

**Special Rapporteur on violence against women, its causes and consequences
E/CN.4/2006/61/Add.3 para 74 (b)**

Full recommendation:

To prioritise the elimination of violence against women as a public policy issue and to prevent, investigate and punish all acts of violence against women, whether perpetrated by private or State actors, it is recommended that the Government: Establish and support more shelters for women who have been subjected to violence and to ensure that women are able to access information about these shelters through the police, judicial personnel and medical staff as well as women's non-governmental organisations;

Assessment using Impact Iran human rights indicators¹

The Islamic Republic of Iran does not have laws which specifically criminalise domestic violence. According to Article 630 of the Islamic Penal Code (2013), if the husband catches his wife committing a *zina* offence (adultery and fornication) with another man, he is excluded from criminal liability if as a consequence he murders, assaults or commits battery against his wife.² Article 1105 of the Iranian Civil Code recognises the husband as the head of the family, which means that his orders must be respected by his wife and children.³ 'Disobedience' can be used as a legal ground for battery.⁴ Article 1108 of the Civil Code stresses that if a wife refuses to have sex with her husband without a reasonable excuse,⁵ she is not entitled to 'spousal maintenance'.⁶ Although the legal minimum age for marriage is 13 under Iranian law,⁷ girls as young as 9 lunar years can marry, subject to parental consent and court approval.⁸ Therefore, 9 lunar year old or older married girls are also subject to the obligation present under Article 1108 of the Civil Code which states that women need to fulfil the sexual needs of their husbands.

¹ CCPR.3.1.S.1; ESCR.2.2.S.1; ESCR.3.2.S.1
CCPR.3.1.P.3; ESCR.2.2.P.1; ESCR.2.2.P.2
CCPR.3.1.O.4; ESCR.2.2.O.2

² Iran Human Rights Documentation Centre <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

³ Amnesty International, 2015, <https://www.amnesty.org/download/Documents/MDE1311112015ENGLISH.pdf>

⁴ Iran Human Rights Documentation Centre https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

⁵ A reasonable and valid excuse for a wife to refuse sexual relations is when the husband has contracted a venereal disease. Iran Human Rights Documentation Centre, https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

⁶ Amnesty International, 2015, <https://www.amnesty.org/download/Documents/MDE1311112015ENGLISH.pdf>

⁷ Article 1041 of the Civil Code as amended up until December 2000, NGO Submission to the Committee on the Rights of the Child, 2016, https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19809_E.pdf

⁸ Iran Human Rights Documentation Centre, https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

Rape is not classified as a distinct crime under Iranian law, but rather it is considered to be a *zina* offence without consent.⁹ Marital rape is not recognised as a crime at all. The legal definition for ‘coerced *zina*’ is restricted to forced vaginal and anal penetration by a penis -therefore excluding other forms of penetration- and only when the perpetrator and the victim are unmarried - therefore explicitly excluding marital rape.¹⁰ Beyond rape, no other form of sexual assault is specifically criminalised under the Islamic Penal Code.¹¹

As a result, the legislative framework of the Islamic Republic of Iran is insufficient to combat domestic violence and marital rape.¹² In 2017, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran found that Article 1108 of the Iranian Civil Code, which obliges wives to fulfill the sexual needs of their husbands at all times, “might even condone sexual abuse”.¹³

During its last Universal Periodic Review (November 2019), the Government of the Islamic Republic of Iran stated that the Act on Protection, Dignity and Security of Women against Violence, will be “aimed at criminalising new forms of assault, harassment and violations of the rights of women and adopting preventive and support measures to stop violence against women.”¹⁴ In January 2020, the UN Secretary General expressed concerns about the slow progress of the bill, which has been under review since 2010¹⁵ and as of February 2021 is under the review of the Iranian Parliament.¹⁶ The draft bill will then need to be vetted by the Guardian Council. The Secretary General also noted that “critical articles were reportedly removed from the initial proposal of the Executive, including provisions protecting women from various forms of violence and criminalising domestic violence.”¹⁷ ¹⁸ As of early February 2021, the available draft of the law¹⁹ suggests that the text may be insufficient to protect women in Iran from discrimination and violence. Even though the draft law may bring positive developments, it will remain limited by the Civil Code²⁰, the Family Law²¹, and the Islamic Penal Code²², which

⁹ Article 221 of the Islamic Penal Code (2013), Iran Human Rights Documentation Centre, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

¹⁰ Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

¹¹ Ibid.

