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Ministry of Immigration  
and Integration

The Danish  
Immigration Service

## IRAN

*Relations outside of marriage in Iran and marriages without the accept of the family*

Joint report from the Danish Immigration Service and The Danish Refugee Council based on interviews in Tehran, Iran, Ankara, Turkey and London, United Kingdom, 9 September to 16 September 2017 and 2 October to 3 October 2017

*Copenhagen, February 2018*

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## Disclaimer

This report was written according to the EASO COI Report Methodology.<sup>1</sup> The report is based on approved notes from meetings with carefully selected sources. Statements from sources are used in the report and all statements are referenced.

This report is not, and does not purport to be, a detailed or comprehensive survey of all aspects of the issues addressed in the report and should be weighed against other available country of origin information on relations outside of marriage in Iran and marriages without the accept of the family, including punishment for relations outside marriage and enforcement of law in practice, punishment for adultery and enforcement of law in practice, requirements for religious and civil marriage for a woman marrying a man without the accept of her family, protection provided by the authorities in matters concerning marriage without the accept of the family and possibility of internal relocation/resettling in Iran in connection with honour-related conflict.

The report at hand does not include any policy recommendations or analysis. The information in the report does not necessarily reflect the opinion of the Danish Immigration Service or the Danish Refugee Council.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

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<sup>1</sup> European Union: European Asylum Support Office (EASO), EASO Country of Origin Information report methodology, 10 July 2012. <http://www.refworld.org/docid/4ffc33d32.html>

## Methodology

The report at hand is a product of a joint mission conducted by the Country of Origin Information Division, Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) to Tehran, Iran and Ankara, Turkey, from 9 September to 16 September 2017 and a follow-up visit to London, Great Britain from 2 October to 3 October 2017.

The purpose of the mission was to collect updated information on five issues recurring in cases regarding Iranian asylum seekers in Denmark:

- Judicial issues
- Relations outside of marriage in Iran and marriages without the accept of the family
- Issues concerning persons of ethnic minorities, (Kurds and Ahwazi Arabs)
- House churches and converts
- Recruitment to the war in Syria.

The present report focuses on relations outside of marriage in Iran and marriages without the accept of the family, including punishment for relations outside marriage and enforcement of law in practice, punishment for adultery and enforcement of law in practice, requirements for religious and civil marriage for a woman marrying a man without the accept of her family, protection provided by the authorities in matters concerning marriage without the accept of the family and possibility of internal relocation/resettling in Iran in connection with honour-related conflict. The delegation has solely sought information on heterosexual relations. The findings regarding the four other issues are reported in separate reports.

The terms of reference (TOR) for the mission were drawn up jointly by DIS and DRC, in consultation with the Danish Refugee Appeals Board as well as an advisory group on COI ("Referencegruppen").<sup>2</sup> The terms of reference are included at the end of the report (Annex C).

In the scope of compiling this report, the delegation consulted seven sources in Tehran, comprising a representative from the Iranian authorities, diplomatic representations, an analyst as well as a legal source. The Danish Embassy in Tehran provided valuable assistance in identifying some of the interlocutors based in Tehran relevant to the terms of reference. The Danish Embassy provided assistance during the mission to Tehran and an official from the embassy also participated in the meetings held in Tehran. Due to the limited access to sources in Iran, the delegation also sought to consult three sources outside of Iran, these being a consulting agency and an international organisation based in London and an anonymous source based in Ankara.

The sources interviewed were selected by the delegation based on their expertise, merit and experience relevant to the mission.

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<sup>2</sup> The group consists of Danish Refugee Council, Amnesty International in Denmark, Danish Institute for Human Rights, Dignity, representatives of two Christian organizations ("Europamissionen" and "Åbne Døre"), the National Commissioner of Police and the Danish Bar and Law Society (representing asylum lawyers).

The sources consulted during the mission to Tehran, Ankara and London, are listed in Annex A, and all interviews were conducted in English.

The sources were asked how reference might be made in the report. Most sources requested varying degree of anonymity for the sake of discretion and upholding tolerable working conditions. All sources are referred in the report according to their own request.

The interlocutors were informed about the purpose of the mission and the fact that their statements would be included in a public report. The notes from the meetings with the sources were forwarded to them for approval and amendment, allowing the opportunity to offer corrections of their statements. All sources, except one,<sup>3</sup> have approved their statements. The source whose statements have not been approved did not revert with an answer before the report's finalisation, despite having been contacted several times. These notes have been included in the report in the forwarded form.

Two diplomatic sources consulted in Tehran provided background information to the report, but the notes from these meetings have not been included in the report, in accordance with the sources. In addition, the delegation met with the National Institute of Population Research in Iran which provided background information not directly linked to the TOR. Finally, the delegation paid a courtesy visit to the department for consular affairs in the Iranian Ministry of Foreign Affairs. Records from these two meetings are not included, either.

The report is a synthesis of the sources' statements, and does thus not include all details and nuances of each statement. In the report, care has been taken to present views of the sources as accurately and transparently as possible. All sources' statements relevant for the topic of the report have been extracted from the full meeting note with each of the particular sources and incorporated into the report and are found in Annex B of this report.

Paragraphs in the meeting notes in Annex B have been given consecutive numbers, which are used in the report when referring to the statements of the sources in the footnotes. The intention hereby is to make it easier to find the exact place of a statement in each note.

The research and editing of this report was finalised by the beginning of January 2018.

The report is available on the websites of DIS, <https://www.nyidanmark.dk/da/Ord-og-begreber/US/Asyl/Landerapporter/> and DRC, <https://flygtning.dk/nyheder-og-fakta/publikationer/rapporter> and thus available to all stakeholders in the refugee status determination process as well as to the general public.

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<sup>3</sup> Deputy Director General of the High Council for Human Rights and Judicial Cooperation, Iran

## 1. Relations outside of marriage in Iran and marriages without the accept of the family

### 1.1 Punishment for relations outside marriage and enforcement of law in practice

Pre-marriage relationships also known as white marriages are widespread<sup>4</sup> and common among young people,<sup>5</sup> and the number of these cohabitations is increasing.<sup>6</sup> These types of relations are widespread in Tehran and other major cities in Iran,<sup>7</sup> 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.<sup>8</sup>

The youth cannot afford marrying and due to that they are more likely to engage in pre-marital relationships.<sup>9</sup>

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.<sup>10</sup>

Generally, the police do not crack down on white marriages.<sup>11</sup> If no one reports pre-marriage relation to the authorities, the unmarried couples will not be prosecuted by the authorities, a source informed the delegation.<sup>12</sup>

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.<sup>13</sup> A Western embassy (2) noted that the Iranian society has become more tolerant.<sup>14</sup> 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.<sup>15</sup>

