



## COI QUERY

<b>Country of Origin</b>	<b>IRAQ</b>
<b>Title</b>	<b>Divorce and child custody</b>
<b>Reference period</b>	January 2024 to 5 February 2026
<b>Topic(s)</b>	<ol style="list-style-type: none"><li>1. <a href="#">Legal framework governing divorce proceedings and child custody</a></li><li>2. <a href="#">Legal enforceability of conditions attached to child custody, including travel abroad, remarriage, and consequences of breaching such conditions</a></li></ol>
<b>Date of completion</b>	5 February 2026
<b>Query Code</b>	Q6-2026
<b>Contributing EU+ COI units (if applicable)</b>	N/A

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Cite as: EUAA, Country of Origin Information Query, Iraq: Divorce and child custody, 5 February 2026, [url](#)



## COI QUERY RESPONSE – Iraq

### Divorce and child custody

#### 1. Legal framework governing divorce proceedings and child custody

The Personal Status Law No. 188 of 1959 regulated family law issues in Iraq, such as divorce and child custody.<sup>1</sup> The Personal Status Law, in its Part 4 (articles 34 – 50), lists the provisions concerning ‘Dissolution of Marriage Contract’, including provisions relating to divorce (articles 34 – 39). Likewise, provisions relating to custody of children are stipulated in articles 55 – 57.<sup>2</sup>

Amid protests<sup>3</sup> and public opposition from women’s rights groups, and civil society organizations,<sup>4</sup> in January 2025 a ‘controversial’ amendment<sup>5</sup> of the Personal Status Law was approved by the Iraqi parliament,<sup>6</sup> and entered into force in February 2025.<sup>7</sup>

The amendments granted Sunni and Shia religious councils the authority to develop their own sect-specific personal status codes<sup>8</sup> (also referred to as *mudawana*).<sup>9</sup> However, Sunni religious scholars reportedly opposed the amendment<sup>10</sup> as well as the drafting of their own personal status code,<sup>11</sup> therefore under the final text of amendments approved, the law only provided for the establishment of a Shia Personal Status Code.<sup>12</sup> The new (Shia) Jaafari Personal Status Code was subsequently approved by the parliament in August 2025.<sup>13</sup>

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<sup>1</sup> Ceasefire Centre for Civilian Rights, War Waged in the Home: Rethinking conflict and gender-based violence in Iraq, March 2024, [url](#), p. 24; HRW, “My Marriage was Mistake After Mistake”: The Impact of Unregistered Marriages on Women’s and Children’s Rights in Iraq, 3 March 2024, [url](#), pp. 1, 11

<sup>2</sup> Iraq, Personal Status Law and its amendments, Law N° (188) of the year 1959, 1959, [url](#)

<sup>3</sup> Kurdistan 24, Controversy Over Iraq’s Personal Status Law Continue Sparking Debate on Child Custody and Women’s Rights, 13 October 2025, [url](#); DW, Iraqi bill would roll back women’s and children’s rights, 14 August 2024, [url](#)

<sup>4</sup> HRW, Iraq: New Personal Status Code Makes Women Second Class, 15 October 2025, [url](#); Martini L.S., From Personal Status to General Amnesty: A Controversial Political Process in Iraq, theSquare Center, 12 March 2025, [url](#)

<sup>5</sup> Allam, N. and Al Qaraghuli, B., The Politics of Personal Status Law in Egypt and Iraq, Carnegie Endowment for International Peace, November 2025, [url](#), p. 1; EPIC, ISHM: August 21 – 28, 2025, 28 August 2025, [url](#)

<sup>6</sup> Arab Weekly (The), New Iraqi personal status code criticised as making women ‘second class citizens’, 16 October 2025, [url](#); EPIC, ISHM: August 21 – 28, 2025, 28 August 2025, [url](#)

<sup>7</sup> Atlantic Council, Legalizing child marriage in Iraq: Stepping back from the brink, 8 April 2025, [url](#)

