

2.3.1. Constitutional and legal framework on religion and minorities

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The Iraqi Constitution528 recognises freedom of religion and belief, stipulating that Islam is the official religion in Iraq.529 Moreover, Constitution guarantees freedom of religious belief and practice to all individuals such as Christians, Yazidis, and Mandean Sabeans.530 The Constitution recognises Iraq as a country with a multitude of nationalities, religions and denominations.531 Despite the latter, Baha'i, Zoroastrian, and Kaka'i religions are not recognised.532 While in the KRI Baha'i faith is recognised as a religion,533 the Federal law prohibits the practice of Baha'i religion under Law No. 105 of 1970534, foreseeing sentences up to 10 years of prison for the practitioners.535 Apostasy cases are adjudicated under Sharia law. 536 Blasphemy is criminalised under the Penal Code537 and has been used to arrest and intimidate individuals for their religious beliefs.538 In some cases, blasphemy laws can be used against Christians suspected to proselytise among Muslims.539

According to the Iraqi Personal Status Law (IPSL), Muslim men are allowed to marry a non-Muslim woman, while it prohibits Muslim women from marrying non-Muslims.540 In a marriage where one spouse is Muslim, the right to divorce, child custody and inheritance go almost automatically to the Muslim spouse.541 Interfaith marriage is reportedly decreasing due to ethnic and religious polarisation, and sectarian tensions have contributed to rising divorce rates among mixed-sect couples.542

Despite the absence of any provision regarding conversion in the Iraqi Penal Code,543 the Personal Status Law prohibits conversion from Islam to other religions,544 while allowing conversion to Islam.545 Children with one Muslim parent are automatically registered as Muslim. 546 The National Card Law stipulates that if a person converts to Islam, all their children are considered Muslim, including those from earlier marriages547 (See section 2.7 on Children). By law, converts to Christianity are considered as Muslims.548 Sunni-Shia marriages are permissible under Iraqi law.549

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  Article 2 (1) reads: 'Islam is the official religion of the State and is a foundation source of legislation: A. No law

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Iraq, Constitution of the Republic of Iraq, 15 October 2005, url, Art. 2 (1); Sabah Al-Kuraiti, F. A., et al., Civil and Political Rights of Minorities in Iraq After 2003. Interdisciplinary Studies in Society, Law, and Politics, 1 January 2025, url, p. 26

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  Article 2 (2) reads: ‘This Constitution guarantees the Islamic identity of the majority of the Iraqi people and

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  Article 3 reads: ‘Iraq is a country of multiple nationalities, religions, and sects (…)’, Iraq, Constitution of the

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  USDOS, Report on International Religious Freedom: Iraq, 30 June 2024, url, p. 3

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  Open Doors, World Watch List 2025, Iraq, 2025, url, 15 January 2025, p. 8

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  Faridoon D., Untold Stories: The Bahá’í Faith in Iraq in: EISMENA, 2 June 2025 url; Jummar Media, The Baha’is in Iraq: From closures of places of worship to negotiations over the constitution, 31 July 2023, url

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  USCIRF, Compendium, url, p. 10; Iraq, Personal Status Law and its amendments, Law № (188) of the year 1959, url

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  USCIRF, Violating rights, Enforcing the world’s blasphemy laws, 2020, url, p. 65; ECJL, Christians in Iraq: From 1.5 million in 2003 to 150,000 today, 3 September 2024, url

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Iraq, Personal Status Law and its amendments, Law № (188) of the year 1959, url, art. 17; Open Doors, World Watch List 2025, Iraq, 2025, url

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  Open Doors, Iraq: Persecution Dynamics, December 2024, url, p. 23

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  Jad, I. et al., The State of Marriage in the Arab Mashreq: Jordan, Syria, Iraq, Palestine, and Lebanon, 30

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  Iraq, Penal Code, No. 111 of 1969, July 1969, url; Open Doors, World Watch List 2025, Iraq, 2025, url

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  Open Doors, Iraq: Persecution Dynamics, December 2024, url, pp. 23, 34

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  USDOS, 2023 Report on International Religious Freedom: Iraq, 30 June 2024, url, p. 9; Iraq,

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  Iraq, National Card Law, No. (3) of 2016, url, art. 26 (2); Open Doors, Iraq: Persecution Dynamics, December

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  Open Doors, Iraq: Persecution Dynamics, December 2024, url, pp. 23-24

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  Iraq, National Card Law No. (3) of 2016, url, art. 26 (1)

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  Sanbar S., email communication to EUAA, 16 March 2024

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