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# Iran: Women, children, LGBTI persons, persons with disabilities, "moral crimes"

COI Compilation

December 2015



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REPUBLIK ÖSTERREICH  
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ACCORD is co-funded by the Asylum, Migration and Integration Fund, UNHCR and the Ministry of the Interior, Austria.

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This report serves the specific purpose of collating legally relevant information on conditions in countries of origin pertinent to the assessment of claims for asylum. It is not intended to be a general report on human rights conditions. The report is prepared within a specified time frame on the basis of publicly available documents as well as information provided by experts. All sources are cited and fully referenced.

This report is not, and does not purport to be, either exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. Every effort has been made to compile information from reliable sources; users should refer to the full text of documents cited and assess the credibility, relevance and timeliness of source material with reference to the specific research concerns arising from individual applications.

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# 1 Treatment of women

## 1.1 Citizenship

This section focuses on information relating to the citizenship of Iranian women who are married to non-Iranian husbands. For details regarding the citizenship of children from marriages between Iranian women and non-Iranian men, as well as general information on Iranian nationality law, please refer to our July 2015 COI compilation “Iran: Political Opposition Groups, Security Forces, Selected Human Rights Issues, Rule of Law”, section 8 (“Nationality and statelessness”) (ACCORD, July 2015, pp. 215-219).

Semira N. Nikou, a senior research associate and doctoral candidate at the Public International Law and Policy Group at the Washington, D.C.-based American University’s Washington College of Law (WCL), noted in a January 2015 article for the Human Rights Brief, a student-run publication of the same college, that “[m]ost provisions with respect to citizenship are found in Book 2 – On Nationality of the Iranian Civil Code” (Nikou, 13 January 2015, p. 2).

Article 987 of the Civil Code (Book 2) contains the following provisions relating to the citizenship of Iranian women who are married to non-Iranian nationals:

“Article 987 - An Iranian woman marrying a foreign national will retain her Iranian nationality unless according to the law of the country of the husband the latter’s nationality is imposed by marriage upon the wife. But in any case, after the death of the husband or after divorce or separation, she will re-acquire her original nationality together with all rights and privileges appertaining to it by the mere submission of an application to the Ministry of Foreign Affairs, to which should be annexed a certificate of the death of her husband or the document establishing the separation.

Note 1- If the law of nationality of the country of the husband leaves the wife free to preserve her former nationality or to acquire the nationality of her husband, the Iranian wife who opts to acquire the nationality of the husband and who has proper reasons for doing so can apply in writing to the Ministry of Foreign Affairs and the Ministry can accord her request.

Note 2 - Iranian women who acquire foreign nationality by marriage do not have the right to possess landed property if this would result in the economic dominance of a foreigner. The finding of this issue is the responsibility of a commission comprising representatives of the Ministry of Foreign Affairs, the Interior Ministry and the Intelligence Ministry.

The provisions of Article 988 and its note on persons who have renounced Iranian nationality and must leave do not apply to the above – mentioned women. (Amended in accordance to the Law on Amendment of Several Articles of the Civil Law, 1991)” (Civil Code, amended as of 2006, Article 987)

Article 976, Section 6 of the Civil Code states that “[e]very woman of foreign nationality who marries an Iranian husband” is Iranian (Civil Code, amended as of 2006, Article 976).

An October 2015 article of the Oxford Human Rights Hub (OxHRH), a network based at the University of Oxford's law faculty that deals with the exchange of ideas and resources on human rights issues, summarizes the provisions of Article 976:

"In 2006, parliament amended Article 976 of Iran's Civil Code to allow children born of Iranian mothers to apply for citizenship provided they fulfilled certain conditions. Under the 2006 law, children can apply for citizenship once they reach the age of 18 but they must have been born inside Iran and must have no criminal record. They also need to renounce any other nationality they hold. The amendments further require that the marriage of the parents has been registered in full compliance with the law." (OxHRH, 8 October 2015)

In a 2014 report written under the aegis of Tilburg University Law School's statelessness programme, social scientist Jason Tucker noted that "Iranian mothers do not have the same rights as Iranian fathers to pass their nationality to their children" (Tucker, 2014, p. 7).

The UN Secretary-General notes in a February 2015 report to the UN Human Rights Council (HRC):

"Iranian women who marry men from Iraq or Afghanistan are unable to pass on their Iranian nationality to their children, who thereby risk becoming stateless. Gender-discriminatory nationality laws often lead to the statelessness of women and children, or to situations where a woman, her children or husband are deprived of the nationality of the country where they reside." (HRC, 20 February 2015, p. 9)

Pajhwok Afghan News (PAN), an independent Afghan news agency, noted in February 2013 report that "[u]nder a new law enacted by the Majlis, children born to Iranian mothers and foreign fathers" would henceforth "be granted legal residency in Iran, but not citizenship" (PAN, 11 February 2013).

The UN Secretary-General states in his February 2015 report with reference to information provided by the Iranian authorities:

"In their comments on the present report, the Iranian authorities pointed out that a law adopted in 2006 provides that children born in the Islamic Republic of Iran from a marriage of an Iranian woman with a foreign man could be granted Iranian nationality if they had no criminal or national security-related record." (HRC, 20 February 2015, p. 9, footnote 12)

The October 2015 article of the Oxford Human Rights Hub (OxHRH) notes that a bill was proposed in 2015 that would have removed the above-mentioned requirement that children of Iranian mothers and non-Iranian fathers must be born in Iran to be eligible for Iranian citizenship, merely requiring that they "have been residing in the country for five consecutive or alternating years before turning 18" (OxHRH, 8 October 2015).

The same source goes on to say, however, that this bill was rejected in parliament in September 2015:

“The 2015 Bill proposed that these children ‘would be eligible to request for citizenship once they reach the age of 18 provided that they have been residing in the country for five consecutive or alternating years before turning 18.’ It obligated the Ministry of Foreign Affairs to issue them citizenship papers within three month after they have submitted their application. [...]

On 27 September the parliament practically buried the bill by rejecting its generalities and removing it altogether from its agenda. In rejecting the bill, parliamentarians referred to ‘national security’ and fear of ‘increased illegal immigration’.” (OxHRH, 8 October 2015)

## 1.2 Dress code and gender segregation

### *Dress code*

Punishments for “sinful acts”, acts against public prudency and women who appear in public places and roads without wearing the Islamic hijab are set out in Article 638 of Book V of the Islamic Penal Code (IPC) of 2013. An English translation of this section by the Human Rights Documentation Centre (IHRDC), a US-based non-profit organisation working on human rights issues in Iran, reads as follows:

“Article 638 - Anyone in public places and roads who openly commits a harām (sinful) act, in addition to the punishment provided for the act, shall be sentenced to two months’ imprisonment or up to 74 lashes; and if they commit an act that is not punishable but violates public prudency, they shall only be sentenced to ten days to two months’ imprisonment or up to 74 lashes.

Note - Women, who appear in public places and roads without wearing an Islamic hijab, shall be sentenced to ten days to two months’ imprisonment or a fine of fifty thousand to five hundred Rials.” (IPC, 2013, Article 638, translated in IHRDC, 18 July 2013)

In an article in the spring 2009 volume of the Middle East Report (MER), a journal published by the US-based research group Middle East Research and Information Project (MERIP), Iranian political scientist Fatemeh Sadeghi noted that “[s]tarting in 2005, conservatives in the Islamic Republic launched a ‘culture of modesty’ (farhang-e effaf) campaign, aimed mainly at restoring the strict veiling (hejab) of women practiced in the early years of the Islamic Republic and at eliminating bad hejab, the increasingly bold (though technically still ‘Islamic’) fashions that women are wearing in public”. Sadeghi goes on to say that female Basij members are “major agents” of the enforcement of “culture of modesty” in Iran. (Sadeghi, spring 2009)

Amnesty International (AI) stated in March 2015 that “Iran’s Penal Code penalizes women and girls as early as nine years old who fail to cover their hair with a headscarf and comply with compulsory dress codes” (AI, 11 March 2015a).

Justice for Iran (JFI), a human rights advocacy group based in London, states in a March 2014 report that the *Methods and Procedures for Propagation of the Culture of Modesty* approved by the High Cultural Revolutionary Council in February 2005 mandated Iran's disciplinary forces with the task of "Declaring the limits and legal definition of modesty and standards of improper hijab in society with the aim of recognising its manifestations" and "taking legal steps to confront individuals with improper hijab (JFI, March 2014, pp. 12 and 51). The lines of action of these forces are described as follows:

"Since 2007, disciplinary forces established 'guidance patrols' to monitor the streets and public spaces, functioning as one of the organs charged with the enforcement of this Act, in this manner determining the criteria of the concept of 'improper hijab.' These criteria change on a regular basis and in many cases vary in accordance with the personal preferences of the patrol officers. In this vein, officers frequent busy streets and crowded areas in order to identify those women who in their opinion do not observe hijab laws in a proper manner, reprimand them and in some cases detain them in their SUVs and after a few hours, have them pledge to observe full Islamic hijab laws at all times. In other cases, family members of detained women are instructed to provide Islamic uniforms that are longer or clothing that is deemed more Islamic before they are released. Some women are transferred to police stations and held for a number of hours while those among them who have a previous record of improper hijab or refusal to cooperate with the police are transferred to the judiciary." (JFI, March 2014, p. 13)

The US Department of State (USDOS) notes in its June 2015 Country Report on Human Rights Practices, which covers the year 2014, that due to an absence of clear legal definitions of "appropriate hijab" or punishments, "women were subject to the opinions of disciplinary forces or judges". The report further notes that in September 2014, the volunteer militia group Ansar-e Hezbollah "renewed its threats to patrol Tehran's streets to confront improperly veiled women". (USDOS, 25 June 2015, section 6)

The International Campaign for Human Rights in Iran (ICHRI) stated in an October 2015 press release:

"A bill, the Plan to Promote Virtue and Prevent Vice was introduced into the Iranian Parliament in June 2014, and subsequently passed on April 22, 2015. The Plan explicitly mandates the Basij, a voluntary militia that is under the auspices of Iran's Revolutionary Guards, to enforce proper hijab on all Iranian women. Through its call for Basij enforcement it entrusts law enforcement to untrained (and unaccountable) individual citizens—in other words, it effectively creates a system of vigilante justice." (ICHRI, 9 October 2015)

The US Department of State (USDOS) notes in its July 2014 International Religious Freedom Report, which covers 2013:

"Women of all religious groups are expected to adhere to 'Islamic dress' in public; this includes covering their hair and fully covering the body in loose clothing. Although enforcement of rules for such conservative dress eases at times, the government

periodically punishes 'un-Islamic dress.' In a possible easing of dress code enforcement, Iranian police officials announced in November [2013] that enforcement would be transferred from the Gashte Ershad ('Guidance Patrol') to a new 'social council' within the Ministry of the Interior." (USDOS, 28 July 2014, section 2)

A February 2015 report of the UN Secretary-General to the UN Human Rights Council (HRC) notes:

"Women in the Islamic Republic of Iran are required to observe Islamic dress code in public places. [...] The morality police strictly monitor all public places, including vehicles, and take action against those who do not adhere to the morality codes. Women who appear without an Islamic hijab risk arrest and imprisonment of between 10 days and two months, or a fine of up to 500,000 rials. Approximately 30,000 women were reportedly arrested between 2003 and 2013, with many others subjected to expulsion from university or banned from entering public spaces, such as parks, cinemas, sport facilities, airports and beaches." (HRC, 20 February 2015, p. 9)

A September 2015 article of the Agence France-Presse (AFP) news agency mentions that "since the mid-1990s, there has been a gradual relaxation of the dress code despite continued campaigns by police to enforce it", noting that "[i]n some rich neighbourhoods of northern Tehran, [...] it is not uncommon to see women's scarves around their shoulders" and that "[m]any young women also wear tight clothes and short coats" (AFP, 16 September 2015).

Meanwhile, the International Campaign for Human Rights in Iran (ICHRI), a New York-based NGO, notes in an October 2014 press release that "[w]hen the centrist Hassan Rouhani won office last year by a large electoral margin, hardliners, anxious to assert their continued primacy in the domestic sphere, unleashed a wave of attacks on women with 'loose' hijab, citing the 'immorality' and 'lack of chastity' of such women and their participation in a 'western plot' to corrupt Iranian youth". The report further states:

"A few weeks ago, Abdolhamid Mohtasham, head of Ansar-e Hezbollah, announced the launch of a street campaign to confront women who don't observe 'proper' Islamic hijab. Ansar, a hardline militia group connected to the Revolutionary Guards and the Basij militias, is infamous for its role in suppressing popular anti-government student demonstrations and attacking reformist newspapers and journalists in the 1990s and the 2000s. The group, which usually operates without official government authorization and expresses direct loyalty to Supreme Leader Ali Khamenei, claims that they are the true protectors of Islamic values in society." (ICHRI, 9 October 2014)

Meanwhile, an October 2014 article of the Economist newspaper refers to the mandatory wearing of the hijab as a "touchpaper issue", noting that in October 2014, "parliament started to debate a bill proposing new powers for volunteer militias to enforce the head covering" despite president Rohani's pleas that police should be more lenient (Economist, 25 October 2014).

The February 2015 report of the UN Secretary-General to the UN Human Rights Council (HRC) indicates:

“The parliament reportedly recently approved a plan ‘on the protection of promoters of virtue and preventers of vice’, which would increase checks on improper veiling. In their comments on the present report, the Iranian authorities reported that the plan had been sent back to the parliament by the Guardian Council after it found 14 paragraphs in conflict with the Constitution.” (HRC, 20 February 2015, p. 9)

A March 2015 report of the UN special rapporteur on the situation of human rights in the Islamic Republic of Iran notes that a legal bill named “Plan to Protect Hijab and Modesty” was submitted in October 2014 by 36 members of the Iranian Consultative Assembly (i.e. Iranian Parliament, Majles). The bill includes regulations on workplace dress codes, requiring that “employees in public or private sectors that do not meet Islamic standards for proper clothing could be penalized by pay check cuts up to 1/3 of their salary, for a minimum period of one month and maximum of one year”. (HRC, 12 March 2015, p. 16)

An Amnesty International (AI) report of March 2015 notes that the laws and regulations mandating the compulsory wearing of the hijab are “used by the police, paramilitary Basij forces and vigilante groups such as Ansar-e Hezbollah to justify patrolling public spaces” and “target women for intimidation, harassment, physical violence and imprisonment” (AI, 11 March 2015c, p. 36). The report goes on to provide the following details:

“According to official statistics, between March 2013 and March 2014, over 2.9 million women received a police warning for their perceived failure to observe the Islamic dress code. An additional 207,053 women were forced to sign a written statement promising not to re-commit the ‘offence’ of ‘improper veiling’ (bad-hijabi). A further 18,081 women were referred to judicial authorities for prosecution and punishment.” (AI, 11 March 2015c, pp. 36-37)

The October 2014 ICHRI press release cites official statistics as indicating that during the year 2013, “2,917,000 women have been warned for their hijab by morality police, from which 205,052 were forced to sign a written statement promising not to violate the hijab law in the future, and 18,082 were referred to the Judiciary to be tried in courts”. The same press release further notes that these numbers do not include hijab “interventions” by non-governmental groups such as the Basij organisation:

“Moreover, there were numerous additional hijab ‘interventions’ by other non-governmental organizations, such as the Basij militia and its affiliated groups, but there are no reliable statistics regarding their number.” (ICHRI, 9 October 2014)

A May 2015 article of the British Guardian newspaper states that “[r]eligious police and plainclothes basij militia are often deployed on the streets or in public buildings such as big shopping malls where they crack down on men and women who fail to stick to their forced Islamic dress code”. The same article also notes:

“Rouhani has repeatedly made clear he stands opposed to such practices, but Iran’s police and similar forces operate under the direct control of supreme leader Ayatollah Ali Khamenei.” (Guardian, 5 May 2015)

The Freedom House Freedom in the World 2015 report states that “[w]omen are regularly harassed and detained by the police for not fully observing the obligatory Islamic dress code”. The report also mentions that “[i]n June 2014, the parliament described skin-tight leggings that have become popular among Iranian women as a threat to society” (Freedom House, 28 January 2015).

As the AFP news agency reported in September 2015 with reference to a judicial official, a court in Tehran “fined two women \$260 for violating the Islamic dress code by not wearing their mandatory hijabs (headscarves) properly in the street”. The same article also reports that earlier in September 2015, “a police official said women drivers could have their cars impounded if they are caught driving with a poorly fixed veil or with their heads uncovered.” (AFP, 16 September 2015)

In January 2015, the Jerusalem Post, an Israeli broadsheet newspaper, reported that “[m]orality police arrested a number of women for immodest dress in Tehran” and that “[t]he women were detained for several hours and then were forced to sign a statement not to repeat their actions and to follow the Islamic and Iranian culture traditions” (JP, 1 January 2015).

### *Gender segregation*

As the USDOS indicated in its October 2015 International Religious Freedom Report, which covers the year 2014, “[t]he government enforces gender segregation throughout the country without regard to religious affiliation” (USDOS, 14 October 2015, section 2).

The same source specifies in its June 2015 Country Report on Human Rights Practices, which covers the year 2014:

“The government enforced gender segregation in many public spaces, including for patients during medical care, and prohibited women from mixing openly with unmarried men or men not related to them. Women must ride in a reserved section on public buses and enter public buildings, universities, and airports through separate entrances.” (USDOS, 25 June 2015, section 6)

The International Campaign for Human Rights in Iran (ICHR) stated in a September 2014 press release:

“Since the 1979 revolution, the Iranian government has been enforcing gender segregation regulations in certain public spaces such as schools (from primary to high school), sports centers, and public transportation. Although there is not comprehensive nationwide legislation regarding gender segregation in Iran, various organizations have adopted internal rules to ensure it is observed. [...]”

In the absence of an institutionalized policy, gender-segregation is usually enforced locally and arbitrarily, and in most cases it is solely based on decisions taken by the head of an organization.” (ICHRI, 3 September 2014)

The same ICHRI press release notes gender segregation in a number of areas including access to high-ranking positions in government and the judiciary, at universities, and at public and private gatherings:

“Gender segregation regulations during the past 35 years have been a pretext to deprive Iranian women of access to high-ranking positions, such as the presidency and judgeships. Women are also barred from attending certain public spaces such as sports stadiums. During the last few years, hardliners have also limited women’s access to higher education institutions and programs.

In 2012, the state excluded women from 77 majors in specific universities, including management, mathematics, physics, and computer engineering. [...]

Women and men’s mingling in public and private spheres has also been a concern for the government since the 1979 revolution, although the level of enforcement has ebbed and flowed depending on the administration, reflecting the lack of comprehensive institutionalized legislation on the matter.

The police have regularly raided private parties to arrest young men and women solely for having a mixed gathering. Questioning men and women’s relationship on the streets by morality police (a branch of security forces co-directed by the Revolutionary Guards and Interior Ministry) and arresting them if not related has been a common phenomenon.” (ICHRI, 3 September 2014)

Freedom House indicated in its Freedom in the World 2015 report that “[h]ome parties are often raided and citizens detained or fined for drinking alcohol or mingling with members of the opposite sex” (Freedom House, 28 January 2015).

The above-mentioned September 2014 ICHRI press release reported on a recent decision by the mayor of Tehran to separate male and female employees in the Tehran municipality:

“[D]uring the last few weeks, gender segregation has again turned into a leading issue, with the decision by Mohammad Bagher Ghalibaf, the mayor of Tehran, to order the separation of his male and female employees in the municipality.” (ICHRI, 3 September 2014)

According to the ICHRI, this plan, which was announced in July 2014 (ICHRI, 18 July 2014), “stipulates that managers of the Municipality will no longer be allowed to have female secretaries, typists, or office managers, and all women in such positions will be replaced with men” (ICHRI, 4 September 2014).

The ICHRI further notes:

“The extent to which other municipalities will follow Tehran’s model is as yet unclear. The municipality of Ardabil in Northwestern Iran, known for the religiosity of its residents, also ordered the separation of men and women in the workplace. The mayor of Ardabil argued that this arrangement would increase efficiency and security in the organization. However, in Mashhad, one of Iran’s major cities and the site of one of its most sacred Shiite shrines, a City Council member brushed away the idea and told reporters that ‘the Council has not approved any such policy as of yet.’

At the time the segregation initiative was introduced, it was reported that Tehran’s municipality dismissed an unidentified number of female employees holding secretarial and managerial positions, all of whom were to be replaced by male personnel. [...]

Though it is not known how many employees were dismissed, the number of women potentially affected is great: the Municipality of Tehran’s website states it has 8,275 female employees (14.9% of all employees). Mohammad Taqi Hosseini, the Deputy of Minister of Labor, criticized the dismissal of female employees in an official letter and called it ‘discrimination based on gender,’ and against international conventions, but he did not directly question the segregation policy.” (ICHRI, 3 September 2014)

The ICHRI noted in another September 2014 press release that while “Rouhani’s administration has stated its opposition to the Tehran Municipality’s gender segregation plan, many high-ranking Iranian officials such as the Speaker of the Parliament, the Head of the Administrative Courts, and several Members of Parliament have defended the plan set forth by Tehran Mayor Mohammad Bagher Ghalibaf [...]” (ICHRI, 4 September 2014)

As the UK Foreign & Commonwealth Office (FCO) indicated in its “Country of Concern” report on Iran, “[a]s of 30 September [2014], gender segregation has not yet been implemented in the Tehran municipality” (FCO, 30 September 2014).

As reported by the ICHRI with reference to an article of the reformist Shargh Daily newspaper, the head of the Public Buildings Office (Amaken) of the Iranian police announced in late August 2014 that women would no longer be allowed to work in “coffee shops, coffee houses, and traditional Iranian restaurants”. The ICHRI notes that “[n]o laws or reasons were cited as the basis for the decision” (ICHRI, 4 September 2014).

An article published in September 2014 on IranWire, a news website run by Iranian journalists living outside Iran, noted the following:

“On August 30th Colonel Khalil Halali, Chief of Police for Public Places, announced that women will no longer be permitted to work in cafés and coffee shops. The order will affect thousands of establishments and working women in this city of nearly eight million people, and will include women who have a permit for running their own business. Under the new regulations, women will only be permitted to work in the kitchens of cafes.” (IranWire, 9 September 2014)

The UN special rapporteur on human rights in Iran noted in a March 2015 report to the UN Human Rights Council (HRC) that “[o]n 30 August 2014, authorities stated that women are banned from working in coffee shops and that women requesting business permits for coffee shops should introduce men as their supervisors.” (HRC, 12 March 2015, p. 16)

The same report notes that Article 5 of the above-mentioned legal bill named “Plan to Protect Hijab and Modesty”, which was submitted to the Maljes in October 2014, “limits women’s working hours from 7 am to 10 pm and calls for gender segregation in the workplace” with exemptions made for some professions such as doctors, nurses or flight attendants as well as workplaces where the presence of women is required. (HRC, 12 March 2015, p. 16)

The ICHRI further states with reference to the same Shargh Daily article that “women are now banned from appearing on stage at musical performances in 13 provinces across the country”, noting that “[o]nly bands without any female members will be granted the required performance license”. The same Shargh article is reported as quoting the head of the Ministry of Culture and Islamic Guidance’s music department as saying that Isfahan province is among the provinces that have publicly announced they would ban women from appearing on stage. The same official is quoted as opposing the elimination of women from music performances, explaining that “[t]his type of gender segregation and excluding women is against the policies of the Ministry of Culture” and that “[i]f women have problems appearing on stages in towns, it isn’t because of the views of the Ministry of Culture; rather, it is related to other organizations.” (ICHRI, 4 September 2014)

In February 2015, the ICHRI noted that over the previous few months, “several concerts with female participants have been cancelled or forced to eliminate their female members in order to perform”. According to the ICHRI, “[s]uch cancellations did not take place even under the previous conservative administration of Mahmoud Ahmadinejad, and reflect hardliners’ increased assertiveness, especially regarding women’s participation in the public sphere, since the election of the centrist Hassan Rouhani in June 2013”. (ICHRI, 13 February 2015)

A November 2015 Amnesty International (AI) press release informs about bans on women watching sporting events in stadiums:

“Iran has imposed a ban on women watching football games in stadiums since the establishment of the Islamic Republic of Iran in 1979. In 2012, the government extended this ban to volleyball matches. Iranian officials have frequently stated that the mixing of women and men in sport stadiums is not in the public interest and that the [...] ban on Iranian women is for their own benefit, as they need protection from the lewd behaviour of male fans.” (AI, 28 November 2014)

The February 2015 report of the UN Secretary-General to the UN Human Rights Council (HRC) notes that in June 2014, Ghoncheh Ghavami, a British-Iranian woman, was arrested after protesting against a state ban on Iranian women attending male volleyball and football games in a stadium. She was reportedly held in solitary confinement and “charged with propaganda against the establishment and attending gatherings and demonstrations against the system.” In September 2014, the public prosecutor “dismissed claims that Ms. Ghavami had been

detained for attending a sport event, explaining that she had been arrested because of her activities against the establishment and for her links with satellite channels, including BBC Persian” (HRC, 20 February 2015, p. 9). As reported by Amnesty International (AI), in November 2014, “the verdict of her case was officially issued -- one year’s imprisonment for ‘spreading propaganda against the system’ and a two-year travel ban”. Ghavami was subsequently released on bail (AI, 28 November 2014).

