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3.4. Individuals perceived to have transgressed Islamic norms or laws

COMMON ANALYSIS
Last update: January 2025

This profile includes individuals whose actions, behaviours, or practices are seen as transgressing Islamic norms or laws and, as such, irrespective of whether the perceived transgression of norms or laws occurred in Iran or abroad. Practices perceived as a transgression of these norms or laws depend on several factors, such as local context, actors involved and their interpretation of these norms or laws.

The analysis below is based on the following EUAA COI report and Queries: Country Focus, 3.2.1, 3.9.1, 4.10, 4.11.8; COI Human Rights, 1.6; COI Musicians. Country Guidance should not be referred to as source of COI.

A wide range of behaviours may be considered to be transgressive of Islamic norms and laws: non-respect of Islamic obligations, art challenging Islamic constraints, consumption of alcohol, interfaith relationships, extra-marital relations, theft and stealing of others property, listening to or producing heavy metal and foreign music, etc.

This profile may overlap with Individuals perceived to have committed blasphemy and/or apostasy, including converts and atheists, Women and girls, Persons with diverse SOGIESC (also referred to as LGBTIQ persons).

Step 1: Do the reported acts amount to persecution?

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution. More specifically, *Hadd* punishments include the death penalty and other severe punishments, such as limb amputation for theft and robbery, flogging for drinking alcohol, stoning for adultery.

Furthermore, insulting ‘Islamic sanctities or the Supreme Leader’ and offences against public morals and decency, such as illicit relationships between men and women, dress code deemed un-Islamic by the Iranian authorities, and consumption of alcoholic drinks, gambling, and vagrancy may result in *ta’zir* punishments, including imprisonment, flogging, fines, and other penalties. As the offences and the punishments are classified into eight degrees, with the severity decreasing from the harshest in the first degree to the mildest in the eighth, whether

the acts would amount to persecution would depend on the specific offence.

Artists challenging Islamic constraints, including musicians, face enhanced online monitoring, punishments or restrictions on their ability to work and travel.

Apart from persecution by the authorities, individuals under this profile, including women and girls who refused forced marriages, who were victim of rape, who got divorced, who had sexual relationships before marriage, or were engaged in adultery, may face honour-related violence that could amount to persecution from non-State actors such as their family members.

Step 2: What is the level of risk of persecution?

For individuals accused to have committed any of the acts punishable under *hadd* punishment, a category of crimes under Islamic Law, such as sexual intercourse outside marriage/adultery (*zina*), sodomy and homosexual acts between men (*livat*), lesbian relationship, false accusation of fornication/sodomy, defamation of the Prophet, 'waging war against God' (*moharebeh ba khoda*), corruption on Earth (*efsad fil-arz*), **a well-founded fear of persecution would in general be substantiated**.

The individual assessment of whether there is a reasonable degree of likelihood for individuals perceived to have transgressed other Islamic norms and laws to face persecution should take into account risk-impacting circumstances, such as:

- **Nature and visibility of the transgression**: the nature, the repetitiveness and the visibility of the transgression, be it in Iran or abroad, impact the risk. Artists whose art challenges Islamic constraints and especially high-profile artists face a higher risk. Please also refer to Human rights defenders, activists, and lawyers for the situation of artists challenging the political constraints imposed by the Iranian authorities.

- **Gender:** in regard of the general situation of women in Iran, female individuals under this profile may be at higher risk. Please refer to Women and girls.

- **Ethnic and/or religious background**: being a member of some ethnic or religious minorities could impact the risk to face persecution. Please refer to Ethnic minorities and Religious minorities.

- **Family and social environment**: belonging to a more conservative environment could increase the risk of a transgression being perceived as a violation of Islamic norms or laws.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for an applicant under this profile, both when individuals are targeted by the Iranian authorities, and their family or other non-State actors, persecution may be for reasons of religion and/or for reasons of membership of a particular social group, based on their common background which cannot be changed

(perceived past behaviour) and/or a shared characteristic or belief that is so fundamental to identity or conscience that they should not be forced to renounce it (opposition to cultural, social or religious norms and the unwillingness to comply with them). They may also be considered to have a distinct identity in the context of Iran, because they may be perceived as being different by the surrounding society.

In the case of targeting by the Iranian authorities, persecution may (also) be for reasons of (imputed) political opinion as some transgressing behaviours such as ‘war against God’ are seen as offences against the State.

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