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Suuntaus project

**VIOLENCE AGAINST WOMEN AND HONOUR-RELATED VIOLENCE IN IRAN**

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## INTRODUCTION

This theme report is part of the ERF-funded 'Suuntaus' project of the Country Information Service of the Finnish Immigration Service, the purpose of which is to identify major country information topics and to better anticipate future information needs. The method used is the systematic review of interview minutes, using a purpose-designed form template. The countries examined are Nigeria, Iran, Iraq and Russia; stateless persons are also examined. The theme of the present report is one of the most frequently quoted reasons for seeking asylum, according to the minutes analysed. However, the report does not include references to individual protocols; instead the data in this report are derived from public sources.

### 1. STATUS OF WOMEN IN IRAN

Women in Iran are subject to systematic discrimination on the basis of gender, which stems from culture, religion, society and legislation. The country's male-dominated and conservative governance structure is conducive to discrimination against women in multiple spheres of society from criminal and family law to education and employment.<sup>1</sup> Iran is one of the few countries in the world that have not ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).<sup>2</sup>

Women in Iran are subject to restrictions imposed by both their family and society. The country has a patriarchal culture that gives men power over women and property. According to the UN Special Rapporteur on Violence against Women, the subordinate status of women in Iranian society is perpetuated by two main factors: patriarchal values and attitudes favouring the norm of male supremacy and a state-promoted institutional structure based on hard-liner interpretations of Islamic principles. While the former is a universal phenomenon, the latter is particular to Iran's gender politics and policies prevalent in the country since the 1979 Revolution. Both factors emphasize the notion that a woman's role is primarily that of a wife and a mother, which is used as justification for restricting women's public lives.<sup>3</sup>

However, the status of women in Iran is in part contradictory. Iranian women participate actively in public debate, have prominent roles in society and establish associations.<sup>4</sup> During her 2005 fact-finding mission, the UN Special Rapporteur on Violence against Women described the status of women in Iran as 'paradoxical': while women in Iran – compared with other developing and neighbouring countries – have access to health and education and to some extent employment and political participation, they nevertheless face economic, social and legal discrimination.<sup>5</sup> In the Global Gender Gap Report 2014 published by the *World Economic Forum*, Iran fared relatively well with regard to education and health care but was rated poorly in terms of economic participation and political empowerment.<sup>6</sup>

The status of women is a topic that interests the political leadership of Iran, the media and the international community alike, and debate on the topic is often emotionally charged. The Islamic Republic established as a result of the 1979 Revolution was a tough blow especially to Iran's liberal-minded middle-class women who had benefited from reforms made during the Shah's regime in the 1960s and 1970s. On the other hand, women from traditional religious families

<sup>1</sup> Nayyeri/IHRDC 3/2013; UNCHR 27.1.2006 p.7

<sup>2</sup> UNTC 20.5.2015

<sup>3</sup> UNCHR 27.1.2006 p.2, 10; Erturk 25.11.2014

<sup>4</sup> UNCHR 27.1.2006 p.10

<sup>5</sup> UNCHR 27.1.2006 pp.8–9

<sup>6</sup> World Economic Forum 2014 pp.210–211

benefited from the Islamist regime, which gave women an opportunity for social participation without having to compromise their religious convictions.<sup>7</sup> Iranian women have been active in defending their rights both before and after the Islamic Revolution, but the state has also adopted ruthless methods to restrict all kinds of women's rights activism.<sup>8</sup> The best-known women's rights movement in Iran in recent years has been the *One Million Signatures* campaign, which strived to change the Islamic Republic's discriminatory laws by collecting signatures.<sup>9</sup>

### 1.1. Discrimination against women in Iranian legislation

The Constitution of Iran guarantees equality for men and women but only in so far as is in conformity with Islamic criteria.<sup>10</sup> The country's legislation is based on the Islamic Sharia law, which treats women and men differently on the grounds of gender. In principle, Sharia law views a woman as half the worth of a man, which impacts unfavourably on women's rights in matters such as the weight given to testimony in court, damages awards and inheritance.<sup>11</sup> The Islamic concept of justice sets a lower age of maturity for girls than for boys<sup>12</sup>, which robs girls of many of the rights of a child in terms of criminal responsibility and marriage. In addition to being disadvantaged in the eyes of criminal and family law, women in Iran are subject to a strict dress code and many restrictions on their social lives.<sup>13</sup>

Iranian society has become more liberal in recent years, but the legal status of women has been declining due to systematic measures taken by the state. Since 2012, the country has been planning to turn its effective Family and Population Planning Programme on its head to promote population growth. The initiative for the change came directly from the country's Supreme Leader, Ayatollah Sayyid Ali Khamenei. According to the new population growth policy, women are encouraged to marry at a younger age and stay at home instead of working or studying, in order to have time to give birth to more children. The aim is to double Iran's population.<sup>14</sup> The birth rate in Iran has declined dramatically over the last couple of decades: while the average number of children per woman was five or six in the 1970s and 1980s, by 2013 it had dropped to just 1.9.<sup>15</sup> Today, one third of Iranian families only have one child or no children at all.<sup>16</sup>

Two bills that are harmful to women made it to the Parliament in the spring of 2015, and they have been approved in principle.<sup>17</sup> Bill 446 reduces women's opportunities for family planning: it proposes to abolish the state's family planning programmes and restrict access to contraceptives. Bill 315 advocates marrying at a young age and bearing multiple children as well as making divorce more difficult to obtain. In addition, the Bill seeks to discourage police and judicial intervention in family disputes, including cases of domestic violence, and promotes discrimination against unmarried people in the workplace.<sup>18</sup> In addition to the aforementioned two bills, there are plans to introduce stricter laws on *hijab*, the Islamic dress code for women, which

<sup>7</sup> UNCHR 27.1.2006 pp.5–6

<sup>8</sup> IHRDC 2010; a more recent case: Amnesty 2.6.2015

<sup>9</sup> Campaign website: <http://we-change.org/> (27.5.2015)

<sup>10</sup> Iranian Constitution 1979 § 20–21

<sup>11</sup> Nayyeri/IHRDC 3/2013

<sup>12</sup> For women at least 9 lunar years, and for men at least 15 lunar years

<sup>13</sup> Nayyeri/IHRDC has listed the legal practices discriminating women in detail in his legal commentary (3/2013).

<sup>14</sup> Amnesty 3/2015 and Justice for Iran 2015 have analysed the policy and its possible implications in detail

<sup>15</sup> UNICEF 2014 p.92

<sup>16</sup> Deutsche Welle 10.7.2014

<sup>17</sup> Amnesty 3/2015 p.5

<sup>18</sup> Amnesty 3/2015 pp.5–7

would include not just provisions on dress and differentiating between the sexes but also new restrictions on women's working hours.<sup>19</sup>

## 1.2. Discrimination against women in the labour market and in political decision-making

One of the greatest achievements of the Islamic Republic is raising educational attainment and literacy among women to almost match that among men.<sup>20</sup> The Islamist regime was able to do this by also establishing itself in the countryside and among the country's more conservative citizens, who had not allowed their daughters into the secular school system during the Shah's reign. The current Iranian ideal woman is an 'educated housewife': the level of education provided by a university degree is seen as a positive in society, but women are still not generally expected to participate in the labour force but to stay at home.<sup>21</sup>

More than 50% of university students in Iran are women. However, women's access to universities has been curtailed by the imposition of gender-based quotas since 2011, which has lowered the percentage of female university students.<sup>22</sup> As many as 64% of university graduates in Iran are women, but despite being highly educated, Iranian women are poorly represented in the labour force: the unemployment rate for women is more than double that of men.<sup>23</sup> Iran has one of the lowest rates globally of female participation in the labour force: only 17% of Iran's working-age women actively engage in the labour market, either by working or looking for work.<sup>24</sup> The number of women in the labour force is dropping by approximately 100 000 each year as a result of increasing restrictions on the right of women to work.<sup>25</sup>

Women's participation in political decision-making is near non-existent. No women have served on the religious High Councils that govern the country, barring a couple of exceptions. Women are not permitted among the country's religious leadership, but the question of whether a woman can be elected President is ambiguous.<sup>26</sup> Of the country's close to 300 Parliamentary seats, fewer than 10 are held by women. Only one woman has ever served as a Minister, during President Mahmoud Ahmadinejad's second term in office, which is the highest office that an Iranian woman has held so far.<sup>27</sup>

## 2. VIOLENCE AGAINST WOMEN

Violence against women in Iran stems from deep-rooted notions of gender inequality.<sup>28</sup> The concept refers to all kinds of gender-based abuse that causes physical, sexual or psychological harm to women in their private or public lives. Examples of these kinds of acts include intimidation, coercion and deprivation of liberty, and the perpetrator can be the victim's husband, father or other family member, a friend or a stranger. Religion, culture, economic factors, politics and legislation all contribute to perpetuating violence against women.<sup>29</sup>

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<sup>19</sup> UNGA 12.3.2015

<sup>20</sup> UNICEF 2014

<sup>21</sup> Najmabadi 2005: chapter 7

<sup>22</sup> Amnesty International 3/2015 pp.34-35; Amnesty International 3/2015 p.24