In April 2015, the New York Times (NYT) reported that “[i]n a major shift, Iran announced [...] that women would be allowed to attend big sporting events, reversing a rule that had barred them from entering stadiums to watch matches attended by men”. An official of Iran’s Ministry of Youth Affairs and Sports is quoted as saying to the official IRNA news agency that women would be allowed to watch most athletic events with the exception of sports like wrestling or swimming (NYT, 4 April 2015)

The US-based Time news magazine reported in June 2015 with reference to an Associate Press (AP) report quoting Iran’s Vice President for Women and Family Affairs that “[v]olleyball, basketball, handball and tennis matches will be open to a “limited number” of women attendees, mostly family members of players”, while “[s]occer, swimming and wrestling matches, however, would remain no go zones” (Time, 9 June 2015).

In June 2015, the Guardian newspaper reported on restrictions on the number of women allowed to attend two matches of the Volleyball World League men’s games in Tehran:

“When the government announced earlier that some women would be allowed entry, despite a long ban on them attending men’s sporting events, many female fans were hopeful. But media have since said only 200 of the 12,000 seats in the arena at Tehran’s Azadi sport complex will be reserved for women – specifically female officials from the volleyball federation and players’ relatives. This has sparked accusations that Iranian authorities are still not willing to take on the country’s hardliners despite promises of increased openness.” (Guardian, 19 June 2015)

As the New York Times (NYT) reported in August 2015, at all men’s international volleyball matches held in Iran in summer 2015, authorities “barred Iranian women and girls from buying tickets to attend the matches” and “posted police around the stadiums to keep out Iranian women who might try to attend” (NYT, 27 August 2015).

### **1.3 Freedom of movement**

Freedom House states in its January 2015 Freedom in the World report that “[f]reedom of movement is restricted, particularly for women and perceived opponents of the regime”, noting that “[w]omen are banned from certain public places, such as sports stadiums, and can obtain a passport to travel abroad only with the permission of their fathers or husbands” (Freedom House, 28 January 2015).

In March 2013, the Iran Human Rights Documentation Center (IHRDC), a US-based non-profit organisation specialised in documenting human rights issues in Iran, published a commentary on Iranian laws that affect gender equality. The commentary indicates that under Islamic law,

marriage is considered to be a contract which sets out certain rights and duties for husband and wife, including “the woman’s duty to *tamkin* (sexual submission and obedience) and the man’s duty to pay *mahriyeh* and provide *nafaqa* (maintenance)”. The commentary notes the following implications of the duty of *tamkin* for the wife’s movements outside the home:

“The wife has to be sexually available to [her husband] at all times, such that he has total control over her, including her movements to and from the home. In return, he is required to provide her *nafaqa* (maintenance). Without an acceptable excuse, the wife’s failure to comply with the lawful wishes of her husband constitutes ‘*nushuz*’ (disobedience) and means that she may lose her right to maintenance.” (IHRDC, 8 March 2013)

In March 2015, Amnesty International (AI) similarly noted that “a woman would not be entitled to spousal maintenance if she refuses to comply with the ‘duties of marriage’, which can include refusing to have sex with her husband or leaving the house without permission” (AI, 11 March 2015a).

The above mentioned IHRDC commentary notes that a married woman’s right to work is “conditional and can be restricted by the husband”, as set out in Article 1117 of the Iranian Civil Code, which reads:

“The husband can prevent his wife from an occupation or technical profession which is incompatible with the family’s interests or the dignity of him or his wife.” (IHRDC, 8 March 2013)

The same IHRDC commentary notes that according to Article 18 of the Passport Law of 1973, married women need their “husband’s consent to obtain a passport and travel outside the country” and that therefore, “[h]usbands can forbid their wives from leaving the country by refusing to sign the papers that will allow them to apply for a passport and travel”. The IHRDC goes on to state:

“According to Article 19 of the same law, husbands even have the ability to notify the government and forbid their wives from leaving the country. In such cases their wives’ passports will be seized. In fact, even if they give their consent at first, husbands are not bound to their previous consent and are free to change their minds at any time. This exclusive right of the husband may cause many difficulties for their wives and can be abused by husbands. It is possible, especially in cases of dispute, for a husband to use this right as a punishment or as revenge.” (IHRDC, 8 March 2013)

A February 2014 article published on the Washington, DC-based AI-Monitor media site similarly states:

“Married Iranian women, even if they hold a valid passport, require their husband’s permission to depart the country, regardless of age. For obtaining or renewing a passport, a notarized permit from the spouse is required. Husbands can easily refrain from allowing their wives to obtain or renew their passport.” (AI-Monitor, 2 February 2014)

A January 2013 Radio Free Europe/Radio Liberty (RFE/RL) article reported:

“Under current law, all Iranians under 18 years of age - both male and female - must receive paternal permission before receiving travel documents. Women over the age of 18 need the written consent of their father or guardian to obtain a passport. Married women must receive their husband’s approval to receive the documents. [...]

In November [2012], legislators reportedly voted for language requiring single women up to the age of 40 to get official permission from their father or male guardian in order to obtain a passport in the first place. That decision led to criticism and protests by women’s rights activists and others. That provision appears to have changed, according to the spokesman of the parliament’s national security committee, Hossein Naghavi Hosseini. Hosseini said that although all single women over 18 need their guardian’s approval to leave the country, they won’t be prevented from receiving a passport. But he added that married women - at any age - still need their husband’s consent to get a passport.” (RFE/RL, 16 January 2013)

The Al-Monitor article of February 2014 stated that in November 2013, the Majles passed a bill that “required single women to obtain a notarized permit from their father or male guardian each time they were to depart the country”, so that even in cases where a woman holds a passport, they would still need the official permission for every journey abroad. The article notes that the bill was revoked following heavy criticism. As explained by an Iranian MP who is a member of the Maljes’ National Security and Foreign Policy Committee, under current legislation, “single Iranian women over the age of 18 can obtain a passport with their father or grandfather’s official permission” and “once a woman has her passport, she is cleared to exit the country, and there is no need for male permission to be obtained for every departure” (Al-Monitor, 2 February 2014).

As indicated in a January 2013 article of the Guardian newspaper, divorced women are “free to hold a passport and leave the country without permission” (Guardian, 15 January 2013).

The US Department of State (USDOS) noted in its June 2015 Country Report on Human Rights Practices, which covers the year 2014:

“Women, especially in rural areas, sometimes faced official and societal harassment for traveling alone. Conservative social norms often restricted the free movement of women in rural areas outside the home or village. Women in those areas often required the supervision of a male guardian or chaperone to travel.” (USDOS, 25 June 2015, section 2d)

#### **1.4 Social and economic rights**

The US Department of State (USDOS) June 2015 Country Report on Human Rights Practices in Iran, which covers the year 2014, notes that “[t]he constitution provides for equal protection for women under the law and for all human, political, economic, social, and cultural rights in conformity with Islam”. However, the report indicates that provisions in the Islamic civil and penal codes, particularly sections dealing with family and property law, discriminate against

women” and that women have faced restrictions in their economic, social, political, academic, and cultural rights. (USDOS, 25 June 2015, section 6)

As regards women’s access to education, an August 2014 report of the UN Secretary-General submitted to the UN General Assembly indicates that there has been continuous progress in female literacy. However, as far as higher education is concerned, the report notes that “[t]he percentage of female students entering university has [...] decreased from 62 per cent in 2007-2008 to just 48.2 per cent in 2012-2013, following the institution in 2012 of gender-rationing policies”. The report notes that these policies have “also resulted in the admission of more men than women in some fields of study between 2013 and 2014”. (UN General Assembly, 27 August 2014, p. 14)

This issue is further detailed in an Amnesty International (AI) report of March 2015:

“In the field of higher education, the authorities have intensified their efforts since 2011 to reverse the upward curve in the number and proportion of female students, including by imposing quotas for women on specific degree courses and by excluding women from certain courses altogether. [...]

[I]n 2011 many universities banned female students from admission to two fields of study – mining engineering and agricultural engineering. The following year, 36 universities barred women from 77 additional courses, including engineering, accounting, pure chemistry, English language and literature, political science, business administration, public administration, English translation, and archaeology.” (AI, 11 March 2015c, pp. 34-35)

A February 2015 press release of the International Campaign for Human Rights in Iran (ICHRI) notes that since coming into office in 2013, President Rouhani “has not been able to enact significant change” to this situation due to “vehement hardline opposition to any rollback of gender-based quotas”. The ICHRI notes that as a result of the gender-based quotas, [w]omen are banned from receiving the training that is required to enter numerous fields, thereby preventing them from employment in these areas.” (ICHRI, 23 February 2015)

As noted by the USDOS, “[s]ocial and legal constraints” curtailed women’s professional opportunities. While women are “represented in many fields, [...] the law requires a woman to obtain her husband’s consent before working outside the home.” The report also notes that there are no legal provisions requiring that men and women should be paid equally for work. (USDOS, 25 June 2015, section 6)

As noted by Amnesty International (AI) in March 2015, “[i]ncreasing restrictions on women’s employment opportunities have led to an annual decrease of 100,000 in the number of women in employment over the past eight years”. AI indicates that the unemployment rate of women (16.8 per cent) is nearly twice as high as that of men (9.1 per cent). (AI, 11 March 2015b).

The UN Secretary-General notes in his August 2014 report that “[n]o improvement in the level of participation of women in the workforce has been observed [...], with women constituting only 16 per cent of the labour force”. The report further states that “women with post-secondary degrees [are] three times as likely to be unemployed as their male counterparts.” (UN General Assembly, 27 August 2014, p. 17)

An August 2014 Al-Monitor article mentions a “weak white-collar job market” and the “conservative nature of traditional families” as factors adding to the chances of a woman to be (and remain) unemployed (Al-Monitor, 28 August 2014).

The same Al-Monitor article quotes the Iranian Students News Agency (ISNA), which is generally considered independent while being financially supported by the government, as reporting that 40 per cent of Iranian women with higher education degrees are unemployed. The same article quotes a Ministry of Interior official as saying that the government’s objective is not to encourage additional employment among women.

An earlier Al-Monitor article published in March 2014 refers to a recent article of the Iran Economics magazine as saying that younger women in the age group 18 to 24 years are facing an unemployment rate of 42.7 per cent. According to the magazine article, over the previous five years, there has been a “growing presence of female students in higher education”, which, however, “has not translated into a growing role of women in entrepreneurship and economic activity”. The same magazine article is quoted as listing a number of obstacles to wider access of women to the labour market, including social impediments such as an “overwhelming belief [...] that men should be the breadwinners in the family” and the legal requirement for women to obtain their husband’s permission for working outside the home, which poses a barrier for women from traditional family backgrounds. Al-Monitor continues to quote the same Iran Economics magazine article as pointing to financial barriers to women’s access to careers in entrepreneurship:

“The financial system also constitutes an obstacle to women’s active participation in entrepreneurship. Evidently, lack of access to loan facilities as well as to other support functions compels women to look for capital in their own social network which limits their ability to succeed.” (Al-Monitor, 26 March 2014)

The August 2014 report of the UN Secretary-General notes that “[w]omen from some ethnic minority backgrounds [...] appear to experience a disproportionately higher rate of unemployment” (UN General Assembly, 27 August 2014, p. 18).

The same report notes with respect to women’s representation in politics and state administration:

“The Administration has granted 3 of 11 deputy vice-presidential posts to women, corresponding to the portfolios of legal affairs, women’s affairs and environmental affairs. Moreover, some high-level posts in Sistan va Baluchestan Province are now filled by women, including two city governors and the deputy of the provincial Office of Development, Management and Human Resources. Regardless, female representation in senior decision-making positions remains low. [...]

There are no female ministers in the Administration. Overall, women occupy 17 per cent of jobs categorized as lawmakers, high-level officials and managers. They occupy only 3 per cent of the seats in the parliament and 9.7 per cent of the seats on the Tehran city council. No woman has ever been appointed to the Guardian Council or the Expediency Discernment Council and only one has served as a minister. Moreover, a government statement at the fifty-seventh session of the Commission on the Status of Women on 5 March 2013 notwithstanding, women appear to be permitted to serve only as female advisory judges and issue advisory opinions in family courts.” (UN General Assembly, 27 August 2014, pp. 18-19)

In September 2014, Bloomberg News, an international news agency headquartered in New York, reported about Tehran police commander Khalil Halali’s announcement that women are not allowed to work as waitresses in the public areas of the city’s tea houses, coffee shops and restaurants. The article quotes Shahindokht Molaverdi, Iran’s Vice President for women and family affairs, as saying that his ban would contribute to a further rise in female unemployment (Bloomberg News, 3 September 2014). For further information on this ban, please [refer to section 1.2](#) of this compilation (“Dress code and gender segregation”).

A July 2015 Agence France-Presse (AFP) article quotes a deputy at Iran’s Social Security Organisation as saying that out of 145,000 women who had gone on a six-month maternity leave in the previous 18 months, 47,000 of them were sacked as they tried to return to work because employers had found cheaper staff. Meanwhile, with reference to the same source, the article notes that a new law has been passed that grants nine months of paid leave for mothers. Some 160,000 working women would be eligible for the nine-month maternity leave. However, officials are not allowed to implement the new law because no financial resources have been provided for these leaves. (AFP, 31 July 2015)

The June 2015 USDOS Country Report on Human Rights Practices, which covers the year 2014, states that women face “discrimination in home and property ownership as well as access to financing” (USDOS, 25 June 2015, section 6).

In its March 2013 commentary on Iranian laws that affect gender equality, the Iran Human Rights Documentation Center (IHRDC) notes that “in some instances”, especially in the law of inheritance, women face restrictions with regard to financial ownership. The commentary notes that Quranic verse 4:11 states that “[t]he share of the male shall be twice that of a female”. The commentary goes on to state that Article 907 of the Civil Code stipulates that “when a father dies, his son(s) are entitled to twice as much as his daughter(s)”, and that according to Article 913, “[w]hen a husband dies, if he has at least one child, his wife may only inherit one-eighth of the assets; otherwise she is only entitled to a quarter”. (IHRDC, 8 March 2013)

## 1.5 Marriage and divorce

### *Marriage*

Article 13 of the Constitution of the Islamic Republic of Iran of 1979, which was last amended in 1989, states that Iranian Zoroastrians, Jews and Christians are, “within the limits of the law, [...] free to carry out their religious rites and practice their religion” in matters including personal status (Constitution of the Islamic Republic of Iran, 1989, Article 13)

A July 2011 research article by Ehsan Zarrokh, an Iranian attorney at law, which was published in the electronic journal *Islamic Law & Law of the Muslim World*, informs about Iranian marriages from a legal perspective. The article mentions that marriages consist of a marriage ceremony and a public celebration. The ceremony involves the “signing of a marriage contract in the presence of a mullah”. The article notes that “[o]ne significant feature of the marriage contract is the mahriyeh [also known as mahr], a stipulated sum that the groom gives to his new bride”. (Zarrokh, 15 July 2011)

A 2004 book entitled “Iran: A Primary Source Cultural Guide” by an author named Lauren Spencer provides details on the ceremony (aghed) stage of Iranian marriages:

“There are normally two stages to the ceremony, much like Western traditions, starting with the aghed (ceremony), where the couple is bound together legally, followed by a celebration, which will often last several days to a week, a much shorter celebration than in ancient times. By custom, the aghed and the reception party that follows usually take place at the home of the bride. The imam performs the ceremony, which consists of readings and recitations from the Koran and then the signing of a marriage contract and the mahr [...]. The bride is then asked three times if she agrees to the marriage. She only answers after the third time. This is to signify that it is the husband who desires her and not the other way around.” (Spencer, 2004, pp. 60-61)

As Ziba Mir-Hosseini, a legal anthropologist and professorial research associate at the University of London’s the Centre for Middle Eastern and Islamic Law, wrote in a 2010 book chapter entitled *Sharia and National Laws in Iran*, Iran’s family law, which was “codified in 1935 as part of the civil code” (CC), has gone through an “uneven history of reform” reflecting a “dual notion of legality” in which the legal/official (qanuni/rasmi) is juxtaposed to the religious (shar’i). (Mir-Hosseini, 2010, p. 351)

A marriage law had already been enacted in 1931, providing, amongst others, that “marriages and divorces be registered in civil bureaus”. The contents of other provisions of the code that dealt with “a wife’s right to maintenance and her right to initiate divorce proceedings” were incorporated into the 1935 Civil Code (CC). (Mir-Hosseini, 2010, p. 351)

In 1967, a Family Protection Law (FPL) was enacted, which curtailed men’s rights to arbitrary divorce (giving women equal access to divorce) and polygamy, and put men and women on an equal footing with regard to child custody. Meanwhile, the civil code was left intact. The

1967 FPL was replaced by a new FPL in 1975 which extended the reforms of the FPL. (Mir-Hosseini, 2010, pp. 329 and 352)

After the Islamic Revolution of 1979, the new regime revised “laws found to be in contradiction with sharia”. In 1982 and 1991, the Guardian Council and the High Judicial Council (abolished in 1989) “deleted, amended, or replaced fifty articles of the 1935 Civil Code” (CC) including the provisions on the minimum age at marriage (which was lowered from 13 for females and 15 for males to 9 lunar years for girls and 15 for boys). The penalties provided in the 1975 FPL for registering a polygamous marriage without court permission were declared by the Guardian Council “to be inconsistent with sharia”. However, similar provisions contained in the 1931 Marriage Law were left unmodified (Mir-Hosseini, 2010, pp. 353-354). The Marriage Law of 1931 was eventually repealed by the Family Protection Act (FPA) of 2013 (Ansari-pour, 2013, p. 99).

In its March 2013 commentary on Iranian laws that affect gender equality, the Iran Human Rights Documentation Center (IHRDC) states that under Islamic sharia, marriage is defined as a contract which “makes sexual relations between a man and woman lawful” and establishes “a set of default rights and duties for each party, some supported by legal force, others by moral sanction”. The contract involves 1) the making of a marriage offer by the woman or her guardian, 2) its acceptance by the husband and 3) mahr [Persian: mahriyeh], which is “money or a valuable item that the husband pays or pledges to pay the wife”. (IHRDC, 8 March 2013)

The IHRDC goes on to elaborate on the contractual rights and duties of husband and wife:

“[T]he marriage contract sets forth certain rights and duties for both parties. Each one’s duty is the other one’s right and there is a direct link between rights and duties. These include the woman’s duty to tamkin (sexual submission and obedience) and the man’s duty to pay mahriyeh and provide nafaqa (maintenance). If one party fails to perform his/her duties s/he may lose his/her rights.” (IHRDC, 8 March 2013)

The husband’s duty to provide his wife maintenance (nafaqa) is laid down in Article 1106 of the Civil Code (CC). Article 1107 defines nafaqa as follows:

“Nafaqa includes all reasonable and appropriate needs of the wife such as dwelling, clothing, food, furniture, the cost of health and remedy, and a servant if the wife is accustomed to have servants or if she needs one because of illness or defects of limbs.” (CC, 31 July 2006, Article 1107, cited in IHRDC, 8 March 2013)

Article 1111 of the CC allows the wife to sue her husband if the latter refuses to provide maintenance, in which case the court sets the due amount of *nafaqa* and compels to husband to pay it. (CC, 31 July 2006, Article 1111, cited in IHRDC, 8 March 2013). However, Article 1108 of the Civil Code provides that “[i]f the wife refuses to fulfill the duties of a wife without a legitimate excuse, she will not be entitled to *nafaqa* (maintenance)” (CC, 31 July 2006, Article 1108, cited in IHRDC, 8 March 2013). Provisions on this matter are also found in the Family Protection Act of 2013. As indicated in a journal article by M.A. Ansari-pour, a former judge in the Iranian judiciary who, as of 2010, was working as a legal adviser and attorney in

Iran, Article 53 of the Family Protection Act of 2013 (of which no English translation could be found) defines non-payment of maintenance as a crime (Ansari-pour, 2013, pp. 97-98).

The duty of *tamkin* is discussed by the IHRDC as follows:

“At the core of the marriage contract is the wife’s *tamkin* (submission), defined as an unhampered sexual availability that is regarded as a man’s right and a woman’s duty. In exchange for the *mahriyeh*, which is analogous to a ‘sale’ price, the husband gains a type of ownership over his wife, in the form of sexual access. The wife has to be sexually available to him at all times, such that he has total control over her, including her movements to and from the home. In return, he is required to provide her *nafaqa* (maintenance). Without an acceptable excuse, the wife’s failure to comply with the lawful wishes of her husband constitutes ‘*nushuz*’ (disobedience) and means that she may lose her right to maintenance.

A wife is *nashezeh* (disobedient) when she, for instance, refuses to have sex with her husband or leaves her husband’s home against his will. As soon as the wife repents and obeys the lawful wishes and commands of her husband, she ceases to be *nashezeh*. As already discussed, this legal framework is reflected in Iran’s family law. [...] A wife’s disobedience can also create legal grounds for polygamy, divorce, or domestic violence (wife battery). It is said that *tamkin* is a mutual duty of both parties; but, a husband’s *tamkin* is hardly discussed in Islamic sources.” (IHRDC, 8 March 2013)

The above-mentioned issue of *mahr* (*mahriyeh*) is addressed in Article 1082 of the Civil Code (CC), which states that “[i]mmediately after the conclusion of the marriage contract, the wife becomes the owner of the *mahriyeh* and can take possession of it or spend it in any way that she wishes”, as well as in Article 1085, which provides: “As long as the *mahr* is not paid to her, the wife can refuse to fulfill her duties toward her husband, provided that the *mahr* is prompt. This refusal does not debar her from the right to *nafaqa* (maintenance).” (CC, 31 July 2006, Articles 1082 and 1085, cited in IHRDC, 8 March 2013)

The July 2011 journal article by Zarrokh informs about practices regarding *mahriyeh*:

“The *mahriyeh* usually is not paid at the time of the marriage, especially in marriages between cousins. The contract notes that it is to be paid, however, in the event of divorce or, in case of the husband’s death, to be deducted from his estate before the inheritance is divided according to religious law. If the *mahriyeh* is waived, as sometimes happens in urban areas, this too must be stipulated in the marriage contract.” (Zarrokh, 15 July 2011)

As Ansari-pour noted in his 2013 journal article with reference to *mahriyeh*, “[i]f the debtor is able to pay his debt but he refuses to do so the court can attach his property and where there is no access to his property he can be sent to prison (provided that he is solvent) until his debt is paid” (Ansari-pour, 2013, pp. 81-82)

The same source notes that Article 22 of the FPA of 2013 introduces new provisions with regard to the claiming of *mahr*:

“Under this Article, where the dower is up to 110 coins or its equivalence its recovery would be subject to the provisions of Article 2 of the Execution of Financial Convictions Act. Where the dower is more than 110 coins, the financial ability of the husband is the criterion for the payment. Under this provision, if the dower is up to 110 gold coins and the husband is not able to pay it and he does not take legal action to prove his insolvency when his wife petitions the court for claiming her dower he could be sent to prison. But if the dower is more than 110 coins, no criminal sanction is available for the wife if her husband does not pay the dower.” (Ansaripour, 2013, p. 83)

Other issues commonly included in marriage contracts are discussed in an October 2015 BBC News article, which indicates that “[t]he standard marriage contract signed by all newlyweds in Iran allows the husband to decide whether his wife can travel abroad, where the family will live, whether she can go to work, and whether she can ask for a divorce”. The article notes, however, that husbands “can choose to waive the provisions of the marriage contract”. (BBC News, 2 October 2015)

As noted by Ansaripour, Article 20 of the 2013 Family Protection Act (FPA) “provides for the registration of a number of issues relating to marriage and its dissolution. It states that the registration of permanent marriage, rescission (faskh) and natural dissolution of marriage (infisakh), divorce, revocation of divorce (ruju‘) and declaration of invalidity of a marriage or divorce is obligatory.” (Ansaripour, 2013, p. 81)

However, Ansaripour notes that the registration of changes in personal status would be “according to an executive regulation that would be proposed by the Minister of Justice and would be approved by the Head of the Judiciary within one year.” The same source notes that “[u]ntil the approval of this regulation, the old regulations (the subject of Article 1 of the Marriage Act 1937) would be applied” (Ansaripour, 2013, p. 81).

The IHRDC notes that there are restrictions to freedom of marriage that relate to the religion of the spouses:

“According to Quran (2:221) Muslim men are free to marry fellow-Muslim women but they are forbidden to marry women from idolatrous communities unless they embrace Islam. They are, however, expressly allowed to marry upright women from the ahl-al-kitab, ‘people of the book’, meaning Jews and Christians, and, according to Shi’a, Zoroastrians, who are followers of the divine religions with a revealed scripture (5:6).

