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Home Office

Country Policy and Information Note

Iran: 'Zina' (sex outside of marriage and adultery)

Version 4.0

July 2022

Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 parts: (1) an assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within [paragraphs 339C and 339CA\(iii\) of the Immigration Rules](#) / Article 3 of the [European Convention on Human Rights \(ECHR\)](#)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#)
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate and balanced, which is compared and contrasted where appropriate so that a comprehensive and up-to-date picture is provided of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote. Full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. 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 support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

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. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 05 July 2022

1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of persecution and/or serious harm by the state or non-state actors because of actual or perceived 'zina'.

1.2 Points to note

- 1.2.1 Zina is defined in Iranian law as 'sexual intercourse of a man and a woman who are not married'. This includes
- a person who is married and having a sexual relationship with someone other than their spouse (adultery), and
 - a person who is not married in a sexual relationship with a person who is also not married (sex outside of marriage).

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the 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 In cases where there are doubts surrounding a person's claimed place of origin, 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 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 2.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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2.3 Convention reason(s)

- 2.3.1 Actual or imputed membership of a particular social group (PSG).
- 2.3.2 Persons who commit the crime of ‘zina’ in Iran form a particular social group (PSG) within the meaning of the Refugee Convention because they share an innate characteristic, or a common background that cannot be changed - the fact that they have, or alleged to have, committed adultery - (or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it) and have a distinct identity which is perceived as being different by the surrounding society.
- 2.3.3 Adultery is a specific crime in Iran and can be punishable by disproportionately severe sentences. In the [Court of Justice of the European Communities judgement for the joined cases of C-199/12 to C-201/12, dated November 2013 \(\[2013\] WLR\(D\) 427, \[2013\] EUECJ C-199/12\)](#), which considered whether gay men in Sierra Leone fell within the definition of a PSG under EU law and did not refer to the specific issue of adultery, the Court held that ‘the existence of criminal laws which specifically target the group concerned... supports the finding that those persons must be regarded as forming a particular social group.’ (Ruling point 1).
- 2.3.4 Although persons who commit ‘zina’ in Iran form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question is whether the particular person has a well-founded fear of persecution on account of their membership of such a group.
- 2.3.5 For further guidance on the 5 Refugee Convention grounds see the Asylum Instruction, [Assessing Credibility and Refugee Status](#).

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2.4 Risk

a. From the state

- 2.4.1 Whether a person is likely to be at real risk of persecution or serious harm by the state will depend on the likelihood of prosecution for zina (sexual intercourse of a man and a woman who are not married). Information about the scale and extent of prosecutions and punishments is scarce. If a person can show there is a real risk they will be prosecuted for zina, this would

amount to persecution or serious harm due to the disproportionate punishment. The onus will be on the person to demonstrate such a risk. Each case must be considered on its facts.

- 2.4.2 Zina is a criminal offence under the Iranian Penal Code (IPC) and punishable by flogging or death, depending on the nature of the offence or the status of the accused. Though not prescribed by law, prison sentences have also been imposed (see [Legal context](#) and [Other sentences imposed](#)).
- 2.4.3 Adultery is said to be widespread although the authorities do not usually pursue people unless there is a private complainant. Cases rarely go to court due to the strict evidential standards required to prove that zina has occurred. The sentence for married men and women who commit zina is death by stoning or hanging (see [Legal context](#) and [Adultery – Application of the law in practice](#)).
- 2.4.4 There have been no reports of stoning to death since 2010. The last reported execution (by hanging), following a conviction for zina (adultery) – though this was not the sole crime – reportedly occurred in 2015. According to a recent report by the National Council of Resistance of Iran (NCRI), 51 men and women were being held in prisons in September 2020, with a death sentence by stoning for adultery and other crimes. The death sentence for zina is still very occasionally imposed: most recently in November 2021 a couple convicted of adultery were sentenced to be stoned to death. On appeal, this was changed to death by hanging but no information could be found on whether this sentence had been carried out. Not all executions are reported by the state (see Adultery – [Death sentences and executions](#)).
- 2.4.5 Flogging and other sentences continue to be imposed for adultery. In 2017 at least 5 sentences were passed for flogging, imprisonment and/or hard labour. In 2021, 2 women charged and convicted of adultery received 100 lashes each (see Adultery [Other sentences imposed](#)).
- 2.4.6 It is illegal for unmarried couples to live together, but the practice is reportedly common among young people in Tehran and other large cities, in what are known as ‘white marriages’. Generally, the police do not arrest people for being in such relationships. If arrested, unmarried couples are taken to their local police station and made to sign a declaration and may have to pay a fine. Authorities generally tolerate unmarried couples who appear together in public, especially in major cities, although modesty rules may be more strictly enforced around election times or other political events (see [Pre-marital relationships](#)).
- 2.4.7 Children born to unmarried parents will be considered illegitimate and the parents will be deemed as having committed zina and may be subject to punishments prescribed by law (see [Children born outside of marriage](#)).
- 2.4.8 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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b. From non-state actors

- 2.4.9 In general, a person involved, or suspected of being involved, in pre-marital or extramarital sexual relations (zina) will not be at real risk of persecution or

serious harm by non-state actors. Whether a person is likely to be at real risk will depend on their particular circumstances, including family background, ethnicity, gender, place of residence, education and socio-economic status.

