



Home Office

# **Country Policy and Information Note**

## **Iran: Women – Early and forced marriage**

**Version 4.0**

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# 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: 25 February 2021

## 1. Introduction

### 1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by non-state actors because the woman or girl is at risk of an early or forced marriage.

### 1.2 Points to note

1.2.1 A forced marriage is where one or both people do not or cannot consent to the marriage, and pressure or abuse is used to force them into marriage. Men and boys may also be victims of forced marriage, but this note focuses on forced marriage of women and girls who are likely to be at greater risk of such practice in Iran.

1.2.2 Child (or early) marriage is a marriage where either or both the bride and groom (but in reality, most predominantly the bride) is/are under the legal age of 18, which is the age limit for protection under the 1989 Convention on the Rights of the Child.

1.2.3 Decision makers should also refer to the instruction on [Gender issues in the asylum claim](#) and [Processing children's asylum claims](#).

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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 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.
- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [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 Establishing a convention reason is not sufficient to be recognised as a refugee. The question is whether the person has a well-founded fear of persecution on account of an actual or imputed Refugee Convention reason.
- 2.3.3 Women form a PSG in Iran within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, 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 in Iran because the group is perceived as being different by the surrounding society.
- 2.3.4 The reported case [TB \(PSG, women\) Iran \[2005\] UKIAT 00065 \(09 March 2005\)](#), heard 30 November 2004 and promulgated 9 March 2005, noted in relation to women forming a PSG in cases concerning forced marriages:  
‘There are two fundamental questions that need to be asked in all these cases. The first is, even if it is accepted and/or assumed that women, or various sub categories of women, in a particular country can constitute a PSG, are they being persecuted for reasons of being women, in that

country? In such a situation, while it may be clear that being a woman is an inherent and innate characteristic, not capable of change, and is obviously recognised as a group by the society, the reasons for the persecution are not because they are women in their country of nationality, but because of vindictiveness or attitudes of some men, and sometimes other women as well, who abuse them. In other words the reasons for the serious harm question should be addressed and answered first. Then, in cases where the harm is not from the state, and a real risk of harm is established from a non state actor, the issue of whether there will be a failure of state protection must then be considered. At this point the whole analysis of discrimination at the state level and possible failure of state protection, should then be carried out, as was done in Shah and Islam, and usefully in cases from Somalia in the recent decision of HN. If there is valid state protection (at the Horvath [2001] 1 AC 489 level) clearly protracted analysis of what the PSG definition might be is an irrelevant exercise. (paragraph 67)

‘The real risk of this appellant suffering serious harm on return to Iran is primarily for non-Convention reasons (the vindictiveness and retribution of the appellant’s father and the Mullah). However, as we consider there would also be a failure of state protection against that serious harm, we find that there is a causal nexus between the persecution (accepting that: Persecution = failure of state protection + serious harm) and her membership of a particular social group. We find therefore that the appellant is at a real risk of being persecuted for reasons of her membership of a particular social group namely: “Young Iranian Women who refuse to enter into arranged marriages”.’ (paragraph 69 iv)

2.3.5 Although Iranian women who refuse to enter into an arranged marriage form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed is whether the person has a well-founded fear of persecution on account of their membership of such a group.

2.3.6 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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## 2.4 Risk

2.4.1 Women and girls are protected by law in general. However, this is not systematically enforced in practice because of deep-rooted patriarchal, social and cultural barriers and prejudices. Women are regarded, both legally and through patriarchal social systems, as inferior to and of less worth than men. Despite a rise in the levels of education and literacy rates amongst women, they continue to face legal and societal discrimination in personal status matters relating to marriage, divorce, inheritance and child custody (see [Cultural and societal attitudes towards women](#)).

2.4.2 Muslim women may only marry Muslim men. Zoroastrians, Jews and Christians issue marriage contracts in accordance with their religious laws (see [Marriage and religion](#)).

2.4.3 Under Islamic Shari’a law marriage is defined as a civil contract between a man and his wife and is governed by the Civil Code, which deems the head of the family is the exclusive right of the husband. A temporary marriage may

be contracted between an unmarried woman and a married or unmarried Muslim man (see [Marriage laws](#) and [Temporary marriage](#)). The legal age for marriage for females is 13 (and as young as 9, with a guardian's and court's approval) (see [Minimum age for marriage](#)). A woman may seek divorce through the courts although in practice the process can be long and complicated and is seen as shameful (see [Divorce and child custody](#)).

- 2.4.4 Forced marriage is prohibited under Iranian law, although child marriage – that is marriage of a girl under 18 with or without her consent – is not considered as forced marriage by the law and judiciary, or by some communities. Girls as young as 9 may be legally married to an older boy or man provided the child's guardian and a court give approval. Child marriages are reported to be most common in poor, rural, traditional areas, where strict patriarchal social attitudes persist, such as Sistan and Baluchestan, Kurdistan, Khuzestan and Khorasan provinces. The reported number of child marriages that occur varies considerably from source to source, from between the tens of thousands to hundreds of thousands per year. Between 2012 and 2018, government statistics put the number of total registered marriages at over 4.5 million, of which just over 234,000 were marriages of girls under 15 (about 5% of all marriages and approximately 33,400 a year). However, this only included registered marriages so figures are likely to be higher as many marriages are not registered. Although instances of child marriage fell between 2012 and 2018, there are more recent reports that child marriages have risen again because parents facing economic hardship arrange marriages for their children in order to obtain so-called marriage loans (see [Definition of forced marriage](#), [Marriage customs](#), [Cultural and societal attitudes towards women](#), [Reasons for child marriage](#) and [Prevalence of child marriage](#)).
- 2.4.5 Common reasons for the forced marriage of children include:
- the social prestige awarded to girls and their families who marry young, poverty (as families may receive financial payment for their child),
  - lack of child support institutions, and
  - cultural or tribal traditions and customs, including families who believe their daughter has to marry before reaching puberty (see [Cultural and societal attitudes towards women](#)).
- 2.4.6 Arranged marriages, that is marriages that are organised – sometimes when children are very young – between families, are less popular amongst families with greater economic prosperity and a higher level of education, who tend to live in large urban areas. A woman who refuses an arranged marriage may be at risk of an 'honour' crime. Such crimes tend to occur in more traditional and rural areas (see [Reasons for child marriage](#), [Prevalence of child marriage](#) and [Consequences of refusal to marry](#)). For an assessment of risk and further information on risk of 'honour' crimes, see the [Country Policy and Information Note on Iran: Women – honour-based violence](#).
- 2.4.7 Whilst early and forced marriage occur, and the incidence of child marriage has increased, evidence indicates it is not on such a scale as to suggest there is a generalised risk. It will depend on their particular circumstances,

including age, family background, place of residence, education and socio-economic status.

- 2.4.8 If a woman or girl can show she will be forced to marry then this would amount to persecution, but the onus is on her to show she would be forced into marriage against her will on return to Iran.
- 2.4.9 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.4.10 Decision makers should also refer to the instruction on [Gender issues in the asylum claim](#) and [Processing children's asylum claims](#).

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## 2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from non-state actors, decision makers must assess whether the state can provide effective protection.
- 2.5.2 Forced marriage is prohibited by law as both parties must consent (see [Definition of forced marriage](#)). A national law protecting children and adolescents against violence, including abuse or exploitation, was passed in June 2020. The State Welfare Organization has the authority to remove from a family a child who is deemed at risk. However, the law fails to address child marriage. Children under the age of 15 remain under the legal guardianship of a male relative, usually the father, so they may not be able to seek court assistance if they object to marriage as their legal guardian would have to represent them in court. Discriminatory attitudes towards women in the justice system prevail (see [Laws aimed at protecting women and children](#), [Refusal to marry](#), [Support services](#) and [Access to justice](#)).
- 2.5.3 Support in the form of social emergency centres, health and safe houses exist although these places are poorly resourced, are not present throughout the whole country, are rare in rural areas and tend to focus on reconciliation. Given that some women require the permission of a male guardian to leave the home alone, access to such services may be limited (see [Support services](#) and [Cultural and societal attitudes towards women](#)).
- 2.5.4 There are a few examples of court and social services intervention, where the marriage of a child has been annulled and the child removed from the family (see [Avenues of redress](#)).
- 2.5.5 In general, the state is able to provide effective protection to a woman or girl in fear of a forced marriage. However, due to discriminatory laws and practices against women and girls, including legislation that allows child marriage, the state – particularly in rural, more traditional areas – may be unwilling to provide effective protection. Decision makers must consider each case on its facts. The onus is on the person to demonstrate why they would not be able to seek and obtain state protection.
- 2.5.6 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#) and the [Country Policy and Information Note on Iran: Actors of Protection](#).

- 2.5.7 Decision makers should also refer to the instruction on [Gender issues in the asylum claim](#) and [Processing children's asylum claims](#).

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## 2.6 Internal relocation

- 2.6.1 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.
- 2.6.2 The Court of Appeal in [SC \(Jamaica\) v Home Secretary \[2017\] EWCA Civ 2112](#) held that, 'the evaluative exercise is intended to be holistic and ... no burden or standard of proof arises in relation to the overall issue of whether it is reasonable to internally relocate' (paragraph 36).
- 2.6.3 Whilst there are no legal barriers to a woman resettling elsewhere in Iran, official and societal discrimination may impede women from doing so. For example, some landlords may be reluctant to rent property to a single woman. 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. Internal relocation may be viable if the woman is financially independent, has the support or permission of a male guardian, or support of extended family or network (see [Internal relocation](#)).
- 2.6.4 When assessing internal relocation, in the reported case of [TB \(PSG, women\) Iran \[2005\] UKIAT 00065 \(09 March 2005\)](#), the Tribunal took into account the position in Iranian society of the persons feared. In the case of [TB](#), the appellant feared her father and intended husband (a Mullah), both of whom were members of the Niru-Entezami (Law Enforcement Forces – LEF). The Tribunal concluded that an internal relocation alternative was not realistically available due to the influence of the appellant's potential persecutors on the state authorities and mechanisms (paragraphs 68 and 69.v).
- 2.6.5 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#) and also the [Country Policy and Information Background Note on Iran](#).
- 2.6.6 Decision makers should also refer to the instruction on [Gender issues in the asylum claim](#) and [Processing children's asylum claims](#).

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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

Section 3 updated: 1 December 2021

## 3. Legal context

### 3.1 Marriage laws

3.1.1 According to a report on gender inequality in Iran, published in 2013 by the Iran Human Rights Documentation Center (IHRDC), 'Under Islamic Shari'a marriage is not considered as a sacrament but defined as a civil contract between a man and his wife.'<sup>1</sup> Religious marriages must be registered with the authorities to be considered legally valid by the state<sup>2</sup>.

See also [Marriage registration](#).

3.1.2 Book 7, Section 1 of the [Civil Code of the Islamic Republic of Iran](#)<sup>3</sup> outlines the provisions relating to marriage:

- Chapter 1: On asking for the hand of marriage.
- Chapter 2: Medical fitness for marriage.
- Chapter 3: On impediments to marriage.
- Chapter 4: Circumstances necessary for legality of marriage.
- Chapter 5: Deputing a third party for giving consent to marriage.
- Chapter 6: on temporary marriage.
- Chapter 7: on dowry (Mahr).
- Chapter 8: Reciprocal duties and rights of parties to a marriage<sup>4</sup>.

3.1.3 Article 6 of the Civil Code specifies that 'laws relating to personal status, such as marriage, divorce, capacity and inheritance, shall [b]e observed by all Iranian subjects, even if resident abroad.'<sup>5</sup> Article 976 of the Civil Code states, 'every woman of foreign nationality who marries an Iranian husband' is considered to be an Iranian subject<sup>6</sup>. Whilst a foreign man married to an Iranian woman does not automatically receive Iranian citizenship, changes to the nationality law introduced in June 2020 allow Iranian women married to foreign men to pass Iranian citizenship onto their children, providing the parents are in an official marriage that has been registered with the authorities<sup>7 8</sup>.

3.1.4 Listing marital duties as prescribed under the Civil Code, the Legal Information Institute (LII) noted:

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<sup>1</sup> IHRDC, '[Gender inequality and discrimination...](#)' (section 2.1), 5 March 2013

<sup>2</sup> EJIMEL, '[Marriage in Iran: Women Caught Between Shi'i and State Law](#)' (page 43), 2019

<sup>3</sup> Sourced from [Refworld](#), who noted: This is an unofficial translation. The Code was last amended on 31 July 2006 ([see the most current version in Farsi](#)), but the last amendment included here is dated 29 December 1985

<sup>4</sup> [Civil Code of the Islamic Republic of Iran](#) (Book 7, Section 1), 23 May 1928

<sup>5</sup> [Civil Code of the Islamic Republic of Iran](#) (Article 6), 23 May 1928

<sup>6</sup> [Civil Code of the Islamic Republic of Iran](#) (Article 976), 23 May 1928

<sup>7</sup> Al Jazeera, '[Iran women married to foreigners can pass citizenship to children](#)', 2 October 2019

<sup>8</sup> Info Migrants, '[Iranian citizenship law for children of foreign fathers approved](#)', 4 June 2020

'According to Iranian law, the husband is the exclusive holder of the position of "head of the family" (Art. 1105). As such, the husband provides his wife with the cost of maintenance (Art. 1106), "which includes dwelling, clothing, food, furniture, and provision of a servant if the wife is accustomed to have servant or if she needs one because of illness" (Art. 1107) Article 1108 creates a duty on the part of women to satisfy the sexual needs of their husbands at all times. This is the tamkin (submission) requirement of Sharia law. If a wife refuses to fulfill her duties, she may be barred from receiving maintenance payments. The husband determines his wife's place of residence and thus controls her freedom of movement (Art. 1114). If the dwelling of the wife and husband in the same house involves the risk of bodily or financial injury or that to the dignity of the wife, she can choose a separate dwelling. If the alleged risk is proved, the court will not order her to return to the house of the husband and, so long as she is authorized not to return to the house, her cost of maintenance will be on the charge of her husband (Article 1115). In addition, the husband may prevent his wife from exercising a certain profession if he deems it "incompatible with the family interests or the dignity of himself or his wife" (Art. 1117).'<sup>9</sup>

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## 3.2 Marriage and religion

### 3.2.1 Shamin Asghari noted in a paper on early marriage, regarding the influence of Islam in Iranian law, that:

'A bill will not become law unless it complies with religious norms...

