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Home Office

# Country Policy and Information Note

## Iran: Forced marriage

Version 2.0

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# Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country information

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: [chiefinspector@icinspector.gsi.gov.uk](mailto:chiefinspector@icinspector.gsi.gov.uk)

Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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# Policy guidance

Updated 8 August 2017

## 1. Introduction

### 1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm by non-state agents either because:
- (a) A person will be subjected to a forced marriage; or
  - (b) the person is the accompanying parent of a minor child who is opposed to the arranged marriage of the child where there is a real risk of it being carried out.

### 1.2 Points to note

- 1.2.1 For the purpose of this guidance 'forced marriage' is where the people concerned are manoeuvred into going through the marriage ceremony against their will (either by force or some other pressure).
- 1.2.2 Men/boys can also be victims of forced marriage but for the purpose of this guidance the main focus is on women/girls as they are more likely to be at risk of forced marriage in Iran.
- 1.2.3 In addition to this guidance decision makers should also refer to the Asylum Instructions on [Gender issues in the asylum claim](#) and on [Assessing Credibility and Refugee Status](#).

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## 2. Consideration of issues

### 2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Particular social group

- 2.2.1 Women in Iran, including those in fear of forced marriage, form a particular social group (PSG) within the meaning of the Refugee Convention. This is because they share an immutable (or innate) characteristic – their gender - that cannot be changed; and have a distinct identity in Iran which is perceived as being different by the surrounding society as evidenced by widespread discrimination in the exercise of their fundamental rights.

2.2.2 Although women in Iran form a PSG, this does not mean that establishing such membership will be sufficient to make out a case to be recognised as a refugee. The question to be addressed in each case will be whether the particular person will face a real risk of persecution on account of their membership of such a group.

2.2.3 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.3 Assessment of risk

### a. Women and girls fearing forced marriage

2.3.1 Arranged marriages in Iran are common place, some of these can become forced marriages with young girls particularly vulnerable. The minimum age requirement for marriage in Iran is 13 for girls and 15 for boys. Marriage prior to these ages can occur as long as the guardian, having taken the child's best interests into consideration, has given their permission and approval of the relevant court has been given. According to UNICEF approximately 3% of Iranian children marry by the age of 15 and 17% marry by the age of 18. Marriages often occur between young girls and much older men and are often the result of poverty or unemployment (see [Societal attitudes](#) and [Prevalence of underage marriages](#)).

2.3.2 Marriage rates in Iran have been declining in recent years with more women attending university and pursuing a career independent of men. Arranged and/or forced marriages do still occur with evidence suggesting this is very rare in cities but does occur in rural areas (see [Societal attitudes](#)).

2.3.3 The evidence does not establish that there is a consistent pattern of girls/women in Iran being forced to marry someone they haven't agreed to. In general, the risk of forced marriage is statistically very low. Each case must however be considered on its facts with the onus on the person to show that they would be at risk of being forced to marry against their will if returned to Iran.

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### b. Parents who resist/oppose marriage for their minor children

2.3.4 A person who is the parent of a minor child who is opposed to them being forced to marry may face societal discrimination and ostracism for going against cultural or family traditions. Decision makers need to consider each case on its facts. However, in general, this is unlikely to reach the threshold to constitute serious harm

2.3.5 For further guidance on assessing risk see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.4 Protection

2.4.1 Under Article 1041 of the Iranian civil code girls younger than 13 require the permission of their guardian and the courts prior to any marriage taking place. The court can refuse permission if it deems the marriage of a minor

to be against the interests of the girl. If a man violates this article of the Civil code he will be sentenced to between six months' and two years' imprisonment. However, children under the age of 15 are unable to file law suits themselves and must be represented by their legal guardian (see [Minimum age for marriage](#) and [Avenues of redress](#)).

- 2.4.2 Provisions in the Civil code are in place to prevent the marriage of an underage girl where the marriage is not in her best interests. However, women and girls remain inadequately protected against sexual and other gender based violence, including early and forced marriage. Authorities have been known to return girls who have run away from home to escape forced marriage to their parents instead of giving them a place in a shelter.
- 2.4.3 State and NGO shelters do exist in Iran providing temporary housing and counselling for runaway girls although spaces and assistance is limited and they do not provide long-term support (see [State support groups](#)).
- 2.4.4 In general protection is available but access will depend on the individual facts of the case. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future. The onus is on the person to demonstrate why they would be unable to access effective protection.
- 2.4.5 For detailed information on the effectiveness of the security forces in Iran please see the [Country Information and Guidance on Iran: Background Information, including actors of protection and internal relocation](#)
- 2.4.6 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.5 Internal relocation

- 2.5.1 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person.
- 2.5.2 Evidence suggests that forced marriages are more likely to occur in rural areas so a woman/girl may be able to avoid the risk by relocating to an urban area where the risk of forced marriage is lower.
- 2.5.3 However women can face difficulties travelling alone within Iran and can face official and societal discrimination when doing so in rural areas. Women often require the supervision of a male guardian or chaperone to travel.
- 2.5.4 Internal relocation is unlikely to be a reasonable option in many cases because of the difficulties faced by women travelling alone especially from rural areas – where most forced marriages occur – to urban areas where they would generally be free of the risk. But internal relocation may be an option if the person is travelling with a male guardian or chaperone and/or they are not coming from a rural area.
- 2.5.5 See also country policy and information note on [Iran: Background information, including actors of protection and, internal relocation](#).

