

# **WOMEN STALKING IN IRAN**

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## Introduction

Stalking, as it is defined in western legal texts, has no meaning in the Iranian legal system. This means that in Iran, “stalking” is not a legal term, and consequently, not a crime. Nonetheless, different elements of stalking, namely, threats and harassment are punishable by law. So, many cases may be found in courts or police departments that involve these elements. For the purpose of this paper, I have used the “Oxford Dictionary of Law” definition of stalking as “persistent threatening behaviour by one person against another...”. Also, the focus of the paper is on the stalking of women, since stalking of men is less frequent in Iran.

Although we have no official statistics on the rate of stalking in Iran, non-official reports and studies show that stalking, and stalking the women in particular, is becoming a considerable problem for the society and the criminal justice system. Despite the fact that the government is attempting to “protect” the woman, by enacting laws and imposing rules that limit the contact of men and women in the public areas, Men are stalking women for different purposes and in various places.

Before turning to a study into stalking of women in Iran, it is worth to briefly study their current social status, since the women’s social status may be completely different in one country compared to another and this dissimilarity gives rise to various social factors which lead to committing offences against women such as stalking. According to the 1996-97 national census, the population of Iran is 60,055,488 out of which 29,540,329 are women (49%). Despite some restrictions, Iranian women take part in almost all social activities. There are segregated schools for girls and boys, but university classes are mixed. For those working in the public sector, usually there are separate rooms for men and women, though in the private sector it is less so. Generally speaking, after the Islamic revolution of 1979, efforts have been made to limit the contact between men and women. These limits, however, have become less strict in recent years.

Also, it is worth mentioning that harassment of women in public is very rare in small cities, since most of the people are known to each other and this may damage their family reputation. Yet, in big cities like Tehran, offences against women are more common.

Another point that needs to be mentioned is that studying the offence of stalking in Iran is problematic for several reasons: first, as was mentioned above, no such legal term exists in Iranian legal or academic textbooks. Thus, statistics, references or related topics are scarce. The second problem is that, cases which involve a woman as a victim are rarely made public. This is partly due to the belief that this may cause trouble for the victim or violate her privacy. And finally, as it is the case in many other countries, most stalking cases are not reported to the authorities. Given all these facts, it should be mentioned that this paper, which is a combination of practical and theoretical study, is unique of its kind in Iran. It is hoped, however, that it would be a starting point for more comprehensive and practical studies that may, eventually, lead to a properly supportive reaction by the criminal justice system toward the victims of stalking.

This paper comprises four parts: the first part discusses in brief the main factors that have impact on stalking of women in Iran. Then, in the second part, by classifying the stalkers according to their profiles, we will turn to analysing the effect of each factor on individuals. In part three, statistics drawn from a recent survey will be discussed and finally, in part four, the existing legal remedies to control stalking will be discussed.

## **Part One**

### **The most important factors contributing to the increase of stalking of women in Iran**

#### **I. *Patriarchy***

In Iran, one important social factor contributing to the increase in the rate of the women being stalked is “patriarchy”, which is most evident in small cities and villages. One significant consequence of patriarchy is that some men may believe they have the power to interfere in all of the women’s affairs, or even make decisions on their behalf. So, they may use every possible means including pursuits or threats to maintain their control over the women. As we shall see, this misconception can, eventually, result in stalking

#### **II. *Indecency of the relationship between unmarried men and women***

Because of religious and traditional beliefs, the extra-marital relationship is considered to be indecent, particularly for women. As a result, if a woman has had relationship(s) with men before her marriage she must keep it completely confidential from her husband or else she may be in trouble.

This “indecent”, when the relationship is accompanied by sexual relations, sometimes provides the necessary means for a stalker to threaten a woman.

#### **III. *The Psychological Factor***

One of the most important factors in stalking is, undoubtedly, the psychological problems of a stalker himself. Indeed, it can be argued that the other above mentioned factors would play no role if the psychological factor in a person was not present. Hence, we may consider this factor as the starting point for this whole phenomenon.