'The fundamental difference between Islamic schools and the international human rights system regarding early marriage is the definition of childhood. While both systems recognize maturity as the end point of childhood, their understanding of it differs widely. Islamic schools themselves are not in complete agreement on the age of maturity (buluq). Given the characteristics used by Shi'i scholars to define the concept, maturity mainly relates to sexual development and is intertwined with puberty.'<sup>10</sup>

### 3.2.2 Although prepared for the academic year 2000-1, an essay prepared by Sen McGlenn under the supervision of Léon Buskens (lecturer on anthropology and Islamic law at the faculties of Humanities and Law of Leiden University in the Netherlands<sup>11</sup>), for the paper on 'Islamic Family Law' continues to provide relevant information. The essay provided a comprehensive overview of family law in Iran (hereafter, the Family Law in Iran paper) and referred to other schools of Islam:

'Article 12 of the [Constitution](#) makes Shi'ah Islam the state religion in perpetuity, but recognizes the Hanafí, Shafi'í, Málekí, Hanbalí and Zaidí schools, allowing followers of these schools to perform religious rituals according to their own teachings. This presumably applies to the ritual form of engagement and marriage agreements. It also says that, in matters of "religious instruction and personal status (including marriage, divorce, inheritance and the framing of wills) and the cases relating thereto [these 5

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<sup>9</sup> LII, '[Civil Code of Iran \(Marital duties\)](#)', no date

<sup>10</sup> Asghari, S., '[Early Marriage in Iran: A Pragmatic Approach](#)' (section 2.1.1), November 2019

<sup>11</sup> Leiden University, '[Léon Buskens - Profile](#)', no date

schools] are considered to be official in courts of law. In every region where the followers of any of these sects enjoy a majority of the particular sect [sic] the local regulations will be formulated according to precepts of jurisdiction of the councils of that region of councils with the assurance that the rights of followers of other sects will be preserved.” It is not known whether this has been put into effect: the constitution contains provisions for other institutions which were not immediately given effect.<sup>12</sup>

3.2.3 The 2013 IHRDC report referred to restrictions to the right to marry in relation to the religion of spouses:

‘According to Quran (2:221) Muslim men are free to marry fellow-Muslim women but they are forbidden to marry women from idolatrous communities unless they embrace Islam. They are, however, expressly allowed to marry upright women from the ahl-al-kitab, “people of the book”, meaning Jews and Christians, and, according to Shi’a, Zoroastrians, who are followers of the divine religions with a revealed scripture (5:6).

‘However, this concession is allowed to Muslim men only. Muslim women are not allowed to marry adherents of another religion under any circumstances. It is asserted that a Muslim woman who marries a non-Muslim man, under his influence, will convert from Islam to her husband’s religion. The Civil Code is not detailed about the issue and only one article deals with this requirement. Article 1059 of Civil Code stipulates:

“Marriage of a female Muslim with a non–Muslim is not allowed.”

‘As a result, a non-Muslim man, in order to marry an Iranian Muslim woman, must convert to Islam. Moreover, this requirement must continue through the whole period of marriage; otherwise the marriage will be at risk. So, if for example, a Christian woman becomes Muslim while her husband retains his Christian faith, she is entitled to apply for divorce.’<sup>13</sup>

3.2.4 The Family Law in Iran paper discussed the position for religious minorities:

‘Article 13 of the Constitution recognizes Iranian Zoroastrians, Jews and Christians as minority religious groups. They are entitled to apply the teachings of their own religion in matters of personal status. It appears that they do so, through marriage officiators and “courts” within their own communities, the results of which are registered by the state. However the personal status laws of these communities must withstand the test of “public order”. In concrete terms, the adoption of children in religious minorities is recognized (but not among Muslims), and members of churches that do not recognize divorce cannot be divorced.’<sup>14</sup>

3.2.5 The Australian Government’s Department of Foreign Affairs and Trade (DFAT) noted in its April 2020 report on Iran, which was 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

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<sup>12</sup> McGlinn, S., ‘[Family law in Iran](#)’ (pages 17-18), 2000-2001

<sup>13</sup> IHRDC, ‘[Gender inequality and discrimination...](#)’ (section 2.1.2), 5 March 2013

<sup>14</sup> McGlinn, S., ‘[Family law in Iran](#)’ (page 18), 2000-2001

human rights organisations such as Amnesty International, Human Rights Watch and Freedom House, and reputable news sources, that, within the limits of the law, Zoroastrians, Jews and Christians can perform their own religious ceremonies and issue marriage contracts in accordance with their religious laws<sup>15</sup>. The same report also noted, ‘Conservative Zoroastrians frown upon marriage outside of the faith...’<sup>16</sup>

- 3.2.6 Kurdish media network, Rudaw, in an August 2020 article stated ‘Iranian personal statutes and family law are generally based on Jaafari [the dominant branch of Shiite Islam] jurisprudence, members of Iran’s religious minority groups – including Sunni Islam, practiced by the majority of Iran’s Kurds – have the right to regulate and administer family matters like marriage, divorce and child custody, according to their respective religious laws.’<sup>17</sup>

See also [Kurdish marriages](#).

- 3.2.7 The Family Law in Iran paper stated in regard to Baha’is:

‘Iran’s largest religious minority, the Bahá’ís, have their own laws regarding engagement, marriage, divorce, the writing of a will and inheritance, and a system of local and national elected assemblies empowered to rule on cases. However the Bahá’í Faith is not a recognized religion: its followers are regarded as heretical Muslims or as apostates, and its assemblies have been dissolved. Bahá’í marriages are not recognized, so that Bahá’í children are regarded as illegitimate and cannot inherit. They are not regarded as being protected by Article 14’s guarantee of human rights for non-Moslems.’<sup>18</sup>

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### 3.3 Temporary marriage

- 3.3.1 The Civil Code recognises the validity of a temporary marriage<sup>19</sup>.

- 3.3.2 The Family Law in Iran paper explained:

‘A temporary marriage does not count as one of the maximum of four marriages to which a man is entitled. A man can contract as many temporary marriages simultaneously as he wishes. It is used in a serial way, to legitimate what would otherwise be regarded as promiscuity, but is also contracted by young urban couples whose families oppose their marriage, or who are not prepared to approach their families for the necessary permission and assistance with the marriage costs and arrangements. A temporary marriage is not normally registered, but a court can issue a specific order authorizing registration. The contract will normally be drawn up by a mullah.’<sup>20</sup>

See [Marriage registration](#) for information on registering temporary marriages.

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<sup>15</sup> DFAT, ‘[Country Information Report Iran](#)’ (paragraph 3.33), 14 April 2020

<sup>16</sup> DFAT, ‘[Country Information Report Iran](#)’ (paragraph 3.43), 14 April 2020

<sup>17</sup> Rudaw, ‘[Triple talaq, the divorce oath bringing Kurdish marriages to a crashing...](#)’, 25 August 2020

<sup>18</sup> McGlinn, S., ‘[Family law in Iran](#)’ (page 18), 2000-2001

<sup>19</sup> [Civil Code of the Islamic Republic of Iran](#) (Articles 1075-1077), 23 May 1928

<sup>20</sup> McGlinn, S., ‘[Family law in Iran](#)’ (page 58), 2000-2001

### 3.3.3 The Family Law in Iran paper continued:

'A temporary marriage has the effect of legitimating sexual union and any children born from it. However in law its purpose is not to have children, but to legitimate the man's sexual enjoyment (istimta'). [In practice it appears that temporary marriage is also used by women to legitimate their sexual enjoyment, but they do not have a right to sexual satisfaction (unlike a permanent wife)<sup>21</sup>.] It entitles the man to exclusive access to the woman's sexual favour for a specified period, in exchange for a specified payment of mahr (dowry).<sup>22</sup>

### 3.3.4 Shahla Haeri noted in her 2014 book on temporary marriage in Iran that 'Ideologically, the Shi'i doctrine distinguishes temporary marriage from permanent marriage in that the objective of mut'ah is sexual enjoyment whereas that of nikah is procreation. This fundamental, conceptual, and legal distinction is embedded in Shi'i assumptions concerning the natural differences between men and women.'<sup>23</sup>

### 3.3.5 A 2019 report published in the Electronic Journal of Islamic and Middle Eastern Law (EJIMEL) stated:

'In contemporary Twelver Shi'a Islam in Iran, temporary marriage stays a legal and religious conjugal union between an unmarried woman and a married or unmarried Muslim man (due to laws that sanction polygamy), which is contracted for a fixed time period in return for a set amount of money that the woman receives. The practice of temporary marriage is not only sanctioned, but also encouraged in Shi'i discourses. This is because any form of extramarital sexual relationship is prohibited by Islamic law and is culturally interdicted. Temporary marriage is, in this context, promoted as a halal alternative and an Islamically-sanctioned way to avoid premarital, extramarital and other "illegitimate" sexual relationships.'<sup>24</sup>

### 3.3.6 The EJIMEL report added:

'Recently, temporary marriage has been advocated for mostly by conservatives who continue to present it either as a solution for women in vulnerable socio-economic conditions to be protected by men, or as a reaction to the moral panic on Iranian youth's lifestyle. It is seen as a way to hinder un-Islamic relationships that – as it is portrayed by the conservative political and religious forces – have become increasingly more prominent among young Iranians. Despite the continuous promotion of temporary marriage, it remains a largely unpopular practice among young Iranians, and for this, it is often practiced in secrecy.

'The practice of temporary marriage is connected to problematic issues including unregistered marriages and specially, child/early marriages in Iran, as young women have been reported to be one of most prominent groups who are negatively affected by temporary (and sometimes unregistered)

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<sup>21</sup> McGlinn, S., '[Family law in Iran](#)' (page 59, footnote 1), 2000-2001

<sup>22</sup> McGlinn, S., '[Family law in Iran](#)' (pages 58-59), 2000-2001

<sup>23</sup> Haeri, S., '[Law of Desire: Temporary Marriage in Shi'i Iran](#)' (page 50), 2014

<sup>24</sup> EJIMEL, '[Marriage in Iran: Women Caught Between Shi'I and State Law](#)' (page 41), 2019

marriage. Temporary marriage is, for instance, sometimes used to legitimize early marriage with the approval of the parents.<sup>125</sup>

- 3.3.7 The Family Law in Iran paper noted that a temporary marriage remains valid 'even if the contract stipulates that there will be no sexual intercourse.'<sup>26</sup>
- 3.3.8 Unlike a temporary marriage, a so-called 'white marriage' was, according to an anonymous source cited in a joint report by the Danish Immigration Service and the Danish Refugee Council, published February 2018, deemed as an 'illicit cohabitation between a man and a woman who are not married'<sup>27</sup>, though such relationships were said to be common in Tehran and other major cities<sup>28 29</sup>.
- 3.3.9 A Human Rights Watch (HRW) report from December 2020 noted that 'Iran's criminal code criminalizes consensual sexual relationships outside of marriage with a punishment of 100 lashes. While there is growing social acceptance of relationships outside marriage, commonly referred to as "white marriages," Iranian law violates the right to privacy and leaves victims of domestic violence at risk of prosecution if they report domestic violence by a partner who is not a spouse.'<sup>30</sup>
- 3.3.10 The EJIMEL report considered that temporary marriage was '...sometimes used to legitimize early marriage with the approval of the parents.'<sup>31</sup>
- 3.3.11 See also [Reasons for child marriage](#) and [Prevalence of child marriage](#).
- 3.3.12 For further information on pre-marital relationships and adultery, see the [Country Policy and Information Note on Iran: Adulterers](#).