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<sup>4</sup> A Western embassy (3): 13; a Western embassy (4): 17; an anonymous analyst: 31; an anonymous legal source: 48; a Western Embassy (2): 3

<sup>5</sup> A Western embassy (2): 5,6; a Western embassy (3): 13; an anonymous legal source: 47,48; an anonymous analyst: 32

<sup>6</sup> A Western embassy (3): 13; a Western embassy (4): 17

<sup>7</sup> A Western embassy (2): 2; a Western embassy (4): 17; an anonymous analyst: 31,32

<sup>8</sup> A Western embassy (2): 6; Middle East Consultancy Services: 85

<sup>9</sup> A Western embassy (2): 6; a Western embassy (3): 13; an anonymous legal source: 48

<sup>10</sup> An anonymous analyst: 31, 34

<sup>11</sup> A Western embassy (4): 18; an anonymous analyst: 31

<sup>12</sup> An anonymous analyst: 35

<sup>13</sup> An anonymous legal source: 47

<sup>14</sup> A Western embassy (2): 6

<sup>15</sup> A Western embassy (4): 22

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.<sup>16</sup>

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.<sup>17</sup>

It cannot be excluded that families or neighbours report a pre-marriage relationship, according to a Western embassy (4).<sup>18</sup> 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.<sup>19</sup>

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.<sup>20</sup> 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.<sup>21</sup>

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.<sup>22</sup> A source added that it could end up between 6 months – 1 year in prison and usually ends up with detainment for some time.<sup>23</sup>

## 1.2 Punishment for adultery and enforcement of the law in practice

Adultery or extramarital relations are prevalent in Iran,<sup>24</sup> and divorcing is increasing and becoming more common.<sup>25</sup>

Adultery cases require four male and two female witnesses before the court to pass a penalty of stoning which applies to married persons, a source explained. In cases where one of the involved is unmarried it requires two male witnesses and four female witnesses to pass a penalty of lashes, or four confessions from the parties

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<sup>16</sup> A Western embassy (3): 14; an anonymous legal source: 47; Amnesty International: 28

<sup>17</sup> An anonymous legal source: 47

<sup>18</sup> A Western embassy (4): 18

<sup>19</sup> A Western embassy (2): 3,4

<sup>20</sup> An anonymous analyst: 31

<sup>21</sup> An anonymous analyst: 40

<sup>22</sup> An anonymous analyst: 36; an anonymous legal source: 46, 47

<sup>23</sup> An anonymous legal source: 46

<sup>24</sup> A Western embassy (3): 15; a Western embassy (4): 19; an anonymous source: 59; an anonymous analyst: 36

<sup>25</sup> A Western embassy (3): 15; a Western embassy (4): 24; an anonymous source: 59



involved. According to the source the police usually do not intervene, at least in large cities, unless there is a private complainant.<sup>26</sup> A confession is as well required in adultery trial cases.<sup>27</sup>

Practice regarding dealing with adultery cases by the authorities has changed.<sup>28</sup> A Western embassy (4) explained that adultery cases rarely go to the court.<sup>29</sup> 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.<sup>30</sup>

Issues regarding adultery are often handled outside of the court.<sup>31</sup> Middle East Consultancy Services noted that adultery is a shame for the family and it is dealt with by using social codes.<sup>32</sup> 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 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.<sup>33</sup> 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.<sup>34</sup>

When asked about recent adultery trial cases, several sources stated that they did not have information in this regards.<sup>35</sup> Two sources added that they had not come across any cases of adultery before the court.<sup>36</sup> 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.<sup>37,38</sup> The source further referred to Amnesty International reporting that in 2016, at least one woman, Farbia Khaleghi, remained under a sentence of death by stoning.<sup>39</sup>

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<sup>26</sup> An anonymous analyst: 36

<sup>27</sup> An anonymous source: 60; an anonymous legal source: 52; Middle East Consultancy Services: 76; an anonymous analyst: 36

<sup>28</sup> A Western Embassy (2): 7; an anonymous legal source: 52

<sup>29</sup> A Western embassy (4): 19

<sup>30</sup> An anonymous legal source: 52

<sup>31</sup> Middle East Consultancy Services: 74; a Western embassy (4): 21; an anonymous analyst: 36

<sup>32</sup> Middle East Consultancy Services: 75

<sup>33</sup> An anonymous analyst: 36

<sup>34</sup> An anonymous legal source: 54

<sup>35</sup> A Western embassy (3): 16; a Western embassy (4): 21; an anonymous source: 60

<sup>36</sup> A Western embassy (3): 16; a Western embassy (4): 21

<sup>37</sup> Middle East Consultancy Services: 80

<sup>38</sup> Home Office, 'Country Policy and Information Note. Iran: Adulterers', November 2016,

<http://www.refworld.org/pdfid/5821f4504.pdf>

<sup>39</sup> Amnesty International, 'Iran 2016/2017', <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/>

Adultery is difficult to prove as it requires witnesses.<sup>40</sup> Cases regarding adultery are due to the strict evidence requirement rarely brought before the court.<sup>41</sup>

There are cases of people being sentenced for lesser crimes e.g. promiscuous behaviour, as it is punishable by law.<sup>42</sup> 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 report by the police could be adequate.<sup>43</sup> There is a very big difference in practice on this matter from city to countryside.<sup>44</sup>

Another source added that sometimes people are accused not for adultery, but for instance of not following societal norms and the religious lines.<sup>45</sup>

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.<sup>46</sup> A Western embassy (3) noted that indecent behaviour might be punished with a cash fine.<sup>47</sup>

### 1.3 Requirements for religious and civil marriage for a woman marrying a man without the accept of her family

Marrying without the consent of the family is possible if the court approves it.<sup>48</sup> In cases where a woman approaches the court, the court will investigate the specific request before eventually issuing permission.<sup>49</sup>

The father’s legal permission is necessary if a virgin woman wants to marry with the consent of her family.<sup>50</sup> In the absence of the father, the paternal grandfather has the legal capacity to give consent to the marriage.<sup>51</sup> If a woman has a record of previous marriage, no consent by father or grandfather will be required when entering into a marriage.<sup>52</sup> The legal age for marriage in Iran is 13 years.<sup>53</sup>

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<sup>40</sup> A Western embassy (3): 16; an anonymous analyst: 36; anonymous legal source: 51, 53; Middle East Consultancy Services: 74, 76

<sup>41</sup> A Western embassy (3): 16; an anonymous analyst: 36; Middle East Consultancy Services: 74

<sup>42</sup> A Western embassy (3): 16; an anonymous analyst: 36; an anonymous legal source: 52

