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**STATUS OF HUMAN RIGHTS IN THE REPUBLIC OF IRAQ  
FOR THE 48<sup>TH</sup> SESSION OF THE  
UNIVERSAL PERIODIC REVIEW**

*www.ECLJ.org*  
*4, quai Koch*  
*67000 Strasbourg, France*  
*Phone: +33 (0)3.88.24.94.40*

## Status of Human Rights in Iraq for the 48<sup>th</sup> Session of the Universal Periodic Review

### Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of Iraq (Iraq) for the 48th session of the Universal Periodic Review (UPR).

### Background

2. Iraq is a country located in southwest Asia with a population of approximately 44.5 million people.<sup>1</sup> The country is predominately Muslim, with 98% of the population identifying as Muslim, 1% as Christian, and 1% belonging to other religions.<sup>2</sup> In its 2024 World Watch List, Open Doors ranked Iraq as the 16th worst country for Christians.<sup>3</sup>

3. Iraq's last review was held on November 11, 2019.<sup>4</sup> During its last UPR, Iraq received 298 recommendations, 245 of which it accepted.<sup>5</sup> It was recommended by Poland, and supported by Iraq, that the government “[c]ontinue efforts and undertake concrete measures to prevent and eliminate discrimination and persecution on the grounds of religion or belief.”<sup>6</sup> It was recommended by Chile, and supported by Iraq, that the government “[g]uarantee freedom of religion or belief in Iraq, both in law and in practice, for adherents of all religions.”<sup>7</sup>

### Legal Framework

4. Article 2 of the Constitution of Iraq establishes Islam as the state religion.<sup>8</sup> Further, under Article 2, “[n]o law may be enacted that contradicts the established provisions of Islam. No law may be enacted that contradicts the principles of democracy.”<sup>9</sup> Additionally, Article 43

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<sup>1</sup> *Iraq: Facts and Stats*, BRITANNICA, <https://www.britannica.com/facts/Iraq> (last visited July 10, 2024).

<sup>2</sup> Hugh Kennedy et. al., *Iraq*, BRITANNICA, <https://www.britannica.com/place/Iraq> (July 9, 2024).

<sup>3</sup> *World Watch List 2024*, OPEN DOORS, <https://www.opendoors.org/en-US/persecution/countries/> (last visited July 10, 2024).

<sup>4</sup> *Universal Periodic Review – Iraq*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/iq-index> (last visited July 10, 2024).

<sup>5</sup> *Iraq – Infographic*, OHCHR, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session34/IQ/Iraq\\_Infographic.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session34/IQ/Iraq_Infographic.pdf) (last visited July 10, 2024).

<sup>6</sup> OHCHR, UPR of Iraq (3rd Cycle – 34th Session): Thematic List of Recommendations, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session34/IR/UPR34\\_Iraq\\_Thematic\\_list\\_of\\_Recommendations.docx](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session34/IR/UPR34_Iraq_Thematic_list_of_Recommendations.docx) (last visited July 10, 2024).

<sup>7</sup> *Id.*

<sup>8</sup> CONSTITUTION OF IRAQ 2005 art. 2, [https://www.constituteproject.org/constitution/Iraq\\_2005.pdf](https://www.constituteproject.org/constitution/Iraq_2005.pdf).

<sup>9</sup> *Id.*

of the Constitution states that “[t]he State shall guarantee freedom of worship and the protection of places of worship.”<sup>10</sup>

5. Although Article 43 of its Constitution purports to guarantee religious freedom, Iraq has implemented Personal Status laws, which actually undermine a person’s right to religious freedom. Article 18 of Iraq’s Personal Status Law states that “[t]he conversion of one of the spouses to Islam without the other follows the laws of the Shari’a in whether marriage should be maintained or the spouses should be separated.”<sup>11</sup> Additionally, Article 26 of Iraq’s National Card Law states that “children shall follow the religion of the converted parent to Islam.”<sup>12</sup> Under this same law, converts are prevented from changing their religion on their identification cards if they converted from Islam.<sup>13</sup> Additionally, children born to at least one Muslim parent are legally viewed as Muslim.<sup>14</sup>

6. Again, in contravention to Article 43 of its Constitution, Article 372 of Iraq’s Penal Code effectively criminalizes blasphemy. Article 372 states:

The following persons are punishable by a period of imprisonment not exceeding 3 years or by a fine not exceeding 300 dinars:

Anyone who publicly abuses the beliefs of any religious community, or insults any of its rituals...