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### 3.4 Marriage registration

- 3.4.1 Article 993 of the Civil Code states that temporary or permanent marriages must be registered<sup>32</sup>, although according to an anonymous source cited in a in the Danish Immigration Service report, registration of temporary marriages was not required<sup>33</sup>. The US Department of State's Bureau of Consular Affairs also noted that temporary marriages were performed by ecclesiastical authorities and not registered with the government<sup>34</sup>. Articles 31, 32 and 33 of the [Civil Registration Law](#) describe the process for registering a marriage or divorce and the documentation this was reflected in<sup>35</sup>.
- 3.4.2 The Civil Registration Law also notes at Article 10:

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<sup>25</sup> EJIMEL, '[Marriage in Iran: Women Caught Between Shi'i and State Law](#)' (page 42), 2019

<sup>26</sup> McGlinn, S., '[Family law in Iran](#)' (page 59), 2000-2001

<sup>27</sup> Danish Immigration Service, '[Relations outside of marriage in Iran...](#)' (page 5), February 2018

<sup>28</sup> Danish Immigration Service, '[Relations outside of marriage in Iran...](#)' (page 5), February 2018

<sup>29</sup> DFAT, '[Country Information Report Iran](#)' (paragraph 3.138), 14 April 2020

<sup>30</sup> HRW, '[Iran: Adopt Draft Law to Protect Women](#)', 4 December 2020

<sup>31</sup> EJIMEL, '[Marriage in Iran: Women Caught Between Shi'i and State Law](#)' (page 42), 2019

<sup>32</sup> [Civil Code of the Islamic Republic of Iran](#) (Article 993), 23 May 1928

<sup>33</sup> Danish Immigration Service, '[Relations outside of marriage in Iran...](#)' (page 9), February 2018

<sup>34</sup> USSD, '[Reciprocity Schedule](#)' (Marriage, Divorce Certificates), no date

<sup>35</sup> [Civil Registration Law](#) (Articles 31-33), no date

'Vital events of each person (birth, marriage, divorce waiver of enjoyment of wife's company for the remaining period in a temporary marriage and death) are registered in books as follows:

a) 'Vital Statistics General Book: The birth of each person is registered in this book at the beginning and then the events related to marriage, divorce, revocation of divorce, waiver of enjoyment of wife's company for the remaining period in a temporary marriage, spouse's death, children's birth or death, and the holder's death is registered in this book from the contents of notices and documents.'<sup>36</sup>

3.4.3 The Family Law in Iran paper noted that marriages 'must... be reported to the "notaries" offices of the Ministry of Justice, where they are recorded in the public registers and entered on the identity cards (sijill) of the partners. There is no fee for registering marriages and divorces.'<sup>37</sup>

3.4.4 The EJIMEL report provided an overview of the process to register a marriage in Iran, noting, 'In Iran, permanent marriages take place only after a compulsory submission of an application by the couple, followed by an official process that includes blood tests and possible vaccinations. If the application is approved, registration of the marriage by a legal authority and entering the marriage information in the birth certificates of both spouses will become compulsory.'<sup>38</sup> Failing to register a permanent marriage is subject to legal punishment, including a fine and possible imprisonment for the male partner<sup>39 40</sup>.

3.4.5 The EJIMEL report stated that under Iranian law, 'an Islamic marriage does not require registration to be juristically valid', however, 'it does require registration to be considered lawful.'<sup>41</sup> The report continued 'As such, unregistered marriages are religiously valid and as long as proof or witnesses of marriage exist, they are not considered indecent behaviour (and are thus not punishable by law like pre-marital relationships); however, they are considered illegal and do not enjoy legal protection.'<sup>42</sup>

3.4.6 In regards to temporary marriages, the EJIMEL report noted there were 2 legal possibilities to register a temporary marriage:

'Temporary marriage can be legally practiced with a private registration. In this form, a religious authority (not a legal one) marries the couple and enters their information in a marriage booklet that he stamps. This private registration is not equivalent to a legal document and does not enter a database but is proof of a religiously legitimate relationship. The booklet can however be partially used as a legal proof of marriage and can stand as evidence in a court of law.

'The second legal possibility is registering the temporary marriage, which could be performed just like the official registration of a permanent marriage.

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<sup>36</sup> [Civil Registration Law](#) (Article 10), no date

<sup>37</sup> McGlinn, S., '[Family law in Iran](#)' (page 43), 2000-2001

<sup>38</sup> EJIMEL, '[Marriage in Iran: Women Caught Between Shi'I and State Law](#)' (page 43), 2019

<sup>39</sup> McGlinn, S., '[Family law in Iran](#)' (page 43), 2000-2001

<sup>40</sup> EJIMEL, '[Marriage in Iran: Women Caught Between Shi'I and State Law](#)' (page 43), 2019

<sup>41</sup> EJIMEL, '[Marriage in Iran: Women Caught Between Shi'I and State Law](#)' (page 43), 2019

<sup>42</sup> EJIMEL, '[Marriage in Iran: Women Caught Between Shi'I and State Law](#)' (page 43), 2019

The registration of temporary marriage can happen if the couple agrees upon it (although they do not have to) and might happen if it is a required condition set by one of the spouses and accepted by the other. Registration of the temporary marriage does, however, become legally compulsory if the temporary wife gets pregnant, and the same legal punishments (as in permanent marriage...) will apply to the husband if he fails to [register the marriage] accordingly. A temporary marriage without legally binding private or national registration is considered a valid Shi'i marriage, but the couple does not enjoy any legal rights based on unregistered marriage claims. There is no legal punishment for unregistered temporary marriages if they have been conducted correctly according to the Shi'i doctrine. While it seems that the issue of accidental pregnancy during a temporary marriage is resolved by enforcing compulsory registration, in practice, if the temporary marriage is not registered, it creates a long and hard legal process for the woman to prove her legitimate relationship claims, and otherwise she is prone to harsh social stigmatization and legal issues as the child could be considered out of wedlock if the man does not confirm her claims of marriage.<sup>143</sup>

- 3.4.7 For information on pre-marital relationships and adultery, see the [Country Policy and Information Note on Iran: Adulterers](#).

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### 3.5 Dowry and maintenance rights

- 3.5.1 As noted in the Family Law in Iran paper, a wife is entitled to receive a dowry and maintenance from her husband, regardless of her own wealth<sup>44</sup>. The paper provided a detailed definition of dowry, which it described as 'a sum which the husband pays or obliges himself to pay to the wife (not to her family), by virtue of having sexual relations.'<sup>45</sup>
- 3.5.2 Article 1107 of the Civil Code states that maintenance includes 'dwelling, clothing, food [and] furniture in proportion to the situation of the wife...'<sup>46</sup>, although this right to maintenance is forfeited 'If the wife refuses to fulfil duties of a wife without legitimate excuse...'<sup>47</sup> According to the 2013 IHRDC report, 'A wife's disobedience can also create legal grounds for polygamy, divorce, or domestic violence...'<sup>48</sup>

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### 3.6 Divorce and child custody

- 3.6.1 Freedom House stated in its annual 2020 Freedom in the World Report that 'Women do not enjoy equal rights in divorce and child custody disputes.'<sup>49</sup>
- 3.6.2 Book 7, Section 2 of the Civil Code outlines the provisions relating to dissolution of marriage and states under Article 1120 that 'Marriage may be dissolved by cancellation, by divorce, or by waiver of the remaining period in

<sup>43</sup> EJIMEL, '[Marriage in Iran: Women Caught Between Shi'i and State Law](#)' (pages 43-44), 2019

<sup>44</sup> McGlinn, S., '[Family law in Iran](#)' (page 45), 2000-2001

<sup>45</sup> McGlinn, S., '[Family law in Iran](#)' (page 49), 2000-2001

<sup>46</sup> [Civil Code of the Islamic Republic of Iran](#) (Article 1107), 23 May 1928

<sup>47</sup> [Civil Code of the Islamic Republic of Iran](#) (Article 1108), 23 May 1928

<sup>48</sup> IHRDC, '[Gender inequality and discrimination...](#)' (section 2.1.4.3), 5 March 2013

<sup>49</sup> Freedom House, '[Freedom in the World 2021: Iran](#)' (section G3), 3 March 2021

the case of a temporary marriage.<sup>50</sup> The Civil Code goes on to describe the circumstances under which a marriage may be dissolved<sup>51</sup>.

- 3.6.3 Article 1133 of the Civil Code states 'A man can divorce his wife whenever he wishes to do so.'<sup>52</sup> The Family Law in Iran paper described the process further, 'Talaq is divorce through the repudiation by a man of his wife, by speaking a repudiation formula (once) in the presence of two male witnesses. There must be an immediate intention to effect a divorce, so a conditional divorce is null and void and the words said in jest have no effect.'<sup>53</sup>
- 3.6.4 Article 1130 of the Civil Code states 'In the following circumstances, the wife can refer to the Islamic judge and request for a divorce. When it is proved to the Court that the continuation of the marriage causes difficult and undesirable conditions, the judge can for the sake of avoiding harm and difficulty compel the husband to, divorce his wife. If this cannot be done, then the divorce will be made on the permission of the Islamic judge.'<sup>54</sup>
- 3.6.5 The IHRDC report noted that Article 1133 of the Civil Code was amended in 2002, adding 'While the old article provided that a man could divorce his wife whenever he wishes without any judicial procedure, the amended article provides: "A man can divorce his wife under the conditions of the current law and by applying to the court".'<sup>55</sup>
- 3.6.6 The Suuntaus project report on violence against women in Iran, compiled by the Country Information Service of the Finnish Immigration Service, based on a range of sources, dated 26 June 2015, stated that, following the utterance of talaq:
- 'There is a compulsory three-month reconsideration [waiting] period ('edde) during which the husband must still support his wife. If a man refuses to give his wife a divorce, the wife can ask a court to order a so-called khul' divorce. Although the law does not provide an automatic right of divorce for women, women can nevertheless ask for a divorce clause to be added to the marriage contract at the time of the marriage, which gives them as much of a right to a divorce as their husbands.'<sup>56</sup>
- 3.6.7 A woman may seek divorce through the courts<sup>57 58 59</sup>, although, as noted in the Finnish Immigration Service report:
- 'Divorce proceedings in the court system can take an extremely long time and be very complicated. The majority of divorces in Iran are initiated by women, and such divorces require court proceedings. Many divorce cases result in a kind of compromise in which the wife gives up her right to the dower in order to speed up the proceedings, whereby the husband agrees to

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<sup>50</sup> [Civil Code of the Islamic Republic of Iran](#) (Book 7, Section 2), 23 May 1928

<sup>51</sup> [Civil Code of the Islamic Republic of Iran](#) (Book 7, Section 1, Chapter 2), 23 May 1928

<sup>52</sup> [Civil Code of the Islamic Republic of Iran](#) (Article 1133), 23 May 1928

<sup>53</sup> McGlenn, S., '[Family law in Iran](#)' (page 62), 2000-2001

<sup>54</sup> [Civil Code of the Islamic Republic of Iran](#) (Article 1130), 23 May 1928

<sup>55</sup> IHRDC, '[Gender inequality and discrimination...](#)' (section 2.2), 5 March 2013

<sup>56</sup> Finish Immigration Service, '[Violence against women...](#)' (page 13), 26 June 2015

<sup>57</sup> [Civil Code of the Islamic Republic of Iran](#) (Articles 1119, 1129 and 1130), 23 May 1928

<sup>58</sup> Finish Immigration Service, '[Violence against women...](#)' (page 14), 26 June 2015

<sup>59</sup> McGlenn, S., '[Family law in Iran](#)' (pages 65-66), 2000-2001

grant her the divorce and potentially also custody of any children... Divorce is also seen as shameful, and traditional communities avoid it at all costs. Divorced women generally become dependent on their own family, and the father's support and approval is often what decides whether a woman goes ahead with a divorce.<sup>60</sup>

- 3.6.8 The USSD Human Rights Report for 2020 observed that 'A woman has the right to divorce if her husband signs a contract granting that right; cannot provide for his family; has violated the terms of their marriage contract; or is a drug addict, insane, or impotent. A husband is not required to cite a reason for divorcing his wife. The law recognizes a divorced woman's right to part of shared property and to alimony. These laws were not always enforced.'<sup>61</sup> Whilst the USSD's 2019 report noted 'The government actively suppressed efforts to build awareness among women of their rights regarding marriage and divorce.'<sup>62</sup>
- 3.6.9 A temporary marriage does not require a divorce as it 'automatically expires after the pre-defined period of marriage has passed.'<sup>63</sup> However, according to the Iranian Civil Code, any remaining period of a temporary marriage may be waived<sup>64</sup>. Divorces, whether permanent or revocable, must be registered with the relevant authorities<sup>65 66</sup>.
- 3.6.10 The Finnish Immigration Service report stated, in regard to custodial rights of children:

'Children are viewed as a continuation of the husband's family. It is customary for women to lose their right to raise their children when they remarry, unless the new husband is a close relative of the previous one. In Iran's traditional communities, widows typically marry the brother of their late husband. According to the Iranian Civil Code, the mother is the primary custodian of any children under the age of seven, after which custody is automatically transferred to the father. This can nevertheless be challenged, in which case the court will rule in the child's best interests. Children who have reached the Islamic age of maturity – nine lunar years for girls and 15 lunar years for boys – have a right to express their views in court.

'Normally, the mother cannot be a child's legal guardian in Iran even if she has the right to raise the child in her home in practice. Legal guardianship, and therefore the power to make decisions about important matters pertaining to the child, such as marriage, financial arrangements and international travel, automatically belongs to the father. The mother can generally only gain legal custody of her children in the absence of the children's father and paternal grandfather.'<sup>67</sup>

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<sup>60</sup> Finish Immigration Service, '[Violence against women...](#)' (page 14), 26 June 2015

<sup>61</sup> USSD, '[2020 Country Reports on Human Rights Practices](#)' (section 6), 30 March 2021

<sup>62</sup> USSD, '[2019 Country Reports on Human Rights Practices](#)' (section 6), 11 March 2020

<sup>63</sup> EJIMEL, '[Marriage in Iran: Women Caught Between Shi'i and State Law](#)' (page 41), 2019

<sup>64</sup> [Civil Code of the Islamic Republic of Iran](#) (Article 993), 23 May 1928

<sup>65</sup> [Civil Code of the Islamic Republic of Iran](#) (Article 993), 23 May 1928

<sup>66</sup> Iran News Update, '[What Is the Story of the Divorce Registration Quota in Iran?](#)', 6 February 2020

<sup>67</sup> Finish Immigration Service, '[Violence against women...](#)' (page 15), 26 June 2015

- 3.6.11 If the mother remarries before the child reaches the age of 7, custody will devolve to the father<sup>68</sup>. Even if the mother maintains custody of the child, the IHRDC report noted that, ‘... the child’s paternal grandfather will be his/her natural guardian [who] maintains decision-making control over crucial matters where the consent of the guardian is required, including the permission to obtain a passport and leave the country, undergo a surgery, the permission for marriage of virgin girls, decisions regarding financial issues such as ownership and disposal of the children’s property, and other issues.’<sup>69</sup>
- 3.6.12 A mother may be selected by a court as the legal guardian if the natural guardian does not act in the best interests of the child<sup>70 71</sup>. According to the Family Law in Iran paper, ‘The partner who does not have custody may be granted visiting rights, and these may be enforced by the police. A woman who has custody by legal right is also entitled to maintenance from the father for the children, which may be enforced by the courts.’<sup>72</sup>

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### 3.7 Laws aimed at protecting women and children

- 3.7.1 A bill aimed at protecting children and adolescents against violence was passed in June 2020<sup>73</sup>. Radio Farda noted the bill defines ‘a child is a person who has not reached the “Sharia age of puberty”, and adolescents are defined as “persons under the age of eighteen” who have reached the “Sharia age of puberty”.’<sup>74</sup>

See also [Minimum age for marriage](#).