By psychological factor we mean all the mental problems and disorders caused by any possible reason (e.g. social deprivation, amorous disappointments, sexual deprivation) that may motivate a man to stalk a woman. It has been argued that a stalker often experiences feelings of loss, frustration, anger, jealousy, male violence and depression. Also, it has been said that the power and control that comes from stalking a woman, may give a stalker a great deal of enjoyment.<sup>1</sup>

#### **IV. *The Role Of The Victims***

Victims of stalking, by not reporting the case to the authorities, facilitate the situation for stalkers to act. Stalkers know that their victims are not so “courageous” as to inform others of what is happening to them. So, they will become more impudent to repeat it towards the same or another woman.

## **Part Two**

### **Common Stalker Profiles in Iran**

This part will involve an analysis of the importance of the fore mentioned factors on individual stalkers, according to their particular type of profile.

#### **I. *Suitors***

It is useful to mention that in Iran, traditionally, a man (called a suitor) who wants to marry a woman, has to ask her parents-her father in particular-for her hand in marriage. If both father and daughter consent to the marriage, no problem ensues. A problem, however, can arise when either a woman or her family do not consent. This is particularly true in some small cities and villages where a girl and

a boy may become betrothed as soon as they are born. This is usually done by the fathers because of their beliefs that in this way they can save their family, clan, or tribe from strangers or “outside blood”. If the girl later refuses to give her consent, then she may be in trouble: the suitor, and sometimes even his family, may stalk her repeatedly to convince her to change her mind.

Generally speaking, the aim of a suitor, when he stalks a woman is to persuade her to marry him and at the same time preventing her from marrying somebody else. Stalking may happen on the streets, or may be committed by using mail or phone.

I will now, by way of example, describe three related cases:

Case 1: A 22-year-old man who had been unsuccessful in his attempts to marry a 18-year-old woman started to stalk her on her way from school to home. This lasted for nearly four months. The girl did not inform anyone of what was happening to her. Eventually, one day, the man together with his friend, both on a motorbike, approached the girl and threw acid in her face, which caused extensive injuries to her face. Later, the man told the judge in the court he did this because he did not want her beautiful face to be looked at by somebody else, and he could not do it himself because he loved her.<sup>2</sup>

Case 2: A 30-year-old married man fell in love with a married woman whose husband was in prison. He tried to persuade her to marry him for several times, but she refused. As a result, he turned to stalking her on the phone, or threatening her outside on the streets. In the end, the man broke into her house, poured petrol on her and set fire to her. The woman died two days after the incident.<sup>3</sup>

Case 3: In a small town in the south-western part of Iran, a woman who had been betrothed at birth refused to marry her “fiance”. She was then continuously stalked by the man, threatening her with death. She finally escaped by moving to a city in another part of the country where no one knew her. Now, she is a teacher there, though still living in fear.<sup>4</sup>

In each case, as can be seen, different factors may cause stalking. In cases 1 and 2, the psychological factor is crucial. A suitor whose proposal has not been accepted by his beloved woman, may feel so depressed or even insulted, because his strong feelings toward the woman were ignored or belittled. It might be very hard for some men to accept that a *woman* is saying “NO” to them. This may simply irritate them so much as they may start to stalk the woman and threaten her. This may be merely a reflection of the stalker’s inner feelings, to show to the woman that he still loves her or to prove to her that he *should* be the only man of whom she can think. In case 3, it is obvious that the patriarchal system of the region has the most impact. Men deciding on behalf of a woman, without asking her opinion, and then forcing her to accept the decision!

## **II. Ex-husbands**

There may be various motivations that stimulate a man to stalk his ex-wife. One motivation can be preventing the woman from re-marrying another man. Also, he may stalk his ex-wife to force her to re-marry him, even if she might have to divorce her current husband to do so. Whatever be the motivation, the stalker may threaten that he would kill his ex-wife or otherwise harm her, if she does not submit to his demands.