- 2.4.10 If a person can show there is a real risk they have been, or will be, subject to honour-based violence for committing, or being suspected of committing zina, this would amount to persecution or serious harm. However, the onus is on the person to show this. For further information on honour-based violence, particularly in relation to women, see the [Country Policy and Information Note on Iran: Women fearing 'honour'-based violence](#).
- 2.4.11 Information on the societal treatment of persons who have committed, or are suspected of committing zina, is scarce.
- 2.4.12 Adultery and sexual relationships outside of marriage are considered shameful for the family and can be a motive for 'honour'-based violence. 'Honour' crimes mostly occur in rural and tribal regions such as Kurdistan, Khuzestan, Azerbaijan, Ilam, Kermanshah, Sistan and Baluchestan, Lorestan, Hamadan, Fars and Khorasan. The victims are usually women. For further information see the [Country Policy and Information Note on Iran: Women fearing 'honour'-based violence](#).
- 2.4.13 The IPC permits a man to kill his wife and her 'lover' if caught in the act of committing adultery. Some families prefer to downplay any incidents of adultery within the family and a husband may choose to not make it public, instead opting for divorce. Adultery is more socially acceptable for a man, and a woman cannot obtain a divorce from her husband without his permission, except in limited circumstances (see [Legal context](#) and Adultery – [Treatment by family or society](#)).
- 2.4.14 Social and family acceptance of 'white marriage' varies. Unmarried couples appearing together in public and 'white marriages' are common in Tehran and other major cities and are unlikely to meet societal resistance. Such arrangements are less prevalent in rural areas where conservative attitudes prevail. Some landlords refuse to rent properties to couples in 'white marriages', whilst others are willing to do so (see Pre-marital relationships – [White marriage](#) and [Treatment by family or society](#)).
- 2.4.15 For general guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to obtain protection from the authorities.
- 2.5.2 Where the person has a well-founded fear of persecution from non-state actors, including 'rogue' state actors, decision makers must assess whether the state can provide effective protection.
- 2.5.3 In general, the state may be able, but is not willing, to offer effective protection. The state has a functioning criminal justice system, but the behaviour (zina) that would lead to someone seeking protection is illegal and subject to prosecution. The situation may differ for a person who is

accused of an offence they did not commit. Each case, however, will need to be considered on its individual facts.

- 2.5.4 Zina is a criminal offence, although the evidential standards are high – the eye-witness proof of 4 male witnesses is required (see [Legal context](#)).
- 2.5.5 For further guidance on assessing state protection, see the Country Policy and Information Notes on [Iran: Actors of protection](#) and [Iran: Women fearing 'honour'-based violence](#), and the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution or serious harm from the state they are unlikely to be able to relocate to escape that risk.
- 2.6.2 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation taking full account of the individual circumstances of the particular person.
- 2.6.3 In general, a man fearing non-state actors will be able to relocate. Given that some women require the permission of a male guardian to leave the home and travel alone, especially in traditional, rural areas, internal relocation is likely to be an unreasonable option in some cases. If the woman is financially independent, has the support or permission of a male guardian, or support of extended family or network, internal relocation may be an option. For further information see the Country Policy and Information Note on [Iran: Women fearing 'honour'-based violence](#).
- 2.6.4 For further guidance on considering internal relocation and factors to be taken into account see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 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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Country information

This section was updated on 7 June 2022

3. Legal context

3.1 Penal code: general

- 3.1.1 As referred to in the 1979 Constitution, Iran's judicial system is based upon Islamic law (Sharia)^{1 2}. As such, the Iranian Penal Code (IPC) consists of the crimes and punishments of hadd, qisas, diya and ta'zir³.
- 3.1.2 The Iran Human Rights Documentation Center (IHRDC) provided a translation of Book 1 of the IPC, which defines the hadd, qisas, diya and ta'zir punishments⁴, and Book 2 defines offences liable to hadd punishment⁵, which includes the offence of zina (sex outside of marriage)⁶.
- 3.1.3 Article 3 of the IPC states 'Iran's criminal laws shall apply to all persons who commit a crime within the territorial, maritime and aerial jurisdiction of the Islamic Republic of Iran, unless otherwise provided by law.'⁷ Thus, crimes and punishments defined in the IPC apply to Muslims and non-Muslims alike, unless specifically stated otherwise.
- 3.1.4 Article 136 refers to reoffending and states, 'Where anyone commits the same offense punishable by hadd three times, and each time the hadd punishment is executed upon him/her, the hadd punishment on the fourth occasion shall be the death penalty.'⁸

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3.2 Penal code: adultery and pre-marital relationships

- 3.2.1 Article 221 of the IPC states, 'Zina is defined as sexual intercourse of a man and a woman who are not married to each other, and also provided that the intercourse is not done by mistake.'⁹
- 3.2.2 Zina is liable to hadd, which is defined under Article 15 of the IPC, as '... a punishment for which the grounds for, type, amount and conditions of execution are specified in holy Shari'a.'¹⁰
- 3.2.3 Article 224 of the IPC states that the hadd for zina is the death penalty in the following cases:
 - '(a) Zina with blood relatives who are prohibited to marry.
 - '(b) Zina with a step-mother; in which case, the man who committed zina shall be sentenced to the death penalty.

¹ [Constitution of the Islamic Republic of Iran](#), 24 October 1979

² The Iran Primer, '[The Islamic Judiciary](#)', 1 August 2015

³ IHRDC, '[English Translation of Books I & II...](#)' (Part 2, Chapter 1), 4 April 2014

⁴ IHRDC, '[English Translation of Books I & II...](#)' (Part 2, Chapter 1), 4 April 2014

⁵ IHRDC, '[English Translation of Books I & II...](#)' (Book 2, Part 2), 4 April 2014

⁶ IHRDC, '[English Translation of Books I & II...](#)' (Article 221), 4 April 2014

⁷ IHRDC, '[English Translation of Books I & II...](#)' (Article 3), 4 April 2014

⁸ IHRDC, '[English Translation of Books I & II...](#)' (Article 136), 4 April 2014

⁹ IHRDC, '[English Translation of Books I & II...](#)' (Article 221), 4 April 2014

¹⁰ IHRDC, '[English Translation of Books I & II...](#)' (Article 15), 4 April 2014

‘(c) Zina of a non-Muslim man with a Muslim woman; in which case, the man who committed zina shall be sentenced to the death penalty.

‘(d) Zina committed by coercion or force [that is rape]; in which case, the man who committed zina by coercion or force shall be sentenced to the death penalty.