<sup>23</sup> Deutsche Welle 16.4.2015

<sup>24</sup> World Economic Forum 2014 pp.210-211

<sup>25</sup> Amnesty International 15.3.2015

<sup>26</sup> Bøe 2015 pp.158-160

<sup>27</sup> Guardian 3.9.2009

<sup>28</sup> UNCHR 27.1.2006 p.2

<sup>29</sup> Ennaji & Sadiqi 2011 p.1

Women in Iran are victimized regardless of social class, education and wealth. Violence exists both within the family and as social phenomena, such as street harassment and sexual harassment in the workplace. Laws, values and practices that favour men make it difficult for women to defend themselves against public or private abuse.<sup>30</sup> Violence against women is a sensitive subject, but sociologists in Iran are nevertheless conducting research on the topic.<sup>31</sup> The problem is that state authorities refuse to acknowledge the scale of the problem, and the victims rarely report their experiences.<sup>32</sup>

According to public sources, violence against women is commonplace in Iran. The most detailed quantitative study on the subject found that more than 50% of women had suffered psychological abuse (such as intimidation, swearing, repeated belittlement and humiliation) and more than one in three had suffered acts of physical abuse (such as slapping, kicking, hitting and beating). Almost one in three of the surveyed women reported having experienced restrictions, which included limiting contacts with friends and family and preventing them from pursuing employment, education and participation in public affairs.<sup>33</sup>

## 2.1. Domestic violence

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.<sup>34</sup>

There are no proper statistics available on domestic violence in Iran. Information provided by the state is very sporadic and limited, but according to figures published in 2005, a total of 8 000 cases from around the country were reported to the authorities in the space of six months, which equates to 44 cases per day.<sup>35</sup> During her 2005 fact-finding mission to the Ilam province, which is notorious for its high number of suicides by self-immolation among women, the UN Special Rapporteur on Violence against Women found that women feel compelled to tolerate violence inflicted not only by their husbands but also by other family members for fear of shame, being ostracised or divorced, and a lack of alternatives to the abusive environment.<sup>36</sup> In addition to Ilam, violence against women appears especially widespread in Kurdistan and Khuzestan.<sup>37</sup>

The most extensive study on domestic violence in Iran was conducted by the Presidential Centre for Participation of Women established by the reformist President Mohammad Khatami as well as the Ministry of Science at the beginning of the 21<sup>st</sup> century, which covered the capitals of 28 provinces across the country. The groundbreaking study was nevertheless declared classified shortly after its publication, and according to the latest information provided by the Vice-President on Women and Family Affairs Shahindokht Molaverdi, all copies of the report's 32 volumes have in any case completely disappeared.<sup>38</sup>

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<sup>30</sup> UNCHR 27.1.2006 p.2

<sup>31</sup> Well-known sociologists that have studied the subject are Shahla Ezazi (2010) and Mehrangiz Kar (2001)

<sup>32</sup> UNCHR 27.1.2006 p.10

<sup>33</sup> Amnesty International 3/2015 pp.31-32

<sup>34</sup> Tizro 2012

<sup>35</sup> BBC Persian 2005

<sup>36</sup> UNCHR 27.1.2006 p.11

<sup>37</sup> Rudaw 5.1.2014

<sup>38</sup> Deutsche Welle 28.11.2014

Based on the survey results that did get published, 66% of women had suffered physical or psychological abuse in their homes. The survey identified 45 different categories of physical and psychological abuse. On average, women who had suffered violence had experienced seven different categories of abuse.<sup>39</sup> Of the nine categories of domestic violence identified in the survey, the most common one was psychological and verbal abuse, such as intimidation, swearing, repeated belittlement and humiliation, which 52.7% of the respondents had experienced on ten occasions on average. A total of 23.5% of women had experienced just intimidation. Of the respondents, 37.8% had suffered physical abuse, such as slapping, kicking hitting and beating. The average respondent had experienced physical abuse on 2.46 occasions.<sup>40</sup>

The study also included questions about sexual abuse, and just 10.2% of the respondents admitted to having experienced sexual violence. The real figure is believed to be much higher given the sensitivity of the subject and the common belief that sexual submission by women is part of marriage. A total of 27.7% of the respondents had experienced restrictions, which included limiting contacts with friends and family and preventing them from pursuing education, employment and participation in public affairs.<sup>41</sup>

According to the study, illiterate women were the most likely and highly educated women the least likely to suffer domestic violence. Age (55-59-year-old women had the most and 20-24-year-old women the fewest experiences of violence) and participation in the labour force (those participating in the labour force had fewer experiences of domestic violence) also had a bearing on experiences of violence. Of those participating in the labour force, women who worked in agriculture had suffered the most domestic violence. More domestic violence was reported in low-income than high-income families. According to the study, men who had lived in the countryside at least until their 18<sup>th</sup> birthday were the most abusive and men who had grown up in a city were the least abusive. Women who were married to a man from a different city suffered more domestic violence than those who had married a man from their home town. Men who spoke Balochi and Luri were the most abusive and men who spoke Mazanderani and Gilaki were the least abusive.<sup>42</sup>

A few other details of the study were also made public: marital mediation was least likely to succeed in Ardabil, Bandar Abbas had the most jealous population, couples in Isfahan had the worst relationships, and the number of family arguments was highest in Zahedan, which also had the highest degree of gender inequality. Sanandaj had the dubious honour of being number one in the country in terms of the number of forced marriages, the level of physical force employed by men within the family, and the prevalence of psychological ill-being. Couples in Shahrekord were the most emotionally disconnected. Based on the information published from the study, Tabriz was the happiest place in the country by all indicators, which is generally believed to be attributable to the fact that Qazi Tabatabai, who was responsible for the study, happened to have been born there.<sup>43</sup>

A more recent survey on domestic violence, conducted by Zahra Tizro in Gilan in northern Iran, identified several different reasons behind domestic violence against women, including financial difficulties, cultural and educational differences (including regional differences and ethnicity), sex segregation, exercise of psychological control, conflict between religious conceptions, the modern world and social reality, the Iranian culture of manliness and the economy of emotions.<sup>44</sup> Based on Tizro's findings, it appears that Iranian women have a high tolerance for vio-

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<sup>39</sup> BBC Persian 3.11.2005

<sup>40</sup> BBC Persian 3.11.2005

<sup>41</sup> BBC Persian 3.11.2005

<sup>42</sup> BBC Persian 3.11.2005

<sup>43</sup> BBC Persian 3.11.2005

<sup>44</sup> Tizro 2012 pp.209–220

lence. According to Tizro, many women only classify exceptionally severe beatings as violence and consider less forceful hitting or psychological abuse normal behaviour.<sup>45</sup> The respondents felt that hitting a wife could be justified if, for example, dinner was not ready when the husband returned from work.<sup>46</sup> In addition to male family members, violence can also be inflicted or instigated by women: a typical example of this is mothers-in-law using violence against their daughters-in-law in order to reinforce their status in the family and make the newcomer obey their rules.<sup>47</sup>

According to Tizro, a woman's participation in the labour force could increase her risk of becoming abused and pressured by her husband, despite otherwise giving women more freedom and financial independence. Similarly, microloans given with the purpose of empowering women have been found to increase the likelihood of violence inflicted by husbands.<sup>48</sup> Technically speaking, husbands do not have the right to prevent their wives from working if they had a job before marrying. In practice, however, husbands can appeal to their concerns over their wives' loose morals, which gives them good chances of winning their case in court.<sup>49</sup> This is because Iran's Civil Code permits men to prohibit their wives from working in positions that are not fitting for the status of the family or the wife.<sup>50</sup>

Other more concise surveys have produced similar findings: on the basis of a study conducted in Tehran, 52.4% of domestic violence is psychological and 18.9% is physical. The study found that the more children a woman had and the longer she had been married, the more likely she was to have experienced violence.<sup>51</sup>

## 2.2. Violence against women in society

Iranian society's unequal power relations render women vulnerable to violence.<sup>52</sup> 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. The attacks intensified around the time when the Iranian Parliament was discussing the need to introduce stricter laws on the dress code of women. No one has been convicted of the acid attacks so far, but the government authorities arrested journalists who had reported on the incidents.<sup>53</sup>

The compulsory veiling of women is an issue that divides the Iranian population and even the religious clerisy and arouses fierce public debate.<sup>54</sup> According to one opinion poll on the topic, less than half of the population (42%) consider the use of *hijab* a personal choice in which the state should not intervene. The responses did not indicate any significant division between men and women, but the educated segment of the population and those living in cities were more

