



Human Rights Report  
**Being Lesbian  
in Iran**



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## **About OutRight**

Every day around the world, LGBTIQ people's human rights and dignity are abused in ways that shock the conscience. The stories of their struggles and their resilience are astounding, yet remain unknown—or willfully ignored—by those with the power to make change. OutRight Action International, founded in 1990 as the International Gay and Lesbian Human Rights Commission, works alongside LGBTIQ people in the Global South, with offices in six countries, to help identify community-focused solutions to promote policy for lasting change. We vigilantly monitor and document human rights abuses to spur action when they occur. We train partners to expose abuses and advocate for themselves. Headquartered in New York City, OutRight is the only global LGBTIQ-specific organization with a permanent presence at the United Nations in New York that advocates for human rights progress for LGBTIQ people.

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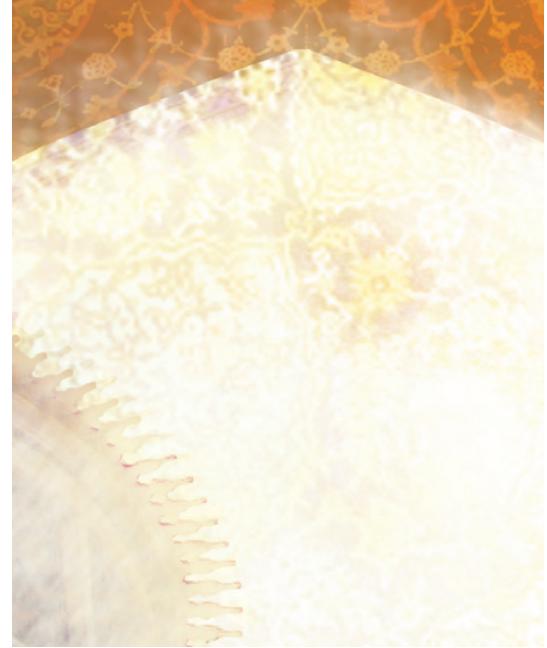
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# Glossary

**The following is a list of the most commonly used terms or institutions referred to in this report.**

The definitions relating to SOGI have been drawn from the following sources: the Yogyakarta Principles; the UN Free and Equal Campaign; the University of California, Los Angeles' LGBT Campus Resource Center; the University of California, Gay & Lesbian Alliance Against Defamation (GLAAD); San Francisco LGBT Resource Center; and Amnesty International. The definitions below are not comprehensive, and are included and organized to be most useful to understanding this report.

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**CEDAW:** International Convention on the Elimination of all forms of Discrimination Against Women. Iran is not a party to this treaty.

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**Cross-Dresser:** While any person may wear clothes commonly associated with a gender other than the gender they typically express or identify with, the term “cross-dresser” is used to refer to individuals who occasionally wear clothes, or temporarily adopt grooming styles, makeup, and/or accessories culturally associated with another gender (e.g. men who occasionally dress as women). This activity is a form of gender expression and is not done for entertainment purposes. Cross-dressers do not wish to permanently change their sex or live full-time as another gender.

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**Fatwa:** Religious decree issued by top religious authorities.

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**Fiqh:** Islamic jurisprudence or interpretation of *Sharia* law by Muslim scholars.

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**Gay:** A sexual orientation toward people of the same gender. More often used to describe a man whose primary sexual orientation is toward people of the same gender.

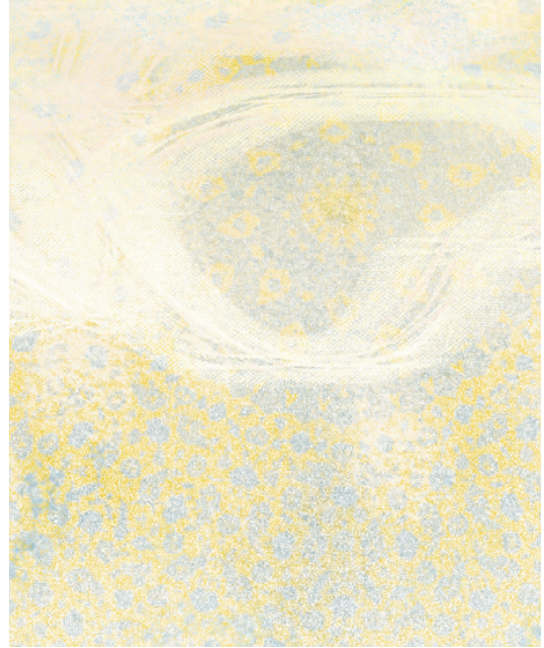
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<b>Gender:</b>	The social construction of a person’s identity into notions of manhood, womanhood, both, or neither. Masculinity often refers to a set of behaviors conventionally attached to manhood, and femininity often refers to a set of behaviors conventionally attached to womanhood; however, in reality, men can be feminine and women can be masculine, or can exhibit both masculinity and femininity or neither. Notions of gender shift over time and across place and culture.
<b>Gender Identity:</b>	One’s internal, deeply held sense of one’s gender. For transgender people, their own internal gender identity does not match the sex they were assigned at birth. For some people, their gender identity does not fit neatly into the options of “man” or “woman.” Unlike gender expression, gender identity is not necessarily visible to others.
<b>Hijab:</b>	The Islamic dress code for women that requires them to dress modestly, and cover their heads.
<b>Homophobia:</b>	Homophobia is an irrational fear of, hatred for, or aversion toward lesbian, gay, or bisexual people. Because the term homophobia is widely understood, it is often used in an all-encompassing way to refer to fear of, hatred for, and aversion toward LGBTIQ people in general.
<b>Human Rights Committee:</b>	The expert UN body that monitors implementation of the ICCPR.
<b>ICCPR:</b>	International Covenant on Civil and Political Rights. Iran ratified ICCPR in 1975.
<b>ICESCR:</b>	International Covenant on Economic, Social and Cultural Rights. Iran ratified ICESCR in 1976.
<b>IPC:</b>	The Islamic Penal Code is the official name of the Iranian penal code, which was amended in May 2013.
<b>Lesbian:</b>	A woman whose primary sexual orientation is toward people of the same gender.
<b>Lesbophobia:</b>	An irrational fear of, hatred for, or aversion toward lesbians.
<b>LGBTIQ:</b>	In English, this acronym has come to represent lesbian, gay, bisexual, and transgender. This acronym frequently replaces the term gay, and is constantly developing as activists are seeking to be inclusive of individual experiences by adding, for example, “Q,” which represents queer, and “I,” which represents intersex.
<b>Mosaheqeh:</b>	Under Iranian law, an act where a woman places her sexual organs on the sexual organs of another woman.
<b>OHCHR:</b>	Office of the UN High Commissioner for Human Rights.



<b>OutRight:</b>	OutRight Action International, formerly the International Gay and Lesbian Human Rights Commission.
<b>Qisas:</b>	Proportional act of vengeance, under Iranian law.
<b>Queer:</b>	This term has different meanings to different people. It can be an expression of political outlook and it can also be an umbrella term for anyone who does not identify as heterosexual or who feels they do not fit into the definitions of other labels. In the past, it has been used as a derogatory term to insult people, but it has been largely re-appropriated by the affected communities.
<b>Sex:</b>	The classification of people as male, female, or other category based on bodily sex characteristics. At birth, infants are generally assigned a sex, usually based on the appearance of their external anatomy. (This is what is written on the birth certificate.) However, a person's sex is actually a combination of bodily characteristics, including chromosomes, hormones, internal and external reproductive organs, and secondary sex characteristics, which may or may not conform to conventional notions of maleness and femaleness.
<b>Sexual Orientation:</b>	An individual's enduring physical, romantic, and/or emotional attraction to a specific category of gender or to more than one gender. Gender identity and sexual orientation are not the same. For example, transgender people may be straight, lesbian, gay, or bisexual, among other identity categories. Some people identify as asexual, which may indicate that they do not experience a feeling of physical, romantic, and/or emotional attraction for other people.
<b>Sex Reassignment Surgery (SRS):</b>	A series of surgeries and medical procedures to alter physical sexual characteristics in order to align the individual's physical characteristics with the gender with which they identify. Not all trans persons desire or have access to such medical procedures.
<b>Sexuality:</b>	A person's exploration of sexual acts, sexual orientation, sexual pleasure, and desire.
<b>Sharia Law:</b>	The legal system for Islam that derives from the Quran, Islam's holy text, and the <i>Sunnah</i> , or religious traditions based on the sayings of the Prophet Muhammad. It acts as a code of conduct governing many aspects of the personal and public lives of Muslims. In Iran, <i>Sharia</i> law is based on the <i>Imamiyyah</i> school of Shia Islam, which is the official state religion and religion of the majority of Iranians.
<b>SOGI:</b>	Sexual Orientation and Gender Identity.

<b>Tamkeen:</b>	Under Iranian law, a wife’s “obedience” to submit to the will of her husband.
<b>Trans:</b>	Used as shorthand to mean transgender <b>or</b> transsexual—or sometimes to be inclusive of a wide variety of identities under the transgender umbrella.
<b>Transgender:</b>	An umbrella term for people whose gender identity and/or gender expression differs from what is typically associated with the sex they were assigned at birth. People under the transgender umbrella may describe themselves using one or more of a wide variety of terms—including, but not limited to, transgender, transsexual, or gender non-binary. Some of those terms are defined below. For the purposes of inclusiveness, the abbreviated term “trans” is most often used throughout this report. It is always most considerate to use the descriptive term preferred by the individual. Some transgender people pursue medical transition processes such as receiving hormones from their doctors or undergoing surgery to change their bodies, but not all transgender people can or will take those steps, and a transgender identity is not dependent upon medical procedures.
<b>Transsexual:</b>	An older term that originated in the medical and psychological communities. Still preferred by some people who have permanently changed—or seek to change—their bodies through medical interventions (including, but not limited to, hormones and/or surgeries). Unlike transgender, transsexual is not an umbrella term. Many transgender people do not identify as transsexual and prefer the word transgender. It is best to ask which term an individual prefers. In the Persian language, “transsexual” is often used to describe both transgender and transsexual individuals. This is mainly due to the fact that the concept of gender is new to the language, and many people do not differentiate between sex and gender. Such a linguistic ambiguity should be kept in mind while reading some of the quotes in this research, where individuals used the word “transsexual” in reference to a broader trans experience.
<b>UDHR:</b>	Universal Declaration of Human Rights.
<b>UN:</b>	United Nations.
<b>UN Convention against Torture (UNCAT):</b>	UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Iran is not a party to this treaty.
<b>UNHCR:</b>	UN High Commissioner for Refugees, the UN refugee agency.
<b>Yogyakarta Principles:</b>	A set of international principles relating to sexual orientation and gender identity, comprising a guide to human rights which affirms binding international legal standards with which all States must comply.



# Executive Summary

**Lesbian community members in the Islamic Republic of Iran are subjected to a confluence of legal discrimination, social harassment, domestic abuse, and acts of violence, inflicted by both state officials and private citizens.**

Although the Iranian legal ban on consensual same-sex relations is well documented in several high-profile reports,<sup>1</sup> so far no single-focused study has exclusively addressed the unique set of challenges and problems faced by Iranian lesbians. The situation of lesbian rights in Iran is particularly complex, since compared to gay men, Iranian lesbians face double discrimination—first as women and then as lesbians. Women’s rights are restricted in terms of their freedom of movement and expression, and the strictly patriarchal structure allows fathers, brothers, and husbands to assert direct control over women and girls. Traditional gender roles situate women as subordinate to men, and modesty is legally enforced through mandatory *hijab*. Discrimination against lesbian women is more extreme with the intersection of gender and sexuality,

**In addition to the restrictions on their rights as women, lesbians in Iran face further restrictions due to the criminalization of same-sex conduct, along with widespread social intolerance. This double discrimination contributes significantly to the abuses they face.**

<sup>1</sup> For instance, see: “We Are a Buried Generation, Discrimination and Violence against Sexual Minorities in Iran,” Human Rights Watch, December 15, 2010, available at: <https://www.hrw.org/report/2010/12/15/we-are-buried-generation/discrimination-and-violence-against-sexual-minorities> [accessed May 31, 2016] and “Denied Identity: Human Rights Abuses Against Iran’s LGBT Community,” Iran Human Rights Documentation Center [November 7, 2013] available at: <http://www.iranhrdc.org/english/publications/reports/1000000398-denied-identity-human-rights-abuses-against-irans-lgbt-community.html> [accessed May 31, 2016].

leaving Iranian lesbians highly vulnerable to exploitation and abuse.

This report sets out the research findings of OutRight Action International (OutRight) in relation to the human rights of lesbians in Iran, in law, policy, and practice. The report begins with a consideration of the legal-political environment relevant to lesbians in Iran; it then examines the human rights violations and abuses that lesbians face in many areas of their lives. The report concludes with a series of recommendations, to the Iranian authorities and the international community, to support the cause of lesbian rights in Iran.

## **Discriminatory laws and practices against those perceived to be homosexual, and government-sponsored propaganda against homosexuality, encourages acts of social and domestic abuse and violence against lesbians, who are portrayed as criminals and sick because of their sexual orientation.**

While Iran has ratified many of the major international human rights treaties and conventions, and human rights protections are included in the Constitution, the political-legal environment for women is dire. The Iranian legal system discriminates against women and girls, and Iran has not ratified the International Convention on the Elimination of all forms of Discrimination Against Women. Iranian law requires a more restrictive Islamic dress code for women (*hijab*) than for men, impedes the rights of women in personal status matters such as marriage, divorce, inheritance,

and child custody, and prohibits the full enjoyment of women in employment and matters of public affair.

Social expectations for women to marry, coupled with a lack of economic and legal independence (women account for only 16 per cent of the labor force),<sup>2</sup> mean that lesbians, as women, will often have decisions made for them by males in their family. Lesbians have little chance or ability to challenge or resist when the decision is made that they will marry a man. This can lead to situations where lesbians live their entire lives in marriages in which nonconsensual heterosexual sexual acts are continually and regularly forced upon them.<sup>3</sup>

In breaking traditional gender roles, Iranian lesbians directly challenge the expectations for them to be wives and mothers within traditional bonds of heterosexual marriage. Most of the lesbians who agreed to discuss their lives with OutRight spoke about the guilt they felt that somehow their sexual desires were abnormal, wrong, or sinful. They told OutRight about the devastating impact of this guilt

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2 “Situation of human rights in the Islamic Republic of Iran: Report of the Secretary-General,” UN General Assembly, Human Rights Council, A/HRC/28/26, (February 20, 2015), page 7, available at: [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A\\_HRC\\_28\\_26\\_ENG.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_26_ENG.doc).

3 “Human Rights Violations on the Basis of Sexual Orientation, Gender Identity, and Homosexuality in the Islamic Republic of Iran,” International Gay and Lesbian Human Rights Commission (IGLHRC) and Iranian Queer Organization (IRQO), Submission to the 103rd Session of the Human Rights Committee (October 17–November 4, 2011), page 4, available at: <http://www.iglhrc.org/sites/default/files/Iran%20Shadow%20Report%202011.pdf> [accessed May 23, 2016].

on their lives: their internal struggles and the constant tension and conflict they experienced with others, including their intimate partners and family members. Some of those who had suffered sexual- or gender-based violence also spoke to OutRight about the psychosocial effects of this abuse on their lives. Across the board, interviewees described a life full of constant fear and angst at abuse.

In addition to the restrictions on their rights as women, lesbians in Iran face further restrictions due to the criminalization of same-sex conduct, along with widespread social intolerance. This double discrimination contributes significantly to the abuses they face.

Lesbians face arbitrary arrest and detention, and they suffer further human rights violations at the hand of police while in detention, ranging from homophobic assaults to physical torture.

In the health care system, lesbians face a level of ignorance that can put their lives at risk. Medical professionals try to treat lesbians with hypnotic drugs to “cure” them, and they suggest sex reassignment surgery as a solution to their “illness.” As this report shows, however, some medical professionals are agents for positive change, and provide valuable support and advice to lesbians and their families, despite the very difficult political-legal environment.

Lesbians in Iran also face human rights abuses from private actors, including in the workplace, at school, in the family, and in public. Discriminatory laws and practices against those perceived to be homosexual, and government-sponsored propaganda against homosexuality, encourages acts of social and domestic abuse and violence against lesbians, who are portrayed as criminals and sick because of their sexual orientation.

Despite Iran’s legal obligations to respect and protect the rights to freedom of expression, association, and assembly, lesbians face harsh restrictions on these rights, including in the context of online discussion and activism, and in their choice of clothing as an expression of identity.

Faced with human rights violations and abuses in almost every area of their lives, some lesbians have chosen to flee Iran and seek asylum in other countries, experiencing further discrimination and abuses as they wait for their asylum applications to be processed.

Before making a series of recommendations, this report ends with a chapter titled “Resilience,” in recognition of those lesbians who have chosen to stay in Iran and find ways to build a peaceful and productive life in a dominantly heteronormative environment, relying on networks of like-minded friends, and taking small steps toward the realization of their rights in the future.

# Methodology

**The findings of this report are based on interviews, desk research, and media monitoring.**

A team of OutRight researchers conducted a series of interviews between September 2012 and January 2015. During this period, OutRight interviewed Iranian lesbians inside and outside of Iran, online, and in person. In total, 42 people were interviewed. They represent different age groups (between 21 and 50 years of age), family backgrounds, levels of education, types of employment, and come from different parts of Iran. The interviews lasted on average between one to two hours and were conducted in Persian (Farsi). In order to conduct in-person interviews, the OutRight team travelled to Turkey twice (September 2012 and November 2014), and

**The Iranian government does not allow NGOs such as OutRight to enter the country to conduct independent human rights research.**

to Canada once (August 2013), to meet and interview lesbian refugees and asylum seekers. The English translation of the interviews and the first draft of the report, which were in Persian, and the subsequent extensive consultations with a number of country and thematic experts to ensure the accuracy of the reports, was an involved process. Though the process

was time-consuming, it helped us to prepare a report that aspires to portray the growing needs and the evolving nature of the Iranian lesbian community.

The Iranian government does not allow NGOs such as OutRight to enter the country to conduct independent human rights research. Many individuals inside Iran are not comfortable discussing human rights issues via telephone or e-mail, fearing they are subject to government surveillance. Some who are outside Iran do not feel comfortable revealing their identities for fear of their safety or retribution against their families inside the country. In order to protect the privacy and safety of individuals interviewed as part of this research, we have changed the names of the interviewees and have used pseudonyms. Similarly, some of the identifying details of the testimonies were changed to protect the identities of those individuals whose testimonies were used in this publication.

Lastly, as part of our research, OutRight reached out to several Iranian state agencies, including the Ministry of Education and the Justice Ministry, and asked about their position on issues related to the treatment of lesbians in Iran. Unfortunately, except for one email acknowledging the receipt of our correspondence, none of the agencies responded.

OutRight Action International extends its thanks to those who provided information for this report.