<sup>8</sup> Arab Weekly (The), Under pressure, Iraqi parliament adopts family law reinstating marriage age limits, 22 January 2025, [url](#); Kurdistan 24, Iraq’s Personal Status ‘Law’ or a new ‘Low’: Global Outcry Intensifies, 12 October 2024, [url](#); Brookings, Iraq considers drastic changes to family law, 16 August 2024, [url](#)

<sup>9</sup> HRW, Iraq: New Personal Status Code Makes Women Second Class, 15 October 2025, [url](#); Atlantic Council, Legalizing child marriage in Iraq: Stepping back from the brink, 8 April 2025, [url](#)

<sup>10</sup> HRW, Iraq: Personal Status Law Amendment Sets Back Women’s Rights, 10 March 2025, [url](#)

<sup>11</sup> HRW, Iraq: Personal Status Law Amendment Sets Back Women’s Rights, 10 March 2025, [url](#); National (The), Iraq’s personal status law amendments to be enacted after supreme court dismisses lawsuit, 11 February 2025, [url](#)

<sup>12</sup> Martini L.S., From Personal Status to General Amnesty: A Controversial Political Process in Iraq, theSquare Center, 12 March 2025, [url](#)

<sup>13</sup> UN Security Council, Letter dated 23 December 2025 from the representatives of Denmark, Sierra Leone and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General, 23



Sources noted that the amendments in the Personal Status law establish separate legal regimes across different sects of Islam,<sup>14</sup> especially as religious interpretations of Sharia law vary<sup>15</sup> even within each sect.<sup>16</sup> Kurdistan 24 indicated that, according to legal practitioners, since its adoption the implementation of the Jaafari Personal Status Code ‘has sparked widespread debate’ over its interpretation and enforcement within the judiciary, as well as among the public.<sup>17</sup>

Following the amendments, Shia Muslim couples concluding a marriage contract are required to choose whether the contract – which covers rights and obligations related to marriage, divorce, child custody, and inheritance<sup>18</sup> – is to be governed under the 1959 Personal Status Law or the Shia Jaafari Personal Status Code.<sup>19</sup> Couples do not have the right to subsequently change this decision.<sup>20</sup>

Sunni Muslims continued to abide by the 1959 law,<sup>21</sup> as well as non-Muslim communities.<sup>22</sup> The Atlantic Council noted that, according to an Iraqi government’s statement, the rulings of the Shiite Jaafari jurisprudence only apply to Shia Iraqis.<sup>23</sup>

The Personal Status Law, including the 2025 amendment, as well the Jaafari Personal Status Code could not be found in English translation among the sources consulted by EUAA within time constraints of this query.

Sources suggested that the new Jaafari Personal Status Code has granted religious authorities and Islamic courts expanded jurisdiction over family affairs, including marriage,

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December 2025, [url](#), p. 3; HRW, Iraq: New Personal Status Code Makes Women Second Class, 15 October 2025, [url](#)

<sup>14</sup> HRW, Iraq: Personal Status Law Amendment Sets Back Women’s Rights, 10 March 2025, [url](#); EN, Three Reasons Why Iraq’s Recent Legal Amendments Endanger Children’s Rights, 26 February 2025, [url](#)

<sup>15</sup> Humanium, A new draft law imperils children’s rights and gender equality in Iraq, 1 November 2024, [url](#); Woodrow Wilson International Center for Scholars, Amendment to Personal Status Law: A Blow to Iraqi Women & Society, 22 August 2024, [url](#)

<sup>16</sup> Woodrow Wilson International Center for Scholars, Amendment to Personal Status Law: A Blow to Iraqi Women & Society, 22 August 2024, [url](#); Brookings, Iraq considers drastic changes to family law, 16 August 2024, [url](#)

<sup>17</sup> Kurdistan 24, Controversy Over Iraq’s Personal Status Law Continue Sparking Debate on Child Custody and Women’s Rights, 13 October 2025, [url](#)