In most of the stalking cases where an ex-husband is the stalker, it seems that the stalker suffers from a kind of psychological problem. A term that has been suggested for these stalkers is “delusional stalkers”<sup>5</sup> which means that the stalker is considered to be under a delusion that his ex-wife still loves him. As a result, he can not accept the fact that their relationship does not exist any longer. Also, he might be so delusional as to believe that his ex-wife still “belongs” to him and is not “allowed” to do whatever she wants. So, he stalks her to show that his “control” still exists.

Case study: A woman after being beaten frequently by her husband, applied to a court for a “divorce decree” which was soon granted to her. The ex-husband started to stalk her after the divorce, threatening her that she must re-marry him or else he would kill her. Once, he rushed into her house and beat her violently accusing her of having a relationship with another man. He was arrested and after four months was released on conditional discharge. A few days later he went to his ex-wife’s place again and stabbed her to death.<sup>6</sup>

Apart from the psychological reasons explained above, it should be mentioned that in some cases, women seem to victimize themselves. In the above mentioned case, for instance, the woman continued to meet her ex-husband. Thus, the man knew her new home address, phone number and future plans. This can, naturally, expose a woman to being stalked, especially when they tell their ex-husband of their plan to marry somebody else.

### ***III. Ex-boyfriends***

In this type of stalking, which is more frequent than other profiles, a man may stalk her ex-girlfriend to either prevent her getting married or simply to continue their (especially sexual) relationship even after the woman is married. Here, the interesting point is that, unlike other stalkers, they may threaten the woman that they may inform the woman’s current or future husband of her previous relationship.

But, how can this threat work? As we have seen in part one, the extra-marital relationship is considered to be indecent in Iran and most of the families do not agree with it. Consequently, those women who have had such relationship, prefer to keep it a secret. So, when their ex-boyfriend threatens to reveal it, the woman may easily submit to him. Surprisingly, the women seem to ignore the fact that if a man reveals such a relationship, he himself will be in trouble, since the Iranian Criminal law impose the same punishment for both men and women involved in an extra-marital relationship.<sup>7</sup> Also, the indecency of such relationship has impact on both man and women involved. Indeed, most of these stalkers would never carry out their threats because of these reasons.

### ***IV. Male Relatives of a Woman***

Sometimes a male relative of a woman (e.g. brother, cousin, brother-in-law) may find himself entitled to have control over her. While it might be argued that this type of stalking is facilitated by the patriarchal system, in some cases, some psychological and individual factors have been found to have influence as well. To explain this, I have to mention another social phenomenon. In some areas, the men in a family, the older son for example, believe that they have the “duty of protecting” the female members of the family. Suppose, for example, a man has fallen in love with a girl and they are dating each other frequently. If the girl’s brother becomes aware of this, he may, because of that “duty”, stalk and threaten his sister to stop it. Sometimes, the stalker may do this under the psychological pressure imposed on him by his friends who may keep telling him that her sister is having an “affair” with somebody and this is “shameful” for him. In one case, a man stalked his sister consistently and sometimes threatened her with a knife not to date a man. When arrested, he told the police that he wanted to show her “who’s boss!”<sup>8</sup>

Other male relatives of a woman may stalk her for the same reasons. In another case, a brother-in-law stalked his brother’s wife only because he “suspected” that she was disloyal to his brother. He started to stalk her everywhere to control her everyday activities, to know whom she was meeting, where she was going, etc. If the woman went somewhere he did not like (for example because there men and women were mixed), he would phone her and threaten her that she must go there anymore. The woman, however, did not pay attention to such threats and did not even inform her husband. One day the stalker went to her house, and after a quarrel, stabbed her and injured her seriously.<sup>9</sup>

As can be seen, the misconception of the stalkers with regard to their “duty” is the main point. It should be added that this type of stalking, which is very rare in Iran nowadays, is usually committed by youths aged between 17-24 who like to show their influence and power.

#### V. Other Profiles

Apart from the above mentioned stalkers, who are known to the victim, others may also stalk a woman for different purposes such as extortion and sexual relationship demands. Stalking by a stalker unknown to a woman is, however, very rare and is mostly committed by using the phone or sending anonymous letters.

