the world. The 2025 edition includes 143 countries, making it the broadest coverage to date. The index assesses countries across eight dimensions, such as constraints on government powers, corruption, fundamental rights, order and security, civil justice, and criminal justice.

Despite wide coverage, Iraq is not included in any WJP Rule of Law Index. In contrast, countries ranked among the lowest globally include Venezuela (0.26), Afghanistan (0.31), Cambodia (0.31), Haiti (0.32), and Nicaragua (0.33). At the top of the index, Denmark (0.90), Norway (0.89), Finland (0.87), Sweden (0.85), and New Zealand (0.83) represent the highest performing rule of law systems worldwide.

Within the Middle East and North Africa (MENA) region, the United Arab Emirates (0.64), Kuwait (0.58), Jordan (0.55), Tunisia (0.49), and Morocco (0.49) are among the higher ranked countries, while the lowest ranked MENA countries include Sudan (0.34), Egypt (0.35), Iran (0.38), Lebanon (0.44), and Morocco (0.48).

This absence leaves Iraq without a global benchmark to compare its justice-sector performance.⁶

WJP explains that some countries are not included because they require large-scale citizens opinion poll, legal expert assessments, and consistent, independently verifiable institutional data. Inclusion depends on whether such data can be reliably collected across the country. If these conditions are not met, WJP cannot generate a score.

To become part of the next WJP Rule of Law Index, Iraq must undertake several key steps to meet the technical and methodological requirements established by WJP.

IOL, in partnership with NPA, has strengthened its ongoing collaboration with the WJP to support Iraq's preparations for future inclusion in the WJP Rule of Law Index. On 30 March 2026, IOL held a two hour online coordination meeting with WJP to prepare for the workshop scheduled for 21 April 2026.

The discussion focuses on Iraq's potential inclusion in the Index, covering its methodologies, policies, data requirements, and the institutional capacities needed for participation. Iraq's inclusion in the Index is also emphasized in the National Strategy for Strengthening the Rule of Law (2025–2029), reaffirming the government's commitment to adopting international measurement frameworks.

The workshop will bring together representatives of key entities from the Federal Government and KRG, including representatives from the Federal Ministry of Foreign Affairs, the Federal Ministry of Justice, the KRG Ministry of Justice, the Supreme Judicial Council, the KRI Judicial Council, and representatives of the Legal and Foreign Committees in CoR. The mechanism for including Iraq in the International Rule of Law Index will be proposed by representatives of the WJP Global Justice Program.



KRI Election and Absence of Constitution

The KRI's parliamentary election was held on 20 October 2024, and for the first time, the election was held under the supervision of the Independent High Electoral Commission of Iraq (IHEC). Since then, nearly a year and a half later, a government has still not been formed, and the winning parties have not reached a political agreement to form the government.

Many believe that the absence of a constitution in the KRI is one of the reasons and dilemmas that have been leading to delays in holding elections and hindering efforts to form a government in the absence of constitutional deadlines.

The previous cabinets and parliament in KRI have worked to draft a constitution that outlines the three authorities' functions and the form of the government, but these efforts have not been successful yet.



Although the Iraqi constitution stipulated in Article 120 that regions should have their own constitution within the framework of the Iraqi constitution, after 21 years, the KRI lacks a permanent constitution that preserves the KRI and its federal system. Accordingly, it has not been possible to establish a constitutional judiciary and create the first constitutional court in the KRI.

Many people believe that one of the most important priorities of the KRI's parliament, presidency, and upcoming tenth cabinet is to draft the constitution and hold a referendum on it during this electoral term so that we enter the fourth decade with the Region having a constitution that protects public and private freedoms, strengthens the independence of the judiciary, and establishes that the citizens are the source of all powers.

Justice Rapid Response: Global Trends and Iraq Context

Justice Rapid Response (JRR) is a global operational mechanism that provides rapidly deployable, highly specialized justice and human rights experts who can be leveraged to support investigations and accountability processes for international crimes and serious human rights violations.

JRR Annual Report 2025 highlights a global justice system operating under increasing pressure, where accountability for international crimes and human rights violations remains a central challenge. The report emphasizes that the global rule of law framework is facing growing resistance and political pressure, yet international justice actors continue to strengthen resilience through partnerships, expert deployments, and victim-centred accountability mechanisms.

