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

COMMON ANALYSIS
Last update: November 2024

This profile refers to persons who are considered to have abandoned or renounced the religious belief or principles of Islam (apostates), individuals who have converted from Islam to a new faith, mainly Christianity (converts), those who disbelieve or lack belief in the existence of god or gods (atheists), as well as persons considered to have shown contempt for god, Islam and/or religious figures (blasphemers).

The analysis below is based on the following EUAA COI reports: Country Focus 2024, 1.6.2; Arab Tribes 2023, 4.5; Targeting 2022. Country Guidance should not be referred to as source of COI.

Islam is the official state religion of Iraq. Conversion from Islam to other religions is prohibited under Personal Status laws, however the Penal Code does not contain any provision regarding conversion.

Step 1: Do the reported acts amount to persecution?

Some acts to which individuals considered to have committed blasphemy and/or apostasy, including converts and atheists, could be exposed are of such severe nature that they would amount to persecution. More specifically, people who convert from Islam to Christianity may be at risk of being killed or persecuted by clan or tribe members, state authorities or extremist groups. By law, converts to Christianity are considered as Muslims. Atheism is reported to be on the rise in Iraq, however, harassment and violence against atheists by family members, religious and militia groups are reported to occur. Apostasy cases are adjudicated under *Sharia* law. As noted in 2020, whilst atheism is not prohibited by law, Humanists International noted that atheists have been prosecuted for blasphemy and other related charges. Blasphemy is criminalised under the Penal Code; nonetheless, the law is rarely enforced.

The severity and/or repetitiveness of other acts that individuals considered to have committed blasphemy and/or apostasy, including converts and atheists, could be subjected to and whether they occur as an accumulation of various measures, should be also considered. Religious conversion from Islam to Christianity or other religions is socially taboo in Iraq and ill- perceived by society and tribal groups. Agnostics, atheists and non-believers, including converts, generally do not publicly disclose their beliefs due to stigma from society and out of fear. Converts opt to hide their conversion to Christianity or any other religion. Converts might be expelled from the territory upon decision of tribal leaders, sometimes with the support of their own family. Converts from Muslim background experience pressure, ostracism and discrimination, especially from family and community members.

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

For **converts** in Iraq, including the KRI, **well-founded fear of persecution would in general be substantiated**. As seen above, converts risk physical violence by different armed and non-armed actors, including their (extended) family members. They are also particularly subjected to social stigma. It is indicative of the social perception of converts that converting from one religion to any other is a red line for all tribes, among all ethnicities and all religions.

For **other individuals considered to have committed blasphemy and/or apostasy, including atheists**, 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, in particular religious or non-religious practices that the applicant has engaged or will engage in**. Publicly expressing views or adopting behaviour/practices that could be considered as apostasy, blasphemy or atheism would put the applicant at particular risk. In October 2021, the Supreme Judicial Council issued a statement noting that a judicial order had been issued in order to enable the monitoring of social media sites so as to ensure adherence to the Penal Code and the Iraqi Constitution. This included monitoring social media sites promoting atheism. It should be highlighted that no applicant under this profile can reasonably be expected to abstain from their religious practices in order to avoid persecution(8

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Step 3: Is there a ground for persecution?

Where a well-founded fear of persecution is substantiated for an applicant under this profile, this is highly likely to be for reasons of religion as individuals considered to have committed blasphemy, apostasy, including converts and atheists would be seen as opposing the prevalent religion of Islam.

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CJEU, *Bundesrepublik Deutschland v Y and Z*, joined cases C-71/11 and C-99/11, judgment of 5 September 2012, para. 80.

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