Anyone who publicly insults a symbol or person who constitutes an object of sanctification, glorification, and respect to a religious community.<sup>15</sup>

7. Iraq is a party to the International Covenant on Civil and Political Rights (ICCPR).<sup>16</sup> Under Article 18 of the ICCPR:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

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<sup>10</sup> *Id.* art. 43.

<sup>11</sup> Law No (188) of the Year 1959 Personal Status and Amendments art. 18, <https://www.refworld.org/legal/legislation/natlegbod/1959/en/122534>.

<sup>12</sup> *Iraq Passes Law Forcing Children to Convert to Religion of Muslim Parent*, ASSYRIAN INT’L NEWS AGENCY (Nov. 7, 2015), <http://www.aina.org/news/20151107045021.htm>.

<sup>13</sup> 2.14. *Individuals Considered to Have Committed Blasphemy and/or Apostasy*, EUROPEAN UNION AGENCY FOR ASYLUM, <https://euaa.europa.eu/country-guidance-iraq-2021/214-individuals-considered-have-committed-blasphemy-and-or-apostasy> (June 2019).

<sup>14</sup> *Id.*

<sup>15</sup> PENAL CODE OF IRAQ art. 372, END BLASPHEMY LAWS, <https://end-blasphemy-laws.org/countries/middle-east-and-north-africa/iraq/> (June 18, 2020).

<sup>16</sup> *Status for Iraq*, OHCHR, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=82&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=82&Lang=EN) (last visited July 10, 2024).

No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.<sup>17</sup>

8. Additionally, under Article 27 of the ICCPR:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.<sup>18</sup>

9. Moreover, Iraq is a party to the Convention on the Rights of the Child (CRC).<sup>19</sup> Articles 14 and 30 of the CRC enshrines the right for children to practice his or her own religion. Under Article 14: “States Parties shall respect the right of the child to freedom of thought, conscience and religion.”<sup>20</sup> Under Article 30:

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.<sup>21</sup>

10. Iraq also has an obligation under the Universal Declaration of Human Rights (UDHR) to uphold the rights enshrined within, among them is the fundamental right to religion freedom. Under Article 18 of the UDHR:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.<sup>22</sup>

## Religious Persecution

11. Since 2003, Christians in Iraq have been systematically displaced from their homes and many have been forced to flee the country for their safety.<sup>23</sup> Christians are affected by discrimination, intolerance, and violence.<sup>24</sup> These threats come from both the government,

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<sup>17</sup> International Covenant on Civil and Political Rights art. 18, adopted Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

<sup>18</sup> *Id.* art. 27.

<sup>19</sup> OHCHR, *supra* note 16.

<sup>20</sup> Convention on the Rights of the Child art. 14, *adopted* Nov. 20, 1989, 1577 U.N.T.S. 3, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

<sup>21</sup> *Id.* art. 30.

<sup>22</sup> G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 18 (Dec. 10, 1948), <https://www.un.org/en/about-us/universal-declaration-of-human-rights> [hereinafter UDHR].

<sup>23</sup> *Iraq’s Christians Facing “Systematic Displacement” Since US – Led Invasion, Says Patriarch*, THE NEW ARAB (Sept. 25, 2023), <https://www.newarab.com/news/iraq-christians-face-systematic-displacement-says-patriarch>.

<sup>24</sup> OPEN DOORS, IRAQ MEDIA ADVOCACY DOSSIER 1 (2024), [https://www.opendoors.org/persecution/reports/Iraq-Media\\_Advocacy\\_Dossier-ODI-2024.pdf](https://www.opendoors.org/persecution/reports/Iraq-Media_Advocacy_Dossier-ODI-2024.pdf).

through discriminatory laws, and the Muslim majority, who harass and intimidate Christians.<sup>25</sup> Additionally, Christians who are from a Muslim background often face pressure from their families to either renounce their Christian faith or keep it a secret.<sup>26</sup> On top of attacks within Iraq, Christians have also faced attacks, destruction, and displacement from Turkish military forces, which have been attacking the Iraq Kurdistan Region.<sup>27</sup> The violations of religious freedom that we have highlighted below are just a few examples of the widespread Christian persecution taking place in Iraq, none of which should be happening in a Member State that purports in its Constitution to protect religious freedom.