In 2025, JRR completed 115 expert deployments across nearly 20 country contexts, supporting international courts, national authorities, and civil society organizations to improve justice processes and enhance access to accountability for victims and survivors.

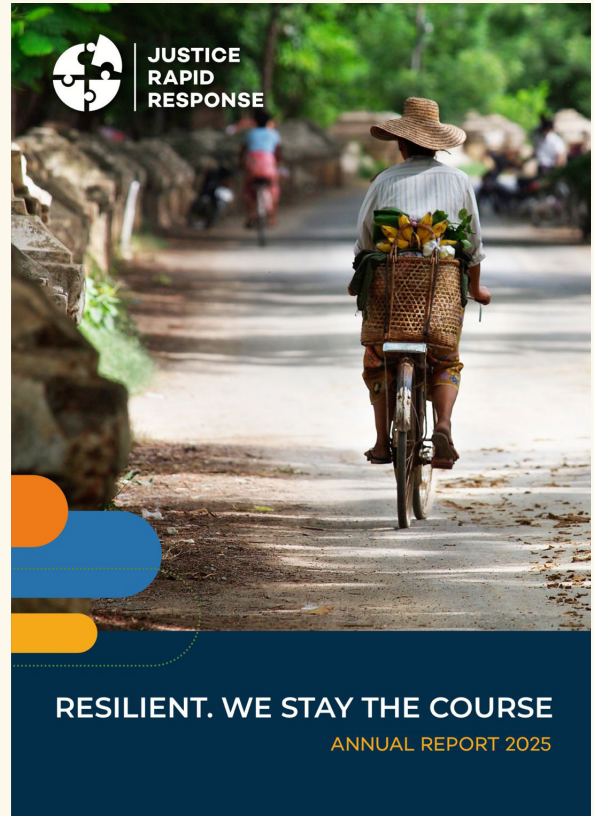
Globally, key justice indicators show a strong focus on achieving justice and equality between men and women, victim participation, and capacity building. The report notes that 58% of beneficiaries of JRR-supported activities were women, 76% of deployed experts were female, and 740 individuals benefited from knowledge and skills transfer, reflecting an increasing emphasis on equality and justice systems between men and women.

Additionally, JRR's work covered general investigations (55 deployments), sexual violence (25), child rights (6), and civil society justice programmes (42 deployments), demonstrating global trends toward strengthening accountability for international crimes, transitional justice, and human rights protection through multidisciplinary and technology-driven approaches.

Within this global context, Iraq is positioned among the priority countries where justice and accountability support is being implemented. JRR's work has focused primarily on strengthening Iraqi civil society capacity to pursue accountability for crimes committed by ISIS, particularly genocide and crimes against humanity against the Yazidi community.

Iraq's inclusion among countries such as Ukraine, Afghanistan, Sudan, and Colombia indicates its continued relevance in global justice efforts, particularly in improving victim-centered justice, strengthening civil society engagement, and enhancing institutional capacity to address international crimes and human rights violations.

Analytically, global rule of law trends shows a shift toward local national justice processes supported by international expertise, while Iraq reflects a similar trajectory where international cooperation and institutional capacity-building remain essential. The JRR report suggests that strengthening the rule of law in Iraq requires sustained engagement, stronger coordination between justice actors, and continued support for accountability mechanisms to align with evolving global justice standards.



Reassessing the “Largest Parliamentary Bloc” After Twenty Years: Faiq Zaidan’s Official 2026 Statement

For the past two decades, Iraq has repeatedly faced the same constitutional challenge during every government formation. The core of this recurring problem lies in the interpretation of Article 76 of the 2005 Constitution, particularly the definition of the “largest parliamentary bloc.” This issue has emerged after almost every election cycle and continues to obstruct the formation of a new government today. The persistence of this constitutional ambiguity demonstrates its direct impact on political stability, democratic continuity, and the functioning of state institutions. Therefore, understanding and addressing the legal dimensions of this matter is essential for ensuring a predictable and coherent process of government formation.

