



Home Office

Country Policy and Information Note

Iran: Adulterers

Version 2.0

November 2016

Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this note has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, 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 make recommendations to him about the content of the Home Office’s COI material. 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. IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Policy Assessment

Updated: 1 November 2016

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm at the hands of state and/or non state actors due to actual or alleged act(s) of adultery.

1.2 Points to note

1.2.1 For the purposes of this note, adultery is defined as a sexual relationship between a man and a woman outside of marriage.

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2. Consideration of Issues

2.1 Credibility

2.1.1 For guidance on assessing credibility, see the [Asylum 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 Particular social group

2.2.1 Adulterers in Iran form a particular social group (PSG) within the meaning of the Refugee Convention. This is because they share an immutable (or innate) characteristic – the fact that they have (allegedly) committed adultery – that cannot be changed; and have a distinct identity in their home society.

2.2.2 Adultery is a specific crime in Iran and punishable by disproportionately severe sentences. In the [Court of Justice of the European Communities judgement for the joined cases of C-199/12 to C-201/12, dated November 2013 \(\[2013\] WLR\(D\) 427, \[2013\] EUECJ C-199/12\)](#), the Court held that ‘the existence of criminal laws which specifically target the group concerned, supports the finding that those persons must be regarded as forming a particular social group.’ (Ruling point 1).

2.2.3 Although adulterers in Iran form a PSG, this does not mean that establishing such membership will be sufficient to make out a case to be recognised as a refugee. The question to be addressed in each case is whether the person faces a real risk of persecution on account of their membership of that group.

2.2.4 For further information and guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Assessment of risk

- 2.3.1 Any sexual relationship outside of marriage is considered a crime in Iran and is punishable by 100 lashes and in some cases stoning to death. The last reported stoning sentence for adultery was imposed in December 2015 but the last known execution by stoning took place in 2009. However, the authorities do not release official statistics and punishments often take place in secret. Similarly, no statistics on flogging are made public, and victims avoid talking about them in public for fear of stigmatization, although it was reported that a woman received 100 lashes in Golpayegan as punishment for adultery in April 2016 (see [Penal Code](#) and [Punishment](#)).
- 2.3.2 The Penal Code also permits a husband to kill his wife and her lover, if he caught them in the act. However, if he knows his wife acted under coercion, he is only permitted to kill her rapist (see [Penal Code](#) and [Punishment](#)).
- 2.3.3 Strict standards of proof are required in order to convict someone of adultery, with the testimony of four eyewitnesses or a repeated confession required. However, the penal code allows the judge to use their 'knowledge' in cases of morality crimes and as such the judge is able to determine a person's guilt in the absence of any direct evidence (see [Penal Code](#)).
- 2.3.4 Women are at a greater risk of being accused and convicted of adultery owing to negative social stigma associated with women's sexuality, discriminatory laws and societal acceptance of honour crimes. Iranian law allows men to have multiple wives thus allowing them to claim to have both a permanent and temporary marriage at the same time. A temporary marriage contract effectively permits sexual relations for men outside of marriage. Women are not allowed to have multiple spouses making punishment more likely. However, men have also been sentenced to stoning in recent years (see [Treatment of women](#)).
- 2.3.5 Women are also at a greater risk of being victims of honour related violence. Families often commit honour crimes where they feel the family reputation has been damaged and Iranian law allows men to kill their spouse if caught in the act of committing adultery. The authorities have tried to eliminate honour crimes but one report suggests that perpetrators find ways to circumvent this (see [Honour related violence](#)).
- 2.3.6 Female rape victims have failed to report crimes because they fear retaliation or punishment for having been raped, as they could be charged with indecency, immoral behaviour, or adultery for being in the presence of an unrelated male while unaccompanied. In addition, trafficking victims are reported to be liable to prosecution for adultery (see [Treatment of women](#)).
- 2.3.7 The key considerations in claimed adultery cases are:
- the marital status of the person, and whether they did indeed commit adulterous acts or have been perceived to have committed such acts;
 - whether they (have been perceived to) have had a relationship with a married (other than their spouse) or unmarried person;
 - whether the act was known or likely to be made known publicly, to the families or to the Iranian authorities.

2.3.8 For further information and guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.3.9 See also the country policy and information note on [Iran: women](#).

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2.4 Protection

2.4.1 Where the person fears persecution or serious harm by the state, they will not be able to avail themselves of the protection of the authorities.

2.4.2 Where the person is at risk from a non-state actor, the state will not provide protection.

2.4.3 For further information and guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.4.4 See also the country policy and information note on [Iran: Background information including actors of protection and internal relocation](#).

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2.5 Internal relocation

2.5.1 Where the person's fear is of persecution/serious harm at the hands of the state, they will not be able to relocate to escape that risk.

2.5.2 Where the threat is from a non-state actor (eg a husband), the person is not likely to be able to relocate to escape the risk given the restrictions placed on women's freedom of movement particularly in rural areas and the difficulties women face in living alone, including susceptibility to sexual harassment. In addition, even where the authorities may try to address honour killings, extrajudicial killings have taken place.

2.5.3 Where the threat from a non-state agent is to a male adulterer internal relocation may be an option depending on the nature of the threat and the personal circumstances of the person concerned. Decision makers must in these cases consider the relevance and reasonableness of internal relocation on a case-by-case basis.

2.5.4 See also the country policy and information note on [Iran: Background information including actors of protection and internal relocation](#).

2.5.5 For further information on considering internal relocation and the factors to be taken into account, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.6 Certification

2.6.1 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.

2.6.2 For further information and guidance on certification, see the [Asylum Instruction on Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#).

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3. Policy summary

- 3.1.1 Any actual or alleged sexual relationship outside of marriage is considered a crime in Iran and is punishable by 100 lashes and in some circumstances stoning to death, although reports suggest that executions by stoning rarely take place.
- 3.1.2 Women are at a greater risk of being accused and convicted of adultery. Men are allowed to have multiple wives and are able to claim that they are engaged in a temporary marriage, which permits sexual relations outside of marriage. Women are also at a greater risk of being victims of honour related violence for suspected adultery.
- 3.1.3 State protection and internal relocation to escape the risk will not be available.
- 3.1.4 If a claim is refused it is unlikely to be certifiable as clearly unfounded.