However, this concession is allowed to Muslim men only. Muslim women are not allowed to marry adherents of another religion under any circumstances. It is asserted that a Muslim woman who marries a non-Muslim man, under his influence, will convert from Islam to her husband’s religion.” (IHRDC, 18 July 2013)

This issue is addressed in Article 1059 of the Civil Code (CC), which states that “[m]arriage of a female Muslim with a non-Muslim is not allowed” (CC, 31 July 2006, Article 1059, cited in IHRDC, 8 March 2013).

The IHRDC further elaborates:

“As a result, a non-Muslim man, in order to marry an Iranian Muslim woman, must convert to Islam. Moreover, this requirement must continue through the whole period of marriage; otherwise the marriage will be at risk. So, if for example, a Christian woman becomes Muslim while her husband retains his Christian faith, she is entitled to apply for divorce.” (IHRDC, 8 March 2013)

Apart from prohibitions on religious grounds, there are restrictions to freedom of marriage which relate to the spouses’ nationality, as stipulated in Article 1060 of the Civil Code, which reads: “[m]arriage of an Iranian woman with a foreign national, even in cases where there is no legal impediment, is dependent upon special permission of the Government” (CC, 31 July 2006, Article 1060, cited in IHRDC, 8 March 2013).

As regards the issue of polygamy, the IHRDC notes that “[u]nder Iranian law, while women may contract only one marriage at one time, it is a man’s religious and legal right to marry more than one woman. One man can enter into up to four permanent marriages at a time.” (IHRDC, 8 March 2013).

A July 2014 information leaflet of the German Embassy in Tehran states that under Iranian law, the husband’s right to have more than one wife cannot be excluded by contract. However, a stipulation may be included in marriage contracts that any later marriage of the husband constitutes grounds for divorce. (German Embassy Tehran, 1 July 2014)

For information regarding the minimum age of marriage, child and forced marriage, please [refer to section 2.2](#) of this compilation (“child marriage”).

### *Divorce*

The July 2014 leaflet of the German Embassy in Tehran states that under Islamic law, a husband has the right to divorce his wife anytime without giving reasons. A wife, however, has few options to demand the dissolution of her marriage. Provisions on divorce can be contractually agreed upon at marriage. (Germany Embassy Tehran, 1 July 2014)

A May 2015 article of the Los Angeles Times noted that divorces in Iran are “difficult for women to get”, explaining that “[i]f a husband is unwilling to divorce his wife, she has to prove, legally, that he has been physically abusive, has psychological problems or has failed to fulfill his marital duties.” (Los Angeles Times, 29 May 2015)

Amnesty International (AI) notes in a March 2015 report:

“Under Iran’s Civil Code, men can divorce their wives without reason, although certain conditions apply, such as paying alimony (Article 1133). A woman who seeks divorce must prove that she is living in conditions of severe hardship that make the continuation of marital life intolerable. Examples of such hardship include addiction of the husband to

drugs or alcohol or being subjected to domestic violence (Article 1130).” (AI, 11 March 2015c, p. 26)

Mehran Tamadonfar, associate professor at the Department of Political Science of the University of Nevada (Las Vegas), stated in his 2015 book “Islamic Law and Governance in Contemporary Iran” that while “Islam does not encourage”, it “provides for four mechanisms for the dissolution of marriage: repudiation of the wife by her husband (talaq), termination of the marriage on the basis of mutual consent as initiated by the wife (khul or mubarat), separation by court decree (tatliq) and annulment of the marriage contract (faskh)”. (Tamadonfar, 2015, p. 78)

Tamandonfar notes that Iranian law “essentially accounts for two types of repudiation divorces: revocable (raj’i) and irrevocable (al-ba’in)”, which are detailed as follows:

“The revocable divorce is a suspended form of divorce in which the matrimonial bonds are not completely severed until the wife completes three menstrual cycles after the pronouncement of divorce by the husband. During this period, the wife could not remarry and the husband maintains the right to return to the marriage. The wife is entitled to maintenance and, in the case of death of a party, the other’s right to inheritance remains intact. In the irrevocable divorce, the dissolution of marriage is final at the time of pronouncement of divorce. In this case, the wife still has to observe the same period of waiting and is entitled to maintenance if she is pregnant.” (Tamandonfar, 2015, p. 79)

As regards divorce by mutual consent, Tamandonfar states that the Civil Code (CC) distinguishes between khul and mubarat, both of which are identified as “irrevocable divorces unless the wife claims back the compensation that she had paid in return for her husband’s consent” (Tamandonfar, 2015, p. 79). Khul (or khul’a) and mubarat divorces are defined in Articles 1146 and 1147 of the CC (CC, 31 July 2006, Articles 1146 and 1147).

As noted by Mir-Hosseini, since 1999, family disputes are heard by the Family Courts (Mir-Hosseini, 2010, p. 355).

Article 1130 of the Civil Code (CC) deals with the circumstances under which a wife can refer to the court to ask for divorce, stating that “if it is proved to the court that the continuation of the marriage will cause *osr-va-haraj* (intolerable difficulty and hardship) [...], the judge can compel the husband to divorce his wife. The same article further states that “[i]f it is not possible to compel the husband, then, [the wife] shall be divorced by permission of the judge.” (CC, 31 July 2006, Article 1130, cited in IHRDC, 8 March 2013)

A note that was added to Article 1130 in July 2002 lists the circumstances that need to be proved for a case to be considered as *osr-va-haraj*:

“Note (added on 20/7/2002) - The *osr-va-haraj* (intolerable difficulty and hardship) mentioned in this article refers to the conditions that make the continuation of [marital]

life intolerable and difficult for the wife; the following circumstances, if proved in the relevant court, shall be considered as a case of *osr-va-haraj*:

1 - The husband's leaving of marital life for, at least, six consecutive months, or, nine alternative months in a one year period, without any acceptable reason.

2 - The husband's addiction to any kind of drugs or alcohol that, damages the marital life, and his refusal, or impossibility of compelling him, to quit the addiction in a period prescribed by the doctor. If the husband does not fulfill his promise [to quit], or, again begins his abuse, the divorce shall be granted by the request of the wife.

3 - Final conviction of the husband to five years, or more, imprisonment.

4 - Wife battery or any kind of mistreatment of the wife that is intolerable in the wife's condition.

5 - Husband's affliction to incurable mental illnesses or contagious disease or any kind of incurable diseases that disrupts the marital life.

The circumstances mentioned in this article are not exhaustive and the court may grant the divorce in other cases that *osr-va-haraj* is proved in the court." (Civil Code, note to Article 1130, cited in IHRDC, 8 March 2013)

As noted in the above-mentioned March 2015 Amnesty International (AI) report, biases in the legal system against women, "including a ban on women judges, have often prevented women from obtaining divorce, even if they are subjected to domestic violence or meet the other requirements of the Civil Code." (AI, 11 March 2015c, p. 26).

The March 2013 legal commentary of the Iran Human Rights Documentation Centre (IHRDC) further notes that a law of "Correction of Divorce Rules", adopted by the Expediency Council in 1992, included the following extensions to the wife's rights:

"Moreover, it was provided that divorce should only be granted if all the wife's rights including *nafaqa*, *mahriyeh*, etc. were either paid or the wife is content. The law also extended the divorced wife's financial rights to the right to sue for payment for household services during the marriage." (IHRDC, 8 March 2013)

Ansari-pour indicates in his 2013 journal article that a rule of Islamic law, which has been codified in some statutes, provides that "[g]enerally speaking, when a couple are in dispute and both, or one of them, petitions for divorce the case must be referred to arbitration". However, Ansari-pour notes that the 2013 Family Protection Act "ignores this rule where divorce is applied by both spouses":

"Article 27 [of the 2013 Family Protection Act] provides that in all divorce cases, except for the one that has been applied by both spouses, the court must send them to arbitration for reconciliation and reaching a settlement. In such cases the court must give its judgment by taking into account the opinion of the arbitrators and if the court does

not agree with the arbitrators' opinion it must give reasons for its rejection." (Ansari-pour, pp. 84-85)

However, as reported in a July 2015 Agence France-Presse (AFP) article, "Iran has changed a law to make divorce by mutual consent invalid unless couples have first undergone state-run counselling". This provision is contained in "a new family law" that, according to an official source, would be implemented by the judiciary (AFP, 12 July 2015).

A 2002 amendment to Article 1133 of the Civil Code (CC), which previously provided that a man could divorce his wife anytime whenever he wished and without judicial proceedings, now states that "[a] man can divorce his wife under the conditions of the current law and by applying to the court" (CC, 31 July 2006, Article 1133, cited in IHRDC, 8 March 2013).

As noted in the March 2013 IHRDC commentary, the contractual nature of marriage allows women to "enter some provisions of the Family Protection Law, or any other favorable conditions, into their marriage contracts":

"In fact, marriage contracts are often registered in pre-printed booklets that deal at first with the main part of the contract and details of the parties, and then, in its second half, with complementary conditions. The parties are then able to sign or avoid each condition and even add their own conditions. Usually the following conditions are printed and by signing each one the husband gives his wife the right to request a divorce in the relevant circumstances: husband's disappearance or non-maintenance for six months; husband's mistreatment; husband's affliction with incurable disease(s); insanity of husband; non-compliance with a court order to refrain from an occupation which contrary to the wife's dignity; husband's remarriage without his first wife's consent; amongst other factors.

Another important condition that is printed and can be signed by the parties is that, in the case of divorce, the wife is entitled to half of her husband's assets if the court finds the divorce is initiated by the husband and is not caused by any fault on the wife's part. In addition, there is a separate condition that gives the wife the opportunity to obtain power of attorney for divorce. This condition, although it cannot give the wife the right to divorce, will help her to speed up the case of divorce when the husband does not cooperate." (IHRDC, 8 March 2013)

Moreover, the same source notes the significance of *mahriyeh* both "as an effective deterrent against husband-initiated divorce" and "as a tool with which to obtain a divorce from their husbands":

"[M]ahriyeh has been used by some women as a bargaining chip to put pressure on their husband to consent to a divorce if initiated by the wife. The more they can determine their mahrs in the contract of marriage, the more secure they feel. On the other hand, inability of the husband to pay the mahriyeh of his wife is a deterrent factor that prevents him from initiating the divorce application. Although this creates its own problems and cannot guarantee the divorce for the wife when she applies for such relief, it cannot be denied that a relatively heavy mahriyeh lowers the risks for wives." (IHRDC, 8 March 2013)

Please refer to the above subsection on “Marriage” for details on mahriyeh and the legal consequences in the case of a husband’s inability to pay mahriyeh.

Ansari-pour states in his 2013 journal article:

“Article 26 [of the 2013 FPA] generally provides for three kinds of rulings. If divorce is applied by mutual consent of both spouses or by the husband alone, the court would issue the certificate of impossibility of reconciliation [...]. If it is applied by the wife the court either would give a judgment compelling the husband to divorce his wife (e.g., where it is applied under Article 1130 of the CC [Civil Code]) or it would rule that the conditions for the exercise of attorneyship of the wife (where such an attorneyship has been stipulated in the marriage contract or any other irrevocable contract as provided by Article 1119 of the CC) for getting a divorce have been met.” (Ansari-pour, 2013, p. 86)

The same source goes on to say:

“Under Article 29 [of the 2013 FPA], the court by referring to the conditions stipulated in the marriage contract and content of the marriage certificate would decide about the dowry, dower, maintenance of the wife, children and the fetus as well as the remuneration for the work done by the wife during the period of marital life according to Article 336 of the CC. In addition, the court would make an appropriate decision about the custody and taking care of children and the way of paying the cost of custody and caring. Moreover, the court must by taking into account the emotional dependency and interests of the child determine how, when and where the child can visit his/her father, mother and other relatives.” (Ansari-pour, 2013, pp. 85-86)

### *Child custody and guardianship*

The March 2013 commentary of the Iran Human Rights Documentation Center (IHRDC) notes that Islamic and Iranian Law distinguish between custody and guardianship. Custody is the “physical custody of children and raising them” which – under Article 1168 of the Civil Code (CC) – is the “right and duty of both parents”. Guardianship “mainly deals with legal and financial issues and primarily belongs to the natural guardian (*vali-ye-qahri*), i.e. the father and/or paternal grandfather”. (IHRDC, 8 March 2013)

The IHRDC goes on to quote Article 1169 of the CC, which contains provisions regarding child custody after divorce:

“For the custody of children whose parents are separated, the mother has priority until the age of seven; and then, custody will devolve upon the father.

Note- After reaching seven years of age, in the case of dispute, considering the best interest of the child, the court will decide who receives custody of the child.” (CC, 31 July 2006, Article 1169, cited in IHRDC, 8 March 2013)

However, Article 1170 of the CC provides that “[i]f the mother becomes insane or marries another man during her period of custody, the custody shall devolve upon the father” (CC,

31 July 2006, Article 1170, cited in IHRDC, 8 March 2013). As the IHRDC notes, this restriction does not apply to a father's custody: "When a father obtains the custody of his child, even if he marries, he will keep the custody and the child's mother cannot claim the custody back on this ground" (IHRDC, 8 March 2013).

Article 1173 states that in cases in which a father or mother who has custody of a child is considered unfit to exercise this right (these include instances of addiction to alcohol, drugs or gambling, "moral degeneration and prostitution", mental disease, child abuse and "[r]epeated unusual battery of the child"), the "court can make any decision appropriate for the custody of the child on the request of [the child's] relatives or [his/her] guardian or the Chief of the Judicial District". (IHRDC, 8 March 2013)

As indicated by IHRDC, Article 1171 of the CC provides that after the husband's death, a woman naturally acquires custody of her children (IHRDC, 8 March 2013). However, Article 43 of the 2013 Family Protection Act (FPA) (as summarized by Ansaripour), states that "[t]his rule would not be followed if the court, following the application of natural guardian or public prosecutor, finds that granting the custody of the child to the mother would be against the interests of the child" (Ansaripour, 2013, p. 92).

However, even after the death of the child's father, the mother cannot become the child's natural guardian (*vali*) (IHRDC, 8 March 2013). The implications of this are detailed as follows:

"This means that even when the woman has custody of the children, the natural guardian maintains decision-making control over crucial matters where the consent of the guardian is required, including the permission to obtain a passport and leave the country, undergo a surgery, the permission for marriage of virgin girls, decisions regarding financial issues such as ownership and disposal of the children's property, and other issues." (IHRDC, 8 March 2013)

Meanwhile, according to Article 1184 of the Civil Code, the mother "may have the chance to be selected by the court as the legal guardian (*qayyem*)" in the case of the father's deposition from natural guardianship. The text of this article states:

"If the natural guardian of the child does not act in the best interest of the child and cause him/her a loss, on request of the relatives of the child or the Chief of the Judicial District, and after the issue is proved in the court, the court shall deposit the natural guardian (*vali*) and forbid him from any interference with the child's property. Also, appoints a competent individual as the guardian (*qayyem*) [...]" (CC, 31 July 2006, Article 1184, cited in IHRDC, 8 March 2013)

### *Remarriage*

A January 2015 article by Iran Daily, a Tehran-based daily newspaper published by the official news agency IRNA, quotes Mahmoud Golzari, the deputy sports and youth minister, as noting that "Iran has one of the lowest remarriage rates in the world", with widows and divorced

women being socially stigmatized, which lowers their chances of remarriage. (Iran Daily, 14 January 2015).

An academic based in the UK who has expertise in Iranian law describes the situation of divorced women with regard to remarriage:

“It is very difficult, if not impossible for a woman to remain a divorcee. The society frowns upon single women as marriage is a duty all Muslims have to perform. The pressure is therefore intense for divorced women to re-marry. This compulsion to re-marry soon is supported by the State: there was an attempt by the former Ahmadinejad administration to compel divorced women to ask their father or uncle (i.e. male family guardian) for the authorization to travel abroad. This would have resulted in having women in their 30s or 40s asking their male guardians to allow them to travel. The bill has never been enacted, but it shows that part of the population and the system perceived divorcee women as infants.

Besides, the entire administrative and legal system is almost impossible to navigate as a single woman: in general, a woman needs to refer to a male guardian to travel, get married or study. The male guardianship applies to single women. Once the woman is married, the guardianship is partly transferred to the husband: he will be the one giving permission to study or travel abroad. The question is to know whether a divorced woman must ask her guardian (her father or uncle) for authorization to travel, to re-marry or study. Looking at Islamic law, the guardianship is transferred back to the family male guardian after the divorce. In practice, the situation will largely depend on the family: in traditional contexts, the guardianship of the woman will devolve back to the family's male authority. In less traditional/conservative families, the woman will retain control of her personal affairs but still be legally subjected to the males in her family. These women resent having to subject themselves again to their family's control: it is indeed difficult to be a daughter obeying her father after having had some control over her life as a spouse. As a result, the majority of the women re-marry quickly. Others prefer to enter a temporary marriage as it allows them relative freedom: they are married but are also able to maintain some level of independence. For example, they are not obliged to live with the man they have contracted a temporary marriage with. Divorced women who re-marry lose custody of their children if it was awarded to them. They will keep their visitation rights. This puts Iranian divorcee women in an impossible situation of having to choose between their children and their social and legal existence.” (Academic based in the UK, 18 December 2015)

No further information could be found on the subject of remarriage.

#### *Pre-divorce*

In a December 2015 email response, an academic based in the UK who has expertise in Iranian law provides an overview of the situation of women during pre-divorce:

“The period that precedes the divorce can be quite stressful for women as the couple is expected to undergo arbitration under the 1991 Law on Divorce. Once the couple has applied for divorce, the court will refer them for arbitration. Arbitration for couples wanting to get a divorce already existed under the royal regime. Each of the spouses is represented by a male family member and the arbitration is usually taken care of by someone chosen by both sides. The arbitrators must be Muslims of good character and be aware of the couple’s issues. The purpose of the arbitration is to avoid divorce by reconciling the spouses; this attempt at reconciliation is explained by the fact that divorce is only tolerated in Islamic law and in Iranian law, and is discouraged in reality. As a result, women are under a lot of pressure during the arbitration if the request to divorce originates from them. The fact that they are the only female in the room at the time of the arbitration can also be quite intimidating. Since there are two meetings, women have to undergo this attempt at reconciliation twice.” (Academic based in the UK, 18 December 2015)

## 1.6 Temporary marriage

Temporary marriage is commonly known as *mut’a* or *sigheh* (Mir-Hosseini, 2010, p. 354).

A May 2015 article of the Los Angeles Times refers to *sigheh* as a temporary marriage under Islamic law which can “last for as little as a few hours” or “span decades” (Los Angeles Times, 29 May 2015).

The March 2013 legal commentary of the Iran Human Rights Documentation Center (IHRDC) provides the following overview of *sigheh* marriage:

“In addition to the principles about multiple permanent marriages, Iran, as a Shi’ite State, has a unique institution: the Mut’a (temporary marriage). Mut’a allows a Muslim man to contract an unlimited number of temporary marriages, i.e. for a fixed time period, in addition to his permanent marriages. In fact, in Shi’ite Islam this institution has remained through the centuries though it has long been forbidden in Sunni Islam. Articles 1075 to 1077 of Civil Code exclusively deal with temporary marriage.” (IHRDC, 8 March 2013)

Iranian attorney Ehsan Zarrokh noted in his July 2011 journal article:

“Shia Islam, unlike Sunni Islam, also recognizes a special form of temporary marriage called muta. In a muta marriage, the man and woman sign a contract agreeing to live together as husband and wife for a specified time, which can be as brief as several hours or as long as ninety-nine years. There is no limit on the number of muta marriages that a man may contract.” (Zarrokh, 15 July 2011)

In her 2010 journal article, Mir-Hosseini includes an overview of the legal situation surrounding *sigheh*:

“The situation over polygamy becomes more complicated if temporary marriage (commonly known as *mut’a* or *sigheh*; see Haeri 1989) is also taken into consideration. Although the civil code recognises this as a valid marriage, the 1931 marriage law and all subsequent legislation – even after the Revolution – are silent about the formalities of

registration. The FPL [of 1967], by both omission and commission, excluded disputes involving mut'a from adjudication on the basis that, not being registered, they were devoid of legal validity. The aim was to discourage, and even to prevent, this type of marriage without directly banning it. After 1979, however, the Special Civil Courts not only heard disputes involving temporary unions but could authorise their registration, thus giving them 'legal' (qanuni) status (Mir-Hosseini 1993: 162-171)." (Mir-Hosseini, 2010, p. 354)

The 2013 journal article by Ansaripour provides a summary of the provisions of Articles 20 of the 2013 Family Protection Act (FPA) that defines the cases in which the registration of a fixed-term marriage is obligatory:

"Article 21 first puts emphasis on permanent marriage and states that in order to realize the stability of family relationships the Iranian legal system would support permanent marriage as the foundation for the formation of the family. Then it is added that fixed term marriage is also governed by Islamic precepts and the CC [Civil Code] provisions and its registration are obligatory in the following cases:

1. where the wife gets pregnant;
2. where both parties conclude an agreement on that;
3. where registration as a condition has been stipulated in the contract.

It is further added that the registration of fixed-term marriage in the above cases and those of Article 20 of this Act in the marriage registries or in the marriage and divorce registries would be according to an executive regulation that would be proposed by the Minister of Justice and would be approved by the Head of the Judiciary within one year. Until the approval of this regulation, the old regulations (the subject of Article 1 of the Marriage Act 1937) would be applied." (Ansaripour, 2013, p. 81)

However, Ansaripour notes that the mandatory registration of fixed-term marriages in the above-mentioned cases would be implemented "according to an executive regulation that would be proposed by the Minister of Justice and would be approved by the Head of the Judiciary within one year." The same source notes that "[u]ntil the approval of this regulation, the old regulations (the subject of Article 1 of the Marriage Act 1937) would be applied" (Ansaripour, 2013, p. 81).

No information could be found on whether the above-mentioned executive regulation has been approved.

An April 2014 article of Vocativ, a privately funded media and technology venture headquartered in New York that publishes news stories based on information retrieved from the deep web, notes that the following rules apply to *sigheh* marriages:

"For each union, the groom must pay a predetermined sum to his short-term wife. The duration is set out in the marriage contract, almost like an apartment lease. Both the

duration of the marriage and the dowry must be agreed upon in a private contract in advance. The marriage can last just a few hours or several years. When the time is up, a woman must wait two menstrual periods before marrying again. The bride-to-be cannot be currently wed to another man. She also must be Muslim, or at least monotheistic.” (Vocativ, 15 April 2014)

Payvand, a US-based private Iranian-American news website, stated in a June 2012 article:

“The conditions for issuing a temporary marriage licence are the same as those required for a permanent marriage plus a specified term for the marriage and the specification of an amount of money as alimony for the woman. The restrictions for a temporary marriage are also the same that exist for a permanent marriage.” (Payvand, 4 June 2012)

As Amnesty International (AI) noted in March 2015, *sigheh* allows men to have “as many wives as they wish in ‘temporary’ (*sigheh*) marriages” (AI, 11 March 2015c, p. 27). As noted by the Los Angeles Times, a *sigheh* contract “allows relations before marriage” (Los Angeles Times, 29 May 2015). Gabriel Sawma, a professor of law and Arab culture and civilisation at Fairleigh Dickinson University (New Jersey, USA), stated in a January 2015 overview of Iran marriage law that *sigheh* “allows a married man to have sex with another woman” (Sawma, 23 January 2015)

A November 2014 article of the Huffington Post provides details on different ways in which *sigheh* is known to have been used:

“‘Sigheh’- a temporary marriage agreement also known as having a concubine - is one of Shi’ism’s most controversial regulations. What has been traditionally defined in the category of *sigheh* in Iran is the possibility which it provides religious families who restrict their children in their interaction with the opposite gender. This opportunity is mostly presented to young candidates of marriage as a means to enter a period of courtship prior to getting married. The other way *sigheh* is known to be concretized - and heavily criticized - is when religious married men desire a mistress, or enter sexual relations with a woman outside of marriage. Critics believe that this is a way for entering prostitution, despite the fact that it is allowed per Shi’ism and is considered *halal*.” (Huffington Post, 18 November 2014)

As noted by the Los Angeles Times, the practice of *sigheh* is “frowned upon by many Iranians, especially educated young women [...] who find it offensive” (Los Angeles Times, 29 May 2015).

Referring to a 2014 book by Shahla Haeri entitled *Law of Desire: Temporary Marriage in Shi’i Iran* and two Deutsche Welle (DW) articles from 2012 and 2013, the Finnish Immigration Service report of June 2015 elaborates on societal perceptions of temporary marriages:

“Sighe has relatively strong negative connotations, and temporary marriages are not particularly popular, especially among the unmarried youth, despite the state’s efforts to promote them as a solution for young people’s premarital sexual relations. Women who agree to a temporary marriage are often seen as immoral, and the model is easily likened

to prostitution. It is mostly divorced women who enter into temporary marriages. Temporary marriages are a risky option for virgins, as they deprive women of their reputations and therefore their chances of a good permanent marriage.” (Finnish Immigration Service, 26 June 2015, p. 11)

A January 2015 Agence France-Presse (AFP) article notes that “the government is seeking to discourage the practice [of *sigheh*]”, quoting the deputy minister for youth and sport, Mahmoud Gholrazi, as saying that there as many as 300 websites considered “illegal and immoral” that often encourage *sigheh* (AFP, 15 January 2015).