<sup>43</sup> An anonymous analyst: 36

<sup>44</sup> An anonymous legal source: 52

<sup>45</sup> An anonymous source: 60

<sup>46</sup> An anonymous analyst: 36

<sup>47</sup> A Western embassy (3): 16

<sup>48</sup> A Western embassy (1): 1; an anonymous legal source: 55; an anonymous analyst: 37; Deputy Director General of the High Council for Human rights and Judicial Cooperation: 71; Middle East Consultancy Services: 83, 84

<sup>49</sup> An anonymous source: 61; an anonymous analyst: 37; an anonymous legal source: 55

<sup>50</sup> Middle East Consultancy Services: 84; an anonymous analyst: 38; an anonymous source: 61

<sup>51</sup> Middle East Consultancy Services: 84; an anonymous analyst: 38

<sup>52</sup> An anonymous analyst: 38; an anonymous source: 61

<sup>53</sup> Middle East Consultancy Services: 83; an anonymous legal source: 56; an anonymous analyst: 37

A source explained that marrying without the accept of the family would be shameful.<sup>54</sup> It happens that families end up accepting the marriage before it goes to court.<sup>55</sup> An anonymous source noted that marrying without family's consent is more prevalent in cities than in rural areas.<sup>56</sup>

### 1.3.1. Temporary marriage

Temporary marriages were addressed by several sources in connection with marrying without accept of the family.<sup>57</sup> Temporary marriage [*sigheh*] is a marriage for a fixed period of time.<sup>58</sup> Witnesses or registration are not required when entering into a temporary marriage.<sup>59</sup> A woman does not need her father's consent or her father's signature in connection with signing the temporary marriage contract, a Western embassy (2) added.<sup>60</sup>

A temporary marriage can be entered into by a verbal agreement between the parties. If documentation for such a marriage is needed, the couple can find a mullah who can marry them and deliver a certificate. Such mullahs are available 24 hours/round the clock, one source explained.<sup>61</sup>

Regarding the civil status of the woman and man when entering into a temporary marriage, two sources stated that a married man can engage in a temporary marriage.<sup>62</sup> The woman must be either a divorcee or a single.<sup>63</sup>

## 1.4 Protection provided by the authorities in matters concerning marriage without the accept of the family

Honour-crimes would primarily take place in rural and tribal regions,<sup>64</sup> where such crimes would have the support from the community and the family, and the authorities would probably not intervene in these cases.<sup>65</sup>

Reconciliation with the family in connection with an honour-related conflict could be in the form of returning to the family's house. A woman having married a man without her family's consent can return to the family house without divorcing; divorcing will worsen the situation. But divorcing can also function as a reconciliation element if the family has another man they want their girl to marry, one source stated.<sup>66</sup>

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<sup>54</sup> A Western embassy (1): 1

<sup>55</sup> A Western embassy (1): 1; a Western embassy (2): 8; an anonymous analyst: 37

<sup>56</sup> An anonymous source: 62

<sup>57</sup> A Western embassy (2): 9; a Western embassy (4): 24; Middle East Consultancy Services: 84; an anonymous analyst: 32; an anonymous legal source: 49

<sup>58</sup> Middle East Consultancy Services: 84; an anonymous analyst: 32

<sup>59</sup> An anonymous analyst: 32, 34

<sup>60</sup> A Western embassy (2): 9

<sup>61</sup> An anonymous analyst: 32

<sup>62</sup> An anonymous analyst: 32; an anonymous legal source: 49

<sup>63</sup> An anonymous analyst: 32

<sup>64</sup> Middle East Consultancy Services: 86; a Western embassy (4): 23

<sup>65</sup> Middle East Consultancy Services: 86; An anonymous source: 63, 64

<sup>66</sup> An anonymous source: 67

A woman, who has a conflict with her family because she has entered into a marriage without their consent, might get protection in the cities.<sup>67</sup> A Western embassy (2) said it did not assume that a woman would seek protection from the authorities if she has a problem with her family regarding her marriage, as the authorities are considered to be less sympathetic to young women who have run away.<sup>68</sup> An anonymous analyst said that whether a girl who has married without consent would get in trouble depends on the level of bigotry in the area she comes from.<sup>69</sup>

Women who are victims of violence can contact the state welfare organization, *Behzisti*.<sup>70</sup> The existing protection centres are unable to provide long-term support and are limited in numbers; furthermore, they are rare in rural areas, one source stated.<sup>71</sup>

A Western embassy (2) explained that there are social services in Iran. A few places being run by NGOs give advice to runaways and refer the women to other people who can help. There are no government supported shelters.<sup>72</sup>

### 1.5 Possibility of internal relocation/resettling in Iran in connection with honour-related conflicts

Internal relocation in Iran in connection with an honour-related conflict is possible in theory, but in practice it can be complicated.<sup>73</sup> One obstacle in this regard is that landlords usually are not willing to rent an accommodation to unmarried persons.<sup>74</sup> Furthermore, internal relocation depends on where in the country the relocation is; there is a difference between a large and a small city.<sup>75</sup> A source explained that neighbours in small villages would be watching. This is not the case in big cities, where people live in apartments.<sup>76</sup> 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.<sup>77</sup>

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<sup>67</sup> An anonymous legal source: 57; an anonymous analyst: 41

<sup>68</sup> A Western embassy (2): 10

<sup>69</sup> An anonymous analyst: 41

<sup>70</sup> Deputy Director General of the High Council for Human rights and Judicial Cooperation: 72; Middle East Consultancy Services: 88

<sup>71</sup> Middle East Consultancy Services: 88

<sup>72</sup> A Western embassy (2): 11

<sup>73</sup> A Western embassy (2): 12; Amnesty International: 30; an anonymous source: 66; an anonymous analyst: 43; an anonymous legal source: 58

<sup>74</sup> A Western embassy (2): 12; an anonymous analyst: 43

<sup>75</sup> An anonymous legal source: 58; Amnesty International: 30

<sup>76</sup> An anonymous legal source: 58

<sup>77</sup> Amnesty International: 30

If a woman needs to relocate to another part of the country she would probably turn to friends, extended family, network etc.<sup>78</sup> A source added that relocation is not a permanent stage as the family sooner or later will find the relocated person.<sup>79</sup>

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<sup>78</sup> A Western embassy (2): 12

<sup>79</sup> An anonymous source: 66

## **Annex A: Consulted sources**

1. A Western embassy (1)
2. A Western embassy (2)
3. A Western embassy (3)
4. A Western embassy (4)
5. Amnesty International
6. An anonymous analyst
7. An anonymous legal source
8. An anonymous source
9. Deputy Director General of the High Council for Human Rights and Judicial Cooperation, Iran
10. Middle East Consultancy Services

## **Annex B: Meeting notes**

### **Meeting with a Western Embassy (1)**

Tehran, 11 September 2017

#### **Relations outside of marriage in Iran and marriages without the accept of the family**

##### **Requirements for religious and civil marriage for a woman marrying a man without the accept of her family**

1. In principle, a woman does not need her family's approval, but her father's consent. The source specified, that there is a possibility for a woman wishing to marry without her family's and father's consent, to go to the court and lay out her reasons for marrying; usually the woman will get the judge's approval and afterwards she and the husband to be will contact the relevant notary public, where they can have their marriage registered. The Western Embassy (1) added, a woman marrying as a result of the judge's approval and not her family's consent, would be a shame for the family; and therefore, many families accept the marriage before it comes so far. The process before the court is not long - usually it takes 1½-2 months.