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## 2.6 Certification

- 2.6.1 Where a claim is refused it is unlikely to be certifiable as 'clearly unfounded'.
- 2.6.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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## 3. Policy summary

- 3.1.1 Arranged/ forced marriages still occur in Iran although these are rare within the urban areas and more likely to occur in rural areas. In general there is a very low risk to girls/women being forced to marry someone they haven't agreed to.
- 3.1.2 Where a minor is being forced into a marriage, permission must be sought from the courts, who can refuse permission if they decide the marriage is not in the best interests of the child.
- 3.1.3 In general protection is available but access will depend on the individual facts of the case.
- 3.1.4 If a person is at real risk from non state agents in their home area, internal relocation to a part of the country where they would not be a risk will normally be unreasonable, but each case must be considered on its facts.
- 3.1.5 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded'.

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# Country information

Updated 12 July 2017

## 4. Overview of forced marriage

### 4.1 Definition

#### 4.1.1 The UK's (joint Home Office and Foreign & Commonwealth Office) Forced Marriage Unit explained that:

'A forced marriage is where one or both people do not (or in cases of people with learning or physical disabilities, cannot) consent to the marriage and pressure or abuse is used. [...] The pressure put on people to marry against their will can be physical (including threats, actual physical violence and sexual violence) or emotional and psychological (for example, when someone is made to feel like they're bringing shame on their family). Financial abuse (taking your wages or not giving you any money) can also be a factor.'<sup>1</sup>

#### 4.1.2 In the UK, forced marriage is a specific offence under section 121 of the Anti-Social Behaviour, Crime and Policing Act 2014 and provides for an offence where a person:

'(a) uses violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage, and

(b) believes, or ought reasonably to believe, that the conduct may cause the other person to enter into the marriage without free and full consent.'<sup>2</sup>

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### 4.2 Forced vs arranged marriages

#### 4.2.1 Various sources, such as the Global Justice Initiative's 'Forced Marriage FAQs'<sup>[7]</sup> and the South Asian Legal Clinic of Ontario<sup>[8]</sup>, refer to a series of steps as to how arranged and forced marriages occur. Arranged marriage corresponds to situations 1- 4 and forced marriage to situations 5-8.

1. Parents start to think about their child getting married.
2. Parents begin to talk about their child's marriage, perhaps suggesting or looking for potential partners.
3. The topic of marriage is freely discussed, resulting in a mutual acceptance or rejection of ideas or options.

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<sup>1</sup> Foreign & Commonwealth Office and Home Office, 'Forced Marriage guidance', last updated 9 March 2017, <https://www.gov.uk/guidance/forced-marriage>. Date accessed 18 April 2017.

<sup>2</sup> Anti-social Behaviour, Crime and Policing Act 2014, <http://www.legislation.gov.uk/ukpga/2014/12/part/10/enacted>. Date accessed 18 April 2017.

<sup>[7]</sup> Global Justice Initiative, 'Forced Marriage FAQs', undated, <https://globaljusticeinitiative.wordpress.com/forced-marriage-2/forced-marriage-faqs/>. Date accessed 18 April 2017.

<sup>[8]</sup> South Asian Legal Clinic of Ontario, 'Forced/Non-consensual marriage in Canada' (slide 9), undated <http://www.ohchr.org/Documents/Issues/Women/WRGS/ForcedMarriage/NGO/SouthAsiaLegalClinic3.pptx>. Date accessed 18 April 2017.

4. An agreement to marry is made. Whilst the families of those who are marrying are involved in the process, the final decision lies with those who are to be married. Arranged marriage takes place.

5. Marriage is discussed, but with no mutual acceptance or rejection of ideas.

6. There is pressure to marry, which may take the form of emotional blackmail or appeals to conform to traditional family roles and values.

7. Demands to accept a marriage proposal are accompanied by physical, mental and/or emotional pressure and violence.

8. The people concerned are manoeuvred into going through the marriage ceremony against their will. Forced marriage takes place.