### *Conversion Laws*

12. As discussed above, under Iraqi law, “children shall follow the religion of the converted parent to Islam.”<sup>28</sup> In 2024, an Iraqi court ordered a Christian woman, Elvin Joseph, and her children to convert to Islam.<sup>29</sup> This is because when Elvin was fifteen, her mother converted to Islam and married a Muslim man.<sup>30</sup> Under Iraqi law, when a parent converts to Islam, all children under the age of eighteen must convert as well.<sup>31</sup> Elvin learned of this fact when she went to obtain a national ID card and was told that, because of her mother’s conversion to Islam, she would have to go to court to get her ID approved.<sup>32</sup> This resulted in her being told by the court that Elvin and her children must register as Muslims.<sup>33</sup> All of this happened despite the fact that both Elvin and her husband are practicing Christians.<sup>34</sup>

13. Unfortunately, this is not an isolated case as one lawyer shared that he has represented many Christians in similar court cases.<sup>35</sup> Iraqi church leaders have protested the implementation of this law because it has prevented Christians from being able to raise Christian families for the sole fact that they are registered as Muslims.<sup>36</sup> Cardinal Louis Raphael Sako expressed his concern over this law, stating, “Iraq’s Constitution guarantees equality for all, but it must be a sovereign nation that respects its citizens, does not discriminate between communities, and provides a suitable life for its citizens.”<sup>37</sup> Cardinal Sako’s concern is correct, as this law stands in complete contradiction to freedom of religion.

### *Violence Against Christians*

14. Christians are not only persecuted because of the discriminatory laws, they also face persecution at the community level by extremists who do not like Christians. On September

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<sup>25</sup> *Id.* at 4.

<sup>26</sup> *Id.* at 3.

<sup>27</sup> *Id.* at 1.

<sup>28</sup> ASSYRIAN INT’L NEWS AGENCY, *supra* note 12.

<sup>29</sup> Anugrah Kumar, *Christian Mother, Children Ordered by Court to Convert to Islam*, CHRISTIAN POST (June 10, 2024).

<sup>30</sup> *Iraqi Court Tells Christian Woman to Convert to Islam*, RUDAW (June 1, 2024), <https://www.rudaw.net/english/kurdistan/01062024>.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> Kumar, *supra* note 29.

<sup>34</sup> RUDAW, *supra* note 30.

<sup>35</sup> *Id.*

<sup>36</sup> *Iraq: Christian Woman Must Convert to Islam, According to Iraqi Court*, OPEN DOORS (June 13, 2024), <https://www.opendoors.org/en-US/research-reports/articles/stories/Iraq-Christian-woman-must-convert-to-Islam-according-to-Iraqi-court/>.

<sup>37</sup> *Id.*

2023, three Christians were shot and killed by assailants riding motorcycles in northern Iraq.<sup>38</sup> The three Christians were known for sharing the Gospel in the region.<sup>39</sup> Additionally, in 2022, it was reported that at least forty-three Christians were beaten and mentally abused because of their Christian faith.<sup>40</sup> In Iraq, simply being open about your Christian faith or sharing your religion with others can be an invitation to being abused, harassed, or killed.