‘Note 1- Punishment of the woman who has committed zina in paragraphs (b) and (c) shall be in accordance with other provisions of zina.’¹¹

- 3.2.4 The act of adultery falls under the definition of zina. Article 225 of the IPC sets out the punishment for a man and a woman who have committed zina and meet the conditions of ‘ihsan’ (defined as a man or a woman in a permanent marriage and can have / is able to have vaginal intercourse)¹². In other words, Article 225 relates to a man or a woman who has committed adultery when they are still able to have sexual relations with their spouse¹³¹⁴. Article 225 states:

‘The hadd punishment for zina of a man and a woman who meet the conditions of ihsan shall be stoning to death. Where the execution of stoning is not possible, upon proposal of the court of final judgment and approval of the Head of Judiciary, if the offense is proved by testimony of witnesses, the man and a woman who have committed zina and meet the conditions of ihsan shall be sentenced to the death penalty [hanging]; otherwise, each one of them shall be given one hundred lashes.’¹⁵

- 3.2.5 The Foreign, Commonwealth and Development Office (FCDO) noted, in its foreign travel advice for Iran, that, ‘Relationships between non-Muslim men and Muslim women are illegal... If a Muslim woman is found in a relationship with a non-Muslim man, she may be sentenced to be whipped.’¹⁶
- 3.2.6 A paper published in 2019 by Amir Samavati Pirouz, Assistant Professor and Head of the Faculty of Law and Political Science, and Sina Najafi, University lecturer and PhD Student of Criminal Law and Criminology, both at Islamic Azad University, Iran, noted in regard to the different punishments applied to Muslims and non-Muslims, that, ‘If a non-Muslim man commits adultery with a Muslim woman, whether being married or not, it results in the execution, but if a Muslim man commits adultery with a non-Muslim woman, the punishment in the case of not being married shall be 100 lashes and this discrimination cannot be justified.’¹⁷
- 3.2.7 Article 114 states that, when the offense of zina is committed by force or coercion or deception of the victim, if the offender repents and the judge accepts this, they shall be sentenced to ta’zir imprisonment or flogging, or both, of the sixth degree¹⁸. Under the sixth degree, prison sentences range from 6 months to 2 years, and flogging up to 99 lashes¹⁹. Ta’zir and all its

¹¹ IHRDC, ‘[English Translation of Books I & II...](#)’ (Article 224), 4 April 2014

¹² IHRDC, ‘[English Translation of Books I & II...](#)’ (Article 225), 4 April 2014

¹³ IHR/ECPM, ‘[Annual Report on the Death Penalty in Iran 2020](#)’ (page 28), 30 March 2021

¹⁴ IranWire, ‘[Iranian Man and Woman on Death Row for Sex Outside of Marriage](#)’, 8 November 2021

¹⁵ IHRDC, ‘[English Translation of Books I & II...](#)’ (Article 225), 4 April 2014

¹⁶ FCDO, ‘[Foreign travel advice Iran](#)’ (Local laws and customs), 9 August 2021

¹⁷ Pirouz A S and Najafi S, ‘[Iran's Legislative Criminal Policy Developments...](#)’ (page 101), 2019

¹⁸ IHRDC, ‘[English Translation of Books I & II...](#)’ (Article 114), 4 April 2014

¹⁹ IHRDC, ‘[English Translation of Books I & II...](#)’ (Article 19 – Sixth Degree), 4 April 2014

punishments (divided into 8 degrees) are defined under Articles 18 and 19 of the [IPC](#)²⁰.

- 3.2.8 The evidential standard for zina is high and requires a confession made 4 times or the eye-witness proof of 4 male witnesses²¹. Article 199 of the IPC also states:

‘In order to prove a zina punishable by the hadd punishment of flogging, shaving [of head] and/or banishment, testimony of two just men and four just women shall be sufficient. If the punishment provided is other than the above, testimony of at least three men and two women shall be required. In such cases, if two just men and four just women testify for the offense, only the hadd punishment of flogging shall be given. Bodily offenses punishable by diya shall also be proved by one male witness and two female witnesses.’²²

- 3.2.9 The Iran Human Rights (IHR) and Ensemble Contre la Peine de Mort (ECPM – Together Against the Death Penalty) 13th Annual Report on the Death Penalty in Iran, which covered events in 2020 and assesses and analyses trends in the death penalty, stated that according to the IPC:

‘... when there is no confession or witness testimony in a case, the judge can make a decision based on his exclusive opinion, without any reference to laws and codes. This is known as “knowledge of the judge”, or elm-e-qazi. The law requires that rulings based on a judge’s “knowledge” derive from evidence, including circumstantial evidence, and not merely personal belief that the defendant is guilty of the crime. However, there have been cases where elm-e-qazi has been arbitrarily applied...’²³

- 3.2.10 According to Article 232, ‘Where a man or woman confesses to zina less than four times, s/he shall be sentenced to thirty-one to seventy-four lashes of ta’zir punishment of the sixth grade.’²⁴

- 3.2.11 A full description of the circumstances and punishments relating to zina is covered between Article 221 and Article 232 of the IPC²⁵.

- 3.2.12 Article 630 of Book 5 of the IPC, translated by the IHRDC, states, ‘When a man sees her [sic] wife committing zina with another man, provided that he is certain that his wife is willing [to have sex], he can kill both of them in the same position; however if he knows that his wife acts under coercion, he may only kill the man [that is her rapist]. The same rule applies to assault and battery.’²⁶

- 3.2.13 See also the Country Policy and Information Note on [Iran: Women fearing ‘honour’-based violence](#).

- 3.2.14 Article 637 refers to acts deemed indecent and states, ‘When a man and a woman who are not married to each other, commit indecent acts other than zina, such as kissing or sleeping next to one another, they shall be

²⁰ IHRDC, ‘[English Translation of Books I & II...](#)’ (Articles 18 and 19), 4 April 2014

²¹ IHRDC, ‘[English Translation of Books I & II...](#)’ (Articles 172 and 199), 4 April 2014

²² IHRDC, ‘[English Translation of Books I & II...](#)’ (Article 199), 4 April 2014

²³ IHR/ECPM, ‘[Annual Report on the Death Penalty in Iran 2020](#)’ (page 35), 30 March 2021

²⁴ IHRDC, ‘[English Translation of Books I & II...](#)’ (Article 232), 4 April 2014

²⁵ IHRDC, ‘[English Translation of Books I & II...](#)’ (Articles 221 to 232), 4 April 2014

²⁶ IHRDC, ‘[Islamic Penal Code of the Islamic Republic of Iran – Book Five](#)’ (Article 630), 15 July 2015

sentenced to up to ninety-nine lashes; and if the act is committed by force only the one who has used force shall be punished as ta'zir.'²⁷

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This section was updated on 7 June 2022

4. Adultery

4.1 Application of the law in practice

4.1.1 Adultery was widespread according to numerous sources consulted on fact-finding mission to Tehran, Ankara and London in September and October 2017 by the Danish Immigration Service and the Danish Refugee Council, published in February 2018 (DIS/DRC 2018 report). The report also noted that, according to an anonymous analyst, in cases of adultery, '... the police usually do not intervene, at least in large cities, unless there is a private complainant.'²⁸