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## 5. Legal context

### 5.1 Marriage laws

5.1.1 The Iran Human Rights Documentation Centre (IHRDC) report 'Gender Inequality and Discrimination: The Case of Iranian Women', dated 8 March 2013 stated that:

'Under Islamic Shari'a marriage is not considered as a sacrament but defined as a civil contract between a man and his wife, patterned by the logic of a contract of sale. The three elements of an Islamic marriage contract constitute (1) the offer of marriage made by the woman or her guardian, (2) the acceptance by the man, and (3) mahr (or mahriyeh i.e. the marriage gift) which is money or a valuable item that the husband pays or pledges to pay the wife. The contract makes sexual relations between a man and woman lawful, and establishes a set of default rights and duties for each party, some supported by legal force, others by moral sanction.'<sup>3</sup>

5.1.2 The Suuntaus project report compiled by the Finnish Immigration Service on 'Violence against women and honour- related violence in Iran' dated 26 June 2015, based on a range of sources, stated that:

'Islam views marriage as a contract regulated by rights and responsibilities of both parties. The man is the head of the family, and the woman lives in the family under a male guardian (wali). Before marriage, a woman's guardian is her father or grandfather, and, after marriage, her guardian is her husband. [...] 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

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<sup>3</sup> Iran Human Rights Documentation Centre, 'Gender Inequality and Discrimination: The Case of Iranian Women', 8 March 2013, <http://iranhrdc.org/english/publications/legal-commentary/100000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html#9>.

object to the marriage. This applies to both permanent and temporary marriages.<sup>4</sup>

5.1.3 The Center for Human Rights in Iran noted that: ‘Iranian law does not recognize relationships outside of registered marriages, and considers them to be “illegitimate” criminal acts. A prosecutor can summon unmarried couples to court and they can be punished based on Article 637 of Iran’s Islamic Criminal Code.’<sup>5</sup>

5.1.4 The US State Department’s, Country Report on Human Rights Practices 2016, released on 3 March 2017 stated that:

‘The law permits a man to have as many as four wives and an unlimited number of “sigheh” (temporary wives), based on a Shia custom under which couples can enter into a limited time civil and religious contract, which outlines the union’s conditions. The law does not grant temporary wives and any resulting children rights associated with traditional marriage, but the contract is enforceable, and recognized children can obtain documentation and have limited rights.

‘Women may not transmit citizenship to their children or to a noncitizen spouse. The government does not recognize marriages between Muslim women and non-Muslim men, irrespective of their citizenship.’<sup>6</sup>

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## 5.2 Minimum age for marriage

5.2.1 IHRDC’s report ‘Gender Inequality and Discrimination: The Case of Iranian Women’, dated 8 March 2013 noted that:

‘Article 1041 of the Civil Code, which set a minimum age for marriage at 15 years old for girls and 18 years old for boys, was amended in 1982 to prohibit marriage prior to the age of puberty under Shari’a, i.e. 9 lunar years (8 years and 9 months) for girls and 15 lunar years (14 years and 7 months) for boys. In addition, the amended law gave the right to the natural guardian (vali) to marry at his own discretion for and on behalf of the child even before the age of puberty.

‘Article 1041 (22/6/2002), which is still in force, provides: “Marriage of girls before reaching the age of 13 full solar years and boys before reaching the age of 15 full solar years is subject to the permission of the Guardian and on condition of taking the child’s best interest into consideration and approval of the relevant court.”

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<sup>4</sup> Suuntaus Project, Finnish Immigration Service- Country Information Service, ‘Violence against women and honour-related violence in Iran’, 26 June 2015, [http://www.migri.fi/download/61597\\_Suuntaus-raportti\\_VakivaltaiIran\\_finalFINAL\\_kaannosversio\\_EN.pdf?96fa691925bfd288](http://www.migri.fi/download/61597_Suuntaus-raportti_VakivaltaiIran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288). Date accessed 20 March 2016.

<sup>5</sup> Center for Human Rights in Iran, ‘Officials Seek to Confront Iran’s Increasingly Popular “White Marriages”’, 6 June 2016, <https://www.iranhumanrights.org/2016/06/white-marriage-2/>. Date accessed 3 April 2017.

<sup>6</sup> US Department of State, ‘Country Report on Human Rights Practices, Iran for 2016’, 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Date accessed 20 March 2017.