It would be useful to mention that stalking of celebrities, which is common in some western countries does not exist in Iran or has been never reported. This is, perhaps, because of the fact that there is not as much social attention to Iranian celebrities as to their counterparts in other countries. The media, the television in particular, do not tend to broadcast so much news or propaganda about celebrities. Thus, they are less publicised and this lowers the rate of their being stalked.

### Part 3

#### A Survey on Stalking

From May 1999 to July 2000, the Centre for Security Research and Studies attempted to provide statistics on offences against women. These statistics were collected from five police departments in north, south, east, west and central Tehran as well as cases reported by the victims in interviews. Since no legal term as stalking existed at this period, crimes and offensive behaviour that include persistent threat and harassment towards the women were brought under the definition of stalking for the purpose of this paper. Accordingly, 100 cases were studied and the results were summarized as follows:

Figure 1: Stalkers in terms of profile and age (1998-1999)

Profile	Number	Age 17-22	Age 23-28	Age 29-34	Age 35 and over
Suitors	25	10	12	3	0
Ex-husbands	17	0	4	4	9
Ex-boyfriends	31	22	7	2	0
Male relatives	12	6	4	2	0
Others	7	1	5	1	0
Profile not known	8	5	2	1	0
Total	100	44	34	13	9

As can be seen in Figure 1, ex-boyfriend stalkers committed most of the stalkings committed in the survey. In this category, nearly 71 percent of the stalkers are aged between 17-22. One important point in this figure is that as the age goes up, the number of stalkers decreases. This may be attributed to the increase in maturity and wisdom.

Figure 2:Victims in terms of their age and stalker’s profile

Stalker’s profile	Number	Victim’s age			
		16-21	22-26	27-31	32 and over
Suitors	25	14	8	3	0
Ex-husbands	17	7	6	3	1
Ex-boyfriends	31	18	11	2	0
Male relatives	12	7	3	1	1
Others	7	4	2	1	0
Profile not known	8	3	2	2	1
Total	100	53	32	12	3

Figure 2 refers to the number of victims in terms of their stalker’s profile and age. More than a half of the victims (53%) are aged between 16-21, 33 percent of whom are stalked by their ex-boyfriends, and 26 percent by their suitors. The number of victims aged over 32 is very rare. It should be mentioned that this is mainly because women aged 32 and above are too reluctant to report crimes such as stalking. Usually, they try to deal with them in person and prefer not to appear in a court or police department because of such offences against them.

Figure 3:Stalkers in terms of their profile and motivation

Profile	Motivation			
	preventing the woman marrying somebody else	wanted the woman to marry or remarry him	wanted to have sexual relationship	other (e.g. vengeance, extortion)
Suitors	19	22	0	1
Ex-husbands	8	6	2	6
Ex-boyfriends	10	0	15	3
Male relatives	8	0	0	4
Others	0	0	2	6
Profile not known	0	0	6	2
Total	45	28	25	22

Figure 3 provides the incidence of stalking in terms of stalker motivation. Preventing a woman marrying somebody else, forcing her to marry or remarry the stalker, and wanting her to have sex are the most frequent motivations respectively. Other motivations such as vengeance and extortion are also important to note as they comprise 18 percent of all motivations. It should be mentioned that, occasionally, a stalker may have more than one single motivation to commit stalking.

Some other findings of the survey are:

- Eight girls who were stalked by their ex- boyfriend revealed that they have attempted suicide.
- We interviewed 36 stalked women. None of them reported the problem to the police. The main reasons were: believing it may worsen the situation (23), found no explanation to give to the police (10), and no confidence in the police (3).
- Only 15 women (out of those 36) informed their parents of the problem, and they believed that “it really worked”.
- The educational background of stalkers was as follows:

Illiterate	29
Primary School	43
Secondary School	24
Post-Secondary School	1
Not known	3
Total	100

#### Part 4

### The Response of the Criminal Justice System to the Stalking of Women

#### A-The Law

As mentioned before, stalking as a particular term has no definition in the Iranian legal system. But, its elements such as harassment and threat may be brought under some other pertinent articles.