- 3.7.2 Human Rights Watch (HRW) noted that the law ‘includes new penalties for certain acts that harm a child’s safety and well-being, including physical harm and preventing access to education. The law also allows officials to relocate a child in situations that seriously threaten their safety. But the law fails to address some of the most serious threats against children in Iran, such as child marriage and imposition of the death penalty.’<sup>75</sup>
- 3.7.3 Radio Free Europe Radio Liberty (RFERL) reported on 4 January 2021 ‘The Iranian government has passed a bill that criminalizes violence against women, including action or behavior that causes “physical or mental harm” to women.’<sup>76</sup> As noted by Al Jazeera in January 2021, the Protection, Dignity and Security of Women Against Violence bill had still to be passed by parliament before being scrutinised by the Guardian Council, consisting of jurists and religious experts<sup>77</sup>. The Guardian Council has the authority to

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<sup>68</sup> IHRDC, ‘[Gender inequality and discrimination...](#)’ (section 2.1.4.3), 5 March 2013

<sup>69</sup> IHRDC, ‘[Gender inequality and discrimination...](#)’ (section 2.3), 5 March 2013

<sup>70</sup> McGlinn, S., ‘[Family law in Iran](#)’ (page 76), 2000-2001

<sup>71</sup> IHRDC, ‘[Gender inequality and discrimination...](#)’ (section 2.3), 5 March 2013

<sup>72</sup> McGlinn, S., ‘[Family law in Iran](#)’ (page 78), 2000-2001

<sup>73</sup> Radio Farda, ‘[Iran Finally Adopts A Child-Protection Law, Held Back...](#)’, 8 June 2020

<sup>74</sup> Radio Farda, ‘[Iran Finally Adopts A Child-Protection Law, Held Back...](#)’, 8 June 2020

<sup>75</sup> HRW, ‘[Iran: Child Protection Law Positive, but Insufficient](#)’, 23 June 2020

<sup>76</sup> RFERL, ‘[Iran's Cabinet OKs Bill To Protect Women From Violence...](#)’, 4 January 2021

<sup>77</sup> Al Jazeera, ‘[Iran gov't approves bill to combat violence against women](#)’, 4 January 2021

reject legislation passed by parliament if they deem it to be inconsistent with the constitution and Islamic law<sup>78</sup>.

- 3.7.4 Commenting in December 2020 on the draft bill aimed at protecting women, HRW noted that, despite having some positive provisions, the bill ‘... does not criminalize some forms of gender-based violence, such as marital rape and child marriage.’<sup>79</sup>
- 3.7.5 RFERL noted ‘According to the bill, the judiciary will be tasked with setting up and sponsoring offices that provide support for women who suffer some type of violence or who are susceptible to violence. The bill also requires the establishment of special police units to ensure the safety of women.’<sup>80</sup>
- 3.7.6 At the time of writing, the Country Policy and Information Team (CPIT) was not aware that the Protection, Dignity and Security of Women Against Violence bill had become law (see [Bibliography](#)).

See also [Avenues of redress](#).

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Section 4 updated: 25 February 2021

## 4. Documentation

### 4.1 Marriage and divorce certification

- 4.1.1 The US Department of State’s 2019 Report on International Religious Freedom (USSD IRF Report 2019) noted ‘Recognized religious groups issue marriage contracts in accordance with their religious laws.’<sup>81</sup>
- 4.1.2 The USSD’s Bureau of Consular Affairs provided details of marriage certificates (Sanad-e aghd, Sanad Sanad-e ezdevaj) and divorce certificates (Sanad-e Talagh), including a description of the documents, issuing authority and the procedure for obtaining such certificates<sup>82</sup>. The USSD also noted ‘In addition to marriages and divorces having their own documentation, the information should also be recorded in both parties’ shenasnameh (birth certificate) documents.’<sup>83</sup>
- 4.1.3 In a response dated 16 January 2015, the Immigration and Refugee Board of Canada (IRB) based on a range of sources noted that the shenasnameh is an identity document, which was described as ‘... a booklet containing information such as “personal particulars, particulars of parents, place and date of birth, a place for registration of marriage, divorce and death information”... identity documents issued to Iranians under the age of 15 do not contain the pages for marriage and divorce registration, nor do they have a picture.’<sup>84</sup>

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<sup>78</sup> IRNA, [‘The Guardian Council’](#), 21 May 2013

<sup>79</sup> HRW, [‘Iran: Adopt Draft Law to Protect Women’](#), 4 December 2020

<sup>80</sup> RFERL, [‘Iran’s Cabinet OKs Bill To Protect Women From Violence...’](#), 4 January 2021

<sup>81</sup> USSD, [‘2020 Report on International Religious Freedom’](#) (section II), 12 May 2021

<sup>82</sup> USSD, [‘Reciprocity Schedule’](#) (Marriage, Divorce Certificates), no date

<sup>83</sup> USSD, [‘Reciprocity Schedule’](#) (Marriage, Divorce Certificates), no date

<sup>84</sup> IRB, [‘The new format of the shenasnameh...’](#) 16 January 2015

- 4.1.4 The IRB provided details of the shenasnameh's physical characteristics and security features, period of validity, application procedures and requirements and the replacement of the old shenasnameh with the newer format<sup>85</sup>.
- 4.1.5 The USSD IRF Report 2019 noted 'The government does not recognize Baha'i marriages or divorces but allows a civil attestation of marriage. The attestation serves as a marriage certificate and allows for basic recognition of the union but does not offer legal protections in marital disputes.'<sup>86</sup>
- 4.1.6 According to the USSD Bureau of Consular Affairs, evidence of a Baha'i marriage appears in the person's shenasnameh in addition to other documents:

'Marriage between two Baha'is is registered in two documents. The first is an ecclesiastical marriage certificate issued by the local spiritual assembly – a booklet with the signatures of the couple, the person officiating the ceremony, and nine witnesses. The second is a one-page document issued by the Department of National Registration and Statistics stating that the couple appeared before one of its officials and provided an oath stating that they are a married couple... when a Baha'i marries a person from any other religion, the identity documents may not indicate the marriage.'<sup>87</sup>

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Section 5 updated: 1 December 2021

## 5. Position of women in society

### 5.1 Cultural and societal attitudes towards women and marriage

#### 5.1.1 In its concluding observations, the IHRDC 2013 report noted:

'... in stark contrast to Saudi Arabia and countries with similar gender oppression, Iranian women have the equal right to drive, vote, do not need to be accompanied by a male member of their families in public places, and have surpassed men in university entrance exams unlike any other country in the region. However, despite these relative strides, the IRI [Islamic Republic of Iran] legal system recognizes women as dependent upon men and incomplete human beings who need to be supervised and controlled by men and the State. While the IRI Constitution claims to guarantee equality for both genders, women are still treated as second class citizens under the IRI legal system. For instance... under the Islamic Penal Code, the value of a woman's worth is only half that of a man's. That is, blood money paid for murder or bodily injuries of a female victim is half that of a male victim; or, a woman's testimony in court is given half the weight of a man's testimony.'<sup>88</sup>

#### 5.1.2 The report added that Iran's 'construction of gender roles and the patriarchal control of women have produced a [legal] framework that demands women's obedience to their husbands and has its roots in the idea of male superiority and female inferiority. It clearly insists on roles and expectations based on gender stereotypes, and results in the economic, social and political

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<sup>85</sup> IRB, '[The new format of the shenasnameh...](#)' 16 January 2015

<sup>86</sup> USSD, '[2020 Report on International Religious Freedom](#)' (section II), 12 May 2021

<sup>87</sup> USSD, '[Reciprocity Schedule](#)' (Marriage, Divorce Certificates), no date

<sup>88</sup> IHRDC, '[Gender inequality and discrimination...](#)' (Conclusion), 5 March 2013

predominance of men and dependency of women.<sup>89</sup> The IHRDC noted, however, that, ‘... legal inequalities do not solely originate from deficiencies in laws, but also from social customs and traditions that retain the bias of pre-modern and patriarchal social systems.’<sup>90</sup>

See also [Legal context](#).

5.1.3 The 2015 Finnish Immigration Service report provided an overview of the status of women in Iran:

‘Women in Iran are subject to systematic discrimination on the basis of gender, which stems from culture, religion, society and legislation. The country’s male-dominated and conservative governance structure is conducive to discrimination against women in multiple spheres of society from criminal and family law to education and employment. Iran is one of the few countries in the world that have not ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

‘Women in Iran are subject to restrictions imposed by both their family and society. The country has a patriarchal culture that gives men power over women and property. According to the UN Special Rapporteur on Violence against Women, the subordinate status of women in Iranian society is perpetuated by two main factors: patriarchal values and attitudes favouring the norm of male supremacy and a state-promoted institutional structure based on hard-liner interpretations of Islamic principles. While the former is a universal phenomenon, the latter is particular to Iran’s gender politics and policies prevalent in the country since the 1979 Revolution. Both factors emphasize the notion that a woman’s role is primarily that of a wife and a mother, which is used as justification for restricting women’s public lives.’<sup>91</sup>

5.1.4 Cultural Atlas, a collaborative project between SBS (Special Broadcasting Service – Australia), International Education Services (IES) and Multicultural NSW (New South Wales)<sup>92</sup>, noted in regard to Iranian culture, ‘Family roles and dynamics vary significantly between those households that have progressive understandings of women’s rights, authority and privacy and those that maintain traditional values. Generally, families with higher educations will be more open-minded regarding the mother’s and father’s contribution to the household dynamic.’<sup>93</sup>

5.1.5 The Middle East Institute (MEI), a US-based think tank, reported in March 2020 on the position of women in Iran:

‘Since the revolution in 1979, Iranian women have experienced the Islamization of their country through laws regulating their attire (such as that requiring the hejab), enforcing certain Islamic traditions (such as the legal age of marriage), and expanding men’s authority over women, a move justified by reference to “family values.” During these same years of Islamization, however, the level of education, literacy rates, and the percentage of women attending university all increased dramatically. In Iran,

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<sup>89</sup> IHRDC, ‘[Gender inequality and discrimination...](#)’ (Conclusion), 5 March 2013

<sup>90</sup> IHRDC, ‘[Gender inequality and discrimination...](#)’ (Conclusion), 5 March 2013

<sup>91</sup> Finish Immigration Service, ‘[Violence against women...](#)’ (page 2), 26 June 2015

<sup>92</sup> Cultural Atlas, ‘[About](#)’, no date

<sup>93</sup> Cultural Atlas, ‘[Iranian Culture](#)’ (Family), no date

97 percent of women are literate, and more than 60 percent of university students are now female. Never before have so many women been educated as journalists, doctors, lawyers, engineers, and artists. However, this is not reflected in equal representation in the workforce. In fact, only 15.2 percent of Iranian women are employed, compared to 64 percent of men, and their representation in political life is even less: There are currently only 17 female members – a total of just 6 percent of MPs – in the Iranian Parliament (Majlis), elected in 2016.<sup>94</sup>

- 5.1.6 According to the National Organization for Civil Registration (NOCR), the number of marriages registered fell by 9% in 2018 compared to the previous year<sup>95</sup>. This trend in a decrease in marriages began in the late 2000's, according to an NOCR official cited by Radio Farda in November 2019<sup>96</sup>.
- 5.1.7 In 2014, Reuters reported on the increase in divorces in Iran, especially in large cities, indicating a 'fundamental shift in Iranian society', particularly in regard to the status of women, who 'are more educated and have increased financial empowerment', according to said Hamid Reza Jalaipour, a sociologist at Tehran University<sup>97</sup>.
- 5.1.8 In 2016, the Los Angeles (LA) Times reported 'More than 3 million educated Iranian women over 30 are unmarried, according to Mizan, the official news agency of Iran's judiciary. Their numbers are increasing as divorce becomes more common and more women attend universities, exposing them to careers and incomes independent of men who, by law and custom, are supposed to be their guardians.'<sup>98</sup>
- 5.1.9 Radio Farda noted in 2019 that divorces increased from 1 divorce in 8 marriages in 2008 to 1 in 3 in 2018<sup>99</sup>. Women aged between 15 and 19 made up over 29% of all divorced women in the March 2017 to March 2018 calendar year, according to a member of the Iranian parliament<sup>100</sup>.
- 5.1.10 The USSD IRF Report 2020 noted in regard to women's clothing:  
'The government continued to require all women to adhere to "Islamic dress" standards in public, including covering their hair and fully covering their bodies in loose clothing – an overcoat and a hijab or, alternatively, a chador (full body length semicircle of fabric worn over both the head and clothes). Although the government at times eased enforcement of rules for such dress, it also punished "un-Islamic dress" with arrests, lashings, fines, and dismissal from employment. The government continued to crack down on public protests against the compulsory hijab and Islamic dress requirements for women.'<sup>101</sup>
- 5.1.11 Article 638 in Book 5 of the Penal Code refers to enforcement of the hijab:

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<sup>94</sup> MEI, '[The role of women in building Iran's future](#)', 24 March 2020

<sup>95</sup> Radio Farda, '[Marriages Decrease, Divorces Increase At Alarming Rate In Iran](#)', 6 November 2019

<sup>96</sup> Radio Farda, '[Marriages Decrease, Divorces Increase At Alarming Rate In Iran](#)', 6 November 2019

<sup>97</sup> Reuters, '[Rise in divorce in Iran linked to shift in status of women](#)', 22 October 2014

<sup>98</sup> LA Times, '[More women in Iran are forgoing marriage. One reason?...](#)', 11 November 2016

<sup>99</sup> Radio Farda, '[Marriages Decrease, Divorces Increase At Alarming Rate In Iran](#)', 6 November 2019

<sup>100</sup> Radio Farda, '[Marriages Decrease, Divorces Increase At Alarming Rate In Iran](#)', 6 November 2019

<sup>101</sup> USSD, '[2020 Report on International Religious Freedom](#)' (section II), 12 May 2021

‘Anyone in public places and roads who openly commits a harām (sinful) act, in addition to the punishment provided for the act, shall be sentenced to two months’ imprisonment or up to 74 lashes; and if they commit an act that is not punishable but violates public prudence, they shall only be sentenced to ten days to two months’ imprisonment or up to 74 lashes.

