



Written contribution to the
Human Rights Committee

From

6Rang (Iranian Lesbian and Transgender Network)

In preparation for the List of Issues Prior to Reporting (LOIPR) for the

ISLAMIC REPUBLIC OF IRAN

**Non-discrimination, right to life,
freedom from torture, right to liberty
and security of persons and right to fair trial**

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6Rang (Iranian Lesbian and Transgender Network) is a UK-based NGO 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. This network pioneers and leads the campaign for LGBTI rights in Iran. Our 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. To that end, 6Rang highlights the fact that Iran's discriminatory, gender-based laws favoring heterosexual males, as well as the patriarchal power structure rooted in the Iranian culture, marginalize lesbian and transgender citizens. We are actively taking action towards empowering LGBTI+ individuals, taking a leading role in the LGBTI rights movements in Iran, and utilizing media campaigns and international mechanisms towards increasing accountability for the violations of LGBTI rights. 6Rang is also a member of the International Lesbian, Gay, Bisexual, Trans and Intersex 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.

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I - Right to non-discrimination (Article 2, 26)

1. During its 2011 review of Iran, the Human Rights Committee (the Committee) recommended that Iran should end discrimination against, and prosecution and punishment of, people because of their sexual orientation or gender identity (arts. 2 and 26).¹ In spite of this, lesbian, gay, bisexual, and transgender (LGBT) community in Iran continues to face harassment, persecution and discrimination on the basis of their sexual orientation and gender identity, including in accessing employment, housing, education, health care, and with respect to inclusion in society.
2. Islamic Republic of Iran (IRI) has continuously failed to protect members of the LGBT community from harassment, persecution, violence, and discrimination. IRI is extremely hostile towards the LGBT community and any form of same-sex sexual conduct or non-binary gender expression as well as any form of civil activism and defense of human rights that is concerned with sexual orientation and gender identity.
3. 6Rang's research reports show credible patterns of persecution of LGBT individuals and activists. Furthermore, authorities arbitrarily arrest members of this community, police forces use violence against and mistreat LGBT people and widely raid private parties of this community. IRI has shown no intention to end such practices of repression and persecution, or to hold perpetrators who carry out abuses accountable.
4. In line with the state practice of harassment and persecution of LGBTI community, IRI officials have carried out numerous raids on private parties in Isfahan, Shiraz, Kermanshah and Kerman, after which the individuals arrested were often charged with same-sex sexual conduct and sent to the Legal Medicine Organization of Iran (LMOI) to undergo forced anal examinations.
5. As documented by 6Rang in a 2017 report², homophobic comments and incitement to hatred and violence against LGBTI people is widespread in public domains. High-ranking IRI officials, religious leaders and state media continue to use hateful, derogatory and dehumanizing rhetoric against LGBTI individuals, describing LGB persons as “animalistic”, “subhuman”, “sick” and “diseased”.³
6. Seyed Ebrahim Raisee, the then Deputy Head of Judiciary (later appointed as the Head of Judiciary) has described homosexuality as “nothing but savagery”.⁴ Denouncing the report of the UNSR in 2017, the Speaker of Parliament Ali Larijani stated that homosexuality amounts to “adopting an animalistic approach and exiting humanity.” He then asked rhetorically, “Do

¹ Human Rights Committee, *Concluding Observations of the Human Rights Committee, adopted by the Committee at its 103rd session (October 17 – November 4, 2011)*, U.N. Doc. CCPR/C/IRN/CO/3, para 10.

² 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>

³ For the detailed account of such statements and references see: *ibid*.

⁴ IRNA, “The First Deputy of the Judiciary: Free-spirited individuals showed their free spirit in their fight against Global Arrogance”, 18 August 2014, available at: http://www.irna.ir/fa/News/81276307/اجتماعی/آزادگان_در_مبارزه_با_استکبار_جهانی_آزادگی_خود_را_نشان_دادند/

you really expect us to legalize the savagery of today's modern Western societies – that is *hamjensbazi* [faggotry]?”⁵