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4. Legal position

4.1 Penal Code

- 4.1.1 The Guardian's article 'When adultery means death' dated 7 August 2010 stated that:

'Before the 1979 Islamic revolution [...] consensual sexual relations between adults did not figure in the country's criminal code. The revolution enacted a version of Islamic law which is extraordinarily harsh even by the standards of the Islamic world, making extra-marital sex a crime punishable by law.... Iran's legal codes are studded with inconsistencies and vagaries that make due process virtually impossible.'¹

- 4.1.2 Iran Human Rights Documentation Centre (IHRDC) article 'Gender Inequality and Discrimination: The Case of Iranian Women' dated 8 March 2013 stated that;

'Under the Shari'a law, sexual intercourse is only permitted within a marriage and sex out of marriage is considered to be a hadd crime. The crime of zina has been defined as sexual intercourse between a man and a woman who are not married to each other. To prove this offense, very strict standards of evidence are required, including the testimony of four eyewitnesses or the making of a confession four times.'²

- 4.1.3 According to a Human Rights Watch article 'Iran: Prevent Woman's Execution for Adultery' dated 7 July 2010, under Iran's penal code; 'adultery is a "crime against God" for both men and women.... Cases of adultery must be proven either by a repeated confession by the defendant or by the testimony of witnesses - four men or three men and two women.'

The same source also noted that; 'Iran's penal code also allows judges in hodud (morality) crimes such as adultery to use their own "knowledge" to determine whether an accused is guilty in the absence of direct evidence.'³

- 4.1.4 Human Rights Watch explains that 'In January 2012 the Guardian Council, an unelected body of 12 religious jurists charged with vetting all legislation to ensure its compatibility with Iran's constitution and shari'a, or Islamic law,

¹ The Guardian, When adultery means death- Shirin Ebadi, 7 August 2010 <http://www.theguardian.com/commentisfree/2010/aug/07/iran-sakineh-mohammadi-ashtiani> [date accessed 3 October 2016]

² Iran Human Rights Documentation Centre, Gender Inequality and Discrimination: The Case of Iranian Women, 8 March 2013, 1.3. Different punishments <http://www.iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html> [date accessed 3 October 2016]

³ Human Rights Watch, Iran: Prevent Woman's Execution for Adultery, 7 July 2010, <https://www.hrw.org/news/2010/07/07/iran-prevent-womans-execution-adultery> [date accessed 3 October 2016]

approved the final text of an amended penal code'.⁴ The new Islamic Penal Code was enacted into law in 2013.⁵

4.1.5 The IHRDC noted in a different article that: 'The new Islamic Penal Code considers any sexual relationship outside of marriage a crime, for which punishment has been set. According to the new Code, sexual relationship between a man and a woman outside of marriage is 'adultery,' and is punishable subject to Hadd.'⁶

4.1.6 Human Rights Watch further reported that:

'Articles 222-231 of the new code address the crime of zena ("adultery" or "fornication," depending on the marital status of the individuals involved), generally defined as consensual or forced penetrative sex between a man and a woman outside of marriage. The new code removes, but does not specifically prohibit the imposition of the punishment of stoning, which is explicitly reserved for adulterers in the old code. However, in this area the amendments largely leave intact the provisions of the old code which make the death penalty mandatory for all individuals who willingly engage in sex with someone other than their married spouse (i.e. adultery), those who engage in incest, men who have sex with their stepmothers, and non-Muslim men who have sex with a Muslim woman regardless of his marital status. Judges can sentence offenders who have not reached the "age of maturity" only to correctional and rehabilitation measures.'⁷

4.1.7 The February 2013 fact-finding mission report by the Danish Immigration Service (DIS), the Norwegian Country of Origin Information Centre (Landinfo) and the Danish Refugee Council (DRC) noted that: 'A Western embassy mentioned that adultery is very difficult to prove because of the requirement of four witnesses. However, if the judge bases his argument on his knowledge, i.e. 'knowledge of the judge', he is given free hands to issue whatever sentence he sees fit. The same charge could lead to different verdicts according to which judge and in which city, the case is handled.'⁸

⁴ Human Rights Watch, Codifying Repression An Assessment of Iran's New Penal Code, 28 August 2012, Summary p.1

<https://www.hrw.org/report/2012/08/28/codifying-repression/assessment-irans-new-penal-code> [date accessed 27 October 2016]

⁵ Iran Human Rights Documentation Centre, English Translation of Books I & II of the New Islamic Penal Code, 8 April 2014

<http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/1000000455-english-translation-of-books-1-and-2-of-the-new-islamic-penal-code.html> [date accessed 27 October 2016]

⁶ Iran Human Rights Documentation Centre, The Execution of Women in Iranian Criminal Law: an Examination of the Impact of Gender on Laws Concerning Capital Punishment in the New Islamic Penal Code, 7 May 2012, <http://www.iranhrdc.org/english/publications/legal-commentary/1000000102-the-execution-of-women-in-iranian-criminal-law.html> [date accessed 3 October 2016]

⁷ Human Rights Watch, Codifying Repression An Assessment of Iran's New Penal Code, 28 August 2012, IV. Death Penalty for Protected Conduct or Non-Serious Crimes, Adultery p.24-25

<https://www.hrw.org/report/2012/08/28/codifying-repression/assessment-irans-new-penal-code> [date accessed 27 October 2016]

⁸ Landinfo, Iran – On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election

4.1.8 The report 'Stoning is Not Our Culture: A Comparative Analysis of Human Rights and Religious Discourses in Iran and Nigeria' published by Violence is not our culture- The Global campaign to stop killing and stoning women in March 2010 noted that:

'The most common source of proof of guilt in Iranian adultery cases the judge's 'knowledge' ('elm-e qazi, sometimes translated as 'intuition', or 'gut feeling'.) Here, a judge issues the sentence based on his own personal understanding of the case regardless of the evidence, or lack thereof, presented to the court. There is a great deal of controversy surrounding the legal and religious justifications for the judge's 'knowledge' process. There is no consensus among Shi'a scholars whether or not the judge must himself witness the act of zina take place before he finds the defendant guilty of adultery. As it takes place today, judge's often rule based on their 'knowledge', without any hard evidence whatsoever. Because of the negative social stigma associated with women's sexuality along with the gender discrimination in Shari'a, women are highly susceptible to being found guilty of zina as a result of the judge's knowledge. There are no female judges in Iran. Furthermore, the 'judge's knowledge' method is inconsistent, lacks accountability, and violates both the Iranian constitution and article 14 of the ICCPR guaranteeing a fair trial, to which Iran is a state party.'⁹

'It is known that most stoning cases in Iran results from either dubious confession or 'Judge's Knowledge'. Nonetheless, we have found no religious basis for the 'Judge's Knowledge' loophole as it occurs in practice. In fact, several Iranian officials and religious scholars have spoken out against it. Other noteworthy arguments against stoning refer to the method in which stoning is carried out. Some argue that stoning can only be carried out legitimately in a public place, with the witnesses, judge, and political leader themselves casting the first stones. This, undoubtedly, is very unlikely to occur in modern Iran.'¹⁰

4.1.9 The IHRDC noted that: 'Article 630 of the previous Penal Code expressly allowed a husband to kill his wife and her lover, if he caught them in flagrante, ("in blazing offense" in Latin; legal term that indicates a criminal has been caught in the act of committing an offense). However if he knows

Protestors as well as Legal Issues and Exit Procedures, Joint report from the Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council's fact-finding mission to Tehran, Iran, Ankara, Turkey and London, United Kingdom, 9 November to 20 November 2012 and 8 January to 9 January 2013, February 2013 p.37 <http://www.nyidanmark.dk/NR/ronlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [date accessed 26 September 2016]

⁹ The Global campaign to stop killing and stoning women, Violence is not our culture, Stoning is Not Our Culture: A Comparative Analysis of Human Rights and Religious Discourses in Iran and Nigeria, March 2010, 3.4 Unfair Trials p.10

http://www.wluml.org/sites/wluml.org/files/SKSW%20Policy%20Briefing%20Series%201_Stoning%20is%20not%20our%20Culture_Terman%20&%20Fijabi.pdf [date accessed 27 September 2016]

¹⁰ The Global campaign to stop killing and stoning women, Violence is not our culture, Stoning is Not Our Culture: A Comparative Analysis of Human Rights and Religious Discourses in Iran and Nigeria, March 2010, 4.4 Method of Proof for Adultery p.17

http://www.wluml.org/sites/wluml.org/files/SKSW%20Policy%20Briefing%20Series%201_Stoning%20is%20not%20our%20Culture_Terman%20&%20Fijabi.pdf [date accessed 27 September 2016]

that his wife acted under coercion, he may only kill her rapist (Article 630). While in the new Penal Code Article 630 is unchanged, a paragraph has been added to Article 300 which again stresses the exemption of husband from qisas (retaliation) in cases where he kills his wife and her lover in flagrante. In fact, not only has Article 630 not been repealed, the IRI has solidified its approval of this practice.¹¹

- 4.1.10 Further information on the relevant articles of the penal code can be found on the website of [Women Living under Muslim Laws and Iran Human Rights Documentation Center \(IHRDC\)](#).¹²

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4.2 Punishment

- 4.2.1 Iran Human Rights Documentation Centre (IHRDC) noted that:

‘Pursuant to Article 225 of the new Code, the following sexual offenses are among those that are punishable by death:

- a) Adultery with one’s consanguineous relative, i.e., sister, mother, maternal and paternal aunt, maternal and paternal grandparent, niece and nephew or their children;
- b) Adultery with one’s stepmother, in which case the adulterer shall receive the death penalty;
- c) Adultery between a non-Muslim man and a Muslim woman, in which case the adulterer (non-Muslim man) shall receive the death penalty;
- d) Forcible rape, in which case the rapist shall receive the death penalty.¹³

- 4.2.2 IHRDC also stated that: ‘Persons who have committed zina [adultery] can be punished with the hadd penalties of either 100 lashes or death by stoning, depending on their legal status. For a specific group of married people, called mohsan (man) and mohsaneh (woman), the hadd punishment for zina is stoning to death.’¹⁴ The Cornell Law School reported that ‘Adultery by

¹¹ Iran Human Rights Documentation Centre, Gender Inequality and Discrimination: The Case of Iranian Women, 8 March 2013, 1.4. Honor killing and a husband’s right to kill his wife in flagrante <http://www.iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html> [date accessed 3 October 2016]

¹² Women living under Muslim laws, Iran: Code of Punishment for Adultery in Iran, undated, <http://www.wluml.org/node/3908> [date accessed 3 October 2016]
Iran Human Rights Documentation Centre, English Translation of Books I & II of the New Islamic Penal Code, 8 April 2014
<http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/1000000455-english-translation-of-books-1-and-2-of-the-new-islamic-penal-code.html>
[date accessed 27 October 2016]

¹³ Iran Human Rights Documentation Centre, The Execution of Women in Iranian Criminal Law: an Examination of the Impact of Gender on Laws Concerning Capital Punishment in the New Islamic Penal Code, 7 May 2012, 1.1 Adultery <http://www.iranhrdc.org/english/publications/legal-commentary/1000000102-the-execution-of-women-in-iranian-criminal-law.html> [date accessed 3 October 2016]

¹⁴ Iran Human Rights Documentation Centre, Gender Inequality and Discrimination: The Case of Iranian Women, 8 March 2013, 1.3. Different punishments <http://www.iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html>

married persons is punished by death; fornication by unmarried persons is punished by death upon the fourth instance.¹⁵