‘Note- Women, who appear in public places and roads without wearing an Islamic hijab, shall be sentenced to ten days to two months’ imprisonment or a fine of fifty thousand to five hundred Rials.’<sup>102</sup>

5.1.12 DFAT noted in its report on Iran 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.’<sup>103</sup>

5.1.13 The USSD Human Rights Report for 2020 noted ‘Women often required the supervision of a male guardian or chaperone to travel and faced official and societal harassment for traveling alone.’<sup>104</sup>

See also [Internal relocation](#).

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## 5.2 Marriage customs

5.2.1 A December 2001 report by the Iran Chamber Society, while almost 20 years old at the time of writing continues to remain relevant, provided a comprehensive overview of wedding customs in Iran<sup>105</sup>. In brief, Persian wedding customs and ceremonies originate from ancient Zoroastrian religious rituals and vary depending on region and between families<sup>106</sup>. A wedding traditionally includes two stages – the legal and contractual ceremony (Aghd or Aghed) and the reception (Jashn-e Aroosi)<sup>107 108</sup>. Marriages in Iran may incorporate both traditional and non-traditional customs<sup>109 110</sup>.

5.2.2 The Iran Chamber Society also noted ‘In the past the parents and older members of the family arranged almost all marriages. This is still the case in rural areas and with traditional families. Modern couples however, choose their own mate but their parents’ consent is still very important and is considered by both sides. Even with modern Iranians, after the couple have decided themselves, it is normally the grooms’ parents or other relatives who take the initiative and formally ask for the bride and her family’s consent.’<sup>111</sup>

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<sup>102</sup> IHRDC, ‘[Islamic Penal Code of the Islamic Republic of Iran- Book 5](#)’, 15 July 2013

<sup>103</sup> DFAT, ‘[Country Information Report Iran](#)’ (paragraph 3.122), 14 April 2020

<sup>104</sup> USSD, ‘[2020 Country Reports on Human Rights Practices](#)’ (section 2d), 30 March 2021

<sup>105</sup> Iran Chamber Society, ‘[Iranian Marriage Ceremony, Its History & Symbolism](#)’, December 2001

<sup>106</sup> Iran Chamber Society, ‘[Iranian Marriage Ceremony, Its History & Symbolism](#)’, December 2001

<sup>107</sup> Iran Chamber Society, ‘[Iranian Marriage Ceremony, Its History & Symbolism](#)’, December 2001

<sup>108</sup> PBS, ‘[Arusi Persian Wedding](#)’ (Persian weddings), no date

<sup>109</sup> Iran Chamber Society, ‘[Iranian Marriage Ceremony, Its History & Symbolism](#)’, December 2001

<sup>110</sup> PBS, ‘[Arusi Persian Wedding](#)’ (Persian weddings), no date

<sup>111</sup> Iran Chamber Society, ‘[Iranian Marriage Ceremony, Its History & Symbolism](#)’, December 2001

- 5.2.3 The 2013 IHRDC report noted that ‘... the natural guardian (vali-ye-qahri: father or paternal grandfather) has the right to marry for and on behalf of his minor daughter, in compulsory marriage. While in other Islamic schools the natural guardian has the right to marry even for his adult daughter, in Hanafi and Shi’ite law, only minor girls may be contracted in compulsory marriage, and adult women may conclude their own marriage contracts.’<sup>112</sup> However, the report also explained that ‘... even adult women are not completely free to marry for the first time at their own discretion. There is still a restriction which affects their freedom of marriage as long as they are a “virgin”.’<sup>113</sup>
- 5.2.4 The Danish Immigration Service report of 2018 noted, according to various sources, that a person may marry without their family’s consent if a court approves it<sup>114</sup>. However, ‘The father’s legal permission is necessary if a virgin woman wants to marry with the consent of her family. In the absence of the father, the paternal grandfather has the legal capacity to give consent to the marriage. If a woman has a record of previous marriage, no consent by father or grandfather will be required when entering into a marriage.’<sup>115</sup>
- 5.2.5 The same report noted that, since marrying without consent is viewed as shameful, families may accept the marriage to avoid a court request<sup>116</sup>. Marrying without the family’s consent was more common in urban areas<sup>117</sup>.
- 5.2.6 According to journalist and author, Ramita Navai, speaking in 2016, ‘... arranged marriages were more common in rural areas where there was more pressure to marry whoever your parents tell you to... but there is rarely pressure to marry someone you don’t want to marry in the cities.’<sup>118</sup>

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### 5.3 Kurdish marriages

- 5.3.1 The Kurdish population in Iran is not homogeneous. There are several Kurdish tribes in Iran<sup>119</sup>, as well as religious<sup>120</sup> and language<sup>121 122</sup> differences. Marriage practices are based on tribal traditions and religion so may differ between Kurdish communities.
- 5.3.2 For general information on Kurdish marriage customs, see the [Country Policy and Information Note on Iraq: Kurdish ‘honour’ crimes](#).  
See also [Marriage and religion](#).

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Section 6 updated: 1 December 2021

<sup>112</sup> IHRDC, ‘[Gender inequality and discrimination...](#)’ (section 2.1.2), 5 March 2013

<sup>113</sup> IHRDC, ‘[Gender inequality and discrimination...](#)’ (section 2.1.2), 5 March 2013

<sup>114</sup> Danish Immigration Service, ‘[Relations outside of marriage in Iran...](#)’ (page 8), February 2018

<sup>115</sup> Danish Immigration Service, ‘[Relations outside of marriage in Iran...](#)’ (page 8), February 2018

<sup>116</sup> Danish Immigration Service, ‘[Relations outside of marriage in Iran...](#)’ (page 9), February 2018

<sup>117</sup> Danish Immigration Service, ‘[Relations outside of marriage in Iran...](#)’ (page 9), February 2018

<sup>118</sup> Asia House, ‘[A sexual awakening in Iran, ...](#)’, 19 May 2016

<sup>119</sup> CAIS, ‘[Kurdish Tribes](#)’, no date

<sup>120</sup> UNPO, ‘[Iranian Kurdistan](#)’ (page 2), November 2017

<sup>121</sup> UNPO, ‘[Iranian Kurdistan](#)’ (page 2), November 2017

<sup>122</sup> Bas News, ‘[Kurdish language in Iran](#)’, 19 January 2019

## 6. Early and forced marriage

### 6.1 Definition of early and forced marriage

#### 6.1.1 The 2019 EJIMEL report explained that:

‘Child (or early) marriage is a marriage where either or both the bride and groom (but in reality, most predominantly the bride) is/are under the legal age of eighteen, which is the age limit for protection under the 1989 Convention on the Rights of the Child. ... Child marriage is also sanctioned by some religious discourses. While the religious possibility is hardly ever the reason behind child marriage, it is a significant facilitator that both adjusts the moral tone and affects legal possibilities.’<sup>123</sup>

#### 6.1.2 Writing on early marriage in Iran in November 2019, Shamin Asghari noted ‘The international human rights system has used child marriage, early marriage and forced marriage interchangeably to describe a marriage in which one or both of the parties are under 18. The underlying assumption is that anyone below the age of 18 is a child and his/her marriage is forced.’<sup>124</sup> Asghari’s article went on to analyse the complexities in defining an early marriage as forced when the greater context or recognition of the various factors that influence the timing of marriage is not considered<sup>125</sup>.

#### 6.1.3 Guidance provided in April 2020 by the then UK Foreign and Commonwealth Office (FCO), now the Foreign, Commonwealth and Development Office (FCDO), described a forced marriage as ‘where one or both people do not or cannot consent to the marriage, and pressure or abuse is used to force them into marriage.’<sup>126</sup>

#### 6.1.4 Forced marriage is prohibited under Iranian law as both parties must consent<sup>127 128</sup>.

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### 6.2 Minimum age for marriage

#### 6.2.1 Writing on early marriage in Iran in November 2019, Shamin Asghari stated that, according to Article 1041 of the Civil Code, ‘... the minimum age of marriage is 13 for girls and 15 for boys, and any exception is contingent upon the permission of the guardian and the child’s best interests as determined by a competent court.’<sup>129</sup>

#### 6.2.2 Asghari also commented on the legal vacuum that exists regarding minimum age for marriage, subject to the conditions under Article 1041 of the [Civil Code](#):

‘Although that article [Article 1041] was successful in limiting the exception clause to certain conditions, a major legal vacuum still exists regarding a concrete minimum age for marriage. According to the current provision, any child may be legally married at any age if the conditions of Article 1041 are

<sup>123</sup> EJIMEL, ‘[Marriage in Iran: Women Caught Between Shi’I and State Law](#)’ (page 45), 2019

<sup>124</sup> Asghari S, ‘[Early marriage in Iran: A pragmatic approach](#)’ (Introduction), November 2019

<sup>125</sup> Asghari S, ‘[Early marriage in Iran: A pragmatic approach](#)’, November 2019

<sup>126</sup> FCO, ‘[What is a forced marriage](#)’, 20 April 2020

<sup>127</sup> [Civil Code of the Islamic Republic of Iran](#) (Book 7, Chapter 4), 23 May 1928

<sup>128</sup> DFAT, ‘[Country Information Report Iran](#)’ (paragraph 3.123), 14 April 2020

<sup>129</sup> Asghari S, ‘[Early Marriage in Iran: A Pragmatic Approach](#)’ (section 2.1.2), November 2019.

met. Moreover, the requirement of a court decision in the case of an exception is not a strong legal precaution in practice. To issue a permit for marriage below the legal age, courts should determine whether it is in line with the interests of the child.

‘This determination does not follow a uniform procedure. Some judges apply a high level of scrutiny, considering two aspects of the interests of the child: a negative one requiring the marriage not to be harmful to the child; and a positive one requiring the marriage to be beneficial for the child.

‘A judge should cautiously analyse both aspects and seek various expert opinions regarding the mental, physical, and social abilities of the child before being in a position to issue the permit... But this standard of review is not prevalent.

‘To determine whether marriage is in the interests of the child, most judges only rely on a medical certificate issued by the Legal Medicine Organization testifying to the physical growth of the child. At most, they will ask the child a few broad questions about the meaning of marriage...’<sup>130</sup>

#### 6.2.3 Ashgari further added:

‘Another factor which can influence the standard of scrutiny is whether early marriage is common in a certain region. In those provinces where early marriage has a significant religious value, courts usually apply a lower standard of scrutiny for determining the interests of a child below the legal age. For instance, in Sistan and Balouchestan, some judges determine a girl’s intelligence and maturity by “placing two sets of jewellery in front of her and the girl is queried as to which one is genuine gold or what the current market value of gold is”... Since gold is the traditional form of property for women in Iran, it is expected that every married woman understands its value.’<sup>131</sup>

#### 6.2.4 As noted in the EJIMEL report:

‘According to most Shi’i scholars, a girl is eligible to marry at eight years and nine months and a boy at fourteen years and seven months, when they are supposed to have reached puberty and can reproduce. Despite this, there are some Shi’i mujtahid who oppose the majority Shi’i ruling on the age of marriage and advocate for eliminating child marriage because of the harm it causes to the child’s life as well as to the religion. While after the Islamic Revolution in Iran, the minimum age of marriage was dropped to the age approved by shari’a law (nine and fifteen), in August 2003, and under pressure from the female members of the Iranian parliament, the age of marriage was raised to thirteen for girls; however, a clause was added stating that earlier marriage is allowed if the girl’s guardian and an Islamic court approve the girl’s readiness for marriage. This clause has in fact made the application of the law regarding the minimum age of marriage arbitrary.’<sup>132</sup>

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<sup>130</sup> Asghari S, ‘[Early Marriage in Iran: A Pragmatic Approach](#)’ (section 2.1.2), November 2019

<sup>131</sup> Asghari S, ‘[Early Marriage in Iran: A Pragmatic Approach](#)’ (section 2.1.2), November 2019

<sup>132</sup> EJIMEL, ‘[Marriage in Iran: Women Caught Between Shi’I and State Law](#)’ (page 45), 2019