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<sup>45</sup> Tizro 2012

<sup>46</sup> Tizro 2012 p.75

<sup>47</sup> Tizro 2012 pp.145-151

<sup>48</sup> Tizro 2012 p.144

<sup>49</sup> Tizro 2012 pp.152-153

<sup>50</sup> Iranian Civil Code (1928) § 1117

<sup>51</sup> Radio Zamaneh 25.11.2013

<sup>52</sup> UNCHR 27.1.2006 p.8

<sup>53</sup> ICHRI 3/2015

<sup>54</sup> RFE/RL 2.6.2015

likely to be advocates of the freedom of choice.<sup>55</sup> In Iran, almost three million women are given an official warning by the morality police on the basis of how they dress every year.<sup>56</sup> In its extensive report, the *Justice for Iran* organization discussed the problems faced by women as a result of the Iranian Government's *hijab* policy in detail.<sup>57</sup>

Sexual harassment of women is a common problem across Iran.<sup>58</sup> Women are also often the victims of sexual crime, although people convicted of rape are frequently executed. However, in some rape cases, the authorities appear to have a tendency to blame the victim. Motives for the act are sometimes found in the victims' clothing or other un-Islamic behaviour.<sup>59</sup> Rapists can be charged under Article 224d of the Iranian Penal Code (*zena be 'onf* or illegal sexual intercourse by coercion), and if convicted, the perpetrator can be sentenced to death.<sup>60</sup> In 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. In addition, 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.<sup>61</sup>

There have also been multiple cases in Iran in which government authorities have been the ones inflicting violence on women.<sup>62</sup> 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.<sup>63</sup> 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.<sup>64</sup> Women in Iranian prisons are subjected to sexual violence and torture.<sup>65</sup>

The law criminalises human trafficking, but it is known to happen, especially in the eastern provinces near the borders to Pakistan and Afghanistan.<sup>66</sup> Female genital mutilation 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.<sup>67</sup>

### 3. MARRIAGE AND DIVORCE

Islam views marriage as a contract regulated by rights and responsibilities of both parties.<sup>68</sup> The man is the head of the family, and the woman lives in the family under a male guardian (*wali*).<sup>69</sup> Before marriage, a woman's guardian is her father or grandfather, and, after marriage, her guardian is her husband. Divorced or widowed women are more independent in the eyes of the law, although this depends on their socio-economic situation and the traditions of the area

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<sup>55</sup> Deutsche Welle 12.3.2015

<sup>56</sup> Amnesty International 15.3.2015

<sup>57</sup> Justice for Iran 3/2014

<sup>58</sup> Radio Zamaneh 2.8.2014

<sup>59</sup> BBC 15.6.2011

<sup>60</sup> Iranian Penal Code 2013 § 224d

<sup>61</sup> Iranwire 30.10.2014

<sup>62</sup> UNCHR 27.1.2006 pp.11–12; Radio Zamaneh 7.5.2015

<sup>63</sup> Amnesty International 8.5.2015; Radio Zamaneh 7.5.2015

<sup>64</sup> Radio Zamaneh 7.5.2015

<sup>65</sup> Justice for Iran has published extensive reports on sexual torture of women in Iranian prisons. Justice for Iran 10.12.2012; Justice for Iran 6/2013

<sup>66</sup> UNCHR 27.1.2006 p.11

<sup>67</sup> Ahmady 2015; UNCRC 3/2015 p.30

<sup>68</sup> Haeri 2014

<sup>69</sup> Iranian Civil Code 1928 §1105

where they live.<sup>70</sup> A woman who is marrying for the first time, and who is assumed to be a virgin, cannot choose her spouse freely but needs permission from her guardian. In special circumstances, a court can give a woman permission to marry if her father does not have a just reason to object to the marriage. This applies to both permanent and temporary marriages.<sup>71</sup>

The average age of marrying in Iran is 24 years for women and 27 years for men.<sup>72</sup> There was a tradition of marrying girls off at a young age in arranged marriages, but most families today do not advocate them. The average age of marriage in Iran has risen considerably in recent decades, and the popularity of arranged and inter-family marriages has decreased. Arranged and inter-family marriages have decreased in the 21<sup>st</sup> century not just in cities but also in the countryside. Marriages that are arranged completely without the children's consent are especially unpopular and clearly less common these days.<sup>73</sup>

According to one survey, 20% of marriages in the 21<sup>st</sup> century have been between cousins and 20% between distant relatives. The liberal Gilan Province in the north of the country had the fewest inter-family marriages, while the conservative Sistan and Baluchestan Province near the Pakistani border, where the average age of marriage for women was just 16, had the most.<sup>74</sup> Arranged marriages remain popular in culturally conservative regions in particular, such as Sistan and Baluchestan, Khuzestan, Kurdistan, Khorasan and Yazd.<sup>75</sup>

### 3.1. Marriage

A traditional Islamic marriage is a contract that obligates a man to support (*nafaqe*) a woman in return for her making herself sexually available (*tamkin*) to him. If a husband does not support his wife despite having the means to do so, the wife's duty of sexual submission lapses. Similarly, if a wife is not sexually available to her husband without good reason, the husband's duty to support her lapses. In other words, Iranian legislation does not criminalise marital rape but in fact sanctions it.<sup>76</sup> A wife's disobedience (*nushuz*) refers to direct (refusal to have sex) or indirect (leaving the home without the husband's permission or a good reason, making the wife physically unavailable to her husband) violations of the marriage contract and does not cover negligence of other than sexual duties, such as housework and child care.<sup>77</sup> Support (*nafaqe*) includes housing expenses, clothing, food and furniture.<sup>78</sup> Refusing to support an obedient wife is punishable under the Iranian Penal Code (3-5 months of imprisonment).<sup>79</sup>

According to the Iranian Civil Code, if a wife refuses to submit (*tamkin*) without good reason, she loses her right to support (*nafaqe*). A wife's disobedience can also provide legal justification for polygamy, divorce and domestic violence.<sup>80</sup> The traditional Islamic concept of justice permits corporal punishment of disobedient wives (*nasheze*), however, only if the desired result cannot be obtained by talking, refusing support and isolation. On the other hand, physical violence is punishable under current criminal laws. As Iranian legislation does not directly comment on whether a man has the right to hit his wife, the interpretation is left up to judges' discretion.<sup>81</sup>

<sup>70</sup> Haeri 2014 p.40

<sup>71</sup> Haeri 2014 p.40

<sup>72</sup> World Economic Forum 2014 p.211

<sup>73</sup> Friedl 2009 p.36; Kian-Thiébaud 2007 pp.52–53

<sup>74</sup> Bahramitash & Kazemipour 2006 p.124; Kian-Thiébaud 2007 pp.51-52

<sup>75</sup> Tremayne 2006

<sup>76</sup> Iranian Civil Code 1928 § 1108

<sup>77</sup> Mir-Hosseini 1993 p.47

<sup>78</sup> Iranian Civil Code 1928 § 1107

<sup>79</sup> Iranian Penal Code 2013 § 642

<sup>80</sup> Iranian Civil Code 1928 § 1108; IHRDC/Nayeri 3/2013 p.34

<sup>81</sup> Tizro 2012 p.92, pp.94–95

Men have the right to restrict their wives' movements outside the home. In the most extreme cases, men can prevent their wives from studying, working and seeing their family and friends.<sup>82</sup>

Men have three financial obligations in a marriage, which entitle them to the role of the head of the family: *mahriye* or dower, *nafaqe* or support and *ojrat al-mesl* or compensation for housework. Apart from the above, women have no rights to their husbands' property.<sup>83</sup> Women who do not work can be completely dependent on the support they receive from their husbands, and in many cases men also take control of any property that their wives have in a marriage.<sup>84</sup> *Mahriye*, or dower, is compensation paid to women for making themselves sexually available to their husbands. *Mahriye* is rarely paid in practice, but women can, at any time after a marriage has taken place, demand this amount from their husbands and, if they refuse, seek damages through the court system.<sup>85</sup> A wife's support (*nafaqe*) covers housing expenses, clothing and food. In the event of a divorce, the wife is entitled to compensation for housework performed during the marriage (*ojrat al-mesl*).<sup>86</sup> Although housework is not actually the wife's duty under Islamic law, the burden of household chores often falls on the wife's shoulders in practice.<sup>87</sup>

The dower (*mahriye*) is often the only legal mechanism that women have to protect themselves against divorce and ill-treatment.<sup>88</sup> A large *mahriye* can be an effective means of preventing a husband from seeking a divorce or remarrying. Many men have ended up in prison in Iran for not being able to pay the dower included in their marriage contract. According to officials in the justice system, 20 000 men were in prison for failure to pay their dower in 2011.<sup>89</sup> If a man has not paid his *mahriye*, a court can also ban him from leaving the country.<sup>90</sup> On the other hand, sociologist Shahla Ezazi, who has studied violence against women in Iran, believes that *mahriye* also contributes to domestic violence, as paying the dower can be seen as the man having 'claimed' his wife and therefore entitling him to treat her as he pleases.<sup>91</sup> The firmly established cultural concept of a man having exclusive rights to his wife gives men extensive control over their wives' social lives and clothing.<sup>92</sup>