4.1.2 The same source also noted that the rate of divorce was increasing²⁹. In 2020, according to statistics reported in Iran's Report on the Social and Cultural Status, '... for every 100 registered marriages, 32.9 divorces occurred.'³⁰

4.1.3 The DIS/DRC 2018 report also noted that, according to numerous sources, extra marital relationships were prevalent in Iran³¹. The report added:

'Practice regarding dealing with adultery cases by the authorities has changed. A Western embassy... explained that adultery cases rarely go to the court. An anonymous legal source added that the judges know how the society has changed and are trying to get around cases of adultery. Furthermore, in practice, punishments like stoning are no longer being practiced in major Iranian cities but provincial and less-urban areas of Iran are still witness to such practices, the same source stated.'³²

4.1.4 The same report stated:

'When asked about recent adultery trial cases, several sources stated that they did not have information in this regards. Two sources added that they had not come across any cases of adultery before the court. One source mentioned that the last reported stoning sentence for adultery, was imposed in 2015. Further, the authorities do not release official statistics and punishments often take place in secret. Similarly, no statistics on flogging are made public.'³³

4.1.5 According to the DIS/DRC 2018 report, cases of adultery rarely went to court due to the strict evidential standards³⁴. (See [Penal code in regard to adultery and pre-marital relationships](#)).

²⁷ IHRDC, '[Islamic Penal Code of the Islamic Republic of Iran – Book Five](#)' (Article 637), 15 July 2015

²⁸ DIS/DRC, '[Iran: Relations outside of marriage in Iran and marriages...](#)' (pages 6, 7), February 2018

²⁹ DIS/DRC, '[Iran: Relations outside of marriage in Iran and marriages...](#)' (pages 6, 7), February 2018

³⁰ Iran Open Data, '[The Drastic Increase of Divorce Rates in Iran: nearly one in...](#)', 18 August 2021

³¹ DIS/DRC, '[Iran: Relations outside of marriage in Iran and marriages...](#)' (page 6), February 2018

³² DIS/DRC, '[Iran: Relations outside of marriage in Iran and marriages...](#)' (page 7), February 2018

³³ DIS/DRC, '[Iran: Relations outside of marriage in Iran and marriages...](#)' (page 7), February 2018

³⁴ DIS/DRC, '[Iran: Relations outside of marriage in Iran and marriages...](#)' (page 7), February 2018

- 4.1.6 The US Department of State (USSD) noted in its 2021 human rights report that ‘Adultery remains punishable by death by stoning, although provincial authorities were reportedly ordered not to provide public information regarding stoning sentences since 2001, according to the NGO Justice for Iran... Women sometimes received disproportionate punishment for crimes such as adultery, including death sentences.’³⁵
- 4.1.7 According to the 13th Annual Report on the Death Penalty in Iran by IHR and ECPM, ‘The IPC has retained the punishment of stoning for those charged with adultery (Article 225). Nevertheless, the courts have been provided with the alternative to impose the death sentence upon the approval from the Head of Judiciary “If it is not possible to perform stoning”’.³⁶ The same report noted that, ‘Hanging has been the main method of execution and the only method used between 2008 and 2020... No implemented stoning punishments have been reported since 2010.’³⁷

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4.2 Death sentences and executions

- 4.2.1 The Omid Memorial database of persons sentenced to death in Iran, drawn from statements issued by Iran’s authorities, official Iranian newspapers and media, national and international human rights organizations’ reports, political and civil society organizations, and testimonies³⁸, collated by the Abdorrahman Boroumand Center (ABC), a non-governmental organisation dedicated to the promotion of human rights and democracy in Iran, recorded 123 executions for charges which included, but were not always solely for, adultery, between 1979 and 2015³⁹. According to ABC, over 75% (93) of executions took place in the 10 years following the revolution, that is, between 1979 and 1989⁴⁰.
- 4.2.2 A man and a woman were sentenced to stoning to death for adultery in Lorestan Province, western Iran, in February 2017⁴¹. In December 2018, two Kurdish women were sentenced to death on adultery charges⁴².
- 4.2.3 In an exclusive story published in May 2022, The Sun Online stated that it had obtained leaked classified documents from sources of the National Council of Resistance of Iran (NCRI), which revealed ‘... 51 men and women aged between 25 and 59 sentenced to death were being held in prisons in September 2020...’ adding that the records included ‘... the names, ages, sentencing body, and location of imprisonment of the accused.’ The report noted that the 23 women and 28 men were sentenced to death by stoning after they had been ‘... convicted of adultery and some also of other crimes including kidnap, possession of drugs, and even production of porn.’⁴³ The report did not reveal if any of the sentences had been carried out.

³⁵ USSD, ‘[2021 Country Reports on Human Rights Practices: Iran](#)’ (section 1A and 6), 12 April 2022

³⁶ IHR/ECPM, ‘[Annual Report on the Death Penalty in Iran 2020](#)’ (page 28), 30 March 2021

³⁷ IHR/ECPM, ‘[Annual Report on the Death Penalty in Iran 2020](#)’ (page 39), 30 March 2021

³⁸ ABC, ‘[About the Memorial](#)’, no date

³⁹ ABC, ‘[Omid Memorial](#)’ (Advanced search), no date

⁴⁰ ABC, ‘[Omid Memorial](#)’ (Advanced search), no date

⁴¹ Iran HRM, ‘[Iran: Woman sentenced to death by stoning](#)’, 4 February 2017

⁴² Kurdistan 24, ‘[Iran to execute two Kurdish women on adultery charges](#)’, 5 November 2018

⁴³ The Sun Online, ‘[Iran sentences 51 people to death by STONING for adultery...s](#)’, 29 May 2022

- 4.2.4 IHR/ECPM recorded at least 267 executions in 2020⁴⁴, while Amnesty International recorded at least 246 during the same period⁴⁵. The IHRDC recorded 310 executions in 2021⁴⁶. None of these reports specified that there were any court-ordered executions for adultery during the reporting periods.
- 4.2.5 However, it should be noted that not all executions were officially announced by the government. When presenting its assessment and analysis of the death penalty, the IHR/ECPM report noted that ‘There is a lack of transparency on case law and the numbers of sentences and executions. The number of executions presented in this report is based on official information and documented cases. It is a minimum and the actual numbers are certainly higher.’⁴⁷
- 4.2.6 Hands Off Cain similarly noted that the ‘... authorities do not release statistics on the implementation of death sentences, the names of the hundreds of convicts executed each year, or the crimes for which they were found guilty.’⁴⁸
- 4.2.7 In November 2021, The New Arab reported that, according to the reformist daily newspaper, Shargh, Iran’s supreme court upheld death sentences for adultery against a man and a woman⁴⁹. Also citing Shargh, Middle East Eye wrote that the sentence was handed down to Meysam, a married man, and Sareh, a married woman, after 10 months of investigations and court sessions. Videos of their affair were provided by the man’s wife, Maryam, after which the pair pleaded guilty and asked for forgiveness⁵⁰. Although Maryam withdrew her complaint against her husband, her father (Meysam’s father-in-law) denied them clemency and the couple was sentenced to death^{51 52}. According to IranWire, the couple were originally sentenced to be stoned to death, but on appeal their sentence was changed to death by hanging⁵³.

