

2.2.1 Amendment on Personal Status Law

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In August 2024, Iraq's parliament read a bill proposing changes to the Personal Status Law,480 the main legal framework regulating family matters in Iraq.481 Backed by the Shiite Coordination Framework, 482 the amendments grant Sunni and Shia religious councils the authority to develop their own 'code of Sharia rulings' on matters related to personal status,483 with significative impact in the legal implementation of gender equality within the Iraqi society. 484 Muslim couples are required to declare their sect when concluding a marriage contract485 and to choose whether to be governed by the 1959 Personal Status Law or a sect-specific *mudawana* (Personal Status Code).486 Couples cannot later change this choice.487 In the final version approved, only Shia couples are granted the option between the Personal Status Law and the *mudawana*,488 which is to be drafted by the Shia Jafari school of Islamic jurisprudence, 489 while Sunni couples remain subject to the Personal Status Law.490 The Jaafari Jurisprudence Code was passed by the Iraqi parliament on 27 August 2025.491

In its first articulation, the amendment would allow nine year-old girls to be married and limit women's rights regarding custody, inheritance and divorce,492 and women's alimony would be conditioned on the 'enjoyment' of the marriage by the husband.493 In January 2025, the law has passed,494 giving the religious authorities power to decide on family matters and effectively abolishing the ban on child marriage that has been in place since the 1950s.495 A new code for the Shia Muslims adopting the changes was meant to be drafted within four months.496 While widely supported by Shias clerics, Sunnis were mostly against the amendment,497 whereby Sunni religious scholars refused to participate in drafting their own *mudawana*.498 By granting clerics the authority to conduct marriages, the law raised women's organisations concerns over the potential legalisation of the so-called pleasure marriages.499 Amendment also maintained the existing provisions in the Personal Status Law concerning polygamy.500 After a suspension by the Iraq's Federal Supreme Court because of the irregularities in the voting process,501 the amendment eventually entered into force on 17 February 2025.502 The final text of the personal status codes stipulates that the minimum age of marriage in the *mudawana* must conform with the Personal Status Law of 1959,503 which sets the legal age for marriage at 18, or at 15 with judicial consent based on the child's 'maturity and physical capacity'. 504 Despite this provision, the amendment 'continues to pose serious risks to the rights of Iraqi women and girls', particularly regarding temporary and unregistered marriages, the regulation of polygamy, and alimony. It also undermines gender equality by granting precedence to the husband's personal status code over that of the wife in cases of disagreement on family matters.505 Additionally, it is believed that marriages of underage girls will likely unofficially continue or will be registered upon reaching the legal age.506

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