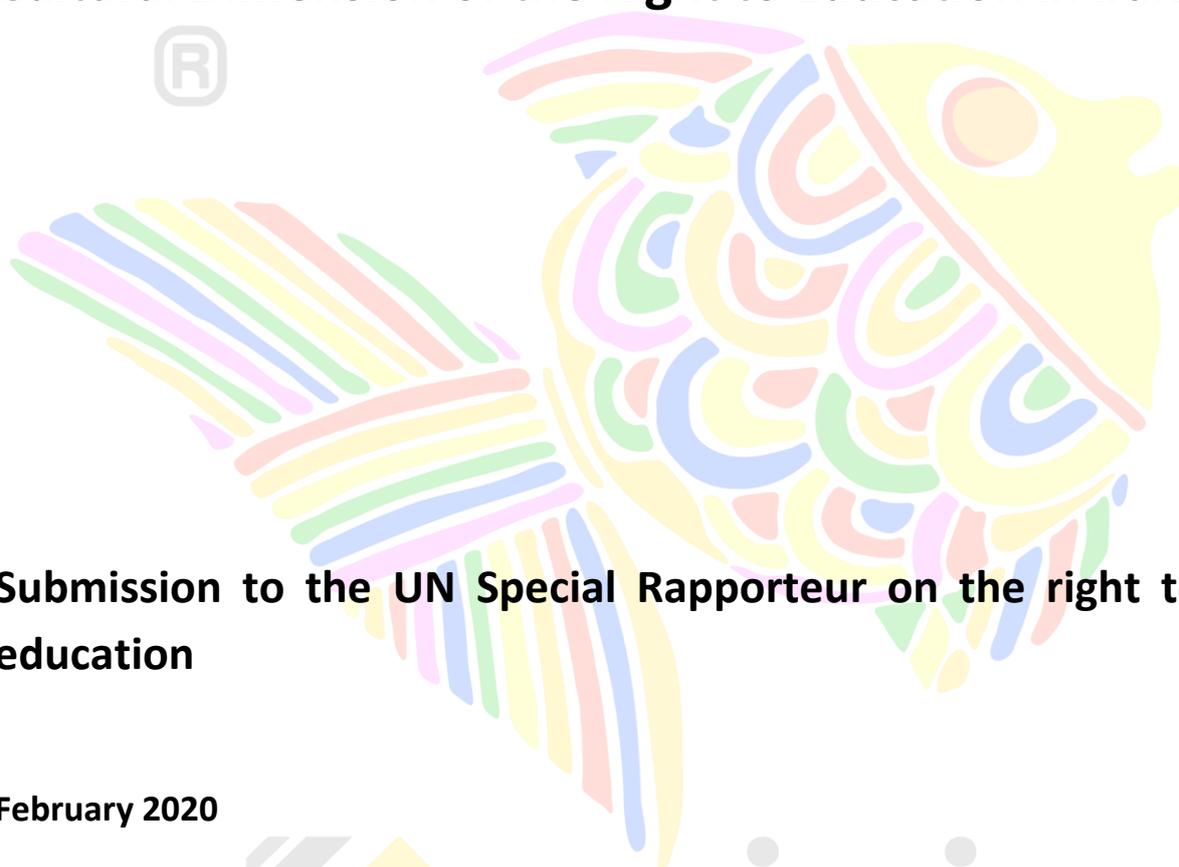


# Cultural Dimension of the Right to Education in Iran



Submission to the UN Special Rapporteur on the right to education

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Iranian Lesbian and Transgender Network (6Rang) is a UK registered not-for-profit organisation established after the first Iranian lesbian and transgender gathering in 2010. This network spans across more than 100 LGBTI individuals, the majority of whom are based in Iran. 6Rang's mission is to raise awareness on sexual rights and eradicate homophobia, transphobia, violence against lesbian and transgender people as well as the LGBTI community in general. 6Rang highlights the fact that Iran's discriminatory, gender-based laws and codes favouring heterosexual males, as well as the patriarchal power structure rooted in the Iranian culture, marginalise lesbian and transgender citizens within an already marginalised segment of Iran's population.

6Rang is a member of International Lesbian and Gay Association (ILGA) and has made submissions to UN bodies and published reports that, among other issues, have focused on documenting human rights abuses against lesbian, gay and transgender persons in Iran.