Iranian men can have up to four permanent wives (*'aqdi*) as well as an unlimited number of temporary marriages (*sighe*, *mut'a*). Although Shia Islam permits polygamy and temporary marriages, society is against them in practice and polygamous men are stigmatised.<sup>93</sup> Iran has generally been a monogamous society since the beginning of the 20<sup>th</sup> century. The practice of temporary marriage mostly survives among bazaar merchants and clerics.<sup>94</sup> The most common ground for polygamy accepted in Islamic countries is a wife's inability to perform her marital duties (e.g. infertility, absence or illness).<sup>95</sup> In Iran, polygamy appears to be common mostly among the religious elite: according to a survey conducted by women's rights activists, many MPs have more than one permanent wife.<sup>96</sup>

Taking a second permanent wife requires consent from the first wife, a marriage license granted by a court and proof of the man's ability to support his second wife. If a second marriage takes

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<sup>82</sup> Tizro 2012 p.95

<sup>83</sup> Tizro 2012 pp.45–46

<sup>84</sup> Tizro 2012 pp.143–145

<sup>85</sup> Osanloo 5/2006 pp.192–193

<sup>86</sup> Bøe 2015 pp.38–41

<sup>87</sup> Bøe 2015 p.39

<sup>88</sup> Bøe 2015 p.101

<sup>89</sup> Nayyeri/IHRDC 3/2013 p.32

<sup>90</sup> Osanloo 5/2006

<sup>91</sup> BBC Persian 3/2004

<sup>92</sup> Tizro 2012 pp.153–154

<sup>93</sup> Tizro 2012 pp.31–32

<sup>94</sup> Afary 2011 pp.50–51

<sup>95</sup> Bøe 2015 p.44

<sup>96</sup> Amnesty International 30.11.2011

place without the aforementioned criteria being satisfied, the man can be sentenced to up to two years of imprisonment.<sup>97</sup> The primary motivation for temporary marriages is men's need for sex. The institution of temporary marriage is needed because adultery and premarital sex are forbidden.<sup>98</sup> It is unlikely for a woman to be granted a divorce solely on the basis of her husband having entered into a temporary marriage.<sup>99</sup>

*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.<sup>100</sup> 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.<sup>101</sup> Most *sighes* do not need to be registered in practice. According to the latest Family Protection Bill, registering a temporary marriage is only necessary if both parties insist on it or if the woman falls pregnant.<sup>102</sup>

### 3.2. Child marriages 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.<sup>103</sup>

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.<sup>104</sup> 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.<sup>105</sup>

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.<sup>106</sup> 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

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<sup>97</sup> Bøe 2015 pp.49–50

<sup>98</sup> Haeri 2014 p.64

<sup>99</sup> Radio Zamaneh 25.11.2013

<sup>100</sup> Parliamentary Research Centre 7/2014

<sup>101</sup> Haeri 2014 p.201

<sup>102</sup> Deutsche Welle 5.3.2012; Deutsche Welle 20.9.2013

<sup>103</sup> Justice for Iran 10/2013 pp.4–7

<sup>104</sup> Justice for Iran 2/2014

<sup>105</sup> Justice for Iran 2/2014 p.9

<sup>106</sup> Iranian Civil Code 1928 § 1041

young children.<sup>107</sup> Women, who are assumed to be virgins at this time, cannot enter into their first marriage without their legal guardian's consent, regardless of their age. Courts can nevertheless grant them permission to marry if the guardian does not have a valid reason for objecting to the marriage. The question of a child's maturity for marriage purposes is settled by Marriage Register Offices.<sup>108</sup> According to the Adoption Act of 2013, a marriage between an adoptive father and his adopted daughter is legal, provided that a court of law and social services consider it in the child's best interests.<sup>109</sup>

According to statistics compiled by UNICEF, 3% of Iranian children marry by the age of 15 and 17% marry by the age of 18.<sup>110</sup> A total of 5% of girls give birth to their first child before they are 18 years old.<sup>111</sup> A total of 276 000 underage girls marry and 109 000 teenage girls give birth every year.<sup>112</sup> The actual number of child marriages is nevertheless difficult to estimate, as official population statistics are suspected of being incomplete in this respect. Moreover, the obligation to register a child marriage can be circumvented by first entering into a temporary marriage, which does not need to be registered, and then converting it into a permanent marriage once the girl reaches the legal age of maturity.<sup>113</sup>

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.<sup>114</sup> According to the *Justice for Iran* organisation, the number of registered child marriages has been rising consistently over the past five years, reaching a record high in the last couple of years. Based on the latest population register statistics (March 2013-March 2014), marriages of girls under the age of 10 numbered 201 and marriages of girls aged between 10 and 14 numbered 41 000, accounting for 5.44% of all marriages in Iran. Almost 235 000 marriages of girls aged between 15 and 19 were also registered during the same period of time. A total of 313 marriages of boys under the age of 15 and 36 155 marriages of boys aged between 15 and 19 were registered in 2013-2014.<sup>115</sup>

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.<sup>116</sup> Child marriages are part of the traditional local culture in Sistan and Baluchestan, Bushehr, Lorestan and Khuzestan.<sup>117</sup> No population register statistics are available on child marriages in Kermanshah, North Khorasan, Sistan and Baluchestan, Chaharmahal and Bakhtiari, Kerman, Bushehr, Gilan and Kurdistan, where there are shortcomings in registering marriages.<sup>118</sup> Child marriages are nevertheless known to be most common in the country's conservative regions, especially Sistan and Baluchestan, Kurdistan, Khuzestan and Khorasan.<sup>119</sup> In Sistan and Baluchestan, it is com-

<sup>107</sup> Iranian Civil Code 1928 § 1041

<sup>108</sup> Iranian Civil Code 1928 § 1043

<sup>109</sup> UNCRC 3/2015 p.28

<sup>110</sup> UNICEF 2015 p.86

<sup>111</sup> UNICEF 2015 p.98

<sup>112</sup> Justice for Iran 14.1.2015

<sup>113</sup> Tremayne 2006 p.72

<sup>114</sup> UNCRC 3/2015 p.29

<sup>115</sup> Justice for Iran 14.1.2015; 18.5.2015

<sup>116</sup> BBC Persian 28.2.2012

<sup>117</sup> MEMRI 24.4.2013

<sup>118</sup> Justice for Iran 10/2013 p.5

<sup>119</sup> Tremayne 2006 pp.73-74

mon for girls to be married off before the age of 12.<sup>120</sup> Of the provinces on which population register data are available, marriages of girls aged between 10 and 14 are most common in the following regions: Khorasan-e Razavi (7 635 per year), East Azerbaijan (4 485), Khorasan (2 165), Fars (2 062), Tehran (2 051) and Hamadan (1 966).<sup>121</sup> The *Justice for Iran* organization has reported that an exceptionally high number of marriages of girls under the age of 10 take place in Ardabil, which, according to the organization, is due to the city's authorities' routine sanctioning of child marriages.<sup>122</sup>

Based on population register statistics, the number of marriages of girls under the age of 15 increased significantly (40%) between 2006 and 2011.<sup>123</sup> The number of underage girls giving birth has also increased with the rise in the number of child marriages.<sup>124</sup> In the last five years, an average of 8% of women giving birth have been between 15 and 19 years old.<sup>125</sup> There are approximately 1 700 births by girls under the age of 15 per year and approximately 110 000 births by girls aged between 15 and 19<sup>126</sup>. The number of girls under the age of 15 giving birth is highest in Sistan and Baluchestan (462 per year), followed by Khorasan-e Razavi (157), Khuzestan (157), East Azerbaijan (99) and West Azerbaijan (90).<sup>127</sup>

As married girls are not allowed to attend the same schools as unmarried girls, child marriages invariably lead to the interruption of the young bride's schooling. Girls who enter into a marriage are also expected to perform their marital sexual duties. Intercourse is forbidden until a girl reaches the Islamic age of maturity of nine lunar years, but underage wives can still be sexually abused in other ways under Ayatollah Khomeini's well-known fatwa.<sup>128</sup> Child marriages and pregnancies not only jeopardise the child's health but also cause other disadvantages, such as mental health problems, suicides and teenagers running away from home and having to make a living by means of prostitution.<sup>129</sup> Child marriages are also more likely than others to end up in divorce. According to recent statistics, 12% of divorced women in Iran are under 20 years old.<sup>130</sup>

### 3.3. Divorce and child custody

A man can get a divorce (*talaq*) whenever he wants, as long as he pays the agreed dower (*mahriye*) if his wife requests this.<sup>131</sup> There is a compulsory three-month reconsideration period (*'edde*) during which the husband must still support his wife. If a man refuses to give his wife a divorce, the wife can ask a court to order a so-called *khul'* divorce.<sup>132</sup> Although the law does not provide an automatic right of divorce for women, women can nevertheless ask for a divorce clause to be added to the marriage contract at the time of the marriage, which gives them as much of a right to a divorce as their husbands.<sup>133</sup>

Since the divorce reform of 1992, court verification is required for registering a divorce. The same reform also gave women the right to serve as assistant judges in family courts. The 1992

