



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 Mandaean Sabians.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

- [528](#)

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

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Open Doors, Iraq: Persecution Dynamics, December 2024, [url](#), p. 8

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Open Doors, World Watch List 2025, Iraq, 2025, [url](#)

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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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