¹² See more: Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

¹³ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 2017, <https://www.refworld.org/docid/58bd7e2b4.html>

¹⁴ Universal Periodic Review, Iran, 2019, <https://undocs.org/A/HRC/43/12>

¹⁵ Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International September 2019, <https://www.justice.gov/eoir/page/file/1203136/download>

¹⁶ New York Times, <https://www.nytimes.com/2021/01/05/world/middleeast/iran-sexual-violence-metoo-women.html>

¹⁷ Report of the Secretary General, Situation of human rights in the Islamic Republic of Iran, 2020, https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Secretary-General_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4320.pdf

¹⁸ See Radio Farda <https://en.radiofarda.com/a/new-watered-down-draft-law-on-violence-against-women-iniran/30173089.html> ; and ISNA www.isna.ir/news/98071612729/ (in Farsi).

¹⁹ <https://shenasname.ir/laws/7023>

²⁰ The Civil Code: <https://shenasname.ir/laws/6664>

²¹ The Family Law: <https://shenasname.ir/subjects/family/1470>

²² The Islamic Penal Code: <https://shenasname.ir/subjects/salamat/1571-mojazat92>

contain provisions that effectively discriminate against women and fail to protect them adequately from violence.²³ In November 2019, the Islamic Republic of Iran rejected States' UPR recommendations asking for the criminalisation of domestic violence and marital rape.²⁴

Reports of cases of violence against women have shown that there is a general lack of perpetrators accountability.^{25 26 27} Victims wishing to file a complaint for domestic violence must present two adult male witnesses to the assault, an evidentiary burden difficult to meet -if not impossible.²⁸ Further, a woman can be given permission to leave the marital house only if she can prove to a court a significant risk of bodily harm or threat to her life and safety.²⁹ When perpetrators are convicted, sentences tend to be a payment of *diyah* (financial compensation)³⁰ unless the offence is found to have disrupted public order and the safety of society, in which case a prison sentence may be imposed.³¹ Additionally, the absence of laws providing for the issuance of restraining orders puts victims under the risk of abusers' retaliation. In October 2018, a woman, who had been hospitalised after having been stabbed by her brother, was murdered by her brother at the hospital.³²

Reports have shown that police and judges often consider domestic violence as an internal family matter.³³ Police intervention has reportedly been discouraged and parties are urged to settle out-of-court.^{34 35} State institutions and Iranian authorities have reportedly been unwilling to investigate, punish perpetrators and provide social services to victims of sexual assault or rape.³⁶

Women in Iran who have been victim of abuse may obtain information on shelters through a government welfare organisation hotline.³⁷ Additionally, 358 social emergency units had been

²³ This information is up-to-date and accurate as of early February 2021. For more up to date information on the passage of this bill, please click the following link: <http://www.impactiran.org/vawbill>

²⁴ Recommendations 26.253, 26.254, Universal Periodic Review, Iran, 2019, <https://undocs.org/en/A/HRC/43/12/Add.1>

²⁵ Center for Human Rights in Iran, 2019, <https://iranhumanrights.org/2019/11/stop-violence-against-women/>

²⁶ Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

²⁷ Human Rights Activists News Agency, <https://www.en-hrana.org/articles>

²⁸ “The standard [of proof] for testimony in all offences shall be two male witnesses; unless in *zina*, *livat*, *tafkhez*, and *mosaheqeh* which shall be proved by four male witnesses” Article 199 of the Islamic Penal Code (2013), Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

²⁹ Amnesty International, 2015, <https://www.amnesty.org/download/Documents/MDE1311112015ENGLISH.pdf>

³⁰ Ibid.