<sup>120</sup> Tremayne 2006 pp.73–74

<sup>121</sup> Justice for Iran 14.1.2015; IRNA 4.12.2013

<sup>122</sup> Justice for Iran 10/2013 p.5–6

<sup>123</sup> Justice For Iran 12/2013 p.2

<sup>124</sup> UNCRC 3/2015 p.29

<sup>125</sup> Justice for Iran 14.1.2015

<sup>126</sup> UNCRC 3/2015 p.29

<sup>127</sup> Justice for Iran 14.1.2015

<sup>128</sup> Khomeini Tahrir al-Vasileh, Vol.2, p.241

<sup>129</sup> Justice for Iran 12/2013 p.2

<sup>130</sup> Deutsche Welle 28.2.2015

<sup>131</sup> Iranian Civil Code 1928 § 1133

<sup>132</sup> Haeri 2014 p.41–46

<sup>133</sup> Bøe 2015 p.100–101

Act also gives women the right to receive compensation for housework performed during their marriage (*ojrat al-mesl*). The divorce procedure laid down in the 1992 Act includes mandatory mediation between representatives of both parties, and judges can only grant a divorce (*talaq-e raji*) if mediation is declared unsuccessful. The divorce will become final after a three-month reconsideration period (*'edde*).<sup>134</sup> Women generally move out of their husband's home while the divorce proceedings are pending and at the beginning of the reconsideration period at the latest, usually to live with their parents.<sup>135</sup>

A new provision was added to the Iranian Civil Code in 1982 that gives women the right to ask for a divorce on the grounds of unbearable circumstances (*'osr va haraj*). In these cases, the wife must convince the court that continuing the marriage would cause unreasonable harm (*'osr*) and difficulty (*haraj*).<sup>136</sup> In practice, divorce can only be granted in these circumstances for a very weighty reason, such as danger of death or serious financial problems. Courts often send women who are seeking divorce back to their violent and abusive husbands.<sup>137</sup> Men, on the other hand, do not need a reason for divorce. All the husband has to do is to go to his local Register Office and register the divorce in the presence of two witnesses.<sup>138</sup>

Divorce proceedings in the court system can take an extremely long time and be very complicated. The majority of divorces in Iran are initiated by women, and such divorces require court proceedings. Many divorce cases result in a kind of compromise in which the wife gives up her right to the dower in order to speed up the proceedings, whereby the husband agrees to grant her the divorce and potentially also custody of any children.<sup>139</sup> Osanloo found in her study on family court proceedings in Iran that men often did not show up for court hearings at all. Women can ask for their dower to be paid at any time during their marriage. The question of the dower often only surfaces if a woman wants a divorce, as it can be used to pressure the husband into granting the divorce.<sup>140</sup> In the event of a divorce, women who do not work become dependent on their own family, as women have no rights to their husbands' property apart from the *mahriye*. The financial position of widowed women is also poor, as Iranian inheritance laws only entitle widows to a small portion of their late husbands' property: one quarter for a widow with no children and one eighth for a widow with children. This is why widows often have to depend on their sons for support.<sup>141</sup>

The Iranian state considers it its duty to protect families and frowns upon divorce. On the whole, Shia philosophy of law restricts the man's unilateral right for divorce more than its Sunni equivalent.<sup>142</sup> Before a divorce can be granted, couples are referred to mediation in the hope that their differences can be reconciled.<sup>143</sup> Divorce cases in Iranian courts are often lengthy and acrimonious. Divorce is also seen as shameful, and traditional communities avoid it at all costs. Divorced women generally become dependent on their own family, and the father's support and approval is often what decides whether a woman goes ahead with a divorce. In the eyes of the law, however, women who are divorced or widowed have the most autonomous status of all.<sup>144</sup>

A change in marriage traditions can nevertheless be seen in the statistics, which show an increase in the number of divorces, both those initiated by women and mutual divorces. Accord-

<sup>134</sup> Bøe 2015 p.38–41

<sup>135</sup> Osanloo 2006

<sup>136</sup> Iranian Civil Code 1928 § 1130 (1982 amendment); Bøe 2015 p.49

<sup>137</sup> Tizro 2012 pp.95–96

<sup>138</sup> Osanloo 2006

<sup>139</sup> Mir-Hosseini 1993, 2001; Deutsche Welle 10.3.2013

<sup>140</sup> Osanloo 2006

<sup>141</sup> Haeri 2014 p.41

<sup>142</sup> Bøe 2015 p.32

<sup>143</sup> Amnesty International 3/2015

<sup>144</sup> Haeri 2014 p.200

ing to Iran's population register statistics, 381 divorces take place in Iran every day, which equates to 16 divorces per hour.<sup>145</sup> Today, one in five marriages ends in divorce in Iran; in the Tehran and Alborz Provinces, the figure is as high as one in three. According to population register statistics, the number of divorces is lowest in Khuzestan. Most divorces these days take place during the first two years of marriage, while the previous trend was for divorces to take place within the first five years.<sup>146</sup>

One survey found that 62% of divorces take place in traditional, arranged marriages.<sup>147</sup> Divorce rates have increased considerably especially in Tehran and other major cities, but women are still stigmatized by divorce. Being single is also still viewed as a negative. Statistics show that more than half of all divorces (60%) are due to impotence or other sexual problems. Other common reasons for divorce include financial problems, unemployment and drug addiction. Most divorces take place during the first two years of marriage and are initiated by women. The average age of divorce is 36 for men and 32 for women.<sup>148</sup> A total of 12% of divorced women in Iran are under 20 years old.<sup>149</sup>

Children are viewed as a continuation of the husband's family. It is customary for women to lose their right to raise their children when they remarry, unless the new husband is a close relative of the previous one. In Iran's traditional communities, widows typically marry the brother of their late husband.<sup>150</sup> According to the Iranian Civil Code, the mother is the primary custodian of any children under the age of seven, after which custody is automatically transferred to the father.<sup>151</sup> This can nevertheless be challenged, in which case the court will rule in the child's best interests. Children who have reached the Islamic age of maturity – nine lunar years for girls and 15 lunar years for boys – have a right to express their views in court.<sup>152</sup>

Normally, the mother cannot be a child's legal guardian in Iran even if she has the right to raise the child in her home in practice. Legal guardianship, and therefore the power to make decisions about important matters pertaining to the child, such as marriage, financial arrangements and international travel, automatically belongs to the father. The mother can generally only gain legal custody of her children in the absence of the children's father and paternal grandfather.<sup>153</sup>

### 3.4. Extramarital relationships

Since the 1979 Revolution, Iranian society has undergone substantial structural, demographic, social and cultural changes.<sup>154</sup> The cultural atmosphere has changed considerably especially during the last 20 years: patriarchal values are weakening, and Iranian society has become more child-centred, especially in more liberal and educated urban families.<sup>155</sup> Liberal values in general are on the rise in Iran: according to an extensive survey conducted by Moaddel, almost half of the respondents (49%) considered love more important than their parents' approval (41%) in a marriage.<sup>156</sup>

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<sup>145</sup> Deutsche Welle 10.3.2013

<sup>146</sup> Deutsche Welle 28.2.2015

<sup>147</sup> Deutsche Welle 17.12.2010

<sup>148</sup> Deutsche Welle 10.3.2013

<sup>149</sup> Deutsche Welle 28.2.2015

<sup>150</sup> Afary 2011 pp.41–42

<sup>151</sup> Iranian Civil Code 1928 §1169

<sup>152</sup> UNCRC 3/2015 p.27

<sup>153</sup> UNCRC 3/2015 p.27; Mohammadi 23.8.2014

<sup>154</sup> Kian-Thiébaud 2007

<sup>155</sup> Kian-Thiébaud 2007; Friedl 2009

<sup>156</sup> Moaddel 2009

The generation gap that developed after the Islamic Revolution has changed the relationship between men and women. Of Iran's population of 78 million, 70% are under 30 years old, and the largest generation was born during the rapid population growth years of the 1980s following the Revolution. The attitude shift observed among liberal urban youth has been dubbed a sexual revolution (*enqelab-e jensi*).<sup>157</sup> According to a study conducted by the Iranian Parliament's Research Centre, extramarital relationships have become increasingly common in Iran.<sup>158</sup> Young people are more likely to date, although they still largely hide it from their parents.<sup>159</sup>

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.<sup>160</sup> Premarital sex carries a penalty of up to 100 lashes and between 10 days and two months of imprisonment.<sup>161</sup> 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.<sup>162</sup> During a visit by the UN Special Rapporteur on Violence against Women to Evin Prison in 2005, there were a total of 200 female inmates who had been sentenced for 'moral crimes'.<sup>163</sup>

People today delay getting married, as marriage is an expensive and risky solution for both parties. 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.<sup>164</sup> 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.<sup>165</sup> Women who live alone are also susceptible to sexual harassment, as they are assumed to have loose morals.<sup>166</sup> This is why a clear majority of unmarried men and women in Iran live with their parents.<sup>167</sup>