- 4.2.3 According to Human Rights Watch, ‘In cases where the offending party accused of extramarital sex is not married, the punishment is 100 lashes. Similarly, if a man is married but has not yet had penetrative sex with his wife and commits adultery, a judge must sentence him to 100 lashes, a shaved head, and one (lunar) year of internal exile. The crime of zena violates international law by criminalizing consensual sexual relations between adults.’¹⁶
- 4.2.4 Amnesty International’s report for 2015/16 stated that; ‘The Islamic Penal Code continued to provide for stoning as a method of execution; at least two stoning sentences were issued but no executions by stoning were reported during the year.’¹⁷ In another report, documenting the sentencing of Golrokh Ebrahimi Iraee, to six years in prison for writing a story about stoning, the same source reported in October 2016 that it was ‘aware of the case of at least one woman – Fariba Khaleghi – who is currently facing death by stoning.’¹⁸
- 4.2.5 The Cornell Law School reported in their death penalty database that: ‘Individuals sentenced to stoning are placed in a stoning pit, buried to the neck (women) or waist (men) and others hurl stones at them until they escape the stoning pit, are incapacitated, or are dead. In 2007, a condemned man “was still alive after stoning but his ear and nose had been smashed and slashed. When a forensic medicine specialist confirmed that he was still alive, Mr... [sic] smashed his head with a large concrete block and killed him.” Because men (unlike women) are only buried to the waist, men infrequently but occasionally do escape the stoning pit, which terminates the penalty. [...] Individuals have occasionally been flogged prior to stoning.’¹⁹
- 4.2.6 The International Committee Against Execution reported in July 2010 that: ‘During presidency of Ahmadinejad (2005-2010) there were 8 people stoned

[discrimination-the-case-of-iranian-women.html](#) [date accessed 3 October 2016]

¹⁵ Cornell Law School, Death Penalty Database, 7 April 2014, <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Iran> [date accessed 27 September 2016]

¹⁶ Human Rights Watch, Codifying Repression An Assessment of Iran’s New Penal Code, 28 August 2012, IV. Death Penalty for Protected Conduct or Non-Serious Crimes, Adultery p.24-25 <https://www.hrw.org/report/2012/08/28/codifying-repression/assessment-irans-new-penal-code> [date accessed 27 October 2016]

¹⁷ Amnesty International, Amnesty International report 2015/16, 24 February 2016 <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/> [date accessed 3 October 2016]

¹⁸ Amnesty International, Iran: Writer facing imminent imprisonment for story about stoning, 6 October 2016 <https://www.amnesty.org/en/latest/news/2016/10/iran-writer-facing-imminent-imprisonment-for-story-about-stoning/> [date accessed 27 October 2016]

¹⁹ Cornell Law School, Death Penalty Database, 7 April 2014, <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Iran> [date accessed 27 September 2016]

to death and 31 people sentenced to death by stoning.’ The organisation noted that the real number is likely to be higher owing to the lack of official data, the difficulty of obtaining information and because ‘a large number of stonings have been carried out secretly’.²⁰

4.2.7 Fox news reported that:

‘Human rights groups including “Justice for Iran” have documented that Iran’s radical regime has stoned 77 people since the 1979 revolution ushered in a fundamentalist judicial system. Wahied Wahdat-Hagh, a European expert on Iran who has written extensively on the persecution of Christians, women, Baha’is and Jews in the Islamic Republic, told FoxNews.com that the number of victims stoned to death is believed to be higher than the frequently-cited statistics because of the lack of judicial transparency in the Islamic Republic.’²¹

4.2.8 The Daily Telegraph reported in an article dated 30 May 2013 that: ‘At least 150 people may have been stoned in Iran since 1980, the International Committees against Execution and Stoning said in 2010.’²²

4.2.9 The Guardian, noted in their report ‘When adultery means death’ dated 7 August 2010:

‘Criminal prosecution for adultery, and the handing down of a stoning verdict, does not even require a personal plaintiff; if it can be proven that a man or woman has committed adultery, even if the betrayed spouse offers his or her forgiveness, the transgressor must be stoned. Article 105 of the penal code enables a judge to sentence an adulterer to stoning based purely on his "knowledge"; as such, it is possible for a judge to sentence a woman simply based on her husband's complaint.’

‘...To avoid international outcry, the government refrains from announcing stoning verdicts publicly. It is only slowly and by word of mouth, through information relayed by families and lawyers, that cases make their way to the media. As such, we cannot even know precisely how many Iranians have been killed by such punishment in the past three decades.’²³

4.2.10 The Suuntaus project report compiled by the Finnish Immigration Service on ‘Violence against women and honour- related violence in Iran’ dated 26 June 2015 stated that:

²⁰ International Committee Against Execution, List of known cases of deaths by stoning in Iran (1980-2010), July 2010, http://stopstoningnow.com/wpress/SList%20_1980-2010_FHdoc.pdf [date accessed 3 October 2016]

²¹ Fox News, Embracing the Stone Age: Iran retains medieval penalty for adultery, 5 June 2013, <http://www.foxnews.com/world/2013/06/05/embracing-stone-age-iran-retains-medieval-penalty-for-adultery/> [date accessed 3 October 2016]

²² Daily Telegraph, Iran amends law on stoning for adultery, 30 May 2013, <http://www.telegraph.co.uk/news/worldnews/middleeast/iran/10089270/Iran-amends-law-on-stoning-for-adultery.html> [date accessed 3 October 2016]

²³ The Guardian, When adultery means death- Shirin Ebadi, 7 August 2010 <http://www.theguardian.com/commentisfree/2010/aug/07/iran-sakineh-mohammadi-ashtiani> [date accessed 3 October 2016]