# Political-Legal Environment

**The government of Iran identifies as Islamic and governs under Sharia law.**

This leads directly to restrictions on the rights of women and, as such, the rights of lesbians in Iran. Indeed, since the Islamic Revolution of 1979, many legal rights benefiting women have been repealed. The history of women’s rights under recent governments is an important factor in understanding the realities for Iranian lesbians in the 21<sup>st</sup> century. While Iran has ratified many of the human rights treaties and conventions, its domestic legal framework does not satisfy these international obligations.

**The combination of homophobic laws and anti-LGBTIQ attitudes by many law enforcement agents have made it extremely difficult, if not impossible, for Iranian lesbians who have been subjected to discrimination and abuse to seek justice.**

## National Context

### Pre-Revolution Iran

Iranian women achieved suffrage under the Iranian Shah’s government in 1962.<sup>4</sup> Whilst the battle for gender equality was complex and political activities restricted, the state expressed the will to provide women’s rights, introducing laws that made access to education and work outside the home easier. In 1967, the Shah introduced the Family Protection Law, raising

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<sup>4</sup> “The Iranian Women’s Movement: A Century Long Struggle,” Mahdi, A., *The Muslim World* (Vol. 94), 2004, p. 432, available at: <http://go.owu.edu/~aamahdi/Iranian%20Women%20Movement%20A%20Century%20Long%20Struggle.pdf> [accessed May 23, 2016].

the age of marriage to 18, and putting divorce under the authority of family courts.<sup>5</sup> In the 1970s, these laws were further expanded to relax the restrictions on abortion. Rising against modernity, however, religious women were mobilized to create a significant force against the Shah. The momentum of this movement attracted younger, secular women to adopt the veil and join the movement.<sup>6</sup>

## Islamic Government and Sharia Law

The movement against the Shah culminated in the 1979 Islamic Revolution. In establishing the Islamic Republic of Iran, the incoming government took concrete steps to implement their interpretation of Islamic Sharia law and reverse the trend of Westernization they believed had taken hold of the country under the Shah.<sup>7</sup> Sharia law is the legal system for Islam that derives from the Quran, Islam's holy text, and the *Sunnah*, or religious traditions based on the sayings of the Prophet Muhammad. It acts as a code of conduct governing many aspects of the personal and public lives of Muslims. In Iran, Sharia law is based on the *Imamiyyah* school of Shia Islam, which is the official state religion and religion of the majority of Iranians.<sup>8</sup> In Iran, Sharia law is largely interpreted by the

**...the crime of marital rape does not exist at all under Iran's penal code.**

clerical establishment, which wields great influence over the legislative process, and ensures that laws and regulations do not violate Islamic law.

Under this legal system, the Family Protection Law was repealed<sup>9</sup> and a decree was issued demanding that women dress “properly,” indicative of the introduction of a much more restrictive and gender-binding approach to women's rights, making it harder to challenge such norms.<sup>10</sup>

## Constitution

Iran's Constitution was adopted by referendum in 1979, replacing the Constitution of 1905. It was amended in 1989. The Constitution calls for the creation of an Islamic Republic,<sup>11</sup> in which Islam is the law of the land.<sup>12</sup> The country is run through democratic processes exemplified in referenda as well as local and national elections.<sup>13</sup> Furthermore, the legitimacy of all democratic procedures originates from the Supreme Leader, who acts as the representative

5 Ibid.

6 Ibid, p. 433.

7 “The Origins of Islamic Law,” 2015, available at: <http://www.crf-usa.org/america-responds-to-terrorism/the-origins-of-islamic-law.html> [accessed October 26, 2015].

8 For more information, please see: “Islam: Governing Under Sharia,” Johnson, T. and Aly Sergie, M., available at: <http://www.cfr.org/religion/islam-governing-under-sharia/p8034> [accessed October 22, 2015].

9 In April 2013, Iran ratified a new and controversial version of Family Protection Law, based on Islamic principles. The full text of the law is available at: <http://www.rooznamehrasmi.ir/laws/ShowLaw.aspx?Code=847> [accessed June 21, 2016]

10 “The Iranian Women's Movement: A Century Long Struggle,” Mahdi, A., *The Muslim World* (Vol. 94), 2004, p. 434, available at: <http://go.owu.edu/~aamahdi/Iranian%20Women%20Movement%20A%20Century%20Long%20Struggle.pdf> [accessed May 23, 2016].

11 Article 1, The Constitution of the Islamic Republic of Iran, as amended on July 28, 1989.

12 Article 3, The Constitution of the Islamic Republic of Iran, as amended on July 28, 1989.

13 Article 6, The Constitution of the Islamic Republic of Iran, as amended on July 28, 1989.



of the Hidden Imam, or the Shiite's Messiah.<sup>14</sup> Articles 19 to 42 provide for the "Rights of the People." The Constitution abolishes all forms of "undesirable discrimination" and declares: "All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights."<sup>15</sup> The constitution calls for "equitable opportunities for all, in both the material and intellectual spheres."<sup>16</sup> Despite these guarantees, however, Iranian law, including the Labor Law, provides no protection from discrimination and abuse for those individuals.<sup>17</sup>

## Status of Women

In 2014, the Global Gender Gap Index of the World Economic Forum ranked Iran at just number 137 out of 142 countries.<sup>18</sup> The Iranian

14 Article 5, The Constitution of the Islamic Republic of Iran, as amended on July 28, 1989. Also see chapter VIII, Articles 107-112 of the Constitution.

15 Article 20, The Constitution of the Islamic Republic of Iran, as amended on July 28, 1989.

16 Article 3 (9), The Constitution of the Islamic Republic of Iran, as amended on July 28, 1989.

17 Iran is a signatory to the International Labour Organization Convention concerning Discrimination in Respect of Employment and Occupation ([http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::PI2100\\_ILO\\_CODE:C111](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::PI2100_ILO_CODE:C111)) for more information about this, please see: <http://rc.majlis.ir/fa/law/show/95510> [accessed January 16, 2016]. Article 38 of the Iranian Labor Law requires equal pay to both men and woman for equal work and prohibits discrimination in pay based on "age, gender, race, nationality, and political or religious beliefs," please see: <http://www.mcls.gov.ir/fa/law/267/> [accessed January 16, 2016]. In her interview with the official Iranian news agency, the *Islamic Republic News Agency (IRNA)*, September 6, 2015, Ms. Bahareh Rahmani, Deputy Director of State Welfare Organization in Qazvin province, specifies "joblessness" as a major issue that trans individuals, especially after their SRS, have to deal with. To read Ms. Bahareh Rahnama's full interview with IRNA, please see: <http://www.irna.ir/fa/News/81749161/> [accessed January 7, 2016].

18 "Situation of human rights in the Islamic Republic of Iran: Report of the Secretary-General," UN General Assembly, Human Rights Council, A/HRC/28/26, (February 20, 2015), page 7, available at: [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A\\_](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_)

legal system discriminates against women and girls. The law requires a more restrictive Islamic dress code for women (*hijab*) than for men, impedes the rights of women in personal status matters such as marriage, divorce, inheritance, and child custody, and prohibits the full enjoyment of women in employment and public affairs matters.

Pursuant to Article 638 of the Islamic Penal Code (IPC), which criminalizes *haram* acts (acts generally considered sinful or prohibited by *Sharia* law), authorities can arbitrarily harass, arrest, detain, and prosecute anyone perceived to have committed sinful acts in public.<sup>19</sup>

Individuals convicted under this article can spend between ten days and two months in prison, or be subjected to 74 lashes. A note to the article specifically states that all women appearing in public without the proper *hijab* can be prosecuted and sentenced under this article regardless of their religious beliefs or opinions.<sup>20</sup> The *hijab* generally requires women

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19 Islamic Penal Code, article 638. The article states: "Anyone who openly commits, or pretends to commit a *harām* (sinful) act in public, is subject to the punishment required by law for that act, and additionally shall be sentenced to two months' imprisonment or up to 74 lashes. If the person commits an act that is not punishable but violates public decency, the perpetrator shall only be sentenced to between 10 days to two months' imprisonment or up to 74 lashes."

20 Islamic Penal Code, article 638, note: "Women, who appear in public without wearing an Islamic hijab shall be sentenced to between 10 days to two months' imprisonment or a fine of 50,000 to 5,000 Rials (\$1.5 U.S. to \$15 U.S.)" The Special Rapporteur on freedom of religion or belief has specifically addressed mandatory dress code for women in Iran, arguing that, "In the socio-cultural field, the Special Rapporteur recommends that practical steps should be taken to ensure strict respect for the principle that religious laws should be applied in personal and community affairs, thereby excluding the application of the Shari'a to non-Muslims. With regard to the dress code, the Special Rapporteur emphasizes that the various

to cover their hair and dress in loose-fitting clothes that do not show certain parts of the body, yet there is no distinction, or specificity, in the law regarding what constitutes improper *hijab*. Article 638 also can, and has, been used by the authorities to target individuals who are perceived to be wearing gender non-conforming clothing.<sup>21</sup>

**Women are unable to file for divorce without either the cooperation of their husbands or by providing a legitimate reason to courts—a process that can take years. Men, on the other hand, can divorce their wives by simply filing for divorce without reason.**

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community traditions and behaviour concerning dress should likewise be respected, but believes that dress should not be turned into a political instrument and that flexible and tolerant attitudes should be shown so that the richness and variety of Iranian dress can be manifested without coercion. In particular, in the field of education, and especially in minority schools, the Special Rapporteur recommends freedom of dress on the understanding that this should obviously not be exercised in a manner contrary to its purposes.” For more information, please see E/CN.4/1996/95/Add.2, para. 97 (country visit to the Islamic Republic of Iran), available at: <http://www.ohchr.org/Documents/Issues/Religion/RapporteursDigestFreedomReligionBelief.pdf> [accessed October 26, 2015].

21 “Cross-dressing’ criminal sentence in Iran sparks outrage, social media campaign,” April 25, 2013, available at: <http://www.rt.com/news/iran-cross-dressing-protest-374/> [accessed September 25, 2015]; “Struggle over what to wear in Iran,” Rezaian, J., July 12, 2012, available at: [https://www.washingtonpost.com/world/middle\\_east/struggle-over-what-to-wear-in-iran/2012/07/21/gJQAbkspzW\\_story.html](https://www.washingtonpost.com/world/middle_east/struggle-over-what-to-wear-in-iran/2012/07/21/gJQAbkspzW_story.html) [accessed September 25, 2015].

The recently amended IPC, which came into effect in 2013, also treats women and girls differently from men and boys in various matters ranging from the value of their testimony in legal proceedings—which is equal to half of a man’s testimony—to severity of punishment, the age of criminal responsibility, and the recovery of “blood money.”<sup>22</sup> Article 20 of Iran’s Constitution states that “[a]ll citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights,” but stipulates that such equality should be implemented “in conformity with Islamic criteria.”<sup>23</sup>

In legal terms, men are viewed as the head of the household,<sup>24</sup> and the government should not interfere with the private sphere of the family.<sup>25</sup> Article 1117 of the Civil Code states that a husband may prevent his wife from occupations or technical work deemed incompatible with family interests or the dignity of him or his wife. This law has also been used to prevent women from pursuing artistic activities.<sup>26</sup>

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22 “Women in the Islamic Republic of Iran: Legal Status, Social Positions, and Collective Action,” Moghadam, V., 2004, available at: <https://www.wilsoncenter.org/sites/default/files/ValentineMoghadamFinal.pdf> [accessed October 26, 2015].

23 For English translation of Iran’s Constitution, please see: <http://www.iranonline.com/iran/iran-info/government/constitution-3.html> [accessed October 24, 2015].

24 For an overview of the husband’s rights versus the wife’s rights over their children in the Iranian legal system, please see “Critique of Husband’s Guardianship of children,” available at: <http://pajuhesh.irc.ir/product/book/show/id/441/indexId/92421> [accessed January 19, 2016].

25 “Domestic Violence against Single and Married Women in Iranian Society,” Moradian, A., Iranian.com, September 10, 2009, available at: <http://iranian.com/main/blog/azad/domestic-violence-against-single-and-married-women-iranian-society.html> [accessed September 23, 2015]. Also please see UNICEF’s 2011 report on Gender Equality Profile in Iran, available at: <http://www.unicef.org/gender/files/Iran-Gender-Equailty-Profile-2011.pdf> [accessed January 19, 2016].

26 “Situation of human rights in the Islamic Republic of

This subordination of women to men increases vulnerability to domestic violence, especially when women are economically dependent on their husbands or other male guardians.<sup>27</sup> More specifically, Iranian law grants fathers and husbands the ultimate power to make household decisions that directly affect the lives of women and girls, including filing for divorce, authorizing the travel of their wives overseas, and exercising guardianship over children. For example, the age of maturity for girls, which also corresponds to the age of criminal liability, is pegged at nine lunar years (eight years and eight months),<sup>28</sup> while it is 15 lunar years (14 years and seven months) for boys.<sup>29</sup> Under

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Iran: Report of the Secretary-General,” UN General Assembly, Human Rights Council, A/HRC/28/26, (February 20, 2015), page 8, available at: [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A\\_HRC\\_28\\_26\\_ENG.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_26_ENG.doc).

27 Jelve Javaheriyani, in an interview with *Iranian Student News Agency*, ISNA, “What are the most common forms of domestic violence,” December 26, 2013, available at: <http://isna.ir/fa/news/92100602922/%D8%B1%D8%A7%D-B%8C%D8%AC-%D8%AA%D8%B1%DB%8C%D9%86-%D8%AE%D8%B4%D9%88%D9%86%D8%AA-%D8%AE%D8%A7%D9%86%DA%AF%D-B%8C-%D8%AF%D8%B1-%D8%A7%D-B%8C%D8%B1%D8%A7%D9%86-%DA%86%D-B%8C%D8%B3%D8%AA> [accessed October 26, 2015] and “The punishment of disobedient wives,” Paknahad, available in Persian at: <http://www.tebyan.net/newmobile.aspx/Comment/index.aspx?pid=88454> [accessed October 26, 2015].

28 Article 1210 (section 1) of the Iranian Civil Code, available online at <http://rc.majlis.ir/fa/law/show/97937> [accessed October 20, 2015]. According to UNICEF’s State of the Child Report, three per cent of all girls in Iran are married by the age of 15, 17 per cent by the age of 18. For more information, see: “Rights of the Child in Iran: Joint Alternative Report by Civil Society Organizations on the Implementation of the Convention of the Rights of the Child by the Islamic Republic of Iran,” available at: [http://iglhrcarchive.org/sites/iglhrcarchive.org/files/CRC71\\_Iran\\_JointSubmission\\_FINAL2.pdf](http://iglhrcarchive.org/sites/iglhrcarchive.org/files/CRC71_Iran_JointSubmission_FINAL2.pdf) [accessed October 20, 2015].

29 Ibid. Also for an excellent analysis of the scope of criminal liability of children in Iran, please see: “The Age of Criminal Liability among the Minors and Adolescents in Iran,” Saburipoor, M. and Sadr, F.A., published in Persian in *Criminal Law Research Periodical*, Year VI, Issue 1, Spring and Summer of 2015, PP

the civil code, the legal age of marriage for girls is 13 solar years and for boys it is 15, but girls as young as eight years and eight months can get married with the permission of their legal guardian and a judge.<sup>30</sup> Women are unable to file for divorce without either the cooperation of their husbands or by providing a legitimate reason to courts—a process that can take years. Men, on the other hand, can divorce their wives by simply filing for divorce without reason.<sup>31</sup> Daughters may inherit only half that of their male siblings’ property from their deceased parents.<sup>32</sup>

Under Iranian law, rape is strictly defined as non-consensual or forced penetrative sex with someone outside the traditional bonds of marriage. In other words, “rape” is only punishable (by death) in cases of non-consensual adultery, fornication, or sodomy,<sup>33</sup> and the crime of marital rape does not exist at all under Iran’s penal code.<sup>34</sup> The lack of standalone

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171-194. Available at: [http://jol.guilan.ac.ir/article\\_1198\\_0.html](http://jol.guilan.ac.ir/article_1198_0.html) [accessed January 19, 2016].

30 Article 1041 of the Iranian Civil Code, which was amended in 2002, states, “Marriage of a girl before reaching the age of 13 solar years and a boy before reaching the age of 15 solar years is allowed upon the permission of their guardian, but on the condition of appropriateness, as determined by a competent court.” Please see: <http://rc.majlis.ir/fa/law/show/99682> [last accessed March 17, 2016].

31 “Iran’s Divorce Rate Stirs Fears of Society in Crisis,” Yong, W., available at: [http://www.nytimes.com/2010/12/07/world/middleeast/07divorce.html?\\_r=0](http://www.nytimes.com/2010/12/07/world/middleeast/07divorce.html?_r=0) [accessed October 22, 2015].

32 For more information please see Iran Inheritance Law, available in English at: <https://www.princeton.edu/iran-dataportal/laws/labor-civilsociety/inheritance/> [accessed October 22, 2015].

33 Islamic Penal Code, article 224.

34 Additionally, under law, a wife must generally submit to the will of her husband (*tamkeen*), which includes her being sexually available to her husband whenever he desires. Iranian Civil Code, Art 1108 stipulates, “If a wife, without legitimate cause, refuses to perform her wifely duty, she is not entitled to alimony.” For more information in this regard, please see Dr. Abdul Rasoul Siyani’s article

legislation identifying and criminalizing rape independent of a heteronormative marriage relationship renders all victims of sexual violence in Iran vulnerable—if they fail to prove they were raped they could run the risk of being found guilty of engaging in consensual sex outside of marriage and, therefore, subject themselves to prosecution. But the absence of such legislation arguably impacts members of the LGBTIQ community more, and especially affects lesbians, since they are particularly vulnerable to sexual abuse and gender-based violence.<sup>35</sup>

## Gender Segregation

Since the 1979 Revolution in Iran, gender segregation has been strictly enforced in all primary and secondary schools, but not in universities. The aim of this segregation is to ostensibly remove the perceived moral corruption that surrounds the mixing of sexes, as well as enabling students to focus solely on their studies.<sup>36</sup> In recent years, the hardliners in Iran have tried to expand the gender segregation in schools, announcing a new initiative to publish gender-specific

in Persian about “Obedience [*tamkeen*] and disobedience [*nooshooz*] of a wife and the practical mechanism to address lack of obedience,” available at: <http://www.dadsetani.ir/Portals/dadsetani.ir/PaperAttch/957.htm> [last accessed March 17, 2016].

35 Several individuals who were interviewed for this report told us how despite being forced into a heterosexual marriage and subsequently being subjected to marital rape, the legal definition of rape in Iranian legal system as well as the criminalization of same-sex relations, prevented them from filing any complaint with the police. For example, see the story of Ana from Ahar on page 42 of the report.