7. Mohammad-Reza Naghdi, the commander in chief of Iran's Basij militia, said that by granting freedom to homosexuals, the Europeans have sunk lower than animals: “They impose on us the condition to permit *hamjensbazi* [faggotry] when even animals won't do it if they were let free.”⁶
8. Criminalization of sexual orientation and gender identity, together with the segregation of schools by gender negatively impacts access to secondary education. LGBT people frequently suffer harassment and beatings by school administrators as well as rape and violence perpetrated by other pupils. They 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 enroll.⁷
9. Medical professionals frequently assign a diagnosis of Gender Identity Disorder to LGBT individuals merely on account of their same-sex desires and gender non-conformity. This means that they often coerce LGBT individuals to either receive reparative therapies aimed at “curing” them of homosexuality or undergo sterilization and Sex Reassignment Surgery (SRS) aimed at turning them into “normally gendered” men or women, which accounts for Iran's reputation as having one of the highest numbers of SRS in the world. These abusive practices are taking place at the instigation of, or with the knowledge and support of, Iranian officials such as Mohamad Javad Larijani, the former head of Iran's Human Rights Commission, who has called homosexuality “an illness” for which “people must be put under psychiatric care and sometime even biological and physical care.”⁸
10. The lives of LGBT people in Iran is defined by exclusion from family homes, denial of employment, prevention from attending school, forced marriage, jail and detention, flogging and execution, “street” violence, and other physical and verbal attacks in public and private settings.

Suggested Questions

- Please provide information about the steps Iranian authorities have taken to prevent LGBT people from face criminal prosecution on based on their sexual orientation or gender identity?

⁵ Ya-lasarat, “Larijani's eight solutions for a resistant economy”, 22 October 2012, available at: <http://www.yalasarat.com/vdcgtg9t.ak9qu4prra.html>

⁶ Ya-lasarat, “The European Union should not dare to open an office in Iran”, 4 April 2014, available at: <http://www.yalasarat.com/vdcaiina.49nuo15kk4.html>

⁷ 6Rang, “Diagnosing-Identities-Wounding-Bodies: Human Rights Violations against Lesbian, Gay and Transgender People in Iran”, Available at: <http://6rang.org/english/2252>

⁸ The interview is available online at the following link: <https://www.youtube.com/watch?v=8Wh0snjDCX0>

- Has any person been charged, tried, or sentenced for violating the provisions of the Islamic Penal Code that criminalize consensual same-sex sexual conduct between adults during this reporting period?
- What regulations and policies are in place to protect the rights of LGBTI individuals?
- What steps have the authorities taken to monitor and document acts of harassment, persecution, violence, and discrimination perpetrated against LGBTI individuals or to hold the perpetrators to account?
- Please comment on how the state of Iran will ensure the prohibition and prevention of making public statements that incite hatred, violence and discrimination against individuals on the basis of sexual orientation, gender identity or gender expression.

II - Right to life (Article 6)

11. In its Concluding Observation, the Committee recommended Iran to abolish or at least restrict the imposition of the death penalty to only the “most serious crimes” in order to prevent the extremely high and increasing number of death sentences and limit the applicability of vague definition of offences for which the death penalty is applied.⁹ Despite this, Iran’s Penal Code continues to penalize consensual same-sex sexual relations between adults by severe and inhuman punishments including the death penalty and flogging.
12. In relation to consensual same-sex sexual intercourse between men, called *livat* (sodomy), the Penal Code imposes the death penalty, although it treats the active and passive parties differently. The active partner will be sentenced to death and executed provided that he is either married, or if he is a non-Muslim who has engaged in sodomy with a Muslim passive partner. The passive partner, however, is punishable by death sentence regardless of his marital status or religion (art. 234).
13. With regard to same-sex relations between women, called *Musahiqah* (i.e. lesbianism), the IPC imposes flogging (100 lashes) for each party (art. 239). However, if a person receives flogging three times, she will be sentenced to death if convicted for the fourth time.
14. Alternatively, such acts may be punishable according to the more vague but serious charge of *efsad-e-fel-arz* (corruption on earth) punishable by the death penalty (art 286).

⁹ Human Rights Committee, Concluding Observations of the Human Rights Committee, adopted by the Committee at its 103rd session (October 17 – November 4, 2011), U.N. Doc. CCPR/C/IRN/CO/3, para 12.

Suggested Questions

- What measures have been put in place to remove the death penalty for offences relating to consensual same-sex intercourse between consenting adults?
- Has any person been sentenced to the death penalty for violating the provisions of the Islamic Penal Code that criminalize same-sex sexual intercourse between consenting adults during this reporting period?