The Islamic Penal Code of Iran (IPCI) provides that “anyone harassing women in public places or passages ...shall be punished by imprisonment from two to six months.” According to judicial precedent, harassing a woman on the streets comes under the definition of public passage.<sup>10</sup> To consider an act as harassment, the courts usually require an act more than mere approaching, such as following using insulting words, etc. In other words, for an act to be considered as stalking, it must be in a way that makes a reasonable woman fear for her safety or causes distress. The courts may also take into account other factors such as age of the woman, place and time of the harassment, etc.

The term “anyone”, on its face, includes both men and women. It is assumed, however, that it covers only men, since it is believed that the aim of the law is to protect women from men( the mischief rule.)<sup>11</sup>

Another article is article 669 of IPCI, which provides: “One who threatens another by any means, with murder or physical, reputational, or pecuniary loss or damages; or threatens him/her with revealing a secret of him/her or his/her family; whether or not asking for money or for any act or omission of an act; will be punished by imprisonment from two months up to two years.” This article deals with threatening others. Most stalking cases may be punished according to this article. A single threat, i.e. a threat that is not persistent, is punishable according to this law, but, it does not amount to stalking as it requires a persistent threat. According to this article the means of committing the threat is of no importance, be it by mail, words, etc.

The article, nonetheless, has a major weakness, since it only includes the threats to victim *herself* but not those to whom the victim is emotionally attached. It is possible that the stalker threatens a woman with harm to her children, husband, etc to make her submit to his demands. Surprisingly, these cases can not be dealt with under this article.

If someone threatens or harasses another by using a knife or a weapon, then article 617 of IPIC applies which provides: “Anyone threatens, extorts or harasses others by using a knife or any other weapon shall be punished by imprisonment from six months up to two years.” As it can be seen, in this article the minimum imprisonment is six months, compare to article 669 by which the minimum is two months.

These are the main articles in the Iranian legal system that deal with stalking. Now, one may question how a victim would be able to provide the court with evidence to prove that someone is guilty under the above mentioned articles. To discuss this question, it is important to know that according to article 1258 of the Law of Evidence of Iran, evidence accepted in a court of law are: confession, written documents, testimony, “clues (indications)”, and swear oaths. Now, we shall discuss each of these evidence briefly:

1. Confession:

If the stalker confesses to the commission of the crime, he would be bound by his confession (article 1275 of the Law of Evidence.) This confession may be oral or written. If the confession meets other special legal requirements in law<sup>12</sup>, the judge may base his judgement on it.

2. Written documents:

If stalking is committed by letter and the victim believes that it was written by the stalker, then she can use the letter as an evidence in court. The judge, however, can not decide upon this evidence until he/she is satisfied that it can be attributed to the defendant. Thus, he/she may require an expert to examine the handwriting.

3. Testimony:

The victim may use as evidence eye-witness statement when the stalking was committed in a public area or in the presence of at least one person. Again, the judge may base his/her decision on testimony when the legal requirements are met.<sup>13</sup>

4. Clues(indications)”:

According to article 1321 of the law of evidence: “A clue is a situation or status that can be accepted as a proof either in law, or in the opinion of the judge.” In most of the cases, clues are only accepted as an additional evidence. But, sometimes, as is the case with stalking, there may be some particular clues that can satisfy the judge that a crime has occurred. These clues may be, for instance, the criminal record of the stalker, the indicators in the “file of personal character” of the stalker, what he says in the court, etc.

5. Statement made under oath

The victim, when there is no other evidence, may apply for the judge force the offender to make a swear oath. This is completely at the discretion of the judge to accept it. If it is accepted, which rarely happens, then the defendant will make an oath according to religious rules. The content of the oath is to clearly deny the charge while swearing to God.