'Extramarital sex remains a criminal offence in Iran. Adultery carries the death penalty under both the Islamic Sharia law and the Iranian Penal Code, although sentencing offenders to death is rare in practice. Premarital sex carries a penalty of up to 100 lashes and between 10 days and two months of imprisonment. No detailed information is available on how common flogging is in these cases, as they are not entered into official statistics, and victims avoid talking about them in public for fear of stigmatization. Flogging sentences are nevertheless handed down for prostitution and other extramarital sexual relations. During a visit by the UN Special Rapporteur on Violence against Women to Evin Prison in 2005, there were a total of 200 female inmates who had been sentenced for 'moral crimes'.²⁴

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5. Treatment of women

5.1.1 The IHRDC's May 2012 article titled 'The Execution of Women in Iranian Criminal Law: an Examination of the Impact of Gender on Laws Concerning Capital Punishment in the New Islamic Penal Code' stated that:

'Though seemingly there is no gender bias in the laws pertaining to stoning, i.e., "the law prescribes stoning for 'adultery between married man and women [not to each other]' regardless of gender," in most instances, married men can take refuge in 'multiple-wives' laws available to them, and thus evade charges of adultery. According to Iran's laws, men can concurrently take four permanent wives while having countless number of temporary ones. In light of this law, a married man, when arrested for adultery, can claim that he had [privately] recited the Sigheh [the verse pertaining to temporary marriage contract], but failed to register the marriage. Furthermore, many married men who commit adultery carry on with their affairs under the pretext of having multiple wives (permanent or temporary) and in so doing evade any legal scrutiny or punishment. Meanwhile, a married woman could potentially be subject to stoning after a single incident of adultery, and the law fails to leave any door open for her to avoid the consequences.'²⁵

5.1.2 The Guardian article 'When adultery means death' dated 7 August 2010 noted that:

'On the face of things, stoning is not a gendered punishment, for the law stipulates that adulterous men face the same brutal end. But because Iranian law permits polygamy, it effectively offers men an escape route: they

²⁴ Suuntaus project, Finnish Immigration Service- Country Information Service, Violence against women and honour- related violence in Iran- public theme report, 26 June 2015, 3.4. Extramarital relationships p.16 http://www.migri.fi/download/61597_Suuntaus-raportti_VakivaltaIran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288 [date accessed 3 October 2016]

²⁵ Iran Human Rights Documentation Centre, The Execution of Women in Iranian Criminal Law: an Examination of the Impact of Gender on Laws Concerning Capital Punishment in the New Islamic Penal Code, 7 May 2012, 1.1 Adultery <http://www.iranhrdc.org/english/publications/legal-commentary/1000000102-the-execution-of-women-in-iranian-criminal-law.html> [date accessed 3 October 2016]

are able to claim that their adulterous relationship was in fact a temporary marriage (Iranian law recognises "marriages" of even a few hours duration between men and single women). Men typically exploit this escape clause, and are rarely sentenced to stoning. But married woman accused of adultery have access to no such reprieve.²⁶

- 5.1.3 The Danish Immigration Service, the Norwegian Landinfo and Danish Refugee Council's fact-finding mission to Tehran, Iran, Ankara, Turkey and London, United Kingdom, 9 November to 20 November 2012 and 8 January to 9 January 2013 consulted a Western embassy who stated that:

'According to two lawyers with criminal law experience, adultery cases fall under the criminal courts. Asked about prevalence of adultery cases before the courts, the lawyers stated that adultery is usually not reported to the police or to the court. If there is no private plaintiff, there is no case. Asked who would potentially act as a plaintiff in a case regarding adultery, it was explained that it would usually be a husband or a father to a girl. However, few cases are reported and therefore it is very rare that a case of adultery reaches the courts. Adultery is a personal matter and it is not common to report such a case.'²⁷

'Concerning how a case which is brought before the court would be judged, the sources stated that it is very difficult to prove adultery due to the fact that strict criteria for evidence in the form of witnesses of the adultery are required. It was considered that it is almost impossible to witness adultery. Furthermore, a person confessing to adultery can do so four times and the fifth time deny the relationship, upon which the person would be acquitted. It was explained that the philosophy behind such severe punishments that a conviction for adultery would entail, i.e. stoning, is to deter adultery from taking place.'²⁸

- 5.1.4 IHRDC's report 'Gender Inequality and Discrimination: The Case of Iranian Women' dated 8 March 2013 noted:

'Although the punishment of stoning applies to men as well, it is applied in greater proportion to women. For example, in 1998 (a year with high recorded rates of punishment by stoning) five of the seven people reportedly

²⁶ The Guardian, When adultery means death- Shirin Ebadi, 7 August 2010 <http://www.theguardian.com/commentisfree/2010/aug/07/iran-sakineh-mohammadi-ashtiani> [date accessed 26 September 2016]

²⁷ Landinfo, Iran – On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, Joint report from the Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council's fact-finding mission to Tehran, Iran, Ankara, Turkey and London, United Kingdom, 9 November to 20 November 2012 and 8 January to 9 January 2013, February 2013 p.38 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [date accessed 26 September 2016]

²⁸ Landinfo, Iran – On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, Joint report from the Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council's fact-finding mission to Tehran, Iran, Ankara, Turkey and London, United Kingdom, 9 November to 20 November 2012 and 8 January to 9 January 2013, February 2013 p.38 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [date accessed 26 September 2016]

sentenced to death by stoning were women. In fact, women are more readily accused and convicted of adultery, while men are rarely punished for adultery because they can easily claim that they engaged in those relations in the bounds of a temporary marriage. Claiming a temporary marriage permits sexual relations outside of formal marriage. Men can more easily claim a temporary marriage because under Iranian laws they may have multiple wives, allowing them to have both a permanent wife and be temporarily married at the same time. On the other hand, women cannot have multiple spouses under Iran's laws, thus making stoning more likely for women than men since they cannot evade punishment for adultery by claiming that the relations occurred in a lawful temporary marriage.²⁹

5.1.5 The Independent noted in a report dated 29 September 2013 that:

'If a man is unhappy with his wife he can – depending on the country – divorce, take other wives or marry another woman temporarily. A woman has few options. She can divorce only in certain circumstances and risks losing custody of her children. Men accused of adultery are also more likely to have the means to hire lawyers, and their greater physical freedom makes it easier for them to flee in situations where they risk extrajudicial stoning.