'The violation of this article has criminal consequences as well. Article 646 of the former Penal Code provides: "Marriage before puberty without the permission of the guardian is forbidden. If a man violates Article 1041 of the Civil Code and marries a girl before she reaches the age of puberty, he shall be sentenced to six months to two years' ta'zir imprisonment."<sup>7</sup>

- 5.2.2 The Suuntaus project report compiled by the Finnish Immigration Service on 'Violence against women and honour- related violence in Iran' dated 26 June 2015, based on a range of sources, stated that:

'There is no consensus on the lowest acceptable age for marrying in Iran. The lowest legal marriageable age was dropped from 15 to 13 years for girls and from 18 to 15 years for boys soon after the Islamic Revolution. The Civil Code nevertheless permits marrying off younger children with the guardian's consent and a court's permission. The Islamic law underlying Iran's codified legislation considers a child ready for marriage once he or she reaches puberty: the age of maturity is therefore eight years and nine months (9 lunar years) for girls and 14 years and seven months (15 lunar years) for boys. The Civil Code nevertheless permits marriages of even young children. 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. 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>8</sup>

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### 5.3 Divorce

- 5.3.1 The Suuntaus project report compiled by the Finnish Immigration Service on 'Violence against women and honour- related violence in Iran' dated 26 June 2015, based on a range of sources, stated that:

'A man can get a divorce (talaq) whenever he wants, as long as he pays the agreed dower (mahriye) if his wife requests this. 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. 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

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<sup>7</sup> Iran Human Rights Documentation Centre, 'Gender Inequality and Discrimination: The Case of Iranian Women', 8 March 2013, <http://iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html#9>. Date accessed 22 March 2017.

<sup>8</sup> Suuntaus Project, Finnish Immigration Service- Country Information Service, 'Violence against women and honour-related violence in Iran', 26 June 2015, [http://www.migri.fi/download/61597\\_Suuntaus-raportti\\_VakivaltIran\\_finalFINAL\\_kaannosversio\\_EN.pdf?96fa691925bfd288](http://www.migri.fi/download/61597_Suuntaus-raportti_VakivaltIran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288). Date accessed 20 March 2016.

the marriage, which gives them as much of a right to a divorce as their husbands.'

'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). 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. 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.'

'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. Before a divorce can be granted, couples are referred to mediation in the hope that their differences can be reconciled. 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.'

'One survey found that 62% of divorces take place in traditional, arranged marriages. 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. A total of 12% of divorced women in Iran are under 20 years old.'<sup>9</sup>

### 5.3.2 The US State Department's, Country Report on Human Rights Practices 2016, released on 3 March 2017 stated that:

'A woman has the right to divorce if her husband signs a contract granting that right, cannot provide for his family, has violated the terms of their original marriage contract, or is a drug addict, insane, or impotent. A husband is not required to cite a reason for divorcing his wife. Traditional interpretations of Islamic law recognize a divorced woman's right to part of shared property and to alimony. These laws were not always enforced, and the ability of a woman to seek divorce was limited. According to ISNA if a

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<sup>9</sup> Suuntaus Project, Finnish Immigration Service- Country Information Service, 'Violence against women and honour-related violence in Iran', 26 June 2015, [http://www.migri.fi/download/61597\\_Suuntaus-raportti\\_Vakivaltalran\\_finalFINAL\\_kaannosversio\\_EN.pdf?96fa691925bfd288](http://www.migri.fi/download/61597_Suuntaus-raportti_Vakivaltalran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288). Date accessed 20 March 2016.



personal maintenance allowance is not paid, the wife may “reject all legal and religious obligations” to her husband. By law such an allowance may be requested during the marriage as well as after a divorce, and if it is not paid, the woman may sue her former husband in court.<sup>10</sup>

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## 6. Societal attitudes

### 6.1 Cultural background

6.1.1 The Suuntaus project report compiled by the Finnish Immigration Service on ‘Violence against women and honour- related violence in Iran’ dated 26 June 2015, based on a range of sources, stated that:

‘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. [...] 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>11</sup>

6.1.2 Asia House’s article ‘A sexual awakening in Iran, freedom in India, but a step back in Turkey’ dated 19 May 2016 that:

‘There are some arranged marriages but there is rarely pressure to marry someone you don’t want to marry in the cities. Both sides have to agree to the marriage so it’s normally an introduction by family and they agree on the woman’s pre-nup of gold coins to protect her in the case of divorce. [...] there were lots of child marriages in Iran outside Tehran and arranged marriages were more common in rural areas where there was more pressure to marry whoever your parents tell you to.’<sup>12</sup>

6.1.3 Iran Wire’s report from 11 July 2016 titled ‘Underage marriage in Iran’ noted that a:

‘Government figures and research published by the Iran Student Correspondents Association news agency (Iscanews) in 2015 said there are more than 41,000 registered marriages among underage children in Iran, and agreed with the UN officials who claimed the figure could be set to rise. Poverty and dire inequality were said to be key factors.’

‘... 2015 report published by the Iranian government revealed that girls are being forced to leave their family homes to escape pressures to enter into

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<sup>10</sup> US Department of State, ‘Country Report on Human Rights Practices for 2016, Iran’, 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Date accessed 20 March 2017.