### **Meeting with a Western Embassy (2)**

Tehran, 10 September 2017

#### **Relations outside of marriage in Iran and marriages without the accept of the family**

##### **Punishment for relations outside marriage and enforcement of law in practice**

2. There is a general widespread pattern of adultery, prostitution and pre-marriage relationships especially in the major cities.
3. Relations outside of marriage are very prevalent, but take place very discretely. As regards the consequences the source informed, generally they are minimal within the families, but added, there is a massive difference between families' practice. Furthermore, it depends on where in Iran it is taking place.
4. Generally, relations outside of marriage are not an issue handled in the national newspapers. If the situation escalates the family can take the matter to court but this happens very rarely. 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.
5. The youth engage a lot in pre-marital relationships. The Embassy had not heard about the authorities' crack down or the reaction of the families. Iranian young women are not allowed to live alone, so they live together in dormitories. If young women marry a friend, they will be able to live independently with that friend. Later they could divorce and become fully independent.

6. The Iranian society has become more tolerant. The youth cannot afford marrying and are not marrying as young as before and it is therefore more likely that they would engage in pre-marital relationships. The source stated its information is not based on statistics. The source added that Iran is a big country, and differences in trends occur; the level of relations outside of marriage might differ in the country's east border and the border close to Arabic countries.

#### **Punishment for adultery and enforcement of law in practice**

7. Compared to the situation 15-20 years ago, adultery cases punished with stoning are very rare.

#### **Requirements for religious and civil marriage for a woman marrying a man without the accept of her family**

8. Marriage without the family's consent occurs. Some men might be refused by the woman's family because of their demands, but in other cases the woman's family might accept the marriage in the end. Some marriages are arranged by the family without the young couples have met, but the parties would still have the chance to say no. Some families will afterwards accept a marriage which has been entered without their prior approval.
9. The Embassy said temporary marriages are widespread. In the case of temporary marriage, the woman does not need her father's consent or her father's signature in connection with signing the temporary marriage contract. Furthermore, the temporary marriage can be extended. A temporary marriage contract could also serve as documentation and insurance for the woman if she for instance becomes pregnant.

#### **Protection provided by the authorities in matters concerning marriage without the accept of the family**

10. Regarding protection provided by the authorities, the source informed the delegation it did not have first-hand information in this matter. The source did not assume that a woman would seek protection from the authorities if she has a problem with her family regarding her marriage, as the authorities are considered to be less sympathetic to young women who have run away.
11. Regarding protection shelters the source informed there are social services in Iran but the Embassy was not sure how effective they are. A few places being run by NGOs give advice to runaways and refer the women to other people who can help. The authorities will most likely not know about these places. There are no government supported shelters.

#### **Possibility of internal relocation in Iran in connection with honour-related conflicts**

12. A man would be able to live elsewhere in Iran if he has a conflict with his family or the girl's family. There are more obstacles for a woman; but it depends on a case by case assessment whether a girl can live in another part of Iran. The Embassy assumed the only time, where relocating might be an issue for a woman, is, if she has a marriage proposal and has had a pre-marital relationship with another man. If a woman needed to live in another part of the country she would probably turn to friends, extended family, network



etc. It is more difficult for a single woman to rent an accommodation than it is for a single man. It would be difficult if the woman does not have a network.

### **Meeting with a Western Embassy (3)**

Tehran, 12 September 2017

#### **Relations outside of marriage in Iran and marriages without the accept of the family**

##### **Punishment for relations outside marriage and enforcement of law in practice**

13. The Western Embassy (3) informed the delegation that the so-called white marriages, where young people live together with a partner, are very common in Iran for different reasons, i.e. financial reasons as well as preference. The number of these cohabitations is increasing.
14. The source had not come across any couples in white marriages who have been arrested or otherwise punished for such a relation.

##### **Punishment for adultery and enforcement of law in practice**

15. Adultery is widespread both among married women and married men, and the numbers of divorces are also increasing in big cities in Iran.
16. Being punished for adultery is very complicated due to the several conditions to be met before a judgement can be issued, amongst others the requirement of four witnesses to the act. The embassy did not hear of any cases of adultery before the court. Indecent behaviour might be punished with a cash fine.

### **Meeting with a Western Embassy (4)**

Tehran, 12 September 2017

#### **Relations outside of marriage in Iran and marriage without the accept of the family**

##### **Punishment for relations outside of marriage and enforcement of law in practice**

17. Relations before marriage in Iran are officially not allowed. However, it is already widespread and still increasing. Relations with couples living together without being married are known as white marriages. According to the source white marriages involve a ceremony with a cleric, and result in an official temporary document. In other words, simply living together is not enough to constitute a white marriage. The source informed the delegation this type of marriage is very common at least in Tehran and larger cities.

18. Asked if such marriages would be reported to the authorities, the embassy informed that it could not be excluded that a family member or a neighbour would report such a case, but in general the authorities are not cracking down on such relations.

#### **Punishment for adultery and enforcement of law in practice**

19. Relations before formal marriage as well as extramarital relations are prevalent in Iran. Such cases rarely go to the court. The embassy explained that there is a vast discrepancy between what is reported in the Western world and practice on the ground in Iran.
20. Iran is a pragmatic country, although many things are forbidden. There may be repression from the state and also from families and the community, but it is a fragile balance. As an example of a discrepancy between things which are not allowed and still happening, the embassy mentioned that in Iran Twitter is blocked. Nevertheless, the Supreme Leader as well as the president and most of his Cabinet ministers have a Twitter account.
21. The embassy had never heard of a case of adultery, where someone was arrested and convicted for adultery. Adultery cases would be dealt with within the family.
22. It happens that the morality police will more strictly enforce modesty rules in situations with elections or similar political events, and the police will stop women in the streets who are not properly dressed. Internet accounts with fashion shows etc. might also be closed in such periods.
23. Asked if the perception of adultery might be different in the country side, and if honour killings could be a possible outcome, the embassy could not exclude that honour killings could happen in the tribal areas at the outskirts of the country. The embassy further explained that honour killings are not accepted in the culture in Iran, and such cases are much less prevalent in Iran than in neighbouring countries.