36 For a full history of gender segregation in Iran, see “Women and Politics in the Islamic Republic of Iran: Action and Reaction,” Vakil, S., available at: [https://books.google.com/books?id=WB3m-cBtrQ4C&pg=PA109&d-q=gender+segregation+in+school+in+Iran&hl=en&sa=X&ved=0CCwQ6AEwAwVChMIhNT\\_\\_\\_fWyAIVzHQ-Ch-3v7gW6#v=onepage&q=gender%20segregation%20in%20school%20in%20Iran&f=false](https://books.google.com/books?id=WB3m-cBtrQ4C&pg=PA109&d-q=gender+segregation+in+school+in+Iran&hl=en&sa=X&ved=0CCwQ6AEwAwVChMIhNT___fWyAIVzHQ-Ch-3v7gW6#v=onepage&q=gender%20segregation%20in%20school%20in%20Iran&f=false) [accessed October 22, 2015].

textbooks for school children.<sup>37</sup> In recent years, the Ministry of Science, which is responsible for all higher education in universities, has adopted policies to Islamicize universities and segregate certain classrooms and public spaces.<sup>38</sup> Such policies have resulted in women being denied equal access to higher education institutions.<sup>39</sup> Segregation is not just limited to schools.

Despite the fact that there is no legislation requiring gender segregation in all public places, various organs of the state have adopted regulations that segregate genders in sports centers and on public transport.<sup>40</sup>

## International Obligations

Application of international human rights law is guided by the fundamental principles of universality, equality and non-discrimination. Everyone, irrespective of their sexual orientation and gender identity (SOGI), is entitled to enjoy the protection of international human rights law with respect to all human rights—civil, political, economic, social, and cultural.<sup>41</sup>

37 “Iran To Extend Gender Segregation To School Textbooks,” [http://www.rferl.org/content/iran\\_gender\\_segregation\\_school\\_textbooks/24455032.html](http://www.rferl.org/content/iran_gender_segregation_school_textbooks/24455032.html) [accessed October 22, 2015].

38 Human Rights Watch news release, “Iran: Ensure Equal Access to Higher Education,” September 22, 2012, <https://www.hrw.org/news/2012/09/22/iran-ensure-equal-access-higher-education> [accessed February 22, 2016].

39 “Gender Segregation Violates the Rights of Women in Iran,” Mouri, L., September 3, 2013, available at: <http://www.iranhumanrights.org/2014/09/gender-segregation/> [accessed October 26, 2015].

40 Human Rights Watch news release, “Iran: End Ban on Women at Volleyball Matches,” October 29, 2015, <https://www.hrw.org/news/2015/10/29/iran-end-ban-women-volleyball-matches> [accessed February 22, 2016].

41 UNITED NATIONS. Discrimination and violence against individuals based on their sexual orientation and gender identity. Report of the Office of the United Nations High Commissioner for Human Rights to the UN Human Rights Council. May 4, 2015. The full text of the Report is available at: [http://www.un.org/en/ga/search/view\\_doc.asp?sym-](http://www.un.org/en/ga/search/view_doc.asp?sym-)

Non-discrimination is a core human rights principle embodied in the Charter of the United Nations (UN), the Universal Declaration of Human Rights (UDHR), and core human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Non-discrimination clauses in international instruments typically require that human rights are made available to everyone without discrimination, and States ensure that their laws, policies and programs are not discriminatory in impact.<sup>42</sup> Iran is a State party to the ICCPR and ICESCR.

The specific grounds of discrimination referred to in the core human rights treaties are not exhaustive. In its General Comment 20 on discrimination, for example, the Committee on Economic, Social and Cultural Rights—the expert UN body that monitors implementation of the ICESCR—observed that “other status... includes sexual orientation. States Parties must ensure that sexual orientation is not a barrier to realizing Covenant rights.”<sup>43</sup>

The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (the Yogyakarta Principles)—developed and adopted by a meeting of human rights experts in Yogyakarta, Indonesia, in November 2006—provide a universal guide to applying international human rights law to abuses experienced by LGBT people.<sup>44</sup>

It is important to note that Iran is not a State party to the International Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), which is the second most ratified Convention with 189 states parties (second only to the Convention on the Rights of the Child).<sup>45</sup> That Iran has not ratified CEDAW is indicative of the situation of women’s rights in the country. CEDAW expressly obliges all states parties to, “modify the social and cultural patterns of conduct...with a view to achieving elimination of prejudices...which are based on the idea of inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”

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bol=A/HRC/29/23&referer=/english/&Lang=E.

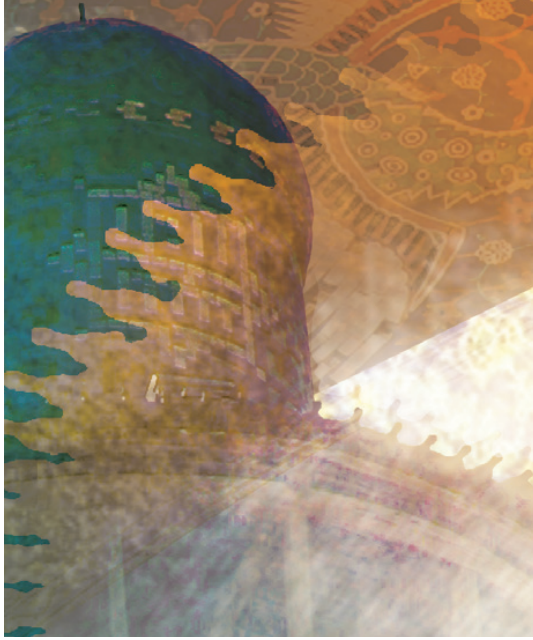
42 UNITED NATIONS. Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity. Report of the Office of the United Nations High Commissioner for Human Rights to the UN Human Rights Council. November 17, 2011. The full text of the Report is available at: [http://www.ohchr.org/Documents/Issues/Discrimination/A.HRC.19.41\\_English.pdf](http://www.ohchr.org/Documents/Issues/Discrimination/A.HRC.19.41_English.pdf).

43 See paragraph 32, UN Committee on Economic, Social and Cultural Rights (CESCR), General comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), July 2, 2009, E/C.12/GC/20. Full text available at: <http://www.refworld.org/docid/4a60961f2.html>; and Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity. Report of the Office of the United Nations High Commissioner for Human Rights to the UN Human Rights Council. November 17, 2011. For full text, see supra note 5.

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44 The Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity. March 2007. Full text available at: [http://www.yogyakartaprinciples.org/principles\\_en.pdf](http://www.yogyakartaprinciples.org/principles_en.pdf).

45 United National Treaty Collection, Convention on the Elimination of All Forms of Discrimination against Women, Status as at 25-05-2016, available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en) [accessed May 23, 2016].



# Discrimination and Criminalization

**Institutionalized gender segregation and the subordination of women within legal frameworks are critical elements of the rights of Iranian lesbians.**

The institutions of religion, family, and the state—all of which determine that women are wives and mothers, submissive to the males in their families—dictate the gender norms governing women in Iran. Marriage of girls at a young age is prevalent, reinforcing their lack of agency over their relationships, let alone their sexual orientation.<sup>46</sup> There is very little room within these structures for challenging the gender norms, and lesbian orientation challenges them on many levels.

In addition to the restrictions on their rights as women, lesbians in Iran face further restrictions due to the criminalization of same-sex conduct, along with widespread social intolerance. Such restrictions force many Iranian lesbians to “go underground” and lead secret lives out of fear of being targeted by the police or being subjected to prosecution. This has given rise to a common misperception that Iranian lesbians are few in number, or they are not discriminated against and do not face serious challenges and risks, including to their health and well-being. OutRight’s research shows that the lack of legal protection, and the possibility of being prosecuted and sentenced because of their sexual orientation, are fears that consume Iranian lesbians throughout their entire lives. In some cases, the fear of prosecution and punishment by the police and judiciary is realized.

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<sup>46</sup> “Situation of human rights in the Islamic Republic of Iran: Report of the Secretary-General,” UN General Assembly, Human Rights Council, A/HRC/28/26, (February 20, 2015), page 8, available at: [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A\\_HRC\\_28\\_26\\_ENG.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_26_ENG.doc).

The legal discrimination faced by lesbians and other members of the LGBTIQ community also contributes to the lack of acceptance of lesbians by society at large, rendering lesbians and other members of the LGBTIQ community vulnerable to harassment, abuse, and violence by both state and private actors. Many Iranian lesbians interviewed by OutRight said they feared reporting harassment, abuse, and sexual- or gender-based violence committed by private actors, including members of their families, to law enforcement officials because they feared prosecution or being “outed” to their friends and family.

By criminalizing consensual same-sex relations, the Iranian government has not only walked away from its responsibility to protect lesbians against violence, it has also created an environment that promotes and facilitates discrimination, harassment, abuse, and violence against this vulnerable community.

## Criminalization of Same-sex Acts

States have an obligation to protect the rights to privacy, liberty, and security of their people. UN mechanisms have called upon States to fulfil these obligations by repealing laws used to punish individuals based on their sexual orientation and gender identity, including laws criminalizing homosexuality, and have rejected attempts to justify such laws on grounds of the protection of public health or morals.<sup>47</sup>

47 UNITED NATIONS. Discrimination and violence against individuals based on their sexual orientation and gender identity. Report of the Office of the United Nations High Commissioner for Human Rights to the UN Human Rights Council. May 4, 2015. The full text of the Report is available at: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/HRC/29/23&referer=/english/&Lang=E](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/29/23&referer=/english/&Lang=E). See CCPR/C/50/D/488/1992, paras. 8.3-10, E/C.12/IRN/CO/2, para. 7, CEDAW/C/UGA/CO/7, paras. 43-44, CRC/C/GAM/CO/2-3, paras. 29-30, A/HRC/14/20 paras. 17-26, CCPR/C/KWT/CO/2, para. 30.

But the IPC criminalizes all consensual sex acts deemed to lie outside the bounds of traditional marriage, including adultery and same-sex acts.<sup>48</sup> These acts are considered *hadd* (plural *hudud*) offenses for which punishments are specified and mandatory under *Sharia* law. Iran’s criminalization of same-sex acts adversely impacts all members of the LGBTIQ community, including lesbians.<sup>49</sup> Under Article 238 of the IPC, the mandatory punishment for *mosaheqeh*, or the rubbing of female genitalia between two or more women, is 100 lashes.<sup>50</sup> The IPC also provides for flogging as a punishment for other same-sex conduct that does not involve sexual organs, such as passionate kissing.<sup>51</sup> According to Article 237, any same-sex act between two men is subject to “31 to 74 lashes.” The note to this article specifically mentions that the same punishment is applicable to women.

48 Related to the criminalization of the consensual same sex relations in the Iranian Penal Code, it should be noted that the IPC mandates the death penalty for individuals engaged in *lav-at* (sodomy), defined as consensual (or forced) penetrative sex between two men. It requires 100 lashes, but not death, for the “active” participant of consensual same-sex relations, provided he is not married and has not engaged in rape. Under the IPC, the punishment for non-penetrative sex acts between two men (foreplay, or *tafkhez*, in Persian) is 100 lashes. Here, too, the IPC discriminates against non-Muslims by requiring judges to issue a death sentence for the “active” partner accused of unlawful foreplay if he is non-Muslim and the “passive” partner is Muslim. Islamic Penal Code, art. 236, note.

49 Adultery, defined as penetrative heterosexual sex with someone other than the spouse (defined as *zinayah mohseneh* under Iran’s penal code), is generally punishable by death by stoning. Islamic Penal Code, arts. 221-32. The punishment for someone who is not married but engages in penetrative heterosexual sex with another (i.e. fornication) is 100 lashes. Islamic Penal Code, art. 230.

50 Islamic Penal Code, arts. 238-40. The IPC defines *mosaheqeh* as an act where a “woman places her sexual organs on the sexual organs of [another woman].”

51 Islamic Penal Code, art. 237. Individuals convicted of these acts may receive between 31 and 74 lashes.



## Abuses in the Justice System

**States have an obligation to protect the rights to privacy, liberty, and security of their people, including the right not to be subjected to arbitrary arrest and detention.**

States must refrain from arresting or detaining persons on discriminatory grounds, including sexual orientation and gender identity.<sup>52</sup>

Several Iranian lesbians who have been arrested by the authorities told OutRight about a range of human rights violations they endured while in detention. The abuses they spoke of ranged from harassment by the police to physical torture.

OutRight's findings regarding the arbitrary arrest and detention of lesbians, and the ill-treatment they suffered while in detention, is consistent with other reports published in this regard. For example, according to a 2010 report by Human Rights Watch, members of Iran's LGBTIQ community face persistent harassment, detention, and violence at the hands of state officials. Human Rights Watch found that Iran's discriminatory laws allow members of Iran's security forces, including the police and the *basij* (hardline paramilitary), to arbitrarily arrest and detain individuals because of their

**“...the interrogators tortured me by pouring boiling water on my skin and beating me, especially on the head. More than physical torture, I was subjected to verbal abuse. They kept telling me that I was a ‘pussy licker.’”**

*- Azadeh from Northern Iran*

<sup>52</sup> UNITED NATIONS. Discrimination and violence against individuals based on their sexual orientation and gender identity. Report of the Office of the United Nations High Commissioner for Human Rights to the UN Human Rights Council. May 4, 2015. The full text of the Report is available at: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/HRC/29/23&referer=/english/&Lang=E](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/29/23&referer=/english/&Lang=E) See CCPR/C/GC/35, paras. 3, 17, A/HRC/4/40/Add.1, opinion 22/2006, para. 19; A/HRC/22/44, para. 38.



perceived sexual orientation.<sup>53</sup> There are no reliable statistics on the number of arrests, imprisonments and floggings of LGBTIQ people—including lesbians—in Iran, as victims often avoid reporting their experiences due to fear and social stigma.

The ICCPR prohibits any form of torture and inhuman treatment in Articles 7 and 10. Although Iran is not a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the prohibition of torture is deeply rooted in customary international law. Torture is also prohibited under Iranian law.<sup>54</sup> The ICCPR and the Convention Against Torture detail what states must do to enforce the prohibition, including the duty to investigate, prosecute, and provide effective remedies when violations occur.<sup>55</sup> The UN Human Rights Committee—the expert UN body that monitors implementation of the ICCPR—has also made clear that the duty to protect people against torture or inhuman treatment not only extends to acts committed by government officials, such as police, but also those inflicted by private individuals.<sup>56</sup>

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53 “Iran: Discrimination and Violence Against Sexual Minorities,” (2010), available at: <https://www.hrw.org/news/2010/12/15/iran-discrimination-and-violence-against-sexual-minorities> [accessed October 26, 2015].

54 Iran Constitution, article 38.

55 See footnote 14 in “We are a Buried Generation,” Discrimination and Violence against Sexual Minorities in Iran, December 2010, available online at: <https://www.hrw.org/report/2010/12/15/we-are-buried-generation/discrimination-and-violence-against-sexual-minorities> [accessed October 23, 2015].

56 See footnote 15 in “We are a Buried Generation,” Discrimination and Violence against Sexual Minorities in Iran, December 2010, available online at: <https://www.hrw.org/report/2010/12/15/we-are-buried-generation/discrimination-and-violence-against-sexual-minorities> [accessed October 23, 2015].

## Arrest and Detention

Given the legal ban on same-sex relations among women in Iran, the possibility of arrest and legal punishment, including jail sentence and flogging, by authorities remains a reality for Iranian lesbians. Maryam’s case is an example of such state persecution of individuals because on their sexual orientation.

**Maryam A.**, an Iranian lesbian from Tehran, was forced to marry her first cousin, who was 22 years her senior, when she was only 14 years of age. From the beginning, Maryam had no physical or emotional attraction to her husband. In response, her frustrated husband became increasingly verbally and physically abusive, and even forced Maryam to see a doctor and take medications to cure what he considered to be her lack of sexual stamina. Maryam told OutRight that the medications caused her to become depressed and develop psychological problems. Finally, after several years of enduring abuse, violence, and marital rape, Maryam managed to convince her husband to divorce her.

Following the divorce, Maryam moved in with her parents and subsequently began a new life, entering into a romantic relationship with her true love, Sara. Under family pressure, Maryam was initially forced to stay away from Sara and could only see her in secret. Sara, who was madly in love with Maryam, even contemplated undergoing sex reassignment surgery (SRS) so that she could openly, and legally, live with Maryam. The couple finally decided to run away and move to a small town in northern Iran. Everything seemed to be going well until one night, when their neighbors called the police to complain about loud noises coming from Maryam and Sara’s house, where

they were holding a party. The police raided the home and arrested the couple.

The police held them, separately, in detention for several days. During the interrogations, the authorities realized that Maryam and Sara had been cohabitating for a long time, something that is not all too common for single women in Iran. The police pressured them to confess about the nature of their relationship. Under duress, and without having any access to lawyers or being informed of their rights, Maryam and Sara confessed to having a romantic and sexual relationship.

Following a 30-minute trial that was based on their forced confessions, Maryam and Sara were each sentenced to 100 lashes and jail time. Maryam told us that she and her partner were both flogged on the first day of their imprisonment. Maryam lost consciousness during the flogging, and Sara became sick for two weeks after the incident. Both suffered intense physical and psychological trauma as a result of the flogging.

Maryam and Sara were unaware that under the IPC, *mosaheqh* was not punishable by death; they were expecting to soon be executed for same-sex relations. Maryam told us that even her lawyer, whom they hired after their trial, kept talking about the possibility of the death penalty, which Maryam later believed was a tactic to get her to pay more money for her legal services.

Maryam spent close to 10 months in jail, not knowing what fate awaited her. During this period, she was in constant fear of imminent execution, and sustained frequent homophobic physical assaults by female inmates and prison guards, who were told of Maryam's sexual

orientation.<sup>57</sup> After spending 10 months in jail, Maryam was informed by the authorities that she was scheduled to appear before the court for another trial.

On the trial day, much to Maryam's surprise, her father and grandfather appeared in the courthouse and attempted to attack and beat her in front of the police and judge. Maryam, as she was trying to shield herself from her father and her paternal grandfather, recalled hearing someone shouting, "Sir, is this your daughter? She deserves to die."

Considering the time served in prison, the court decided to release Maryam that same day. But the newly freed Maryam, who just experienced physical assault during the court session, and had been subjected to flogging, beating, and a coerced confession, did not feel safe or protected. Still wearing the prison slippers, she took the first cab she could hail in front of the courthouse to go directly to Tehran. Shortly thereafter, she managed to escape the country for Turkey, where she finally registered herself at UNHCR as a refugee.<sup>58</sup> **Azadeh**, a young woman in her 20's from Northern Iran, is another lesbian who experienced torture. She was abducted by intelligence officers and was forced to undergo

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57 Under Article 7 of the International Covenant on Civil and Political Rights, and in line with the absolute prohibition of torture in customary international law, Iran has a duty to refrain from committing any act of torture, cruel, inhumane and degrading treatment, and to protect prisoners under its jurisdiction from being subjected to these acts by State actors. Similarly, Iran's Constitution prohibits torture (Article 38) and prohibits defamation and humiliation of those convicted and imprisoned (Article 39). Also, Article 24 (C) of Regulations of Correctional Facilities in Iran requires the head of the correctional facilities to oversee and monitor the treatment of inmates by prison guards. See the regulations (in Persian) at: <http://prisons.ir/> ه-ن-ادن-ز-ن-امزاس-همان-نی-آ-ه-مان-نی-ی-ا-ون-ی-ن-ا-وق [accessed October 23, 2015].