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4.3 Other sentences imposed

- 4.3.1 Other sentences for adultery included hard labour, forced exile and flogging. for example, in May 2017, a woman was sentenced by a court in Tehran to 74 lashes and 2 years of washing the dead in a morgue after she admitted adultery⁵⁴. In September 2017 a court in Tehran sentenced an 18-year-old man to 100 lashes and two years of prison-in-exile for adultery, after he established a relationship with a woman he met on Instagram⁵⁵. In October 2017, the same court found a man and a woman guilty of zina and

⁴⁴ IHR/ECPM, ‘[Annual Report on the Death Penalty in Iran 2020](#)’ (page 11), 30 March 2021

⁴⁵ Amnesty International, ‘[Death sentences and executions 2020](#)’ (page 40), 21 April 2021

⁴⁶ IHRDC, ‘[IHRDC Chart of Executions by the Islamic Republic of Iran – 2021](#)’, 12 January 2022

⁴⁷ IHR/ECPM, ‘[Annual Report on the Death Penalty in Iran 2020](#)’ (page 16), 30 March 2021

⁴⁸ Hands Off Cain, ‘[Iran](#)’, 2020

⁴⁹ The New Arab, ‘[Iran sentences pair to death for adultery](#)’, 6 November 2021

⁵⁰ Middle East Eye, ‘[Iranian press review: Married couple sentenced to death...](#)’, 11 November 2021

⁵¹ Middle East Eye, ‘[Iranian press review: Married couple sentenced to death...](#)’, 11 November 2021

⁵² The New Arab, ‘[Iran sentences pair to death for adultery](#)’, 6 November 2021

⁵³ IranWire, ‘[Iranian Man and Woman on Death Row for Sex Outside of Marriage](#)’, 8 November 2021

⁵⁴ Al Arabiya, ‘[Iran punishes adulterer by making her “wash dead bodies”](#)’, 15 May 2017

⁵⁵ Iran HRM, ‘[18-year-old architect student sentenced to 100 lashes for adultery](#)’, 7 September 2017

sentenced them both to 99 lashes. The man was also sentenced to 2 years forced exile in 'a location with a poor climate', whilst the woman was sentenced to one year of labour in psychiatric institution⁵⁶. In December 2017, a woman accused of illicit relations with a man was sentenced to a year of hard labour at a cemetery, washing the dead before burial⁵⁷. In April 2021, a woman was given 100 lashes for adultery at Lakan Prison, according to the woman's sister⁵⁸. The same punishment was given to a woman, charged with adultery, at Zanjan Prison in May 2021⁵⁹.

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4.4 Treatment by society or family

4.4.1 The DIS/DRC 2018 report noted:

'Issues regarding adultery are often handled outside of the court. Middle East Consultancy Services noted that adultery is a shame for the family and it is dealt with by using social codes. An anonymous analyst explained that in most cases, husbands whose wives are revealed having a relation outside marriage would not want to reveal the case in public but try to downplay the situation. More likely, the husband would gather information on the relation[ship] and file a case for divorce in which the wife would not get back some or all of her financial rights such as splitting of assets or even her marriage portion which she is otherwise entitled to in a divorce initiated by the husband. Further, extramarital relations are more socially acceptable for a man, according to an anonymous legal source. However, the source underlined that it is a cultural issue as there is no difference in the law.'⁶⁰

4.4.2 The Australian Department of Foreign Affairs and Trade (DFAT) noted in its April 2020 report on Iran, informed by DFAT's on-the-ground knowledge and discussions with a range of sources in Iran, as well as relevant and credible open source reports, including those produced by: the United Nations and its agencies, the US Department of State, the UK Home Office, the World Bank, the International Monetary Fund, leading human rights organisations such as Amnesty International, Human Rights Watch and Freedom House, and reputable news sources, that, 'A woman can obtain a divorce from her husband only with the husband's permission or if a court determines the husband: cannot provide for his family; has violated the terms of their marriage contract; or is a drug addict, insane or impotent'⁶¹ For further information on divorce laws, see the [Country Policy and Information Note on Iran: Women – early and forced marriage](#).

4.4.3 Adultery was a motive for honour-based violence and the victims were mostly women⁶², such as in the case of Mona Heydari, a 17-year old Iranian woman from Khuzestan Province, who had fled from her husband to live with a Syrian man in Turkey, and was beheaded by her husband upon return to

⁵⁶ Iran HRM, '[Iran: Man and woman sentenced to flogging for having secret...](#)', 11 October 2017

⁵⁷ Women NCRI, '[Iran: Middle-aged woman sentenced to one year of forced...](#)', 27 December 2017

⁵⁸ ABC, '[Flogging in Lakan Prison, Rasht: Woman Given 100 Lashes for Adultery](#)', 29 April 2021

⁵⁹ ABC, '[Flogging in Zanjan Prison: Woman Given 100 Lashes on Charge of Adultery](#)', 7 May 2021

⁶⁰ DIS/DRC, '[Iran: Relations outside of marriage in Iran and marriages...](#)' (page 7), February 2018

⁶¹ DFAT, '[Country Information Report Iran](#)' (paragraph 3.124), 14 April 2020

⁶² Finnish Immigration Service, '[Violence against women...](#)' (page 17), 26 June 2015

Iran⁶³. For further information on so-called 'honour' crimes, see the [Country Policy and Information Note on Iran: Women fearing 'honour'-based violence](#).