An April 2014 article of the Middle East Eye (MEE), a London-based online news portal that covers events in Mid-West Asia, states with reference to Anicée Van Engeland, a lecturer at Cardiff University (UK) and visiting academic at Oxford University’s Centre for Socio-Legal Studies, that the number of temporary marriages is declining in Iran:

“Fewer Iranians are using temporary marriages because the practice has become increasingly stigmatised, Van Engeland said. Equally, the difficult economic situation in the country means many are also unable to pay for the consequences of temporary marriage. For example, she said some women who plan to remarry may want to undergo a hymen reconstruction that costs as much as \$2,000.” (MEE, 22 April 2014)

In a December 2015 email response, an academic based in the UK who has expertise in Iranian law provides the following details on the question whether *sigheh* is legally equivalent to regular marriage in terms of the rights of temporary wives and their children:

“A *sigheh* does not strip women and children of their rights under Islamic or Iranian law.

The woman entering a *sigheh* is entitled to a sum of money (*ajr*) similar to a dowry in a regular marriage. According to Article 1077 of the Civil Code, the dowry provisions are the same for regular marriage and temporary marriages. In practice, there is little opportunity to ensure that the woman benefits from that right. The issue is the lack of negotiation on the part of the woman: in a normal marriage, the family negotiates the amount of the dowry to protect the woman. In a *sigheh*, there is no involvement of the family and the woman has a very narrow margin to discuss the amount, if any.

The woman is entitled to maintenance if this has been stipulated in the *sigheh* contract (Article 1113 Civil Code). This also means that obedience is expected from her in return: a woman in a *sigheh* must obey the man if she is to benefit from maintenance.

A woman who has contracted a *sigheh* cannot ask for divorce. The man has the right to terminate the temporary marriage at any time (Article 1139 Civil Code). If the *sigheh* ends or is terminated, the woman has to wait for a three-month period (*idda*) before she may contract another *sigheh* (Article 1152 Civil Code). This can cause financial problems, especially for women who rely on *sigheh* for making a living (e.g. prostitutes). The reason for this waiting period is to ensure that the woman is not pregnant, and if she is, to ensure that the paternity of the father is beyond doubt.

Children born from a *sigheh* are legitimate and have rights: they can claim inheritance from their father. However, the lack of formality when the *sigheh* was signed could be problematic as the father could deny the existence of a contract. This is why a *sigheh* must be notified to the Identity Office, at the time of the beginning and when they end. Besides, most *sigheh* are signed in the presence of a cleric. The Iranian authorities are wary of men avoiding their legal obligations under the *sigheh*: a website encouraging online *sigheh* was closed in 2014 as there were no formal aspects to the contract, leaving women and children stripped of their rights.

A *sigheh* is not necessarily seen as something negative, as for some, it is a way of dating legally.” (Academic based in the UK, 18 December 2015)

## 1.7 Violence against women

### *Domestic violence*

Sources state that Iran does not have specific legislation on domestic violence (AI, 11 March 2015c, p. 31; USDOS, 25 June 2015, section 6) or that the country’s legislative framework remains “insufficient” to combat domestic violence (UN General Assembly, 27 August 2014, p. 6).

The UN Secretary-General wrote in an August 2014 note submitted to the UN General Assembly that the Iranian government held that domestic violence was a capital offence and that it stated that relevant draft legislation was in the process of being considered (UN General Assembly, 27 August 2014, p. 6).

The February 2015 Amnesty International (AI) Report 2014/15, which covers 2014 and key events of 2013, notes that “[a] proposed law to afford women protection against violence made no progress” during the reporting period” (AI, 25 February 2015).

Amnesty International (AI) notes that the Iranian authorities “failed to take steps to address violence against women and girls, including early and forced marriages, marital rape and domestic violence” (AI, 25 February 2015).

A March 2015 Amnesty International (AI) report provides details on the current legal situation with regard to domestic violence cases:

“Currently, women must file a complaint of domestic violence under the provisions of the Penal Code relating to bodily assault, and meet a range of evidentiary requirements. These include the presence of two adult male witnesses to the assault, which makes domestic violence difficult if not impossible to prove (Articles 160-200). Even if such claims are proven, the sentence will typically be the payment of *diyah*, which will be granted only upon the request of the victim (Article 401). In some cases, an additional punishment of two to five years in prison may be imposed if the offence is found to have disrupted public order or the security of society and raised fears that the offender or others may again commit assault (Article 614).” (AI, 11 March 2015c, p. 31)

The same report states that a woman can obtain permission to leave the marital home only “if she can prove to a court of law a risk to her body or ‘honour’”. A woman who has been refused such permission may have “no choice but to endure domestic violence or lose her right to alimony” (AI, 11 March 2015c, p. 31).

The UN Secretary-General indicates in his August 2014 note:

“A woman wishing to leave an abusive situation must also first prove that there is a significant risk of bodily harm or a threat to her life and safety in order to reside apart from her husband. Likewise, under the Civil Code, women seeking to obtain a divorce as a result of domestic violence must first prove that the abuse was intolerable (osr va-haraj).” (UN General Assembly, 27 August 2014, p. 6)

The same source states that “laws continue to explicitly allow for non-consensual sexual relations in marriage” (UN General Assembly, 27 August 2014, p. 6).

A June 2015 country of origin information report of the Finnish Immigration Service states that violence against women exists “both within the family and as social phenomena” (including street harassment or sexual harassment in the workplace). The same report notes with reference to a 2006 report of the UN special rapporteur on violence against women that “[l]aws, values and practices [...] make it difficult for women to defend themselves against public or private abuse.” (Finnish Immigration Service, 26 June 2015, p. 5)

As noted by the USDOS, domestic abuse is “considered a private matter and seldom discussed publicly” (USDOS, 25 June 2015, section 6).

The June 2015 country of origin information report of the Finnish Immigration Service quotes a 2005 BBC Persian article as saying no proper statistics are available on domestic violence in Iran and that information provided by the state is sporadic and limited (Finnish Immigration Service, 26 June 2015, p. 5).

The same Finnish Immigration Service report goes on to write with reference to the 2012 book *Domestic Violence in Iran: Women, marriage and Islam* by Zahra Tizro, a lecturer in psychology at York St John University:

“Domestic violence and abuse by family members are challenging research topics, as the scale of the phenomenon is difficult to estimate in any society. In Iran, information-gathering is especially difficult due to inadequate research and the sensitivity of the subject. The country’s patriarchal culture forces women to keep silent about abuse inflicted on them by the men in their family. Mild forms of violence against women and children are generally tolerated when the acts are seen as necessary for discipline. Admitting abuse to outsiders is considered to bring shame to the victim.” (Finnish Immigration Service, 26 June 2015, p. 5)

The same report points out with reference to a March 2015 joint alternative report of NGOs to the UN Committee on the Rights of the Child (CRC) and the March 2013 legal commentary

of the IHRDC that the qisas (retribution in kind) principle of Islamic law is “prone to creating a culture of impunity in situations in which the perpetrator and the victim are from the same family”, noting that “[i]n honour killing and domestic violence cases, it is extremely unlikely for the head of the family to demand punishment” and that “[p]erpetrators therefore frequently get away with a short prison sentence or may avoid punishment altogether if the head of the family forgives the act”. (Finnish Immigration Service, 26 June 2015, p. 20)

As indicated in the March 2015 Amnesty International (AI) report, a detailed quantitative survey on domestic violence, conducted by the government between 2001 and 2003 on the basis of interviews with 12,596 women in the capitals of 28 of Iran’s 32 provinces, found that “37.8 per cent of respondents had suffered acts of physical abuse such as slapping, kicking, hitting, and beating from the beginning of their marital relationship” while “52.7 per cent had suffered psychological abuse such as intimidation, swearing, repeated belittlement and humiliation”. The survey also found that more than 27 per cent of the respondents reported that they had experienced “restrictions on their social, intellectual and educational growth” (AI, 11 March 2015c, p. 31).

An August 2009 Payvand news report mentions that according to a survey on domestic violence conducted in 2004/05 in 28 provinces of the country, 66 per cent of women have experienced at least one instance of domestic violence in their lives (Payvand, 30 August 2009).

Rudaw, a Kurdish media network headquartered in Iraqi Kurdistan, quotes a report of the BBC Persian service as saying that 66.6 per cent of women in Iran experience violence during their lives but that “Kurdistan Province and the city of Ahvaz are reported to be the two most violent cities for females” (Rudaw, 5 January 2014).

The June 2015 Finnish Immigration Service country of origin information report states that according to a survey conducted in Tehran that was reported by the Netherlands-based Persian-language broadcaster Radio Zamaneh in November 2013, “52.4% of domestic violence is psychological and 18.9% is physical” (Finnish Immigration Service, 26 June 2015, p. 7).

The August 2014 note of the UN Secretary-General states that “inadequate social service provisions challenge the State’s ability to provide safety and redress for victims”. This includes “insufficient safe houses for women in need of refuge” (UN General Assembly, 27 August 2014, p. 6).

The June 2015 US Department of State (USDOS) Country Report on Human Rights Practices, which covers the year 2014, notes that according to a 2011 study conducted by the University of Tehran, “an estimated three to four million women were battered each year by their husbands, and half of marriages had at least one instance of domestic violence” (USDOS, 25 June 2015, section 6).

The USDOS noted that while there were “[s]ome nongovernmental shelters and hotlines” that offered assistance to victims during 2014, “such services were virtually nonexistent outside major cities” (USDOS, 25 June 2015, section 6).

The Iran Front Page website, which primarily provides English translations of selected Farsi-language news reports, refers to a May 2015 Arman-e Emrooz newspaper article as reporting that:

“Safe houses have been set up in 18 provinces across the nation to help women victims of domestic violence pick up the pieces. As a safety precaution, the location of these houses is not made public. Valiollah Nasr, the director of the State Welfare Organization’s Department for Social Harms, made the comment and added that these houses run around the clock and offer social and therapeutic counseling to victims of domestic violence free of charge. [...] He said the temporary shelters in the provinces rendered services to 2,000 victims last year, adding those in need [of counseling and rehabilitation] can seek refuge in these centers through self-admission, or they can go to social emergency services [departments] and judicial or police centers [and apply for admission to these houses].” (Iran Front Page, 15 May 2015).

#### *Violence against women in society*

Article 224d of the Islamic Penal Code (IPC) provides that in cases where *zina* (sexual intercourse of a man and a woman who are not married to each other) is “committed by coercion or force [i.e. rape]”, the man who committed this act “shall be sentenced to the death penalty” (IPC, 2013, Article 224d, translated in IHRDC, 8 April 2014).

Article 231 of the IPC further provides:

“Article 231 - In the case of *zina* committed by coercion or force [i.e. rape], if the woman is a virgin, the offender, in addition to the punishment provided, shall be convicted to pay the compensation for virginity and a *mahr-ul-methl* (a type of *mahr* that shall be paid to a woman at the rate payable for other women in a similar position); and if she is not a virgin, the offender shall be sentenced to the punishment and payment of a *mahr-ul-methl*.” (IPC, 2013, Article 231, translated in IHRDC, 8 April 2014)

The issue of rape (including spousal rape) is addressed in the June 2015 US Department of State (USDOS) Country Report on Human Rights Practices, which covers the year 2014, as follows:

“Rape is illegal and subject to strict penalties, including execution, but it remained a problem, and the government did not enforce the law effectively. There were reports of government forces raping individuals in custody [...]. Sex within marriage is considered to be consensual by definition, and therefore spousal rape is not addressed, including in cases of forced marriage.

Cases of rape were difficult to document due to nonreporting. Most rape victims did not report the crime because they feared retaliation or punishment for having been raped, as

they could be charged with indecency, immoral behavior, or adultery for being in the presence of an unrelated male while unaccompanied. They also feared societal reprisal, such as ostracism. By law four Muslim men or a combination of three men and two women are required to have witnessed a rape for conviction. A woman or man found making a false accusation of rape is subject to 80 lashes.” (USDOS, 25 Juni 2015, section 6)

The June 2015 Finnish Immigration Service country of origin information report states with reference to an October 2014 Iranwire article that while the IPC penalizes rape, “[i]n practice, due to the shame attached to rape, victims’ threshold for taking rape cases to court is high, and criminal police and judges have been known to be biased against victims.” The same report notes with reference to the same Iranwire article that “it can be difficult to prove that the act was non-consensual, which has in some cases actually led to the victim being convicted of illegal sexual intercourse (without coercion) and sentenced to flogging.” While persons convicted of rape are “frequently executed”, the Finnish Immigration Service notes with reference to a June 2011 BBC News article that “in some rape cases, the authorities appear to have a tendency to blame the victim”, sometimes finding motives for the act “in the victims’ clothing or other un-Islamic behavior”. (Finnish Immigration Service, 26 June 2015, p. 8)

A July 2015 Al-Monitor article quotes Mehrangiz Kar, a lawyer and prominent women’s rights activist, as saying that violence against women is pervasive in Iran, even among the more educated. The same article goes on to state with reference to Kar that “complicated laws [...] make it very difficult for women to prove they have been raped” and that “in some cases these laws can lead to rape victims being punished”. These issues are elaborated as follows:

“Kar said, ‘In Iran’s courts there are many factors that influence a judge’s decision in a rape case. If a woman had gone to the house or place of work of a man and was raped there, or if a woman accepts to live with a man and is raped by him, the court would not consider these as rape cases. The courts would claim that such incidents were consensual because there should be no reason for a woman to be in the residence of a man who is a stranger.’ Kar added that this reality leads not only to a woman’s rape claim often being dismissed, but in some cases for the woman to be charged with having admitted to having sexual relations and hence committing adultery, leading to her potentially being punished. This is most likely one reason why many women in Iran prefer to not report being raped to the police. Therefore, it is impossible to get accurate figures on rape in Iran.” (Al-Monitor, 24 July 2015).

A March 2014 report of the UN special rapporteur on the situation of human rights in Iran states with reference to an Iranian lawyer that “Iranian law allows for women who report rape to be prosecuted of adultery in cases where they are unable to convince a judge of their charges, given that the allegations imply that the women had engaged in extra-marital relations.” The lawyer is quoted as saying that “rape cases were very difficult to prove and put women wishing to report the crime at risk of being prosecuted for a capital offence, which likely deterred women victims from coming forward” and that “[m]oreover, women alleging rape must often subject themselves to intrusive ‘virginity’ tests.” (HRC, 18 March 2014, p. 18)

The June 2015 Finnish Immigration Service country of origin information report notes with reference to an August 2014 article of Radio Zamaneh that “[s]exual harassment of women is a common problem across Iran” (Finnish Immigration Service, 26 June 2015, p. 8).

The June 2015 report of the USDOS addresses the issue of sexual harassment as follows:

“The law addresses sexual harassment in the context of physical contact between men and women, but the law is biased against women. Physical contact between unrelated men and women is prohibited and punishable by lashing. There was no reliable data on the extent of sexual harassment. Media reports indicated that unwanted physical contact and verbal harassment occurred, but there were no known government efforts to combat and address these acts.” (USDOS, 25 Juni 2015, section 6)

Zahra Tizro, a lecturer in psychology at York St John University (United Kingdom), wrote in her 2012 book *Domestic Violence in Iran: Women, marriage and Islam*:

“There are no official statistics in relation to sexual harassment in Iran. However, according to one report (Ghadimi, 2005), a number of women either claimed to have suffered sexual harassment, or to have witnessed others suffering it. [...] Sexual harassment in Iran is not well defined. The perception of sexual harassment amongst Iranian men and women is vague; they only take it seriously when there is physical contact. However, there is a tendency to blame women rather than men, and consequently more burdens are placed on women. There are different approaches to the subject. There are men and even some women who blame women for provoking men into harassing them (Ghadimi, 2005). This group believes that if women behave appropriately in the workplace or in the street, they will not attract men’s attention. [...] Rapists frequently use this argument in their own defence (Kelly, 1997-2000). Others disagree, however, and regard women as victims of the system (Ghadimi, 2005). A number of women blame the unjust economic situation, where the distribution of jobs and wealth is not in favour of women, and they are forced to accept such harassment in order to keep or find a position (Ghadimi, 2005).

Reluctance on the part of women to report sexual assaults and sexual harassment is reported by Kelly (2000); this is particularly extreme in very religious and conservative countries. Saidi, a sociologist at Tehran University, believes that this reluctance is deeply rooted in Iranian culture, where any events with sexual connotations are seen as taboo (Ghadimi, 2005). [...] The most vulnerable group of women in terms of sexual harassment are widows and divorcees, followed by unmarried girls and lastly married women. [...]

A woman lawyer I interviewed counted four reasons why women do not complain about sexual harassment:

Women don’t complain because they are afraid to lose their reputation. Society views women as the guilty party. They stay silent because they don’t want to lose their jobs, due to economic difficulties. The victim must have a witness or strong evidence. The

fourth reason is the system, which is male-dominated from police to the court rooms, and the legal procedure is prolonged.” (Tizro, 2012, pp. 132-133)

The June 2015 report of the Finnish Immigration Service states that “Iranian society’s unequal power relations render women vulnerable to violence” and provides an overview of attacks against women in the public sphere with reference to a March 2015 report of the International Campaign for Human Rights in Iran (ICHRI):

“The state advocates the ideal of women as humble and self-sacrificing and campaigns against women who break the traditional dress code and other Islamic norms. A by-product of this is the emergence of a culture in which no punishments are given to men who see it as their right to take matters into their own hands and attack women who they consider to be immoral. In the autumn of 2014, Iran was shocked by a wave of acid attacks in Isfahan and across the country in which men on motorcycles threw caustic acid onto the faces of women unknown to them because of how they were dressed.” (Finnish Immigration Service, 26 June 2015, p. 7)

The International Campaign for Human Rights in Iran (ICHRI) reported that a number of acid attacks on women were carried out in Esfahan in autumn 2014 and suggests that there is a strong linkage between these attacks and the issue of “proper” female attire in public:

“According to various official figures between seven and ten women were victims of the acid attacks, which began in the city of Isfahan in October 2014. Yet despite many promises by the authorities and a Presidential Order from Hassan Rouhani to three ministries to investigate the case and arrest the attackers, no one has been apprehended.

Eyewitnesses to the attacks have said that the male acid throwers shouted statements against the targeted women’s allegedly loose clothing before attacking their victims. The linkage between the acid attacks and the issue of proper hijab, or female attire, is strong. Hardliners in Iran, including Parliamentarians and high-level clerics, have increasingly focused on imposing ultraconservative notions of hijab on all Iranian women, seeing the issue as a litmus test of allegiance to the Islamic Republic.” (ICHRI, 9 October 2015)

The March 2015 report of the UN Special Rapporteur on the situation of human rights in Iran notes that in the aftermath of the October 2014 acid attacks in Esfahan, rumors spread on social media alleging that the attacks might have been related to “improper clothing”. However, a number of official sources have rejected these claims. The report notes that in November 2014, the then chief of the Law Enforcement Forces (LEF), Ismail Ahmadi Moghadam, admitted that no perpetrator had yet been arrested. He is also quoted as saying that 380 acid attacks had been committed against individuals and property over the past year. (HRC, 12 March 2015, p. 49)

As indicated by the ICHRI, there have been allegations that the attacks were “linked to vigilante justice that was aimed at punishing ‘improper’ hijab and encouraged by the Iranian Parliament’s proposed ‘Plan to Promote Virtue and Prevent Vice’” (ICHRI, 2 December 2014).

Meanwhile, an Al-Monitor article of October 2014 notes that “Iranian authorities have claimed that Ansar-e Hezbollah or other vice groups were not involved in the [acid] attacks, and a number of officials have suggested the violence was the work of ‘anti-social’ individuals” (Al-Monitor, 24 October 2014).

An early December 2014 press release of the ICHRI reports in detail about a series of knife attacks against women in the town of Jahrom (Fars province), pointing to growing concern that the stabbings reflect a continuation of attacks inspired by the “Virtue Plan” introduced into Iran’s parliament in June 2014. The attacks were apparently committed by an individual perpetrator:

“In a continuing series of attacks against women in Iran, a suspect has been arrested for the stabbing of six women in the southern town of Jahrom in Fars Province over the past week. [...]

There is growing concern that the stabbings reflect a continuation of such ‘Virtue Plan’-inspired attacks, especially as state officials have rushed to dissociate the suspect in the stabbing attacks from the proposed Parliamentary Plan.

Moreover, Saham News reported that the perpetrator is a Basij militia member (an all-volunteer paramilitary force under the supervision of the Islamic Revolutionary Guards, which is used to enforce the regime’s ideological dictates) and the Parliament has designated the Basij to be the principal enforcers of the proposed Plan.

Mohammad Reza Rezaei Kouchi, the MP from Jahrom claimed on November 30, 2014, that the perpetrator’s actions were not related to the Virtue Plan, and that his motives for the crimes were ‘completely personal.’ In an interview with Iran Khabar news website, Kouchi said, ‘among the injured, there were women whose Islamic covering, hijab, was flawless. They were even wearing the veil (chador), therefore the claim that the perpetrator’s motivation was to confront poor hijab, to promote virtue and prevent vice is absolutely incorrect.’

According to Kouchi, the perpetrator is Mohammad Beheshtifar, 22, who is the son of Jalil Beheshtifar, an IRGC colonel. ‘When he learned that his son has committed a crime, Colonel Beheshtifar turned his son in.’

Saham News website, however, said in a news article that the perpetrator was the son of a Basij Commander from Ghotbabad (a village located 10 kilometers outside of Jahrom). Saham News added that in addition to the assault on the women with a knife, the dormitory windows of female Jahrom university students have also been broken over the past week, and classes have been cancelled since November 26 as a result of heightened fear among the students.

Except for one woman who was also stabbed in the stomach, all the women were stabbed with a knife in their buttocks area, according to reports. Four or five of the victims are university students, according the same reports.

It is not clear when the attacks began but the perpetrator, Mohammad Beheshtifar, was arrested on November 27, 2014.” (ICHRI, 2 December 2014)

Referring to reports of the UN Human Rights Commission (HRC), Amnesty International (AI), Radio Zamaneh and Justice for Iran (JFI), the June 2015 Finnish Immigration Service country of origin information report points to two recent cases of alleged rape that were imputed on members of the intelligence and security forces, and to reports on women being subjected to sexual violence and torture in Iranian prisons:

“There have also been multiple cases in Iran in which government authorities have been the ones inflicting violence on women. Recent cases that have made waves in the media include the death of hotel cleaner Farinaz Khosravani who jumped out of a fourth-floor window in Mahabad, Kurdistan, allegedly due to an attempt by a member of Iran’s Intelligence and Security Forces to rape her. Another case was the execution of Reyhaneh Jabbari in the autumn of 2014 for murdering a member of Iran’s Intelligence and Security Forces. Jabbari claimed that she had been defending herself against an attempted rape. Women in Iranian prisons are subjected to sexual violence and torture.” (Finnish Immigration Service, 26 June 2015, p. 8)

## **1.8 Female genital mutilation (FGM)**

As the Finnish Immigration Service noted in its June 2015 country of origin information report with reference to a 2015 study by social anthropologist Kamaal Ahmady and a March 2015 alternative NGO report to the UN Committee on the Rights of the Child (CRC), “[f]emale genital mutilation [FGM] is generally not practised in Iran, but some cases do occur among ethnic minorities in some areas, especially in Hormozgan and to a lesser extent in Kurdistan, West Azerbaijan, Kermanshah, Ilam and Khuzestan” (Finnish Immigration Service, 26 June 2015, p. 8).

The June 2015 US Department of State (USDOS) Country Report on Human Rights Practices indicates:

“The law does not address FGM/C [Female Genital Mutilation/Cutting] but does punish mutilation of the body. There were prosecutions for FGM/C during the year. There were reports of cases of FGM being performed in the provinces of Ilam and Lorestan soon before marriage.” (USDOS, 25 June 2015, section 6)

A March 2015 Joint alternative report submitted by a number of NGOs to the UN Committee on the Rights of the Child (CRC) indicates:

“Female Genital Mutilation (FGM) is not a common tradition in Iran, however, according to researchers on the ground, different forms of FGM are practiced in certain provincial areas in Kurdistan, Western Azarbaijan, Kermanshah, Ilam, Hormozgan, and Khuzistan provinces. There are no official statistics about the number of FGMs performed in Iran, likely due to cultural sensitivity regarding the issue.” (CRC, March 2015, p. 30)

A June 2015 article of the Guardian newspaper refers to information provided by the above-mentioned social anthropologist Kameel Ahmady on the prevalence of FGM in Iran and on attitudes of the state and society on this issue:

“According to research by social anthropologist Kameel Ahmady released on Thursday, FGM is more prevalent in the southern province of Hormozgan and its nearby islands (Qeshm and Hormuz) than in any other parts of the country. It is also being practised to a lesser degree in Kurdistan, Kermanshah and West Azerbaijan provinces, which are situated in western Iran close to the Iraq border. Ahmady’s research shows that FGM is mainly an issue concerning the Shafi’i sect of Sunni Muslim Iranians, a minority in the Shia-dominated country. Only a small fraction of the Shia population living in proximity of Sunni communities practise FGM. [...] Influenced by events in the neighbouring Kurdistan region of Iraq, which prohibited FGM in 2007, female circumcision is in decline in Iran’s Kurdistan but still goes on. Hormozgan is less affected by that change.

