

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	908
Land:	Iran
Kilde:	European Asylum Support Office (EASO)
Titel:	COI Query – Forced virginity tests.
Udgivet:	10. november 2021
Optaget på baggrundsmaterialet:	20. juni 2022



COI QUERY

Country of Origin	IRAN
Main subject	<u>Forced virginity tests</u>
Question(s)	1. <u>Existence and practice of virginity tests for women before marriage in Iran, in particular in Kermanshah province</u> 2. <u>Societal treatment and perception of women issued with a negative virginity test</u>
Date of completion	10 November 2021
Query Code	Q40-2021
Contributing EU+ COI units (if applicable)	N/A

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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on 10 November 2021. Any event taking place after this date is not included in this answer.

COI QUERY RESPONSE - Iran

Forced virginity tests

1. Existence and practice of virginity tests for women before marriage in Iran, in particular in Kermanshah province

In Iran, the legal age for marriage is 13 for girls and 15 for boys. Any exception for marriage before the legal age can be given 'with permission from the guardian and a judge and if considered in the ward's interest'.¹ The legal age for consenting to sex is 'after marriage' for both girls and boys.² Women in Iran are expected to 'respect the codes of honour and to protect and maintain their virginity before marriage'.³

In 2020, a draft law was adopted in Iran to protect women against violence, by criminalising some forms of Sexual and Gender based Violence (SGBV), including forced marriage, sexual harassment in public, physical and psychological abuse. However, according to Human Rights Watch, the draft law does not criminalise several other forms of violence, such as marital rape and virginity testing.⁴

Various sources reported on the existence of the practice of forced virginity test in Iran between 2015⁵ and 2021.⁶ According to the Association of Iranian Studies, a 'considerable number of virginity certificates' are issued by the Legal Medicine Organization in Iran.⁷ However, no data could be found to corroborate this information.

A 2016 UN report noted that forced virginity tests '(also referred to as "virginity examinations")', were practiced in Iran among women detainees.⁸ In 2016, both the UN and Amnesty International (AI) denounced the use of forced virginity test on Atena Farghadan, a woman artist and human rights activist, who had been arrested by Iranian authorities.⁹ In 2016, another imprisoned Iranian Kurdish woman was told that 'she had to have a virginity test' before the prison authorities would allow her to receive special medical eye treatment.¹⁰ In February 2018, political activist, Parisa Rafiee, was detained by security forces. In an open letter, she claimed that she refused a virginity test during her detention, but she couldn't file a complaint about this action.¹¹ On September 2019, the Human

¹ UNFPA, My Body is My Body, My Life is My Life. Sexual and reproductive health and rights of young people in Asia and the Pacific, 2021, [url](#), p. 28

² UNFPA, My Body is My Body, My Life is My Life. Sexual and reproductive health and rights of young people in Asia and the Pacific, 2021, [url](#), p. 30

³ Ghobadi, K., Political Islam in Iran and the Perpetuation of Violence against Women, LSE [Blog], 7 July 2020, [url](#)

⁴ HRW, Iran: Adopt Draft Law to Protect Women, 4 December 2020, [url](#)

⁵ UNHRC, Situation of human rights in the Islamic Republic of Iran, Report of the Secretary-General*, 17 May 2016, [url](#), pp. 6-7

⁶ Australia, DFAT, Country Information Report, Iran, 7 June 2018, [url](#), p. 41; USDOS, 2020 Country Report on Human Rights Practises: Iran, 30 March 2021, [url](#), p. 9; IOHR, Iran: women's rights activists subjected to virginity tests in prison, 12 February 2021, [url](#)

⁷ Association for Iranian Studies, Dynamics of Female Virginity in Iran, n.d., [url](#)

⁸ UNHRC, Situation of human rights in the Islamic Republic of Iran, Report of the Secretary-General*, 17 May 2016, [url](#), pp. 6-7