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This section was updated on 7 June 2022

5. Pre-marital relationships

5.1 White marriage

5.1.1 The DIS/DRC 2018 report noted that, according to sources consulted:

'Pre-marriage relationships also known as white marriages are widespread and common among young people, and the number of these cohabitations is increasing. These types of relations are widespread in Tehran and other major cities in Iran, but the frequency of relations outside of marriage might differ in the country's east border and the border close to Arabic countries as well as rural areas.

'The youth cannot afford marrying and due to that they are more likely to engage in pre-marital relationships.

'Living in a white marriage means an illicit cohabitation between a man and a woman who are not married. Furthermore, there is no cleric to solemnize or to officiate a white marriage, a source explained.'⁶⁴

5.1.2 The DFAT report of April 2020 noted that:

'Close contact between unmarried men and women is illegal, as is being in a de facto relationship. While prohibited by the law and frowned upon by the religious establishment and more conservative Iranians, relations outside of marriage occur in practice. DFAT assesses that there is greater tolerance today for mixed-gender interactions, particularly in the larger cities. DFAT heard anecdotally that so-called "white marriages" – that is, unmarried couples living together in long-term relationships – are common in Tehran. According to local sources, while some landlords may refuse to rent property to couples in such arrangements, others have no qualms. The practice of "white marriage" is less prevalent in rural areas and in cities like Qom and Mashhad, where more conservative social attitudes generally prevail.'⁶⁵

5.1.3 BBC News reported in October 2021 that a white marriage is '... a form of cohabitation between a man and a woman which, like sex before marriage, is illegal under Iran's strict Islamic laws... While there is no official figure for white marriage relationships, they are increasingly common...'⁶⁶

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5.2 Application of the law in practice

5.2.1 The DIS/DRC 2018 report noted that, according to sources consulted:

⁶³ RFERL, '[Beheading Of 17-Year-Old Shakes Iran, Renews Debate About...](#)', 8 February 2022

⁶⁴ DIS/DRC, '[Iran: Relations outside of marriage in Iran and marriages...](#)' (page 5), February 2018

⁶⁵ DFAT, '[Country Information Report Iran](#)' (paragraph 3.138), 14 April 2020

⁶⁶ BBC News, '[Iran: The painful choices of being pregnant and unmarried](#)', 24 October 2021

‘Generally, the police do not crack down on white marriages. If no one reports pre-marriage relation[ships] to the authorities, the unmarried couples will not be prosecuted by the authorities, a source informed the delegation.

‘An anonymous legal source mentioned that previously there was severe persecution of young Iranians who were being questioned on the streets about their relationships and even punished for vulgar and unethical behaviour simply for being seen in the public with a person of the opposite sex without being in a marital relationship. The more recent approach of the authorities is a soft approach where there is less and less pressure on the Iranian youth especially in major cities like Tehran. A Western embassy (2) noted that the Iranian society has become more tolerant. A Western embassy (4) noted that it happens that the morality police will more strictly enforce modesty rules in situations with elections or similar political events.’⁶⁷

5.2.2 The same report noted:

‘When asked about trial cases involving couples engaged in a pre-marriage relationship, several sources noted that they did not have information or examples of recent cases related to pre-marriage relations ending up in courts.

‘A source explained that due to the pressure on the judiciary, the courts have reduced the use of harsh punishment, and capital punishment is no longer used...

‘By law, relationship between a man and a woman outside a marital relationship is punishable by 100 lashes but the punishment varies depending on the specific case. A source added that it could end up between 6 months – 1 year in prison and usually ends up with detainment for some time.’⁶⁸

5.2.3 According to the DFAT report of April 2020:

‘The authorities generally tolerate unmarried couples being together in public, particularly in the major cities. Local sources told DFAT that, in Tehran, unmarried couples appearing together in public does not meet societal resistance. In the event of arrest, DFAT understands that an unmarried couple would be taken to the nearest police station and their parents or guardians summoned. Typically, the unmarried couple would sign a written statement and then be released. A fine may be imposed occasionally.’⁶⁹

5.2.4 According to the DIS/DRC 2018 report:

‘There are cases of people being sentenced for lesser crimes e.g. promiscuous behaviour, as it is punishable by law. A source explained that if a couple is caught in the act they risk being faced with other charges than adultery, e.g. promiscuous or lewd and lascivious behaviour which does not always require the citation by witnesses and “knowledge of the judge” after a

⁶⁷ DIS/DRC, ‘[Iran: Relations outside of marriage in Iran and marriages...](#)’ (page 5), February 2018

⁶⁸ DIS/DRC, ‘[Iran: Relations outside of marriage in Iran and marriages...](#)’ (page 6), February 2018

⁶⁹ DFAT, ‘[Country Information Report Iran](#)’ (paragraph 3.139), 14 April 2020

report by the police could be adequate. There is a very big difference in practice on this matter from city to countryside.

‘Another source added that sometimes people are accused not for adultery, but for instance of not following societal norms and the religious lines.

‘An anonymous analyst said that for less serious sex offenses such as kisses or lying naked under the same cover, the sentence will be from 74 up to 99 lashes regardless and irrespective of whether or not the partners were married or not or one of them was married. A Western embassy (3) noted that indecent behaviour might be punished with a cash fine.’⁷⁰

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5.3 Treatment by family or society

5.3.1 The DIS/DRC 2018 report noted that, according to sources consulted:

‘It cannot be excluded that families or neighbours report a pre-marriage relationship, according to a Western embassy (4). A Western embassy (2) noted that cases where the families take a matter regarding pre-marriage relationship to the court happen very rarely. Consequences within the families are generally minimal but there is a massive difference between families practice and it depends on where in Iran it is taking place. In the south of Iran, the families would most likely take it upon themselves to solve the matter for instance the couple might be forced into marriage.