Not all Sunni Iranians practise FGM, such as those belonging to the Hanafi sect or those living in other provinces. In West Azerbaijan, FGM exists among Sunni Shafi’i Kurds of Sorani dialect but not among Sunni Shafie Kurds of Kermanji dialect, Ahmady’s report shows. In Iran’s Kurdistan, where prevalence of FGM is patchy, it is mainly seen in rural areas, some villages and communities but not usually in urban areas. Even in provinces where FGM exists, many communities do not practise it.

‘The majority of women I spoke to who were circumcised defended FGM, saying that it is a tradition that had existed for hundreds of years,’ said Ahmady. ‘Some Sunni mums even boasted that their daughters were more virtuous than the majority Shia girls because they were cut.’ Shia clerics also avoid interfering in what they see as a Sunni issue. The government, wary of inciting anti-Shia sentiment among the country’s Sunni minority, is also largely quiet. In Hormozgan, minimal traces of FGM is seen in Shia communities in some village, the report shows.” (Guardian, 4 June 2015)

The same article quotes Ahmady as saying that “FGM is practised in Iran in some cases to tame girls’ sex drive before marriage” and “to preserve their chastity”. According to Ahmady, “[t]he attitude of officials and authorities is that FGM doesn’t exist in Iran”, and “[t]he Iranian public is also largely ignorant about the subject”. The article also notes that “[i]n Iran, the practice, referred to as Khatne or Sonat, is usually carried out outside hospital without anaesthesia or prior consent by amateur midwives”, with the tools used including sharp razors. (Guardian, 4 June 2015)

The same article goes on to note:

‘Although Ahmady’s research is unprecedented in its depth, other people have also studied FGM in Iran, including Fatemeh Karimi and Rayehe Mozafarian, who have both published books on the subject. Mozafarian said that the Iranian authorities had let activists research FGM in Iran and had allowed those books to be published. [...]

Mozafarian warned that in some parts of Khuzestan province, home to many Arab Iranians, an extreme form of FGM known as infibulation, which involves the removal of

the clitoris as well as the narrowing of the vaginal opening by creating a covering seal, is being practised.” (Guardian, 4 June 2015)

In a June 2014 written statement submitted to the UN General Assembly, Verein Südwind Entwicklungspolitik, an Austrian NGO working on development issues, provides information on the prevalence of FGM among Sunni Shafi’is in the Kurdish regions of Iran:

“FGM is widely practiced between Shafi’is, the practice lacks a blanket pattern. In some rural areas it is more or less done on girls, while in the neighbouring villages no one is even aware of it. For example in Kermanshah province, in the Gheshlagh village of Mansour Aghaie regions FGM is practiced, while in the Tazeh Abad of Seryas village, part of Ravansar town no case had been reported.” (Verein Südwind Entwicklungspolitik, 6 June 2014, p. 2)

The same source goes on to inform about the practice of FGM in the southern Hormozgan province:

“Hormozgan is one of the provinces in Iran where FGM is still practiced. The majority of the population are Sunnis of the Shafi’i branch. FGM statistics vary from 70% to 80% among female population. A percentage of neighbouring Shia’at population practices FGM in case their daughters would later marry a Sunni.” (Verein Südwind Entwicklungspolitik, 6 June 2014, p. 2)

## 1.9 Trafficking in women

The June 2015 report of the Finnish Immigration Service states with reference to the 2006 UN Human Rights Commission (HRC) report that the law criminalises human trafficking, but that it is known to occur in Iran, especially in the eastern provinces near the borders to Pakistan and Afghanistan” (Finnish Immigration Service, 26 June 2015, p. 8).

The US Department of State (USDOS) indicates in its July 2015 trafficking in persons report, which covers the year 2014:

“Iran is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Accurate information on human trafficking, however, is difficult to obtain. Organized groups reportedly subject Iranian women, boys, and girls to sex trafficking in Iran, as well as in the United Arab Emirates and Europe. In 2013, traffickers forced Iranian women and girls into prostitution in the Iraqi Kurdistan Region. From 2009-2015, there was a reported increase in the transport of girls from and through Iran en route to the Gulf where organized groups sexually exploited or forced them into marriages. [...]

The Government of Iran does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. As in previous reporting periods, the government did not share information on its anti-trafficking efforts. Publicly available information from NGOs, the media, international organizations, and other governments indicates the Iranian government is not taking sufficient steps to address its extensive trafficking challenges, particularly with regard to the protection of

trafficking victims. The government, however, reportedly took some efforts to cooperate with governments in the region to combat trafficking, among other crimes. [...]

The government made few discernible anti-trafficking law enforcement efforts. Iranian law does not prohibit all forms of trafficking. A 2004 law prohibits trafficking in persons by means of threat or use of force, coercion, abuse of power, or abuse of a victim's position of vulnerability for purposes of prostitution, slavery, or forced marriage. The prescribed penalty under this law is up to 10 years' imprisonment for the trafficking of adults and capital punishment for offenses against children. Both penalties are sufficiently stringent. [...]

The government made no discernible efforts to protect trafficking victims. The government did not report identifying or providing protection services to any trafficking victims, including repatriated Iranian victims. The government reportedly continued to punish sex trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking, such as adultery and prostitution. The government held foreign trafficking victims in detention centers and jails until the court ordered their deportation. The government did not appear to operate social or legal protection services for trafficking victims, nor did it provide support to some NGOs providing limited services to victims. The government did not appear to encourage trafficking victims to assist in the investigation or prosecution of traffickers. It did not appear to provide foreign victims of trafficking a legal alternative to removal to countries in which they may face hardship or retribution." (USDOS, 27 July 2015)

The Guardian newspaper reported in an October 2014 article:

"Despite its social stigma, prostitution is a burgeoning problem in major Iranian cities, where a public reluctance to recognize and discuss the issue means that the trade operates in deep illegality. The lack of regulation raises sex workers' risk of exposure to violence, human trafficking and sexually transmitted diseases. Public health and non-governmental organizations run a handful of rehabilitative programs for prostitutes, but a majority of sex work transpires under the radar of authorities. [...]

Despite a dearth of comprehensive data on prostitution, research by health institutions, universities, and the prison system indicates that most girls active in the Tehran sex trade are high school-age. [...] The average age range of sex workers in Iran has fallen to 12-18, down from 20-30 just one decade before, according to a 2011 report by the Iranian sociological association. More recent studies from Shahid Beheshti University confirm this pattern: Over a period of seven years, the average age fell to below 20, says staff researcher Majid Abhari. According to his estimates, some 300-600 thousand female prostitutes work in major urban centers like Tehran and Mashhad." (Guardian, 10 October 2014)

No further information could be found on the subject of trafficking in women in Iran. For information on trafficking in underage girls, please [refer to section 2.7](#) of this compilation ("Trafficking in children").

## 2 Treatment of children

### 2.1 Legal status of children

Article 1210, Note 1 of the Civil Code (CC) (last amended in July 2006) states that the age of majority is 15 lunar years for boys and 9 lunar years for girls (CC, 31 July 2006). A June 2014 report of the Human Rights in Iran Unit of the University of Essex (UK) notes in this regard that “15 years amount to 14 years and 7 months” while “9 lunar years constitute 8 years and 9 months” (Human Rights in Iran Unit, June 2014, p. 23).

As regards criminal responsibility, the same report notes that the relevant definition in the Penal Code “mirrors the age of majority as set by the Civil Code” (Human Rights in Iran Unit, June 2014, p. 24). Article 147 of the 2013 Islamic Penal Code (IPC) states that “[t]he age of maturity for girls and boys are, respectively, a full nine and fifteen lunar years” (IPC, 2013, Article 147, cited in IHRDC, 8 April 2014).

Article 146 of the 2013 IPC provides that “[n]on-mature children have no criminal responsibility”. As specified in Article 148, “[i]n the cases of non-mature children, security and correctional measures shall be applied in accordance with the provisions of this law” (IPC, 2013, Articles 146 and 148, cited in IHRDC, 8 April 2014).

Chapter 10 of the 2013 IPC (Articles 88 through 95) contains detailed provisions relating to punishments and security/correctional measures for juvenile offenders. Article 88 deals with ta’zir crimes committed by persons who are 9 to 15 years of age, as well as with offences punishable by hadd or qisas committed by children aged between 12 and 15 who have not attained maturity:

“Article 88 - The court shall make one of the following decisions, whichever is more appropriate, about the children and young people who have committed ta’zir offenses whose age at the time of commission is between nine to fifteen years according to the solar calendar:

(a) Handing over to parents or natural or legal guardians while taking promises to correct and educate the child or youth and taking care of their good behavior

Note - When the court finds it in the best interest [of the child], it can take promises from the persons mentioned in this paragraph to take measures such as the following and report the result to the court in a specified time:

1 - Referral of the child or youth to a social worker or psychologist or other specialists and cooperation with them

2 - Sending the child or youth to an educational and cultural institute in order to study or learn a skill

3 - Required measures in order to treat or rehabilitate the addiction of the child or youth under the supervision of a doctor

4 - Banning the child or youth from the harmful association with and contacting [specific] people at the discretion of the court

5 - Banning the child or youth from going to specific places

(b) Handing over to other natural or legal persons that the court finds to be in the best interest of the child or youth by ordering the measures mentioned in paragraph (a) where, considering article 1173 of the Civil Code, the parents or natural or legal guardians of the child or youth or not competent or available

Note - Handing the child to competent people is subject to their acceptance.

(c) Advising [the child or youth] by the judge

(d) Cautioning and warning or taking a written promise not to commit an offense again

(e) Detention in the Correction and Rehabilitation Center from three months to one year in the case of ta'zir offenses of the first to fifth degree

Note 1 - Decisions mentioned in paragraphs (d) and (e) shall only be applicable on a child or youth between twelve and fifteen years. In the case of commission of ta'zir crimes of the first to fifth degree, application of provisions of paragraph (e) shall be mandatory.

Note 2 - If a child who has not become mature commits any of offenses punishable by hadd or qisas, if s/he is from twelve to fifteen years of age, s/he shall be sentenced to one of the measures provided in paragraphs (d) or (e); otherwise, one of the measures provided in paragraphs (a) to (c) of this article shall be applicable.

Note 3 - In respect of the measures mentioned in paragraphs (a) and (b) of this article, the Children and Youth Court, taking into account the investigations made and also the reports of social workers about the condition of the child or youth and his/her behavior, can review its decision as many times as the best interest of the child or youth requires." (IPC, 2013, Article 88, cited in IHRDC, 8 April 2014)

Article 89 of the 2013 IPC deals with ta'zir offences committed by persons who are 15 to 18 years of age:

"Article 89 - The following punishments shall be given to young people who commit ta'zir crimes and they are between fifteen to eighteen years of age at the time of commission of the crime:

(a) Detention in Correction and Rehabilitation Center from two to five years in the case of offenses punishable in law by a ta'zir punishment of the first to third degree.

(b) Detention in Correction and Rehabilitation Center from one to three years in the case of offenses punishable in law by a ta'zir punishment of the fourth degree.

(c) Detention in Correction and Rehabilitation Center from three months to one year or a fine of ten million (10,000,000) Rials to forty million (40,000,000) Rials or providing one

hundred and eighty to seven hundred and twenty hours of unpaid public services in the case of offenses punishable in law by a ta'zir punishment of the fifth degree.

(d) A fine of one million (1,000,000) Rials to ten million (10,000,000) Rials or providing sixty to one hundred and eighty hours of unpaid public services in the case of offenses punishable in law by a ta'zir punishment of the sixth degree.

(e) A fine of up to one million (1,000,000) Rials in the case of offenses punishable in law by a ta'zir punishment of the seventh and eighth degree.

Note 1 - Hours of providing public services shall not exceed four hours a day.

Note 2 - Considering the accused person's condition and the crime committed, the court, at its discretion, instead of sentencing him/her to detention or a fine prescribed in paragraphs (a) to (c) of this article, can order the offender to stay at home in specific hours determined by the court or detention in the Correction and Rehabilitation Center in the weekend for three months to five years." (IPC, 2013, Article 89, cited in IHRDC, 8 April 2014)

Article 91 of the IPC provides that in cases where offences punishable by hadd (plural: hodud) or qisas are committed by mature persons under 18 years of age who "do not realize the nature of the crime committed or its prohibition" or whose full mental development (based on their age) is uncertain, the punishments prescribed earlier in chapter 10 would apply. A note to the article states that "[t]he court may ask the opinion of forensic medicine or resort to any other method that it sees appropriate in order to establish the full mental development." (IPC, 2013, Article 89, cited in IHRDC, 8 April 2014)

A July 2015 joint public statement by Amnesty International (AI) and a number of other NGOs explains:

"[T]he age of adult criminal responsibility remains nine lunar years for girls and 15 lunar years for boys. Above this age, in cases of hodud (offences against God carrying inalterable punishments prescribed by Shari'a law) and qesas (retribution-in-kind connected with a criminal act), a child is generally convicted and sentenced in the same way as adults, unless a judge determines that he or she did not comprehend the nature of the crime or its consequences or his or her mental growth and maturity are in doubt." (AI et al., 20 July 2015)

Meanwhile, Article 94 of the IPC provides that "[i]n the case of all ta'zir crimes committed by young people, the court can postpone the deliverance of the judgment or suspend the execution of the punishment" (IPC, 2013, Article 94, cited in IHRDC, 8 April 2014).

As noted in an October 2015 press release, Amnesty International (AI) has "received reports of at least 75 executions of juvenile offenders, including at least three juvenile offenders in 2015". The press release also notes that "[m]ore than 160 juvenile offenders are believed to be currently on death row". (AI, 14 October 2015)

The March 2015 joint alternative NGO report to the UN Committee on the Rights of the Child (CRC) notes with regard to changes in the administration of juvenile justice that have been introduced by the 2015 Criminal Procedure Law and the 2013 Penal Code:

“The new criminal procedure law, coming into force in June 2015, establishes a new type of court - juvenile court. The proposed juvenile courts will be administered by a judge and two judicial advisors with experience in psychology, criminology, social work or education. According to the Criminal Procedure law, juvenile court judges should be married (preferably with children), have a minimum of 5 years of judicial experience as judges, and have received training (although the type of training is not specified).

Under the new criminal procedures, one of the branches of the criminal court system will be devoted to children and adolescents. Similarly during the initial investigation phase, one of the branches of the office of the prosecutor is appointed to conduct investigations in those cases. The creation of a special office of prosecutors for juveniles that is in charge of investigating crimes committed by juveniles between the ages of 15 to 18 is a positive improvement, however, one legal expert predicts that those offices will be established only in Tehran.

The general criminal court still preserves jurisdiction over ‘serious crimes’ – which are offenses punishable by at least 10 years imprisonment – and sexual crimes, such as sodomy between two males, adultery, or rape, all of which can carry capital sentences. Under the new Penal Code, a specific sub-branch of the general criminal court, and not the special juvenile court, is designated to have jurisdiction over serious crimes or sexual crimes charged to juveniles.” (CRC, March 2015, pp. 35-26)

The same report notes on children’s access to a lawyer:

“The new [criminal] procedural law would allow child defendants, upon their request, to access a lawyer within the initial investigation phase. The procurator (often called an investigative judge) who oversees the investigation phase is also required to inform the defendant of the right to legal counsel. In cases where the defendant’s guardians cannot afford a lawyer, a public defender will be appointed by the court.

Despite these notable improvements to the law, restrictions on access to legal counsel continue. Security forces and judicial officials can block a juvenile’s access to a lawyer for one week after arrest if the accused is charged with a national security offense or other serious offenses, defined as crimes with a sentence of three years or more.” (CRC, March 2015, p. 37)

The same report informs about detention of children as follows:

“In Iran’s prison system, boys under the age of 18 are detained separately from adults. In most provinces’ capitals, ‘Rehabilitation and Training Centers’ have been established for convicted juvenile offenders. However that is not the case for children in smaller cities. Children in smaller cities are often transferred by authorities to centers in larger cities. But because investigations are conducted in the same locality as the alleged crime, such

transfers are not possible during the investigation phase of detention, meaning during initial detentions children and adults can be jailed together.” (CRC, March 2015, p. 44)

As regards children’s access to justice, the March 2015 joint alternative NGO states that according to article 1210 of the Civil Code (CC), only children over the age of 15 who are considered to be legally mature, are allowed to bring a case to court unassisted. The same article provides that all other children may bring cases through their legal guardian. The report notes with reference to Article 1172 of the CC, amongst others, that “[t]he father’s consent is needed to initiate legal proceedings, except where the father is the person against whom a complaint is made or he is unavailable to provide his consent.” (CRC, March 2015, p. 34)

For information on custody and guardianship, please [refer to section 1.5](#) (“Marriage and divorce”) of this compilation. Information on child marriage will be provided in [section 2.2](#) (“Child marriage”) below.

## 2.2 Child marriage

Article 1041 of the Civil Code (CC) defines the minimum age of marriage for boys and girls as follows:

“Marriage of girls before reaching the age of 13 full solar years and boys before reaching the age of 15 full solar years is subject to the permission of the Guardian and on condition of taking the child’s best interest into consideration and approval of the relevant court.” (CC, 31 July 2006, Article 1041, cited in IHRDC, 8 March 2013)

The June 2015 report of the Finnish Immigration Service notes a lack of legal consensus regarding the marriage age, stating that “[t]he question of a child’s maturity for marriage purposes is settled by Marriage Register Offices”:

“There is no consensus on the lowest acceptable age for marrying in Iran. The lowest legal marriageable age was dropped from 15 to 13 years for girls and from 18 to 15 years for boys soon after the Islamic Revolution. The Civil Code nevertheless permits marrying off younger children with the guardian’s consent and a court’s permission. The Islamic law underlying Iran’s codified legislation considers a child ready for marriage once he or she reaches puberty: the age of maturity is therefore eight years and nine months (9 lunar years) for girls and 14 years and seven months (15 lunar years) for boys. The Civil Code nevertheless permits marriages of even young[er] children. [...] The question of a child’s maturity for marriage purposes is settled by Marriage Register Offices.” (Finnish Immigration Service, 26 June 2015, pp. 11-12)

A September 2015 press release of the International Campaign for Human Rights in Iran (ICHRI) quotes Iranian lawyer Shima Ghoosheh as saying that the official marriage age for girls is 13, as they are considered to be sexually and mentally mature to marry legally. Ghoosheh further noted that “even if a girl is under 13, her father can ask a judge’s permission for her to marry”. (ICHRI, 4 September 2015)

The above-mentioned September 2015 ICHRI press release states that according to official statistics, thousands of girls under the age of 15 are married off each year. The ICHRI notes that the actual numbers may “even be quite higher”, quoting lawyer Shima Ghoosheh as saying that many families in Iran do not register underage marriages, or register them illegally. (ICHRI, 4 September 2015)

The March 2013 commentary of the IHRDC provides information on compulsory marriages of minor and virgin girls, indicating that “the natural guardian (vali-ye-qahri: father or paternal grandfather) has the right to marry for and on behalf of his minor daughter”. According to Hanafi and Shi’ite law, the guardian is entitled to contract only minor girls in compulsory marriage, while “adult women may conclude their own marriage contracts” unless they are virgins. Article 1043 provides that in cases where the natural guardian of a virgin girl or woman refuses to give his permission without any valid reason, the girl or woman may seek permission from the court. Article 1044 states that if the natural guardian has no objection to marriage, but is not available to give his permission, the girl or woman is allowed to marry. (IHRDC, 18 July 2013)

The June 2015 report of the Finnish Immigration Service also notes that “[w]omen, who are assumed to be virgins [...], cannot enter into their first marriage without their legal guardian’s consent, regardless of their age”. The report adds that “[c]ourts can nevertheless grant them permission to marry if the guardian does not have a valid reason for objecting to the marriage.” (Finnish Immigration Service, 26 June 2015, p. 12)

The September 2015 ICHRI press release further quotes Canada-based Shahrivand newspaper as reporting that according to statistics of Iran’s National Organization for Civil Registration, over 40,000 marriages of girls under the age of 15 were registered during 2014 and almost 420,000 such marriages were registered between 2004 and 2014 (ICHRI, 4 September 2015).

Justice for Iran, a human rights advocacy group, stated on its website in May 2015:

“Despite its earlier promises, the Islamic Republic of Iran has taken no steps towards reforming the law and stopping the increase in early marriages. The number of girls who get married while they are still children has risen in the last five years and reached its highest level in the year 1392 (2013-2014). According to the latest statistics, 201 girls under the age of 10 got married in that year and the number of brides aged 10 to 14 rose to more than 41,000.” (Justice for Iran, 18 May 2015)

An August 2014 report of the UN Secretary-General to the UN General Assembly indicates:

“At least 48,580 girls between 10 and 14 years of age were married in 2011, 48,567 of whom were reported to have had at least one child before they reached 15 years of age. Some 40,636 marriages of girls under 15 years of age were also registered between March 2012 and March 2013, of which more than 8,000 involved men who were at least 10 years older. Furthermore, at least 1,537 marriages of girls under 10 years of age were registered in 2012, which is a significant increase compared with the 716 registered between March 2010 and March 2011.” (UN General Assembly, 27 August 2014, p. 11)

Referring to reports of Justice for Iran (JFI) from 2013 and 2014, the Finnish Immigration Service report notes with regard to child and forced marriages:

“Child marriages are typically arranged between a young girl and a relative or, for financial reasons, a considerably older man. Child marriages are considered to be forced marriages, as a child is not deemed to have the ability to make an informed and independent decision about marrying. The Islamic Republic has traditionally promoted child marriages, but today’s society has increasingly turned against them. According to the Justice for Iran organization, the most common reasons behind child marriages and forced marriages are the social prestige awarded to girls who marry young, poverty and problems within the family, indifference of teachers and other support persons, and traditions and tribal culture.

Forced marriages take place not just among the poor and conservative population in the countryside but also more extensively in different kinds of families and among different social classes. The victims of forced marriages have no legal or social protection. The authorities return girls who have run away from home to their parents instead of giving them a place in a shelter. Schools, teachers and others who work with children cannot intervene in forced marriages. Married girls are also not allowed to attend the same schools as unmarried girls and instead have to take evening classes with adults if they wish to continue their education.” (Finnish Immigration Service, 26 June 2015, p. 11)

The Finnish Immigration Service goes on to say with reference the 2006 UN Human Rights Council (HRC) report and articles by BBC Persian and the Middle East Media Research Institute (MEMRI):

“Iran’s population register statistics show the number of marriages involving minors registered each year. According to the statistics, 350 marriages of girls under the age of 10, 40 000 marriages of girls aged between 10 and 14, and 285 000 marriages of girls aged between 15 and 19 take place on average per year. Child marriages involving boys are less common: on average, fewer than 1 000 boys marry before the age of 15 and fewer than 50 000 marry at an age of 15-19 years. [...]

According to Iran’s Population Register Centre, child marriages are especially common in the rural areas of Isfahan and Sistan and Baluchestan. Child marriages are usually motivated by financial problems and cultural reasons. Children from single-parent families, families with drug problems and illiterate families are the most likely to end up being married young. Child marriages are part of the traditional local culture in Sistan and Baluchestan, Bushehr, Lorestan and Khuzestan.” (Finnish Immigration Service, 26 June 2015, p. 12)

### **2.3 Sexual abuse of children and violence against children**

The July 2015 joint public statement by Amnesty International (AI) and a number of other NGOs states that:

“Abuses faced by children in Iran range from domestic violence, including sexual abuse and honour killings, at home to violent forms of discipline at school; from female genital

mutilation, especially in the provinces of Kurdistan, Western Azerbaijan, Kermanshahh, Illam, Lorestan and Hormozghan, to police brutality against refugee and migrant children and children living and working on the streets.” (AI et al., 20 July 2015)

As the US Department of State (USDOS) indicates in its June 2015 Country Report on Human Rights Practices, “[t]he law prohibits all forms of pornography, including child pornography”. The report also notes that there is a lack of information “about penalties for sexual exploitation of children”. (USDOS, 25 June 2015, section 6)

As indicated in the June 2015 report of the Finnish Immigration Service, underage girls who enter marriage are “expected to perform their marital sexual duties” ([see also section 1.5](#) above), although “[i]ntercourse is forbidden until a girl reaches the Islamic age of maturity of nine lunar years”. However, the report goes on to say that “underage wives can still be sexually abused in other ways” under a fatwa of Ayatollah Khomeini. (Finnish Immigration Service, 26 June 2015, p. 13)

The March 2013 legal commentary of the Iran Human Rights Documentation Center (IHRDC) quotes Iran’s former General Attorney, Mohseni Ejei, as confirming that there is no prohibition on marriages of girls under the age of ten. However, he noted that there might be marriages that are entered merely for the purpose of establishing kinship relations, with no sexual relation.