58 Interview in Turkey on June 14, 2013, with OutRight.

a “reorientation course” after they became suspicious of her sexual orientation. Azadeh grew up in a religious family and her father is a decorated military general. Although Azadeh was an observant Muslim, she had come under a lot of pressure, and received numerous threats, because of her activism in defense of LGBTIQ rights and her efforts in educating the public about issues related to sexual orientation.

These activities eventually led to her arrest, which she described to us this way:

A girl who had some personal issues with me reported my sexual orientation to my father. He handed me over to the Intelligence Office. The authorities ran a background search on me and found some articles and several short stories that I had written. One of the materials that they used against me was a short story I had written about two homosexual soldiers who were both killed in the Iran-Iraq war. I tried to deny the charges by telling them the stories were written by my friends and not me. The authorities told my father that I had to go through a “reorientation course.” I only spent three days in those classes, and managed to eventually get out of it. Normally, once they take you to those “reorientation courses” you can’t easily get out. [I was lucky that] my father intervened and managed to get me out of there.

In her interview with OutRight, Azadeh described the abuse she sustained during this forced “course”:

During the three days that I was forced to attend the “reorientation course,” I was tortured. Before the course started,

my father made me take a virginity test and filed the results of the tests with the authorities. The course took place in a remote villa outside of the town. During those three days I spent day and night with 40 other people in one room, without talking to them, except for the time that the person who was sitting next to me said, “my burns really hurt.”

The interrogation happened in a separate room...the interrogators tortured me by pouring boiling water on my skin and beating me, especially on the head. More than physical torture, I was subjected to verbal abuse. They kept telling me that I was a “pussy licker.” They also used to shout abuse about my father and mother...I never directly used the word “homosexuality” in my writings, but they wanted to use those writings to get a confession from me that I am a lesbian. I denied everything. There were two or three Shia clergymen in the interrogation room, preaching religion to us, but during the interrogations they were silent. During those three days I was so disoriented that I did not know how many days and nights had passed; it felt like four months to me. I got an infection on my arm after they threw boiling water on it. The interrogators realized the burnt skin would leave marks on my body so they brought in a doctor to examine me. Finally, my father managed to rescue me from there.<sup>59</sup>

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59 Skype interview on December 13, 2014, with OutRight.



# Abuses in the Healthcare System

**Given the limited knowledge of Iranians about sexual orientation and issues affecting the LGBTIQ community, as well as the social stigma attached to homosexuality, many lesbians in Iran are directed by their family members to seek psychiatric and medical help to “cure their problem.”**

The prevailing view among healthcare professionals in Iran is that homosexuality is a psycho-sexual illness.<sup>60</sup> This view is systematically promoted by medical schools and universities, and complements the government’s official position that homosexuality is a scourge that must be addressed, and that homosexual acts violate the *Sharia* law and must be accordingly punished.<sup>61</sup> Since 1973, the American Psychiatric Association’s (APA) renowned Diagnostic and Statistical Manual (DSM) has no longer considered homosexuality as a disease.<sup>62</sup>

According to universally accepted medical ethics, healthcare providers are legally and ethically required to treat their patients as autonomous individuals and refrain from harming them. They are also required to take positive steps to help their patients by contributing to their general

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60 “Iran Rights Official Calls Homosexuality ‘Disease,’” *Radio Free Europe*, January 7, 2012, available at: [http://www.rferl.org/content/iran\\_rights\\_official\\_calls\\_homosexuality\\_disease/24444986.html](http://www.rferl.org/content/iran_rights_official_calls_homosexuality_disease/24444986.html) [accessed September 23, 2015].

61 For example, see: “Homosexuality, Causes, and Cures,” on the official website of the Kermanshah Medical University (in Persian), available at: <http://dalahoo.kums.ac.ir/fa/article/198> [accessed October 23, 2015] and “Successful treatment of homosexuality through cognitive behavioral therapy,” published by the Iranian Journal of Forensic Science, Winter 2006, summary of which is available in Persian at: <http://ecc.isc.gov.ir/showJournal/186/4238/43234> [accessed October 23, 2015].

62 “Out of DSM: Depathologizing Homosexuality,” Drescher, J., *Behavioral Sciences*, December 2015, available online at: <http://www.mdpi.com/2076-328X/5/4/565/htm> [accessed March 18, 2016]

welfare.<sup>63</sup> In a society such as Iran, where public knowledge about sexual orientation is severely limited and misinformation abundant, health care professionals, including psychiatrists and psychologists, can play an important role in providing lesbians with critical psychological and emotional support—support that could allow them to cope with the challenges and pressures they face, such as guilt and self-loathing, forced marriages, and the temptation to undergo SRS. Alternatively, the negative impacts of misdiagnosis or poor medical advice can have devastating and long-term effects on the lives of vulnerable lesbians.<sup>64</sup>

International conventions such as the ICCPR and ICESCR, to which Iran is a State party,

**“I was forced by my arranged fiancé to see this doctor. I told the doctor that I was in love with the girl in our neighborhood. He prescribed lithium, which is a medicine to prevent or lessen the intensity of manic episodes. But I was not manic.”**

*- Nahid from Tehran*

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63 “Good Medical Practice,” General Medical Council, 2013, available at: [http://www.gmc-uk.org/guidance/good\\_medical\\_practice.asp](http://www.gmc-uk.org/guidance/good_medical_practice.asp) [accessed September 23, 2015].

64 One of the common treatments of “homosexuality” in Iran is through Electroconvulsive therapy (ECT), or electroshocks, though this method is more often used to treat “gay” men. For example, see the Q and A regarding the treatment of homosexuality on Phezeshk Iran (Iran MD) in Persian, available at: <http://www.pezeshkonline.ir/index.php?ToDo=ShowQuestions&CodeID=15105105> [accessed October 23, 2015]

guarantee the right of privacy, including for patients, in addition to the ability to consent to or refuse treatment.<sup>65</sup> In its General Comment 14, the UN Committee on Economic, Social, and Cultural Rights specifically noted that the relevant article in the Covenant on Economic, Social, and Cultural Rights, which Iran has signed and ratified, should be read to bar

any discrimination in access to health care and underlying determinants of health, as well as to means and entitlements for their procurement, on the grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), **sexual orientation** [emphasis added] and civil, political, social or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to health.<sup>66</sup>

In its January 2016 concluding observations on the combined third and fourth periodic reports of Iran, the UN Committee on the Rights of the Child expressed concern “at the reports that LGBTI children are subjected to electroshocks, hormones and strong psycho-active medications for the purpose of ‘curing’

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65 Report of the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health UN Doc A/64/272 (August 10, 2009) para 28.

66 General Comment 14: The right to the highest attainable standard of health, Committee on Economic, Social, and Cultural Rights, 22nd Session, E/C.12/2000/4, 11/08/2000, paras. 18-19. For a more detailed discussion of this issue, please see: “We Are a Buried Generation,” Discrimination and Violence against Sexual Minorities in Iran, December 2010, available online at: <https://www.hrw.org/report/2010/12/15/we-are-buried-generation/discrimination-and-violence-against-sexual-minorities> [accessed October 23, 2015].

them.”<sup>67</sup> The Committee urged the Iranian authorities to “ensure that LGBTI children are not subjected to cruel and degrading treatment such as electroshocks, hormones and strong psychoactive medications and that those responsible for these acts be held accountable.”<sup>68</sup>

Physicians and health care professionals are also instructed to maintain confidentiality under the World Medical Organization’s Declaration of Geneva, and the International Code of Medical Ethics.<sup>69</sup> Members of the Iranian medical community are also required to adhere to their version of the medical pledge (commonly known as the Hippocratic Oath), which requires the respect of the privacy of the patients and commitment to their well-being.<sup>70</sup> Yet OutRight’s research reveals that some Iranian health care professionals violate the aforementioned rights and guarantees of their patients. Often, the violation occurs when health care professionals betray their patient’s trust and reveal information regarding their private lives, including their sexual orientation, to their families. This betrayal can, in turn, lead to increasing pressure and isolation and, at times, domestic violence.

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67 Concluding observation on the combined third and fourth periodic reports of the Islamic Republic of Iran (CRC/C/IRN/CO/3-4), at para 53.

68 “Concluding observation on the combined third and fourth periodic reports of the Islamic Republic of Iran (CRC/C/IRN/CO/3-4), at para 54.

69 “Patient Confidentiality: Privacy and Public Health,” Berg, J., *BioEthics*, August 11, 2011, available at: <http://www.thedoctorwillseeyounow.com/content/bioethics/art3401.html> [accessed September 23, 2015].

70 The Persian version of the pledge for Iranian medical doctors can be found at this address: [http://dentistry-school.kums.ac.ir/kums\\_content/media/image/2013/11/35954\\_orig.pdf](http://dentistry-school.kums.ac.ir/kums_content/media/image/2013/11/35954_orig.pdf) [accessed September 23, 2015].

## Prescription of Drugs to “Treat” Homosexuality

The intervention of medical professionals in a lesbian’s life does not always result in positive outcomes. In our research, OutRight discovered that some health care professionals, many of whom did not fully understand the complexity of issues related to homosexuality, unnecessarily put the lives of their patients at risk. Our research reveals that these doctors’ lack of knowledge led them to offer unsound medical advice, which amplified the feelings of guilt and depression in their lesbian patients. Some lesbians told us that their doctors tried to treat them with hypnotic drugs (sleeping pills), such as Diazepam (Valium),<sup>71</sup> or suggested SRS as a solution to their problems.

**Bahareh**, a 21-year-old lesbian from Ahar, in central Iran, told us about her experience seeing her psychiatrist:

My parents finally took me to visit a doctor, who was a psychiatrist and used to prescribe psychiatric drugs for me. [Every time I went] he would ask me if I was still seeing that crazy girl, meaning my girlfriend, Elham, just to humiliate me.<sup>72</sup>

**Nahid**, a 27-year-old lesbian from Tehran, told OutRight about her first counseling session with a psychiatrist:

I was forced by my arranged fiancé to see this doctor. I told the doctor that I was in love with the girl in our neighborhood.

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71 Diazepam is a tablet often prescribed to control anxiety and agitation. For more information, please see: <https://www.nlm.nih.gov/medlineplus/druginfo/meds/a682047.html#why> [accessed October 24, 2015].

72 Interview in Turkey on November 8, 2014, with OutRight.

He prescribed lithium, which is a medicine to prevent or lessen the intensity of manic episodes. But I was not manic.<sup>73</sup>

**Roshanak**, Nahid's girlfriend, told OutRight that she was also prescribed lithium by her doctor, who wanted to "cure" her homosexuality:

One of the psychiatrists asked me what my major at the university was. When I answered psychology, he laughed at me and said, "Now you are playing doctor for me?" When I told him that lithium has serious side effects, he ridiculed me again: "You got a degree in psychology by taking correspondence courses. I got my degree from real universities in the United Kingdom and Germany!"<sup>74</sup>

**Elham**, another Iranian lesbian, told us how when she was struggling to cope with her sexual orientation, she became so depressed that her family had to put her in a psychiatric ward, where she experienced constant harassment and insulting behavior. She told OutRight,

My parents took me to a psychological hospital so that I would get better. It was so hard. I slept most of the time because I had to take lots of pills. The doctors were trying to cure my homosexuality with medication. They used to bring girls and women next to my bed and ask me which one I liked better [to see if I was still a lesbian]. I was so heavily medicated that I

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73 Lithium is prescribed to reduce suicide risks and to treat bipolar disease, as well as reducing the symptoms and frequency of mania. For more information, please see: "Lithium for Bipolar Disorder," WebMD, available at: <http://www.webmd.com/bipolar-disorder/bipolar-disorder-lithium> [accessed September 23, 2015].

74 Interview in Turkey on November 6, 2014, with OutRight.

could barely understand what was going on. I just wanted to give them a random answer so they'd just leave me alone.<sup>75</sup>

## Encouragement to Undergo Sex Reassignment Surgery

Iranian doctors sometimes persuade, or even coerce, lesbians to undergo sex reassignment surgery (SRS) and supposedly to change their gender identity or sex characteristics.<sup>76</sup> They do this because while Iranian law criminalizes same-sex relations for men and women, the law allows SRS for trans individuals who are officially diagnosed with "gender identity disorder" (a term used by some Iranian doctors).

**"After only one exam, he decided that I was a trans man and had to immediately start hormone therapy. As soon as I walked into his office, he greeted me with, 'Hello my dear trans client.'"**

*- Roya from Ahwaz*

Gender identity and sexual orientation are fundamentally different. The former is understood as referring to each person's deeply felt internal and individual experience of gender and may involve, if freely chosen, modification of bodily appearance or function by medical, surgical, or other means; the latter is a person's capacity for profound emotional, affectionate, and sexual attraction to, and intimate and sexual relations with, others.

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75 Interview in Turkey on November 8, 2014, with OutRight.

76 "The gay people pushed to change their gender," Hamedani, A., available at: <http://www.bbc.com/news/magazine-29832690> [accessed October 24, 2015].

Forcing individuals, including lesbians, to undergo any treatment is problematic, but pushing them to undergo SRS without securing informed consent can have devastating long-term consequences and may amount to torture. In 2013, the UN Special Rapporteur on Torture, Juan Méndez, said: “medical treatments of an intrusive and irreversible nature, when lacking a therapeutic purpose, may constitute torture or ill-treatment when enforced or administered without the free and informed consent of the person concerned.”<sup>77</sup>

**Elnaz**, a 23-year-old lesbian from the southern city of Shiraz, told OutRight that she went to see a psychologist who told her: “What you really want is to be a man and have a heterosexual relationship.” She said she reacted angrily to the advice and told the doctor she would never do something like that.<sup>78</sup>

**Sara**, a 31-year-old lesbian also from Shiraz, had a similar experience:

I went to see a psychologist in Shiraz. He was convinced that I was a trans [sexual] with 99 percent masculine [features], and that I could be fixed through surgery. He told me that being a lesbian is a sin and I should undergo [sex reassignment] surgery [instead].<sup>79</sup>

77 “Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment,” Méndez, J., February 1, 2013, available at: [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53\\_English.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53_English.pdf) [accessed October 26, 2015].

78 Interview in Turkey on November 11, 2014, with OutRight.

79 Interview in Turkey on November 11, 2014, with OutRight.

**...these doctors’ lack of knowledge led them to offer unsound medical advice, which amplified the feelings of guilt and depression in their lesbian patients.**

**Roya**, a 22-year-old lesbian from the southern city of Ahwaz, told OutRight that she received unsound medical advice from doctors about her gender identity after she was left heart-broken and vulnerable in the aftermath of a failed lesbian relationship at the age of 17. At the encouragement of her uncle, who was also a doctor, she went to visit a physician, who told Roya that it was too early to determine whether

she was a transsexual, but ordered her to undergo a lymph node exam and sent her to see a specialist at the hospital. At the hospital, the urologist told her she was a transsexual and

prescribed her hormone therapy. The urologist also requested she consult with the Legal Medicine Organization, an independent medical institution affiliated with the Iranian Judiciary that is the sole recognized medical authority responsible for authorizing trans individuals to undergo SRS.<sup>80</sup> Roya told OutRight:

I can’t forgive this urologist, for trying to convince me that I was a man. After only one exam, he decided that I was a trans man and had to immediately start hormone therapy. As soon as I walked into his office, he greeted me by “Hello my dear trans

80 Legal Medicine Organization (*Pezeshk-Ghanoni* in Persian) is an independent medical institution affiliated with the Iranian Judiciary, and is the legally recognized medical authority responsible for fielding court-related medical inquiries and determining issues such as determining the cause of death; performing autopsy; confirming the occurrence of rape; sexual assault, or physical assault; performing anal probes (for men accused of sodomy); and confirming the qualification of individuals to undergo sex-reassignment surgery. For more information, please visit the official website of the Iranian Legal Medicine Organization: <http://www.lmo.ir/>.



client.” I was only 17 years old at the time and was too vulnerable [to handle this], especially after that unsuccessful love affair.<sup>81</sup>

**Roya** consulted another psychologist who did not believe Roya was a transsexual and convinced her not to undergo the surgery. She explains,

He examined me but did not think that I was a trans. But he didn’t mention anything about me being lesbian either. I did not discuss the issue, fearing that it would expose my relationship with my girlfriend. He was a good consultant who put me in very helpful group therapy sessions, where participants with all sorts of problems shared their stories.<sup>82</sup>

## Medical Community as Agents of Positive Change

Some of the lesbians OutRight interviewed told us that their parents tried, but often failed, to understand their sexual orientation in an environment that criminalized same-sex acts and repressed open discussion about homosexuality. Many of these parents began with the assumption that their children were sick and needed psychiatric or medical help. In some of these situations, health care professionals provided the necessary assistance to lesbians and their families to cope with the challenges that lay ahead of them, and the counseling sessions they administered paved the way for a process of acceptance for both the patients and their families.

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81 Skype interview in Turkey on December 22, 2014, with OutRight.

82 Skype interview in Turkey on December 2014, with OutRight.

**Nahid**, a 27-year-old lesbian from Tehran, told OutRight that when she told her arranged fiancé that she was a lesbian, her fiancé became violent and ultimately forced her to see a psychologist for a mental evaluation. The psychologist made a timely intervention and told the fiancé: “This woman is a lesbian and you cannot marry her.”<sup>83</sup> Upon hearing the doctor’s expert opinion, Nahid’s fiancé reluctantly accepted her homosexuality, though he insisted that he was in love with her and she shouldn’t date women.