<sup>11</sup> Suuntaus Project, Finnish Immigration Service- Country Information Service, ‘Violence against women and honour-related violence in Iran’, 26 June 2015, [http://www.migri.fi/download/61597\\_Suuntaus-raportti\\_VakivaltainIran\\_finalFINAL\\_kaannosversio\\_EN.pdf?96fa691925bfd288](http://www.migri.fi/download/61597_Suuntaus-raportti_VakivaltainIran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288). Date accessed 20 March 2017.

<sup>12</sup> Asia House, ‘A sexual awakening in Iran, freedom in India, but a step back in Turkey’, 19 May 2016, <http://asiahousearts.org/sexual-awakening-iran-freedom-india-step-back-turkey/>. Date accessed 3 April 2017.

underage marriages, sexual abuse, and unstable environments due to drug addiction.

‘Experts have warned that girls who married at the age of 15 and younger were at risk of “grave physical and psychological” damage. At such a young age, girls’ bodies were often not fully developed, making sexual intercourse and pregnancy dangerous.

‘Taboos around talking about sexual abuse means girls often face pressure to keep silent about what they have been through. The recent report’s findings suggest that sexual abuse is on the rise, but also suggests that more girls are speaking out on the issue, and leaving family homes because of it.’<sup>13</sup>

- 6.1.4 In December 2016 Iran Focus published an article titled ‘Children between 12 and 15 Forced into Marriage’. They noted that:

‘The main cause of child marriage is poverty and unemployment in Iran. As some officials stated, the rate of unemployment in some disadvantaged cities and provinces reaches 30 to 40 percent.

‘The Director of the Imam Ali organization, Zahra Rahimi wrote, “in most of these marriages, the family of a girl trades their daughter in exchange for a house. As the news come through, a 10-year-old girl has married to a 60-year-old man in Sistan and Baluchestan Province. In this marriage, the girl does not expect to be loved but she has only made a deal with the man to receive money.” She added, “in marginalized families, as the children start a married life, they intend to have children in order to prepare them for work.”’<sup>14</sup>

- 6.1.5 Radio Free Europe, Radio Liberty noted that: ‘Tehran-based sociologist Mostafa Eghlima believes a lack of social progress and the traditional rural fabric of the country contributes to the high number of child marriages in Iran.’<sup>15</sup>

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## 6.2 Prevalence of underage marriages

- 6.2.1 The Suuntaus project report compiled by the Finnish Immigration Service on ‘Violence against women and honour- related violence in Iran’ dated 26 June 2015, based on a range of sources, stated that:

‘According to statistics compiled by UNICEF, 3% of Iranian children marry by the age of 15 and 17% marry by the age of 18. A total of 5% of girls give birth to their first child before they are 18 years old. A total of 276 000 underage girls marry and 109 000 teenage girls give birth every year. The

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<sup>13</sup> Iran Wire, ‘Underage Marriage in Iran’, 11 July 2016 <https://iranwire.com/en/features/1900>. Date accessed 20 March 2017.

<sup>14</sup> Iran Focus, ‘Iran: Children between 12 and 15 Forced into Marriage’, 22 December 2016 [http://www.iranfocus.com/en/index.php?option=com\\_content&view=article&id=31090:iran-children-between-12-and-15-forced-into-marriage&catid=6:women&Itemid=111](http://www.iranfocus.com/en/index.php?option=com_content&view=article&id=31090:iran-children-between-12-and-15-forced-into-marriage&catid=6:women&Itemid=111). Date accessed 20 March 2017.

<sup>15</sup> Radio Free Europe, Radio Liberty, ‘Childhood’s End: Forced into marriage at age 10 in Iran’, 17 November 2016 <http://www.rferl.org/a/iran-child-marriage/28123820.html>. Date accessed 20 March 2017.

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.’

‘Iran’s population register statistics show the number of marriages involving minors registered each year. According to the statistics, 350 marriages of girls under the age of 10, 40 000 marriages of girls aged between 10 and 14, and 285 000 marriages of girls aged between 15 and 19 take place on average per year. Child marriages involving boys are less common: on average, fewer than 1 000 boys marry before the age of 15 and fewer than 50 000 marry at an age of 15-19 years. According to 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>16</sup>

- 6.2.2 With regards to the areas of Iran where forced marriage is most likely, the Suuntaus project report compiled by the Finnish Immigration Service on ‘Violence against women and honour- related violence in Iran’ dated 26 June 2015, based on a range of sources, stated that:

‘According to Iran’s Population Register Centre, child marriages are especially common in the rural areas of Isfahan and Sistan and Baluchestan. Child marriages are usually motivated by financial problems and cultural reasons. Children from single-parent families, families with drug problems and illiterate families are the most likely to end up being married young. Child marriages are part of the traditional local culture in Sistan and Baluchestan, Bushehr, Lorestan and Khuzestan. 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. Child marriages are nevertheless known to be most common in the country’s conservative regions, especially Sistan and Baluchestan, Kurdistan, Khuzestan and Khorasan. In Sistan and Baluchestan, it is common for girls to be married off before the age of 12. 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

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<sup>16</sup> Suuntaus Project, Finnish Immigration Service- Country Information Service, ‘Violence against women and honour-related violence in Iran’, 26 June 2015, [http://www.migri.fi/download/61597\\_Suuntaus-raportti\\_VakivaltainIran\\_finalFINAL\\_kaannosversio\\_EN.pdf?96fa691925bfd288](http://www.migri.fi/download/61597_Suuntaus-raportti_VakivaltainIran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288). Date accessed 20 March 2016.



Hamadan (1 966). 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>17</sup>

6.2.3 Radio Free Europe, Radio Liberty noted in November 2016 that: 'The National Organization for Civil Registration statistics registered 37,000 underage marriages in the Islamic republic in the last Iranian year, which ended in March [2015].'<sup>18</sup>

6.2.4 In its December 2016 article Iran Focus noted that:

'12 to 13 thousand children get married unofficially without registering, according to a member of the Judicial and Legal Commission of the Iranian Parliament. Also, in many cases, the actual age of girls is not correctly recorded — they are registered older than their actual age. [...] "currently 43 thousand of those children that get married are aged 10 to 15 and 2 thousand of them are separated or divorced from their spouses.

'Iran's 2011 national census recorded 11,289 married girls under the age of 18 had at least one child before their 15th birthdays. According to the newspaper Shahrvand, there were more than 40,000 registered marriages for girls under the age of 15 in 2014. The number may be higher because NGOs reported that many families did not register underage marriages. Local media reported on a mass marriage ceremony of 50 high school students in Parsian in February where the local governor congratulated the families with gifts.'<sup>19</sup>

6.2.5 UNICEF's state of the child report for 2015 estimates 3 percent of girls are married before the age of 15 and 17 percent before the age of 18.<sup>20</sup>

6.2.6 In March 2016, the UN condemned Iran for its record on underage marriage.<sup>21</sup> The UN Committee on the Rights of the Child said in Iran, girls 10 years old or younger were being forced into marriage with much older men. It also warned that the number of underage marriages were on the rise and called for the age of sexual consent to be increased to 16 from nine.<sup>22</sup>

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<sup>17</sup> Suuntaus Project, Finnish Immigration Service- Country Information Service, 'Violence against women and honour-related violence in Iran', 26 June 2015, [http://www.migri.fi/download/61597\\_Suuntaus-raportti\\_Vakivaltainran\\_finalFINAL\\_kaannosversio\\_EN.pdf?96fa691925bfd288](http://www.migri.fi/download/61597_Suuntaus-raportti_Vakivaltainran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288). Date accessed 20 March 2016.

<sup>18</sup> Radio Free Europe, Radio Liberty, 'Childhood's End: Forced Into Marriage At Age 10 In Iran', 17 November 2016 <http://www.rferl.org/a/iran-child-marriage/28123820.html>. Date accessed 20 March 2017.

<sup>19</sup> US Department of State, 'Country Report on Human Rights Practices for 2016, Iran', 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Date accessed 20 March 2017.

<sup>20</sup> UNICEF, 'The State of the World's Children 2015', pg 86, November 2014 [https://www.unicef.org/publications/files/SOWC\\_2015\\_Summary\\_and\\_Tables.pdf](https://www.unicef.org/publications/files/SOWC_2015_Summary_and_Tables.pdf). Date accessed 28 March 2017.

<sup>21</sup> UN Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic reports of the Islamic Republic of Iran, 14 March 2016, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fIRN%2fCO%2f3-4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fIRN%2fCO%2f3-4&Lang=en), date accessed 2 June 2017

<sup>22</sup> UN Committee on the Rights of the Child, Concluding observations on the combined third and

6.2.7 The Special Rapporteur reported that ‘In June [2016], a spokesperson for the Tehran-based Association to Protect the Rights of Children stated that child marriages had reached alarming levels and stressed that approximately 17 percent of all marriages in the country involve girls married with old men.’<sup>23</sup>

6.2.8 The US State Department’s, Country Report on Human Rights Practices 2016, released on 3 March 2017 stated that:

‘According to the newspaper Shahrvand, there were more than 40,000 registered marriages for girls under the age of 15 in 2014. The number may be higher because NGOs reported that many families did not register underage marriages.’<sup>24</sup>

