

**Flygtningenævnets baggrundsmateriale**

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Titel:	Iraq. Inter-sect marriage between Sunni and Shia Muslims. including prevalence treatment of inter-sect spouses and their children by society and authorities, including in Baghdad
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IRB – Immigration and Refugee Board of Canada

Iraq: Inter-sect marriage between Sunni and Shia Muslims, including prevalence; treatment of inter-sect spouses and their children by society and authorities, including in Baghdad; state protection available (2016-January 2018) [IRQ106049.E]

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## 1. Prevalence

According to sources, inter-sect marriages between Sunni and Shia Muslims are common in Iraq, including in Baghdad (Senior Research Fellow 3 Jan. 2018; BBC 18 June 2016). In his 2016 book, *The Modern Middle East: A History*, James Gelvin, a professor at the University of California, Los Angeles (UCLA), who has written several books and articles on the history of the Middle East (UCLA n.d.), states that Iraq has "encouraged" intermarriage between Sunnis and Shias "in part to build an inclusive Iraqi identity [and] in part because Iraqi law defines both Sunnis and Shi[a]s as Muslim" (Gelvin 2016, 151).

In correspondence with the Research Directorate, a program director at International Crisis Group, with many years of experience in the Middle East and North Africa, speaking on his own behalf, stated the following based on his personal experience in Iraq: "Until 2003, most people in Baghdad and other cities were secular, and Sunni-Shia intermarriage was the norm" (Program Director 3 Jan. 2018). According to a 2014 opinion article published by Al Jazeera, and written by Musa al-Gharbi, then Senior Fellow with the Southwest Initiative for the Study of Middle East Conflicts (SISMEC) [1], before 2003, nearly one third of marriages in Iraq were between members of different sects (al-Gharbi 18 Aug. 2014). Similarly, a 2017 report by the European Asylum Support Office (EASO), on an April 2017 meeting about country conditions in Iraq, cites Mark Lattimer, Director of the Ceasefire Centre for Civilian Rights [2], as stating that "there was a huge preponderance of mixed marriages over many decades" in Iraq (EU July 2017, 19).

In correspondence with the Research Directorate, a senior research fellow at the Middle East Institute of the National University of Singapore, whose research focuses on sectarian relations in Iraq, indicated that estimates of the prevalence of Sunni-Shia marriages are based on "guesswork" because "Iraqi marriage certificates do not specify the sectarian identities of the bride and groom, they only indicate the sect or school of

thought according to which the ceremony was conducted in" (Senior Research Fellow 3 Jan. 2018). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 1.1 Sectarian Tensions

According to a 2016 article by *Foreign Policy* magazine, since the Iraq War [starting in 2003], Sunni-Shia sectarianism has fuelled conflict in Iraq, including the Islamic State [ISIS, ISIL, Daesh] (*Foreign Policy* 22 Jan. 2016). The Program Director noted the following:

Sectarian politics driven by political actors, including outside actors ... made religious differences politically meaningful after 2003. That led to violent conflict. Marriages suffered as a result; people us[ed] religion as an excuse to (verbally or otherwise) attack relatives, especially in-laws, that they already had issues with. (Program Director 3 Jan. 2018)

According to a 2016 BBC article about the children of mixed Sunni-Shia couples, "[w]hile Sunni-Shia marriages have dropped in Iraq after 2003 given sectarian tensions, they are still not unusual" (BBC 18 June 2016). Similarly, according to a senior Iraq researcher at Human Rights Watch, intermarriage has decreased since 2003, "especially during the civil war in 2007," but "it still happens" (Senior Iraq Researcher 16 Jan. 2018). According to the Senior Research Fellow,

exceptional cases notwithstanding, inter-sect marriage is **not** controversial in Iraq. There is plenty of anecdotal evidence that inter-sect marriage decreased around the years of peak Sunni-Shia violence in 2006-2007, but this does not seem to have had a permanent effect on the incidence of Sunni-Shia marriages. (Senior Research Fellow 3 Jan. 2018; emphasis in original)

The 2017 EASO report cites Mark Lattimer of the Ceasefire Centre for Civilian Rights as stating that

there is clearly a new resurgence of sectarianism, though it hasn't reached the level it did in 2006-2007. There are, on behalf of many of the militias, clear sectarian ideologies, and you hear from many quarters, outright racist sectarian viewpoints and a clear determination to use their power to change the demographic make up in the areas where they operate. (EU July 2017, 19)

## 2. Legislation

The Program Director noted that "the state and constitution are largely secular, and do not prescribe different treatment for adherents of different sects" (Program Director 3 Jan. 2018).