**“I was surprised when the doctor said he had no problem with homosexuality ...[he] talked to my family over several sessions and gradually told them everything about my homosexuality. He sounded very knowledgeable about sexual orientation and did not think homosexuality was a sickness.”**

*- Adler from Ahar*

**Sara**, a 22-year-old lesbian from the northwestern city of Tabriz, was so depressed about her family’s lack of understanding of her sexual orientation that she attempted suicide and required hospitalization. Sara’s doctor, with her permission, engaged with her parents over several counseling sessions and tried to explain what was going on. Sara told OutRight that during her parents’ last counseling session, her doctor actually used the word “homosexual”

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83 Interview in Turkey on November 6, 2014, with OutRight.

to describe her sexual orientation instead of referring to her as an ill patient. Despite Sara's initial trepidation surrounding her parents' negative response, she said they were actually quite supportive.<sup>84</sup>

**Mary**, a 33-year-old lesbian from Tehran, also recalled having a good therapy experience with her psychiatrist. She told OutRight she believes the sessions had a positive impact on her self-recognition and allowed her to live a healthy and normal life:

After some research, I found the doctor's office. I ended up paying for the therapy sessions with the money I received for the New Year as a gift. After a couple of sessions, he spotted my problem and even helped me find other lesbians to date. He was so helpful. [After a few months of seeing him, I finally made peace with myself and my sexual orientation and] decided that I wanted to sign up for college to study arts.<sup>85</sup>

**Adler**, a 23-year-old lesbian from Ahar, told us about another doctor in Tabriz who played a positive role in bringing peace and acceptance to her and her family:

The doctor asked me what was wrong with me. I was anxious. Our family had just moved to Tabriz. I told him I was homosexual and he can call the authorities to arrest and execute me. I was surprised when the doctor said he had no problem with homosexuality and would be happy to discuss the issue with my family, if I wanted to. I was doubtful and unsure. In the end I thought, why not. The doctor talked to my family over several sessions and gradually told them everything about my homosexuality. He sounded very knowledgeable about sexual orientation and did not think homosexuality was a sickness. Towards the end of the family counseling sessions he was actually using the word "homosexual" to discuss my situation with my parents. He had a very constructive approach to the issue. In response, my mother asked if I could help her learn more about homosexuality, but my father was less willing to whole-heartedly accept my sexual orientation.<sup>86</sup>

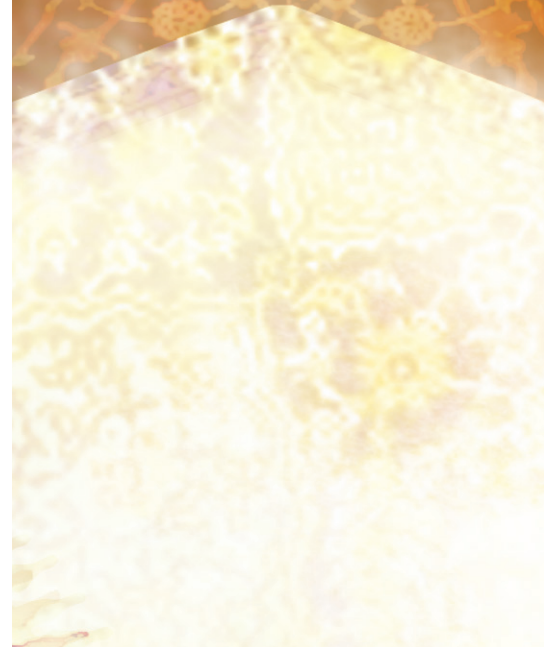
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84 Interview in Turkey on November 8, 2014, with OutRight.

85 Interview in Turkey on November 9, 2014, with OutRight.

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86 Interview in Turkey on November 8, 2014, with OutRight.



## Abuses by Other Actors

**Many lesbians we interviewed said that in addition to the challenges they faced from existing laws, government officials, and health care professionals, they endured other social pressures from private actors, ranging from exclusion in the workplace and school, to domestic violence and public harassment.**

The combination of homophobic laws and anti-LGBTIQ attitudes by many law enforcement agents have made it extremely difficult, if not impossible, for Iranian lesbians who have been subjected to discrimination and abuse to seek justice. Additionally, discriminatory laws and practices against those perceived to be homosexual, and the constant government-sponsored propaganda against homosexuality, encourages acts of social and domestic abuse and violence against gays and lesbians, who are portrayed as criminals and sick because of their sexual orientation.<sup>87</sup>

**One of the most serious problems lesbians face in Iran, which can lead to further abuse and violence, is their forced or arranged marriage with men.**

The harassment and abuse experienced by lesbians at the hands of other societal actors often starts at a young age and continues throughout their lives. Many lesbians, especially those who had limited or no contact with “the law,” said it was more devastating, and pervasive, than abuses

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<sup>87</sup> “Brutal Land Where Homosexuality Is Punishable by Death,” Penketh, A., *The Independent*, March 8, 2008, available at: <http://www.independent.co.uk/news/world/middle-east/brutal-land-where-homosexuality-is-punishable-by-death-792057.html> [accessed September 23, 2015].

perpetrated by the government. In its research, however, OutRight found that the effects of discrimination and abuse by private actors often exist, or are exacerbated, due to the criminalization of same-sex conduct and the inability of the state to prevent, or provide effective redress and remedy, to victims who suffer such abuse.

Article 9 of the ICCPR, to which Iran is a signatory, affirms that, “Everyone has the right to liberty and security of person.”<sup>88</sup> Article 3 of the UDHR has similar provision, stating that, “Everyone has the right to life, liberty and the security of person.”<sup>89</sup> Such provisions obligates the state to take note of known threats to the lives of people within its jurisdiction, and to take reasonable and appropriate measures to protect them, including against acts of homophobic violence.<sup>90</sup> The UN Human Rights Committee has declared, “The State party should ensure that all allegations of attacks and threats against individuals targeted because of their sexual orientation or gender identity are thoroughly investigated.”<sup>91</sup>

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88 Article 9, International Covenant on Civil and Political Rights, 1966.

89 Article 3, UDHR, 1948.

90 For a detailed discussion on positions taken by the UN human rights mechanisms regarding legal obligation of states with respect to protecting individuals against homophobic and transphobic violence, please see: “Born Free and Equal,” UN Human Rights, 2013, pp 12-20. The text of this document is available online at: <http://www.ohchr.org/Documents/Publications/BornFreeAndEqualLowRes.pdf> [accessed September 25, 2015].

91 Concluding observations of the Human Rights Committee on Poland (CCPR/C/POL/CO/6), at para. 8.

## The Role of Individual Agency in Vulnerability to Abuse

It is important to highlight that many of the families of the lesbians are aware of, and even encourage, the stories of abuse by police, authorities, medical professionals and members of society. This reflects the structures of family and society in their views of women and lesbians. Lesbians challenge gender norms to their core and the ripple effect impacts the whole family. With new discriminatory plans being considered by parliament that would order the preference for employment opportunities as men with children, men without children, and lastly women with children (the draft bill is called the “Comprehensive Population and Family Excellence Plan”), the institutional and legislative frameworks in Iran are firmly weighted toward women being recognized only as wives and mothers.<sup>92</sup> Structures and frameworks that recognize only women who are married and mothers limit the ability of lesbian women (women who are single and childless) to access empowerment opportunities. Limiting the economic opportunities of women often further increases their reliance on their families, which may increase their vulnerability to forced marriage and abuse, or result in being rejected by families altogether, with little protection from the discriminatory and abusive actions of public or private actors.

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92 “Situation of human rights in the Islamic Republic of Iran: Report of the Secretary-General,” UN General Assembly, Human Rights Council, A/HRC/28/26, (February 20, 2015), page 7, available at: [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A\\_HRC\\_28\\_26\\_ENG.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_26_ENG.doc).

## Family Pressures and Domestic Violence

A 2012 study by the University of Social Welfare and Rehabilitation in Iran shows that depending on geographic location, between 17.5 percent (in the town of Sabzevar in eastern Iran) and 93.6 percent (in Tonekabon in northern Iran) of Iranian women have been subjected to different forms of domestic violence, including verbal, sexual, and physical assaults.<sup>93</sup> In 2008, the Iranian government established the Social Emergency Coordination Center,<sup>94</sup> along with a 24/7 hotline to tackle “social challenges,” with a specialized unit dedicated to domestic violence.<sup>95</sup> According to Majid Arajmandi, the head of the center, in 2013, 316 survivors of domestic violence contacted the center. Mr. Arajmandi admits the actual number of domestic violence incidents in the country is much higher.<sup>96</sup>

**Maryam recalled as she was trying to shield herself from her father and her paternal grandfather, she heard someone shouting, “Sir, is this your daughter? She deserves to die.”**

Iran’s legal system facilitates, if not exacerbates, the impact of domestic violence, insofar as it restricts the ability of girls and women to exercise full agency and equal rights vis-à-vis men, and renders them vulnerable to abuse. Under Iranian law, men are viewed as the head of the

household,<sup>97</sup> and the government should not interfere with the private sphere of the family.<sup>98</sup> Under Iran’s civil code, a wife must generally submit to the will of her husband (*tamkeen*), which includes her

being sexually available to her husband whenever he desires. These laws empower fathers, husbands, and brothers to exert undue control over the lives of girls and women. Resistance by women to these power dynamics may be met by abuse and violence, which can be perpetrated with impunity. Often, women are unable to escape these dire conditions, as many are economically dependent on their husbands or other male guardians.<sup>99</sup>

93 “Domestic violence in Iran: An Overview of 2001-2008 Studies,” Vameghi, M., Ardakani, M. R. K., and Sajadi, H., *Social Welfare Quarterly*, Issue 50, PP37-70, available in Persian at: [http://refahj.uswr.ac.ir/files/site1/user\\_files\\_2310c2/m\\_javan-A-10-817-147-4c6ca81.pdf](http://refahj.uswr.ac.ir/files/site1/user_files_2310c2/m_javan-A-10-817-147-4c6ca81.pdf) [accessed October 26, 2015].

94 To view a brief history of the Social Emergency program, please see the official factsheet in Persian, available at: [http://123.behzisti.ir/Modules/GetFile.aspx?Source=HyperLink\\_357&file=LinkFile\\_1144.pdf](http://123.behzisti.ir/Modules/GetFile.aspx?Source=HyperLink_357&file=LinkFile_1144.pdf) [accessed October 26, 2015].

95 For more information about the Center, please see the official website (in Persian) <http://123.behzisti.ir/> [accessed October 26, 2015].

96 “Domestic Violence in Iran: From Statistics to Intervention,” January 8, 2014, available in Persian at: <http://mehrkhane.com/fa/news/9733/>

یری گشپ و -هلخادم سی اه شور ات م ا ق را و -رام آ زاناری اردی گ ناخ ت نوش خ [accessed October 26, 2015].

97 For example, see an overview of the husband’s rights versus the wife’s rights over their children in the Iranian legal system, please see “Critique of Husband’s Guardianship of children,” available at: <http://pajuhesh.irc.ir/product/book/show/id/441/indexId/92421> [accessed January 19, 2016].

98 “Domestic Violence against Single and Married Women in Iranian Society,” Moradian, A., *Iranian.com*, September 10, 2009, available at: <http://iranian.com/main/blog/azad/domestic-violence-against-single-and-married-women-iranian-society.html> [accessed September 23, 2015]. Also please see UNICEF’s 2011 report on Gender Equality Profile in Iran, available at: <http://www.unicef.org/gender/files/Iran-Gender-Equality-Profile-2011.pdf> [accessed January 19, 2016].

99 Jelve Javaheriyani, in an interview with *Iranian Student News Agency*, ISNA, “What are the most common forms of domestic violence,” December 26, 2013, available at: <http://www.isna.ir/news/92100602922/>

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Traditionally, Iranian society regards problems and violence within families as a private, internal matter.<sup>100</sup> Safeguarding or restoring familial honor and washing away the shame are seen as both social obligations and the right of the offended group.<sup>101</sup> In fact, honor of the family, and fearing the “loss of honor,” are common reasons why lesbians and gays often fail to come out to their families and build healthy

relationships. Their silence sometimes contributes to an increase in tension, which may, in turn, increase incidents of domestic violence. The emphasis on family honor is also reflected in Iran’s laws. For example, the IPC removes the death penalty for a murderer if he is the father (or paternal grandfather) of the victim,<sup>102</sup> or if a husband catches his wife committing adultery.<sup>103</sup> The penal code also explicitly acknowledges that “protecting honor” may be a legitimate factor in absolving someone of criminal responsibility.<sup>104</sup> Govern-

**“My husband always complained about me to my family and they knew about my lack of desire to be intimate with him. My brother told him that if I refused sex, he should beat me.”**

ment officials and legislators have made some efforts to address domestic violence. In 2011, two parliamentary bills were proposed to protect women against violence, but neither bill was enacted.

Given the myriad challenges faced by lesbians and other members of the LGBTIQ community, the family is often their first line of defense against outside pressures. In their

pursuit of support and protection, many lesbians turn to their family members. Yet many lesbians we interviewed told OutRight that their families prioritize familial honor, rather than the physical and mental health of their children. Such a mindset subjects the lesbians to additional control by their family and loss of their independence. The cycle of violence often continues, in part, because many women feel they cannot report their domestic abuse to the police, either because of deeply ingrained traditional beliefs or fear.<sup>105</sup> At least some of the lesbian women whom we spoke to about domestic violence believed their experiences were an unpleasant, but unavoidable, part of their relationships with their families.

Several Iranian lesbians we spoke to told us that parental domestic violence was a frequent occurrence in their lives. The violence usually resulted when parents accidentally discovered the sexual orientation of their daughter. This

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[accessed October 26, 2015], and “The punishment of disobedient wives,” Paknahad, available in Persian at: <http://www.tebyan.net/newmobile.aspx/Comment/index.aspx?pid=88454> [accessed October 26, 2015].

100 “Report Honour killings in Iran,” May 22, 2009, available at: [http://www.landinfo.no/asset/960/1/960\\_1.pdf](http://www.landinfo.no/asset/960/1/960_1.pdf) [accessed September 25, 2015].

101 Ibid.

102 Article 301 of IPC: “Qisas [proportional act of vengeance] is applicable only if the perpetrator is not the father, or a paternal grandfather, of the victim, and if the perpetrator is of sound mind, and follows the same religion as the victim.”

103 Article 302(e) of the IPC.

104 Article 156 of IPC: The person shall not face any punishment for committing an act that is legally considered to be a crime, if the person was defending his/her, or a third parties’ life, honor, moral character, belonging or physical freedom, against any veritable or imminent threat or act of aggression, provided that [the

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act] was committed in a series of defensive measures.”

105 Amnesty International Report 2014/15 – Iran, February 25, 2015, available at: <http://www.refworld.org/docid/54f07ddf15.html> [accessed September 25, 2015].

often led to panic, anger, and sometimes verbal and physical abuse.

**Sara**, a 22-year-old from the northwestern city of Tabriz, told OutRight,

My father banned me from hanging out with my girlfriend. I even tried to kill myself by swallowing 80 pills. My romantic desires for women turned into a nightmare for me. I fell into depression and started wondering why this was happening to me, and why I loved a girl. I'd heard about sex change, and even thought about it, but I really didn't know anything about sexual orientation and gender identity.<sup>106</sup>

**Bahareh**, a 23-year-old from Ahar, spoke with us about the violence she and her partner endured at the hands of her family:

My family beat up my girlfriend, who was visiting us, and gave her a bloody nose. Then they called the police and filed a complaint against her. My family told my girlfriend's neighbors that she is a faggot who had seduced their daughter. My uncle even threatened to throw acid on my girlfriend's face. These abuses continued to the point where I took a bunch of pills to kill myself and ended up in the hospital.<sup>107</sup>

Based on OutRight's interviews, domestic violence is not limited to young lesbians and their strained relationships with their parents or siblings; it is also common in forced or arranged marriages between lesbians and their heterosexual partners.

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106 Interview in Turkey on November 8, 2014, with OutRight.

107 Interview in Turkey on November 8, 2014, with OutRight.

**Anna**, a 32-year-old lesbian from Ahar, told us about her forced marriage:

I finally married him. Fortunately, I became pregnant very early on and used the pregnancy as an excuse not to be intimate with him. He would verbally abuse me and hit me. I was constantly being abused. I used to run my own beauty salon. Every time I came home from work he used to sarcastically ask if I was on a date with my boyfriend! He thought I was cheating on him and it was driving him crazy. He wanted sex and forced me to do it. Once for a whole night from midnight to 3 am he was begging for sex. Finally, when he understood that he couldn't force me, he made me kiss his feet to humiliate me.<sup>108</sup>

Despite knowing that their daughter was in an abusive relationship, Anna's parents still encouraged her to stay. Anna continued,

I had just given birth to my child and used to spend time with my mother. [My husband] called me and asked me to go back home immediately. He kicked me on my back and I fell down the stairs. He told me that he wouldn't allow me to see my parents anymore. I went to my mother's house and then told my husband that I wanted a divorce. He said that his father had told him they could not accept such dishonor and threatened to cut my head off. I tried to run away, but he grabbed me from behind and dragged me home in front of everybody on the street. I was so distressed and disappointed to hear that even my own brother was defending

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108 Interview in Turkey on November 9, 2014, with OutRight.

him. He said if you have been cheating on him, admit it to him and go back home. “Your husband wants to live with you,” he said. Even my father gave me the same advice. No one cared that I couldn’t live with that man.<sup>109</sup>

Acts of domestic abuse and violence against lesbians have devastating long-term impacts, including depriving them of living a normal life later in adulthood. Growing up in such a hostile environment provides little chance for lesbians to explore their identity and discover their sexuality.

**Maryam**, a 30-year-old lesbian from Rasht, told OutRight that she was raped by her older brother, her brother-in-law, and later by her nephew when she was a minor. She said her father and mother also subjected her to constant beating. In order to get out of that environment, she turned to “survival sex” when she was only 17 years old, and sometimes had to have sex with married men in exchange for a meal. Through her sex work, Maryam gradually discovered her desire for intimacy with women and finally identified herself as a lesbian:

I didn’t ask for money in exchange for sex with women. It was something that allowed me to get away from my house and the endless beatings of my brother. Given the constant fight in the house, I was willing to do anything to get out. In my first sexual experience with a woman I did not even feel pleasure, since all my prior relations were full of pain and abuse. I could not even fathom other forms of sexual relation.<sup>110</sup>

109 Interview in Turkey on November 9, 2014, with OutRight.

110 Skype interview on November 12, 2014, with OutRight.

## Forced Marriages and Marital Rape

One of the most serious problems lesbians face in Iran, which can lead to further abuse and violence, is their forced or arranged marriage with men. Under Iranian law, girls, sometimes as young as nine,<sup>111</sup> can legally marry.<sup>112</sup> Statistics show that between the years of 2006 and 2013, the number of girls under the age of 15 being forced to marry rose.<sup>113</sup> Around 48,580 girls between the age of 10 and 14 in 2011 were married; 2012 statistics show that at least 1,537 girls under the age of 10 were married.<sup>114</sup> These girls generally never find a chance to discover their sexual orientation and decide their sexual and romantic preferences in life.

Not all of the lesbians interviewed by OutRight for this report were subjected to forced marriages by their families, but nearly all expressed that the combination of pressures exerted over them by their families and others often made them feel as if there was no choice

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111 According to Article 1041 of the Civil Code, as amended on July 31, 2006, the legal age of marriage in Iran is set at 13 for girls and 15 for boys. However, under the Civil Code, girls as young as nine years old can also get married if their parents consent and a court rules that it is in the interest of the child.

112 According to Iran’s 2011 national census, 11,289 married girls were reported to have had at least one child before they reached 15 years of age. For more information see: “Rights of the Child in Iran: Joint alternative report by civil society organizations on the implementation of the Convention on the Rights of the Child by the Islamic Republic of Iran,” available at: [https://www.outrightinternational.org/sites/default/files/CRC71\\_Iran\\_JointSubmission\\_FINAL2.pdf](https://www.outrightinternational.org/sites/default/files/CRC71_Iran_JointSubmission_FINAL2.pdf) [accessed October 26, 2015].

113 Ibid.

114 “Situation of human rights in the Islamic Republic of Iran: Report of the Secretary-General,” UN General Assembly, Human Rights Council, A/HRC/28/26, (February 20, 2015), page 8, available at: [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A\\_HRC\\_28\\_26\\_ENG.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_26_ENG.doc).



but to go down the path of heteronormative marriage. Those who went through with the marriage often found themselves alone, vulnerable, hopeless, and at the mercy of their husbands' whims. Some are survivors of rape, sexual assault and other forms of violence.

