



Home Office

Country Policy and Information Note

Iran: Sexual orientation and gender identity or expression

Version 3.0

June 2019

Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated 01 April 2019

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the state and/or non-state actors because of the person's actual or perceived sexual orientation and/or gender identity or expression.

1.2 Points to note

1.2.1 This note provides an assessment of the general situation for gay men, lesbians, bisexuals, trans and intersex persons, as well as those perceived as such. They are referred hereafter collectively as 'LGBTI persons', although the experiences of each group may differ. However, no specific information amongst the sources consulted referred to intersex persons.

1.2.2 Decision makers must also refer to the Asylum Instructions on [Sexual Identity Issues in the Asylum Claim](#) and [Gender identity and expression, including intersex issues in asylum claims](#).

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#). Decision makers must also refer to the Asylum Instructions on [Sexual Identity Issues in the Asylum Claim](#) and [Gender identity and expression, including intersex issues in asylum claims](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Refugee convention reason

2.2.1 LGBTI persons in Iran form a particular social group (PSG) within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to their identity or conscience that they should not be forced to renounce it, and have a distinct identity which is perceived as being different by the surrounding society.

2.2.2 Establishing a convention reason alone is not sufficient to be recognised as a refugee. The question is whether the particular person will face a real risk of persecution on account of their membership of such a group.

- 2.2.3 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Exclusion

- 2.3.1 Decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.3.2 For further guidance on the exclusion clauses and restricted leave, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#) and the [Asylum Instruction on Restricted Leave](#).

2.4 Assessment of risk

a. General points

- 2.4.1 Paragraphs 82 and 35 of the determination of the Supreme Court's ruling in [HJ \(Iran\) and HT \(Cameroon\) v Secretary of State for the Home Department \[2010\] UKSC 31](#) has set out the approach to take and established the test that should be applied when assessing such a claim.
- 2.4.2 For further information, see the Asylum Policy Instructions on [Sexual orientation in asylum claims](#) and [Gender identity and expression, including intersex issues in asylum claims](#).

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b. State treatment of LGB Persons

- 2.4.3 The Islamic Penal Code (IPC) criminalizes same-sex sexual relations. Punishments range from lashes to the death penalty. It varies for gay men according to whether the accused was the active or passive partner and can also depend on their marital status. A fourth conviction can also lead to the death penalty. Lesbians if convicted will receive 100 lashes or may also be subject to the death penalty on their fourth conviction (see [Legal context](#)).
- 2.4.4 Because of a scarcity of reliable information it is extremely difficult to determine whether those charged and executed for same-sex conduct are in fact members of Iran's LGB community or those who are being framed by the government as being gay. It is equally difficult to confirm the frequency of executions for same-sex conduct although there are indications it may be decreasing (see [Treatment by and attitudes of state authorities](#)).
- 2.4.5 In practice, Iran's security forces – including police and the Basij [morality police] – rely upon discriminatory laws to harass, arrest and detain those they suspect of being lesbian, gay and bisexual. LGB persons face a variety of abuse by government authorities including beatings, verbal assaults, rape, sexual assault and torture ([Treatment by and attitudes of state authorities](#)).
- 2.4.6 Reports also indicate that the government is expanding forced “corrective treatment” of LGB persons (see [Treatment by and attitudes of state authorities](#)).
- 2.4.7 The state makes it difficult for any human rights NGOs to register and operate in Iran and there were no reports of active NGOs advocating for LGBTI persons (see [LGBT groups, civil society and human rights NGOs](#)).

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c. State treatment of transgender and intersex persons

- 2.4.8 The law defines transgender persons as mentally ill. Whilst the government does provide some financial assistance to undergo sex reassignment surgery, some LGB persons have been advised and reportedly also forced or coerced to undergo sex reassignment surgery to avoid legal and social consequences due to their gender-identity. Undergoing sex reassignment surgery against the person's will amounts to persecution (see [Legal context](#)).
- 2.4.9 Failure to be certified as transsexual and undergo gender reassignment surgery risks the person being identified as a homosexual. They will be at real risk of being targeted for discrimination, arbitrary arrest and detention, torture and other forms of ill-treatment. Such treatment will similarly amount to persecution
- 2.4.10 Iran's security forces often harassed and abused transgender persons whom they considered to be homosexual ([Treatment by and attitudes of state authorities](#)).