In this contribution, focusing on Iran, we respond to the call by the Special Rapporteur on the right to education and the cultural dimension of education. We address the following main topics: firstly, the difficulties in ensuring an inclusive and quality education that allows the growth of cultural diversity and individual cultural rights; and secondly, the mechanisms put in place for the participation of stakeholders, particularly population concerned and parents, for a closer understanding and increased effectiveness of the right to education and its cultural dimension, including the contextualisation of the voice of children. Finally, we pose our recommendations to be provided to the State of Iran and other stakeholders.

## **Context**

In Iran, the problem of discrimination against LGBTI and a lack of their inclusion goes far deeper than just in education. A brief delimitation of this form of discrimination in the State of Iran is necessary in order to contextualise this form of discrimination in education and illustrate the root of the problem. The government of Iran discriminates against and systematically persecutes members of the LGBTI community in law and practice. The laws criminalise consensual same-sex conduct, hate speech and incitement to violence is common practice by high-ranking state officials, and LGBTI individuals are discriminated against by officials in educational institutions.

The legal framework in Iran lays the foundation for the human rights abuses against LGBTI individuals by prohibiting consensual same-sex conduct and perceived expressions of lesbian, gay, and transgender identity. The Penal Code imposes penalties, including flogging and the death penalty, for the violations of this prohibition. Furthermore, LGBTI individuals are divided into two categories: "transsexual-patients" and "homosexual-perverts". The first label is applied to those who seek gender "normalcy" through gender reassignment surgeries while the second is applied to those who transgress socially constructed gender expectations

without seeking treatment or professing themselves to be a “transsexual” and have a variant sexual orientation.<sup>1</sup> Consequently, these individuals have to “choose” some human rights at the expense of others. They must either seek to “cure” themselves of same-sex desires and transgender expressions in order to obtain equal recognition before the law or live a marginalised life marked by homophobic hate crimes, police abuse, torture, family and community violence and widespread discrimination in access to education, employment, and other goods and services.<sup>2</sup>

While the law makes it possible to discriminate against the LGBTI, the government officials perpetrate this form of discrimination by actively inciting people to hatred and violence against the LGBTI. Iranian officials including the Supreme Leader; the Head of Judiciary, Seyyed Ebrahim Raisi Ebrahim Raisi<sup>3</sup>, Speaker of Parliament, Ali Larijani<sup>4</sup>; the Commander in Chief of Iran’s *Basij* militia, Mohammad-Reza Naghdi<sup>5</sup>; military officials; Friday prayer leaders; and, state-controlled media outlets, consistently use hate speech, derogatory and dehumanising rhetoric against LGBTI individuals. They describe these individuals as “animalistic”, “subhuman”, “sick” and “diseased”. This discourse promotes and justifies hate and violence against LGBTI people in the family, society, and in educational, judicial and law enforcement institutions.<sup>6</sup>

## Methodology

The following data, findings, and main recommendations are based on 6Rang’s field research inside Iran including in-depth and in-person interviews with victims. Additionally, in preparation for this submission, we asked our social media audience, “what would you like to see changed in our schooling system?” We collected a total of 75 responses from our presumably LGBTI audience. These responses were then categorised based on the most frequent responses the results of which are presented in the final section of this submission.

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<sup>1</sup> 6Rang “The Situation of LGBT Children in Iran”, available at: <http://6rang.org/english/2546>

<sup>2</sup> Ibid

<sup>3</sup> 5 IRNA, “The First Deputy of the Judiciary: Free-spirited individuals showed their free spirit in their fight against Global Arrogance”, 18 August 2014.

<sup>4</sup> Ya-Isarat, “Larijani’s eight solutions for a resistant economy”, 22 October 2012, available at: <http://www.yalasarat.com/vdcgtq9t.ak9qu4prra.html>.

<sup>5</sup> Ya-lesarat, “The European Union should not dare to open an office in Iran”, 4 April 2014, available at: <http://www.yalasarat.com/vdcaiina.49nuo15kk4.html>

<sup>6</sup> 6Rang, “It’s a great honor to violate homosexuals’ rights: Official hate speech against LGBT people in Iran”, 18 December 2017, available at: <http://6rang.org/english/2331>.