- 6.2.5 Human Rights Watch (HRW) noted in June 2020 ‘... girls as young as 13, with permission from their fathers, and boys as young as 15 can marry. Children can also marry at younger ages if a judge authorizes the marriage.’<sup>133</sup>
- 6.2.6 An article in IranWire, a news site run by Iranian journalists in the diaspora, suggested in October 2017 that ‘the law also states that if a girl’s father finds that it serves his daughter’s interests he can arrange for her to marry before she reaches the age of 13. As a result, Iran effectively has no minimum age for marriage.’<sup>134</sup>
- 6.2.7 Ali Kazemi, an adviser to the deputy judiciary chief for legal affairs, at the end of 2018, described marriage between an adult man and a young girl as ‘child abuse’ which is punishable<sup>135</sup>. However, a bill that proposed a complete ban of marriage for girls under 13 and boys under 16 was rejected in 2018<sup>136</sup> for ‘contradicting with Islamic jurisdiction, current laws and social norms.’<sup>137</sup> According to a 2019 BBC Monitoring article, the motion received ‘unprecedented’ criticisms by many MPs, and a Tehran MP commented that she and others were the target of attacks because they were supporting the motion<sup>138</sup>.
- 6.2.8 According to a report on the human rights situation in Iran by the UN Secretary-General in January 2020, ‘The Government expressed the view that setting the minimum age of marriage regardless of the cultural context would increase unregistered marriages.’<sup>139</sup>

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### 6.3 Reasons for child marriage

- 6.3.1 As reported by Minority Rights Group International (MRG) in September 2019, writing on the discrimination of women in Iran
- ‘Child marriage is often a product of traditional, religious and cultural pressures. The Civil Code’s legalization of child marriage is based on marriage ages found in the state’s official version of Shi’a jurisprudence. In some traditional communities in Iran, girls are pledged by their parents to marry a cousin or distant relative at the time of her birth. Internal family dynamics, poverty, addiction and migration can also impact the likelihood of child marriage. Some families marry off their daughters in exchange for financial compensation.’<sup>140</sup>
- 6.3.2 A 2017 article by Deutsche Welle (DW) noted the different reasons for child marriage, as explained by sociologist Majid Abhari, who identified 3 categories of child marriage:
- ‘In tribal areas, girls are given away in so-called “blood marriages” as a means of resolving an enduring feud between two tribes. “Navel string

<sup>133</sup> HRW, ‘[Iran: Child Protection Law Positive, But Insufficient](#)’, 23 June 2020

<sup>134</sup> IranWire, ‘[Iranian Girls Married off at Puberty](#)’, 13 October 2017

<sup>135</sup> BBC Monitoring, ‘[Child brides in Iran: tradition, poverty and resisting change](#)’, 26 April 2019

<sup>136</sup> CHRI, ‘[Outrage After Judicial Parliamentary Committee Rejects Bill to Ban...](#)’, 28 December 2018

<sup>137</sup> BBC Monitoring, ‘[Child brides in Iran: tradition, poverty and resisting change](#)’, 26 April 2019

<sup>138</sup> BBC Monitoring, ‘[Child brides in Iran: tradition, poverty and resisting change](#)’, 26 April 2019

<sup>139</sup> UNHRC, ‘[Report of the Secretary General](#)’ (paragraph 37), 17 January 2020

<sup>140</sup> MRG, ‘[Beyond the Veil: Discrimination against women in Iran](#)’ (page 31), 16 September 2019

marriages” are a form of arranged marriage determined when a child is born. A newborn's umbilical cord is cut symbolically, usually in the name of a cousin, or occasionally, a distant relative. The ceremony is a gesture pledging marriage between the newborn and the cousin or relative.

‘Another category of child marriage identified by Abhari is based on people in poverty seeking economic gain. These parents send away their daughters very young to the groom's house in exchange for a bride price, which depends on how beautiful the girl is or how rich the future husband is. There are also groups in Iran who believe girls should marry ideally before puberty.’<sup>141</sup>

6.3.3 The EJIMEL report noted in regard to child and forced marriage:

‘Research on the child marriage phenomenon in Iran show that the most common reasons behind child marriage and forced marriage include the social prestige awarded to girls who marry young, poverty in the girl’s family, lack of child support persons/institutions, as well as some cultural traditions and tribal customs. Child marriage is also sanctioned by some religious discourses. While the religious possibility is hardly ever the reason behind child marriage, it is a significant facilitator that both adjusts the moral tone and affects legal possibilities.’<sup>142</sup>

6.3.4 An article in IranWire, dated February 2020, considered ‘One of the main reasons for the prevalence of child and forced marriages in Iran is the poverty and economic desperation of poor and large families. Marrying daughters means lowering family costs. Studies show that the greater the economic prosperity and the higher the level of welfare, the lower the rate of forced marriages.’<sup>143</sup>

6.3.5 BBC Monitoring noted in April 2019 that:

‘Some child brides are born to addicts, who trade them for money or drugs, while others get married because of tribal traditions. In some parts of the country, the culture of “one-upmanship” makes families marry off their young daughters to make themselves look good in their tribe. According to the official IRNA [Islamic Republic] news agency, some families think that girls have to get married at a young age; otherwise people will talk behind their back.’<sup>144</sup>

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## 6.4 Prevalence of child marriage

6.4.1 UNICEF data on Iran, based on 2010 figures, show that 3% of women (aged 20–24 years) were first married before 15 years of age and 17% before 18 years<sup>145</sup>.

6.4.2 The report by the Finnish Immigration Service noted:

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<sup>141</sup> DW, ‘[Child marriage in Iran forces girls into a life of oppression](#)’, 11 September 2017

<sup>142</sup> EJIMEL, ‘[Marriage in Iran: Women Caught Between Shi’I and State Law](#)’ (page 45), 2019

<sup>143</sup> IranWire, ‘[Twenty Percent of Marriages in Iran are Child Marriages](#)’, 9 February 2020

<sup>144</sup> BBC Monitoring, ‘[Child brides in Iran: tradition, poverty and resisting change](#)’, 26 April 2019

<sup>145</sup> UNICEF, ‘[Child marriage](#) (data spreadsheet)’ April 2020

'The average age of marrying in Iran is 24 years for women and 27 years for men. There was a tradition of marrying girls off at a young age in arranged marriages, but most families today do not advocate them. The average age of marriage in Iran has risen considerably in recent decades, and the popularity of arranged and inter-family marriages has decreased. Arranged and inter-family marriages have decreased in the 21st century not just in cities but also in the countryside. Marriages that are arranged completely without the children's consent are especially unpopular and clearly less common these days.'<sup>146</sup>

- 6.4.3 Also referring to the average age of marriage which, according to the EJIMEL, has risen steadily between 1976 and 2016, the report noted 'The average age of marriage, however, does not reflect the diversities of attitudes in different provinces of Iran. Child marriages are reported to be most common in the country's religious regions where strict patriarchal social attitudes might be dominant, especially in some areas in Sistan and Baluchestan, Kurdistan, Khuzestan and Khorasan provinces.'<sup>147</sup>
- 6.4.4 The September 2019 MRG report also referred to these areas, noting the high levels of child marriage 'in some minority-populated regions such as Sistan-Baluchestan, Kurdistan, and Khuzestan. This is attributed to the economic marginalization of those provinces, in addition to social and cultural factors.'<sup>148</sup> The report further explained how 'These marriages put girls at additional risk given the overall low levels of development and health infrastructure in the province.'<sup>149</sup>
- 6.4.5 Other provinces where child marriages were said to be prevalent included Hamadan<sup>150</sup>, and East Azerbaijan<sup>151</sup>.
- 6.4.6 Although child marriages were most common in rural areas, according to a lawyer in Tehran specialising in children's rights, child marriages were spreading into urban areas<sup>152</sup>. Speaking to the Center for Human Rights in Iran (CHRI) in 2020, on condition of anonymity, the lawyer said, 'Until now, child marriage was a phenomenon mostly seen in villages and small towns but now it has become a big problem among those living in the margins of the cities.'<sup>153</sup>
- 6.4.7 Despite a rise in the average age of marriage, child marriage continued. The number of child marriages may be under-reported if marriages are not registered – some marriages are only registered when the bride is older<sup>154</sup>. The EJIMEL report noted a '... lack of qualitative, statistical and demographic data on child and early marriage, unregistered marriages, and privately registered temporary marriages...'<sup>155</sup>

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<sup>146</sup> Finish Immigration Service, '[Violence against women...](#)' (page 9), 26 June 2015

<sup>147</sup> EJIMEL, '[Marriage in Iran: Women Caught Between Shi'I and State Law](#)' (page 45), 2019

<sup>148</sup> MRG, '[Beyond the Veil: Discrimination against women in Iran](#)' (page 31), 16 September 2019

<sup>149</sup> MRG, '[Beyond the Veil: Discrimination against women in Iran](#)' (page 31), 16 September 2019

<sup>150</sup> Radio Farda, '[Many Under-Thirteen Child Brides Becoming Mothers In Iran](#)', 4 August 2019

<sup>151</sup> CHRI, '[Easy State Loans Prompting Surge in Child Marriages in Iran](#)', 1 December 2020

<sup>152</sup> CHRI, '[Easy State Loans Prompting Surge in Child Marriages in Iran](#)', 1 December 2020

<sup>153</sup> CHRI, '[Easy State Loans Prompting Surge in Child Marriages in Iran](#)', 1 December 2020

<sup>154</sup> CHRI, '[Easy State Loans Prompting Surge in Child Marriages in Iran](#)', 1 December 2020

<sup>155</sup> EJIMEL, '[Marriage in Iran: Women Caught Between Shi'I and State Law](#)' (page 47), 2019

6.4.8 An article in IranWire in September 2017 also stated:

‘According to the social worker Z. Mousavi, changing the law will not prevent child marriages alone. She says many child marriages are not registered until the girl reaches the legal age. “Traditional families are more mindful of religious aspects of the marriage,” she says. “As long as the religious ceremony is done, they do not care if it’s registered or not. The marriage is registered after the girl reaches the legal age and by then the court and the judge’s permission become irrelevant.”

‘Because of this tendency to avoid registering marriages among some parts of the population, there are no accurate statistics for child marriage in Iran. But the National Organization for Civil Registration (NOCR) and other government agencies do publish official figures, albeit infrequently, and they confirm that child marriage is on the rise.’<sup>156</sup>

6.4.9 Citing statistics reported by the Persian-language news site, Shahrivand, the CHRI noted in 2015 ‘According to the most recent statistics of the National Organization for Civil Registration, 419,488 girls under the age of 15 and 484,885 boys under the age of 20 got married between 2004 and 2014.’<sup>157</sup>

6.4.10 The EJIMEL report cited 2016 data:

‘According to the latest official statistics inside Iran, more than 29,000 marriages were registered in 2016 that have taken place between brides who were younger than 15 and boys/men of different age groups. The largest age group of men who married girls under 15 years was the 20–24 age groups, making up over 16,900 registered marriages out of all marriages; this was followed by the age groups 25–29, making up over 7,000 registered marriages. Furthermore, because of the issue of unregistered marriages that... takes place in connection to child marriage, these reported statistics usually do not include information on unregistered and temporary marriages.’<sup>158</sup>

6.4.11 In December 2020, the CHRI provided a tabulated summary<sup>159</sup> [reproduced below by CPIT] of total marriages and girl-child marriages (aged under 15) recorded between 2012 and 2018, according to the Iranian government’s National Organization for Civil Registration:

Year	Total marriages	Girls married under age 10	Girls married between 10-14	% of girls married under 15
2012-2013	829,968	187	40,464	4.9%
2013-2014	774,513	201	41,236	5.4%
2014-2015	724,324	176	40,228	5.6%
2015-2016	685,352	179	36,938	5.4%
2016-2017	794,716	234	39,045	5.6%
2017-2018	698,956	217	35,333	5.8%

<sup>156</sup> IranWire, ‘[Iranian Girls Married off at Puberty](#)’, 13 October 2017

<sup>157</sup> CHRI, ‘[Over 40,000 Girls under Age 15 Married Each Year in Iran](#)’, 4 September 2015

<sup>158</sup> EJIMEL, ‘[Marriage in Iran: Women Caught Between Shi’I and State Law](#)’ (page 46), 2019

<sup>159</sup> CHRI, ‘[Easy State Loans Prompting Surge in Child Marriages in Iran](#)’, 1 December 2020