15. For example, in November 2022, a Christian missionary from Texas was shot and killed in his car.<sup>41</sup> The Christian man was working at a language school in Baghdad.<sup>42</sup> In August 2023, five individuals were sentenced to life in prison for their role in the killing.<sup>43</sup>

16. During the winter of 2020, a Christian was killed in Iraq for transporting Christian literature.<sup>44</sup>

17. Most cases of abuse against Christians have been against Christians who have converted from Islam.<sup>45</sup> One Christian woman was murdered just weeks after she announced that she had converted to Christianity and was planning on getting baptized.<sup>46</sup> Her body was found bound with tape and had been stabbed multiple times.<sup>47</sup> Her uncle was taken into custody by the police.<sup>48</sup> Police believe that she was the victim of an “honor” killing because she left Islam.<sup>49</sup>

### *Blasphemy Laws*

18. Iraq’s blasphemy laws can be used to target and arrest individuals because of their religious beliefs. These types of laws are commonly used in Muslim countries and have been used to disastrous effect. Speech that is critical of Islam or that offers a competing ideology can be seen as blasphemy. In fact, on March 29, 2023, an Iraqi Christian was sentenced to six months in prison for blasphemy.<sup>50</sup> He was initially arrested in November 2022 for posting things on social media that were deemed to insult Islam.<sup>51</sup>

19. Additionally, accusations of blasphemy can be weaponized by the religious majority to shut down and intimidate other religions. For example, on February 16, 2023, Islamic

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<sup>38</sup> Lyndsey Koh, *Three Christians Gunned Down in Kurdistan*, MISSION NETWORK NEWS (Sept. 18, 2023), <https://www.mnnonline.org/news/three-christians-gunned-down-in-kurdistan/>.

<sup>39</sup> *Id.*

<sup>40</sup> OPEN DOORS, IRAQ: FULL COUNTRY DOSSIER 8 (2022), <https://www.opendoors.org/persecution/reports/Full-Country-Dossier-Iraq-2023.pdf>.

<sup>41</sup> Qassim Abdul-Zahra, *Iraq Court Sentences 5 People to Life in Prison in Killing of US Citizen, Officials Say*, AP, <https://apnews.com/article/iraq-us-citizen-killing-conviction-baghdad-e52f519807a28669add89a9a3b16bb61> (Aug. 31, 2023).

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> OPEN DOORS, IRAQ: FULL COUNTRY DOSSIER REVISED 8 (2022), <https://www.opendoors.org/persecution/reports/Full-Country-Dossier-Iraq-2022.pdf>.

<sup>45</sup> *Id.* at 41.

<sup>46</sup> *Young Woman Who Left Islam Killed in Iraq*, THE MORNING STAR NEWS (Mar. 16, 2022), <https://moringstarnews.org/2022/03/young-woman-who-left-islam-killed-in-iraq/>.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Iraq: Christian Convicted for Misuse of a Telecommunication Device*, MEC (Apr. 17, 2023), <https://www.meconcern.org/2023/04/17/iraq-christian-convicted-for-misuse-of-a-telecommunication-device/>.

<sup>51</sup> *Id.*

fundamentalists published posts of Bishop Bahzad Mziri comparing the life of Jesus and the Prophet Muhammad.<sup>52</sup> This angered a mob who threatened the bishop.<sup>53</sup> While the Bishop was never charged with blasphemy, his church stopped using its building for worship and stopped carrying out activities because it was pressured by authorities to stop.<sup>54</sup> So, an entire church was literally shut down because of fear of harm from mob mentality and government discrimination.

### *Displaced Christians*

20. The Christian population in Iraq has been steadily declining. Since 2003, the Christian population in Iraq has dwindled from 1.5 million to 150,000.<sup>55</sup> Even though the threat from ISIS has been reduced, many Christians are still unable to return home because of a lack of basic resources such as water.<sup>56</sup> Now, Christians in northern Iraq are caught in the crossfire between the Turkish military and the Kurdistan Workers' Party.<sup>57</sup> This ongoing violence has predominantly affected Christian villages, resulting in the destruction of property and forcing Christians to flee the region.<sup>58</sup> In fact, in 2023 alone, the Turkish Armed Forces carried out over 1,500 attacks in the Kurdistan Region of Iraq,<sup>59</sup> which is the largest center of Christianity in Iraq.<sup>60</sup> Below we have highlighted how this violence is impacting Christians and forcing them to leave their homes in search of safety.