<sup>18</sup> HRW, Iraq: New Personal Status Code Makes Women Second Class, 15 October 2025, [url](#); Atlantic Council, Legalizing child marriage in Iraq: Stepping back from the brink, 8 April 2025, [url](#)

<sup>19</sup> HRW, Iraq: New Personal Status Code Makes Women Second Class, 15 October 2025, [url](#); Atlantic Council, Legalizing child marriage in Iraq: Stepping back from the brink, 8 April 2025, [url](#); Martini L.S., From Personal Status to General Amnesty: A Controversial Political Process in Iraq, theSquare Center, 12 March 2025, [url](#)

<sup>20</sup> UN Security Council, Letter dated 23 December 2025 from the representatives of Denmark, Sierra Leone and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General, 23 December 2025, [url](#), p. 3; HRW, Iraq: Personal Status Law Amendment Sets Back Women’s Rights, 10 March 2025, [url](#)

<sup>21</sup> Arab Weekly (The), New Iraqi personal status code criticised as making women ‘second class citizens’, 16 October 2025, [url](#); Martini L.S., From Personal Status to General Amnesty: A Controversial Political Process in Iraq, theSquare Center, 12 March 2025, [url](#); National (The), Iraq’s personal status law amendments to be enacted after supreme court dismisses lawsuit, 11 February 2025, [url](#)

<sup>22</sup> Brookings, Iraq considers drastic changes to family law, 16 August 2024, [url](#)

<sup>23</sup> Atlantic Council, Legalizing child marriage in Iraq: Stepping back from the brink, 8 April 2025, [url](#)



divorce and children's custody.<sup>24</sup> In line with the February 2025 amendments, the Jafaari Personal Status Code 'must comply with existing provisions, including those of the 1959 Law', including the minimum age of marriage,<sup>25</sup> and its application 'is technically optional'.<sup>26</sup> Sources, however, raised concerns over its impact on women's and children's rights<sup>27</sup> and on religious and sectarian divisions,<sup>28</sup> particularly in cases of inter-sect marriages.<sup>29</sup>

Sources noted that the new Code includes provisions allowing a husband to convert his marriage contract to be governed by the code instead of the Personal Status Law without the consent of his wife.<sup>30</sup> Moreover, according to the Atlantic Council, for marriage contracts concluded and registered prior to the date of the new law's entry into force, 'either party may submit a request to the Personal Status Court to apply rulings of the Jaafari Shiite school of jurisprudence'.<sup>31</sup> Sources, dated in March and April 2025 respectively, noted that in cases of disagreement over the legal framework to be applied regarding family issues, precedence to the husband's personal status code over that of the wife.<sup>32</sup> However, in a March 2025 publication, HRW indicated that the precedence of the husband's decision was provided in the previous version of the legal amendments, whereas the final version stipulates that in case of a relevant dispute, a court 'will determine the best interest of both parties'.<sup>33</sup>

Additional information on the 2025 law amending Personal Status Law can be found in the EUAA COI report [Iraq: Country Focus](#), published in October 2025.

## **2. Legal enforceability of conditions attached to child custody, including travel abroad, remarriage, and consequences of breaching such conditions**

Information on the legal enforceability of conditions attached to child custody, including travel abroad, remarriage, and consequences of breaching such conditions in Iraq was scarce

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<sup>24</sup> Allam, N. and Al Qaraghuli, B., The Politics of Personal Status Law in Egypt and Iraq, Carnegie Endowment for International Peace, November 2025, [url](#), p. 11; Euronews, Iraq's Supreme Court freezes controversial laws on women's rights, detainees, and land disputes, 5 February 2025, [url](#); Guardian (The), 'The end of women and children's rights': outrage as Iraqi law allows child marriage, 22 January 2025, [url](#)

<sup>25</sup> Atlantic Council, Legalizing child marriage in Iraq: Stepping back from the brink, 8 April 2025, [url](#)

<sup>26</sup> Allam, N. and Al Qaraghuli, B., The Politics of Personal Status Law in Egypt and Iraq, Carnegie Endowment for International Peace, November 2025, [url](#), p. 11