#### **Requirements for religious and civil marriage for a woman marrying a man without the accept of her family**

24. Living together in white marriages and temporary marriages are so common. At the same time, divorce rates are sky-rocketing. An explanation for this is among others that a marriage arranged by the parents, is often an easy way out of the parents' house for young people. The young couple will later divorce which is socially accepted.

#### **Protection provided by the authorities in matters concerning marriage without the accept of the family**

25. There are some shelters for abused women in Tehran, but the source had no knowledge of shelters in the countryside. Most of them provide protection for prostitutes, drug victims and LGBTI persons who have been abused. These shelters are tolerated and sometimes even supported by the government, in the sense that police officers may bring girls belonging to one of the mentioned categories to the shelters, after picking them up in the street. It is not known if any of these centres are funded by the government, but

there seems to be a kind of tacit agreement that police officers refer victims of crimes to the centres. There are specific rehabilitation centres for LGBTI victims with the aim of bringing them “back to normal”.

26. The facilities provided by such shelters would mainly be a bed and a warm meal. However, there are also some local organisations working with education and training of women in the shelters, to give them some skills before they are sent back into the streets.

## Meeting with Amnesty International

London, 3 October 2017

### Relations outside of marriage in Iran and marriages without the accept of the family

#### Punishment for relations outside marriage and enforcement of law in practice

27. Regarding punishment for relations outside of marriage, Amnesty International stated that the punishment depends on different factors, including whether the case is concerning two women, two men or a Muslim and non-Muslim. People are prosecuted for having intercourse outside of marriage; the source mentioned a case from the summer 2016, where a 19 years old man, Hassan Afshar<sup>80</sup>, was executed after being convicted of forced male to male anal intercourse. In this regard Amnesty International specified in the context of male-on-male sexual relations, it is as follows: A: Male individuals who engage in same-sex anal intercourse face different punishments under Iranian criminal law depending on whether they are the “active” or “passive” partners and whether their conduct is characterized as consensual or non-consensual. I: If the conduct is deemed consensual, the “passive” partner of same-sex anal conduct shall be sentenced to the death penalty. The “active” partner, however, is sentenced to death only if he is married, or if he is not a Muslim and the “passive” partner is a Muslim. II: If the intercourse is deemed non-consensual, the “active” partner receives the death penalty but the “passive” partner is exempted from punishment and treated as a victim. III: This legal framework risks creating a situation where willing “recipients” of anal intercourse may feel compelled, when targeted by the authorities, to characterize their consensual sexual activity as rape in order to avoid the death penalty.
28. Amnesty International stated it did not have information about how prevalent relations outside of marriage are. Amnesty International informed that since 2012, it has not come across cases where an actual punishment with regard to a man and woman in a sexual relation has been carried out. It was further emphasized that Amnesty International tends to learn of cases when they have been covered in the news or the organization is approached about the case. It is difficult for Amnesty International to learn of these cases otherwise, so as a result the types of cases it learn of, have elements to the persons involved that are particularly harsh.

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<sup>80</sup> Amnesty International, ‘Iran: Hanging of teenager shows authorities’ brazen disregard for international law’, 02 August 2016, <https://www.amnesty.org/en/latest/news/2016/08/iran-hanging-of-teenager-shows-brazen-disregard-for-international-law/>

### **Protection provided by the authorities in matters concerning marriage without the accept of the family**

29. The source did not have information about protection shelters provided by the authorities.

### **Possibility of internal relocation/resettling in Iran in connection with honour-related conflict**

30. As regards internal relocation in connection with honour-related conflicts Amnesty International stated it has not concrete knowledge in this matter. However, the source added voluntary internal relocation depends on where in the country the relocation is; there is a difference between a big and a small city, but even relocation to a big city like Shiraz could be complicated. Generally, regardless of personal circumstances or profile, moving internally inside of Iran is possible in theory (from one city to another), but if an individual is part of an ethnic and/or religious minority, such moves would not be as easy if they would not have a similar community type to go to.

## **Meeting with an anonymous analyst**

Tehran, 10 September 2017

### **Relations outside marriage and marriages without the accept of the family**

#### **Punishment for relations outside marriage and enforcement of law in practice**

31. Thousands of people are living in a so-called white marriage, i.e. an illicit cohabitation between a man and a woman who are not married. This is the case in Tehran and large cities like Isfahan and Shiraz, and in the Northern coastal region of Iran where people are more liberal. If someone would try to report such a relationship, the person would in most cases be neglected by the police. In more conservative cities like Qum and Mashhad the situation regarding white marriages might differ.

32. In Tehran and large cities many families accept pre-marital relation among young people, even though they know it will not necessarily lead to a permanent marriage. Previously, the mullah in provincial cities could order a young boy to marry a young woman if their relationship before marriage was revealed. This is no longer happening. In Iran, there is also a possibility for an unmarried couple to claim they have entered a temporary marriage [*sigheh*]. Whether a man and woman can enter a temporary marriage if none of them have been civil and/or religious married before, the source stated, the woman in all cases must be either a divorcee or a single. The man can be married or single in a *sigheh* or short term marriage. Such a marriage does not require any witnesses or registration. It may be a verbal agreement between the parties. If documentation for such a marriage is needed, the couple can find a mullah online who can marry them and deliver a certificate. Such mullahs are available 24 hours/round the clock. If for instance the couple wants to rent a room in a hotel, the hotel will often require documentation for their marriage. In such cases, the couple will be able to call a mullah who for less than 50 US dollars will perform their marriage immediately.

33. Under the short term marriage (and obviously under white marriage), there is no spousal support obligation and no inter-spousal inheritance even if the *sigheh* results in birth of child in which case, the

father will have to make an affidavit of paternity or affiliation for the fatherhood so that the child can be issued with a shenasnameh (birth certificate).

34. There is no cleric to solemnize or officiate anything in white marriages (which predominantly involves young and "emancipated" and non-practicing individuals as well as intellectuals). White marriages should not be, therefore, confused with short term (non-civil) religious marriages, which generally speaking is predominantly used by either more traditional minded people or those who would be more scared (or less courageous) to engage in extramarital sexual relationships without a religious coloration. This second type (religious marriage) is usually, but not always, conducted before a cleric/mullah which leads to issuance of a certificate of short term marriage whose term can vary from a few months to years. However, appearance before a mullah or presence of witnesses is not required in short term marriage (sigheh) and the one who is able to utter the phrase (in Arabic) to prove to a judge (if necessary, if caught) that the woman with whom sex was entertained was his "short term wife" and thus get out of the trouble of accusation of indulging in extramarital sex, can safely choose not to bother to approach a cleric for solemnization of that "marriage". Just to note that the institution of "short term marriage" is a controversial one that exists only in Shia Islam.
35. The source stated if no one reports a relation outside of marriage to the authorities, the unmarried couples will not be prosecuted by the authorities. Unmarried couples are seen hand in hand in the metro and other places.

