

Honor Killing in Iran, a Legal Point of View

*Sharbanoo Baharak Keshavarz**

Honor killings are committed by male members of a family against women who are perceived to have brought dishonor upon the family. Women are the only victims of honor killings all around the globe and killing a woman on the basis of family honor is one of the most severe forms of discrimination and violence against women. In Iran, like many other Middle Eastern countries, women are being killed by their fathers, brothers, husbands, uncles and other closely-related male family members in the name of protecting the honor of their families. The victims are perceived to have tarnished the image of the family by disagreeing with arranged marriages, losing their virginity before marriages, committing adultery, having male-companionship or even being raped. Honor killings in Iran are usually planned in advance with silent approval of female members of the family even mothers and sisters of the victims. Due to sensitivity of the issue of family dignity, a great portion of these murders are not reported to the legal authorities or persecuted. In most honor killing cases in Iran, the perpetrators are considered family heroes. According to the recent surveys, more than twenty percent of murders in Iran are related to honor killing and this is the highest percentage of all the murders in the country.¹

Prejudice, fanaticism, indispensable obedience of women from men, illiteracy and lack of proper education in under developed regions are important factors leading to the spread of honor killing in Iran. Immigration of families from rural areas to the major cities has created a gap between the traditional lifestyle of women and their modern roles in the society.

In addition to overwhelming association of honor killings with religious beliefs and specific role of cultural and social norms in Iran, discriminatory rules and regulations in Iran's legal system have made women suffer from lack of proper legal protection against honor killing. The historic dominance of men over women has often been endorsed by the Iranian legal system.

Obviously, there are numerous social, cultural and economic factors which contribute to existence and growth of this phenomenon and each requires a detailed and subtle sociological study which is beyond the scope of this article. However, in

* LLB (Tehran), LLM (Azad University), LLM (Pace University, USA), Junior Partner, Keshavarz & Associates, Iran.

¹ Dehghan, Saeed, *Murder and Divorce*, Iranian Bar Association website. <http://www.iranbar.org/far01p94.php>

this article I will try to address the legal factors which create or facilitate the proper environment for commission of honor killings in Iran.

According to Article 20 of Iran Constitution Law, "All citizens of the country, both men and women, should be equally protected by the law and enjoy all humanitarian, political, economic, social and cultural rights in conformity with Islamic criteria."² According to Article 21 of the said law, "The government must ensure the rights of women in all aspects in conformity with the Islamic criteria." According to Article 22 of the said law "The dignity, life, property, rights, residence, and occupation of the individuals are inviolable, except in cases sanctioned by law." In Addition, Iran is a signatory party to the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights and according to Article 9 of the Civil Code of the Islamic Republic of Iran, "treaty stipulations which have been, in accordance with the Constitutional Law, concluded between the Iranian Government and other governments, shall have the force of law."³

Regardless of the legal protection for women guaranteed by the Iranian Constitution Law, Islamic Republic of Iran has been internationally criticized for certain rules and regulations which are discriminatory against women.

1 MARRIAGE

The right of choosing a spouse has been recognized by Article 16 of the Universal Declaration of Human Rights and men and women should enjoy this right equally. According to Article 1043 of the Iran Civil Code "the marriage of a virgin woman, even after she has attained puberty, requires the permission of her father or paternal grandfather." In this Article, the age of the virgin girl is irrelevant and in case of the absence of the father or paternal grandfather, the mother of the virgin girl does not have the same authority.⁴ The authority to decide the future of a virgin girl is with the father. Obviously, when the father is deprived from this right he entitles himself to punish the wrongdoer, such as a daughter who refrains from marrying a person whom she does not love or has lost her virginity.⁵ On the other hand, according to Article 1041 of the Iran Civil Code, "A marriage before the age of maturity may be concluded with the permission of the legal guardian and with the condition that it is in the interests of the ward." According to Article 1210(1) of the Iran Civil Code, "the age of majority for a male is fifteen complete lunar years and nine complete lunar years for a female." A 2002 amendment to the Article 1041 of the Iran Civil Code increased the legal age of marriage for girls from nine to thirteen. The legal age of marriage for boys remained fifteen. Therefore, a girl, as young as nine, is considered to be an adult and can marry with the permission of her father as young as thirteen. According to the mentioned amendment she can marry younger than thirteen if the father and a judge approve and believe that the marriage is in her

2 Iran Constitution Law, Adopted on October 24, 1979.

3 Civil Code of the Islamic Republic of Iran, Adopted on May 8, 1928.

4 Kar, Mehrangiz, *Violence against Women in Iran*, Roshangaran & Women Studies Publishing, 2001, p. 146.

5 Sadr, Shadi (2002), *Honor, Women Dependent on Men*, Women Magazine (Zanan), Issue 93, p. 11.