## Part 1 – Challenges in ensuring an inclusive and culturally diverse education

This section chiefly discusses the challenges in providing an inclusive and quality education in Iran that also makes the growth of cultural diversity possible. In educational institutions, such as schools and universities, criminalisation of sexual orientation and gender identity, promotion of hate speech against LGBTI pupils and students, abuse by staff as well as peers, together with the segregation of schools by gender, has a deeply negative impact on access to education. Pupils frequently suffer harassment and thrashing by school administrators as well as rape and violence perpetrated by peers. For some LGBTI pupils, harassment and abuse happen so often and so severely that they are left with no choice to abandon their education and drop out of school.

Several interviews conducted by 6Rang emphatically lead to the conclusion that transgender pupils are sometimes refused admission or expelled because of their real or perceived sexual orientation and gender identity, or forced to undergo sex reassignment surgeries as a condition to enrol.<sup>7</sup> As a result of gender segregation in the Iranian schools, transgender adolescents whose appearance contradicts their identification documents are particularly at risk of being denied their right to education. These pupils are excluded from schools that correspond with their biological sex because of their transgender status. At the same time, they are not admitted to schools that correspond with their preferred gender until they undergo sex reassignment surgeries and obtain new identification documents matching the preferred gender.<sup>8</sup> However, these difficulties often worsen when these students do undergo sex reassignment. After going through this procedure, these individuals may not be accepted to either girls' or boys' schools because their appearance may not match their legal gender or because those in charge will not change the school records of these individuals to match them with their new legal gender.<sup>9</sup> This means that these pupils often continue to experience harassment and discrimination in access to education even after completing the sex reassignment procedure, which is required of them in the first place.

Following 6Rang's submission to the Committee on the Rights of Children, Clarence Nelson, one of the committee experts, raised the issue of LGBTI children in Iran citing that children had to undergo coercive measures to "correct" and "cure" their "problem". The Iranian delegates remained silent and their written response misidentified intersex children with bisexual children, which shows a deep lack of scientific knowledge on the issue<sup>10</sup>.

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<sup>7</sup> Justice for Iran, "Diagnosing Identities, Wounding Bodies: Medical Abuses and Other Human Rights Violations Against Lesbian, Gay and Transgender People in Iran" (2012), available at: <https://justice4iran.org/wp-content/uploads/2014/06/Pathologizing-Identities-Paralyzing-Bodies.pdf>

<sup>8</sup> 6Rang "The Situation of LGBT Children in Iran", available at: <http://6rang.org/english/2546>

<sup>9</sup> Justice for Iran, "Diagnosing Identities, Wounding Bodies: Medical Abuses and Other Human Rights Violations Against Lesbian, Gay and Transgender People in Iran" (2012), available at: <https://justice4iran.org/wp-content/uploads/2014/06/Pathologizing-Identities-Paralyzing-Bodies.pdf>

<sup>10</sup> 6Rang, "Iranian Government evades the UN questions on LGBTI children", Available at: <http://6rang.org/english/2245>.

LGBTI students in general face different levels of discrimination and exclusion in education as described above. Furthermore, many LGBTI adolescents report that they avoid recreational spaces because of the hostility they experience at these environments. School teachers and authorities exclude them from such spaces because they hold homophobic or transphobic attitudes towards them.<sup>11</sup>

The harassment and abuse in education is not limited to trans students where their identity is somewhat more apparent. Students who are perceived to be lesbian, gay, or transgender also suffer extensive violence and harassment including bullying and rape by classmates. School authorities rarely take any action to address these issues. Many persons interviewed by 6Rang reported experiencing this form of perception-based violence and harassment where behaviour and body language became the reason for constant humiliation and harassment.<sup>12</sup>

The Iranian government forbids sex education in schools in general and specifically education on issues of sexual orientation and gender identity and expression. For example, there was some hope when Iran became a signatory of UNESCO's Sustainable Development Goals 2030 because doing so committed Iran, amongst other goals, to "Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all". This was part of the 2030 Education Agenda and committing to it would mean teaching about inclusiveness and gender equality among other things.

Unsurprisingly though, the current Supreme Leader of Iran objected firmly to this agenda calling it a scheme for spreading "corrupt and devastating Western lifestyle" in Iran. This document became another pretext for attacking the LGBTI. The Leader went on to say, "This is the Islamic Republic of Iran, and in this country, Islam and the Quran are the base. It is not a place for infiltration of the flawed, devastating and corrupt Western lifestyle," and continued, "Signing that [Education 2030] document and its silent implementation is certainly not allowed, and this has been announced to the organisations in charge,". This set off a series of harsher attacks by other conservatives in Iran that resulted in the abrogation of the 2030 document.<sup>13</sup> With the abrogation, any hope for change in the curriculum and educational system of Iran was suppressed.