‘An anonymous analyst mentioned that if someone reports such a relationship, the person would in most cases be neglected by the authorities. In more conservative cities like Qum and Mashad, the situation regarding white marriages might differ. Young people may, however, enter a religious marriage if they engage in sexual relations and they want to avoid trouble with the law. The period of their engagement before marriage will often be legalized by a religious marriage. In general, people are more liberal and open minded now towards relations before a registered marriage.’⁷¹

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This section was updated on 7 June 2022

6. Children born outside of marriage

6.1 Offence of zina

6.1.1 An article on children born outside of marriage in Iran, published in March 2022 by Ladan Rahbari of the Department of Sociology, University of Amsterdam, which, as noted by the author ‘... uses literature review and content analysis methods and focuses on the legal codes, press, and media pieces, Shi’i rulings, and academic literature on child “legitimacy” and the unregistered child phenomenon to explore the relationship between the Iranian State’s marriage and parentage law on the registration of children and its consequences of the rights of the child,’⁷² noted ‘... when and why a

⁷⁰ DIS/DRC, ‘[Iran: Relations outside of marriage in Iran and marriages...](#)’ (page 8), February 2018

⁷¹ DIS/DRC, ‘[Iran: Relations outside of marriage in Iran and marriages...](#)’ (page 6), February 2018

⁷² Rahbari L, ‘[Marriage, Parentage and Child Registration in Iran...](#)’ (page 2), 2022

child is considered “illegitimate,” the notion of zena or zina [Persian and Arabic versions of the same term respectively] becomes relevant.’⁷³

- 6.1.2 The article added ‘... if it is established that a child is born to unmarried parents, the parents will be considered adulterous by law and will be subjected to punishment based on the Islamic Penal Code (often in the form of whipping...). The parents can submit an application for a birth certificate for their child to the court or get married, but none would exempt them from the punishment.’⁷⁴
- 6.1.3 For further information on zina, see [Legal context](#), Adultery – [Application of the law in practice](#) and Pre-marital relationships – [Application of the law in practice](#)).

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6.2 Birth registration

- 6.2.1 Births can be officially registered if a religious marriage has taken place⁷⁵. Religious marriage is the only marriage accepted by law. Marriages only become legal after the religious marriage is officially registered. This applies to Islamic marriages and the religious marriages of the 3 recognised religious minorities – Christians, Jews and Zoroastrians⁷⁶.
- 6.2.2 For more information on marriage laws, see the [Country Policy and Information Note on Iran: Women – early and forced marriage](#).
- 6.2.3 The Rahbari article noted ‘... when the parents do not conduct an Islamic marriage, their child will be considered “illegitimate” and cannot be registered at the civil registry through the conventional route.’⁷⁷ The [article](#) provided details of the ‘conventional route’ to child registration, which is compulsory by law⁷⁸.
- 6.2.4 Iran’s Civil Registration Law indicates that both parents may register the birth of child even if their marriage is unregistered⁷⁹, as long as a religious marriage ceremony has been conducted⁸⁰.
- 6.2.5 Article 16 of the Civil Registration Law states that, ‘... if the parent's marriage has not been registered, the parents shall jointly notify the birth and sign the relevant documents. If parent cannot jointly notify childbirth, the relevant document shall be drawn up by notification of one of the parents, while mentioning the first name of the absent party. If birth is notified by the mother, the mother's surname is given to the child.’⁸¹
- 6.2.6 The article by Rahbari noted that in cases where the child’s father is unknown:

⁷³ Rahbari L, [‘Marriage, Parentage and Child Registration in Iran...’](#) (page 4), 2022

⁷⁴ Rahbari L, [‘Marriage, Parentage and Child Registration in Iran...’](#) (page 5), 2022

⁷⁵ Rahbari L, [‘Marriage, Parentage and Child Registration in Iran...’](#) (page 4), 2022

⁷⁶ Rahbari L, [‘Marriage, Parentage and Child Registration in Iran...’](#) (page 4), 2022

⁷⁷ Rahbari L, [‘Marriage, Parentage and Child Registration in Iran...’](#) (page 4), 2022

⁷⁸ Rahbari L, [‘Marriage, Parentage and Child Registration in Iran...’](#) (page 3), 2022

⁷⁹ [Civil Registration Law](#) (Article 16), no date

⁸⁰ Rahbari L, [‘Marriage, Parentage and Child Registration in Iran...’](#) (page 4), 2022

⁸¹ [Civil Registration Law](#) (Article 16), no date

‘... the mother can file a request to the court, and after the approval of the attorney general, the child will receive a birth certificate... This birth certificate will contain the mother’s last name. This is the only situation where the law allows the mother’s last name to be assigned to their child. However, the birth certificate cannot be issued only with the mother’s name and last name and will also include a “hypothetical” father’s name to avoid leaving the father’s name section empty. It is vaguely discussed by the authorities that adding a ‘hypothetical’ name to the birth certificate is for the child’s benefit, as it can protect them against problems at school and later in life.’⁸²

6.2.7 Rahbari noted that on 16 September 2020 there was a public announcement made by the National Organization for Civil Registration to announce that ‘... children born to unmarried parents will be given birth certificates after court approval... Before this, there was very little official recognition of the existence of children born to unmarried parents and a lack of legal attention to their unclear status according to the law.’⁸³

6.2.8 As stated by Rahbari ‘... it is practically impossible to estimate the number of children born to unmarried parents in Iran’ and that ‘... the percentage of children whose births are unregistered remains unknown.’⁸⁴

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6.3 Parental and child rights

6.3.1 Rahbari stated that ‘According to Shi’i legal scholars, a child born to an Islamic marriage is called “legal,” but a child born to an unmarried couple is called “illegitimate” or “natural” [in Persian: tabi’i] child.’⁸⁵

6.3.2 Rahbari went on to say that ‘...the term “natural child” is used, to indicate that the parents are “naturally” [or biologically] related to the child, but when it comes to familial lineage [nasab], the child is considered an illegitimate part of the family line. Based on this reading encoded in the Iranian civil law (Article 1167), a child is not ascribed to the parents who committed zena.’⁸⁶

6.3.3 Article 1167 of Iran’s Civil Code states, ‘A child born of adultery shall not belong to the adulterer.’⁸⁷

6.3.4 In a report published in 2020 (originally published in Polish in 2017), Magdalena Rodziewicz, Assistant Professor of Iranian Studies at the University of Warsaw, noted ‘... in Iran children born out of marriage are still frequently called haramzade, or “born out of sin”. As noted by an Iranian journalist, Zahra Minui (2014), “children conceived in a ‘white marriage’ under Iranian law are not considered lawful [mashru]”. Consequently, they may not enjoy their full rights as citizens, as they are, for example, deprived of the right to inherit from their parents.’⁸⁸

⁸² Rahbari L, ‘[Marriage, Parentage and Child Registration in Iran...](#)’ (page 5), 2022

⁸³ Rahbari L, ‘[Marriage, Parentage and Child Registration in Iran...](#)’ (page 5), 2022

⁸⁴ Rahbari L, ‘[Marriage, Parentage and Child Registration in Iran...](#)’ (pages 1 and 8), 2022