**Soraya**, a 42-year-old woman from the southern city of Shiraz, was subjected to systematic domestic violence because of a forced marriage. She told OutRight,

My first cousin asked for [my hand in marriage] ... [He] was nine years older than me... Everything was already decided for me. I had no choice, but to accept to marry him. My family made me feel that I was a burden to them and had to leave their house...But I didn't want him. I said no. I told my family I'd work on my own and make money to pay for my living expenses, but they didn't want to hear that. My brother beat me so much until I said 'yes.' My family prepared everything for the wedding in a week. The night we got married, he forced me to have sex with him. Ever since then he resorts to beating me to get what he wants from my body. Now I have two sons, 20 and 21 years old. My husband always complained about me to my family and they knew about my lack of desire to be intimate with him. My brother told him that if I refused sex, he should beat me.<sup>115</sup>

**Maryam A.**, from Tehran, told us a similar story. She was forced to marry her cousin at the age of 14. He was 22 years Maryam's senior. When her husband discovered that Maryam did

not want to have a sexual relationship with him, his behavior became increasingly abusive, both emotionally and physically. He forced Maryam to visit a doctor to treat her "sexual frigidity," but the medications she was prescribed caused her mental distress. After years of an unhappy marriage and continuous bouts of emotional, physical, and sexual assault, he finally agreed to divorce her.<sup>116</sup>

Iran is a signatory to various human rights instruments, which explicitly prohibit any form of sexual, mental, or physical abuse of individuals, and especially children. The Iranian government has obligations under international law to ensure women's rights to equality and non-discrimination, including freedom from domestic violence and abuse by their family members. Article 3 of the ICCPR emphasizes "the equal right of men and women to the enjoyment of all civil and political rights," which includes women's right to free and full consent to marriage, as well as the right to equality and responsibilities during marriage and at its dissolution.<sup>117</sup> Article 3 of the ICESCR includes similar provisions.<sup>118</sup> Article 19 of the Convention on the Rights of the Child, which Iran ratified in 1994, requires states to

take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,

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115 Interview in Turkey on November 11, 2014, with OutRight.

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116 Interview in Turkey on June 14, 2013, with OutRight.

117 Article 3, International Covenant on Civil and Political Rights, 1966.

118 Article 3, International Covenant on Economic, Social and Cultural Rights, 1966.

including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.<sup>119</sup>

In its January 2016 concluding observations on the combined third and fourth periodic reports on Iran, the UN Committee on the Rights of the Child highlighted the issue and urged the Iranian government

to repeal all legal provisions that authorize, condone or lead to child sexual abuse and ensure that perpetrators of child sexual abuse are brought to justice. The State party should also increase the legal age of consent to sexual relations to 16 years. It also urges the State party to increase the legal age of marriage to 18 years and criminalize marital rape. Furthermore, the Committee recommends that the State party develop programs and policies for the prevention, recovery and social reintegration of child victims, including child brides.<sup>120</sup>

## School Bullying

Since the 1979 Revolution in Iran, gender segregation has been strictly enforced in all primary and secondary schools, but not in universities. The aim of this segregation is to ostensibly remove the so-called “moral corruption” that surrounds the mixing of sexes, as well as enabling students to focus solely on their studies.<sup>121</sup> In recent years, the

119 Article 19, Convention on the Rights of the Child, 1989.

120 Concluding observation on the combined third and fourth periodic reports of the Islamic Republic of Iran (CRC/C/IRN/CO/3-4), at para 58.

121 For a full history of gender segregation in Iran, see “Women and Politics in the Islamic Republic of Iran: Action and Reaction,” Vakil, S., available at: <https://books.google.com/books?id=WB3m-cBtrQ4C&pg=PA109&dq=gender+seg->

hardliners in Iran have tried to expand the gender segregation in schools, announcing a new initiative to publish gender-specific textbooks for school children.<sup>122</sup> The Ministry of Science, which is responsible for all higher education in universities, has also adopted policies to Islamicize universities and segregate certain classrooms and public spaces in recent years.<sup>123</sup> Such policies have resulted in women being denied equal access to higher education institutions.<sup>124</sup>

Despite the reportedly widespread occurrence of bullying in Iran’s schools, very few resources are available to address this phenomenon and protect potential victims. A study conducted in 2014 found that 38.5 per cent of 834 Iranian students sampled experienced different forms of bullying, ranging from mild to more severe incidents. Bullying often occurs between classmates, with bullying usually being done by one to three students. This can occur in the classroom, on the playground, or even as students are walking to and from school.<sup>125</sup> Bullying of lesbians and other members of the LGBTIQ community in schools is exacerbated by

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regation+in+school+in+Iran&hl=en&sa=X&ved=0CCwQ6A-EwAWoVChMIhNT\_\_\_fWyAIVzHQ-Ch3v7gW6#v=onepage&q=gender%20segregation%20in%20school%20in%20Iran&f=false [accessed October 22, 2015].

122 “Iran To Extend Gender Segregation To School Textbooks,” [http://www.rferl.org/content/iran\\_gender\\_segregation\\_school\\_textbooks/24455032.html](http://www.rferl.org/content/iran_gender_segregation_school_textbooks/24455032.html) [accessed October 22, 2015].

123 Human Rights Watch news release, “Iran: Ensure Equal Access to Higher Education,” September 22, 2012, <https://www.hrw.org/news/2012/09/22/iran-ensure-equal-access-higher-education> [accessed February 22, 2016].

124 “Gender Segregation Violates the Rights of Women in Iran,” Mouri, L., September 3, 2013, available at: <http://www.iranhumanrights.org/2014/09/gender-segregation/> [accessed October 26, 2015].

125 “Epidemiological Pattern of Bullying Among School Children in Mazandaran Province, Iran,” Rezapour, M., Soori, H., and Khodakarim, S., *Arch Trauma Res*, 2014; 3(4):e28500 doi: 10.5812/at.22551.

the stigma surrounding discussions about sexual orientation, harassment and other relevant topics. The stigma, in turn, results in a lack of awareness among school staff and officials regarding how to address issues related to sexual orientation, gender-non-conformist behavior, and bullying. It is no surprise, therefore, that gay and lesbian students often do not see school as a safe environment. As part of our research, OutRight tried to reach out to the Iranian Ministry of Education to discuss the problem, but they did not respond to our request.<sup>126</sup>

The story of **Azadeh**, a young lesbian in her 20's, provides a typical example of the bullying and sexual harassment experienced by lesbians at the hands of their classmates. Azadeh told OutRight that she spent much of her adolescence experiencing school fights, violence, threats and sexual harassment. In middle school, some of her classmates took her to the bathroom and sexually abused her. She told OutRight,

There were two horrific and scary girls whose classes were on the third floor. They used to make my life miserable. They were both gigantic and whenever they found me alone, they tried to molest me. One would hold me down while the other one would touch me. The yard behind the school was empty and not many students would go there. They used to take me there and would lift up my shirt and touch my breasts. Or pull down my pants and touch my genitals. They touched my genitals twice in that bloody bathroom. I still have nightmares about

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126 On February 25, 2015, OutRight sent an email inquiry in this regard to the Ministry of Education's Office of Health and Athletics, but we never received a response.

it. I never even thought about reporting them to the principal because I knew that if I talked about this to anyone it would cause me more trouble.<sup>127</sup>

**Roya**, a 23-year-old lesbian from the southeastern city of Zahedan, experienced persistent sexual harassment during her university studies. She told OutRight,

I used to receive messages from my classmates at the university on Facebook, calling me a "dyke," or "intersex." The only thing I could do was block them from my social media sites. I used to post unveiled pictures of myself on Facebook and I was afraid that the university internal intelligence and monitoring unit<sup>128</sup> would find out about those pictures and zoom in on me only to discover that I was a lesbian. One evening I sat down and blocked everyone I knew [on my Facebook account]. Since then my only friends on Facebook are those that I fully trust.

In response to documented cases of school bullying and abuse targeted at LGBTIQ individuals, in January 2016, the UN Committee on the Rights of the Child recommended that the Iranian authorities "Prohibit, prevent and punish harassment, bullying and expulsion of children who belong to LGBTI groups from schools."<sup>129</sup>

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127 Skype interview on December 13, 2014, with OutRight.

128 *Harasat* is a feared intelligence and monitoring unit in all universities and government agencies, responsible for monitoring the behavior of the students and staff, and ensure compliance with religious and security rules.

129 CRC/C/IRN/CO/3-4, Item 78 (d).

## Blackmail and Limiting Access to Justice

Bullying and extortion of lesbians and gay youth is a widespread phenomenon, and is especially common at schools or other public places, like sports clubs, parks, and summer camps. This abuse can sometimes be accompanied by sexual harassment and sexual assault, including rape. Yet lesbians who face and experience these dangers often feel abandoned and incapable of seeking protection from the police or court system.

**Laleh**, a 25-year-old lesbian from the northern city of Rasht, suffered sexual violence, threats and assaults by a man for nine years. Laleh told us that the man began blackmailing her as soon as he discovered her sexual orientation when she was only 16 years of age. He knew Laleh would feel she had no choice other than to submit to his sexual demands and do what he asked of her. She told OutRight that later, when she went to university, she continued to submit to his demands because she was constantly under pressure from school officials because of her activism at the university as a student rights defender, journalist, and gay rights advocate. She said she lived in constant fear that the man would out her at any time and expose her, and her loved ones, to greater security risks.<sup>130</sup>

Laleh says over the years the man repeatedly raped her and tried to coerce her into marrying him. Laleh eventually ran away and left Iran instead of marrying her torturer and rapist, but the man followed her to Turkey and unsuccessfully tried to forcibly return her to Iran. Thirty-one-year-old **Sara**, from the southern city of Shiraz, told OutRight she had a horrible online dating experience. The woman she thought she was dating turned out to be a man who used pictures and videos Sara sent him to coerce her into performing cybersex. The man forced Sara to go naked and pose in front of a webcam, and then used those naked pictures and videos to further blackmail Sara. She says she has never seen this person and would not be able to recognize his identity.<sup>131</sup>

Despite these acts of blackmail and sexual harassment, many lesbians we talked to do not dare to report the incidents to the police, mainly out of fear that the police might find out about their sexual orientation and use it against them. Azadeh is one of the survivors of abuse, who has shared her experience with us:

I am still at risk of being raped, because of the way I dress up. I go out in masculine outfits and people see me as a “beautiful guy.” Even though I am subject to constant harassment, I don’t dare go to the police to report the cases.<sup>132</sup>

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130 Interview in Turkey on November 9, 2014, with OutRight.

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131 Interview in Turkey on November 9, 2014, with OutRight.

132 Skype interview on December 13, 2014, with OutRight.



# Freedom of Expression, Association, and Assembly

**As a State party to the ICCPR, Iran has legal obligations to guarantee the rights to freedom of expression (including information), assembly, and association, and to ensure the enjoyment of those rights without discrimination on the basis of sex, sexual orientation, and gender identity.**

The ICCPR also affirms the right to be free to lead an intimate life peacefully (Article 17, the right to privacy), and the right to freely express oneself, including one's sexual orientation and gender identity, through clothes or comportment (Article 19). Freedom of expression also covers the right to hold opinions without interference, and to receive and impart information and ideas through any media regardless of frontiers.<sup>133</sup> According to the Constitution of Iran, the right to freedom of expression, either through publications in the press, or the dissemination of thoughts on the radio or television, is restricted, as such expression must keep in line with the Islamic way of thought and the best interests of the country.<sup>134</sup>

**...Iranian authorities not only deprive lesbians and their families of their right to access information, but they prevent the society at large from gaining a better understanding of issues related to, and affecting, the LGBTIQ community.**

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133 Article 19, Universal Declaration of Human Rights, 1948.

134 Article 24, the Constitution of the Islamic Republic of Iran, as amended on July 28, 1989.

## Ban on Public Discussion of Sexual Orientation

Explicit criminalization of same-sex relationships has paved the way for the authorities, including Iran’s judiciary, to prosecute or restrict the activities of individuals perceived to be promoting same-sex conduct or non-heteronormative values under the guise of prohibiting “moral corruption,” “indecent,” or other *haram* acts.

Under the IPC, the crime of *efsad-e fel arz*, or “sowing corruption on earth,” may be punishable by death. Legislators have greatly expanded the definition of this crime—which was previously largely limited to prosecuting individuals alleged to be involved in armed resistance or terrorism against the state—to include an even broader set of ill-defined activities, such as “publish[ing] lies,” “operat[ing] or manag[ing] centers of corruption or prostitution,” or “damag[ing] the economy of the country” if these actions are deemed to “seriously disturb the public order and security of the nation.”<sup>135</sup> In some cases, a person convicted of such corruption will receive a prison sentence.<sup>136</sup> While OutRight is not aware of any cases in which prosecutors have brought *efsad-e fel arz* charges against defendants accused of promoting LGBTIQ materials or values, the vaguely-worded nature of this provision could be applied in this manner.

According to Article 639 of Book 5 of the IPC, anyone encouraging others to commit acts of moral indecency and vice, or provide them with the opportunity to commit such acts, may be sentenced to between one and

ten years of imprisonment.<sup>137</sup> This provision, which fails to define “acts of moral indecency and vice,” provides legal justification to the authorities to ban any type of social outreach by gay and lesbian activists, including support groups or campaigns to raise awareness about the plight of lesbians and other members of the LGBTIQ community.

Authorities may also rely on other laws that criminalize or restrict the publication or dissemination of material perceived to promote LGBTIQ activities or values. Article 9 of the Iranian Press Law, for example, stipulates that a publisher may only be granted a publication license if they are deemed to be “free of moral corruption,” while Article 6(2) actually prohibits the publication of “obscene” or “indecent” material.<sup>138</sup> Similarly, Article 15(B) of the Iranian Cyber Crime Law imposes 91 days to one year imprisonment and/or a fine of between \$1,600 and \$6,700 (USD) for those who use online and digital communications—including social media, blogs, and websites—for inviting the public to “participate in crimes against chastity [...] or acts of sexual perversion.”<sup>139</sup> Furthermore, the Iranian government has issued “The List of Examples of Criminal Content.” This widely-circulated document that is used by the police and the Ministry of Telecommunications explicitly specifies that “Stimulation, encouragement, persuasion, threats or invitation

137 Article 639- “The following individuals shall be sentenced to between one year to 10 years’ imprisonment and in respect to paragraph (A), in addition to the legal punishment provided, the relevant place shall be closed temporarily at the discretion of the court. A) Anyone who establishes or runs a place of moral indecency or vice. B) Anyone facilitates or encourages people to immorality or vice.”

138 Article 9, Qanun-e Matbu’at [Press Law] 1364 [ratified 1986, amended 2000]; art. 6(2).

139 The full text of the law can be found on the official website of the Iranian Cyber Police: <http://www.cyberpolice.ir/page/2431>.

135 Islamic Penal Code, art. 286.

136 Islamic Penal Code, art. 286, note.

to immoral acts, prostitution, crimes against chastity or sexual perversion” are considered to be criminal content (Article A(2)). Existing regulations also considers the redistribution and re-publication of any content that “violates public decency” a crime (Article A(3)).<sup>140</sup>

In September 2011, the Deputy Minister of Culture and Islamic Guidance, a government agency in charge of issuing licenses to publishers, among other activities, confirmed that books that discuss the sexual orientation of famous Iranian cultural figures and icons would be banned.<sup>141</sup> Similarly, law enforcement agents have waged a campaign to increase “public safety” through a crackdown on any merchandised item that represents “cultural decay,” including “homosexual symbols.”<sup>142</sup> By banning the publication of materials perceived to promote immoral or indecent conduct or values, Iranian authorities not only deprive lesbians and their families of their right to access information, but they prevent the society at large from gaining a better understanding of issues relating to, and affecting, the LGBTIQ community.

It is important to note that the amendments to the IPC in 2013 introduced new provisions that, if properly implemented, could protect

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140 The full text of The List of Examples of Criminal Content can be found on the official website of Iran's Cyber Police: <http://www.cyberpolice.ir/page/2551>.

141 “Deputy Minister gives example of the books that will be censored,” Aftab News, September 26, 2011, available at: <http://aftabnews.ir/vdcbssb8zrhbfpu.uur.html> [accessed March 30, 2012].

142 “Confiscation of stationeries depicting immoral images in Hormozgan province,” Fars News Agency, September 25, 2011, available at: <http://www.farsnews.com/newstext.php?nn=13900703001219> [accessed March 30, 2012]. For more information, please see: “Implementation of the International Covenant on Economic, Social and Cultural Rights: Iran,” available at: <http://iglhrc.org/content/implementation-international-covenant-economic-social-and-cultural-rights-iran> [accessed September 21, 2015].

the privacy of individuals suspected of engaging in consensual same-sex relations, including lesbians. According to Article 241 of IPC,

In the absence of admissible legal evidence<sup>143</sup> regarding the commission of offense against chastity, and if the accused denies any wrongdoing, any form of investigation and interrogation conducted with the intent to uncover secret affairs hidden from public knowledge are forbidden.

The wording of this provisions would seem to suggest that authorities are prohibited from conducting “fishing expeditions” into the private lives of lesbians and other members of the LGBTIQ community, even if they suspect they have engaged in same-sex conduct. OutRight's research shows, however, that this provision is often ignored by the police and members of the judiciary. Several lesbians who talked to OutRight<sup>144</sup> told us that the authorities had questioned and interrogated them about their personal and private relations simply because of suspicions about their perceived sexual orientation.<sup>145</sup>

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143 The IPC provides that the crime of *mosaheqeh* can be proven by one of these methods: 1) four confessions by the accused (Article 172(A)), 2) testimony of four male witnesses (Article 199), and 3) the knowledge of the judge (Articles 160 and 212). For more details about the IPC, please see: <http://www.shora-gc.ir/Portal/Home/ShowPage.aspx?Object=NEWS&ID=0d8b21cb-ad13-4f26-8045-798573df2651&LayoutID=45d16d73-f1d3-4c75-8f40-6a24ad4eb211&CategoryID=8fac823a-5745-41b6-a9e2-b879c74deb7b> [accessed September 21, 2015].

144 Interview with Maryam A from Tehran, interview in Turkey on June 14, 2013.

145 Article 241: In the absence of admissible legal evidence regarding the commission of offense against chastity, and if the accused denies any wrongdoing, any form of investigation and interrogation conducted with the intent to uncover secret affairs hidden from public knowledge are forbidden. Cases in which there is a possibility of rape, forceful fornication, molestation, abduction, or deceit are exceptions to this pro-

## Restrictions on Protesting against Discriminatory Laws

The women's movement has protested against these discriminatory laws. This has included a campaign for One Million Signatures for the Repeal of Discriminatory Laws. The government has responded to this and other peaceful activism with systematic oppression, which has included imprisonment of activists and corporal punishment.<sup>146</sup> Such a strong-armed response to the movement for women's rights leaves little room for campaigning for the rights of lesbians.