#### **Punishment for adultery and enforcement of law in practice**

36. Extra marital relationships are on the rise in Iran. Adultery cases are rarely brought before the court, as it requires very strict evidence, i.e. four male witnesses or three male and two female witnesses for lapidation (stoning which applied to married persons) or two male witnesses and four female witnesses for lashes (whipping for non-married people) to the act, or four confessions from the parties involved. If a couple is caught in the act though, 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 report by police could be adequate. If it happens that the case of penetrative (both anal and vaginal) sex ends up in court, and the judge establishes a relation between the couple, the punishment for both the unmarried man and the unmarried woman will be 100 lashes. According to the source, this outcome is considered "academic" in the sense married people or any of the two partners engaging in penetrative sex are extremely careful not to engage in sex in public and police usually does not intervene, at least in large cities, unless there is a private complainant. For married people, punishment will be death by stoning (lapidation) while for the unmarried partner, it will be 100 lashes. For less serious (not hardcore) 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. Commission of such cases, although not necessarily administration of the punishment, are on the rise in Iran, and in most cases, husbands whose wife 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 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 (this latter by a voluntary waiver on her part as marriage portion can be demanded in all cases after one single sexual act between the married couple and is independent of anything else and is not tied up to “good behavior” unlike splitting of assets) which she is otherwise entitled to in a divorce initiated by the husband.

#### **Requirements for religious and civil marriage for a woman marrying a man without the accept of her family**

37. A woman or young girl who has reached the legal age for marriage, which is 13 years (below that age both court permission and father’s approval taking into account best interests of the child will be required), can enter a legal marriage at the court without the consent of her father or family. The court will make some investigations about the groom, i.e. investigate his criminal record and ensure that he has an income. The court can also provide witnesses. However, such cases will often be solved by a compromise, as the father can ask another family member to act on behalf of himself. In this way, the father will show his disapproval, but will not obstruct the marriage. The father and other family members will in any way not be able to stop the marriage if the court accepts it.
38. Only the girl’s father and in case he is absent the paternal grandfather has the legal capacity to give consent to a civil marriage, if she is a virgin regardless of her age. If she has a record of consummated marriage, no consent by father or grandfather will be required
39. A civil marriage will be registered by a marriage registrar; usually a mullah but it may also be a non-clergy member clerk. It is not a requirement to enter a religious marriage before or after the civil marriage.
40. 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.
41. If a young woman has married without her family’s consent, she may find protection with her in-laws. Whether a girl who has married without consent would get in trouble very much depends on the level of bigotry in the area she comes from. Usually, it would not be a problem for a married woman to get along in large cities without the support from her family. If she is threatened by her family, the source assumed that the police would act and the case might also be taken to court.
42. Asked about shelters for women, the source replied that the Iranian welfare system *Behzisti* is functioning at many levels, as for instance re-education and habilitation of prostitutes rounded up from the streets while soliciting customers or clients, and there are also some shelters for women (also municipal centre for female drug addicts). However, for a woman who needs protection from her own family, the source found that she would probably more often turn to her extended family.

43. Legally there are no obstacles for relocation or resettling in Iran for a woman. The obstacle may be that landlords usually are not willing to let apartments to unmarried people be it men or women. If a woman can find a job and a decent accommodation she would be able to manage on her own.
44. The source also mentioned that women can open bank accounts and sell property without the consent of her husband as, under Iranian law, there is no legal regime for post-marriage community of assets and separation of assets is the general rule. In case of a divorce which is based on the husband's behavior, the wife can demand remuneration for the work she has performed in the house during the marriage. If it has been included in the marriage contract, she can also leave the country without her husband's consent.

### **Meeting with an anonymous legal source**

Tehran, 13 September 2017

### **Relations outside of marriage in Iran and marriages without the accept of the family**

#### **Punishment for relations outside marriage and enforcement of law in practice**

45. In general relations outside marriage or extra-marital affairs in Iran are considered adultery and punishable by law even if the accused has never been in a marital relationship at the time of his/her arrest.
46. According to the source the punishment is 100 lashes for pre-marriage relationships. It could end up between 6 months – 1 year in prison. Usually it ends up with detainment for some time.
47. Attitude towards pre-marriage relations in practice has relaxed a lot but it is still forbidden by law. Punishment varies depending on the specific cases. The authorities might ignore a concrete case if it is first time. The source did not have information or examples of recent cases about ongoing court cases related to pre-marriage relations. In the past there have been cases of capital punishment. Because of the pressure on the judiciary the courts have reduced the use of harsh punishment and capital punishment is no longer used. 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 behavior 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 towards a soft approach where there is less and less pressure on the Iranian youth especially in major cities like Tehran. However, by law any relationship between a man and a woman outside a marital relationship – even a non-intimate one – is punishable by 100 lashes.
48. The source stated that there are thousands of the so-called white marriages. It is unavoidable due to e.g. economic reasons leading couples to be older than previously before they marry.
49. Religious and/or civil marriages must be confirmed by a mullah or a priest. A married man can have a legal temporary marriage with another woman. If the couple wants to register their marriage it has to go through the civil authorities.

### **Punishment for adultery and enforcement of law in practice**

50. Formal punishments for adultery vary between capital punishment to lashing, stoning and imprisonment for the adulterer. In practice, apparently, the harsher Sharia 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.
51. By law, adultery between a man and a woman outside marital relationship – whether permanent or temporary – is also punishable. If both parties to the relationship are single and not married, there will be a punishment of 100 lashes for each. If either parties or only one of them is married, the punishment for adultery in such cases is stoning for the married party and for the adulterer who is single the punishment shall be 100 lashes. However, adultery is very difficult to prove, as it requires witnesses.
52. If a couple is caught or are arrested and make a confession of adultery that confession may not be valid unless there are witnesses. Practice in relation to adultery cases have eased up. The judges know how things have changed and are trying to get around cases of adultery. There are cases of people being sentenced for “lesser crimes” e.g. promiscuous behaviour. There is a very big difference in practice in this area from city to countryside.
53. Asked who could report a case of adultery, and if a family member could do so, the source replied that reporting such a case would have to be legally substantiated which would require witnesses.
54. The source stated that it is more serious for a woman to have extra-marital relations. It is more socially acceptable for a man. However, it is a cultural issue as there is no difference in the law.

### **Requirements for religious and civil marriage for a woman marrying a man without the accept of her family**

55. For girls above the age of puberty, if the girl is not a virgin, but has never been married before, the guardians’ permission will no longer be required for marriage. On the question whether a young virgin woman who has never been married before, can marry at civil court without the consent of her family, the source states, it would be a subject to ruling by the civil court.
56. However, it is a common practice in Iran to enter into a religious marriage as a preliminary ritual – even if the girl is underage (13 years) – and such marital tie is considered valid and honourable among Iranian families, especially for the purpose of preventing the girl to marry another man; this is more common among Iranian families where arranged marriages are a routine custom.

