

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	699
Land:	Iran
Kilde:	Austrian Centre for Country of Origin and Asylum Research and Documentation. ACCORD
Titel:	Query response on Iran: Exit procedures for married women
Udgivet:	12. juni 2017
Optaget på baggrundsmaterialet:	29. august 2017

[EN](#) | [DE](#)

- Source:
ACCORD - Austrian Centre for Country of Origin and Asylum Research and Documentation
- Title:
Query response on Iran: Exit procedures for married women [a-10096]
- Publication date:
12 June 2017
- ecoi.net summary: Query response on Iran: Exit procedures for married women [ID 342040]
- Countries:
Iran

Recommended citation:

ACCORD - Austrian Centre for Country of Origin and Asylum Research and Documentation: Query response on Iran: Exit procedures for married women [a-10096], 12 June 2017 (available at ecoi.net)
http://www.ecoi.net/local_link/342040/472725_en.html (accessed 15 August 2017)



Query response on Iran: Exit procedures for married women [a-10096]

12 June 2017

This response was prepared after researching publicly accessible information currently available to ACCORD as well as information provided by experts within time constraints and in accordance with ACCORD's methodological standards and the Common EU Guidelines for processing Country of Origin Information (COI).

This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status, asylum or other form of international protection.

Please read in full all documents referred to.

Non-English language information is summarised in English. Original language quotations are provided for reference.

According to the US Department of State (USDOS) country report on human rights practices 2016, published in March 2017 and covering the year 2016, “[m]arried women were not allowed to travel outside the country without prior permission from their husbands” (USDOS, 3 March 2017, section 2d). The January 2017 Human Rights Watch (HRW) World Report 2017, which covers the year 2016, states, meanwhile, that “[m]arried women may not obtain a passport or travel outside the country without the written permission of their husbands” (HRW, 12 January 2017).

The German Foreign Office ([Auswärtiges Amt](#), AA), in its Iran travel advice current as of May 2017 (valid since April 2017), states that according to Iranian law, the husband has the right to decide the place of residence of his wife (and their children). This means that an Iranian husband

can bar his wife and their children from leaving Iran. In order to be able to leave the country, the wife (and children) require the husband's permission. He can impose a ban on leaving the country for as long as their marriage is effective according to Iranian law (i.e. as long as a divorce has not been officially registered by the Iranian authorities and recorded in the ID documents (shenasnamehs) of all persons involved):

„Da nach iranischem Recht der Ehemann das Aufenthaltsbestimmungsrecht sowohl für seine Ehefrau als auch die gemeinsamen Kinder besitzt, bedeutet dies, dass der iranische Ehemann seiner Ehefrau und gemeinsamen Kindern die Ausreise verweigern kann. Um das Land wieder zu verlassen, benötigen Ehefrau und Kinder die Zustimmung ihres Ehemannes. [...]

Der iranische Ehemann kann eine Ausreisesperre verhängen, solange nach iranischem Recht die Ehe fortbesteht. Dies ist auch nach einer außerhalb Irans erfolgten Scheidung möglich, solange die ausländische Scheidung nicht offiziell von den iranischen Behörden registriert und in den Shenanamehs (Personenstandsdokument) der Beteiligten eingetragen wurde. Eine Ausreise der Frau ist in diesem Fall bis zur Registrierung und Eintragung der Scheidung durch ein entsprechendes iranisches Gerichtsverfahren ohne Zustimmung des früheren Ehemanns nicht möglich.“ (AA, 2 May 2017)

The Swiss Federal Department of Foreign Affairs (Eidgenössisches Departement für auswärtige Angelegenheiten, EDA) notes in its travel advice dated July 2016 that the husband has the right to ban his wife and children from leaving Iran, regardless of their citizenship:

„Im Falle einer Heirat zwischen Ausländer/in und Iraner/in sind die islamischen Verhaltensregeln und Gesetze zu beachten. Der Ehemann hat beispielsweise das Recht, im Extremfall die Ausreise seiner Ehefrau und Kinder - unabhängig von deren Staatsangehörigkeit - zu verhindern.“ (EDA, 6 July 2016)

On older report of the Iran Human Rights Documentation Center (IHRDC), published in March 2013, provides the following comments referring to Articles 18 and 19 of Iran's Passport Law of 1973:

“The traditional authority of men (fathers and husbands) over girls and women sometimes takes modern forms. Under Iranian laws, a woman, if married, needs her husband's consent to obtain a passport and travel outside the country. Husbands can forbid their wives from leaving the country by refusing to sign the papers that will allow them to apply for a passport and travel. According to Article 18 of Passport Law 1973:

‘A passport shall be issued for the following persons according to this article: ... 3- Married women, even if under 18 years old, with the written agreement of their husbands...’