<sup>27</sup> Martini L.S., From Personal Status to General Amnesty: A Controversial Political Process in Iraq, theSquare Center, 12 March 2025, [url](#); Woodrow Wilson International Center for Scholars, Proposed Amendments to the Iraqi Personal Status Law: A Pathway to the Legalization of Child Marriage and Prostitution?, 7 November 2024, [url](#)

<sup>28</sup> EPIC, ISHM: August 21 – 28, 2025, 28 August 2025, [url](#); Woodrow Wilson International Center for Scholars, Proposed Amendments to the Iraqi Personal Status Law: A Pathway to the Legalization of Child Marriage and Prostitution?, 7 November 2024, [url](#)

<sup>29</sup> Allam, N. and Al Qaraghuli, B., The Politics of Personal Status Law in Egypt and Iraq, Carnegie Endowment for International Peace, November 2025, [url](#), p. 12

<sup>30</sup> HRW, Iraq: New Personal Status Code Makes Women Second Class, 15 October 2025, [url](#); Shafaq News, New Jaafari Code fuels deep division in Iraq, 31 August 2025, [url](#)

<sup>31</sup> Atlantic Council, Legalizing child marriage in Iraq: Stepping back from the brink, 8 April 2025, [url](#)

<sup>32</sup> Atlantic Council, Legalizing child marriage in Iraq: Stepping back from the brink, 8 April 2025, [url](#); Martini L.S., From Personal Status to General Amnesty: A Controversial Political Process in Iraq, theSquare Center, 12 March 2025, [url](#)

<sup>33</sup> HRW, Iraq: Personal Status Law Amendment Sets Back Women's Rights, 10 March 2025, [url](#)



among the sources consulted by EUAA within time constraints of this query. However, the following information may be relevant.

Human Rights Watch (HRW) noted that the Jaafari Personal Status Code ‘discriminates against women by favoring men’ in family law matters, including marriage, divorce, and children’s custody.<sup>34</sup> For instance, concerning child custody the Personal Status grants women custody of their children until the age of ten,<sup>35</sup> with a possible extension up to the age of 15,<sup>36</sup> when children have the right to choose which parent they wish to live with.<sup>37</sup> Furthermore, the right to custody of a mother is not affected upon remarriage.<sup>38</sup> Under the new Jaafari Personal Status Code, custody automatically shifts to the father after the age of seven.<sup>39</sup> According to sources, some Shia clerics have previously granted fathers custody from the age of two<sup>40</sup> and automatically in case a mother remarries,<sup>41</sup> also dismissing the need for providing child support.<sup>42</sup> More specific information on the legal framework concerning child custody and its implementation, particularly following the adoption of the amendments in the Personal Status law and the new Jaafari Personal Status Code, could not be found among the sources consulted by EUAA within the time constraints of this query.

Some sources cited accounts of women that were previously married and divorced under the former Personal Status Law claiming that their ex-husbands petitioned to retroactively apply the Shia personal status code relating to their children’s custody issues.<sup>43</sup> Corroborating information could not be found among the sources consulted by EUAA within the time constraints of this query.

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<sup>34</sup> HRW, Iraq: New Personal Status Code Makes Women Second Class, 15 October 2025, [url](#)

<sup>35</sup> Allam, N. and Al Qaraghuli, B., The Politics of Personal Status Law in Egypt and Iraq, Carnegie Endowment for International Peace, November 2025, [url](#), p. 12; Woodrow Wilson International Center for Scholars, Amendment to Personal Status Law: A Blow to Iraqi Women & Society, 22 August 2024, [url](#); Brookings, Iraq considers drastic changes to family law, 16 August 2024, [url](#)

<sup>36</sup> Woodrow Wilson International Center for Scholars, Amendment to Personal Status Law: A Blow to Iraqi Women & Society, 22 August 2024, [url](#)

<sup>37</sup> Ali H., How Legal Reforms in Iraq’s Personal Status Law Institutionalise Sectarianism and Threaten Women’s Rights, 11 October 2024, EISMENA, [url](#)