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d. Societal treatment of LGBTI persons

- 2.4.11 In general Iranian society does not accept LGBTI persons. Many find themselves subject to familial violence, societal discrimination, abuse, harassment and in some cases physical attacks. Lesbians in particular were vulnerable to "honour" killings and abandonment by their families. There are no criminal justice mechanisms to prosecute those accused of hate crimes against members of the LGB community (see [Societal attitudes and treatment](#)).
- 2.4.12 Transgender persons also face the risk of harassment, discrimination and physical attacks (see [Societal attitudes and treatment](#)).

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e. Conclusion

- 2.4.13 In general, LGBTI persons who openly express their sexual orientation and/or gender identity or expression are likely to face discrimination, ill-treatment and prosecution from state actors as well as discrimination and ill-treatment from societal actors which, by its nature and repetition, is likely to amount to persecution. In addition, if an LGBTI person does not live openly as such, and a material reason for this is the fear of persecution that would follow if they lived openly, then they should also be considered as a refugee.
- 2.4.14 Each case, however, needs to be considered on its facts, with the onus on the person to demonstrate that they face such a risk.
- 2.4.15 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.4.16 Decision makers must also refer to the Asylum Instructions on [Sexual orientation in asylum claims](#) and [Gender identity issues in the asylum claim](#).

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2.5 Protection

- 2.5.1 Where a person has a well-founded fear of persecution from the state, they will not be able to obtain protection of the authorities.
- 2.5.2 Where a person has a well-founded fear of persecution from a non-state actor, decision makers must assess whether the state can provide effective protection.
- 2.5.3 As stated above the Iranian security forces harass, arrest and detain those suspected of being LGBTI and there are no laws that protect against anti-LGBTI violence. Those that have been subject to violence and/or threats are unwilling to report these assaults to the authorities out of fear that they would themselves be charged with a criminal act.
- 2.5.4 As a result, the state appears able but unwilling to offer effective protection and the person will not be able to avail themselves of their protection.
- 2.5.5 A person's reluctance to seek protection does not necessarily mean that effective protection is not available. Decision makers must consider each case on its facts. The onus is on the person to demonstrate why they would not be able to seek and obtain state protection.
- 2.5.6 See also the country policy and information note on [Iran country policy and information note: Background information including actors of protection and internal relocation](#).
- 2.5.7 For further guidance on internal relocation on assessing the availability of effective protection see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 Where a person has a well-founded fear of persecution from the state, they will not be able to internally relocate to escape that risk.
- 2.6.2 Where a person has a well-founded fear of persecution from a non-state actor, decision makers should consider each case on its individual circumstances to ascertain if the threat is local and could be removed by internal relocation.
- 2.6.3 Some evidence suggests that homosexual and bisexual persons who do not openly reveal their sexual orientation and keep a low profile are able to move freely within society.
- 2.6.4 Internal relocation will not be an option if it depends on the person concealing (or exercising reserve in the expression of) their sexual orientation and / or gender identity in the proposed new location for fear of persecution.
- 2.6.5 See also the country policy and information note on [Iran country policy and information note: Background information including actors of protection and internal relocation](#).
- 2.6.6 For further guidance on considering internal relocation and the factors to be considered, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

Section 3 updated: 01 April 2019

3. Legal context

3.1 Penal Code

3.1.1 A report entitled 'Breaking the Silence – Digital media and the struggle for LGBTQ rights in Iran' written by Small Media, an organisation working to support internet freedom and human rights advocacy in the Middle East and Africa, noted the following:

'The Iranian Penal Code (IPC), originally adopted in 1991 and amended in 2013, is the primary body of law related to the administration of justice in Iran. Contained within its five books are the collection of articles forbidding same-sex sexual relations and mandating severe punishments for citizens who violate the law.