The generation gap in attitudes and life stances has also brought with it a number of side effects: the number of divorces has increased considerably, dating has become more common, the average age at which people get married has risen, and drug addiction and unemployment have grown into huge social problems. More and more teenagers run away from home to work as prostitutes in order to escape the strict rules of their families. Based on the research data available, the average age of sex workers has dropped to below 20 years in recent years, and an estimated 300 000-600 000 women work as prostitutes in Iran's largest cities.<sup>168</sup> In her 2008 field study, gender researcher Sholeh Shahrokhi interviewed several girls who had run away from their families in Tehran. The girls had left their parents' homes for reasons such as domestic violence, poverty and social exclusion. Some of the girls' fathers had turned them out of the family home after finding out that they had lost their virginity. Many of the interviewees were supporting themselves by prostitution.<sup>169</sup>

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<sup>157</sup> Mahdavi 2009

<sup>158</sup> Parliamentary Research Centre 7/2014

<sup>159</sup> Guardian 21.5.2015

<sup>160</sup> Iranian Penal Code 2013 § 225

<sup>161</sup> Iranian Penal Code 2013 § 225, 637–638

<sup>162</sup> UNCRC 3/2015 p.26

<sup>163</sup> UNCHR 27.1.2006 p.12

<sup>164</sup> BBC 10.12.2014

<sup>165</sup> Deutsche Welle 13.3.2015; Deutsche Welle 1.12.2014

<sup>166</sup> Radio Zamaneh 25.11.2013

<sup>167</sup> Guardian 14.3.2014

<sup>168</sup> Guardian 10.10.2014

<sup>169</sup> Shahrokhi 2008

Contraceptives are relatively common and easy to get in Iran. However, abortion is only permitted in situations in which the pregnancy threatens the life of the mother or if the foetus is deemed unviable. Permission for abortion must be sought from the state-owned Legal Medicine Organisation. Illegal abortions are nevertheless common, and Iranian social services estimate that more than 120 000 illegal abortions are performed every year. A total of 6 000 official abortions were carried out in 2013-2014, of which 1 684 were in Tehran (twice as many as three years before). A total of 1 818 people sought permission for an abortion in the Tehran Province that year.<sup>170</sup> The legal status of children born out of wedlock is poor.<sup>171</sup>

#### 4. HONOUR-RELATED VIOLENCE

Both women and men are vulnerable to honour-related violence in Iran. An honour killing is a murder committed or ordered by a husband, a father, a brother or another relative as a punishment to a family member who is seen to have damaged the family's reputation by their actions. Such actions can include extramarital sex, refusal to an arranged marriage, choosing one's own spouse without the family's approval, becoming a victim of rape, homosexual acts or excessively liberal behaviour and dress. In the most extreme cases, even a suspicion of such actions is enough. Due to cultural reasons, women and girls are the mostly likely victims of honour killings. Honour killings take place all around the world, but they are especially common in the Middle East and South Asia.<sup>172</sup>

In most cases, the victim is a woman and the perpetrator is a male member of the victim's family.<sup>173</sup> Adultery by a married woman is considered the most serious offence in this respect.<sup>174</sup> 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.<sup>175</sup> 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.<sup>176</sup> 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.<sup>177</sup> As many as 40% of all murders in Khuzestan are believed to be honour-related.<sup>178</sup>

According to police statistics, there are 2 500 murders in Iran per year.<sup>179</sup> Men account for approximately two thirds of all murder victims.<sup>180</sup> A total of 15-18% of the murders known to the police are honour-related.<sup>181</sup> Moreover, approximately one in three murders is committed by a member of the victim's family or a relative.<sup>182</sup> Of these, approximately one in five is a case in which one married partner, usually the husband, murders the other.<sup>183</sup> 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,

<sup>170</sup> Justice for Iran 1/2014 p.11; Radio Zamaneh 5.6.2014

<sup>171</sup> UNCRC 3/2015 p.13

<sup>172</sup> Nayyeri/IHRDC 3/2013 p.12

<sup>173</sup> Landinfo 22.5.2009

<sup>174</sup> Bakhtiarnejad 2010 p.35

<sup>175</sup> Bakhtiarnejad 2010 p.53

<sup>176</sup> IHRDC 2013 p.12; Bakhtiarnejad 2010 p.16; Etemaad 29.11.2008

<sup>177</sup> Deutsche Welle 25.3.2013

<sup>178</sup> Bakhtiarnejad 2010 p.16

<sup>179</sup> Radio Zamaneh 29.9.2013

<sup>180</sup> Afkar News 6.5.2014

<sup>181</sup> ISNA 2.7.2012; Afkar News 6.5.2014

<sup>182</sup> ISNA 2.7.2012; Afkar News 6.5.2014

<sup>183</sup> ISNA 2.7.2012; Afkar News 6.5.2014

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.<sup>184</sup>

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.<sup>185</sup>

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.<sup>186</sup>

#### 4.1. Concept of honour in Iranian culture

Iran has an unwritten law of honour and shame, which is reflected not just in the relationship between the sexes but also more generally in the values and ideals of society. A recent example of the deep-rootedness of gender terminology relating to manly honour and the extension of the terminology to other contexts is the rhetoric of Iranian politicians during debates on nuclear energy in which the Nuclear Programme has been described in feminine terms and Iran's negotiations as a masculine effort to protect 'her' honour.<sup>187</sup>

In this context, the key terms in Farsi are *gheirat* and *namus*. Neither word can be translated directly, but *gheirat* could be described as *sexual jealousy* or *manly moral courage*. *Namus*, on the other hand, refers to the female members of a family as a symbol of honour that men must protect.<sup>188</sup> Men have a duty to protect their women against men from outside the family, and failure to do this results in an extremely humiliating loss of reputation (*nang*) in the eyes of society. This concept of honour makes men suspicious of the women in their family and causes them to exercise power on the excuse of protecting their morality.<sup>189</sup> A man's protectiveness and jealousy, however aggressive, is traditionally viewed as a positive trait by society. This culture that perpetuates men's possessiveness is counterbalanced by a culture of modesty in the case of women (*farhang-e 'effat*), which determines the behaviours that are acceptable for a woman.<sup>190</sup> Families perceive a woman's refusal to a marriage that has been arranged for her or a woman's desire to divorce a man chosen for her as a shameful blow to their honour.<sup>191</sup>

The most extensive survey carried out in Iran concerning honour killings is a field study conducted by anthropologist Parvin Bakhtiarneshad in 2009-2010 in communities where there had been murders of girls and women. The authorities refused to publish the report in Iran, but it was distributed online as an e-book.<sup>192</sup> The families in which honour killings had taken place

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<sup>184</sup> Deutsche Welle 29.6.2011

<sup>185</sup> Radio Zamaneh 12.10.2014

<sup>186</sup> IHRDC (2013) and UK Home Office (2013), for instance, classify honour-related crimes specifically under violence against women

<sup>187</sup> Guardian 9.6.2015

<sup>188</sup> Tizro 2012 p.151; Guardian 9.6.2015

<sup>189</sup> Tizro 2012 p.151

<sup>190</sup> Tizro 2012 pp.153–154

<sup>191</sup> Deutsche Welle 24.11.2010

<sup>192</sup> Bakhtiarneshad 2010

were reluctant to talk about the topic, but their acquaintances were more forthcoming. Of the people interviewed, young women were the most likely to criticise the murders, while middle-aged and older women defended the tradition and blamed the victims.<sup>193</sup>

#### 4.2. Regional differences

Honour killings are an established phenomenon in many of Iran's outermost provinces, while they are less common in cities.<sup>194</sup> 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.<sup>195</sup>

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.<sup>196</sup> The likelihood of honour killings decreases with education, urbanisation and access to society's services.<sup>197</sup>

The number of honour killings is highest in Kurdistan, Khuzestan, Azerbaijan, Ilam, Kermanshah, Sistan and Baluchestan, Lorestan, Hamadan, Fars and Khorasan.<sup>198</sup> Honour killings are also common in Ardabil and Bushehr.<sup>199</sup> According to a news report by ISNA, a considerable percentage of murders in the southern parts of the Kerman Province are honour-related.<sup>200</sup> According to a field study conducted by the women's rights association *Anjoman-e Zanan-e Marivan*, an honour killing takes place in Marivan every month. Most of the murders are committed in the villages surrounding the city.<sup>201</sup> In West Azerbaijan, honour killings are reported to take place especially in the northern parts inhabited by Kurds. In Hamadan, areas inhabited by Kurds, Lori and Azeris have most honour killings.<sup>202</sup> Similar findings have been reported from Kurdistan, Kermanshah and Lorestan.<sup>203</sup>

A sociological study has also been conducted on honour killings among the Arab population of the Khuzestan Province. The study consisted of interviews with 45 men who were serving prison sentences for acts that have the characteristics of honour killings. Most of the interviewed men considered their acts to have been justified. Most of the inmates were young men who had killed their sister or wife in a fit of rage brought on by loss of honour.<sup>204</sup> In Ahvaz, the capital of Khuzestan, 15 honour killings were recorded in the space of one year in 2009-2010, which accounted for 25% of all murders and more than 50% of murders in which the victims were women. In 2005, a total of 35% of the murders in Ahvaz were honour killings, while almost half of all murders across the Khuzestan Province were honour-related. The most common reasons behind honour killings in Khuzestan are the region's tradition of forced marriages between cousins

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<sup>193</sup> Deutsche Welle 24.11.2010