⁹ AI, Urgent Action, Iran confirms forced "virginity test" on artist, 21 April 2016, [url](#), p.1; UNHRC, Situation of human rights in the Islamic Republic of Iran, Report of the Secretary-General*, 17 May 2016, [url](#), p. 6

¹⁰ AI, Urgent Action, Jailed Kurdish woman at risk of going blind, 19 October 2016, [url](#)

¹¹ NCRI Women Committee, Parisa Rafiee exposes the pressures put on female political prisoners, 13 May 2019, [url](#); HRW, Iran: Prisoners Who Reported Abuse Charged, 23 October 2020, [url](#)

Rights Activist News Agency (HRANA) reported that Rafiee was charged with “propaganda against the state” and “disrupting public order” because of her open letter.¹² A 2021 article by the International Observatory of Human Rights (IOHR) reported that women activists continue to face arrest for participating in peaceful protests in Iran, noting that a virginity test has been introduced as part of their treatment in jail.¹³

In 2015, the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), quoting a ‘well educated woman with links to the international community’, stated that premarital relations are very prevalent in Iran, adding:

‘This is only punished if the couple is caught in a ‘street check’ (where e.g. dress code is controlled) or in a ‘crack-down’ on a party. Crackdowns have sometimes taken place in connection with parties related to Western created festivities that appeal to the youth such as New Year’s or Halloween and Valentine’s. This could be instigated by neighbours complaining over noise levels. It was mentioned that police also have a financial interest in these crack-downs where both alcohol and drugs have sometimes been present, since the fines given to the participants and particularly the person hosting the party can be significant. If the girl or a couple in one of these situations are taken to the police station, the girl is sometimes sent to a medical check to check if she is a virgin. The source expressed uncertainty regarding the possible punishment in these kinds of cases, but mentioned a mild jail sentence as a possible outcome. The source stated that if the couple is caught in 77 public, it is not in the involved families’ power to decide whether the case will go to court or not. As it is regarded as a public offence that threatens the morality of society, it can go to court regardless of the families’ stance. If the girl’s family insisted the consequence could also be a forced marriage. It was added that the source had heard of cases where a father had taken his daughter to a medical check to see if she was still a virgin, and added that the consent of the daughter was not needed in this situation. Future parents-in-law are also known to sometimes take their soon-to-be daughter-in-law to have her virginity verified.’¹⁴

Among all sources consulted within the time constraints for drafting this COI Query response, no information could be found regarding forced virginity tests specifically in Kermanshah province.

2. Societal treatment and perception of women issued with a negative virginity test

Women who lack a virginity certificate are said to experience anxiety,¹⁵ since losing virginity is considered as a stigma for women in the Iranian society.¹⁶ An academic research paper on the ‘persisting social value of virginity for permanent marriages’ stated that ‘women and girls with previous temporary or permanent marriage history are viewed as ‘damaged goods’ in many social settings, and their future social life – in a context where marriage is still an important source of social status – is put in serious peril’.¹⁷

¹² HRANA, Appeals Court Sentenced Parisa Rafiee to 7 Years Imprisonment and 74 Lashes, 27 September 2019, [url](#)

¹³ IOHR, Iran: women’s rights activists subjected to virginity tests in prison, 12 February 2021, [url](#)

¹⁴ Austria, ACCORD (Austrian Centre for Country of Origin & Asylum Research and Documentation), Iran: Women, children, LGBTI persons, persons with disabilities, “moral crimes”, December 2015, [url](#), p. 76

¹⁵ Association for Iranian Studies, Dynamics of Female Virginity in Iran, n.d., [url](#)

¹⁶ Mehrolhassani, M.H., et al, The concept of virginity from the perspective of Iranian adolescents: a qualitative study, 2020, [url](#), p. 2

¹⁷ Rahbari, L., Marriage in Iran: Women Caught Between Shi’i and State Law, January 2019, [url](#), p. 46