21. One Christian priest from the mountains of Iraqi Kurdistan shared that “[e]very day the Turkish air force bombs our mountains and targets our villages.”<sup>61</sup> He also shared how his village was bombed many times during the beginning of 2024:

Yesterday morning the Turks struck near the house of a Christian family . . . an attack that caused great fear among all the inhabitants of our villages. They have bombed many times in recent days, even in other villages where I am parish priest. They hit very close to me, near my church, it was a very strong bombardment, two or three missiles, one of these fell near a house of a Christian family. I also spoke to the apostolic nuncio in Baghdad about this bombing, asking him to send a message to the Turkish ambassador. It is important to tell and denounce, because they are coming to strike ever closer to us, there are more and more civilians in their sights.

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<sup>52</sup> *Iraq: Church Leader Faces Blasphemy Charges and Threats*, MEC (Mar. 21, 2023), <https://www.meconcern.org/2023/03/21/iraq-church-leader-faces-blasphemy-charges-and-threats/>.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> Abby Sewell & Salar Salim, *A Feud Between a Patriarch and a Militia Leader Adds to the Woes of Iraqi Christians*, AP, <https://apnews.com/article/christians-iraq-sako-kildani-babylon-decree-feud-374c1ea65689b84ac904a1c3a75d372c> (Aug. 4, 2023).

<sup>56</sup> *Id.*

<sup>57</sup> OPEN DOORS, *supra* note 24 at 2.

<sup>58</sup> *Id.* at 1.

<sup>59</sup> *Over 1,500 Attacks on Kurdistan's Region of Iraq by Turkish Armed Forces in 2023*, ENGLISH BIANET (Feb. 22, 2024), <https://bianet.org/haber/over-1-500-attacks-on-kurdistan-region-of-iraq-by-turkish-armed-forces-in-2023-292212>.

<sup>60</sup> OPEN DOORS, *supra* note 24 at 3.

<sup>61</sup> *Kurdistan's Christian Villages: "More and More Civilians Bombed by Turks"*, ASIA NEWS (May, 1, 2024), <https://www.asianews.it/news-en/Kurdistan's-Christian-villages:-'More-and-more-civilians-bombed-by-Turks'-59878.html>.

The father and mother were sitting here in a room . . . . The windows of the house were destroyed, causing a profound shock among the families of the area. Pieces of missile entered the house: through the destroyed windows even the children of the family were grazed by the fragments. In recent weeks they have struck several times in the area where these families live, who now live in fear of the repetition of these bombings.<sup>62</sup>

22. On November 6, 2021, Turkish forces bombed two Christian villages in northern Iraq.<sup>63</sup>

23. In May 2021, Turkish military forces destroyed houses and two churches in predominately Christian villages as part of a bombing campaign.<sup>64</sup>

## Recommendations

24. As demonstrated above, Iraq is failing to protect the rights of Christians to peacefully practice their faith. Iraq's laws that criminalize blasphemy and restrict one's ability to adopt a faith of his choosing are in contravention of the UDHR, CRC, and the ICCPR, which enshrines that everyone has the "right to freedom of thought, conscience and religion," which includes the right for everyone to "individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."<sup>65</sup> In addition to violating these fundamental human rights documents, Iraq's laws and practices are also in contravention of its Constitution which states that "[t]he State shall guarantee freedom of worship and the protection of places of worship."<sup>66</sup> Iraq must reform its laws to ensure that no one is arrested because of his or her religion or is forced to adopt another faith. Additionally, Iraq must do more to protect Christians from being harassed, attacked, and killed because of their faith.

25. Additionally, we ask that Iraq work to protect Christians in northern Iraq from the ongoing conflict and work to ensure that Christians are able to return safely to their homes. If immediate action is not taken to protect Christians and ensure they have basic necessities, such as water, then Christians will continue to be driven from their homes. The government must ensure that Christians have a safe future in Iraq.

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<sup>62</sup> *Id.*

<sup>63</sup> *Iraqi Christian Villages Emptied by Fear of Turkish Attacks*, INT'L CHRISTIAN CONCERN (Nov. 11, 2021), <https://www.persecution.org/2021/11/21/iraqi-christian-villages-emptied-fear-turkish-attacks/>.

<sup>64</sup> OPEN DOORS, *supra* note 44 at 8.

<sup>65</sup> ICCPR art. 18, *supra* note 17.

<sup>66</sup> CONSTITUTION OF IRAQ 2005 art. 43, *supra* note 8.