<sup>194</sup> Deutsche Welle 24.11.2010

<sup>195</sup> Bakhtiarneshad 2010 pp.37-38

<sup>196</sup> Landinfo 2009 p.7; Bakhtiarneshad 2010 p.17

<sup>197</sup> Bakhtiarneshad 2010 p.84

<sup>198</sup> Radio Zamaneh 29.5.2014

<sup>199</sup> Bakhtiarneshad 2010 pp.15-16; IHRDC/Nayyeri 3/2013 pp.12-13; Tabnak 30.7.2013

<sup>200</sup> ISNA 28.7.2013

<sup>201</sup> Radio Zamaneh 29.9.2013

<sup>202</sup> Bakhtiarneshad 2010 p.41

<sup>203</sup> Bakhtiarneshad 2010 pp.38-40

<sup>204</sup> Rezaie et al 2012 pp.195-196, 199-200

and tribal prejudice against women. Honour killings can also be motivated by reasons such as refusal to a forced marriage, becoming a victim of rape, divorce and extramarital affairs.<sup>205</sup>

In the most conservative communities, even the slightest indiscretion can lead to an honour killing. One example is an honour killing case from Bushehr in which a brother killed his sister because the boy next door had attempted to talk to her on the street.<sup>206</sup> According to police statistics, a considerable percentage of murders in Bushehr are honour-related, but the province is small and the total number of cases is therefore low. Many cases involve murders of girls who have told their parents about a potential suitor, as just talking to a strange man is seen as enough justification for an honour killing in these traditional communities.<sup>207</sup> The police are also aware of a case in which a girl had committed suicide due to being assaulted by her brother after telling him about a marriage proposal.<sup>208</sup>

#### 4.3. Honour-related violence and legislation

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.<sup>209</sup> In these cases, a judge will impose a prison sentence of between three and ten years.<sup>210</sup> 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.<sup>211</sup>

Articles 299 and 630 of the Iranian Penal Code protect perpetrators of honour killings. Pursuant to Article 299, the *qisas* punishment that normally follows from a murder, which can be as severe as execution, does not apply to a father or a paternal grandfather who kills his own child. Article 630 gives a man the right to kill his adulterous wife and her lover if he catches them in the act.<sup>212</sup> Although a man has a legal right to kill his wife and lover if he catches them in the act of adultery, cases in which the provision is applied in practice are rare. According to Sharia law, the man would need to have four witnesses to the act, which is almost impossible to achieve in practice.<sup>213</sup> 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.<sup>214</sup>

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 need-

<sup>205</sup> The Feminist School. Undated.; Etemaad 29.11.2008

<sup>206</sup> Tabnak 30.7.2013

<sup>207</sup> Tabnak 30.7.2013

<sup>208</sup> Tabnak 30.7.2013

<sup>209</sup> UNCRC 3/2015 pp.12–13; IHRDC/Nayyeri 3/2013 pp.9–10

<sup>210</sup> IHRDC/Nayyeri 3/2013 p.10

<sup>211</sup> Amnesty International 3/2015 pp. 5–7; Tabnak 16.9.2013; UNCRC 3/2015 p.13

<sup>212</sup> Iranian Penal Code 2013 § 630; IHRDC 2013 pp.13-14; Bakhtiarnajad 2010 p.51

<sup>213</sup> Afary 2011 p.41

<sup>214</sup> Deutsche Welle 29.6.2011

ed 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.<sup>215</sup> Based on the interviews conducted by Bakhtiarnejad, perpetrators of honour killings in Khuzestan in particular know the law and the potential repercussions well. Perpetrators get a prison sentence of ten years at most or possibly just one or two years and are celebrated as heroes after their release. The local community gives strong support to perpetrators, and whole neighbourhoods can join forces to prevent the police from arresting the guilty parties.<sup>216</sup>

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.<sup>217</sup> 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 widespread. For example, a high number of female suicides by self-immolation have been reported in Ilam in the last decade<sup>218</sup>, many of which, according to the UN Special Rapporteur on Violence against Women, were linked to lack of shelters and legal protection for female victims of violence, difficulty in obtaining a divorce, child custody laws that favour the father and pervasive gender discrimination throughout society.<sup>219</sup>

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.<sup>220</sup> 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.<sup>221</sup>

## 5. LEGISLATION AND AUTHORITIES

The Constitution of Iran guarantees all citizens the right to seek justice and to receive legal aid and advice.<sup>222</sup> However, cultural factors often form barriers to women's opportunities to seek and get justice. As Iran's legislation is based on Islamic criteria that discriminate against women, men rule the justice system. Studies on the subject reveal that women have a negative attitude towards the justice system and their opportunities of getting justice through the system.<sup>223</sup> Taking domestic violence cases to court is seen as shameful, which is why only few cases ever go that far.<sup>224</sup> The formal justice system is therefore not enough of a guarantee of an individual's rights, taking into account the underlying customs and sociocultural norms.<sup>225</sup>

The general socio-legal status of women is a much researched topic in Iran<sup>226</sup>, but no accurate qualitative or quantitative information is available on the gender-based bias of the justice system. For example, the cultural factors that restrict women's access to justice are not adequately

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<sup>215</sup> Tizro 2012 p.224

<sup>216</sup> Deutsche Welle 24.11.2010

<sup>217</sup> UNCHR 27.1.2006 p.11

<sup>218</sup> Deutsche Welle 14.3.2014

<sup>219</sup> UNCHR 27.1.2006 p.11

<sup>220</sup> Radio Zamaneh 7.5.2015

<sup>221</sup> Deutsche Welle 5.5.2014

<sup>222</sup> Iranin Constitution 1979 § 34–35

<sup>223</sup> Maranlou 2015 pp.219–221

<sup>224</sup> Tizro 2012 p.90

<sup>225</sup> Maranlou 2015 p.141

<sup>226</sup> E.g. Mir-Hosseini 1993, 2001; Nayyeri/IHRDC 3/2013; Maranlou 2015

known. There are also no official research data on the opportunities of women to get justice in domestic violence cases in practice.<sup>227</sup> In her book on women's access to the justice system, Maranlou nevertheless identified certain gender-based obstacles to getting justice, such as cultural factors, lack of legal knowledge, the justice system's bias against women, lack of financial independence, discriminatory legal provisions and fear of social ostracism.<sup>228</sup>

Women's threshold for turning to the justice system can be extremely high, as there is often a social stigma attached. Iran's traditional culture views divorce and talking about marital problems as shameful, which is why friends and relatives of women who are victims of domestic violence often pressure them to keep quiet about the issue for as long as possible. In one case, a woman who had sued a man for sexual violence and for assaulting her child was pressured by her own family into dropping the charges due to the potential loss of reputation.<sup>229</sup>

Iran's justice system has been described as chronically incompetent at identifying women whose lives are at risk if they have to return to their violent husbands.<sup>230</sup> Moreover, Iran is a society built on social connections: the justice system is corrupt and much depends on personal connections. Knowing someone who works in the justice system can be instrumental in pushing a case forward or holding one back.<sup>231</sup> Other common obstacles to justice in Iran include the cost of court proceedings, long processing times, insufficient number of judges and competent staff, and limited opportunities for receiving legal assistance and reimbursement for costs.<sup>232</sup>

Women can train as judges in Iran, but, under current legislation, they can only hold assisting roles in courts. Although female judges cannot preside over cases in court, they nevertheless have the right to act as assistant judges in family matters, for example.<sup>233</sup> Many lawyers who specialise in family law are women.<sup>234</sup>

The Constitution of Iran obligates the state to ensure the rights of women by setting up competent courts for protecting and maintaining families.<sup>235</sup> In the Iranian justice system, family courts are branches of civil courts, and their jurisdiction covers family disputes, such as marriage and divorce cases. Domestic violence cases are heard in criminal courts.<sup>236</sup>

## 5.1. Family law

There have been some efforts in Iran to codify the country's family legislation, which is based on Islamic tradition. Among the recognised foundations of Iran's family law are the Quran, oral tradition, classical legal theory, the 1928 Civil Code and the 1979 Constitution. The 1928 Civil Code represents Iran's first codified body of family law and is still in force, subject to certain amendments.<sup>237</sup> There is a consensus in Iran that the country's family law is in need of reform, but the direction of the changes and the foundations of family law are a matter of dispute. According to Marianne Bøe, who has studied the subject extensively, there are three different schools of thought in Iran with regard to acceptable foundations for family law: 'rejectionists' favour secular sources of law, 'revisionists' would like to see a combination of Islamic law and

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<sup>227</sup> Maranlou 2015 p.51

<sup>228</sup> Maranlou 2015: chapter 4

<sup>229</sup> Maranlou 2015 pp.139–141

<sup>230</sup> Tizro 2012 p.96

<sup>231</sup> Tizro 2012 p.93

<sup>232</sup> Maranlou 2015 p.121

<sup>233</sup> Bøe 2015 pp.63-64; UNCHR 27.1.2006 p.7; Tizro 2012 p.92

<sup>234</sup> Osanloo 5/2006

<sup>235</sup> Iranian Constitution 1979 § 21

<sup>236</sup> Tizro 2012 p.92

<sup>237</sup> Bøe 2015 p.81; The Civil Code was amended in 1931 and 1982

secular legislation, and ‘loyalists’ support the traditional foundations of Islamic law.<sup>238</sup> In her study, Osanloo described the Iranian family law system as a hybrid of Sharia law and civil law.<sup>239</sup>