³¹ Article 614, Islamic Penal Code (2013), Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

³² Center for Human Rights in Iran, 2018, <https://iranhumanrights.org/2018/11/iran-must-pass-legislation-to-protect-women-against-violence/>; <https://www.ilna.news/-همه-اقدام-بر-حشمان-قتل-در-عبر-اير-حشمان-همه-اقدام-به-قتل-کرد-بخش-استان-ها-15/685150>

³³ 2019 Country Reports on Human Rights Practices: Iran, U.S. Department of State, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/iran/>

³⁴ UN General Assembly, ‘Situation of human rights in Iran’ (para 32), 31 August 2015, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F70%2F352&Language=E&DeviceType=Desktop>

³⁵ Australian Department of Foreign Affairs and Trade, Country Information report, Iran, 2020, <https://www.dfat.gov.au/sites/default/files/country-information-report-iran.pdf>

³⁶ Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

³⁷ <http://123.behzisti.ir/>

established across the country to respond to social issues, including domestic violence.³⁸ However, in 2014 the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran stated that the number of safe houses was insufficient.³⁹ In the context of its 2014 Universal Periodic Review, the government stated that it established 24 ‘rehabilitation centres’ and 31 ‘health centres’ throughout the country for women and girls who have been subjected to domestic violence.⁴⁰ According to official sources, there are 400 ‘social emergency shelters’ countrywide that provide services to victims of domestic violence, although these shelters are not necessarily specifically designed for survivors of domestic violence.^{41 42} The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran reiterated that the State lacked sufficient domestic violence shelters and reported that there were only 28, established in 27 out of 31 provinces, including 20 run by non-governmental organisations.^{43 44 45} The Government stipulated that there were 357 social emergency centres for victims of violence and 31 girl-only medical centres.⁴⁶ The State’s Welfare Organisation reported that shelters care for approximately 2,000 victims of domestic violence a year.⁴⁷ In comparison, 16,420 cases of domestic violence have been reported in 2019, just in Tehran.⁴⁸ Further, the existing shelters, that are generally located solely in major cities, are reportedly poorly resourced and advertised and are unable to provide long-term support.^{49 50}

Recommendation Status:

This recommendation has **NOT** been implemented.

³⁸ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2021, <https://undocs.org/Home/Mobile?FinalSymbol=A%2Fhrc%2F46%2F50&Language=E&DeviceType=Desktop>

³⁹ Report of the Special Rapporteur on the human rights situation in the Islamic Republic of Iran, 2014, <https://www.refworld.org/docid/5436a31f4.html>

⁴⁰ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, September 2016, para 59, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F71%2F418&Language=E&DeviceType=Desktop>

⁴¹ Australian Department of Foreign Affairs and Trade, Country Information report, Iran, 2020, <https://www.dfat.gov.au/sites/default/files/country-information-report-iran.pdf>

⁴² Report Danish Refugee Council, Ministry of Immigration and Integration Denmark, (p. 28), February 2018, <https://www.justice.gov/file/1047171/download>

⁴³ See www.irna.ir/news/83656641/

⁴⁴ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://undocs.org/A/75/213>

⁴⁵ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2021, <https://undocs.org/Home/Mobile?FinalSymbol=A%2Fhrc%2F46%2F50&Language=E&DeviceType=Desktop>

⁴⁶ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://undocs.org/A/75/213>

⁴⁷ Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International September 2019, <https://www.justice.gov/eoir/page/file/1203136/download>

⁴⁸ Human Rights Activists News Agency, 2019, <https://www.en-hrana.org/increase-in-domestic-violence-in-tehran-more-than-16-thousand-cases-were-filed>

⁴⁹ www.hamshahrionline.ir/x66FG; <https://www.radiozamaneh.com/488134> (in Persian).

⁵⁰ Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International September 2019, <https://www.justice.gov/eoir/page/file/1203136/download>