'The IPC distinguishes between a number of different types of sexual acts, which are each prescribed different punishments. Punishments for passive partners are more severe than for active partners, although active partners can also face the death penalty if they are a non-Muslim caught having sex with a Muslim.'¹

3.1.2 The Iranian Lesbian and Transgender Network, known as '6Rang', also stated the following in a December 2017 report entitled "'It's a great honor to violate homosexuals' rights"—Official hate speech against LGBT people in Iran':

'Iran's Islamic Penal Code criminalizes same-sex sexual conducts with penalties ranging from flogging to the death penalty (Articles 233-240). These penalties also apply to children under the age of 18 as the age of criminal responsibility in Iran is nine lunar years for girls and 15 lunar years for boys (Article 147).'²

3.1.3 Furthermore, the US State Department's Country report on Human Rights Practices for 2018 in Iran ('the USSD Iran 2018 HRP report'), published 14 March 2019, stated:

'The law criminalizes consensual same-sex sexual activity, which is punishable by death, flogging, or a lesser punishment. The law does not distinguish between consensual and nonconsensual same sex intercourse, and NGOs reported this lack of clarity led to both the victim and the perpetrator being held criminally liable under the law in cases of assault. The law does not prohibit discrimination based on sexual orientation and gender identity.'³

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¹ Small Media, 'Breaking the Silence', May 2018, [url](#)

² 6Rang, 'Official hate speech against LGBT people in Iran', December 2017, [url](#)

³ USSD, 'Iran 2018 Human Rights Report', March 2019, [url](#)

3.2 Punishments

3.2.1 The main types of punishment are covered in Book One, Part Two, Chapter One of the Iranian Penal Code:

‘Article 14– Punishments provided in this law are divided into four categories:

‘(a) Hadd

‘(b) Qisas

‘(c) Diya

‘(d) Ta’zir

‘Article 15– Hadd is a punishment for which the grounds for, type, amount and conditions of execution are specified in holy Shari’a.

‘Article 16– Qisas is the main punishment for intentional bodily crimes against life, limbs, and abilities which shall be applied in accordance with Book One of this law.

‘Article 17– Diya, whether fixed or unfixed, is monetary amount under holy Shari’a which is determined by law and shall be paid for unintentional bodily crimes against life, limbs and abilities or for intentional crimes when for whatever reason qisas is not applicable.

‘Article 18– Ta’zir is a punishment which does not fall under the categories of hadd, qisas, or diya and is determined by law for commission of prohibited acts under Shari’a or violation of state rules. The type, amount, conditions of execution as well as mitigation, suspension, cancellation and other relevant rules of ta’zir crimes shall be determined by law. In making decisions in ta’zir crimes, while complying with legal rules, the court shall consider the following issues:

‘(a) The offender’s motivation and his/her mental and psychological conditions when committed the crime

‘(b) Method of committing the crime, extent of a breach of duty and its harmful consequences

‘(c) Conduct of the offender after committing the crime

‘(d) The offender’s personal, family, and social background and the effect of the ta’zir punishment on him/her’.⁴

3.2.2 A full English Translation of Book One and Book Two of the new [Islamic Penal Code \(IPC\) of 2013](#) can be found on the Iran Human Rights Documentation Center Website.⁵

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⁴ IHRDC, ‘Books 1 & 2 of the New Islamic Penal Code’, 4 April 2014, [url](#).

⁵ <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

3.3 Livat (Sodomy)

3.3.1 Article 233 of the Iranian Penal Code defines Livat as ‘penetration of a man’s sex organ (penis), up to the point of circumcision, into another male person’s anus’⁶.

3.3.2 Article 234 of the IPC lays out the punishment for Livat and highlights the differences in treatment for the active and passive partner:

‘Article 234 - The hadd punishment for livat shall be the death penalty for the insertive/active party if he has committed livat by using force, coercion, or in cases where he meets the conditions for ihsan [see Note 2 for definition]; otherwise, he shall be sentenced to one hundred lashes. The hadd punishment for the receptive/passive party, in any case (whether or not he meets the conditions for ihsan) shall be the death penalty.

‘Note 1- If the insertive/active party is a non-Muslim and the receptive/passive party is a Muslim, the hadd punishment for the insertive/active party shall be the death penalty.

‘Note 2- Ihsan is defined as a status that a man is married to a permanent and pubescent wife’⁷.

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3.4 Tafkhiz

3.4.1 Article 235 of the IPC defines tafkhiz as ‘putting a man’s sex organ (penis) between the thighs or buttocks of another male person’. A proviso to Article 235 states that if penetration does not reach the point of circumcision, the sex act is considered to be tafkhiz⁸.