<sup>38</sup> NRC, Legal guide to child’s rights in Iraq, November 2024, [url](#), p. 24; Ali H., How Legal Reforms in Iraq’s Personal Status Law Institutionalise Sectarianism and Threaten Women’s Rights, 11 October 2024, EISMENA, [url](#)

<sup>39</sup> Allam, N. and Al Qaraghuli, B., The Politics of Personal Status Law in Egypt and Iraq, Carnegie Endowment for International Peace, November 2025, [url](#), p. 12; HRW, Iraq: New Personal Status Code Makes Women Second Class, 15 October 2025, [url](#)

<sup>40</sup> Allam, N. and Al Qaraghuli, B., The Politics of Personal Status Law in Egypt and Iraq, Carnegie Endowment for International Peace, November 2025, [url](#), p. 12; Brookings, Iraq considers drastic changes to family law, 16 August 2024, [url](#)

<sup>41</sup> Ali H., How Legal Reforms in Iraq’s Personal Status Law Institutionalise Sectarianism and Threaten Women’s Rights, 11 October 2024, EISMENA, [url](#); Woodrow Wilson International Center for Scholars, Amendment to Personal Status Law: A Blow to Iraqi Women & Society, 22 August 2024, [url](#)

<sup>42</sup> Allam, N. and Al Qaraghuli, B., The Politics of Personal Status Law in Egypt and Iraq, Carnegie Endowment for International Peace, November 2025, [url](#), p. 12; Brookings, Iraq considers drastic changes to family law, 16 August 2024, [url](#)

<sup>43</sup> HRW, Iraq: New Personal Status Code Makes Women Second Class, 15 October 2025, [url](#); Kurdistan 24, Controversy Over Iraq’s Personal Status Law Continue Sparking Debate on Child Custody and Women’s Rights, 13 October 2025, [url](#); NuJINHA, Women protest in Baghdad against amending the Personal Status Law, 20 September 2025, [url](#)



The US-based civil society organization Enabling Peace in Iraq Centre (EPIC) noted that, according to an October 2025 report by the Iraqi media outlet al-Sumaria nearly 4 400 mothers have lost custody of their children since the adoption of the Jafaari Personal Status code.<sup>44</sup> The same report also indicated that as a result at least 800 women relocated to the Kurdistan Region of Iraq (KRI) with their children to avoid losing their custody.<sup>45</sup> Kurdistan 24, a KRI-based news network, similarly noted that following the adoption of the new law, many divorced women have left their hometowns, and some relocated to the KRI to avoid losing custody of their children.<sup>46</sup>

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<sup>44</sup> EPIC, ISHM: October 2 – 9, 2025, 9 October 2025, [url](#)

<sup>45</sup> EPIC, ISHM: October 2 – 9, 2025, 9 October 2025, [url](#)

<sup>46</sup> Kurdistan 24, Controversy Over Iraq’s Personal Status Law Continue Sparking Debate on Child Custody and Women’s Rights, 13 October 2025, [url](#)

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Amnesty International (AI); Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD); BBC News; Belgium – Centre for Documentation and Research (CEDOCA); Bertelsmann Stiftung; Canada – Immigration and Refugee Board (IRB); ECOI.net; European Union – EUAA COI Portal, European External Action Service and European Union (EEAS); Foreign Policy (FP); France – Office Français de Protection des Réfugiés et Apatrides (OFPRA); Freedom House; Germany - Federal Office for Migration and Refugees (BAMF); Girls not brides; International Organization for Migration (IOM); International Rescue Committee (IRC); Inter Press Service (IPS); Iraq – Ministry of Health, Ministry of Labor and Social Affairs;



Norway – Landinfo; United Nations – Office of the High Commissioner for Human Rights (OHCHR), UN Assistance Mission for Iraq (UNAMI), UN Human Rights Council, United Nations Children's Fund (UNICEF), United Nations High Commissioner for Refugees (UNHCR); World Bank