The 1960s and 1970s were especially successful decades for Iran’s women’s rights movement: women were given numerous fundamental rights, such as the right to vote in elections. Iran’s Family Protection Act, much objected to by religious and conservative communities, was also enacted in the 1960s. The 1967 Family Protection Act (*Qanun-e Hemayat az Khanevade*, which was comprehensively reformed in 1975) has been seen as a major step forward in terms of gender equality, as it gave Iranian women the right to divorce their husbands, the right to object to their husbands’ polygamy and the possibility of becoming their children’s guardian after divorce as well as raising the lowest legal marriageable age for girls from the 13 years laid down in the Civil Code to 15 years. The 1975 reform raised the marriageable age again: to 18 years for women and 20 years for men. The Act was nevertheless repealed immediately after the 1979 Revolution.<sup>240</sup> One of Khomeini’s first acts after coming into power was to repeal the 1967 Family Protection Act on 26 February 1979. Khomeini considered the Act to be in violation of Islam and Sharia law. The repeal of the Act reinstated the 1928 Civil Code as the valid law in family matters.<sup>241</sup>

The 1967/1975 Family Protection Act also established special family courts that specialised in divorce cases. Family courts were nevertheless abolished after the 1979 Revolution and replaced by special civil courts (*dadgah-e madani-ye khas*), which, in practice, operate in exactly the same way as family protection courts, albeit under a different name. The 1994 legislative reform turned these courts into general courts, which hear all kinds of cases.<sup>242</sup>

Although the Family Protection Act was repealed, its spirit lives on in society. Some of the practices adopted under the 1967 Family Protection Act were incorporated into the Civil Code in connection with the 1982 reform after the Revolution. Among these practices were reforms that improved the status of women, such as restrictions on polygamy.<sup>243</sup> The 1967 Family Protection Act laid down the following conditions for polygamous marriages: the first wife’s consent and a court’s confirmation of the husband’s financial and psychological ability to support multiple wives. Entering into a polygamous marriage without a court’s approval carried a penalty of up to two years in prison.<sup>244</sup>

In 2007, the Cabinet of President Ahmadinejad presented the Iranian Parliament with a new Family Protection Bill (*layehe-ye hemayat az khanevade*), which the Parliament passed in 2008. The Bill was fiercely objected to by women’s rights activists, as it diminished women’s rights with regard to divorce and men’s opportunities for polygamy. Thanks to persistent civil rights activism by women’s rights organisations, the Bill never became law. The most contested provisions of the Bill were Articles 22-24, which would have extended men’s right to polygamy and set a ceiling for the dower (*mahriye*) that women could get in a marriage. The Parliamentary Committee on Legal Affairs has been working on the Bill for the last few years, and there are no signs of the Bill becoming law any time soon.<sup>245</sup> The Bill was last amended in 2011.<sup>246</sup>

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<sup>238</sup> Bøe 2015 p.92

<sup>239</sup> Osanloo 5/2006

<sup>240</sup> Nayyeri/IHRDC 8.3.2013 p.3, 19

<sup>241</sup> Osanloo 5/2006 p.196

<sup>242</sup> Bøe 2015 pp.62–63

<sup>243</sup> Bøe 2015 p.49

<sup>244</sup> Boe 2015 p.71

<sup>245</sup> Bøe 2015 pp.72–78; Nayyeri/IHRDC 3/2013

<sup>246</sup> IHRDC 8/2011

## 5.2. State support for victims of violence against women

Iran has not ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and there is no separate category for physical domestic violence in the country's laws on violent crime. Domestic violence cases are heard in criminal courts similarly to other cases involving violent acts.<sup>247</sup> A new law prohibiting violence against women (*layehe-ye ta'min-e amniyat-e zanan dar barabar-e khoshunat*) is nevertheless being drawn up in Iran, which would establish a separate criminal category for domestic violence.<sup>248</sup>

The state can grant legal aid to individuals who can prove that they are financially unable to pay for their own court fees.<sup>249</sup> Legal aid is available from, for example, the Iranian Bar Association (*Kanun-e Vokala*). Children under the age of 15 cannot file law suits themselves and must instead be represented by their legal guardian (father or grandfather). Children who suffer violence from their fathers therefore have no legal redress in practice.<sup>250</sup> Physical marks left by violence are examined at Forensic Medical Centres (*pezeshki-ye qanuni*). Public sector health care services do not include intervention programmes for preventing domestic violence.<sup>251</sup>

Generally speaking, there are family courts that only hear family dispute cases, Forensic Medical Centres, shelters for abused women and police authorities that specialise in domestic violence cases in all Iranian cities. The largest cities, such as Tehran, not only have family courts but also separate courts that specialise in custody matters. Family courts also provide legal advice.<sup>252</sup>

Based on surveys conducted by Osanloo and Mir-Hosseini in family courts, women know their legal rights well and are able to present their cases to judges in a credible manner as well as to use their dower as a bargaining tool in child custody and divorce cases, if necessary.<sup>253</sup> The most extensive study on Iranian family law in practice is a survey conducted by Ziba Mir-Hosseini on divorce proceedings in the 1980s and 1990s, which found considerable differences between individual cases. The most common reason stated for divorce petitions filed by women was the husband's aggressiveness, which was seen as the last resort if no other legal grounds could be found for seeking divorce. The outcomes varied considerably in these cases in particular, as they were dependent on individual judges' take on the circumstances.<sup>254</sup>

Iran has shelters run by both the state and non-governmental organisations. According to the UN, there are nevertheless not enough shelters and they do not provide long-term support through employment and housing for women trapped in abusive situations.<sup>255</sup> The Iranian State Welfare Organisation (*Sazman-e Behzisti*) has maintained a network of approximately 30 'health houses' for unmarried girls who have run away from home since the beginning of the 21<sup>st</sup> century. These institutions provide temporary housing, professional counselling and skills development for runaway girls. However, reports indicate that girls have also been sexually abused by the authorities in at least one of these institutions.<sup>256</sup> In any case, the shelters built on

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<sup>247</sup> Tizro 2012 p.92

<sup>248</sup> Radio Zamaneh 28.11.2014; UNGA 12.3.2015 p.19

<sup>249</sup> UNCRC 3/2015 p.35

<sup>250</sup> UNCRC 3/2015 p.14

<sup>251</sup> Hamzeh 2009

<sup>252</sup> Osanloo 5/2006

<sup>253</sup> Osanloo 5/2006; Mir-Hosseini 1993, 2001

<sup>254</sup> Mir-Hosseini 1993, 2001

<sup>255</sup> Amnesty International 2015 pp.30–31

<sup>256</sup> UNCHR 27.1.2006 p.11

the initiative of the Cabinet of the reformist President Khatami have been said to be a failure, as they are not widely used or run properly.<sup>257</sup>

It was also reported in 2015 that 18 new shelters for women escaping abusive relationships would be opened across the country. In addition to the above, there are almost 180 crisis centres that provide advice for couples who are having problems. The locations of shelters are kept secret to protect their customers. According to the Head of the State Welfare Organisation's Department of Social Problems, who oversees the operation of the shelters, the shelters are open 24 hours a day and provide therapy for victims of domestic violence free of charge. Based on the information released by the State Welfare Organisation, temporary shelters in different provinces helped a total of 2 000 victims of domestic violence last year. The victims came to the shelters either on their own initiative or were referred there by social services, police or courts.<sup>258</sup> There is also a special helpline (*Seda-ye Yara*) for victims of violence against women.<sup>259</sup> Public sector health care services and services provided by non-governmental organisations also include rehabilitation programmes for prostitutes.<sup>260</sup>

Non-governmental organisations have played a major role in running shelters in Iran. However, these shelters are mostly designed for prostitutes and female drug addicts living on the streets.<sup>261</sup> One example of a non-governmental organisation that promotes the rights of children is Iran's Association of Children's Rights (*Anjoman-e Hemayat az Hoquq-e Kudakan*), which runs a few shelters for homeless and ill-treated children and teenagers.<sup>262</sup> However, these shelters are not able to accommodate all those in need. The Department of Social Problems of the Iranian State Welfare Organisation (*Sazman-e Behzisti*) is responsible for running shelters for women who live on the streets. The problems of these women generally stem from difficulties in obtaining divorce and the fact that their husbands retain custody of their children.<sup>263</sup>

Women who have lived in shelters are stigmatised, and shelters are not considered a good solution to families' problems, as, according to one shelter worker, "if a woman cannot adapt to family life, she will also not be able to adapt living in society".<sup>264</sup>

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<sup>258</sup> Iran Front Page 15.5.2015; Deutsche Welle 27.2.2015; Iran Daily 7.2.2015

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