'Activists say trials are often unfair. Convictions are frequently based on confessions made under duress. As adultery is difficult to prove, judges in Iran can also convict on the basis of gut feeling rather than evidence.

'Even the manner of stoning is loaded against women. People sentenced to stoning in Iran are partially buried. If they can escape they are spared. But women are customarily buried up to their chests while men are only buried up to their waists.³⁰

5.1.6 In March 2014 The Telegraph published an article regarding the case of Sakineh Mohammadi Ashtiani who was sentenced to death by stoning. The article titled 'Iranian woman spared stoning for adultery' dated 18 March 2014 stated that:

'Sakineh Mohammadi Ashtiani was "granted leave", the head of the country's human rights council, Mohammed Javad Larjani, told a press conference, according to local news agencies. Mrs Ashtiani, who was reported to have attempted suicide last month, was sentenced to death by stoning for adultery and complicity in the murder of her husband in 2006, provoking an international outcry. After her two sons started a campaign against the sentence, there were vigils in world capitals, a vote of condemnation in the

²⁹ Iran Human Rights Documentation Centre, Gender Inequality and Discrimination: The Case of Iranian Women, 8 March 2013, 1.3. Different punishments
<http://www.iranhrc.org/english/publications/legal-commentary/100000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html> [date accessed 27 September 2016]

³⁰ The Independent, Special report: The punishment was death by stoning. The crime? Having a mobile phone – Emma Batha, 29 September 2013,
<http://www.independent.co.uk/news/world/politics/special-report-the-punishment-was-death-by-stoning-the-crime-having-a-mobile-phone-8846585.html> [date accessed 3 October 2016]

European Parliament, and subsequent rows between human rights activists, politicians, and the Iranian authorities.³¹

5.1.7 The report continued:

‘Nevertheless, it was made clear that the death sentence had been postponed, though it has never been formally dropped. The murder sentence was set at 10 years, in agreement with the husband’s family, though her family always contested the fairness of the case against her. At a press conference on Tuesday, Mr Larijani attacked “outside interference” in Iran over its human rights record, particularly by the UN rapporteur on human rights in Iran, Ahmed Shaheed. However, he did say that Mrs Ashtiani was no longer in prison. “There was a lot of noise because of this case on the international scene,” he said. “We obtained the pardon of the victim’s family, and the sentence was reduced to ten years. “She has been granted leave on account of good behaviour.”’³²

5.1.8 Despite women being disproportionately affected by discriminatory laws, men convicted of adultery have also been punished by stoning in recent years. In January 2009, the Daily Mail reported that; ‘Two men convicted of adultery in Iran have been stoned to death’.³³ In 2010, The Guardian reported that 12 women and 1 man were on death row, facing stoning for adultery.³⁴ Human Rights Watch, in June 2013, also noted that; ‘No official statistics are available, but human rights groups estimate that the Iranian authorities currently hold at least 10 women and men who face possible execution by stoning on adultery charges’.³⁵

5.1.9 The US Department of State, 2015 Country Report on Human Rights Practices published on 13 April 2016 stated that:

‘Women sometimes received disproportionate punishment for crimes such as adultery, including death sentences. Discriminatory laws against women continued to be introduced. The 2013 revised Islamic penal code retains provisions that value a woman’s testimony in a court of law as half that of a man’s, and a woman’s life as half that of a man’s. The blood money paid to the family of a woman who is killed is half the sum paid for a man in most cases.

³¹ The Telegraph, Iranian woman spared stoning for adultery, 18 March 2014
<http://www.telegraph.co.uk/news/worldnews/middleeast/iran/10706707/Iranian-woman-spared-stoning-for-adultery.html> [date accessed 27 September 2016]

³² The Telegraph, Iranian woman spared stoning for adultery, 18 March 2014
<http://www.telegraph.co.uk/news/worldnews/middleeast/iran/10706707/Iranian-woman-spared-stoning-for-adultery.html> [date accessed 27 September 2016]

³³ Daily Mail, Iran stones two men for adultery,,,but a third man escapes during execution, 14 January 2009, <http://www.dailymail.co.uk/news/article-1114582/Iran-stones-men-adultery--man-escapes-execution.html> [date accessed 27 September 2016]

³⁴ The Guardian, Iranians still facing death by stoning despite 'reprieve', 8 July 2010,
<http://www.theguardian.com/world/2010/jul/08/iran-death-stoning-adultery> [date accessed 27 September 2016]

³⁵ Human Rights Watch, Iran: Proposed Penal Code Retains Stoning, 3 June 2013
<https://www.hrw.org/news/2013/06/03/iran-proposed-penal-code-retains-stoning> [date accessed 27 September 2016]

'Cases of rape were difficult to document due to non-reporting. Most rape victims likely did not report the crime, because they feared retaliation or punishment for having been raped, including charges of indecency, immoral behaviour, or adultery for being in the presence of an unrelated man while unaccompanied, the latter of which carries the death penalty. They also feared societal reprisal or ostracism.

'In December [2015] a court sentenced a woman referred to as "A.Kh." to death by stoning for alleged complicity in the murder of her husband, according to multiple media and NGO reports. The sentence was not carried out by year's end. There were no confirmed reports of death by stoning during the year.'³⁶

- 5.1.10 The Jerusalem Post also reported on sentencing of 'A.KH' in their report dated 10 December 2015. They stated that:

'Maryam Nayeb Yazdi, a leading Canadian-Iranian human rights activist based in Toronto who tweeted about the stoning on Wednesday, told The Jerusalem Post, "The rate of executions in Iran has not decreased in the last few years, it has increased. Although stoning has become more rare in Iran, such sentences are still being issued by Iranian judges. The probability of a stoning sentence to be carried out is slim due to the international sensitivity of the issue, there is a great chance her sentence may be 'converted' to death by hanging."³⁷