According to Article 19 of the same law, husbands even have the ability to notify the government and forbid their wives from leaving the country. In such cases their wives' passports will be seized. In fact, even if they give their consent at first, husbands are not bound to their previous consent and are free to change their minds at any time. This exclusive right of the husband may cause many difficulties for their wives and can be abused by husbands. It is possible, especially in cases of dispute, for a husband to use this right as a punishment or as revenge.” (IHRDC, March 2013, p. 35)

The UN special rapporteur on the situation of human rights in the Islamic Republic of Iran, in a May 2016 report to the UN Human Rights Council, also states that according to Article 18 of Iran's Passport Law, "married women require the permission of their husband (or, in an emergency situation, of the local prosecutor) to apply for a passport", noting the case of Niloufar Ardalan, captain of the national women's football team, who in September 2015 was prohibited from travelling abroad for a competition:

"On 22 September 2015, local media reported that Niloufar Ardalan, captain of the national women's soccer team, was prohibited from travelling abroad to compete in the Asian Football Confederation Women's Futsal Championship, held in Malaysia, allegedly because her husband refused to allow her to leave the country. The Vice-President for Women and Family Affairs, Shahindokht Mowlverdi, stated on 30 September that until the law was revised, her office would seek exemptions so that female athletes and scientists could leave the country to attend matches and conferences. On 23 November, it was reported that Ms. Ardalan was allowed to accompany her team to Guatemala on a one-time pass to travel in the absence of her husband's consent, issued by the Tehran prosecutor. In its response, the Government alleges that restrictions on women's travel exist in order to protect women from harm." (HRC, 26 May 2016, p. 15)

A May 2017 press release of the Center for Human Rights in Iran (CHRI) quoting the Iranian Students News Agency (ISNA) reports on the case of female Paralympic athlete Zahra Nemati whose estranged husband has sought to prevent her from travelling to competitions abroad:

"For the second time, Iranian authorities have allowed two-time Iranian Paralympic gold medalist Zahra Nemati to travel abroad to compete despite her estranged husband's attempts to force her to stay home.

According to Article 18 of Iran's Passport Law, a married woman needs her husband's permission to travel abroad. [...]

On May 8, 2017, Nemati's husband Roham Shahabipour told the semi-official Iranian Students News Agency (ISNA) that he had asked the Passport Office not to issue an exit visa to Nemati after she asked for a divorce.

'After the Paralympic Olympics in Rio, Zahra left the house for some reason and has refused to come back home despite many appeals,' said Shahabipour. 'She has even asked for a divorce, so I banned her from traveling so she won't be able to compete in any tournaments abroad.'

Nemati, who won the gold medal in women's archery at the London (2012) and Rio (2016) Paralympics, told CHRI that her husband had also attempted to force her to stay home before the Rio games, but the authorities allowed her to travel for competitions, including to an event in Switzerland in March 2017." (CHRI, 10 May 2017)

A May 2017 Human Rights Watch (HRW) informs about the case of Zahra Nemati as follows:

"On May 8, 2017, ISNA news agency reported that Zahra Nemati, a member of Iran's national paraolympic team, was banned from traveling abroad by her husband after she filed for

divorce. A day later, Tayebah Siavashi, a member of the Cultural Commission of the Parliament, told ISNA that she was able to remove the travel ban after consulting with Iran's Olympic Committee.” (HRW, 24 May 2017)

A September 2015 article of the British Guardian newspaper explains:

“Married women [...] need permission to travel abroad unless their marriage contract makes clear that the husband has already relinquished such power. Many young Iranian women now only accept marriage proposals on this condition. The only exception is for women who want to make the hajj pilgrimage in Mecca, for which they can be issued a one-time travel document even without their husband's approval.” (Guardian, 16 September 2015)

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