III - Freedom from torture (Article 7)

15. During its 2011 review, the Committee recommended Iran to investigate each case of alleged torture and cruel, inhuman or degrading treatment and to ensure that perpetrators of such acts are prosecuted and punished.¹⁰ However, a range of legal and medical practices continue to coerce LGBT people into reparative or conversion therapies, hormone treatments, sex reassignment and sterilization surgeries, electroshock therapies.
16. Being a trans person is not a crime in Iran, but it is recognized as a medical condition, that is Gender Identity Disorder (GID), curable through sex reassignment surgeries (SRS). As a result of this legal framework, LGBTI individuals who do not conform to culturally approved models of femininity and masculinity have to choose between risking criminal prosecution, harassment, and arbitrary arrest and detention on the one hand, and seeking a diagnosis of GID with a view of undergoing sex reassignment surgeries, sterilization and hormone therapies which are seen as a prerequisite to enjoying legal gender recognition.
17. In health care a diagnosis of GID is assigned to LGBT individuals on a mere account of same-sex desires or diverse gender expression. As such, LGBT individuals are coerced to either receive reparative “cures” or undergo sterilization and SRS to turn them into “normally gendered” men or women.
18. 6Rang documented the accounts of dozens of LGBT individuals who have been prescribed reparative treatments without being given adequate and accurate information about the risks, benefits, efficacy and scientific validity of such procedures or about issues relating to sexuality and gender diversity.¹¹
19. 6Rang's research has revealed countless instances of administration of SRS that drastically fall short of international clinical standards resulting in bleeding or serious infections and leading

¹⁰ Human Rights Committee, *Concluding Observations of the Human Rights Committee, adopted by the Committee at its 103rd session (October 17 – November 4, 2011)*, U.N. Doc. CCPR/C/IRN/CO/3, para 14.

¹¹ 6Rang, “*Diagnosing-Identities-Wounding-Bodies: Human Rights Violations against Lesbian, Gay and Transgender People in Iran*”, Available at: <http://6rang.org/english/2252>

to permanent and irreparable physical damage and long-lasting health complications.¹² These are particularly grave given Iran's failure to ensure that SRS surgeons and other health care professionals dealing with such cases meet appropriate standards of education, skill and ethical codes of conduct.¹³ There have also been numerous incidents of abuse and harassment at the hands of health care professionals;¹⁴ while the process of applying for legal sex change is itself marked by deep-seated homophobia and other discriminatory attitudes from the officials.¹⁵

20. Furthermore, these individuals often take such irreversible decisions without having been given the opportunity to have a real-life experience of one or two years in their desired gender, as prescribed by the Standards of Care of the World Professional Association for Transgender Health.¹⁶ Iran refuses to respect the medical requirement of real-life experience on the basis of religion and custom.
21. 6Rang's investigations showed that the number of private and semi-governmental psychological and psychiatric institutions and clinics treating LGBT people has seen a significant increase in the year 2017. 6Rang's field study on eleven polyclinics, institutions and private clinics, that have listed counseling to LGBTI people as one of the areas of their expertise, show that these centers consider homosexuality to be either a disease or sexual deviation, and have made a business by alleging in their advertisements that they can cure them.¹⁷
22. 6Rang's findings also showed that the use of reparative therapies such as electric shock therapy to hands and genitalia, prescribing psychoactive medication, hypnosis, coerced masturbation to pictures of the opposite sex, etc., on gay and lesbian individuals have continually increased.¹⁸

Suggested Questions

- What steps have authorities taken to prohibit reparative therapies that amount to torture or cruel, inhuman and degrading treatment including electro-shock therapies and psychoactive medications aimed at converting people's sexual orientation and gender identity?
- Please clarify what measures the state has taken to ban forced, coercive or otherwise involuntary psychological, medical, and surgical procedure designed to change or

¹² These include chronic chest pain, kidney malfunction, sever back pain, unsightly scarring, loss of sexual sensation, debilitating infections, recto-vaginal and recto-urethral fistula and incontinence. For further details see: *ibid*.

¹³ A/HRC/28/12/Add.1, at 7.