- 5.1.11 In April 2016 Iran Focus reported that 'woman has received 100 lashings in the town of Golpayegan, central Iran. State-run Serat News Agency reported the punishment on 27 April. Najafali Alyan, the government's prosecutor in the town, said the lashings were punishment for adultery. The woman, only identified as S.T., is currently serving a 15-year prison term for an alleged role in the murder of her husband in 2012. This is the first time in years that state media has reported the public flogging of a woman.'³⁸

- 5.1.12 In the 2015 Trafficking in Persons report, published by the US Department of State in July 2016, it was noted that:

'Female victims of sexual abuse, including sex trafficking victims, are subject to prosecution for adultery, which is defined as sexual relations outside of marriage and is punishable by death.[...] The government reportedly continued to punish sex trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking, such as adultery and prostitution.'³⁹

³⁶ US State Department, Country Report on Human Rights Practises for 2015- Iran, 13 April 2016, Sections 1a and 6
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252923> [date accessed 26 September 2016]

³⁷ The Jerusalem Post, Iran sentences women to death by stoning, 10 December 2015,
<http://www.jpost.com/Middle-East/Iran/Iran-sentences-woman-to-death-by-stoning-436847> [date accessed 26 September 2016]

³⁸ Iran Focus, Iran lashes woman in public, 30 April 2016
http://www.ecoi.net/local_link/324395/450449_en.html [date accessed 27 October 2016]

³⁹ United States Department of State, 2016 Trafficking in Persons Report - Iran, 30 June 2016

5.1.13 The Australian Government's Department of Foreign Affairs and Trade (DFAT) country report on Iran dated 21 April 2016 noted that: 'Successful prosecutions for adultery are difficult, given the legal requirement for four witnesses. Moreover, adultery is often not reported, for reasons of 'honour'. DFAT is unable to provide further information on court cases relating to adultery, given lack of access to legal proceedings.'⁴⁰

5.1.14 The DFAT country report also noted that:

'Pre-marital and extra-marital relations are common and unmarried couples appearing together in public is very common, particularly in the middle and upper classes. DFAT assesses that the authorities generally turn a blind eye to such couples, in part because – if questioned – such couples may suggest they have a religiously-sanctioned temporary marriage. While there are reports of contracts being signed or papers issued for temporary marriages, DFAT has been advised that temporary marriages do not require formal documentation. If such couple are arrested they would usually be taken to a police station, where parents or guardians are summoned. They are usually released after making a written statement and can sometimes be required to pay a fine.

'Over the last few years there has been a public debate on the largely urban phenomena of people living together without being married ('white marriages'). Clerics have warned of the moral dangers of such arrangements. On 27 April 2015, the Press Supervisory Board shut down leading women's publication Zanan-e-Emrooz [Women Today] for publishing content which 'promoted the phenomenon of white marriages'. The Ministry of Culture defended the closure saying any newspaper 'which promotes or justifies the phenomena which are contrary to religious and national values will be dealt with'. Activists condemned the publication's closure.'⁴¹

5.1.15 The Suuntaus project report compiled by the Finnish Immigration Service on 'Violence against women and honour-related violence in Iran' dated 26 June 2015 stated that:

'People today delay getting married, as marriage is an expensive and risky solution for both parties. Cohabitation prior to marriage has increased in Iran, despite being socially unacceptable. Cohabitation of unmarried couples is called 'white marriage' (ezdevaj-e sefid) in Iran. As extramarital cohabiting is illegal in the eyes of the authorities, these arrangements can be problematic, for example, if the woman is assaulted or abused by her partner, as no help is available from the authorities. Women who live alone are also susceptible to sexual harassment, as they are assumed to have loose morals. This is

<http://www.state.gov/documents/organization/258879.pdf> [date accessed 3 October 2016]

⁴⁰ Australian Government- Department of Foreign Affairs and Trade (DFAT), Country Information Report Iran, 21 April 2016, available on request, [date accessed 4 October 2016]

⁴¹ Australian Government- Department of Foreign Affairs and Trade (DFAT), Country Information Report Iran, 21 April 2016, available on request, [date accessed 4 October 2016]

why a clear majority of unmarried men and women in Iran live with their parents.⁴²

5.1.16 Deutsche Welle reported in February 2013 that: 'It is illegal for unmarried couples to live together in one apartment. But there are more and more young people who are defying the law - especially in larger cities and among those with a university education.'⁴³

5.1.17 In May 2015 the Los Angeles Times reported on the growing trend of 'white marriages' they noted that:

'Last year, the chief of staff to the supreme leader, Ayatollah Ali Khamenei, called cohabitation "shameful." [...] There are no official estimates on the number of unmarried couples cohabiting in Iran, where those who engage in sex, dating or even hand holding out of wedlock find themselves on the wrong side of the law. But officials such as Siyavash Shahrivar, deputy governor of greater Tehran, say that "white marriages" are on the increase. With about 60% of the population younger than 30, cohabitation is inevitable in Iran, according to Nina Ansary, an expert on women's rights in the Islamic Republic. And although the official rhetoric is hard-line, a significant portion of Iranian society is more sophisticated and less hidebound than the ruling establishment. [...] To mask their mores, many unmarried couples wear fake wedding bands and memorize each other's family trees, small protections to make their phony marriages seem real in case they are stopped by police. [...] Although government officials and clerics advise young men to consider temporary marriages, the practice is frowned upon by many Iranians, especially educated young women such as Ziba, who find it offensive.'⁴⁴

5.1.18 The International Campaign for Human Rights in Iran also noted in February 2016 that:

'Under Iranian Sharia law, men and women are required to register their marital union. Those who choose not to do so are considered by the state as living in sin and committing adultery, an offense punishable by death. But more and more young Iranians are choosing to take the risk. Perceiving the growing trend as a threat to revolutionary ideals, state officials are condemning the lifestyle choice through words and actions. "The decline of marriage statistics is a serious threat, and unfortunately, many young people have turned to 'white marriages,' which is a new malady and a serious blow to the family," Seyed Reza Salehi Amir, an advisor to President Rouhani,

