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3.8. Individuals perceived to transgress moral codes

COMMON ANALYSIS
Last update: November 2024

The analysis below is primarily based on the following EUAA COI reports and query: Country Focus 2024, 1.6, 1.6.1, 1.6.3; COI Update 2024, 3.2. Country Guidance should not be referred to as source of COI.

A wide range of individuals and/or behaviours can be considered to be transgressive of moral codes.

Some behaviours perceived to transgress moral codes can lead to honour-based violence. Tribal actors committing honour-based violence are reported to be allowed to act with impunity in Iraq. Mostly women, and to a lesser extent men, can be subjected to honour-based killings. Males may be considered to have damaged honour if they violate gender roles through dress or same-sex relationships (see 3.7. Persons with diverse SOGIESC). For the risk of women to be subjected to honour-based violence see 3.11.2. Women and girls perceived to have violated family honour .

Other behaviours perceived to transgress moral codes include supporting secular views, selling/consuming alcohol, entering in an inter-sect/inter-faith marriage, posting videos of music or comedy skits and sarcastic social commentary, dance moves deemed provocative, way of dressing, using language deemed obscene, or raising sensitive social issues such as gender-related topics.

See also 3.9. Individuals considered to have committed blasphemy and/or apostasy, including converts and atheists.

Step 1: Do the reported acts amount to persecution?

Some acts to which individuals perceived to transgress moral codes could be exposed are of such severe nature that they would amount to persecution. More specifically, in January 2023, an online platform was launched by the Iraqi government for monitoring and reporting 'indecent content' on social media and some individuals were charged and even sentenced to prison for publishing such content. The platform was blocked a few months after. In April 2024, a social media influencer was assassinated by unknown assailants in Baghdad. Attacks on liquor stores have been also reported as well as arrests of their owners, mostly belonging to minorities, following the alcohol ban. Owners have also been blackmailed by PMF.

The severity and/or repetitiveness of other acts that individuals perceived to transgress moral norms could be subjected to and whether they occur as an accumulation of various measures, should be also considered.

The term 'gender' has been banned affecting the work of academics and staff at humanitarian organisations. Additionally, Iraq's government started enforcing a 2006 law banning alcohol which prohibits the import, sale, and manufacture of all alcoholic beverages. In the KRI, the ban is not enforced, however both in Iraq and in the KRI, selling, buying and consuming alcohol is widely seen as immoral. Nevertheless, 'quite a lot of Iraqis' are said to consume alcohol and many liquor stores across Iraq are said to continue business as usual.

Stigmatisation and exclusion for people, mostly women, marrying outside their faith, has been also reported.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account **risk-impacting circumstances**, such as:

- **Moral and/or societal norm transgressed:** The nature of the specific norm transgressed and the (perceived) gravity and potential repetitiveness of such transgression could impact the risk.

- **Gender:** Women acting in a public sphere (e.g. candidates in elections, social media presence) may be at a higher risk. For example, a female social media influencer, who had become famous on TikTok for sharing videos of herself dancing to pop music, was assassinated in Baghdad in April 2024. For many people in Iraq the only acceptable jobs for women are in certain home-related sectors or government departments [Targeting 2022, 7.4; Targeting 2019, 3.5.7]

- **Home area:** It seems that in bigger cities, such as Baghdad, the risk would be lower compared to less urban areas. For example, in some neighbourhoods of Baghdad, it is possible to see some young Iraqi men and women wearing jeans and sneakers, listening to music, taking music or dance classes. These individuals are however reported to be wary

of criticism or targeting by conservative sections of society or militias. Similarly, on the banks of the Tigris River in the capital Baghdad, it is not unusual to see young people drinking alcohol. However, attacks against liquor stores have been reported. Regarding mixed marriages, generally, marriages between Sunni and Shia Muslims are reported to be common and not controversial in Iraq, especially in demographically mixed areas like Baghdad. However, in areas that experienced continued tensions between Sunnis and Shias, e.g. in Tal Afar, in the Ninewa governorate, mixed marriages among these communities may not be accepted.

- **Family, tribe and social environment:** Belonging to a more conservative environment could increase the risk of a transgression being seen as violation of moral codes. Regarding mixed marriages, in general, killings have been reported in extreme cases. Nevertheless, some minority communities, including Sabean-Mandeans and Yazidis, do not permit their members to marry outside their faith. Intolerance towards inter-sect/inter-faith marriage might also occur in circumstances when one spouse is a member of a tribe with perceived ISIL affiliation.

Furthermore, how fundamental is someone's behaviour to his/her identity or conscience should also be considered. For example, selling or drinking alcohol, as such, would not be considered as fundamental expression of one's identity.

Step 3: Is there a ground for persecution?

Available information indicates that for this profile, the individual circumstances of the applicant need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated.

In the case of persons transgressing moral codes, where a well-founded fear of persecution is substantiated, this may be for reasons of membership of a particular social group. Such individuals may be perceived as being different by the surrounding society because of their common background which cannot be changed (perceived past behaviour) and/or a shared characteristic or belief that is so fundamental to identity or conscience that they should not be forced to renounce it (opposition to cultural, social or religious norms and the unwillingness to comply with them).

In the cases of inter-sect/inter-faith marriages, as well as in individual cases of persons targeted by Shia militias for other perceived religious transgressions, where a well-founded fear of persecution is substantiated, this may be for reasons of religion and/or race.

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