¹⁴ The interview is available online at the following link: <https://www.youtube.com/watch?v=8Wh0snjDCX0>

¹⁵ The Psychologists and psychiatrists making up the relevant commission in charge of the procedures at the Legal Medicine Organization of Iran (LMOI) often regard homosexuality as a morally reprehensible act worthy of criminal punishment and contrast it with transsexuality as 'a gender identity disorder' in need of hormonal and surgical corrections and therefore push the applications to trace the origins of their same-sex desire and feelings of confusion, depression and isolation to being in the 'wrong body' rather than perhaps being in a social environment that highly reprimands homosexuality, and leaves no leeway in traditional masculine and feminine role behavior. See: 6Rang, "Diagnosing-Identities-Wounding-Bodies", *supra* note 11 at 20-22 and 33-34.

¹⁶ For the details, see: 6Rang, "Reparative Therapies on Gays and Lesbians through Cruel, Inhumane and Humiliating Treatments Has Increased in Iran", July 13, 2018, available at: <http://6rang.org/english/2422>

¹⁷ *Ibid*

¹⁸ *Ibid*

reassign people's sexual orientation, gender or sex characteristics without their free, prior and informed consent?

- What legislation measures have been taken to streamline legal sex change procedures and protect the right to health of trans persons, without imposing sterilization and genital reassignment surgeries as a prerequisite for individuals to exercise their basic rights and fundamental freedoms, including their right to legal gender recognition?
- Please clarify whether health care authorities comply with the Standards of Care of the World Professional Association for Transgender Health?

IV - Right to liberty and security of persons and right to fair trial (Article 9 and 14)

23. In its Concluding Observations of the 2011 review of Iran, the Committee recommended Iran to ensure that all legal proceedings are conducted in full accordance with article 14 of the Covenant guaranteeing the fair trial requirements of the Covenant.¹⁹ However, in contravention to the Covenant, in Iran fair trial rights and the right to liberty and security of persons of LGBT people like many others are continuously and frequently violated.
24. On 17 September 2017, IRGC and Basij forces raided a birthday party in a private garden in Shiraz, arresting 23 individuals some of whom identified themselves as transsexuals. They were subjected to derogatory conduct and beating by the agents and transferred to the detention center of the Ministry of Intelligence where they were further ill-treated and interrogated. They were charged with “attending a *haram* (i.e. religiously prohibited) party”.²⁰
25. On 13 April 2017, Basij militia forces raided a friendly gathering of young men in Bagh-e Bahadoran, Isfahan. An estimated of 30 men were arrested and transferred to Dastgerd Prison. A court in Isfahan charged them with “sodomy and consuming psychedelic drugs and alcohol.”²¹
26. On 29 December 2018, according to the reports received and verified by 6Rang, two men named Ehsan Rahmanian and Sajjad were arrested by security forces in the city of Jahrom after a private video of their symbolic wedding was published on social media by a third party. They have been charged with same-sex relations, breach of public morality and the capital offence of *efsad-e-fel-arz* (corruption on earth). Their case is currently being considered by the criminal court of the Province of Fars.

¹⁹ Human Rights Committee, *Concluding Observations of the Human Rights Committee, adopted by the Committee at its 103rd session (October 17 – November 4, 2011)*, U.N. Doc. CCPR/C/IRN/CO/3, para 21.

²⁰ 6Rang, “End Persecution and Harassment of Shiraz Party Detainees”, 23 Sep 2017, available at: <http://6rang.org/2726>

²¹ 6Rang, “Men Arrested at a Party in Isfahan Charged with ‘Sodomy’”, 20 April 2017, available at: <http://6rang.org/english/2276>

27. Security forces also arrested Ms. Maryam Azad, an LGBTI rights activist from the city of Shiraz, on September 25, 2018, when she attempted to board a flight at Tehran airport bound for Turkey.

Suggested Questions

- Please comment on how Iran ensures that human rights violations against all individuals irrespective of their sex, gender or sexual orientation are impartially and comprehensively investigated and, those responsible are held accountable.
- What steps has Iran taken to ensure that all Article 14 rights including fair trial, presumption of innocence, rights to public hearing, right to presence of lawyers, and right to public hearing, among others, are guaranteed?
- What steps has Iran taken to guarantee the freedom and security of LGBT people from arbitrary arrests, detention, and raids on private gatherings?