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## 7. State treatment

### 7.1 Legislation

7.1.1 IHRDC’s report on ‘Gender Inequality and Discrimination: The Case of Iranian Women’ dated 8 March 2013 noted that:

‘In 2002, a number of legislative initiatives seeking to bring Iranian laws into greater conformity with human rights standards were either proposed or passed. Several articles of the Civil Code were among those targeted for revision. Although the conservative Guardian Council opposed the changes, the Expediency Council, a constitutional body that, inter alia, mediates between the Parliament and the Guardian Council, made the changes happen. Hence, when the majority-reformist Parliament passed legislation that increased the age of marriage for girls from 9 to 15 years of age, the Guardian Council rejected the resolution on the grounds that it contravened Islamic law. However, after the MPs maintained their opinion and refused to accept the decision of the Guardian Council, the Bill was sent to the Expediency Council and the Council decided to increase the age of marriage for girls to 13 years of age. It also made the intervention of the court mandatory for marriages before the minimum age.’<sup>25</sup>

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fourth periodic reports of the Islamic Republic of Iran, 14 March 2016, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fIRN%2fCO%2f3-4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fIRN%2fCO%2f3-4&Lang=en), date accessed 2 June 2017

<sup>23</sup> Human Rights Council, ‘Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran’, 06 March 2017 <http://www.refworld.org/country,.../IRN..58bd7e2b4,0.html>. Date accessed 20 March 2017.

<sup>24</sup> US Department of State, ‘Country Report on Human Rights Practices, Iran’, 3 March 2017, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Date accessed 20 March 2017.

<sup>25</sup> Iran Human Rights Documentation Centre, ‘Gender Inequality and Discrimination: The Case of Iranian Women’, 8 March 2013, <http://iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html#9>. Date accessed 22 March 2017.

## 7.2 Protection

7.2.1 The Suuntaus project report compiled by the Finnish Immigration Service on 'Violence against women and honour- related violence in Iran' dated 26 June 2015 states that:

'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.'<sup>26</sup>

7.2.2 Europe news week's report 'U.N condemns Iran for increase in child brides as young as 10' dated 2 May 2016 stated that:

'The U.N. Committee on the Rights of the Child (CRC) said that Tehran must "repeal all provisions that authorize, condone or lead to child sexual abuse" and called for the age of sexual consent to be increased from nine years old to 16. The panel said that Iran "allows sexual intercourse with girls as young as nine lunar years and that other forms of sexual abuse of even young children is not criminalized." The minimum age of marriage in Iran is also nine years old, according to The Independent.

'The CRC added that an increasing number of "girls at the age of 10 years or younger... are subjected to child and forced marriages to much older men" and criticized a law that makes it necessary for wives "to fulfil sexual needs of their husbands at all times," stressing that it "places child brides at risk of sexual violence, including marital rape."<sup>27</sup>

7.2.3 Amnesty International noted that: 'Women and girls remained inadequately protected against sexual and other gender based violence, including early and forced marriage. The authorities failed to adopt laws criminalizing these and other abuses, including marital rape and domestic violence, although the Vice-President on Women and Family Affairs pushed a draft bill that had been pending since 2012.'<sup>28</sup>

7.2.4 The US State Department's, Country Report on Human Rights Practices 2016, released on 3 March 2017 stated that:

'NGOs reported that many girls committed suicide to escape such marriages and that there were major shortcomings in the country's legal system that "allows sexual intercourse with girls as young as nine lunar years and that other forms of sexual abuse of even younger children is not criminalized." The law requires court approval for the marriage of boys younger than 15 years old.'<sup>29</sup>

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<sup>26</sup> Suuntaus Project, Finnish Immigration Service- Country Information Service, 'Violence against women and honour-related violence in Iran', 26 June 2015, [http://www.migri.fi/download/61597\\_Suuntaus-raportti\\_VakivaltIran\\_finalFINAL\\_kaannosversio\\_EN.pdf?96fa691925bfd288](http://www.migri.fi/download/61597_Suuntaus-raportti_VakivaltIran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288). Date accessed 8 May 2017.

<sup>27</sup> Europe news week, 'U.N condemns Iran for increase in child brides as young as 10', 2 May 2016 <http://europe.newsweek.com/un-condemns-iran-increase-child-brides-young-10-423435?rm=eu>. Date accessed 20 March 2017.

<sup>28</sup> Amnesty International, 'Amnesty International report 2016/17', 22 February 2017, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/>. Date accessed 20 March 2017.