- 6.4.12 According to the figures in the above table, there were 4,507,829 marriages in total registered between 2012 and 2018, and the total number of girl-child (aged under 15) marriages was 234,438 (approximately 5% of all marriages).
- 6.4.13 Some sources put the number of child marriages much higher. For example, the Iran Human Rights Monitor (Iran HRM) stated there were 234,000 registered marriages of girls under the age of 15 in 2017<sup>160</sup>. In 2019, BBC Monitoring and the Iran HRM cited the state-run daily newspaper, Entekhab, which stated that, according to Ali Kazemi, advisor to the legal deputy of the judiciary branch, 500,000 to 600,000 girl-child marriages were registered in Iran each year<sup>161 162</sup>. The sources did not state the ages at which the children married.
- 6.4.14 In October 2020, Iran's Deputy President for Women and Family Affairs, Masoumeh Ebtekar, stated that 30,000 marriages involving girls aged under 14 occurred in Iran every year<sup>163</sup>.
- 6.4.15 The report of the UN Special Rapporteur on the situation of human rights in Iran, dated 21 July 2020, noted 'According to the National Organization for Civil Registration, the marriages of 13,054 girls under the age of 13 were registered from March 2018 to March 2019.'<sup>164</sup>
- 6.4.16 In December 2020, the CHRI reported on the rise of applications for State-bank loans for marriage expenses, known as marriage loans, and the subsequent surge in child marriages<sup>165</sup>. According to data cited by the CHRI, 4,460 marriage loans were received for girls under age 15 between March and August 2019, compared to only 51 loans received between March 2017 and March 2018<sup>166</sup>. The CHRI noted 'These loans come at a time when many Iranians are suffering severe economic hardship... state statistics show that registered child marriages have risen fourfold as parents arrange marriages for their children in order to get the loans.'<sup>167</sup>
- 6.4.17 The CHRI added 'Figures published in January 2020 by the state-owned Pupils Association News Agency, PANA, show that 17,486 girls between ages of 10 and 14 got married in the first six months of the Iranian year 1397 (March 21, 2018-March 20, 2019) – that was seven percent of all marriages in Iran during that period.'<sup>168</sup> Furthermore, '... according to the Statistical Center of Iran's quarterly report for Spring 1399 (March 21, 2020 – June 20, 2020), there were 7,323 marriages registered during this period with girls aged 10 to 14 years, up from 5,968 in the winter and 6,210 in the fall.'<sup>169</sup>

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<sup>160</sup> Iran HRM, '[Violence Against Women in Iran Mandated by Law](#)', 24 November 2020

<sup>161</sup> BBC Monitoring, '[Child brides in Iran: tradition, poverty and resisting change](#)', 26 April 2019

<sup>162</sup> Iran HRM, '[2019 Annual Report](#)' (page 14), 6 January 2020

<sup>163</sup> Radio Farda, '[30,000 Underage Girls Forcibly Marry In Iran Every Year](#)', 12 October 2020

<sup>164</sup> UN General Assembly, '[Situation of human rights...](#)' (paragraph 48), 21 July 2020

<sup>165</sup> CHRI, '[Easy State Loans Prompting Surge in Child Marriages in Iran](#)', 1 December 2020

<sup>166</sup> CHRI, '[Easy State Loans Prompting Surge in Child Marriages in Iran](#)', 1 December 2020

<sup>167</sup> CHRI, '[Easy State Loans Prompting Surge in Child Marriages in Iran](#)', 1 December 2020

<sup>168</sup> CHRI, '[Easy State Loans Prompting Surge in Child Marriages in Iran](#)', 1 December 2020

<sup>169</sup> CHRI, '[Easy State Loans Prompting Surge in Child Marriages in Iran](#)', 1 December 2020

## 6.5 Effects of child marriage

### 6.5.1 The September 2019 MRG report referred to the effects of child marriage:

‘Early marriage in Iran leaves girls vulnerable to domestic abuse. About 47 per cent of girls interviewed in the Imam Ali report had a history of bruises, 21 per cent had physical lesions, 53 per cent had experienced broken bones and 3 per cent suffered permanent physical damage. According to a 2016 report by researcher Kameel Ahmady, 21 per cent of married girls surveyed by the organization reported being forced to have sexual relations with their husbands. Few had raised any objection to the forced sexual activity, believing it was part of their marital duties.

‘Child marriage also has a negative impact on educational attainment. In Iran, married girls cannot attend the same schools as unmarried girls, which is often a reason for interruption of education. Child brides are also likely to become mothers at a young age. In the Imam Ali report, 44 per cent of married girls surveyed reported not using any form of contraception. Early pregnancy not only adds to the likelihood that girls will be pulled away from school, but also involves serious health risks.

‘According to statistics from Iran’s National Organization for Civil Registration, about 7 per cent of birth certificates each year are issued to children of mothers aged 19 or younger. Early pregnancy not only adds to the likelihood that girls will be pulled away from school, but also involves serious health risks. According to statistics from Iran’s National Organization for Civil Registration, about 7 per cent of birth certificates each year are issued to children of mothers aged 9 or younger.’<sup>170</sup>

### 6.5.2 The Finnish Immigration report of 2015 noted ‘According to the Ebtekar newspaper, suicides committed by women are especially common in certain areas where forced marriages and repression of women’s rights are widespread.’<sup>171</sup>

### 6.5.3 The EJIMEL 2019 report noted:

‘The practice of child marriage could bear more severe consequences when coupled with other factors such as temporary and unregistered marriages. Besides the hindering effects on the child’s social development, education and possible harmful effects on the child’s sexual, physical and mental health among many other negative consequences, early temporary marriage may result in lasting social stigmatization as well. Because of the persisting social value of virginity for permanent marriages, 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. Early pregnancies, losing their spouse and financial support (especially when there is a great age gap between spouses) as well as other legal and social issues attached to unregistered and temporary marriages are among the many problematic aspects of child marriage. Another largely unresolved and ignored problem in both legal and juristic perspectives on child marriage is the issue of consent that needs further exploration (that is beyond the

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<sup>170</sup> MRG, ‘[Beyond the Veil: Discrimination against women in Iran](#)’ (page 31), 16 September 2019

<sup>171</sup> Finnish Immigration Service, ‘[Violence against women...](#)’ (page 21), 26 June 2015

capacity of this paper). Consent connects to another problematic practice, namely forced marriages, and there seems to be a lack of attention to identifying and scrutinizing consent to both marry and have sexual relationship in relation to the age of marriage. In both legal and juristic discourses, it seems that the consent of the legal guardian of a child is automatically considered equivalent to the child's consent, while in many cases, the child's life course, future, social status and image are shaped by a choice that they have had no say in.<sup>172</sup>

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## 6.6 Consequences of refusal to marry

- 6.6.1 The Lancet and DFAT observed in 2020 that a woman who is deemed to have brought shame on the family, for example, by resisting an arranged marriage, may be at risk of an honour crime<sup>173 174</sup>.
- 6.6.2 According to the DFAT report 'International human rights observers note that honour killings are an established phenomenon in many of Iran's outermost provinces, particularly in areas where state infrastructure is scarce and tribal traditions strong. While honour killings can take place in all kinds of families, from different social classes and educational backgrounds, the likelihood of honour killings decreases with education, urbanisation and access to social services.'<sup>175</sup>

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

- 6.6.3 IranWire reported on underage marriage in July 2016, noting 'By law, [...] a girl can object to the marriage, and prevent it. But since girls under the age of 13 are normally dominated by the wishes and decisions of their fathers, and cannot realistically object, the only hope of preventing such marriages is through the courts. The court can refuse permission if it deems the marriage to be against the interests of the girl, as stipulated by Article 1041 of the Civil Code.'<sup>176</sup>

See [Minimum age for marriage](#) for more on Article 1041 of the Civil Code.

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## 6.7 Avenues of redress

- 6.7.1 In February 2019, the forced marriage of an 11-year-old girl, Raha, to a much older man, resulted in court intervention and the girl was removed from her family by social services<sup>177 178</sup>. However, according to the Imam Ali Society (IAS), an Iran-based non-governmental charity that provides support to vulnerable women and children throughout the country, Raha would have remained married had the family obtained the correct legal permission<sup>179</sup>.

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<sup>172</sup> EJIMEL, '[Marriage in Iran: Women Caught Between Shi'I and State Law](#)' (page 46), 2019

<sup>173</sup> The Lancet, '[Honour killings and violence against women in Iran...](#)', October 2020

<sup>174</sup> DFAT, '[Country Information Report Iran](#)' (paragraph 3.132), 14 April 2020

<sup>175</sup> DFAT, '[Country Information Report Iran](#)' (paragraph 3.132), 14 April 2020

<sup>176</sup> IranWire, '[Underage marriage in Iran](#)', 16 July 2016

<sup>177</sup> CHRI, '[Abuse of 11-Year-Old Child Bride in Iran Sees Some Lawmakers...](#)', 21 February 2019

<sup>178</sup> Radio Farda, '[Many Under-Thirteen Child Brides Becoming Mothers In Iran](#)', 4 August 2019

<sup>179</sup> CHRI, '[Abuse of 11-Year-Old Child Bride in Iran Sees Some Lawmakers...](#)', 21 February 2019

- 6.7.2 Another case of court intervention occurred in August 2019, in which the marriage of an 11 year-old girl to her 22 year-old cousin was annulled after a local judge ruled the girl was not ‘intellectually mature’ enough to manage a family<sup>180</sup>. The intervention came about after a video of the marriage appeared on social media and state television<sup>181</sup>.
- 6.7.3 According to an Iranian researcher, with an interest in child marriages in Iran, ‘... when courts do step in to end child marriages, there are no happy endings. Often the rest of the village will shun the girl for bringing disgrace to their families. And sometimes families will quietly re-marry their daughters to the same man once the dust has settled.’<sup>182</sup>
- 6.7.4 Girls Not Brides, a global partnership of more than 1,500 civil society organisations committed to ending child marriage, noted in regard to Iran, ‘... while there are some reformist politicians and activists advocating for a change to Iran’s marriage laws, there has been little progress in recent years and the issue remains sensitive.’<sup>183</sup>
- See also [Legal context](#).
- 6.7.5 For further information on the judiciary, see the [Country Policy and Information Note on Iran: Actors of protection](#).

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Section 7 updated: 25 February 2021

## 7. Relationships outside of marriage

- 7.1.1 For information on pre-marital relationships and adultery, see the [Country Policy and Information Note on Iran: Adulterers](#).

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Section 8 updated: 1 December 2021

## 8. Access to justice

### 8.1 Attitudes towards women in the justice system

- 8.1.1 The Finnish Immigration Service report of 2015 noted:

‘The Constitution of Iran guarantees all citizens the right to seek justice and to receive legal aid and advice. However, cultural factors often form barriers to women’s opportunities to seek and get justice. As Iran’s legislation is based on Islamic criteria that discriminate against women, men rule the justice system. Studies on the subject reveal that women have a negative attitude towards the justice system and their opportunities of getting justice through the system. Taking domestic violence cases to court is seen as shameful, which is why only few cases ever go that far. The formal justice system is therefore not enough of a guarantee of an individual’s rights, taking into account the underlying customs and sociocultural norms.

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<sup>180</sup> France 24, [‘Rare video of underage marriage in Iran: the “bride” is aged 11’](#), 6 September 2019

<sup>181</sup> France 24, [‘Rare video of underage marriage in Iran: the “bride” is aged 11’](#), 6 September 2019

<sup>182</sup> France 24, [‘Rare video of underage marriage in Iran: the “bride” is aged 11’](#), 6 September 2019

<sup>183</sup> Girls Not Brides, [‘Iran’](#), no date

'The general socio-legal status of women is a much researched topic in Iran, but no accurate qualitative or quantitative information is available on the gender-based bias of the justice system. For example, the cultural factors that restrict women's access to justice are not adequately known. There are also no official research data on the opportunities of women to get justice in domestic violence cases in practice. In her book on women's access to the justice system, Maranlou nevertheless identified certain gender-based obstacles to getting justice, such as cultural factors, lack of legal knowledge, the justice system's bias against women, lack of financial independence, discriminatory legal provisions and fear of social ostracism.

'Women's threshold for turning to the justice system can be extremely high, as there is often a social stigma attached. Iran's traditional culture views divorce and talking about marital problems as shameful, which is why friends and relatives of women who are victims of domestic violence often pressure them to keep quiet about the issue for as long as possible.

'Iran's justice system has been described as chronically incompetent at identifying women whose lives are at risk if they have to return to their violent husbands. Moreover, Iran is a society built on social connections: the justice system is corrupt and much depends on personal connections. Knowing someone who works in the justice system can be instrumental in pushing a case forward or holding one back. Other common obstacles to justice in Iran include the cost of court proceedings, long processing times, insufficient number of judges and competent staff, and limited opportunities for receiving legal assistance and reimbursement for costs.'<sup>184</sup>

#### 8.1.2 The same report also noted:

'The state can grant legal aid to individuals who can prove that they are financially unable to pay for their own court fees. Legal aid is available from, for example, the Iranian Bar Association (Kanun-e Vokala). Children under the age of 15 cannot file law suits themselves and must instead be represented by their legal guardian (father or grandfather). Children who suffer violence from their fathers therefore have no legal redress in practice.'<sup>185</sup>

#### 8.1.3 In March 2013, the IHRDC noted:

'...the section of the constitution that guaranteed equality has omitted gender equality and provided equality to women only if Islamic law is observed. According to Article 20 of the Constitution of the IRI, all members of the nation, both men and women, shall receive equal protection under the legal system and shall enjoy all human, political, economic, social and cultural rights, but with a fundamental condition at the end which changes everything: "...in conformity with Islamic criteria"...