The president of the Iraq Supreme Judicial Council, Judge Faiq Zidan, wrote an important article on 3 March 2026,

published on the official website of the Supreme Judicial Council. In this article, he discussed the constitutional implications of the judicial interpretation of the “Largest Bloc” and shed light on the long-standing controversy surrounding Article 76 of the Constitution, particularly in relation to the Federal Court’s interpretation of the “Bloc” following the Iraqi Council of Representatives elections in 2010. Due to the importance of the article, we decided to republish it in this newsletter. Below is Judge Zidan’s article which was published on the Supreme Judicial Council’s official website:



The Sin of Misinterpretation of The Constitution

The Constitution constitutes the supreme rule in the legal structure of the state. It determines the form of the political system, regulates the relationship between powers, and guarantees rights and freedoms. Therefore, the judicial interpretation of a constitutional text is not merely a technical process but a foundational act that affects the whole entity of the state. Hence, the sin of misinterpretation of the constitution appears as one of the most dangerous forms of judicial deviation due to its profound implications that extend beyond the limits of the dispute presented.

The sin of misinterpretation does not mean a difference of opinion or diversity in interpretive schools but rather drifting from the spirit and purposes of the constitution or loading the text with unbearable meanings by ignoring the historical and political context in which the text originated and the predominance of the circumstantial or political considerations over the established constitutional principles.

The constitutional interpretation should be governed by scientific and methodological controls; otherwise, it turns into a means of reformulating the constitution outside its legitimate mechanisms, and in some cases, a misinterpretation of the constitutional text (provisions), particularly if it aligns with interests of a specific entity (power), may be perceived as political bias, which loses trust in the independence and integrity of the constitutional judiciary.

Article 76 of the Republic of Iraq’s constitution of 2005 is one of the most controversial constitutional provisions due to its direct connection to the formation of the executive power. It stipulated that the President of the Republic shall charge the nominee of the “most numerous parliamentary bloc (Largest Parliamentary Bloc)” with the formation of the Council of Ministers within a specified period.

But a constitutional problem arose in the interpretation of this term, which was addressed by the Supreme Federal Court in its decision No. (25/Federal/2010) on 25 March 2010, which is still a subject of jurisprudential and political debate to this day (and it was one of the decisions that we previously discussed and analyzed in our doctoral thesis and our book entitled, “Constitutional Judicial Oversight of the Constitutional Boundaries Between Authorities 2019 – 2020”).

The problem revolved around defining what is meant by the “most numerous parliamentary bloc (Largest Parliamentary Bloc)”: is it the bloc that obtained the highest number of seats in the elections? Or the bloc that is formed by alliances within the Council of Representatives after the results are announced?

The court concluded that what is meant by the “Largest Parliamentary Bloc” could be the bloc that ran in the elections under a single name and obtained the largest number of seats or the bloc that is formed after the elections from two or more lists during the first session of the Council of Representatives and becomes the largest in number. This interpretation had several constitutional deficiencies, most notably the violation of the apparent meaning of the text, as the text came in a clear form without referring to subsequent alliances, which means – according to the literal reading – what is meant is the “Bloc” that actually won in the elections.

This interpretation also touches the will of the voters because it allows the formation of the largest bloc after the elections, which may lead to a change in the political results that the voters expressed in the ballot boxes, thus weakening the principle of popular legitimacy.

This will lead to political instability by opening the door to subsequent alliances and make the formation of the government subject to complex negotiations that may last for months, as it happened after the elections of 2010, 2018, 2021, and 2025, which led to repeated political crises, the latest of which we are experiencing these days and which may be repeated in the upcoming elections, as the term “Largest Bloc” has become the focus of a permanent political conflict due to a political interpretation of its impact rather than its legal formulation, and thus its interpretation was considered an unjustified expansion in understanding the constitutional text.

Thus, the court overstepped the interpretive role to the constructive role; it did not stop at interpreting the text (provision) but rather created a new constitutional basis not explicitly stated in the constitution, which constitutes an expansion of interpretative power.

This interpretation represents an example of the problematic relationship between the constitutional text and political reality. While the explanation may be justified by the flexibility of the parliamentary system, its practical results have shown negative impacts on constitutional stability and public confidence in the democratic process.

Consequently, addressing this problem requires an explicit constitutional amendment that defines what is meant by the “Largest Bloc” in a way that does not allow for interpretation in order to achieve constitutional security and preserve the will of the voters by determining what is meant by the “Largest Bloc” in a way that does not allow for interpretation by adopting the criterion of the electorally winning list.

Alternatively, the issue can be resolved by amending the Council of Representatives law to require the official registration of the largest bloc during the first session only and not allow any change to the designation of “Largest Bloc” after its establishment. Or the Federal Supreme Court could reconsider its previous interpretation and adopt a more restrictive one that links the “Largest Bloc” to the election results rather than to subsequent open-ended alliances.