Articles 14 and 41 of the Iraq's Constitution provide the following:

## Article 14

Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic or social status.

...

## Article 41

Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices, and this shall be regulated by law. (Iraq 2005)

According to the US Department of State's *International Religious Freedom Report for 2016*, "[a]ll recognized religious groups have their own personal status courts which are responsible for handling marriage, divorce, and inheritance issues" in Iraq, and the "constitution guarantees citizens the right to choose which court (civil or religious) will adjudicate matters of personal status, including marriage" (US 15 Aug. 2017, 5, 7). According to a 2017 article by Human Rights Watch, Iraq's Personal Status Law "applies to everyone regardless of their religious affiliation, and is administered by Iraq's secular court system" (Human Rights Watch 17 Dec. 2017). According to a 2017 article by openDemocracy, a non-profit "independent global media platform" that reports and analyzes social and political issues in the context of human rights (openDemocracy n.d.), Iraq's 1959 "Personal Status Code" "includes legislation related to personal status such as marriage" (openDemocracy 15 June 2017). The same source describes this law as "non-sectarian" since it "gathers both Sunni and Shi'a jurisprudence and thus is applied to both sects and renders possible intersect marriages" (openDemocracy 15 June 2017). Similarly, in correspondence with the Research Directorate, a representative of the Middle East and North Africa Programmes at the Ceasefire Centre for Civilian Rights noted that "both Sunnis and Shias (and inter-sect couples) are bound by the same law, that is, the 1959 Personal Status Code" (Ceasefire Centre 8 Jan. 2018).

### 3. Treatment of Intermarried Couples and their Children

According to the 2017 EASO report, Mark Lattimer of the Ceasefire Centre for Civilian Rights explained the following when asked whether mixed couples can become targets of persecution in Iraq: "Yes, but they are not persecuted indiscriminately; there has been a long history of mixed marriages in Iraq" (EU July 2017, 24). According to the same source, regarding the Kurdistan region, both men and women, though particularly women, may be victims of honour killings, for example, in the case of "a problematic mixed marriage," such as a relationship between a Sunni and a Shia who "want to marry but the families do not approve" (EU July 2017, 24). According to the Senior Iraq Researcher at Human Rights Watch, "[s]ome families might be opposed [to inter-sect marriage], but that entirely depends on the family" (Senior Iraq Researcher 16 Jan. 2018). The EASO report indicates that various experts and organizations noted the following concerning the Kurdistan region: "[I]t is possible for a clan or a tribe to punish

a member (especially a woman) for committing a misguided act, such as a mixed marriage" (EU July 2017, 24). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The representative of the Middle East and North Africa Programmes at the Ceasefire Centre for Civilian Rights stated that inter-sect marriages "have become less socially acceptable in some quarters due to the politicization of sectarian differences" since 2006, while noting that "this varies greatly from family to family and from place to place" (Ceasefire Centre 8 Jan. 2018). According to the same source, the Ceasefire Centre for Civilian Rights has "a network of local researchers who have been documenting cases of family-based violence across six Iraqi governorates since 2014" (Ceasefire Centre 8 Jan. 2018). The same source explained that the six governorates covered by their network are Baghdad, Basra, Kirkuk, Dohuk, Erbil, and Suleymania and that their "initial dataset" contained "1,249 cases of family-based violence collected between February 2014 and May 2015[,] [including] 11 cases in which inter-sect marriage was mentioned as a factor of violence or abuse; 10 of these cases were in Baghdad and one was in Basra" (Ceasefire Centre 17 Jan. 2018). The same source indicated that the organization has documented a number of cases [3] in which:

- Sunni-Shia couples were forced to divorce after the rise in sectarian tensions due to pressure from the family/community;
- Women in inter-sect marriages, particularly if living with the husband's family, were exposed to domestic abuse and violence from their in-laws due to being from another sect;
- In cases of divorce, children were taken to be raised by the father's family and prevented from seeing the mother, due to the mother's sectarian difference. (Ceasefire Centre 8 Jan. 2018)

Further and corroborating information on the treatment of intermarried couples' children could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. The representative of the Middle East and North Africa Programmes also mentioned "one case of attempted murder of a woman by her brother, because she had married a man from the other sect against her family's wishes" (Ceasefire Centre 8 Jan. 2018).

#### 4. State Protection

Information on state protection available to Muslim Sunni-Shia married couples or their children was scarce among the sources consulted by the Research Directorate within the time constraints of this Response. Sources indicated not being aware of any forms of state protection available to inter-sect families (Ceasefire Centre 8 Jan. 2018; Senior Iraq Researcher 16 Jan. 2018). The representative of the Middle East and North Africa Programmes stated that in Iraq, "[s]tate protection in general for victims of abusive

family situations is practically non-existent" (Ceasefire Centre 8 Jan. 2018). The same source further explained that "Iraq currently does not have any anti-discrimination legislation, nor any legislation criminalizing family based violence, except in the Kurdistan region" (Ceasefire Centre 17 Jan. 2018). According to the Senior Research Fellow, there is no "provision reserved for [Sunni-Shia] unions or for their offspring" (Senior Research Fellow 3 Jan. 2018).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## Notes

[1] The SISMEC is "a consortium of instructors, researchers and students based at [t]he University of Arizona, and dedicated to furthering understanding of conflict in the Middle East and Northern Africa" (SISMEC n.d.).

[2] The Ceasefire Centre for Civilian Rights is an "initiative to develop 'civilian-led monitoring' of violations of international humanitarian law or human rights"; it works with and is hosted in London by Minority Rights Group International (MRG) (MRG 3 Aug. 2015).

[3] The representative of the Middle East and North Africa Programmes noted that "it is difficult to make inferences about the prevalence of the types of scenarios [they found] because [the] number of cases is relatively small" (Ceasefire Centre 8 Jan. 2018).

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## Additional Sources Consulted

**Oral sources:** Academics and researchers specializing in sectarianism in Iraq.

**Internet sites, including:** Albilad English Daily; Amnesty International; *Arab News*; *The Arab Weekly*; Associated Press; Australia – Department of Foreign Affairs and Trade; Austrian Centre for Country of Origin and Asylum Research and Documentation; The Brookings Institution; Business Insider; Carnegie Europe; The Conversation; Danish Refugee Council; Denmark – Ministry of Immigration, Integration and Housing; ecoi.net; *The Economist*; Factiva; Fédération internationale des ligues des droits de l'homme; Finland – Finnish Immigration Service; Freedom House; *The Guardian*; Gulf Business; *Gulf News*; *Gulf Times*; *Haaretz*; Huffington Post; Institute for International Law & Human Rights; Iraqi News; IRIN; The Jamestown Foundation; *Jane's Intelligence Review*; Middle East Institute; The Middle East Media Research Institute; Middle East Policy Council; *The Muslim World*; *The National*; *National Post*; *Political Handbook of the World*; Radio France internationale; Radio Free Europe/Radio Liberty; Refugee Documentation Centre; Reuters; *The Telegraph*; UK – Home Office; UN – Human Rights Council, Refworld, UNHCR; Vox; *The Washington Post*.

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### ecoi.net summary:

Query response on inter-sect marriage between Sunni and Shia Muslims (2016 -January 2018)



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Iraq

### Source:

IRB – Immigration and Refugee Board of Canada ([/en/source/11213.html](http://www.irb.gc.ca/en/source/11213.html))

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