## Lack of Comprehensive Sex Education

In Iran, sex education remains a neglected field, and students' knowledge on sexuality is often based on their own experiences and often-unreliable information sources. The Ministry of Education textbook, which is required for all school children between eight

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vision. So are such cases that are categorized as rape under this law. In the cases of indecent offenses, in the absence of admissible legal evidence and with denial of the accused, any type of investigation and interrogation in order to discover hidden affairs and things concealed from the public eye shall be prohibited. In cases with the possibility of commission of an offense with force, coercion, assault, abduction, or deception, or cases which are considered as commission [of an offense] with resorting to force, this rule shall not be applicable. Article 241- In the cases of indecent offenses, in the absence of admissible legal evidence and with denial of the accused, any type of investigation and interrogation in order to discover hidden affairs and things concealed from the public eye shall be prohibited. In cases with the possibility of commission of an offense with force, coercion, assault, abduction, or deception, or cases which are considered as commission [of an offense] with resorting to force, this rule shall not be applicable. For more information on these definitions, consult the "Criminal Law" section of <http://bridgingcultures.neh.gov/muslimjournes/items/show/226> [accessed September 21, 2015].

146 "Women's Rights," Iran Human Rights Documentation Center, 2014, available at: <http://www.iranhrdc.org/english/womens-rights.html> [accessed on May 23, 2016].

and nine years old, contains three chapters on marriage.<sup>147</sup> Page 211 of the textbook explicitly states that marriage between one man and one woman is the only acceptable relationship, and is the sole means by which individuals can (a) fulfill their sexual needs, (b) achieve spiritual peace (through bonding with one's spouse), and (c) raise children. Page 221 warns children to stay away from sexual relationships outside of marriage, as any such activity will lead to "sinful pleasure, which gradually results in mental depression and spiritual decay."<sup>148</sup>

Pages 153–168 of the textbook encourage students to take action to prevent "vice" and sets out a three-point strategic plan. First, students are told to disengage with individuals who they believe are engaging in "sin." Second, they are encouraged to confront the "sinner" and demand that the individual stop what they are doing. Finally, if the students deem fit, they are instructed to use force as long as it has been permitted by the religiously-accredited Islamic ruler.

The tone and content of this textbook are extremely troubling and significantly heighten the risk of violence for LGBTIQ youth in Iran. Students are already educated in an extremely homophobic environment where diverse sexual orientations and gender identities are singled out as examples of "sin" and "moral decay."

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147 Previously available at: <http://www.roshd.ir/ebook/Motevaseteh/Sevom-e-Dabirestan/Din-o-Zendegi%203%20-%20C251.pdf> (link no longer active) [accessed March 30, 2012].

148 For children aged between six and seven years, the Ministry of Education requires a different religious textbook which introduces the idea of "public monitoring," defined as the responsibility of all members of society to prevent others from engaging in sinful acts. Previously available at: <http://www.roshd.ir/ebook/Motevaseteh/Dovom-e-Dabirestan/Din-o-Zendegi%202%20-%20C222.pdf> (link no longer active) [accessed March 30, 2012].



Outside of the classroom, national leaders and the mainstream media present homosexuality as a threat to society, and citizens are told to be committed to eradicating this threat. This pervasive culture of homophobia, particularly within the school setting, means that even without this textbook, Iranian students are vulnerable to stigmatization, discrimination, and violence. The effect of this textbook, however, is to actively encourage school children, from a young age, to use force against LGBTIQ individuals.<sup>149</sup>

Due to the lack of comprehensive sex education in schools and society, and with virtually no access to scientific resources, many of the lesbians OutRight talked to said that it took them a long time to understand their sexual orientation.

## Clothing

As was mentioned before, Iran's mandatory *hijab* (Islamic dress for women) requires all women, regardless of religious beliefs, to cover their hair and dress in loose-fitting outfits that do not reveal certain parts of the body. Such a strictly enforced dress code limits women's freedom of expression through their choice of outfit.<sup>150</sup> Iranian law also prohibits women

149 For more information, please see: "Submission to the Committee on Economic, Social, and Cultural Rights on the Examination of the Second Periodic Report of the Islamic Republic of Iran," available at <https://www.outrightinternational.org/sites/default/files/578-1.pdf> [accessed October 20, 2015].

150 The Special Rapporteur on freedom of religion or belief has specifically addressed mandatory dress code for women in Iran, arguing that, "In the socio-cultural field, the Special Rapporteur recommends that practical steps should be taken to ensure strict respect for the principle that religious laws should be applied in personal and community affairs, thereby excluding the application of the Shari'a to non-Muslims. With regard to the dress code, the Special Rapporteur emphasizes that the various community traditions and behavior concerning dress should likewise

from dressing as men. The same is applicable for men; any man that cross-dresses will face criminal charges and can be subject to arrest and detention.<sup>151</sup> Under the IPC, anyone found in violation of Islamic dress code can face up to two months in prison or even lashing, simply for expressing themselves through their attire.<sup>152</sup>

There are proposals to introduce a plan on the protection of promoters of virtue and preventers of vice, which may allow individuals to target women who are dressed in a manner deemed unconventional.<sup>153</sup> This could have a significant impact on the vulnerability of lesbians who are not adopting the *hijab*.

The significance placed on modest dressing for women was highlighted in the recent crackdown on the fashion industry, led by the Revolutionary

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be respected, but believes that dress should not be turned into a political instrument and that flexible and tolerant attitudes should be shown so that the richness and variety of Iranian dress can be manifested without coercion. In particular, in the field of education, and especially in minority schools, the Special Rapporteur recommends freedom of dress on the understanding that this should obviously not be exercised in a manner contrary to its purposes." For more information, please see E/CN.4/1996/95/Add.2, para. 97 (country visit to the Islamic Republic of Iran), available at: <http://www.ohchr.org/Documents/Issues/Religion/RapporteursDigestFreedomReligionBelief.pdf> [accessed October 26, 2015].

151 "Cross-dressing' criminal sentence in Iran sparks outrage, social media campaign," April 25, 2013, available at: <http://www.rt.com/news/iran-cross-dressing-protest-374/> [accessed September 25, 2015].

152 "Struggle over what to wear in Iran," Rezaian, J., July 12, 2012, available at: [https://www.washingtonpost.com/world/middle\\_east/struggle-over-what-to-wear-in-iran/2012/07/21/gJQAbkspzW\\_story.html](https://www.washingtonpost.com/world/middle_east/struggle-over-what-to-wear-in-iran/2012/07/21/gJQAbkspzW_story.html) [accessed September 25, 2015].

153 "Situation of human rights in the Islamic Republic of Iran: Report of the Secretary-General," UN General Assembly, Human Rights Council, A/HRC/28/26, (February 20, 2015), page 10, available at: [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A\\_HRC\\_28\\_26\\_ENG.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_26_ENG.doc).

Guard, and resulting in several models being charged who had been posting pictures of themselves online without the *hijab*.<sup>154</sup>

For many lesbians, their choice of outfit is not only an expression of their sexual orientation and their identity as lesbians. In many cases it is also an important part of their coming out process; as lesbians living in a restrictive environment, they are often deprived of using other means to explore their sexuality and social identity.

**Nikita** from Tehran, who did not disclose her age to us, is one of many lesbians who has, in her own ways, resisted abiding by the mandatory dress code. Yet, as she told OutRight,

I was always teased and insulted because of my clothing on the streets. The police also subjected me to intimidation. Police officers feel entitled to publically insult, reprimand or warn you for your choice of clothing. The pressure exhausted and depressed me, and I felt hopeless. My family, too, forced me to regularly pray and join them in Quran reading sessions. [They wanted me] to change my behavior and my outfits.<sup>155</sup>

**Azadeh**, from Northern Iran, told us that she was regularly harassed because of her “boyish” and masculine look:

I dress in a masculine way. This form of dress speaks to my identity and is very important to me. But people just see

a “cute boy” in me and give me a hard time. When I get harassed, I can’t go to the police. Sometimes [the harassment] comes from the police. [I’ve been] arrested because of my appearance. Once I was taken with a group of men to the police station and the police wanted to do a body search on me without a search warrant. I refused, and argued, and ended up in a fist fight with them.<sup>156</sup>

**Elnaz**, a 23-year-old lesbian from Shiraz, told us about her troubles at university because of the way she dressed:

I was accepted in Shiraz University to study tourism management... [but because of pressures] I couldn’t finish my studies. The university administration constantly gave me a hard time for the way I dressed. My appearance, and intimate friendships with other girls, made them suspect that I was a lesbian. They wanted to force me to change my behavior and kept questioning and threatening me because I held hands with other girls on campus.<sup>157</sup>

## Internet and Activism

The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression stated, in 2011, that Article 19 of the ICCPR was drafted to “include and to accommodate future technological developments through which individuals can exercise their right to freedom of expression.”<sup>158</sup> Indeed, the Internet plays an increasingly

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154 “Iran’s Fashion Industry under Assault; Details of Arrests of Models by Revolutionary Guards Surface,” International Campaign for Human Rights in Iran, (May 17, 2016), available at: <https://www.iranhumanrights.org/2016/05/fashion-models-arrested/> [accessed on May 23, 2016].

155 Emailed biography received by OutRight on June 25, 2014.

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156 Skype interview on December 13, 2014, with OutRight.

157 Interview in Turkey on November 11, 2014, with OutRight.

158 The UN General Assembly, “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,” Human Rights Council, May 16, 2011.

important role in allowing individuals to exercise their right to seek, impart, and receive information,<sup>159</sup> and holds enormous potential for increasing awareness about issues of sexuality, sexual orientation, and gender identity in Iran. Where families and schools fail to perform their key role in education and awareness-raising on these issues, the Internet can fill a critical gap and provide members of the LGBTIQ community, and society at large, with free access to information.<sup>160</sup>

However, the great surge in Internet usage in Iran has also been accompanied by government censorship. As the speed, anonymity, and worldwide reach of the Internet have increased, so have the restrictions imposed on its use by the Iranian government. The Iranian government has relied on a combination of strategies and technologies to restrict access to information on the Internet, including filtering, blocking, and other technical measures to prevent access to certain content.<sup>161</sup> The Iranian government has also increasingly relied on the use of vague and overly broad provisions of the IPC, Press Law, and Cybercrimes Laws, to prosecute individuals for “corrupt,” “immoral,” and “indecent” online speech, and punish them with heavy prison sentences.<sup>162</sup> Such restrictions have a “chilling

effect” on the right to freedom of expression and opinion.<sup>163</sup> For example, on February 4, 2014, the Iranian cyber police confirmed the arrest of a person responsible for posting gay-related material online. The news reports indicated that the suspect was identified through online surveillance, and police used different techniques and methods to identify the Internet user who was responsible.<sup>164</sup> On September 23, 2014, the Iranian authorities confirmed the arrest of a suspected gay man for setting up romantic dates on Facebook. The head of East Azerbaijan Cyberspace Police, Mohammad Ghasemlou, told media that the surveillance of the gay man started after the Cyber Police forces detected the Facebook profile of a man who had posted his mobile phone number online asking other men to call him to have “immoral relations.” According to the Iranian official,

The Cyber Police force worked with the Judicial authorities to identify the suspect, using special detective techniques. During this operation, the owner of the mobile phone was arrested and his communication equipment was confiscated and was sent to the police for further investigations.<sup>165</sup>

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159 This right is guaranteed under Article 19, ICCPR.

160 For a more detailed analysis in this regard, please see: “Iranian’s Queer Internet: Human Rights Successes and Setbacks,” Mostofi, M., in *Lesbian, Gay, Bisexual and Transgender Rights in Iran Analysis from Religious, Social, Legal and Cultural Perspectives*; IGLHRC, 2015, available at: [https://www.outrightinternational.org/sites/default/files/LGBT-RightsInIran\\_0.pdf](https://www.outrightinternational.org/sites/default/files/LGBT-RightsInIran_0.pdf) [accessed October 15, 2015].

161 The UN General Assembly, “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,” Human Rights Council, May 16, 2011.

162 “Censorship Fears Rise as Iran Blocks Access to Top Websites,” Tait, R., *The Guardian*, December 3, 2006, available at: <http://www.theguardian.com/technology/2006/dec/04/news.iran> [accessed September 25, 2015].

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163 The UN General Assembly, “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,” Human Rights Council, May 16, 2011.

164 “Perpetrators of Gay Content on the Internet,” *Iranian Students’ News Agency*, (February 4, 2014), available at: <http://isna.ir/fa/news/92111510907/%D8%AF%D8%B3%D8%AA%DA%AF%DB%8C%D8%B1%D8%B%8C-%D8%B9%D8%A7%D9%85%D9%84-%D8%A7%D9%86%D8%AA%D8%B4%D8%A7%D8%B1-%D9%85%D8%B7%D8%A7%D9%84%D8%A8-%D9%87%D9%85%D8%AC%D9%86%D8%B3-%DA%AF%D8%B1%D8%A7%DB%8C%DB%8C-%D8%AF%D8%B1> [accessed September 14, 2015].

165 See Iran’s *Fars* news story about the arrest: <http://www.farsnews.com/newstext.php?nn=13930701001799> [accessed March 17, 2016].

Many lesbians, like **Azadeh**, told OutRight how the Internet has been extremely important in discovering their identity:

My familiarity with English and access to the Internet helped a lot. In second year of middle school I bought my first computer. I discovered the word “lesbian” while I was searching for something else about girls. I discovered a website and read about it. By high school I was completely aware of my issues. When I thought about marriage, it was clear to me that I wanted to marry a woman.<sup>166</sup>

**Roudabeh**, 35, from Tehran, described to OutRight how excited she was when, in 2006, she accidentally found a Yahoo chat room for Iranian lesbians in Persian called *My Sex: Iranian Lesbian*. The first message she received was, “We are the group of Iranian lesbians,” she remembers.<sup>167</sup> Then she was invited to a voice chat so that the group administrators could ensure that she was a woman. Engaging with this online group was a critical first step for Roudabeh’s ability to meet other women like her to share her thoughts and information with them collectively, and to feel that she was connected to a larger community, and not alone.<sup>168</sup>

**Ana**, 32, from Ahar, started her search on the Internet without knowing exactly what she was looking for. She explains the start of her journey:

During my high school years, I had absolutely no desire for boys and I had

no way of explaining why I did not have a boyfriend or any sexual attraction to boys. It was so weird for me seeing other girls talking about their boyfriends... I finally fell in love with my best friend, who was a girl. But given the oppressive environment I felt unable to express my true feelings for her. So I started to search for ways to describe my feeling on the Internet, even though I did not know what words to search for! What should I type: “Girls who like girls??”<sup>169</sup>

Thirty-year-old **Sareh**, from Mashad, describes her process of self-recognition and discovery this way:

I realized this was love and not a simple friendship. My life was a complete mess. So I searched on the Internet and ran into someone [online] who told me I was normal; this is how I was born and my emotional attachment to another women is not destructive or dangerous. This conversation was a turning point in my life. [After that], it took me another year to find my true self.<sup>170</sup>

**Sara**, a 22-year-old from Tabriz, told OutRight that she owes her self-discovery as a lesbian to a Satellite TV program broadcast from outside Iran in which a lesbian rapper, called Sayeh Sky, was introduced:

Sayeh Sky’s video clip, called *Awakening*,<sup>171</sup> made me realize I am a lesbian. I was 18 and at that moment, I finally saw my true self. I understood what and who I was. I

166 Skype interview on November 13, 2014, with OutRight.

167 Interview in Turkey on November 11, 2014, with OutRight.

168 Interview in Turkey on November 11, 2014, with OutRight.

169 Interview in Turkey on November 11, 2014, with OutRight.

170 Phone interview on December 29, 2014, with OutRight.

171 This video clip is available on YouTube at: <https://www.youtube.com/watch?v=c9OL90v6sqE> [accessed August 15, 2015].

was not sick... there were other women like me. I searched Sayeh Sky's song on the Internet and found her "Hamjens-e-man" (my same-sex friend) website. Later I found other lesbians on Facebook. I finally discovered myself and found my way.<sup>172</sup>

For some, access to information about issues related to homosexuality and the LGBTIQ community leads to activism. Human rights defenders risk their safety, and their lives, to monitor and challenge abuses, yet too often the authorities seek to intimidate them into passivity, silence their voices, and criminalize their activities. This can have dire consequences for the work that these defenders do.<sup>173</sup>

Here, too, the Internet can provide an important vehicle for social and political participation and activism, especially in light of the government's refusal to allow civil society groups to discuss issues related to sexual orientation, promotion of LGBTIQ rights, or documentation of abuses and discrimination against LGBTIQ people. Although there are risks, the Internet provides the possibility to exchange information with like-minded individuals, both inside and outside Iran, regarding issues of concern to the LGBTIQ community.

Another form of activism popular among several lesbians we spoke to was challenging religious interpretations that condemn homosexuality as an abomination and a sin.<sup>174</sup>

172 Interview in Turkey on November 8, 2014, with OutRight.

173 "Defend the Defenders." 2015, available at: <http://www.amnestyusa.org/our-work/issues/prisoners-and-people-at-risk/human-rights-defenders> [accessed September 25, 2015].

174 For more information regarding alternative views of Islam and homosexuality, see OutRight's publication, "Lesbian, Gay, Bisexual and Transgender Rights in Iran: Analysis from Religious, Social, Legal and Cultural Perspective," June 2015, available at: <https://www.outrightinternational.org/content/lesbian-gay-bisexual-and-transgender-rights-iran> [accessed

**Azadeh**, a young woman in her 20's from Northern Iran, does not see any contradiction between her religious beliefs and her sexual orientation:

Before I turned 15, I used to struggle a lot to interpret the Quran in a way that was more compatible with my situation [as a lesbian]. Ayatollah Sistani<sup>175</sup> has approved of homosexuality in Islam privately. I think we need new *fatwas*<sup>176</sup> for this issue.<sup>177</sup>

Azadeh even dared to publically discuss homosexuality and defend it, from a religious perspective, in a conference held by Basij, the country's religious and paramilitary organization. She told OutRight that she firmly believes that same-sex marriage is as valid as heterosexual marriage and verbalized this view in the conference. Azadeh said she personally follows Islamic marriage rituals for every relationship she has been in,<sup>178</sup> so that her lesbian marriage was religiously valid and her partner was considered to be her wife in accordance with Islamic rules. She told OutRight that she views performing the Islamic marriage ritual with her partner as a form of public awareness that can educate the public within a religiously acceptable framework that may ultimately result in the decriminalization of same-sex relations in Iran.<sup>179</sup>

October 24, 2015].

175 Ayatollah Sistani is an influential Shiite religious leader based in Iraq.

176 *Fatwa* is a religious decree issued by Shiite high-ranking clerics to address specific questions or challenges.

177 Skype interview on December 13, 2014, with OutRight.

178 Based on Shiite Jurisprudence, in order for the marriage to be valid the two parties need to perform a religious ritual in which they declare their commitment to each other. In Shiite tradition, marriage can be permanent or temporary (in which the parties should declare the duration of the marriage in their ritual). Any intimate act outside marriage is considered to be a sin.

179 Skype interview on December 13, 2014, with OutRight.



## Seeking Asylum

**Most Iranian lesbians whom we spoke to were among those who were forced to leave Iran to seek asylum in a safer country.**

They told OutRight that their decision to leave their families and loved ones behind was mainly the result of the draconian legislation and social pressures, not to mention the constant fear of persecution and discrimination they faced. They said they hoped to build a new life in a new country.