### **Protection provided by the authorities in matters concerning marriage without the accept of the family**

57. If a court has authorized a marriage, a girl can get protection from her family at least in cities – in the countryside only formally, not in practice.



### **Possibility of internal relocation/resettling in Iran in connection with honour-related conflicts**

58. A girl can formally relocate and settle elsewhere, but in practice it would be more difficult in the countryside, as neighbours in small villages would be watching her. This is not the case in big cities, where people live in apartments.

### **Meeting with an anonymous source**

Ankara, 15 September 2017

### **Relations outside of marriage in Iran and marriages without the accept of the family**

#### **Punishment for adultery and enforcement of law in practice**

59. Extra-marital relations in Iran are common and divorce is also getting more normal. Previously, it was harder for women to divorce. But there is a rise in divorce requests from women wanting to leave for instance their drug addicted husbands, and husbands who are not capable of covering household expenses.
60. The anonymous source did not have information about recent sentences related to adultery. In adultery cases, it is not only the witnesses, who are required in a trial case, but also a self-confession. If the accused person confesses, the judge might issue a judgement even without the witnesses; in these cases the indictment will include more than adultery. The source has heard of cases, where someone has been coerced into confession by being exposed to threats of rape and harm to the person's children etc. The source added, sometimes people are accused not for adultery, but for instance for not following societal norms and the religious lines.

#### **Requirements for religious and civil marriage for a woman marrying a man without the accept of her family**

61. According to the source's information, if a virgin woman wants to marry, she has to have the permission of her family. If she has been married before, she can marry without her family's consent. But there are other elements than if the woman has been married before or not, when she wants to marry without the family's accept, including family's influence and the potential husband's profile e.g. if the potential husband belongs to a minority. These elements matter when the woman goes to the court.
62. Marrying without family's consent is more prevalent in cities than in rural areas.

#### **Protection provided by the authorities in matters concerning marriage without the accept of the family**

63. Honour crimes are more widespread among minority groups, including traditional Kurdish groups and Ahwazi Arabs. Usually, the victims cannot be protected by the authorities, because the girls, who often are the victims, do not know who to reach and where to find help and because they will be sent back if they contact the authorities.

64. Firstly, a girl beaten by her family will not succeed in reaching the authorities as her family will prevent it. Secondly, even if she contacts the authorities, they will ask her to document the injuries. It is not common to send a woman to e.g. forensics for documentation of injuries. Thirdly, if she can document the injuries, she will not have the courage to report her family. The source added, in the end it is up to the judge whether a case will be raised. In the tribal areas the authorities might be inclined to let the family deal with the matter.

#### **Possibility of internal relocation/resettling in Iran in connection with honour-related conflict**

65. The anonymous source had not heard of any protection shelters for women.

66. Regarding relocation in case a person has a conflict with his/her family members, the source said, if the family want they will find out where the person is. The person might hide for some time, but sooner or later, the family will find him or her. In cases where the person has violated the honour of the family, the authorities will not intervene to protect her, if the family will punish it. It is the source's impression that the authorities will be more inclined not to interfere in cases amongst minority groups. Punishing defamatory behaviour is also present in the cities, as there are conservative families residing there too. Furthermore, the families might have an interest in letting others know about their conflict, as they want to signal that they are reacting. The families could react by dishonouring the girl; maybe beat her, take her inheritance, disturb her or embarrass her in front of friends or workplace.

67. Reconciliation with the family after having an honour-related conflict could be in the form of returning to the family's house. A woman having married a man without her family's consent can return to the family house without divorcing; divorcing will worsen the situation. But divorcing can also function as a reconciliation element, if the family has another man they want their girl to marry.

#### **Meeting with Dep. Director General of the High Council for Human Rights and Judicial Cooperation, Iran**

Tehran, 12 September 2017

68. Initially the Dep. Director General explained that the Council for Human Rights deals with all issues related to Human Rights in Iran and outside Iran. It is a government institution and comprises representatives and members from all branches in Iran, i.e. the legislative bodies, the executive bodies and the judiciary. The Council is the focal body for all matters relating to human rights issues, including policy making and policy implementation, as well as international policy, including the Universal Policy Review (UPR). The Council holds dialogues with a number of countries and exchanges best practices on human rights through these bilateral dialogues.

69. The Dep. Director General underlined that Iran is an Islamic country which does not expel refugees. He referred to the situation for one million Afghans who are registered with UNHCR in Iran. In addition to this number, another two million live as illegal foreign nationals in Iran, as they are not registered. However, Iran provides the necessary facilities to this group, including education. The Deputy Director General compared the situation with European countries which have closed their borders, whereas Iran's borders are open.

### **Women and marriage**

70. In general, the status of women in Iran has been promoted, and after the Revolution women have increased their participation in social and political affairs. It was emphasized that there are presently three female members of the Cabinet and 18 members of the Parliament in Iran and 800 female judges in the judiciary. In addition, thousands of women participate in city and village councils, and there are women in managerial positions in ministries (Ministry of Interior), female doctors, female members of scientific boards of universities etc.

### **Requirements for religious and civil marriage for a woman marrying a man without the accept of her family**

71. As regards the possibilities for a woman to marry without her family's consent, it was explained that a marriage normally requires the consent of the woman's parents. However, if the parents oppose the marriage, it will still be possible for the woman to marry in the Court. If the parents would try to harm the woman afterwards, the judicial system would protect her. It was emphasized that there are 800 female judges in the court system.

### **Protection provided by the authorities in matters concerning marriage without the accept of the family**

72. Asked about shelters for women who need protection, the Dep. Director General explained that there are welfare organizations under the municipalities which support women who are victims of violence.

## **Meeting with Middle East Consultancy Services**

London, 3 October 2017

73. Since the year 2000 Middle East Consultancy Services (MECS) has been serving the public and private sectors at local and international levels, including UK law firms, the UK Home Office, international clients as the Belgian Interior Ministry, the Dutch IND, UNHCR, and Australian, Dutch and Swedish solicitors. The primary objective of MECS is to provide research and analysis to enhance the quality of decisions made at senior levels of the public and private sectors, nationally and internationally. MECS' reports cover the following areas of expertise: Research, Country Expert Reports, Nationality/ Ethnicity disputes and Authentication. Among the countries MECS covers is Iran.