6. As it can be seen it would be very difficult for a victim to prove that stalking has happened. In several cases, nevertheless, the judges have tended to assume the victim’s claim to be the truth and consequently they granted an injunction order requiring the offender to stay away from the victim.

### ***B-The Police***

Most of the stalking cases are settled in the police department, especially when they only involve harassment. The police binds the stalker not to approach or get in touch with the victim anymore. If the stalker continues stalking, the police may arrest him and keep him in custody until they commit the case to the court. If a stalker is arrested while committing stalking (e.g. following and threatening harassing a woman on the street) it will be considered as a “flagrant crime” according to articles 18 and 21 of the Law of Criminal Procedure of Iran and the police must arrest the stalker and take all other necessary actions before reporting the crime to the prosecutor.

The problem is, however, that most of the victims are afraid to inform the police. Sometimes, this is because they are so terrified of their stalkers. Others may just try to bargain with their stalkers, which establishes a dangerous precedent of allowing control over her actions. One important reason of women’s reluctance to report stalking cases to the police is the failure of the police to provide necessary information for the victims. In fact, the victims do not know what they should do when they are stalked. Also, another problem is that the police are not properly trained so as to know how to deal with stalking cases. The intervention of the police is not always successful and in some cases, may have a wholly negative effect on the stalker or the victim that can, eventually, worsen the situation.

### **Conclusion**

Stalking of women in Iran, which is on increase, is caused by several factors that are particularly social. Most of the stalkers, who are known to their victims, abuse their former relationships with them to force the victims to submit to their demands. The response of the criminal justice system to the stalking of woman does not meet actual needs. There are deficiencies in the Law of Evidence that make it difficult for the victim to prove the crime. Besides, the police are not sufficiently aware of how to help the stalked women. This results in the victims reluctance to report stalking to the police. It is hoped that by the establishment of a special department in the police force of Iran, which will be in charge of dealing with crimes committed by and against women, these problems will be resolved in the near future.

Moreover, the criminal law, though criminalizing some elements of stalking, is not properly effective and clear as to support the victims. To control the stalking of women in Iran, the cooperation between the criminal justice system agencies and academics is crucial, in that, by exchange of information they will be able to find effective and functional legal remedies to deal with this phenomenon.

## References

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<sup>1</sup> <http://www.stalkingbehavior.com/>

<sup>2</sup> IRAN Newspaper, December 14, 1996, page 14

<sup>3</sup> IRAN Newspaper, January 21, 2000, page 14.

<sup>4</sup> An Interview with Mrs. S.H. Shamsavari, performed by the writer, February 2000.

<sup>5</sup> <http://www.antistalking.com/>

<sup>6</sup> Hamshahri Newspaper, February 14, 2000, page 14.

<sup>7</sup> Article 88 of the Islamic Penal Code of Iran Provides: "Any unlawful [i.e. extra-marital] sexual intercourse between consenting man and woman shall be punished by flogging (100 strokes)."

<sup>8</sup> A survey into stalking, Centre for Security Research and Studies of The Ministry of Interior Of Iran, September 2000, Tehran, Iran.

<sup>9</sup> IRAN Newspaper, February 11, 2000, page 14.

<sup>10</sup> A COLLECTION OF JUDGEMENTS, published by the Official Gazette of the Islamic Republic of Iran, Tehran, 1997.

<sup>11</sup> A COLLECTION OF ADVISORY OPINIONS OF THE LAW OFFICE OF THE JUDICIARY BRANCH, published by the Official Gazette of the Islamic Republic of Iran, Tehran, 1998.

<sup>12</sup> These requirements include:

Article 1276 of The Law of Evidence: "Confession shall not be false. If the falseness of confession is proved, it would have no legal effect."

Article 1262 of The Law of Evidence: "The person who makes a confession shall be of legal age, *sui juris*, capable of forming intention and not under duress...".

<sup>13</sup> Article 1315 of the Law of Evidence: "Testimony shall be made upon certainty."

Article 1316 of the Law of Evidence: "Testimony of witnesses shall be unanimous in substance."