⁸⁵ Rahbari L, ‘[Marriage, Parentage and Child Registration in Iran...](#)’ (page 4), 2022

⁸⁶ Rahbari L, ‘[Marriage, Parentage and Child Registration in Iran...](#)’ (page 4), 2022

⁸⁷ [Civil Code of the Islamic Republic of Iran](#) (Article 1167), 23 May 1928

⁸⁸ Rodziewicz M, ‘[The Legal Debate on the Phenomenon of “White Marriages”...](#)’, 1 March 2020

- 6.3.5 According to BBC News, reporting in October 2021, ‘... unmarried parents have no custody rights as a couple and only the mother can request for her name alone to be listed on the child’s birth certificate.’⁸⁹ (see [Birth registration](#)).
- 6.3.6 In regard to custody rights, Rahbari stated ‘The custody of both the “natural” and the legal child is given to their mother until the child reaches seven years and is then passed onto the father.’⁹⁰ In the absence of the father, guardianship rights of a ‘natural’ or legal child are passed to the paternal grandfather and ‘Only in the absence of both the father and the paternal grandfather does the mother become eligible to become the child’s legal guardian.’⁹¹
- 6.3.7 Article 884 of the Civil Code states ‘An illegitimate child does not take inheritance from the father, the mother, or their relations; but if the illegitimacy of the relationship of which the child is the result is established in relation to one of the parties, while it is not established for the other party by reason of violence or error, the child takes inheritance only from the latter side, and vice versa.’⁹²
- 6.3.8 The BBC News article noted that when children are born outside of marriage, ‘... the authorities keep a confidential record of those born in such circumstances – information which can prevent them from obtaining certain jobs in the future.’⁹³
- 6.3.9 The same source noted that, as white marriage was becoming increasingly common:
- ‘... alarmed officials are now having to wrestle with the dilemma of what to do with the children of cohabiting couples.’
- “At the end of the day, those children will need to receive their birth certificates before being enrolled at schools,” Deputy Minister of Youth Affairs Mohammad Mehdi Tondgouyan recently told Ilna news agency, warning that the consequences of failing to address the issue could be disastrous.’⁹⁴
- 6.3.10 As well as inheritance rights being affected, Rahbari noted that:
- ‘... there are other social rights that a child born to unmarried parents does not enjoy. Studies in Iran and other countries have shown that unregistered children are deprived of education, health care, and other social, financial, and welfare services... exclusively accessible to people who can present a birth certificate. In 2020, parallel to the facilitation of registering children born to unmarried parents, the Iranian government also took steps to enable access to education for unregistered children... It is not yet clear how this change of attitude and law has been practically implemented into the education system. Access to many other services, including receiving social

⁸⁹ BBC News, [‘Iran: The painful choices of being pregnant and unmarried’](#), 24 October 2021

⁹⁰ Rahbari L, [‘Marriage, Parentage and Child Registration in Iran...’](#) (page 5), 2022

⁹¹ Rahbari L, [‘Marriage, Parentage and Child Registration in Iran...’](#) (page 5), 2022

⁹² [Civil Code of the Islamic Republic of Iran](#) (Article 884), 23 May 1928

⁹³ BBC News, [‘Iran: The painful choices of being pregnant and unmarried’](#), 24 October 2021

⁹⁴ BBC News, [‘Iran: The painful choices of being pregnant and unmarried’](#), 24 October 2021

security benefits, opening bank accounts, and getting insured, is still difficult, if not entirely impossible without a birth certificate.’⁹⁵

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This section was updated on 7 June 2022

7. Internal relocation

- 7.1.1 The DIS/DRC 2018 report noted in relation to the prospects of relocation following an honour-based conflict:

‘Internal relocation in Iran in connection with an honour-related conflict is possible in theory, but in practice it can be complicated... One obstacle in this regard is that landlords usually are not willing to rent an accommodation to unmarried persons... Furthermore, internal relocation depends on where in the country the relocation is; there is a difference between a large and a small city... A source explained that neighbours in small villages would be watching. This is not the case in big cities, where people live in apartments... Another aspect mentioned by one source is that if an individual is part of an ethnic and/or a religious minority, internal relocation would not be as easy because he/she would not have a community to protect him/her. If a woman needs to relocate to another part of the country she would probably turn to friends, extended family, network etc.... A source added that relocation is not a permanent stage as the family sooner or later will find the relocated person...’⁹⁶

- 7.1.2 With regard to the freedom of movement of women, Articles 1005 and 1114 of the Civil Code indicates that it is the right of the husband to determine his wife’s place of residence.⁹⁷

- 7.1.3 The DFAT report of April 2020 stated that:

‘Women from more religiously-minded families generally require the permission of a male guardian to travel alone and can face societal harassment for doing so, particularly in more conservative areas. Married women require the written permission of their husbands, and non-married women under the age of 40 the permission of their fathers or other male relatives, to obtain a passport and travel abroad...’⁹⁸

- 7.1.4 For further information on internal relocation, see the Country Policy and Information Note on [Iran: Women fearing ‘honour’-based violence](#).

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⁹⁵ Rahbari L, ‘[Marriage, Parentage and Child Registration in Iran...](#)’ (page 6), 2022

⁹⁶ DIS/DRC, ‘[Iran: Relations outside of marriage in Iran and...](#)’ (pages 10 to 11), February 2018

⁹⁷ [Civil Code of the Islamic Republic of Iran](#) (Articles 1005 and 1114), 23 May 1928

⁹⁸ DFAT, ‘[Country Information Report Iran](#)’ (paragraph 3.122), 14 April 2020

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context
 - Penal code – offence of zina
- Adultery
 - Application of law in practice
 - Punishments, including the death penalty
 - Family and societal treatment
- Pre-marital relationships
 - White marriage
 - Application of law in practice
 - Family and societal treatment
- Children born outside of marriage
 - Birth registration
 - Parental and child rights

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Version control

Clearance

Below is information on when this note was cleared:

- version **4.0**
- valid from **05 July 2022**

Official – sensitive: Start of section

The information in this section has been removed as it is restricted for internal Home Office use only.

Official – sensitive: End of section

Changes from last version of this note

CPIN renamed from 'Adulterers' to 'Zina' (sexual relationship outside of marriage and adultery). Includes updated assessment and country information. A section on children born outside of marriage has been added.

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