3.4.2 The punishment for tafkhiz is laid out in Article 236 of the IPC. Unlike livat, there is no distinction between the active and passive partner. Punishment remains the same for both men regardless of whether one partner is married or whether one is forced to engage in the act. If found guilty of tafkhiz, both partners shall be sentenced to one hundred lashes. However, the only exception to this is when the active partner is a non-Muslim and the passive partner is a Muslim. When this is the case the non-Muslim active partner will be sentenced to death⁹.

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3.5 Musaheqeh

3.5.1 Article 238 of the IPC defines musaheqeh as ‘where a female person puts her sex organ on the sex organ of another person of the same sex’.

3.5.2 Article 239 of the IPC states that the punishment for musaheqeh is one hundred lashes. Article 240 indicates that there is no variance in punishment between active or passive parties, between Muslim and non-Muslims or married or unmarried individuals. Furthermore, there is also no difference in

⁶ IHRDC, ‘Books 1 & 2 of the New Islamic Penal Code’, 4 April 2014, [url](#).

⁷ IHRDC, ‘Books 1 & 2 of the New Islamic Penal Code’, 4 April 2014, [url](#).

⁸ IHRDC, ‘Books 1 & 2 of the New Islamic Penal Code’, 4 April 2014, [url](#).

⁹ IHRDC, ‘Books 1 & 2 of the New Islamic Penal Code’, 4 April 2014, [url](#).

punishment for people who have been forced into engaging in the sexual act¹⁰.

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3.6 Punishment for other same-sex sexual acts

- 3.6.1 Other sexual acts are discussed in Article 237 of the IPC. According to this Article, in addition to sodomy and tafkhiz, other homosexual acts such as kissing and touching for pleasure are forbidden as well. '[...] they are punishable by 31 to 74 lashes. This provision applies to both men and women. Shari'a law does not specify punishments for crimes falling under this category. Therefore, the punishment of lashes provided in the IPC is referred to as a ta'zir punishment¹¹.

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3.7 Death penalty on the fourth conviction

- 3.7.1 Article 136 of the IPC states that any person convicted for the fourth time of any crime in the hadd category will be sentenced to death, provided that after each conviction he or she has been accordingly flogged. With the exception of the passive partner in sodomy, who will be executed after the first punishment, Article 136 means that an active partner in sodomy, a man convicted of tafkhiz, and a woman convicted of mosaheqeh may be put to death after their fourth conviction. This repeat-offender scheme, however, does not apply to those convicted of "other same-sex sexual acts" such as kissing and touching for pleasure¹².

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3.8 Transgender persons

- 3.8.1 A report produced by OutRight Action International in October 2016 titled 'Being Transgender in Iran' stated the following:

'The Iranian government officially uses the term "gender identity disorder" to describe trans people.

'Although the medicalization of issues related to gender identity has allowed for some legal recognition for members of the trans community, it has also reinforced the stigma rooted in the notion that trans individuals suffer from psychological and sexual disorders and require treatment to become "normal."

'Asked by a reporter if trans experiences are considered a mental disease, Dr. Mahdi Saberi, a psychologist with the LMO [Legal Medicine Organization], said,

"Yes, it is. But I must clarify that I do not mean that it is a severe mental disorder that causes the person to commit bizarre acts. There are a wide variety of mental disorders, some are very subtle and hard to diagnose...

¹⁰ IHRDC, 'Books 1 & 2 of the New Islamic Penal Code', 4 April 2014, [url](#)

¹¹ IHRDC, 'Denied Identity', 7 November 2013, [url](#)

¹² IHRDC, 'Denied Identity', 7 November 2013, [url](#)

Gender identity disorder is among those disorders that may not be diagnosed for a long time.”