Meanwhile, the same commentary quotes a relevant extract of the above-mentioned fatwa by Ayatollah Khomeini which permits “taking sexual pleasures other than sexual intercourse (penetration) with a minor girl”:

“Anybody who has a wife who is less than nine years of age is not allowed to have sexual intercourse with her whether she is his permanent or temporary wife; however taking other forms of sexual pleasures such as touching with lust, hugging, and tafkhiz (rubbing penis between the buttocks and thighs) are permitted, even if she is a nursing baby.” (IHRDC, 8 March 2013)

A November 2014 article of Fikrun wa Fann, a cultural magazine published by the Goethe-Institut (GI), a non-profit German cultural association, states that “[n]o precise statistics about the sexual abuse of children are published in Iran”, as “[t]hese cases are registered under the general term ‘child abuse’, along with other cases such as the corporal punishment of children” (GI, November 2014).

A July 2014 Al-Monitor article also states that there is a “culture of media censorship” of issues relating to sexual abuse of children (Al-Monitor, 24 July 2014).

Meanwhile, the above-mentioned Fikrun wa Fann (Goethe-Institute, GI) goes on to note an increase in media coverage of this issue:

“It is notable that Persian-language media have recently begun to address the topic of the sexual abuse of children. [...] Another thing that is noticeable when glancing through

news items and articles in the media about the sexual abuse of children is reports about the rape of boys. In the past, if sexual abuse of children was mentioned, the majority of people tended to think of girls. Some experts believe that it is more difficult in Iranian society, for religious and cultural reasons, to talk about sexual violence against boys. It seems that this taboo has also been overcome.” (GI, November 2014)

The same article notes with reference to media reports and comments from children’s rights activists that sexual abuse of children constitutes a “far more” common phenomenon than the publicly reported cases might suggest. The article goes on to provide details of the following 2014 case:

“In recent months, one case in particular has attracted a lot of attention: that of a headmaster in a boys’ elementary school in Tehran, who in May this year was accused of sexually abusing a boy, and arrested. The boy’s parents had noticed that their son’s behaviour had changed. They had a conversation with him, discovered that he had been sexually abused, and reported the matter to the police. Some time later the families of other boys also brought charges against the headmaster. So far, forensic medical examinations have confirmed that six boys were raped. The judge has postponed the trial because the number of charges keeps increasing and forensics have not yet processed all the cases.” (GI, November 2014)

A July 2014 AI-Monitor article states that there has been a series of news reports about sexual and physical abuse of minors by their teachers and headmasters in schools and kindergartens, while noting that it is “unknown how many cases similar to these are taking place in Iran” and that “[m]any children are unaware of what sexual abuse is”. The article quotes education expert Shirzad Abdollahi as saying that while “[t]he educational system has regulations that prohibit physical punishment”, “there are no educational or supervisory mechanisms preventing sexual harassment”. The same article goes on to note with reference to Abdollahi:

“Abollahi said that in many cases, parents do not file a complaint because the children are too scared to say anything to them. Even if the parents do learn of an incident involving their child, they may feel compelled to ‘sweep it under the rug to save face,’ due to societal concerns and taboos associated with victims of sexual abuse. Abollahi also said that given the difficulty of proving such cases in court, because of the bureaucratic culture of ‘school staff usually supporting each other,’ many parents are deterred from taking the risk.” (AI-Monitor, 24 July 2014)

As regards child abuse in general, the June 2015 USDOS Country Report on Human Rights Practices indicates that “[t]here was little information available to reflect how the government dealt with child abuse, which was largely regarded as a private family matter”. The report states with reference to the Islamic Students’ News Agency (ISNA), which is generally considered as politically independent (although it is partially financed by the Iranian government), more than 7,000 cases of child abuse were officially reported in 2012.” (USDOS, 25 June 2015, section 6)

Human Rights Watch (HRW) reports in a June 2015 press release:

“Afghan children in Iran also experienced arbitrary arrest, extortion, and forced labor by the Iranian police, under the constant threat of deportation. Several said they lived at their work sites to avoid encounters with the police.

Bakir, 16, left Afghanistan at 14 because he was not able to continue his education. In Iran, he found a job but had no documents: ‘Two or three times, the police captured me, and I had to give them all my money to get them to release me. It was very difficult, so I left.’ Ali, 16, said the police in Tehran had arrested him more than 20 times: ‘In Iran, the police hate us. They arrest us and take our money. Once, it happened twice in one week. They take everything.’ Several boys said they had been picked up by police and forced to clean police stations. Zaher said he was picked up on his way to a store. He showed the police his resident permit, but they took him to the police station, where they forced him to work until late at night, washing dishes and cleaning the station.

Another 16-year-old Afghan boy reported that on four occasions, the police had forced him to spend a full day cleaning a police station. Akram said the police had picked him up more than 10 times and forced him to clean the station five or six times: ‘They have no regular cleaner, they just use Afghan refugees.’” (HRW, 22 June 2015)

For information relating to female genital mutilation (FGM), please [see section 1.8](#) of this compilation (“Female Genital Mutilation”). For information on abuses against children living and working on the streets, please refer to section 2.6 (“Child labour and street children”).

## 2.4 Social and economic rights

The website of the United Nations Educational, Scientific and Cultural Organization (UNESCO) states with reference to data from 2012 that the overall youth literacy rate in Iran is 98 per cent, while the female youth literacy rate is 97.7 per cent (UNESCO, undated).

The June 2015 US Department of State (USDOS) Country Report on Human Rights Practices indicates:

“Although primary schooling up to age 11 is free and compulsory for all, the media and other sources reported lower enrollment in rural areas, especially for girls. According to UN statistics, the ratio of girls to boys in primary and secondary education increased from 79.2 percent in 1990 to 98 percent in 2012. The UNHCR stated that school enrollment among refugees was generally higher outside camps and settlements, where greater resources were available.” (USDOS, 25 June 2015, section 6)

The United Nations Children’s Fund (UNICEF) notes in its Country programme document 2012-2016 (published in February 2012) that there are “lower levels of school readiness in less developed areas and among linguistic minorities” (UNICEF, 10 February 2012, p. 3).

An October 2015 article of Gulf Magazine, a news website covering the Middle East region, notes that there are conflicting reports with regard to child and youth illiteracy in Iran:

“Statistics vary on the numbers of illiterate children or those who are deprived of education in Iran. The inaccurate figures prove the fact that Iranian Education Ministry

officials have constantly denied the existence of children who were deprived of education. [...] The number of children who were deprived of education reached 3,200,000 in 2014 according to a report published by the Centre of Studies of the Islamic Shura Council. The minister of cooperation announced in September that the government had identified 175,000 children who were deprived of education the previous year.

The director of the Literacy Centre for Education Affairs, Mohammed Mehdizadeh, said there were more than 140,000 children between the ages of 6 and 18 who were not registered at schools in 2014-15. Iranian Etemaad newspaper published a report in October 2014 which said around 1,922,000 children between the ages of 6 and 17 were deprived of education. [...] Studies have shown that there was a direct link between the economic situation and the rate of illiteracy in Iranian regions. Statistics from the Sistan and Baluchestan Provinces who are among the poorest Iranian regions, recorded the highest levels of illiteracy in Iran, reaching 28 percent. Official statistics showed that 40 percent of persons under the age of 50 years were illiterate. [...]

These conflicting statistics about the rate of illiteracy come at a time when official statistics failed to mention the children who were unregistered in public records, and who would not be allowed to go to school due to the lack of identification records. The number of these children is estimated at 20,000, in addition to tens of thousands of children of migrant Afghans in Iran.” (Gulf Magazine, 14 October 2015)

A January 2015 article of the private Azerbaijan-based Trend news agency states with reference to a report of the Iranian official Mehr news agency that “[a]round 120,000 children in Iran’s Sistan and Baluchestan province are deprived of the opportunity to get education, with 37,000 of these children aged six to nine (Trend, 7 January 2015).

The Oxford Human Rights Hub (OxHRH) noted in October 2015 that Iranian women are currently “unable to automatically pass on their nationality to their children” (OxHRH 8 October 2015). Please [see also section 1.1](#) of this compilation (“Citizenship”) and section 8 of our July 2015 COI compilation “Iran: Political Opposition Groups, Security Forces, Selected Human Rights Issues, Rule of Law” (“Nationality and statelessness”) (ACCORD, July 2015).

An October 2015 Al-Monitor article provides the following background information on persons who do not have Iranian citizenship despite having an Iranian mother:

“Between 400,000 and 1 million people in Iran are estimated to lack Iranian nationality despite having an Iranian mother. The majority of these individuals were born out of so-called ‘temporary marriages,’ known as mut’ah in Arabic and sigheh in Persian, between Iranian women and Afghan men. These men took refuge in Iran either after the Soviet occupation of Afghanistan in the 1980s, or following the Afghan civil war in the 1990s or the US-led invasion in 2001.” (Al-Monitor, 27 October 2015)

The same article quotes Mehrangiz Kar, an Iranian lawyer and women’s and children’s rights activist, as saying that:

“These children and youths are deprived of educational and health facilities as well as other services that Iranian citizens benefit from, such as subsidies and the like. In a word, they have no civil rights and lack identity documents or a birth certificate.” (Al-Monitor, 27 October 2015)

The March 2015 alternative NGO report submitted to the Committee on the Rights of the Child (CRC) states:

“Afghan refugees report facing restrictions in accessing education in Iran. According to the director of the Bureau for Aliens and Foreign Immigrants Affairs (BAFIA) there are currently 310,000 Afghan refugees studying in Iran. Refugees are required to pay a fee to register in Iran’s public schools, which are otherwise free for Iranian nationals. On 3 August 2014, the Ministry of Education issued a letter announcing that Afghan refugees can register in schools without paying a fee. However, according to NGOs on the ground, between 300,000 to 450,000 Afghan children are currently out of school in Iran. Moreover, Afghan refugees are required to provide a valid residency card or passport in order to register for schools.

Such a limitation, therefore, bans undocumented Afghan children from attending Iranian public schools. Alternatively, those children and other refugee children who are eligible but whose families cannot afford school fees have the choice of enrolling in ‘Afghan schools’ in Iran. Human Rights Watch has noted that ‘[t]hese schools, which are not licensed or regulated by the Iranian government, are reportedly uneven in terms of quality, in part because they are starved for resources.’” (CRC, March 2015, p. 31)

According to a May 2015 Al-Monitor article that quotes an earlier report the semi-official Iranian Tasnim news agency, Supreme Leader Ayatollah Ali Khamenei declared that “[n]o Afghan child, not even immigrants who came to Iran illegally and without documents, must be kept from an education and all of them must be registered in Iranian schools” (Al-Monitor, 19 May 2015).

An August Iran factsheet published by the UN High Commissioner for Refugees (UNHCR) indicated that 348,226 Afghan and Iraqi students were enrolled in Iranian schools during the 2014-2015 academic year (UNHCR, August 2015).

The May 2015 Al-Monitor article quotes an adviser to the Rouhani administration as saying that “over 350,000 Afghan schoolchildren [are] legally registered in Iranian schools” while “approximately 500,000 [...] are not attending school” (Al-Monitor, 19 May 2015)

A November 2013 Human Rights Watch (HRW) report provides a detailed overview of the educational situation of Afghan refugee children:

“Today the children of Afghans not registered as refugees are effectively barred from Iranian public schools. The plight of such children, as well as refugee children who are eligible but whose families cannot afford school fees, led to the creation by Afghans of a large number of ‘Afghan schools’ in Iran. These schools, which are not licensed or regulated by the Iranian government, are uneven in terms of quality, in part because they

are starved for resources. Fees for these schools are lower than for Iranian schools, and some waive fees for poor families, using donations to cover the costs. Iranian authorities have periodically shut down these schools while at other times tolerating them. The unofficial schools generally follow the Iranian curriculum and their diplomas can be certified by the Afghan embassy so that they will be recognized as valid in Afghanistan. In 1998-99, the UN estimated that 14,000 children attended these unofficial schools in Tehran and Mashad alone, and this number may have increased with subsequent Iranian government-imposed restrictions on Afghans in Iranian schools. [...]

In 2006, the Iranian government cracked down on access to education for Afghans, closing many Afghan schools, which forced some refugee children to pay to enroll in Iranian schools and left undocumented children without access to education. On August 26, 2009, President Ahmadinejad reportedly issued a decree permitting all Afghan children, documented or not, to attend Iranian primary and secondary schools once they had registered with BAFIA [Bureau for Aliens and Foreign Immigrants Affairs] and paid school fees. According to the Iranian government, following this decree, 60,000 new Afghan children took the opportunity to attend school. By late 2010, however, the Afghan embassy in Tehran reported that all undocumented Afghans were again barred from Iranian schools. In late 2011, a spokesman for the Iranian embassy in Kabul maintained that the Iranian government was fully assisting Afghan children in the field of education, but Human Rights Watch research indicates that many children still lack access to primary and secondary educational facilities. [...]

Some families interviewed by Human Rights Watch had managed to register their children in the separate 'Afghan schools' but then had to withdraw them because they could not afford even the lower fees charged by such schools. [...]

Some children, unable to attend school, work in hazardous forms of labor instead.” (HRW, 20 November 2013, pp. 61-65)

## **2.5 Freedom of movement for children and minors who travel with mothers**

A representative of an international organization in Iran wrote in a December 2015 email reponse that Iranian children (boys and girls) under the age of 18 have no restrictions for travelling within the country as long as they are accompanied by an adult family member (their mother, father, brother or sister) or a relative (for example their uncle or aunt). Meanwhile, the representative noted that in order to be able to travel abroad, children under the age of 18 need to obtain legal permission from their father or legal guardian (who can be their mother) to get an Iranian passport. (International organization in Iran, 12 December 2015)

No further information could be found on this subject.

## **2.6 Child labour and street children**

Section 79 of the Labour Code of the Islamic Republic of Iran of November 1990 states that “[i]t shall be prohibited to employ any person under 15 years of age” (Labour Code of the Islamic Republic of Iran, 20 November 1990)

Sections 80 through 84 of the same code contain provisions pertaining to “young workers” between 15 and 18 years of age:

“Sec. 80. A worker between 15 and 18 years of age, hereinafter referred to as a ‘young worker’, shall undergo a medical examination by the Social Security Organisation prior to commencing employment.

Sec. 81. The medical examination of a young worker shall be repeated at least once a year, and the relevant documents shall be recorded in his service file. The physician shall express an opinion on the suitability of the type of work performed by a young worker according to his abilities. Should he consider the work to be unsuitable, the employer shall, to the greatest possible extent, reassign the worker to another position.

Sec. 82. Daily working time for young workers shall be one half-an-hour shorter than ordinary hours of work. Arrangements for this purpose shall be made by agreement between the worker and the employer.

Sec. 83. It shall be prohibited to assign overtime work, shift work, or arduous, harmful or dangerous work to young workers or to require them to carry loads heavier than the authorised maximum weight without using mechanical means.

Sec. 84. In occupations and jobs which, on account of their nature or of the conditions in which they are performed, may be prejudicial to the health or morals of trainees or young workers, the minimum working age shall be 18 years. Such cases shall be determined at the discretion of the Ministry of Labour and Social Affairs.” (Labour Code of the Islamic Republic of Iran, 20 November 1990)

The US Department of State (USDOS) indicates in its June 2015 Country Report on Human Rights Practices, which covers the year 2014:

“The law prohibits employment of minors under the age of 15 and places restrictions on employment of minors under the age of 18, such as prohibiting hard labor or night work. The law does not apply to domestic labor and permits children to work in agriculture and some small businesses from the age of 12. The government did not adequately monitor or enforce laws pertaining to child labor, and child labor remained a serious problem.

Reportedly significant numbers of children, especially of Afghan descent, worked as street vendors in major urban areas. Child labor was also reportedly used in the production of carpets. Children also worked as beggars, and there were reports that some children were forced into begging rings.” (USDOS, 25 June 2015, section 6)

The March 2015 alternative NGO report to the UN Committee on the Rights of the Child (CRC) notes that businesses with fewer than 10 employees are exempt from some of the provisions of the Labour Code relating to young workers:

“[T]hese businesses are not required to comply with maximum hour requirements or provide overtime pay. These businesses are also not required to pay any disability

benefits for workplace injuries. Under these regulations, businesses with fewer than 10 employees are also specifically exempted from complying with laws that modify working hours for juveniles and mandate the regular medical testing of juvenile laborers.” (CRC, March 2015, p. 46)

The same report states with regard to numbers of child labourers and children who are outside the education system:

“There is no official data on the number of child laborers currently working in Iran. According to the 2011 national census, there were 68,558 working children between the ages of 10 and 14. There were also reportedly a total of 696,700 juvenile laborers aged 15 to 18. According to some child rights activists, the number of child laborers is much higher. Akbar Yazdi from the Society to Protect Street Children reported in 2012 that there are a total of 1,450,000 child workers in Iran, 450,000 of whom are street children (i.e. children selling goods or begging in the streets).

The 2011 national census also showed that there were more than 900,000 children between the ages of 6 and 14 years that were not in school. Early marriage and child labor were cited as the most common reasons contributing to the dropout rate.” (CRC, March 2015, p. 46)

As regards street children, the same report states with reference to government and academic sources:

“According to Mr. Rouzbeh Kardooni, the head of social pathologies’ office at the Ministry of Labor, 45 percent of street children are between the ages of 10 and 14. While 34 percent of street children are still in school, 40 percent of them have dropped out of school and 24 percent have never been to school.

Research cited by Dr. Mino Moharez, the director of the HIV Research Center, and Dr. Ali Akbar Sayari, hygiene deputy at the Ministry of Health, indicated that the rate of HIV/AIDS among street children is 45 times higher than that of the general population. [...] Rape and drug use are believed to be the main causes for the high HIV rate among these children. [...] The director of the HIV/AIDS Center, Dr. Minoo Mohraz, announced on September 19, 2014 that the main cause of HIV in street children is rape.” (CRC, March 2015, p. 47)

A 2013 journal article by a group of four medical researchers makes reference to an unofficial Iranian estimate reporting that “around 70 per cent of all children in homeless groups were involved in sexual activities among group members”. The article goes on to note that a 2007 study by Ahmadkhaniha et al. “reported about 30-per cent participation”, while a 2001 study “found that almost all the children in their study were engaged in sexual activities” (Asadollahi/Baratvand et al., 2013).

A June 2015 article of the Washington Times daily newspaper notes that the government “does little to aid unaccompanied minors” and that “in many cases those children traveling

from Afghanistan looking for work are severely abused in detention centers” (Washington Times, 28 June 2015).

The Austrian NGO Verein Südwind Entwicklungspolitik states in a September 2015 written statement submitted to the UN Human Rights Council (HRC) that thousands of children work in the streets of the big cities, especially Tehran. The statement refers to research by social workers which suggests that 80 per cent of these children are Afghans who are sold or rented to criminal gangs who “send them on the streets to sell small items such as flower or chewing gums.” Some of these children who are sold are from families with drug problems. The statement notes that “[t]hese children are highly at risk of sexual abuse, addiction and both physical and psychological violence”. The same source goes on to note that “[a]nother area of child labour is carpet-weaving industry which traditionally uses young girls, as their small fingers weave smaller knots and therefore better quality carpet.” (Verein Südwind Entwicklungspolitik, 8 September 2015, p. 2)

A February 2015 article of the Jerusalem Post (JP) daily newspaper describes the living conditions of street children in Tehran as follows:

“Most of the street children live in the slums of south Tehran and are sent out to work every morning by their parents. They travel to the affluent suburbs of north Tehran where they shine shoes, clean car windshields (if they can reach) and sell an assortment of junk and oddities: chewing gum, flowers, fortune poems, nylon socks and cheap shoes.” (JP, 15 February 2015)

A July 2015 article of the Azerbaijan-based Trend newspaper quotes Iran’s vice president in women’s affairs, Shahindokht Molaverdi, as saying that there are some 5,000 homeless women in the country. The same article refers to Rahmatollah Hafezi, head of Health and Environment Commission of Tehran City Council, as saying in November 2014 that there were 3,000 homeless women in Tehran. The article further quotes Reza Jahangiri, Deputy Director of State Welfare Organization of Tehran Municipality, as saying in November 2014 that the average age of homeless women in Tehran is between 17 and 18 years, with most of them reportedly addicted to drugs. (Trend, 12 July 2015)

The same report notes that Iran’s Interior Minister announced in October 2014 that the government plans to build a shelter for 10,000 homeless persons in the next six months in the Fashafuyeh district of Tehran province (Trend, 12 July 2015).

## **2.7 Trafficking in children**

The US Department of State (USDOS) notes in its July 2015 Trafficking in Persons Report, which covers the year 2014:

“In Tehran, Tabriz, and Astara, the number of teenage girls in prostitution continues to increase. Organized criminal groups force Iranian and immigrant children to work as beggars and in street vendor rings in cities, including Tehran. Physical and sexual abuse and drug addiction are the primary means of coercion. Some children are also forced to work in domestic workshops. Traffickers subject Afghan migrants, including boys, to

forced labor in construction and agricultural sectors in Iran. Afghan boys are at high risk of experiencing sexual abuse by their employers and harassment or blackmailing by the Iranian security service and other government officials. [...] In previous years, there were reports government officials were involved in the sex trafficking of women and girls. Reports also indicated some officials operating shelters for runaway girls forced them into prostitution rings.” (USDOS, 27 July 2015)

The June 2015 article of the Washington Times states that “[i]mmigrant children, especially girls, are more vulnerable to being caught up in the sex trade” (Washington Times, 28 June 2015).

A June article of Al Arabiya, a Saudi-owned pan-Arab television news channel based in Dubai, quotes a UNICEF study on children in Iran as saying that “trafficking and sale of persons under 18 years of age” mainly occurs to “young girls from rural areas”. Al Arabiya goes on to refer to an edition on child trafficking of its “Inside Iran” series, which reports that a child can be sold for USD 150 and subjected to child labour even before the age of three, noting that “[t]he victims of child trafficking are reportedly exploited in labo[u]r, begging, and drug and organ trafficking”. The article goes on to say with reference to the same report:

“It is claimed traffickers go searching for children in areas hit by poverty, or where drug addiction is rampant. They could be kidnapped from their families and never return back. Some low-income families also contribute to child trafficking by forcing their children into work. [...] It is estimated that the number of Iranian children living on streets is about 200,000. Reports say half of them are thought to be Afghan child refugees. The parents of street children in Iran are unknown, thus they are left without identity cards or birth certificates. They also live in abandoned houses and public parks.” (Al Arabiya, 15 June 2015)

As Radio France Internationale (RFI), a French international public broadcaster, notes in an October 2014 article, a 2008 study carried out by Iran’s Ministry of Health and Medical Education found that the median age of prostitution had dropped beneath the threshold of 15 years, while before the Islamic Revolution, the age was at over 30 years. Other independent studies confirmed that this median age was between 12 and 13 years. (RFI, 10 October 2014 [translated from French])

## 3 Treatment of individuals of diverse sexual orientations and gender identities

### 3.1 Legal situation and treatment by the state

The Amnesty International (AI) Report 2014/15, which covers the year 2014 and key events of 2013 states that [t]he authorities continued to persecute individuals on account of their actual or perceived sexual orientation and gender identity” and that “[t]he revised Islamic Penal Code maintained provisions criminalizing all consensual same-sex sexual conduct between adults” (AI, 25 February 2015).

A March 2015 Amnesty International (AI) report provides a brief summary of legal provisions for same-sex conduct between men:

“Same-sex conduct by men is criminalized with punishments ranging flogging to the death penalty. The Islamic Penal Code sentences the ‘passive’ partner of consensual sexual intercourse between two men to death and the ‘active’ partner to 100 lashes, as long as he is Muslim and unmarried (Articles 232-233).” (AI, 11 March 2015c, p. 34, footnote 119)

As regards homosexual conduct between males, the Islamic Penal Code (IPC) of 2013 includes provisions on *livat* (“sodomy”) (Articles 233 and 234), *tafkhez* (Articles 235 and 236) and homosexual acts other than *livat* and *tafkhez* (Article 237).

Article 233 defines *livat* as “penetration of a man’s sex organ (penis), up to the point of circumcision, into another male person’s anus” (IPC, 2013, Article 233, cited in IHRDC, 8 April 2014).

Article 234 sets out the punishments for *livat*, making a distinction between the “active” party and the “passive” party to the act:

“Article 234 - The hadd punishment for *livat* shall be the death penalty for the insertive/active party if he has committed *livat* by using force, coercion, or in cases where he meets the conditions for *ihsan*; otherwise, he shall be sentenced to one hundred lashes. The hadd punishment for the receptive/passive party, in any case (whether or not he meets the conditions for *ihsan*) shall be the death penalty.

Note 1 - If the insertive/active party is a non-Muslim and the receptive/passive party is a Muslim, the hadd punishment for the insertive/active party shall be the death penalty.

Note 2 - *Ihsan* is defined as a status that a man is married to a permanent and pubescent wife and whilst he has been sane and pubescent has had a vaginal intercourse with the same wife while she was pubescent, and he can have an intercourse with her in the same way [vaginal] whenever he so wishes.” (IPC, 2013, Article 234, cited in IHRDC, 8 April 2014)

*Tafkhez* is defined in Article 235 as “putting a man’s sex organ (penis) between the thighs or buttocks of another male person” (IPC, 2013, Articles 235).