'This is while equal rights and equality before the law, without any exception, are among the basic principles articulated in different international instruments on human rights. For example, Article 2 of the Universal Declaration of Human Rights (UDHR) and Article 2 of the International Covenant on Civil and Political Rights (ICCPR) protect every person's

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<sup>184</sup> Finnish Immigration Service, '[Violence against women...](#)' (pages 21-22), 26 June 2015

<sup>185</sup> Finnish Immigration Service, '[Violence against women...](#)' (page 24), 26 June 2015

human rights “without distinction of sex.” The IRI’s national laws fail to uphold these principles and instead apply an unequal and discriminatory system on the basis of gender.<sup>186</sup>

- 8.1.4 As noted in the Danish Immigration Service report of 2018, a source at a Western Embassy ‘... 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>187</sup>
- 8.1.5 Freedom House stated in its annual 2021 Freedom in the World Report for Iran that ‘Women do not receive equal treatment under the law and face widespread discrimination in practice. For example, a woman’s testimony in court is given half the weight of a man’s, and the monetary compensation awarded to a female victim’s family upon her death is half that owed to the family of a male victim.’<sup>188</sup>
- 8.1.6 The USSD Human Rights Report for 2020 observed that ‘The constitution provides for equal protection for women under the law in conformity with its interpretation of Islam. The government did not enforce the law, and provisions in the law, particularly sections dealing with family and property law, discriminate against women. Judicial harassment, intimidation, detention, and smear campaigns significantly challenged the ability of civil society organizations to fight for and protect women’s rights.’<sup>189</sup>
- 8.1.7 Amnesty International reported in its Submission for the UN Universal Periodic Review in November 2019 that:  
  
‘Amnesty International’s research shows that women face entrenched discrimination in family law and criminal law. Iran’s legal system puts women in a subordinate status relative to men. Under the penal code, the testimony of a woman is accorded half the value of that of a man. The age of criminal responsibility is set at nine lunar years (eight years and eight months) for girls but at 15 lunar years (14 years and six months) for boys. Women are also discriminated against under the Civil Code, notably in matters relating to marriage, divorce, child custody and inheritance.’<sup>190</sup>
- 8.1.8 The USSD Human Rights Report for 2020 stated that ‘Most rape victims likely did not report the crime because they feared official retaliation or punishment for having been raped, including charges of indecency, immoral behavior, or adultery, the last in which conviction carries the death penalty. Rape victims also feared societal reprisal or ostracism. There were reports that approximately 80 percent of rape cases went unreported.’<sup>191</sup> It went on to explain that ‘Authorities considered abuse in the family a private matter and seldom discussed it publicly.’<sup>192</sup>

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<sup>186</sup> IHRDC, [‘Gender Inequality and Discrimination: The Case of Iranian Women’](#) (Intro), 5 March 2013

<sup>187</sup> Danish Immigration Service, [‘Relations outside of marriage in Iran...’](#) (page 14), February 2018

<sup>188</sup> Freedom House, [‘Freedom in the World 2021: Iran’](#) (section F4), 3 March 2021

<sup>189</sup> USSD, [‘2020 Country Reports on Human Rights Practices’](#) (section 6), 30 March 2021

<sup>190</sup> Amnesty International, [‘Iran: Failing on All Fronts...’](#) (page 8), November 2019

<sup>191</sup> USSD, [‘2020 Country Reports on Human Rights Practices’](#) (section 6), 30 March 2021

<sup>192</sup> USSD, [‘2020 Country Reports on Human Rights Practices’](#) (section 6), 30 March 2021

- 8.1.9 The DFAT report further noted that ‘Victims wishing to report domestic violence must file a complaint for bodily assault. As part of the complaint, the victim must present two adult male witnesses to the assault. This high evidentiary bar can prove difficult for women to meet. Police and judges often consider cases of domestic violence to be internal family matters, and can be reluctant to intervene. Where a complaint is made, police typically encourage the parties to reconcile and the victim to return to her abuser.’<sup>193</sup>
- 8.1.10 A February 2020 report on access to justice for victims of sexual violence by the IHRDC found that ‘Sexual abuse of children is not specifically criminalized under Iranian law’ and that ‘... if a person under the age of 18 is found to be mentally mature by a court, he or she could be considered capable of giving consent. Accordingly, such a person could be held criminally liable for sexual relations outside of marriage. Execution of minors for sexual crimes is not unprecedented.’<sup>194</sup>
- 8.1.11 The UN Special Rapporteur also noted at the beginning of 2019 that:  
‘Girl child offenders have in some cases faced extreme situations, including forced marriage and domestic violence. However, there is no legislative scope that allows the court to take into account mitigating factors related to the background and circumstances in which the child is living or the conditions in which the offence has been allegedly committed. Two individuals who had married as children were executed in 2018. Mahboubeh Mofidi, who was married at the age of 13, allegedly murdered her husband when she was aged 17. Zeinab Sekaanvand, who was married at the age of 15, allegedly murdered her husband when she was aged 17. Ms. Sekaanvand was executed despite no investigation being undertaken into allegations of domestic violence during her marriage.’<sup>195</sup>
- 8.1.12 For further information on the judiciary, see the [Country Policy and Information Note on Iran: Actors of protection](#)

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Section 9 updated: 28 April 2022

## 9. Support services

### 9.1 Shelter and support

9.1.1 The Norwegian Country of Origin Information Centre, Landinfo, provided information in a report on Iran’s welfare system, based on a range of sources, dated August 2020, and noted the State Welfare Organization (SWO), part of the Ministry of Cooperatives, Labour and Social Welfare, offered avenues of support for women and girls affected by domestic violence, including 2 hotlines (123 – a general line, but also for victims of domestic violence – and 1480 for children) to the social emergency institution (urzhans-e ejtema’i)<sup>196</sup>.

9.1.2 Landinfo also noted that the hotlines can refer people to:

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<sup>193</sup> DFAT, ‘[Country Information Report Iran](#)’ (paragraph 3.126), 14 April 2020

<sup>194</sup> IHRDC, ‘[Access to Justice for Victims of Sexual Violence in Iran](#)’ (section 1.6), 29 February 2020

<sup>195</sup> UNHRC, ‘[Report of the Special Rapporteur...](#)’ (paragraph 57), 30 January 2019

<sup>196</sup> Landinfo, ‘[The Iranian Welfare System](#)’ (pages 32-33), 12 August 2020

‘... social emergency centres, which exist in 232 Iranian cities and offer counselling by a team commonly consisting of a social worker, a psychologist, a psychiatrist, a physician, a nurse, and a legal advisor. The social emergency centres basically offer outpatient services, but some also offer inpatient services for a duration of up to 20 days. They also refer people with more specific needs to other centres offering longer treatment.’<sup>197</sup>

- 9.1.3 The DFAT noted ‘According to official sources, there are 400 “social emergency shelters” countywide that provide services to domestic violence victims. These are generally located in the major cities, are poorly resourced and advertised, and tend to focus on reconciling women with their abusive husbands. A domestic violence hotline offers social and medical support to women in need.’<sup>198</sup>
- 9.1.4 The Landinfo report noted that the SWO offered services for victims of domestic violence in the form of health houses and safe houses<sup>199</sup>. The report noted:
- ‘... up to 2019 there were 31 health houses and 26 safe houses. Despite contradictions in the literature, in theory, the health houses seem to be reserved for women “in danger of social harms”, that is younger or unmarried women, while the safe houses seem to be reserved for women affected by “social harms”, that is older or married women. In some provincial capitals, however, only one such centre seems to exist, offering support to both groups of women.’<sup>200</sup>
- 9.1.5 HRW indicated ‘As of March 2019, there were 24 safe houses across the country, with places for 1,500 women for stays of up to a year.’<sup>201</sup>
- 9.1.6 The report of the UN Special Rapporteur on the situation of human rights in Iran, dated 21 July 2020, noted that ‘... Iran lacks sufficient domestic violence shelters, which number only 28 ..., including 20 that are run by non-governmental organizations. The Government stated there were also 357 social emergency centres for victims of violence and 31 girl-only medical centres.’<sup>202</sup>
- 9.1.7 The Danish Immigration Service report of 2018 stated that, according to one source, ‘The existing protection centres are unable to provide long-term support and are limited in numbers; furthermore, they are rare in rural areas...’<sup>203</sup> The CHRI noted in January 2021 that there were no shelters in a third of the country<sup>204</sup>. In a review of the February 2021 Country Policy and Information Note (CPIN) on Iran: Women – early and forced marriage, for the Independent Advisory Group for Country Information (IAGCI), under the purview of the Independent Chief Inspector of Borders and Immigration (ICIBI), the reviewer (Anon.) cited a source in Persian which noted that

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<sup>197</sup> Landinfo, ‘[The Iranian Welfare System](#)’ (page 33), 12 August 2020

<sup>198</sup> DFAT, ‘[Country Information Report Iran](#)’ (paragraph 3.126), 14 April 2020

<sup>199</sup> Landinfo, ‘[The Iranian Welfare System](#)’ (page 33), 12 August 2020

<sup>200</sup> Landinfo, ‘[The Iranian Welfare System](#)’ (page 33), 12 August 2020

<sup>201</sup> HRW, ‘[Iran: Adopt Draft Law to Protect Women](#)’, 4 December 2020

<sup>202</sup> UN General Assembly, ‘[Situation of human rights...](#)’ (paragraph 47), 21 July 2020

<sup>203</sup> Danish Immigration Service, ‘[Relations outside of marriage in Iran...](#)’ (page 10), February 2018

<sup>204</sup> CHRI, ‘[Women’s rights in Iran](#)’, 6 January 2021

support centres for women were ‘... not only under resourced but often they are not provided in small cities. For instance, according to State Welfare Organisation of Iran (Behzisti) there are 8 centres in Khuzestan Province, which has one of the highest rate of honour killing. They are based in 8 cities (Ahvaz, Abadan, Shushtar, Dezful, Ramhormoz, Masjed Soleiman, Khoramshahr, Andimeshk), this is while there are 58 cities in the Province.’<sup>205</sup>

- 9.1.8 Children suffering violence or abuse can call either hotline to receive help<sup>206</sup>. Landinfo also noted that ‘In some cases, children are separated from the parents and placed under the care of SWO. SWO reported in 2016 that it had 590 facilities across the country where basic services are provided for some 9,800 children under the age of 18. Half of these children are girls, according to media reports.’<sup>207</sup> Information was not provided on how or why these children came under the care of such facilities.
- 9.1.9 Reporting on a law protecting children, ratified in June 2020, HRW noted ‘In a positive development, article 33 of the new law requires social workers from that State Welfare Organization to promptly investigate the situation of children in “extreme danger” from abuse, exploitation, or being out of school, among other things. Under the law, they have the authority to remove a child from a household and put them under the state’s supervision until the prosecutor becomes involved in the case.’<sup>208</sup>

See also [Laws aimed at protecting women and children](#).

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## 9.2 Internal relocation

- 9.2.1 The IAGCI reviewer (Anon.) commented on the [Civil Code](#) in regard to freedom of movement for women, stating that:

‘Articles 1005 and 1114 of the Civil Code provide men with the exclusive right to determine the place of their wives’ residence. A wife will be considered nashezeh [disobedient] and unworthy of spousal maintenance rights if she leaves her husband’s home against his will, even if it is for escaping a situation of domestic violence. This rule applies unless the wife can prove to the court that she faces a significant risk of bodily harm, threatening her life and personal safety.’<sup>209</sup>

- 9.2.2 According to a Western Embassy representative, cited in the Danish Immigration Service report of 2018:

‘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

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<sup>205</sup> ICIBI, ‘[Inspection Report on Country of Origin Information...](#)’ (page 46), January 2022

<sup>206</sup> Landinfo, ‘[The Iranian Welfare System](#)’ (page 33), 12 August 2020

<sup>207</sup> Landinfo, ‘[The Iranian Welfare System](#)’ (pages 33-34), 12 August 2020

<sup>208</sup> HRW, ‘[Iran: Child Protection Law Positive, but Insufficient](#)’, 23 June 2020

<sup>209</sup> ICIBI, ‘[Inspection Report on Country of Origin Information...](#)’ (page 55), January 2022

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.<sup>210</sup>

9.2.3 The same report also cited an anonymous legal source, who stated, '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.'<sup>211</sup>

9.2.4 Another anonymous analyst from the same report stated:

'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.

'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.'<sup>212</sup>

9.2.5 An anonymous source in the report added that:

'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.'<sup>213</sup>

9.2.6 DFAT noted in its report on Iran 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.'<sup>214</sup> According to Article 18 of the Passport Law of 1973, 'A passport shall be issued for the following persons according to this article... Married women, even if under 18 years old, with the written agreement of their husbands.'<sup>215</sup>

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<sup>210</sup> Danish Immigration Service, '[Relations outside of marriage in Iran...](#)' (page 14), February 2018

<sup>211</sup> Danish Immigration Service, '[Relations outside of marriage in Iran...](#)' (page 23), February 2018

<sup>212</sup> Danish Immigration Service, '[Relations outside of marriage in Iran...](#)' (page 21), February 2018

<sup>213</sup> Danish Immigration Service, '[Relations outside of marriage in Iran...](#)' (page 24), February 2018

<sup>214</sup> DFAT, '[Country Information Report Iran](#)' (paragraph 3.122), 14 April 2020

<sup>215</sup> IHRDC, '[Gender Inequality and Discrimination...](#)' (2.1.4.4), 5 March 2013

9.2.7 The USSD Human Rights Report for 2020 noted 'Women often required the supervision of a male guardian or chaperone to travel and faced official and societal harassment for traveling alone.'<sup>216</sup>

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## 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
  - Laws on marriage, maintenance, divorce and child custody
  - Religion and marriage
  - Temporary marriage
  - Protection laws for women and children
- Documentation for marriage and divorce
- Position of women in society
  - Marriage traditions
  - Cultural and societal attitudes
  - Kurdish marriages
- Early and forced marriage
  - Definition of forced marriage
  - Minimum age for marriage
  - Prevalence and reasons
  - Refusing a marriage – consequences
  - Avenues of redress
- Assistance available to women
  - Support and shelters

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<sup>216</sup> USSD, '[2020 Country Reports on Human Rights Practices](#)' (section 2d), 30 March 2021

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **4.0**
- valid from **3 May 2022**

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### **Official – sensitive: Start of section**

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

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### **Official – sensitive: End of section**

## Changes from last version of this note

Updated country information following the Independent Chief Inspector of Borders and Immigration (ICIBI) – Independent Advisory Group for Country Information (IAGCI)-commissioned review (November 2021), published 28 April 2022.

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