Under social pressure, many women are reportedly turning to hymenoplasty¹⁸ in order to conceal the fact that they are not virgin.¹⁹ In 2018, France24 reported on a growing industry of 'hymen reconstruction' and virginity pills in Iran, due to the importance that many people gave to virginity for women before marriage. The same source explained that this practice has been common in Iran since the 1970s and that in recent years, 'virginity pills' are being advertised on instant messaging service such as Telegram and Instagram.²⁰

Hymenoplasty, as well as virginity tests, are considered as part of the pseudoscience.²¹ IKWRO states that the practice of hymenoplasty is 'a form of "honour" based abuse' and leaves women and girls vulnerable to violence as they face the risk of not bleeding during the so-called 'first time of intercourse'. Additionally, the same source noted that hymenoplasty and virginity tests are equal harmful as the female genital mutilation.²²

The Australian DFAT, defines honour killings as 'a murder committed or ordered by a relative as a punishment to a family member who is seen – or suspected – to have damaged the family's reputation by their actions. Such actions can include extramarital sex [...]'.²³

Based on the social principle of 'honour' as a 'value system, norm, and tradition' violence against women is normalised with the Iranian society and strengthened by the Islamic Penal Code (IPC).²⁴

'Article 630 of the previous Penal Code expressly allowed a husband to kill his wife and her lover, if he caught them in flagrante, ("in blazing offense" in Latin; legal term that indicates a criminal has been caught in the act of committing an offense). However if he knows that his wife acted under coercion, he may only kill her rapist (Article 630). While in the new Penal Code Article 630 is unchanged, a paragraph has been added to Article 300 which again stresses the exemption of husband from qisas (retaliation) in cases where he kills his wife and her lover in flagrante. In fact, not only has Article 630 not been repealed, the IRI has solidified its approval of this practice'.²⁵

Although there are no reliable and accurate statistics on the scale of violence against women in Iran,²⁶ some sources reported that honour killings of women in Iran occur.²⁷ A source estimates that 'every year 400-500 women are killed brutally in Iran to protect men's 'honor''.²⁸ According to a 2021 article by Radio Free Europe/Radio Liberty, 'hundreds of women are estimated to be the victims of honor killings each year in Iran, a conservative and patriarchal country where violence against women is widespread'.²⁹

¹⁸ According to the Iranian and Kurdish Human Rights Organization (IKWRO), hymenoplasty 'is a surgical procedure that attempts to recreate the hymen [...]. It's done by creating a tissue scar in a way that can allow bleeding to occur at the first occasion of penetrative sexual intercourse after the procedure'. In other words, hymenoplasty is considered as a way to 'repair virginity' and 're-virginisation'. For more info see IKWRO, Virginity does not define me, n.d., [url](#)

¹⁹ Association for Iranian Studies, Dynamics of Female Virginity in Iran, n.d., [url](#); France 24 and Observers (The), Virginity pills and surgery: Iran's fake hymen industry, 22 January 2018, [url](#)

²⁰ France 24 and Observers (The), Virginity pills and surgery: Iran's fake hymen industry, 22 January 2018, [url](#)

²¹ Lewis, H., The Cult of Virginity Just Won't Let Go, Atlantic (The) [Blog], 16 September 2021, [url](#)

²² IKWRO, Virginity does not define me, n.d., [url](#)

²³ Australia, DFAT, Country Information Report, Iran, 14 April 2020, [url](#), p.50

²⁴ Parsa, F., Iranian women campaign to stop the rise in "honor killings", MEI@75 [Blog], 26 August 2021, [url](#)

²⁵ IRANHRDC, Gender Inequality and Discrimination: The Case of Iranian Women, 5 March 2013, [url](#)

²⁶ UNHRC, Written statement*submitted by the Verein Sudwind Entwicklungspolitik, a non-governmental organization in special consultative status, 10 June 2015, [url](#), p. 2

²⁷ RFERL, Honor Killing' Or Self-Immolation? Questions Raised Over Horrific Death Of Young Iranian Woman, 9 October 2021, [url](#); Parsa, F., Iranian women campaign to stop the rise in "honor killings", MEI@75 [Blog], 26 August 2021, [url](#)

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