Article 236 provides for the following punishments for *tafkhez*:

“Article 236 - In the case of tafkhez, the hadd punishment for the active and passive party shall be one hundred lashes and it shall make no difference whether or not the offender meets the conditions of ihsan [mentioned in note 2 of article 234], or whether or not [the offender] has resorted to coercion.

Note- If the active party is a non-Muslim and the passive party is a Muslim, the hadd punishment for the active party shall be the death penalty.” (IPC, 2013, Article 236, cited in IHRDC, 8 April 2014)

Article 237 sets out punishments for homosexual acts other than *livat* and *tafkhez*, such as “kissing or touching as a result of lust”, with a note saying that the provisions of this article also apply to female persons who engage in the same activities:

“Article 237 - Homosexual acts of a male person in cases other than livat and tafkhez, such as kissing or touching as a result of lust, shall be punishable by thirty-one to seventy-four lashes of ta’zir punishment of the sixth grade.

Note 1 - This article shall be equally applicable in the case of a female person.

Note 2 - This article shall not be applicable in the cases punishable by a hadd punishment under Shari’a rules.” (IPC, 2013, Article 237, cited in IHRDC, 8 April 2014)

The UK Foreign and Commonwealth Office notes in its March 2015 Human Rights and Democracy Report 2014, which covers the year 2015, that “[i]t is against Iranian law for people of the same sex to touch and kiss, and for people to cross-dress” (FCO, 12 March 2015).

Article 238 through 240 deal with *musaheqeh*, which is defined as an act “where a female person puts her sex organ on the sex organ of another person of the same sex” (IPC, 2013, Article 238, cited in IHRDC, 8 April 2014).

Article 239 states that “[t]he hadd punishment for musaheqeh shall be one hundred lashes” (IPC, 2013, cited in IHRDC, 8 April 2014).

Article 240 specifies in this regard:

“Article 240 - Regarding the hadd punishment for musaheqeh, there is no difference between the active or passive parties or between Muslims and non-Muslims, or between a person that meets the conditions for ihsan and a person who does not, and also whether or not [the offender] has resorted to coercion.” (IPC, 2013, Article 240, cited in IHRDC, 8 April 2014)

The June 2015 USDOS Country Report on Human Rights Practices notes that “[t]hose accused of sodomy often faced summary trials, and evidentiary standards were not always met” (USDOS, 25 June 2015, section 6).

A November 2013 report of the Iran Human Rights Documentation Center (IHRDC) informs about the evidentiary burden with regard to alleged *livat* (referred to here as “sodomy”), *tafkhiz* and *mosaheqeh*. As regards the role of witness statements, the report notes that:

“Similar to the crime of adultery, the crimes of sodomy, tafkhiz and mosaheqeh can only be established if there are four male witnesses or three male and two female witnesses. If there are only two male witnesses and four female witnesses, the most serious punishment that can be imposed is lashing. In other words, sodomy cannot be proven with two male and four female witnesses; only tafkhiz and mosaheqeh can be proven. As for the category of ‘other homosexual acts,’ two male witnesses will suffice. The witnesses must see the sexual act in person.” (IHRDC, 7 November 2013)

The same report states that the law “provides a significant disincentive for testifying”. Article 140 of the 2013 IPC sets out that the *hadd* punishment for “false accusation of sodomy or zina against someone else” (*qazf*) (IPC, 2013, Article 139, cited in IHRDC, 8 April 2014), “whether for a man or woman, is eighty lashes” or in cases other than zina or sodomy, such as *mosaheqeh*, up to 74 lashes” (IPC, 2013, Article 140, cited in IHRDC, 8 April 2014).

The November 2013 IHRDC report informs that for “sodomy, tafkhiz and mosaheqeh, a person will be found guilty after confessing four times to committing the act”, while “[f]or the category of ‘other homosexual offenses,’ only one confession will suffice.” (IHRDC, 7 November 2013)

Meanwhile, the same report notes that in “in most cases”, it is “the ‘knowledge of the judge’ [that] has been relied upon to mete out harsh sentences for alleged homosexual acts”. The report explains that “[a]ccording to Shari’a law, a judge, through his own knowledge and understanding, can come to a conclusion regarding guilt or innocence of the parties involved”. (IHRDC, 7 November 2013)

As indicated by the IHRDC, Article 102 of Iran’s amended Code of Criminal Procedure, which came into effect in June 2015, provides that “[n]o one may be questioned” on matters regarding what it refers to as “crimes against decency”, “unless when the crime is committed in public, or when there is a private complaint.” The same code specifies that “[i]n this situation, the judge will pursue and investigate only within the confines of the complaint, or what has been seen in the public”. Note 1 to this article adds:

“In crimes against decency, whenever there is no private complaint, and the defendant intends to voluntarily confess, the judge advises him or her to cover up the crime and not to confess.” (IHRDC, 22 June 2015)

A May 2015 country report of the Netherlands Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ), which covers the period from December 2013 up to April 2015, includes extensive information on the treatment of sexual minorities in Iran. The report states that prosecution of homosexual acts is relatively rare as these types of conduct are difficult to prove. This would require several eyewitnesses, and those found to have unjustly

incriminated a person in a case relating to sodomy face severe penalties. The report quotes a confidential source as saying that it is likely that most convictions for *moharebeh* (“enmity against God”), a capital offence, are in practice convictions for homosexuality. During the reporting period, several death sentences were handed down for *moharebeh*. In most of these cases, the acts that have led to this judgment have not been specified.

According to a confidential source that has made inquiries among jurists and lawyers, judges especially in Tehran increasingly urge lawyers not to let their clients confess to sodomy. This allows judges to conclude that there is not enough conclusive evidence, so that the accused person can go free and this ‘uncomfortable’ case can be closed.

The same report notes that during interrogations and criminal investigations, it sometimes happens that the passive partner of *livat* (sodomy) accuses the active partner of *lavat be onf* (sodomy by rape). In such cases, both partners of homosexual activities can be sentenced to death. Although the concept *lavat be onf* is not part of the Iranian penal code, a judge can still pass a sentence by relying on Article 167 of the Constitution.<sup>1</sup> It is known that homosexuality is more heavily penalized in smaller towns and peripheral regions because of the more conservative values that prevail outside the large cities. In addition, the personal views of the courts in respect of these matters and the severity of sentencing vary considerably. In most cases, courts refrain from imposing the death penalty and opt for floggings instead.

Prosecution of homosexuality mainly occurs in connection with alleged danger of undermining the social order. According to a confidential source, persecution of gay and bisexual persons seems to be aimed more at preserving social and religious ideals rather than at banning these forms of sexuality from Iranian society. The Iranian authorities are aware of the negative international reactions large-scale persecution and severe punishment of LGBT persons entails. Therefore, little publicity is given to these cases. Photographs of publicly executed homosexuals that have gone around the world were made in smaller (provincial) towns where there is less tolerance and less careful consideration of international repercussions. (BZ, 7 May 2015, pp. 15-16 [translated from Dutch])

Iran Human Rights (IHR), an Oslo-based human rights organization, notes in its March 2015 annual report that two persons were publicly executed on charges of “*lavat*” (“sodomy”) in Shiraz in 2014:

“In 2014, two people were executed on charges of ‘*Lavat*’ (sodomy). According to the Iranian state media, on August 26, 2014, two men identified as ‘*Abdollah Gh. Ch.*’ and ‘*Soleiman Gh. Ch.*’ were hanged publicly in Shiraz. According to the official website of the Iranian judiciary in Fars Province and the official Iranian news agency IRNA, they were sentenced to death on charges of sodomy.” (IHR, 4 March 2015, p. 24)

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<sup>1</sup> Article 167 of the Constitution of the Islamic Republic of Iran of 1979 (last amended in 1989) states: “A judge shall be required to try to find out the verdict of every lawsuit in codified laws; if he fails to find out, he shall render a verdict on the matter under consideration based on authentic Islamic sources or authoritative Fatwas. He may not refrain from dealing with the case and rendering a judgment on the pretext of silence, inadequacy or brevity of or contradiction in codified laws.” (Constitution of the Islamic Republic of Iran, 1989, Article 167).

For more information regarding the death penalty for same-sex conduct, please refer to our July 2015 COI compilation “Iran: Political Opposition Groups, Security Forces, Selected Human Rights Issues, Rule of Law”, section 7.6.3 (“Death penalty for consensual same-sex acts”) (ACCORD, July 2015, pp. 196-199).

The USDOS notes in its June 2015 Country Report on Human Rights Practices that “[s]ecurity forces harassed, arrested, and detained individuals they suspected of being gay” and that “[i]n some cases security forces raided houses and monitored internet sites for information on LGBT persons” (USDOS, 25 June 2015, section 6).

The May 2015 BZ report notes that homosexual and bisexual persons who do not openly reveal their sexual orientation and keep a low profile are able to move freely within society. In Iran, it often happens that persons of the same sex live together, and this is not necessarily associated with homosexuality. This is especially true for the larger cities where there is a greater anonymity.

In the past, there have been regular raids on meeting places for homosexual persons. But with the rise of social media and online dating, these groups have shifted their activities to gay-oriented chat rooms and dating sites. Authorities now condone public meetings between homosexual persons in specific locations. Even places that were known to the authorities as venues where gay sex is provided for money (e.g. certain baths) were left undisturbed during the reporting period.

In larger cities in particular, the authorities do not pursue a policy that aims to fight homosexuality “with fire and sword”. However, according to a confidential source, authorities would intervene immediately once there is activism or if they believe that some activities might give Iran a bad name abroad.

As far as can be ascertained, all investigative services, i.e. the Basij, the IRGC and the intelligence services are mandated to pursue homosexual activities. According to a source, it is known that the Basij are those who most actively seek to pursue people engaging in homosexual activities. The majority of arrests relating to homosexuality take place at private home parties. Initially, these arrests would be justified on grounds of illegal alcohol consumption, dress code violations and “debauchery”. This has not changed during the reporting period.

A number of interviews with persons accused of homosexual behaviour seem to show that the authorities use harsh measures during arrests and interrogations. Intimidation, blackmailing, incommunicado detention, rape, torture, coercion to sign (false) confessions and extrajudicial punishments such as flogging are widely practiced during detention and interrogation. In most cases, authorities try to press the detainee to make a confession of homosexual conduct and/or to reveal the identity of other homosexual persons. (BZ, 7 May 2015, pp. 13-14 [translated from Dutch])

A February 2013 report of the UN Special Rapporteur on the situation of human rights in Iran to the UN Human Rights Council (HRC) states that 15 out of 24 members of the LGBT community interviewed for the report “believed that they were arrested at least once for their sexual orientation or for associating with other LGBT persons”. The report goes on to render the following details provided by interviewees:

“Thirteen reported that once in detention, security officers subjected them to some form of torture or physical abuse; including punches, kicks and baton strikes to the head or body and, in a few cases, sexual assault and rape. Several people reported that they were coerced into signing confessions.” (HRC, 28 February 2013, p. 20)

Freedom House, a US-based non-governmental human rights organization, notes in its Freedom in the World 2015 report that while “[m]embers of the LGBT (lesbian, gay, bisexual, and transgender) community face harassment and discrimination, [...] the problem is underreported due to the criminalized and hidden nature of these groups in Iran” (Freedom House, 28 January 2015).

A November 2014 BBC News article notes that while homosexual conduct is criminalized in Iran, Islamic clerics “do [...] accept the idea that a person may be trapped in a body of the wrong sex” based on a fatwa issued by Ayatollah Khomeini (BBC News, 5 November 2014)

The March 2015 report of the UK Foreign and Commonwealth Office (FCO) states:

“Transsexuality has been legal in Iran since a fatwa was issued in 1987 by the late Ayatollah Khomeini. However, there is still a great deal of social stigma attached to transsexual people who can only obtain legal documentation in their preferred gender if they have undergone gender reassignment surgery. This makes it difficult for those who do not want to undergo surgery to find employment, and access medical services and education.” (FCO, 12 March 2015)

The May 2015 BZ report notes that the authorities regard transsexuality as a disorder for which medical solutions are available. Transsexuals are often—voluntarily or not—referred to a psychiatrist or psychologist. As the BZ notes with reference to a confidential source that transgender persons are less looked down upon by society than homosexuals. They have been tolerated since Ayatollah Khomeini issued a fatwa in 1987 declaring transsexuality to be in conformity with Islam. The authorities allow hormone treatment and sex change through surgery. Whether a person qualifies for such treatment is determined by the Department of Forensic Psychiatry in Tehran. Only after the sex reassignment surgery has been completed and the identity card adjusted is a person legally allowed to dress according to the opposite sex and move into the spaces reserved for this sex. The report notes, however, that while Iran does not allow individuals to pose as the other sex, in practice, this is done under the guise of transsexuality. The BZ states that there were no known serious cases of discrimination against transgender persons during the reporting period. (BZ, 7 May 2015, p. 14 [translated from Dutch])

The June 2015 USDOS Country Report on Human Rights Practices indicates:

“The government censored all materials related to LGBT issues. There were active, unregistered LGBT NGOs in the country, but most activities to support the LGBT community took place outside the country. Antidiscrimination laws do not exist. Hate crime laws or other criminal justice mechanisms do not exist to aid in the prosecution of

bias-motivated crimes against members of the LGBT community.” (USDOS, 25 June 2015, section 6)

### 3.2 Treatment by members of society

The US Department of State (USDOS) indicates in its June 2015 Country Report on Human Rights Practices that “[i]nternational LGBT NGOs reported that many young gay men faced harassment and abuse from family members, religious figures, school leaders, and community elders” and that “[s]ome persons were reportedly expelled from university for alleged same-sex sexual activity.” (USDOS, 25 June 2015, section 6)

The UN Special Rapporteur on the situation of human rights in Iran noted in his February 2013 report to the UN Human Rights Council (HRC):

“Iran’s criminalisation of same-sex relations facilitates physical abuse in the domestic setting as well. A majority of these individuals reported that they were beaten by family members at home, but could not report these assaults to the authorities out of fear that they would themselves be charged with a criminal act.” (HRC, 28 February 2013, p. 20)

The May 2015 country report of the Netherlands Ministry of Foreign Affairs (BZ) notes that the social acceptance of homosexuality in Iranian society is low. The general social attitude towards LGBT persons is “don’t ask, don’t tell”. The report goes on to note that due to social stigma, homosexual persons have a greater fear of how they are treated by their immediate surroundings than of their treatment by the authorities. If a family member reports a person as being homosexual, this could result in the person’s dismissal from work or university. For LGBT persons, it is easier to keep a low profile in the large cities, which is why many choose to move there from elsewhere. As a confidential source noted, the authorities are not inclined to offer protection to LGBT persons who feel discriminated by members of society. (BZ, 7 May 2015, p. 18 [translated from Dutch])

As the same report notes, authorities deem homosexuality in the army to be undesirable. Men whose homosexuality has been established through medical examination and who are subsequently given the designation “mentally ill” on their military cards are exempted from military service. This situation has remained unchanged during the reporting period. As the BZ notes, these persons can face difficulties in finding work as they are required to present their military cards when applying for jobs. (BZ, 7 May 2015, p. 18 [translated from Dutch])

A March 2015 query response of the Immigration and Refugee Board of Canada (IRB) notes on this issue with reference to earlier HRW and IHRDC reports:

“Sources report on cases of sexual minorities being exempted from military service based on Article 33 of the army’s medical exemption regulations (IHRDC 19 June 2013; Human Rights Watch Dec. 2010, 24). According to the IHRDC, Article 33, paragraph 8 of the regulatory code that governs medical exemptions from military service notes that ‘moral and sexual deviancy, such as transsexuality’ is considered to be grounds for a medical exemption (19 June 2013).

Human Rights Watch indicates that in order to ‘prove’ their sexual orientation or gender identity, men must undergo ‘numerous’ ‘humiliating’ physical and psychological tests and exams, which may be costly, and they may also encounter administrative barriers, such as ‘few doctors’ to perform such tests and doctors that refuse to perform them without parental accompaniment (Dec. 2010, 24-26). Human Rights Watch adds that gay and transgender Iranians who are exempted from military service ‘are not immune from harassment and abuse’ and that doctors have reportedly pressured gay men seeking exemption to apply for exemption as transsexuals instead (Dec. 2010, 25). The IHRDC reports on doctors who have written letters to the Military Service Office indicating that the individual seeking a military exemption based on sexual preference needed ‘sex-reassignment surgery’ (IHRDC 19 June 2013). The IHRDC says that ‘physicians charged with administering these evaluations likely recommended that these individuals seek exemption on the basis of transsexuality, not homosexuality, because of the Iranian government’s more lenient attitude towards the former in contrast to the latter’ (7 Nov. 2013).” (IRB, 28 March 2015)

No further information could be found on the treatment of LGBT persons by members of society.

### **3.3 Sex reassignment procedures and post-operation treatment**

The November 2013 report of the Iran Human Rights Documentation Center (IHRDC), which deals with the situation of Iran’s LGBT community, states that sex-reassignment surgery was legalised in the 1980s following a fatwa issued by Ayatollah Khomeini ([see section 3.1](#) above). As the report notes, the government subsidizes these procedures (IHRDC, 7 November 2013).

The June 2015 US Department of State (USDOS) Country Report on Human Rights Practices provides the following overview:

“The law defines transgender persons as mentally ill, and the government provided transgender persons financial assistance in the form of grants of up to 4.5 million tomans (\$1,660) and loans up to 5.5 million tomans (\$2,030) to undergo gender-confirmation surgery. In addition, the Ministry of Cooperatives, Labor, and Social Welfare requires health insurers to cover the cost of gender-confirmation surgery. Individuals who underwent gender-confirmation surgery may petition a court for new identity documents with corrected gender data, which the government reportedly provided efficiently and transparently. Human rights activists and NGOs reported that some LGBT persons were advised to undergo gender-confirmation surgery to avoid legal and social consequences due to their gender-identity ambiguity.” (USDOS, 25 June 2015, section 6)

A November 2014 BBC News article provides details about the practice of gender reassignment and notes that homosexual men and women “can be pushed into having gender reassignment surgery”:

“It’s not official government policy to force gay men or women to undergo gender reassignment but the pressure can be intense. [...]

Shabnam - not her real name - who is a psychologist at a state-run clinic in Iran says some gay people now end up being pushed towards surgery. Doctors are told to tell gay men and women that they are 'sick' and need treatment, she says. They usually refer them to clerics who tell them to strengthen their faith by saying their daily prayers properly.

But medical treatments are also offered. And because the authorities 'do not know the difference between identity and sexuality', as Shabnam puts it, doctors tell the patients they need to undergo gender reassignment. In many countries this procedure involves psychotherapy, hormone treatment and sometimes major life-changing operations - a complex process that takes many years. That's not always the case in Iran.

'They show how easy it can be,' Shabnam says. 'They promise to give you legal documents and, even before the surgery, permission to walk in the street wearing whatever you like. They promise to give you a loan to pay for the surgery.'

Supporters of the government's policy argue that transgender Iranians are given help to lead fulfilling lives, and have more freedom than in many other countries. But the concern is that gender reassignment surgery is being offered to people who are not transgender, but homosexual, and may lack the information to know the difference. [...]

There is no reliable information on the number of gender reassignment operations carried out in Iran. Khabaronline, a pro-government news agency, reports the numbers rising from 170 in 2006 to 370 in 2010. But one doctor from an Iranian hospital told the BBC that he alone carries out more than 200 such operations every year." (BBC News, 5 November 2014)

As the May 2015 COI report of the Netherlands Ministry of Foreign Affairs (BZ) notes, many sources report that family and treating physicians regularly put homosexual persons under great pressure to undergo sex reassignment surgery so that they can continue their relationship with the other sex legally. In many cases, the authorities would hold out the prospect that they would refrain from prosecution if a homosexual person decided to undergo gender reassignment. According to a confidential source, the picture that emerges from interviews with homosexual and transgender refugees that psychologists and medical specialists have been assigned to accommodate this state vision as much as possible is incorrect. Most of these professionals are well-educated and able to distinguish between homosexuality and transsexuality. Some practitioners approach this issue from a medical point of view, but it also occurs that clinicians are guided by conservative religious values or profit. (BZ, 7 May 2015, p. 14 [translated from Dutch])

## 4 Treatment of persons accused of sexual and moral crimes

### 4.1 Consensual intimate contact including pre-marital sexual relations and adultery

#### *Extra-marital relations*

The February 2015 Amnesty International (AI) annual report 2014/15, which covers the year 2014 and key events of 2013, notes that the revised 2013 Islamic Penal Code (IPC) “retained the penalty of stoning to death for the offence of ‘adultery while married’” (AI, 25 February 2015).

These provisions on adultery are found in Article 225 of the 2013 Islamic Penal Code (IPC), which reads as follows:

“The hadd punishment for zina of a man and a woman who meet the conditions of *ihsan* shall be stoning to death. Where the execution of stoning is not possible, upon proposal of the court of final judgment and approval of the Head of Judiciary, if the offense is proved by testimony of witnesses, the man and a woman who have committed zina and meet the conditions of *ihsan* shall be sentenced to the death penalty [hanging]; otherwise, each one of them shall be given one hundred lashes.” (IPC, 2013, Article 225, cited in IHRDC, 8 April 2014)

Article 226 of the IPC defines *ihsan* as the status of a man or woman who is married to a “permanent and pubescent” spouse, has had sexual intercourse with his/her spouse while being “sane and pubescent” and who is able to have sexual intercourse with the spouse (IPC, 2013, Article 226).

Article 637 of the 2013 IPC contains provisions on “indecent acts other than *zina*”:

“When a man and a woman who are not married to each other, commit indecent acts other than *zina*, such as kissing or sleeping next to one another, they shall be sentenced to up to ninety-nine lashes; and if the act is committed by force only the one who has used force shall be punished as *ta’zir*.” (IPC, 2013, Article 637, cited in IHRDC, 18 July 2013)

A March 2015 Amnesty International (AI) report notes that death penalty for adultery “appears to be disproportionately imposed on women” (AI, 11 March 2015c, p. 34).

As indicated by the Iran Human Rights Documentation Center (IHRDC), Article 102 of Iran’s amended Code of Criminal Procedure, which came into effect in June 2015, provides that “[n]o one may be questioned” on matters regarding what it refers to as “crimes against decency”, “unless when the crime is committed in public, or when there is a private complaint.” The same code specifies that “[i]n this situation, the judge will pursue and investigate only within the confines of the complaint, or what has been seen in the public”. Note 1 to this article adds:

“In crimes against decency, whenever there is no private complaint, and the defendant intends to voluntarily confess, the judge advises him or her to cover up the crime and not to confess.” (IHRDC, 22 June 2015)

As a November 2013 IHRDC report notes, a person will be found guilty of adultery “after confessing four times to committing the act” (IHRDC, 7 November 2013).

The June 2015 report of the Finnish Immigration Service states with reference to the 2013 Islamic Penal Code (IPC) and the March 2015 joint alternative report of NGOs to the UN Committee on the Rights of the Child (CRC):

“Extramarital sex remains a criminal offence in Iran. Adultery carries the death penalty under both the Islamic Sharia law and the Iranian Penal Code, although sentencing offenders to death is rare in practice. [...] No detailed information is available on how common flogging is in these cases, as they are not entered into official statistics, and victims avoid talking about them in public for fear of stigmatization. Flogging sentences are nevertheless handed down for prostitution and other extramarital sexual relations.” (Finnish Immigration Service, 26 June 2015, p. 16)

The February 2015 Amnesty International (AI) annual report 2014/15, which covers the year 2014 and key events of 2013, notes that “[a]t least one stoning sentence” was documented during the reporting period”, while “no executions by stoning were reported” (Finnish Immigration Service, 26 June 2015, p. 16).

A March 2014 report of the UN special rapporteur on the situation of human rights in Iran states with reference to an Iranian lawyer that “Iranian law allows for women who report rape to be prosecuted of adultery in cases where they are unable to convince a judge of their charges, given that the allegations imply that the women had engaged in extra-marital relations” (HRC, 18 March 2014, p. 18).

As Human Rights Watch (HRW) noted in a June 2013 press release, “human rights groups estimate that the Iranian authorities currently hold at least 10 women and men who face possible execution by stoning on adultery charges (HRW, 3 June 2013).

A February 2013 joint fact-finding mission report of the Danish Immigration Service (DIS), the Danish Refugee Council (DRC) and the Norwegian Country of Origin Information Centre (Landinfo) informs about adultery cases before the court, quoting various sources:

“Regarding cases of adultery before the court, a Western embassy (3) stated that it is very difficult to sentence an individual on adultery charges due to the requirement of four witnesses stated in the law. Asked about adultery cases in which the defendants have been convicted by means of other evidence than that stipulated in the law, the embassy stated that it was not aware of such judgments. [...]