## Relations outside of marriage in Iran and marriages without the accept of the family

### Punishment for adultery and enforcement of law in practice

74. The source stated there are not many adultery cases in the court; as adultery cases are difficult to process; it requires witnesses, and the evidence has to be crystal clear. The source did not have information about the number of cases.
75. Adultery is a shame for the families. Issues of adultery are often handled outside of the court using social codes.
76. According to MECS adultery [*Zina*; unlawful sexual relation] must be proven by the testimony of 2 men or 4 women as the testimony of a woman is worth half of that of a man; if the adultery is not proven, the witnesses might be sentenced for false accusation. If the accused persons confess, or are found guilty less than three times, the punishment might be a fine, imprisonment or flogging. If the accused person confesses or is found guilty by the court on the fourth occasion, the punishment will be a death sentence. However, the punishment is depending on different aspects, including the confession, and the religion of the accused person; Muslim or non-Muslim. Cases of imprisonments for *zina* have been documented as six years. If the accused person confesses or is found guilty by the court, the punishment will be death sentence.
77. Regarding recent adultery related trials, the source referred to reporting from Amnesty International and others. In 2009 Amnesty International received reports that 30 year old Vali Azad had been secretly stoned to death in Lakan Prison on 5 March 2009 after being convicted of adultery. Azad's body was reportedly buried in secret, despite requests from his family for the body to be returned to them for burial.<sup>81</sup>
78. The case of Azad was announced by Amnesty International during a press release on the imminent risk of the execution of Mohammad Ali Navid Khamami in Rasht, also convicted of adultery.<sup>82</sup>
79. In May 2013, Giti Marami was flogged 100 times before she was hanged. It is reported that her execution was on the grounds of adultery.<sup>83</sup>
80. The last reported stoning sentence for adultery, was imposed in 2015, however it is important to note, (as a report from the Home Office highlights) that: the authorities do not release official statistics and

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<sup>81</sup> Amnesty International, 'Iran: Man Faces Death by Stoning for Adultery', 08 May 2009, <https://www.amnesty.org.uk/press-releases/iran-man-faces-death-stoning-adultery>

<sup>82</sup> Amnesty International, 'Iran: Man Faces Death by Stoning for Adultery', 08 May 2009, <https://www.amnesty.org.uk/press-releases/iran-man-faces-death-stoning-adultery>

<sup>83</sup> Iran Human Rights, 'One Woman in Iran Flogged 100 times then Hanged', 25 May 2013, <https://iranhr.net/en/articles/966/>, Hands Off Cain, 'Iran: One Woman Flogged 100 Times then Hanged', 25 May 2013, [http://www.handsoffcain.info/archivio\\_news/201305.php?iddocumento=17305538&mover=0](http://www.handsoffcain.info/archivio_news/201305.php?iddocumento=17305538&mover=0)

punishments often take place in secret. Similarly, no statistics on flogging are made public, and victims avoid talking about them in public for fear of stigmatization, although it was reported that a woman received 100 lashes in Golpayegan as punishment for adultery in April 2016.<sup>84</sup>

81. Amnesty International reported that in 2016, at least one woman, Farbia Khaleghi, remained under a sentence of death by stoning.<sup>85</sup>

82. According to the Iranian Student's News Agency, an Iranian woman that has confessed to adultery charges, was sentenced to a punishment of 74 lashes, and ordered to wash bodies in a morgue for two years. The man that she had an affair with has been sentenced to 99 lashes and exile to a remote area of the country.<sup>86</sup>

#### **Requirements for religious and civil marriages for a woman marrying a man without the accept of her family**

83. The age of marriage in Iran is 13 for girls and 15 for boys. If younger girls and boys want to marry, a court will examine the case and determine whether a marriage would be in the child's best interest or not.

84. Based on Islamic principles, there are two types of marriages in Iran, including the permanent marriage which is ended either by divorce or death, and the so-called Sigheh, which means a temporary marriage. Sigheh is a marriage for a fixed period of time, often/which may be used as a means to evade restrictive legal codes policing morality. The source added that sigheh is a form of Islamic marriage and so it is inaccurate to say that it is always used in this way. Also it does not evade social moral codes as it is still seen as controversial in society. When it comes to the permanent marriages, MECS stated for the virgin brides the legal permission from the father or paternal grandfather is necessary; unless the father has died. The Special Civil Court might issue the permission when the family opposes a marriage. As regards a girl applying for permission from the Special Civil Court, the source informed the delegation that she may face social pressures, as the Iranian society is corrective, and because such an act may be embarrassing for the family.

85. A third type of marriage is the so-called white marriage, which is an illegal practice in Iran; white marriages are not prevalent in rural areas, but becoming more common in the big cities. The regime is aware of this form of cohabitation, and it is even reported in the news, but there have been no reported incidents of persecution of the couples.

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<sup>84</sup> Home Office, 'Country Policy and Information Note. Iran: Adulterers', November 2016, <http://www.refworld.org/pdfid/5821f4504.pdf>

<sup>85</sup> Amnesty International, 'Iran 2016/2017', <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/>

<sup>86</sup> RT, 'Iranian Woman to Wash Dead Bodies in Morgue for 2 Years in Adultery Sentence – Report', 13 May 2017, <https://www.rt.com/news/388270-iran-woman-morgue-adultery/>

### **Possibility of internal relocation/resettling in Iran in connection with honour-related conflict**

86. According to MECS, honour crimes are less prevalent in Iran than elsewhere in the region, and honour crimes are primarily taking place in rural and tribal regions as Kurdistan, Loristan and Khuzestan, among minority groups. Honour crimes have support from the community and the family. Often an honour crime is not perceived as a criminal act, due to cultural beliefs. Violation of honour is usually concerned with female sexuality.
87. Honour crime is excused in the law, and the Penal Code's article 630 provides legal immunity for a husband killing his wife, if he finds her committing *zina*, which means unlawful sexual relation. Honour killings are investigated as murder in Iran; however, there is no statistics for tried guilt or guilty verdicts or punishments. Furthermore, reporting such crimes is seen as shameful and a private affair.
88. The attitude of the police and local judges might affect the chance of protection. The source added that shelters for women, who are victims of domestic abuse, are limited, and the existing protection centres are unable to provide long-term support. The shelters are called Health Houses. Temporary housing or health houses, including other development programs, are provided by *sazman-e behzisti* (the State Welfare Organisation). Some women have reported sexual assaults by authorities inside the health houses. Existing shelters are provided by NGOs and government bodies. Furthermore, they are rare in rural areas.

## **Annex C: Terms of Reference**

### **1. Relations outside of marriage in Iran and marriages without family's accept**

- 1.1. Punishment for relations outside marriage and enforcement of law in practice
- 1.2. Punishment for adultery and enforcement of law in practice
- 1.3. Requirements for religious and civil marriage for a woman marrying a man without her family's accept
- 1.4. Protection provided by the authorities in matters concerning marriage without family's accept
- 1.5. Possibility of internal relocation/resettling in Iran in connection with honour-related conflicts