⁴² Suuntaus project, Finnish Immigration Service- Country Information Service, Violence against women and honour- related violence in Iran- public theme report, 26 June 2015, 3.4. Extramarital relationships p.16 http://www.migri.fi/download/61597_Suuntaus-raportti_Vakivaltalran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288 [date accessed 3 October 2016]

⁴³ Deutsche Welle, Living out of wedlock in Iran, 11 February 2013, <http://www.dw.com/en/living-out-of-wedlock-in-iran/a-16588631> [date accessed 4 October 2016]

⁴⁴ Los Angeles Times, 'White marriage' a growing trend for young couples in Iran, 29 May 2015 <http://www.latimes.com/world/middleeast/la-fg-iran-white-marriage-20150529-story.html> [date accessed 4 October 2016]

said on February 1. He added that compared to last year, marriages have declined by 6.5% and divorces have increased by 4.5%.⁴⁵

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6. Honour related violence

6.1.1 The IHRDC article 'Gender Inequality and Discrimination: The Case of Iranian Women' dated 8 March 2013 states that:

'Due to the clandestine nature of such practices, a lack of government reporting and other factors, there are no precise statistics about the rate of honor killings in Iran.

'Article 630 of the previous Penal Code expressly allowed a husband to kill his wife and her lover, if he caught them in flagrante, ("in blazing offense" in Latin; legal term that indicates a criminal has been caught in the act of committing an offense). However if he knows that his wife acted under coercion, he may only kill her rapist (Article 630). While in the new Penal Code Article 630 is unchanged, a paragraph has been added to Article 300 which again stresses the exemption of husband from qisas (retaliation) in cases where he kills his wife and her lover in flagrante. In fact, not only has Article 630 not been repealed, the IRI has solidified its approval of this practice.'⁴⁶

6.1.2 The Suuntaus project report compiled by the Finnish Immigration Service on 'Violence against women and honour- related violence in Iran' dated 26 June 2015 states that:

'Both women and men are vulnerable to honour-related violence in Iran. An honour killing is a murder committed or ordered by a husband, a father, a brother or another relative as a punishment to a family member who is seen to have damaged the family's reputation by their actions. Such actions can include extramarital sex [...]. In the most extreme cases, even a suspicion of such actions is enough. Due to cultural reasons, women and girls are the mostly likely victims of honour killings. Honour killings take place all around the world, but they are especially common in the Middle East and South Asia.'

'In most cases, the victim is a woman and the perpetrator is a male member of the victim's family. Adultery by a married woman is considered the most serious offence in this respect. Honour killings are often based on unconfirmed suspicions and rumours, which in the most conservative communities can be sparked by very minor acts, such as talking to an unknown man in a public place. No comprehensive statistics are available

⁴⁵ International Campaign for Human Rights in Iran, Iranian Couples Increasingly Living Together Outside of Marriage, 5 February 2016, <https://www.iranhumanrights.org/2016/02/white-marriage/> [date accessed 4 October 2016]

⁴⁶ Iran Human Rights Documentation Centre, Gender Inequality and Discrimination: The Case of Iranian Women, 8 March 2013, 1.4. Honor killing and a husband's right to kill his wife in flagrante <http://www.iranhrdc.org/english/publications/legal-commentary/100000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html> [date accessed 27 September 2016]

on the subject, but Iran's criminal police occasionally publish information about cases and the number of honour killings known to the police. The subject received much media attention in 2008, when the police found out about 50 honour killings in the space of seven months. According to police statistics, a total of 340 honour killings in which the victims were women took place in Iran between March 2011 and March 2012. Most of the murders were committed in Kurdistan and Khuzestan. As many as 40% of all murders in Khuzestan are believed to be honour-related.'

- 6.1.3 'According to police statistics, there are 2 500 murders in Iran per year... A total of 15-18% of the murders known to the police are honour-related... Moreover, approximately one in three murders is committed by a member of the victim's family or a relative. Of these, approximately one in five is a case in which one married partner, usually the husband, murders the other. A common reason for men to kill their wives is a suspicion of adultery. ... Honour killings take place in all kinds of families from different social classes and educational backgrounds.'

'Articles 299 and 630 of the Iranian Penal Code protect perpetrators of honour killings. Pursuant to Article 299, the qisas punishment [retaliation] that normally follows from a murder, which can be as severe as execution, does not apply to a father or a paternal grandfather who kills his own child. Article 630 gives a man the right to kill his adulterous wife and her lover if he catches them in the act. Although a man has a legal right to kill his wife and lover if he catches them in the act of adultery, cases in which the provision is applied in practice are rare. According to Sharia law, the man would need to have four witnesses to the act, which is almost impossible to achieve in practice. In one case reported by the media, a man who had killed his wife's lover after catching them in the act was sentenced to death under the qisas principle, as he was unable to prove that adultery had taken place. The qisas sentence was nevertheless overturned on appeal. The wife was sentenced to 99 lashes but escaped the death penalty as the act could not be proven by the four witnesses required under Sharia law.'

'...Experiences from Khuzestan show that when the authorities tried to weed out the tradition by sentencing perpetrators to long prison terms, a new strategy quickly evolved to circumvent punishments: families began to hire outsiders to run over girls who needed to be murdered for damaging the family's honour, which left them with just small fines to pay.'

'...Women are also sometimes pressured into committing suicide so that no one will be punished for their deaths. More than half of the honour killings of women that came to the attention of the UN Special Rapporteur on Violence against Women were made to look like suicides by self immolation.'⁴⁷

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⁴⁷ Suuntaus project, Finnish Immigration Service- Country Information Service, Violence against women and honour- related violence in Iran- public theme report, 26 June 2015 http://www.migri.fi/download/61597_Suuntaus-raportti_Vakivaltalran_finalFINAL_kaannosversio_EN.pdf?96fa691925bfd288 [date accessed 27 September 2016]

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Clearance

Below is information on when this note was cleared:

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Updated to reflect current country information

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