<sup>29</sup> US Department of State, 'Country Report on Human Rights Practices, Iran', 3 March 2017,

### 7.3 Avenues of redress

#### 7.3.1 Iran Wire's report from 11 July 2016 titled 'Underage marriage in Iran' noted that:

'By law, [...] a girl can object to the marriage, and prevent it. But since girls under the age of 13 are normally dominated by the wishes and decisions of their fathers, and cannot realistically object, the only hope of preventing such marriages is through the courts. The court can refuse permission if it deems the marriage to be against the interests of the girl, as stipulated by Article 1041 of the Civil Code.'<sup>30</sup>

#### 7.3.2 The Suuntaus project report compiled by the Finnish Immigration Service on 'Violence against women and honour- related violence in Iran' dated 26 June 2015 states that:

'The state can grant legal aid to individuals who can prove that they are financially unable to pay for their own court fees. 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>31</sup>

#### 7.3.3 For further information on the Judiciary see [Iran: Background information, including actors of protection and internal relocation](#)

## 8. State and non state support groups and shelters

#### 8.1.1 The Suuntaus project report compiled by the Finnish Immigration Service on 'Violence against women and honour- related violence in Iran' dated 26 June 2015 states that:

'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>32</sup>

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<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265496>. Date accessed 20 March 2017.

<sup>30</sup> Iran Wire, 'Underage Marriage in Iran', 11 July 2016 <https://iranwire.com/en/features/1900>. Date accessed 20 March 2017.

<sup>31</sup> Suuntaus Project, Finnish Immigration Service- Country Information Service, 'Violence against women and honour-related violence in Iran', 26 June 2015, [http://www.migri.fi/download/61597\\_Suuntaus-raportti\\_VakivaltaIran\\_finalFINAL\\_kaannosversio\\_EN.pdf?96fa691925bfd288](http://www.migri.fi/download/61597_Suuntaus-raportti_VakivaltaIran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288). Date accessed 8 May 2017.

<sup>32</sup> Suuntaus Project, Finnish Immigration Service- Country Information Service, 'Violence against women and honour-related violence in Iran', 26 June 2015,

## 8.2 State support groups

- 8.2.1 The Suuntaus project report compiled by the Finnish Immigration Service on 'Violence against women and honour- related violence in Iran' dated 26 June 2015 states that:

'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. 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 21st 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. In any case, the shelters built on 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>33</sup>

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## 8.3 NGO's

- 8.3.1 The Suuntaus project report compiled by the Finnish Immigration Service on 'Violence against women and honour- related violence in Iran' dated 26 June 2015 states that:

'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. 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. However, these shelters are not able to accommodate all those in need.'<sup>34</sup>

- 8.3.2 The OMID Foundation was set up to help young women in Iran who are victims of sexual, physical or mental abuse. The OMID foundation webpage states that they started with:

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[http://www.migri.fi/download/61597\\_Suuntaus-raportti\\_VakivaltIran\\_finalFINAL\\_kaannosversio\\_EN.pdf?96fa691925bfd288](http://www.migri.fi/download/61597_Suuntaus-raportti_VakivaltIran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288). Date accessed 8 May 2017.

<sup>33</sup> Suuntaus Project, Finnish Immigration Service- Country Information Service, 'Violence against women and honour-related violence in Iran', 26 June 2015, [http://www.migri.fi/download/61597\\_Suuntaus-raportti\\_VakivaltIran\\_finalFINAL\\_kaannosversio\\_EN.pdf?96fa691925bfd288](http://www.migri.fi/download/61597_Suuntaus-raportti_VakivaltIran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288). Date accessed 8 May 2017.

<sup>34</sup> Suuntaus Project, Finnish Immigration Service- Country Information Service, 'Violence against women and honour-related violence in Iran', 26 June 2015, [http://www.migri.fi/download/61597\\_Suuntaus-raportti\\_VakivaltIran\\_finalFINAL\\_kaannosversio\\_EN.pdf?96fa691925bfd288](http://www.migri.fi/download/61597_Suuntaus-raportti_VakivaltIran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288). Date accessed 8 May 2017.

'[...] a small group of 15 women, OMID now caters to more than 200 women at any one time. OMID centers take the best teachers and psychologists in Tehran to provide therapy and education for over 200 girls at any one time. Close to 200 young women are enrolled in the three-year OMID program during the day time. After classes they return home. For those who have run away from abusive families or been abandoned, home is the OMID shelter, a local authority home or by themselves.<sup>35</sup>

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<sup>35</sup> OMID Foundation, 'About us', undated <http://www.omidfoundation.com/index.php/about-us/>. Date accessed 8 May 2017.

# Version control and contacts

## Contacts

If you have any questions about this note and your line manager, senior caseworker or technical specialist cannot help you, or you think that this note has factual errors then [email the Country Policy and Information Team](#).

If you notice any formatting errors in this note (broken links, spelling mistakes and so on) or have any comments about the layout or navigability, you can [email the Guidance, Rules and Forms Team](#).

## Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **8 August 2017**

## Changes from last version of this note

Minor update to clarify policy position regarding internal relocation.

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