Since Iranian citizens can travel to Turkey without a visa, and those without a passport can find a way to be smuggled by land to Turkey, the country has become a popular destination for many Iranians seeking asylum abroad. Although Turkey is a signatory to the 1951 Refugee Convention,<sup>180</sup> it maintains a geographical limitation to the convention, which requires it to only resettle refugees from Europe.<sup>181</sup> As a result, all other refugees and asylum seekers, including those from Iran, must register with the UN Refugee Agency (UNHCR) so that the agency can process their application and, upon verification of their status, resettle them to a third country.<sup>182</sup>

**[Bahareh] tried to escape Iran three times. In her first attempt, she ended up paying a smuggler to help her get out of Iran. The smuggler stole all her cash, sexually assaulted her and sent her back to her family in Iran.**

180 “The 1951 Refugee Convention,” UNHCR, available at: <http://www.unhcr.org/pages/49da0e466.html> [accessed October 27, 2015].

181 “Protecting Refugees,” Human Rights Watch, 2015, available at: [http://www.hrw.org/reports/2000/turkey2/Turk009-10.htm#P469\\_114196](http://www.hrw.org/reports/2000/turkey2/Turk009-10.htm#P469_114196) [accessed October 27, 2015].

182 For more information in this regard, please see: “*Unsafe Haven: The Security Challenges Facing Lesbian, Gay, Bisexual and Transgender Asylum Seekers and Refugees in Turkey*,” a joint publication of Helsinki Citizens’ Assembly–Turkey and ORAM–Organization

According to the UNHCR statistics, by the end of 2014, over 82,000 Iranians had sought refugee status in other countries.<sup>183</sup> 8,200 of these Iranians were registered with the UNHCR office in Turkey as asylum seekers.<sup>184</sup> Research by the group, Iranian Refugee Alliance, shows the number of Iranians that have applied for asylum worldwide each year has ranged between 68,000 (in 2007 and 2010) and 137,000 (in 2002). According to this research, from 1999 to 2013, the United Kingdom and Turkey have consistently received the highest numbers of Iranian asylum seekers.<sup>185</sup> Unfortunately, the UNHCR statistics do not offer specific information regarding the number of Iranians who applied for asylum based on their sexual orientation or gender identity.

Iranian lesbians who flee their country because of the fear of persecution and abuse are among the individuals designated by UNHCR to be eligible for protection.<sup>186</sup> However, the resettlement process through UNHCR in Turkey can take as long as three years. During this time, these young women have very limited rights under the Turkish law<sup>187</sup> (including

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for Refugee, Asylum and Migration, available at: <http://www.oraminternational.org/en/publications/66-unsafe-haven>.

183 "UNHCR Global Tends: Forced Displacement in 2014," Page 50, available at: <http://unhcr.org/556725e69.html>.

184 "UNHCR Global Tends: Forced Displacement in 2014," Page 29, available at: <http://unhcr.org/556725e69.html>.

185 "Statistical Data On Iranian Refugees and Asylum Seekers," Iranian Refugees Alliance, September 1, 2014 available at: <http://www.irainc.org/iranref/statistics.php> [accessed October 27, 2015].

186 "GUIDELINES ON INTERNATIONAL PROTECTION NO. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees," available at: <http://www.unhcr.org/509136ca9.pdf>.

187 "Law on Foreigners and International Protection," Mahallesi, L., Ministry of Interior Directorate General of Mi-

limited access to employment and universal health care), and have no financial means or resources to provide for themselves.<sup>188</sup>

**Bahareh**, a 23-year-old lesbian from Ahar, is one of the Iranian lesbians who decided to leave Iran and register as a refugee in Turkey. She tried to escape Iran three times. In her first attempt, she ended up paying a smuggler to help her get out of Iran. The smuggler stole all her cash, sexually assaulted her, and sent her back to her family in Iran. Her partner continued waiting for her in Turkey.<sup>189</sup>

In her second attempt to flee, Bahareh ran away from home and decided to temporarily stay with the family of one of her lesbian friends. She waited there for a while and searched for a reliable smuggler who could help her cross the border into Turkey. As she was trying to arrange her escape from Iran, however, her father managed to locate her and subsequently filed a complaint against her lesbian friend and her family. He accused them of stealing his laptop, which actually belonged to Bahareh. Bahareh told OutRight,

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My friend's father was crying and I was so embarrassed. My father finally agreed to drop the case, but the police kept my friend's father in jail even after the complaint was withdrawn. On several occasions after this incident, I tried to commit suicide, but I couldn't since I was under constant surveillance. Finally, I ran away for the third time. It felt like

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gration Management, April 1, 2014, available at: [http://www.goc.gov.tr/files/files/eng\\_minikanun\\_5\\_son.pdf](http://www.goc.gov.tr/files/files/eng_minikanun_5_son.pdf) [accessed October 27, 2015].

188 For more information on Iranian refugees see: <http://www.irqr.net/new2015/>.

189 Interview in Turkey on November 8, 2014, with OutRight.

a miracle.... Even though I managed to escape to Turkey, we are still afraid that my family will find us.<sup>190</sup>

Iranian lesbians we spoke to said that during their mandatory waiting period in Turkey to be resettled in a safe and LGBTIQ-friendly society through UNHCR, they often struggled to fully embrace their sexual orientation and process the years of abuse and fear they had experienced back home.

**Adler**, a 23-year-old lesbian from Ahar, described this stage of her life:

All I know is that I have been totally crushed by life. Now I'm working on myself, working hard to start anew. I think of myself as an eagle. When it feels like death is close by, it flies to the top of a mountain, rubs its claws on the stone, flaps its feathers and starts a new life.<sup>191</sup>

In some cases, the women we spoke to were forced to leave the country because they were coerced into a heterosexual marriage, or were subjected to physical and emotional harassment and abuse. Although seeking asylum is an extremely long and stressful process, some lesbians see fleeing the country as the only possible way for them to start a new life free from abuse.

**Elnaz**, 23, from Shiraz, left the country along with her friend and partner, Parnia, under similar circumstances.

She told OutRight,

I knew Parnia would one day leave the country... She was forced by her family to marry her cousin. The wedding was planned to take place in a few weeks. Just a week before our escape, Parnia's cousin tried to rape her. He had told Parnia if she makes a fuss about it, things will get worse and he would push to have the wedding earlier. Parnia's brother had also beaten her after seeing a romantic text messages I had sent her. While boarding the plane to leave Iran, my sister was sobbing. I can't even describe the distress that I experienced during the flight. Parnia was worried sick that her mother may have a stroke if she found out we were gone.<sup>192</sup>

The path of escaping the country is both physically and emotionally difficult and dangerous. Many lesbians who cannot exit the country legally are left with no option but to trust human smugglers, who may subject them to many hardships during the journey, and even sexually harass them.

Lesbians who do manage to escape from Iran and file for refugee status with UNHCR may face challenges unique to LGBTIQ refugees while they await their refugee status determination and resettlement. Some lesbian refugees have told us that their family members who live in Iran have threatened them. Others reported facing social discrimination, living with the fear of losing their jobs, or experiencing sexual or physical violence in Turkey, because of their sexual orientation.

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190 Interview in Turkey on November 8, 2014, with OutRight.

191 Interview in Turkey on November 8, 2014, with OutRight.

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192 Interview in Turkey on November 7, 2014, with OutRight.





## Resilience

**Despite discriminatory laws and widespread homophobia in Iran, there are many lesbians who do not see leaving Iran and seeking asylum elsewhere as an option.**

For these lesbians, the only possible way forward is to stay strong and face head-on the difficult conditions imposed on them. The lesbians OutRight interviewed have told us that they try to resist the oppressive environment by defying familial, societal, and governmental pressures despite the risks involved. Some do what they can to challenge the system through activism, hoping for change in the right direction.

For lesbians living in Iran, having supportive and informed family members can provide a significant source of strength, inspiration and hope.

**Elnaz**, a 23-year-old from Shiraz, explained her experience:

I talked to my sister about my feelings for a girl. I was confused about what to do, and I was wondering if I had to visit a doctor. She talked about her own experience, and

**Maryam, a 30-year-old lesbian from Rasht, told OutRight that she was raped by her older brother, her brother-in-law and later by her nephew when she was a minor. She said she was also subjected to constant beating by her father and mother. In order to get out of that environment, she turned to “survival sex” when she was only 17 years old, and sometimes had to have sex with married men in exchange for a meal.**

I understood she was like me!  
She'd already embraced her  
sexual orientation and had many  
lesbian friends, whom she intro-  
duced me to. I realized we are  
not alone.<sup>193</sup>

**Roya**, 22, from Zahedan, is a lesbian that has benefitted from what she describes as the increased public awareness of LGBTIQ issues. She came out to her friends, classmates, some university professors, and even some of her family members, including her mother. She told OutRight that she is now concentrating on preparing her father to accept her for who she is.

Roya is also working hard to change perspectives on homosexuality at her university, both among students and professors:

My male classmates know about me and my sexual orientation is okay with them. At first, male students used to look at me in a weird way. They would even harass me. Those were hard days. I was trying to inform them, wishing they would understand...

Now they accept me and agree that people like me exist...I have not experienced any legal problem by the university officials so far. One of my professors knows about my orientation and absolutely embraces it. At first people think we are degenerates, but when they recognize we are hardworking and serious students at a prestigious university, their understanding, and the way they look at us, begins to change.<sup>194</sup>

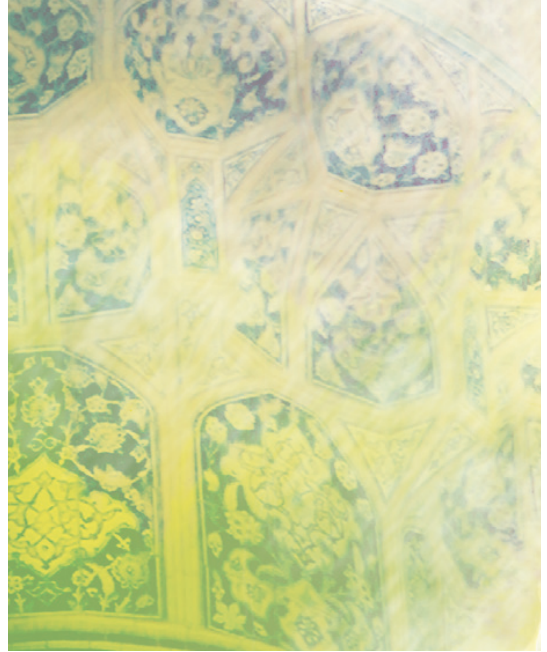
OutRight's interviews with some lesbians inside the country revealed that some are fully aware of their sexual orientation, social sensibilities, and other social and legal constraints, and are still able to build peaceful and productive lives in a dominantly heteronormative environment. These individuals have been successful in making small changes to their surroundings, or creating social and support networks of like-minded friends. Despite these successes, however, this happiness and satisfaction remains relative. In confidence, many still hold out some hope of emigrating to another country in the future where they can fully enjoy their rights and live as equal members of society.

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193 Interview in Turkey on November 11, 2014, with OutRight.

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194 Skype interview on December 22, 2014, with OutRight.



## Recommendations

**The intersection of a patriarchal and homophobic society creates significant challenges for lesbians in Iran.**

As women, they experience low levels of agency, empowerment, and freedom (both physically and economically). They are subject to the overriding control of their families and, in particular, their brothers and fathers, and in some cases, their husbands.

Strictly traditional religious and societal gender norms mean many women are forced into early marriages with no sexual liberty. The enforced *hijab* further limits freedom of expression. For lesbians, the restrictions based on their womanhood also become restrictions based on their sexual orientation. Iranian lesbians have limited opportunity to live open lesbian lives with their partners, without facing exploitative and/or abusive behavior from public and private actors. Stigma and discrimination also limit their freedoms in relation to employment.

**In order to improve the lives of lesbian women, the lives of women more broadly need to improve.**

In order to improve the lives of lesbian women, the lives of women more broadly need to improve. It is understood that there is a correlation between societal acceptance of gender equality and societal acceptance of homosexuality. This correlation lies in the roots of how society constructs gender norms and how these norms influence expectations on behavior. In a country such as Iran, where gender norms are so rigidly dictated by the religious doctrine enshrined in law, real change will take time. Greater external understanding, acceptance, and support of the difficulties for women and lesbians in Iran can be improved, and support for the asylum claims of Iranian lesbians can be strengthened.

**In a country such as Iran, where gender norms are so rigidly dictated by the religious doctrine enshrined in law, real change will take time.**

**Greater external understanding, acceptance and support of the difficulties for women and lesbians in Iran can be influenced, however. And support to global advocacy that recognizes the asylum claims of Iranian lesbians can also be strengthened.**

Based on the findings of our research, we have identified a number of systematic problems faced by lesbians in Iran. In order to address these problems, we recommend the following changes to be implemented to improve lesbians' lives in Iran. Implementing many of these suggestions may not be possible without the Iranian government's collaboration, or at least their approval, given the tight control the authorities hold over educational organizations, medical and psychological bodies, workplaces, and public spaces. Yet, we hope experts and organizations involved in educational, medical, and legal sectors would be able to use reports such as this one and contribute to the improvement of lesbians' life conditions, by implementing some or all of these recommendations.

Many of the forthcoming recommendations about how to improve the human rights of lesbians would also positively impact other Iranians, especially women, gay men, and transgender people.

Lesbians' fundamental human rights are far from acknowledged in Iran today. The following proposals constitute an ambitious and broad set of legal and policy recommendations that we believe are essential to ensure lesbians' full dignity. If their human rights were acknowledged, all of the following recommendations to the Government of Iran and to the international community would be achievable.

## Recommendations for the Iranian Parliament

- Eliminate all legal barriers to full equality before the law for women.<sup>195</sup>
- Abolish all laws criminalizing homosexuality<sup>196</sup> and any regulations banning public discussion about sexual orientation.
- Amend laws<sup>197</sup> that require a mandatory dress code for men and women based on the state's interpretation of Islam.
- Repeal laws that allow domestic violence.<sup>198</sup>
- Enact and implement laws to fully protect lesbians from domestic violence, sexual assault, harassment, bullying, and physical threats or violence, in order to empower them to seek protection and justice if they face any discrimination or abuse due to their sexual orientation.
- Amend the laws to consider 18 as the minimum age for both males and females to marry.

## Recommendations for the Executive Branch of the Iranian Government

- Use state-controlled mass media, including the radio and TV, to provide public education programs on issues relating to sexuality and sexual orientation, so that society and families are able to better understand and accept homosexuality.
- Assign combating domestic violence as a national priority and develop public educational and outreach programs on this issue.
- Designate the State Welfare Organization of Iran as the official agency responsible for lesbian individuals who have been subjected to violence or disowned by their family because of their sexual orientation.
- Draft, pass, and implement laws prohibiting workplace discrimination based on sexual orientation and to promote a culture of tolerance.

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195 Some of the discriminatory laws against women include (but not limited to): articles 199, 209, 367, 374, 550, 551, 560 of the Islamic Penal Code, and article 117 of The Civil Code.

196 Articles 233 - 241 of the Islamic Penal Code are the primary laws used to criminalize homosexuality.

197 For example, Article 638 of the Islamic Penal Code, which was discussed in footnote 26 of this report.

198 Currently, there are no laws that ban domestic violence. In some cases, the law allows for instances of domestic violence. For example, Article 1179 of the Penal Code, allows the use of violence by parents. Also under the Iranian law, marital rape is not considered a crime.

## **Recommendations for Iranian Medical and Psychological Institutions**

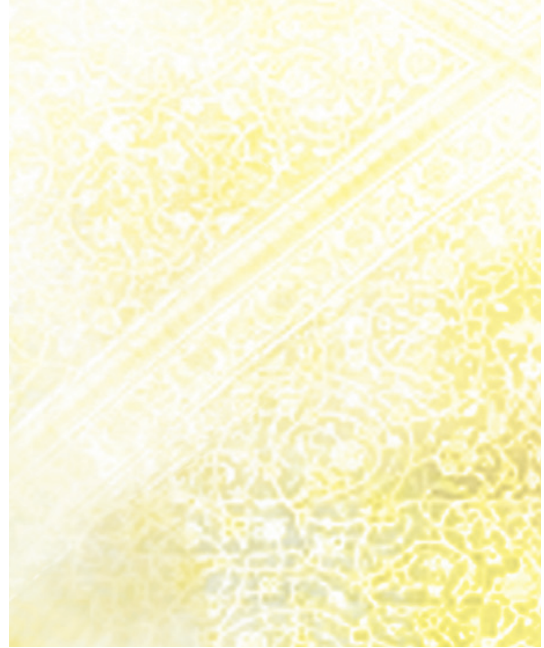
- Educate medical and psychological experts on the unbiased science of sexuality and sexual orientation.
- Establish an official authority to investigate allegations of abuse or misdiagnosis of doctors, psychologists, and psychiatrists in treating lesbian patients.
- Develop accurate and easy-to-understand educational resources on sexual orientation, and make them available to the public, especially the patients and their families who visit medical facilities.
- Create a 24/7 hotline to offer professional and confidential advice to lesbian individuals in crisis who are struggling with their sexual orientation, or those who are under their family or societal pressure because of their homosexuality.

## **Recommendations for Educational Institutions, including Ministry of Education and Ministry of Higher Education**

- Provide all high school students with unbiased educational materials on sexuality and sexual orientation as part of the school curriculum.
- Train principals and school faculties on how to deal with bullying, discrimination, and physical violence against lesbian students.
- Create grievance units at every school to make it possible for victims of bullying and abuse to file a private and confidential complaint about discriminations and physical violence.
- Educate students and their families to increase awareness and tolerance about different sexual orientations, and of ways to deal with violence and bullying within families or schools.

## **Recommendations for United Nations High Commissioner for Refugees (UNHCR)**

- Consider Iranian lesbians registering as refugees at UNHCR as potential survivors of domestic violence and social discrimination, and expedite the processing of their cases.
- Allocate necessary resources to provide psychological counseling and financial support to Iranian lesbian refugees who are often deprived of any support from their family members.



## Acknowledgements

OutRight Action International would like to thank those who have worked with us over the past few years to make this publication possible. This report was developed, researched, edited, and finalized by Kevin Schumacher, OutRight's Middle East and North Africa Program Coordinator. Mehri Jafari, a British-Iranian lawyer and a prominent human rights activist, authored a first draft. Faraz Sanei, Karen Kraan, Marianne Mollmann, and Rupert Abbott provided extensive feedback and editing for the report. OutRight's interns Alisa Bajramovic, Caroline Welling, and Laura Pirkl were instrumental in editing and proofreading. Our former Iran consultants, Farid Haerinejad, Arash Sadi, and Ramttin Sharzad also contributed to this publication. Kathy Mills designed and laid out the report. But we would never have been able to produce this report without the invaluable input by lesbians, inside and outside Iran, sharing their stories of hardship and hope.

Thank you!



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