A Western embassy (2) mentioned that adultery is very difficult to prove because of the requirement of four witnesses. However, if the judge bases his argument on his knowledge, i.e. ‘knowledge of the judge’, he is given free hands to issue whatever

sentence he sees fit. The same charge could lead to different verdicts according to which judge and in which city, the case is handled. According to the source, the most recent case was that of Ja'far Kiani, a man who was stoned to death in July 2007 in Iran's north-western province of Qazvin and according to the source that verdict was based on the knowledge of the judge. [...]

On the subject of cases of 'illicit relations' or adultery, AIIS [Amnesty International's International Secretariat] stated that in general the system wishes to avoid these cases. But once a case is brought before the court it is treated as it is a crime against God, not against the people. [...]

According to two lawyers with criminal law experience, adultery cases fall under the criminal courts. Asked about prevalence of adultery cases before the courts, the lawyers stated that adultery is usually not reported to the police or to the court. If there is no private plaintiff, there is no case. Asked who would potentially act as a plaintiff in a case regarding adultery, it was explained that it would usually be a husband or a father to a girl. However, few cases are reported and therefore it is very rare that a case of adultery reaches the courts. Adultery is a personal matter and it is not common to report such a case. [...]

When asked about the legal consequences of adultery, a well-educated Iranian woman with links to the international community explained that if a man commits adultery and his wife takes the case to court, the only thing she can hope to achieve is divorce. And if the husband argues before the court that his wife was not available to him, she might not even be granted a divorce.

If a woman is tried in court due to her adultery, she will most likely lose all her rights, such as the right to financial support and often also the children. The only thing she will never lose is the dowry. Dowry is the only thing that is not negotiable according to Sharia law. Regarding punishment for adultery, a well-educated Iranian woman with links to the international community explained that it very much depends on how far the husband wants to take the case. It was further explained that many women are 'saved' by the fact that the husband for fear of shame will not proceed with a case through the court system, so only few women end up in jail due to adultery. It was stated that these cases were often solved within the family.

Regarding possible punishment for adultery, a well-educated Iranian woman with links to the international community mentioned flogging, jail and stoning. However, it was added that adultery is difficult to prove. [...]

Asked about regional differences and differences between urban and rural areas with regard to how cases are handled by the courts, two lawyers with criminal law experience stressed that the law is applied equally throughout the entire country. It was added that there have been cases of judges being caught breaching the law and who consequently have been charged on that basis." (DIS/DRC/Landinfo, February 2013, pp. 36-39)

As Reuters news agency reported in March 2014, Sakineh Mohammadi Ashtiani, a woman who was originally sentenced to death by stoning for adultery and complicity in the murder of her husband in 2005 and whose death sentence was later reduced to a 10-year prison term, has been allowed to leave prison. The article notes that there has been “no immediate word on whether the release was permanent or whether it was subject to some form of probation”. (Reuters, 18 March 2014)

### *Pre-marital relations*

The June 2015 Finnish Immigration Service report provides the following overview information on premarital sex, referring to the 2013 Islamic Penal Code (IPC), the March 2015 joint alternative report of NGOs to the UN Committee on the Rights of the Child (CRC) and media reports:

“Premarital sex carries a penalty of up to 100 lashes and between 10 days and two months of imprisonment. No detailed information is available on how common flogging is in these cases, as they are not entered into official statistics, and victims avoid talking about them in public for fear of stigmatization.” (Finnish Immigration Service, 26 June 2015, p. 16)

“Cohabitation prior to marriage has increased in Iran, despite being socially unacceptable. Cohabitation of unmarried couples is called ‘white marriage’ (ezdevaj-e sefid) in Iran. As extramarital cohabiting is illegal in the eyes of the authorities, these arrangements can be problematic, for example, if the woman is assaulted or abused by her partner, as no help is available from the authorities.” (Finnish Immigration Service, 26 June 2015, p. 16)

An April 2015 Reuters article states that Iran’s judiciary has banned the monthly magazine Zanan-e Emrouz (Today’s Women) after it published a special issue discussing various aspects of “white marriage” (cohabitation of unmarried couples) and the reasons behind what it referred to as being an increasing phenomenon. The same article notes in this regard that “[t]he office of Iran’s Supreme Leader Ayatollah Ali Khamenei last year ordered officials to clamp down on cohabitation in Iran” as “[h]ardline clerical rulers have criticized the practice as an ‘ominous marriage’ that shamefully flouts Islamic values.”(Reuters, 27 April 2015)

The Asahi Shimbun, a Japanese daily newspaper, quotes researchers as indicating that “80,000 abortions [are] performed each year in Iran, of which the majority, 80 percent, are illegal operations mainly involving unmarried women”, noting that “[w]hen including methods such as drug-induced miscarriages, the total number of abortions is even higher” (Asahi Shimbun, 7 September 2013).

The February 2013 joint Danish-Norwegian fact-finding mission provides detailed information on the prevalence and possible consequences of pre-marital relations with reference to a Western Embassy, Amnesty International (AI) and a “well-educated Iranian woman with links to the international community”:

“Premarital relations were regarded by a Western embassy (1) to be common behind the scenes. Young unmarried couples would often be seen at ski resorts or in the parks walking hand in hand. Premarital relations would not be accepted in public, even though in North Teheran, it would be less of a problem, depending on the family. Consequences of such relations would depend on where you are, however in North Tehran such behaviour would merely be admonished. In smaller villages however, in the provinces, such behaviour could be more of a problem.

It was added that even in North Teheran a young couple could be taken in by the police if the girl or woman is not wearing proper hijab. In this case, the parents would be contacted to pick them up at the police station as well as bring proper clothing for the girl. Regarding crack-downs on women not properly dressed, the embassy stressed that this was quite common, especially in certain shopping centres.

The embassy could not recall any premarital cases that had reached court, but would not rule out that this could happen, particularly in the provinces. It was added that a lot of people who have relations outside of marriage, either before or after marriage has taken place, often go to neighbourhoods that may be more lenient for a shorter period of time. Couples may let holiday apartments or borrow houses or apartments from friends or relatives. It was considered almost impossible for a couple that is not married to stay in a shared room in a hotel as a hotel usually checks identification upon checking in.

The Western embassy (1) did not consider temporary marriages (*sigheh*) to be widespread between young persons, and did not believe that this would be used as a way of legalizing a premarital relationship. Temporary marriages would rather be entered into by older married men.

On the subject of premarital relations, AIIS [Amnesty International’s International Secretariat] concurred that these were common in Iran. There could be a chance that a couple could get arrested, however this did not seem likely. Reference was also made to government attempts to promote temporary marriage.

According to a well-educated Iranian woman with links to the international community, premarital relations are very prevalent. This is only punished if the couple is caught in a ‘street check’ (where e.g. dress code is controlled) or in a ‘crack-down’ on a party. Crack-downs have sometimes taken place in connection with parties related to Western-created festivities that appeal to the youth such as New Year’s or Halloween and Valentine’s. This could be instigated by neighbours complaining over noise levels. It was mentioned that police also have a financial interest in these crack-downs where both alcohol and drugs have sometimes been present, since the fines given to the participants and particularly the person hosting the party can be significant.

If the girl or a couple in one of these situations are taken to the police station, the girl is sometimes sent to a medical check to check if she is a virgin. The source expressed uncertainty regarding the possible punishment in these kinds of cases, but mentioned a mild jail sentence as a possible outcome. The source stated that if the couple is caught in

public, it is not in the involved families' power to decide whether the case will go to court or not. As it is regarded as a public offence that threatens the morality of society, it can go to court regardless of the families' stance. If the girl's family insisted the consequence could also be a forced marriage. It was added that the source had heard of cases where a father had taken his daughter to a medical check to see if she was still a virgin, and added that the consent of the daughter was not needed in this situation. Future parents-in-law are also known to sometimes take their soon-to-be daughter-in-law to have her virginity verified.

Asked specifically to the risk related to walking hand in hand publicly, a well-educated Iranian woman with links to the international community stated that compared to ten years ago, there is not much of a risk today. Only if the persons are badly dressed or badly behaved or for other reasons attract negative attention, they would face problems for walking hand in hand. It was pointed out that this could differ depending on the political and social situation. For example, the risk would be higher during certain religious holidays.

According to the source, premarital relations is a higher category of offense than walking hand in hand. The latter can lead to questions about premarital relations, however, walking hand in hand alone can be handled in the manner explained. A premarital relation can snowball to more serious consequences. Walking hand in hand is much less prevalent outside the big cities. But if a couple is caught, it would most likely be solved within the families; if the police is involved they would call the father, and the case is less likely to reach court." (DIS/DRC/Landinfo, February 2013, pp. 35-36)

## 4.2 Men's transgressing of social mores

In a December 2015 email response, an academic based in the UK who has expertise in Iranian law refers to the situation of men accused of having transgressed social mores as follows:

"The treatment of men accused of having transgressed social mores will depend on the rule they have violated. If a man is homosexual, it is expected that he hides his penchant, and marries a woman. If the individual carries on transgressing the social more, this will be treated as a crime punishable by imprisonment, corporal punishment or execution. To avoid the transgression and punishment, men are encouraged to change their sex. This is why Iran seems so forward in terms of gender re-assignment.

If a man transgressed social mores because his behavior (drinking, taking drugs), he will be punished by law. Drinking and gambling are considered as crimes and are punishable by imprisonment, corporal punishment or execution.

When a man disrespects social mores by wearing long hair, piercing, tattoos or short sleeves/shorts, he will be arrested on a regular basis by the police and harassed until he ceases defying the norms.

The Islamic Republic of Iran considers such behaviour to be a transgression of Muslim values and as a threat to the Republic's values. This is why punishments are heavy.” (Academic based in the UK, 18 December 2015)

In September 2013, the private Azerbaijan-based Trend news agency reported that police in Tehran arrested several men and women for violating the Islamic dress code (Trend, 8 September 2013).

As the Independent, a British daily, reported in October 2013, four Iranian Christian men arrested before Christmas 2012 were “sentenced to 80 lashes for drinking ceremonial wine during a communion service and possessing a satellite radio antenna” and “given ten days to launch an appeal” (The Independent, 25 October 2013).

As the International Campaign for Human Rights in Iran (ICHRI) reported in September 2014, a Tehran court handed suspended sentences of 91 lashes and six to twelve months in prison to a group of male and female youths for making a dance video clip to a hit song by US songwriter Pharrell Williams. The charges brought against them included “participation in producing a vulgar video clip” and engaging in “illicit relations” among each other” (ICHRI, 18 September 2014).

No further information could be found on this issue.

### 4.3 “Honour crimes”

#### *Honour crimes*

Amnesty International (AI) notes in its March 2015 report that under Article 630 of the Islamic Penal Code (IPC), “men who assault or even kill their wives are excluded from the punishments ordinarily applied to such crimes if they prove that they did so while their wife was involved in an act of adultery”. The same report goes on to note that Article 301 of the IPC exempts fathers and paternal grandfathers who kill their children or grandchildren from proportional punishments and may thus “exacerbate the risk of ‘honour crimes’ against girls and women” (AI, 11 March 2015c, pp. 30-31).

Article 630 of the 2013 Islamic Penal Code (IPC) contains provisions on the husband's right to commit killings, assault and battery in cases where his wife has committed *zina*:

“When a man sees his wife committing *zina* with another man, provided that he is certain that his wife is willing [to have sex], he can kill both of them in the same position; however if he knows that his wife acts under coercion, he may only kill the man [i.e. her rapist]. The same rule applies to assault and battery.” (IPC, 2013, Article 630, cited in IHRDC, 18 July 2013)

Article 301 of the 2013 IPC provides that *qisas* (retaliation in kind) “shall be delivered only if the perpetrator is not the father, or a paternal grandfather, of the victim, is of sound mind,

and of the same religion as of the victim” (IPC, 2013, Article 301, cited in Insight Iran, March 2015).

Referring to a number of sources including the March 2015 alternative NGO report to the UN Committee on the Rights of the Child (CRC), the March 2013 IHRDC legal commentary and a March 2015 Amnesty International (AI) report, the country of origin report of the Finnish Immigration Service of June 2015 notes that application of the qisas principle is rare in cases of murder or deliberate injury where both the perpetrator and the victim are from the same family, including in cases of honour killings:

“Islamic law includes a principle called qisas, which gives private individuals the right to demand retaliation in kind for a murder or deliberate bodily injury. The principle is prone to creating a culture of impunity in situations in which the perpetrator and the victim are from the same family. In honour killing and domestic violence cases, it is extremely unlikely for the head of the family to demand punishment. Perpetrators therefore frequently get away with a short prison sentence or may avoid punishment altogether if the head of the family forgives the act. The qisas principle does not apply if a father or a grandfather kills his own child or grandchild. In these cases, a judge will impose a prison sentence of between three and ten years. However, there have also been reports of cases in which a father has spent just six months in prison after killing his daughter due to the latter’s marriage intentions. [...]

According to Sharia law, the man would need to have four witnesses to the act, which is almost impossible to achieve in practice. In one case reported by the media, a man who had killed his wife’s lover after catching them in the act was sentenced to death under the qisas principle, as he was unable to prove that adultery had taken place. The qisas sentence was nevertheless overturned on appeal. The wife was sentenced to 99 lashes but escaped the death penalty as the act could not be proven by the four witnesses required under Sharia law.” (Finnish Immigration Service, 26 June 2015, p. 20)

The same report goes on to elaborate on the relationship between honour-related violence and legislation:

“The fact that Iranian culture encourages honour killings nevertheless contributes more to honour killings than legislation. Experiences from Khuzestan show that when the authorities tried to weed out the tradition by sentencing perpetrators to long prison terms, a new strategy quickly evolved to circumvent punishments: families began to hire outsiders to run over girls who needed to be murdered for damaging the family’s honour, which left them with just small fines to pay. Tribes in Khuzestan even have shared kitties for paying blood money. [...]

Women are also sometimes pressured into committing suicide so that no one will be punished for their deaths. More than half of the honour killings of women that came to the attention of the UN Special Rapporteur on Violence against Women were made to look like suicides by self-immolation. According to the Ebtekar newspaper, suicides committed by women are especially common in certain areas where forced marriages

and repression of women's rights are wide-spread. For example, a high number of female suicides by self-immolation have been reported in Ilam in the last decade [...].

The details of women's deaths are often obscure, as families prefer not to talk about the subject for fear of the shame caused by loss of reputation, especially if suspicions of rape or other loss of honour are involved. Investigations into the cause of death are also hampered by the unacceptability of suicide in the Islamic faith, which is why families may report suicides to the police as murders due to the shame attached to suicide. Families of women who have committed suicide by self-immolation rarely talk about the subject, and the gravestone may state the cause of death as 'heart attack', for example, to alleviate the shame." (Finnish Immigration Service, 26 June 2015, pp. 17-21)

The June 2015 US Department of State (USDOS) Country Report on Human Rights Practices, which covers the year 2014, notes that "[t]here were no official reports of killings motivated by "honor" or other harmful traditional practices during the year, although human rights activists reported they occurred, particularly among rural and tribal populations" (USDOS, 25 June 2015, section 6).

Referring to a various NGO, media and academic sources, the June 2015 country of origin report of the Finnish Immigration Service (FIS) elaborates on the prevalence of honour-related violence:

"Both women and men are vulnerable to honour-related violence in Iran. [...] In most cases, the victim is a woman and the perpetrator is a male member of the victim's family. Adultery by a married woman is considered the most serious offence in this respect. Honour killings are often based on unconfirmed suspicions and rumours, which in the most conservative communities can be sparked by very minor acts, such as talking to an unknown man in a public place. No comprehensive statistics are available on the subject, but Iran's criminal police occasionally publish information about cases and the number of honour killings known to the police. The subject received much media attention in 2008, when the police found out about 50 honour killings in the space of seven months. According to police statistics, a total of 340 honour killings in which the victims were women took place in Iran between March 2011 and March 2012. Most of the murders were committed in Kurdistan and Khuzestan. As many as 40% of all murders in Khuzestan are believed to be honour-related.

According to police statistics, there are 2 500 murders in Iran per year. Men account for approximately two thirds of all murder victims. A total of 15-18% of the murders known to the police are honour-related. Moreover, approximately one in three murders is committed by a member of the victim's family or a relative. Of these, approximately one in five is a case in which one married partner, usually the husband, murders the other. As many as 62% of murders in which the victim is female are committed by a member of the victim's family or a relative, which is strongly suggestive of these cases being honour killings. Honour killings take place in all kinds of families from different social classes and educational backgrounds.

In murder cases in which the victim and the perpetrator belong to the same family, honour-related motives are the most common reasons alongside financial reasons and problems caused by drug addiction. One murder of this kind takes place every day, and the victims are mostly women. In most cases a husband kills his wife in a sudden fit of rage. In those cases in which a woman has killed her husband, the act has usually been premeditated for a long time and a third party hired to commit the murder. A common reason for men to kill their wives is a suspicion of adultery, while women mostly murder their husbands due to unsuccessful divorce petitions.

It is difficult to estimate the prevalence of honour-related violence against men, as there are no statistics on it. Honour-related violence is primarily seen as criminality targeted at women by their family members or relatives, which means that victims who are not related to their perpetrators and male victims are left out of the definition and, therefore, statistics. [...]

Honour killings are an established phenomenon in many of Iran's outermost provinces, while they are less common in cities. According to Bakhtiarneshad's survey, honour killings are most common among nomads and uneducated people. The victims are most likely to be married women who are suspected of adultery, but young girls who are suspected of having relations with boys can also be targeted. Honour killings most commonly take place among the ethnic minorities living near Iran's borders (Kurds, Lori, Arabs, Baloch and Turkish-speaking communities), whose social practices are more conservative than those of the mainstream Persian population. Honour killings are especially common in areas where state infrastructure is scarce and tribal traditions strong. The likelihood of honour killings decreases with education, urbanisation and access to society's services." (Finnish Immigration Service, 26 June 2015, pp. 17-19)

A joint public statement by Amnesty International (AI) and a number of other NGOs indicates that "[a]buses faced by children in Iran" in their homes include "sexual abuse and honour killings" (AI et al., 20 July 2015).

A May 2015 written statement of the Austrian development NGO Verein Südwind Entwicklungspolitik submitted to the UN General Assembly lists the following honour killing cases documented between 2011 and 2015:

"Somayeh, 17 was murdered by her father on suspicion of pregnancy before marriage. (2011) [...] Soheila Fatehi, 21 and mother of 2 in Basath, Kamyaran was murdered by her brother. He wanted to save the family's honor. [...] Fatemeh Azadi, 23 from Varyan Sofla valley in Kamyaran refused to marry forcefully and wished to marry the man she loved. She was gunned by her brother (2011). [...] Sarwah, 19 from a village in Dehghan in Kurdistan ran away from home because of extreme violence. Her brother found her in Sanandaj and cut her throat (2015). [...] Chimani Piri, 32 a divorcee from Dareh Pir valley was accused by her ex-husband of having a relationship and was murdered by a blunt object. (2014)" (Verein Südwind Entwicklungspolitik, 25 May 2015, p. 3)

## 5 Treatment of persons with disabilities

The June 2015 US Department of State (USDOS) Country Report on Human Rights Practices, which covers the year 2014, provides a brief overview of the legal and administrative framework and practice regarding persons with disabilities on matters of discrimination, education and accessibility:

“The law generally prohibits discrimination against persons with disabilities by government actors. No information was available regarding authorities’ effectiveness in enforcing the law. The law does not apply to private actors, and electoral law prohibits blind and deaf persons from running for seats in the Islamic Consultative Assembly. While the law provides for state-funded vocational education for persons with disabilities, according to domestic news reports, vocational centers were located in urban areas and unable to meet the needs of the entire population.

The law provides for public accessibility to government-funded buildings, and new structures appeared to comply with the standards in these provisions. There also were efforts to increase the access of persons with disabilities to historical sites. Nevertheless, government buildings that predated existing accessibility standards remained largely inaccessible, and general building accessibility for persons with disabilities remained a widespread problem. Persons with disabilities had limited access to information, education, and community activities.

The Welfare Organization of Iran is the principal governmental agency charged with protecting the rights of persons with disabilities.” (USDOS, 25 June 2015, section 6)

Mohammad Kamali, associate professor at the Iran University of Medical Sciences, wrote in an article written as part of a November 2011 publication of the US policy think tank Stimson Center entitled *Advancing the Rights of Persons with Disabilities: A US–Iran Dialogue on Law, Policy, and Advocacy*:

“Currently, most rehabilitation services in Iran are offered by the Welfare Organization. The most recent figures show over 650,000 people with disabilities to be registered and supported by these services. Rehabilitation services are also being provided by the Committee for the Affairs of War Veterans, the Special Education Institution, the Red Crescent society, and the Imam Khomeini Aid Committee, among others, as well as non-governmental organizations. [...]

Despite the steady development in the recognition and providing services in Iran, the disabled in Iran are still mostly unable to make a strong social presence, limited by the lack of preliminary facilities, and their families or themselves prefer that these individuals stay indoors. Inaccessibility of buildings and other environments along with the lack of accessibility in sidewalks, public areas, educational, medical, and official buildings, shopping centers, recreational and sports centers and others have created a situation that is far from acceptable and will remain so for years to come. Families and disabled individuals have many issues with housing, employment, public transportation and also limitations, deficiencies, and high prices of rehabilitation equipment and facilities.” (Kamali, November 2011, pp. 17-18)

A December 2014 article of Iran Daily quotes Iran's minister of labour and social affairs, Ali Rabiei, as saying that there are three million people with severe mental and physical disabilities living in the country (Iran Daily, 6 December 2014).

Meanwhile, an August 2015 BBC News article states that "campaigners for disabled rights say the number of Iranians living with less severe disabilities could be as high as 10 million". The same article goes on to say that despite these statistics, it is "still relatively uncommon" to see persons with disabilities on the streets, even in Tehran, noting that "[f]ew public buildings are fully accessible and it is rare to see ramps, lifts, wheelchair-accessible public transport or disabled parking spots and toilets". The article provides the following details regarding mobility in the Iranian capital:

"In March 2015, the government allocated \$5m (£3.25m) to make Tehran's roads and pavements easier and safer for disabled people to use. [...]

The Tehran Metro was recently lambasted by the head of the capital's Society for the Protection of People with Disabilities, Ali Hemmat Mahmoudnejad, for its lack of disabled access. He also criticized local train services for failing to provide lifts, designated areas on trains, and discounted tickets for passengers with disabilities." (BBC News, 29 August 2015)

The same BBC article goes on to address persons with disabilities' access to education and work:

"At Iran's State Welfare Organisation there is clearly a new recognition of the vital role of education in integrating disabled Iranians into society. An official recently announced to the media that the state now pays 90% of university tuition fees for people with disabilities. And many are benefitting from this. [...] But while progress is being made with higher education, there are still major concerns, which have been highlighted by the UN Children's Fund, UNICEF, about how few disabled children are going to primary school in Iran. [...]

For those who do manage to get degrees the next problem is finding a job. The Iranian government says all organisations that receive state funding must hire 3% of their workforce from the disabled population. But there are no statistics to indicate whether these quotas are fulfilled. It is also not clear exactly how many disabled Iranians are currently in work. Many complain that they are excluded by the general health tests carried out by employers. Some estimate that unemployment rates for the disabled are three times higher than the national average, with as many as 40% out of work." (BBC News, 29 August 2015)

A September 2014 Al-Monitor quotes a June 2014 announcement of Iran's Martyrs and Disabled Veterans' Organization, according to which 548,499 disabled veterans of the Iran-Iraq war are living in the country. The article goes on to highlight the difficulties facing disabled veterans in terms of their mobility and access to financial resources and medication as well as societal attitudes towards them:

“Mobility and access to medication and mental health care have become major challenges for many disabled veterans. [...] Accommodations such as wheelchair-accessible ramps, elevators and parking spots are rare even in Tehran, and much more so in the smaller cities. According to information issued by the Tehran Metro Group, currently a total of 128 elevators exist within Tehran’s subway system, much fewer than needed. Over 5,000 disabled Iranian veterans, a large number of whom live in Tehran, are wheelchair-bound. The Iranian government has announced that 14 billion toman (around \$5 million) has been dedicated to constructing ramps and wheelchair-accessible paths throughout Tehran, and that a major incentive of this plan has been to better serve disabled veterans. There are no official plans for similar facilities in any other city in Iran. [...]

Over 25 years ago, the Iranian administration started reserving a number of seats in public universities for veterans, thus making the already highly competitive admissions even tougher for the general public. This measure sparked a lot of criticism and led many to accuse the government of discrimination. While the move enabled some disabled veterans to pursue higher education, their substantial problems, such as scarce job opportunities and mobility restrictions, remain. Iranian society is generally ill-equipped to accommodate disabled citizens, thus strictly limiting their work potential. Critics believe the high cost of facilitating higher education for disabled veterans has not been of much use to the country or the individuals.

Iran’s disabled veterans face daily financial hardships and at times suffer limited access to medication. Although there are some programs intended to enable these veterans to work for the government, there are still not half as many solutions as there are problems. Yet, perhaps the most hurtful aspect of their disrupted lives is the criticism and scrutiny they suffered and still face in society, mainly over their nominally higher education benefits.” (Al-Monitor, 29 September 2014)

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