On the basis of these reasons, the most significant challenge to an inclusive and culturally diverse education in Iran comes from the oppressive government. The Iranian government does everything in its power to stop any form of equality and inclusiveness of the LGBTI in all areas of life, including specifically, in education. The regime enforces this

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<sup>11</sup> Ibid *supra* note 8.

<sup>12</sup> Ibid

<sup>13</sup> Ifpnews "Iran Backs Out of UNESCO's 2030 Education Agenda", available at: <https://ifpnews.com/iran-back-unescos-2030-education-agenda>

exclusionary policy at the level of state laws, criminal code, healthcare system, education policy and the like, but also goes out of its way to ensure that even something specific like the 2030 Education Agenda does not fall through its filter.

## **Part 2 – role of stakeholders, parents and children in right to education**

This segment primarily addresses the arrangements in place for the participation of parents and stakeholders for a closer understanding of the right to education, its cultural dimension, and giving children a voice.

Although government officials may argue that all the people affected have a good grasp of their right to education, our research shows that stakeholders not only don't understand the right to education, but also their children are often outright denied education.<sup>14</sup> LGBTI adolescents and families lack access to accurate information on sexual orientation and gender diversity. The Iranian government censors any positive discussion of issues related to sexual orientation and gender identity. For example, as mentioned, the Supreme Leader himself forced Iran to abrogate the 2030 Education Agenda of UNESCO because of its aim to ensure a more inclusive education. The State of Iran also disseminates materials that reinforce demeaning stereotypes and forms of prejudice which contribute to the social exclusion, discrimination and denial of human dignity historically experienced by LGBTI individuals.

In addition to active censorship, the state of Iran also bans all kinds of independent organisation. The state finds this form of organisations and societies a national security threat, even, for example, if the organisation is about saving endangered species. This means that no independent organisations can be formed with the purpose of informing the population, parents, or children about their right to education. This way, the government has a monopoly over the sources of information and is able to keep families in the dark about their children's right to education.

Between the discriminatory regime and the unaware parents, children suffer the most and are not given a voice. This lack of knowledge about the right to education also affects children's education at the family level. A lack of understanding means that often when LGBTI pupils are discriminated against and expelled from school, parents do not fight back or resist the discriminatory system. These types of parents are not aware of their children's equal right to education and often agree and comply with the officials. Moreover, the laws in Iran are more than lenient towards parents who are violent against their children. Iran's Penal Code allows parents and legal guardians to subject children to corporal punishment in so far as "they ensure that it does not exceed disciplinary norms" (Article 158). One form of family violence that many LGBTI report is enforced seclusion from the society. This means that these

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<sup>14</sup> GRang "The Situation of LGBT Children in Iran", available at: <http://6rang.org/english/2546>

victims not only suffer violence, but also are kept from attending school. In sum, these are some of the ways in which children are denied a say in what their right to education must entail.



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### Part 3 – recommendations to Iran and other stakeholders

Finally, in this section we present recommendations to be provided to the State of Iran and other stakeholders. A significant majority of the respondents, 34 per cent, said that they would like to see religious studies removed from the curriculum. The second most frequent category of responses, 21 per cent, included adding sex education and LGBTI awareness to the curriculum. A final common recommendation, based on 8 per cent of responses, was changing the education culture. The remaining 37 per cent of the responses were mixed. Some of the notable mixed responses included hiring professional psychologists for the counselling of the students, focusing more on scientific education as opposed to ideological, teaching virtue and meeting international standards.

Based on the suggestions collected via online polls, 6Rang strongly urges the Special Rapporteur to provide the following recommendation to the State of Iran and other stakeholders:

- Take all necessary legislative, administrative and other measures to ensure equal access to primary and secondary education and recreational activities without discrimination on the grounds of sexual orientation or gender identity.
- Exercise due to diligence to prohibit, prevent and punish homophobic or transphobic violence and bullying in school environments.
- Ensure that school officials who harass or abuse children because of their actual or perceived sexual orientation or gender identity are punished with proportionate penalties.
- Ensure that students are not marginalised or segregated because of their actual or perceived sexual orientation or gender identity and their best interests are identified and respected in a participatory manner.
- Introduce into the education curricula modules about diversity and about the human rights of all, including lesbian, gay, bisexual and transgender people.