[...]Since the state and many members of the medical community see being trans as a disease, they regard trans experience as a condition to be “cured” through medical transition processes such as hormone replacement therapy and surgery. As Dr. Cohanzad, the author of Purgatory of the Body: Surgeon’s Memoirs of Transsexuals in Iran puts it: “Transsexuality is not curable by psychotherapy. Those who claim otherwise are utterly uneducated. Gender identity disorder is only treatable by surgery.”¹³

3.8.2 The USSD Iran 2018 HRP report stated the following: ‘The law requires all male citizens over age 18 to serve in the military but exempts gay and transgender women, who are classified as having mental disorders.’¹⁴

3.8.3 The OutRight Action report mentioned previously also stated: ‘...the exemption of trans individuals from military service is mentioned under “Chapter 5: Psychiatric Diseases,” which covers mental and psychological conditions such as schizoaffective disorder, delusional disorder, or schizophrenia, and certain intellectual and developmental disabilities.’¹⁵

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Section 4 updated: 01 April 2019

4. Treatment by and attitudes of state authorities

4.1 Gay men and lesbians

4.1.1 The USSD Iran 2018 HRP report noted that:

‘Security forces harassed, arrested, and detained individuals they suspected of being LGBTI. In some cases security forces raided houses and monitored internet sites for information on LGBTI persons. Those accused of “sodomy” often faced summary trials, and evidentiary standards were not always met. The Iranian LGBTI activist group 6Rang noted that individuals arrested under such conditions were traditionally subjected to forced anal or sodomy examinations, which the United Nations and World Health Organization said can constitute torture, and other degrading treatment and sexual insults. Punishment for same-sex sexual activity between men was more severe than between women. UNSR Jahangir reported in March receiving reports of the continued discrimination, harassment, arbitrary arrest and detention, punishment, and denial of rights of LGBTI persons.

‘The government censored all materials related to LGBTI status or conduct. Authorities particularly blocked websites or content within sites that discussed LGBTI issues, including the censorship of Wikipedia pages defining LGBTI and other related topics...Hate crime laws or other criminal justice mechanisms did not exist to aid in the prosecution of bias-motivated crimes.’¹⁶

¹³ OutRight, ‘Being Transgender in Iran’, October 2016, [url](#)

¹⁴ USSD, ‘Iran 2018 Human Rights Report’, March 2019, [url](#)

¹⁵ OutRight, ‘Being Transgender in Iran’, October 2016, [url](#)

¹⁶ USSD, ‘Iran 2018 Human Rights Report’, March 2019, [url](#)

4.1.2 The report goes on to state:

‘According to a May report by 6Rang, the number of private and semigovernmental psychological and psychiatric clinics allegedly engaging in “corrective treatment” of LGBTI persons continued to grow during the year. 6Rang reported the increased use at such clinics of electric shock therapy to the hands and genitals of LGBTI persons, prescription of psychoactive medication, hypnosis, and coercive masturbation to pictures of the opposite sex. Many of these practices may constitute torture or other cruel, inhuman, or degrading treatment under international law.’¹⁷

4.1.3 The Iranian Lesbian & Transgender Network (6Rang) looked at various official statements from members of the Iranian authorities in relation to gay and lesbian individuals between 2011 and 2017. The report published in December 2017 entitled “‘It’s a great honor to violate homosexuals’ rights” – Official hate speech against LGBT people in Iran’ published in December 2017 produced the following conclusion:

‘In Iran, LGBT people...are frequently subjected to harassment, discrimination, arbitrary arrests and detention, torture and other ill-treatment[...] If they are convicted of engaging in consensual same-sex sexual conducts, they may also face penalties ranging from flogging to the death penalty.

‘As part of their catalogue of human rights abuses based on sexual orientation and gender identity, the Iranian authorities consistently make hateful statements that demean and dehumanize people based on their sexual orientation. Homosexual people are regularly described in official statements and state media outlets as “immoral”, “corrupt”, “Animalistic”, “subhuman”, “sick” and “diseased”. They are also accused of collusion in Western-orchestrated Zionist conspiracies aimed at undermining the Islamic Revolution or corrupting the Muslim population.’¹⁸

4.1.4 A March 2017 article by The Guardian entitled ‘Where are the most difficult places in the world to be gay or transgender?’ stated: ‘Iran’s leaders describe homosexuality as “moral bankruptcy” or “modern western barbarism”. Amnesty International estimates that 5,000 gays and lesbians have been executed there since the 1979 Iranian revolution. Although it is less common now, it still occurs.’¹⁹

4.1.5 On 2 August 2016, Amnesty International reported that a 19 year old male named Hassan Afshar was executed on 18 July 2016 after being convicted of “lavat-e be onf” (forced male to male anal intercourse) in early 2015. The report stated:

‘Hassan Afshar was arrested in December 2014 after the authorities received a complaint accusing him and two other youths of forcing a teenage boy to have sexual intercourse with them. Hassan Afshar maintained that the

¹⁷ USSD, ‘Iran 2018 Human Rights Report’, March 2019, [url](#)

¹⁸ 6Rang, ‘Official hate speech against LGBT people in Iran’, December 2017, [url](#)

¹⁹ The Guardian, ‘Most difficult places in the world to be gay or transgender’, 1 May 2017 [url](#)

sexual acts were consensual and that the complainant's son had willingly engaged in same-sex sexual activities before.²⁰

4.1.6 A press release on the incident by Amnesty International stated:

'In Iran, men and boys who engage in same-sex anal intercourse face different punishments under Iranian criminal law depending on whether they're the "active" or "passive" partners and whether their conduct is characterised as consensual or non-consensual.

'If deemed consensual the "passive" partner faces a death sentence. The "active" partner, however, is sentenced to death only if he is married or if he is not a Muslim and the "passive" partner is a Muslim. If the intercourse is deemed non-consensual, the "active" partner receives the death penalty but the "passive" partner is exempted from punishment and treated as a victim.

'This legal framework risks creating a situation where a willing "passive" partner of anal intercourse may feel compelled, when targeted by the authorities, to characterise their consensual sexual activity as rape in order to avoid the death penalty.'²¹

4.1.7 Amnesty International²² and a number of other sources, including NBC News²³, also reported on the execution of Alireza Tajiki in August 2017, a 21 year old who was sentenced to death after being found guilty of 'forced male-to-male anal intercourse' and murder.

4.1.8 In January 2019 the Daily Mail reported that Iran executed a 31 year old man for violating its anti-gay laws. The news article stated:

'Iran has publicly hanged a 31-year-old man after finding him guilty of violating its anti-gay laws and kidnapping two children.

'The unnamed man was hanged on January 10 in the southern Iranian city of Kazeroon after being charged with having gay sex - a crime punishable by death under the country's strict Sharia law.

'The Iranian Student's News Agency reported that the man had kidnapped two 15-year-old boys - although it is not immediately clear whether the gay sex charges relate to their kidnapping.'²⁴

4.1.9 The execution was also covered by other sources including Fox News²⁵ and the independent organisation called Iran Human Rights (IHR)²⁶.

4.1.10 OutRight Action International's report on Iran's sodomy law- 'Reading between the lines' dated 14 August 2012 noted:

'Given the legal ambiguity of Iran's penal code on rape and child sexual abuse, and considering the fact that in most publicized cases, the alleged perpetrators of rape and/or child abuse are also found guilty of sodomy, it is

²⁰ Amnesty International, 'Hanging shows disregard for international law', 2 August 2017 [url](#)

²¹ Amnesty International, 'Iran hangs teenage student', 3 August 2016, [url](#)

²² Amnesty International, 'Update: Alireza Tajiki', 12 January 2018, [url](#)

²³ NBC News, 'Iran executes Alireza Tajiki', 10 August 2017, [url](#)

²⁴ Daily Mail, 'Iran hangs man for violating anti-gay laws and kidnapping', 28 January 2019, [url](#)

²⁵ Fox News, 'Iran hangs man on anti-gay charge', 1 February 2019, [url](#)

²⁶ IHR, 'Iran Executions: Man Hanged in Public', 10 January 2019, [url](#)

not possible to determine whether the convicted people are truly guilty of sexual offenses, or are being penalized for being homosexuals.

Furthermore, in the case of Iran [...], it is difficult to know whether those accused of sodomy are really gay or being framed by the government as gay. Not surprisingly, in recent cases documented by International Gay and Lesbian Human Rights Commission (IGLHRC), Iranian authorities have made no effort to publicly present the required four male witnesses needed for conviction – thus lending to our suspicions that their current practice really is to rid society of lesbians and gay men and promote fear.²⁷

- 4.1.11 According to the findings of Justice for Iran (JFI) & the Iranian Lesbian and Transgender Network (6Rang) report 'Pathologizing Identities, Paralyzing Bodies: Human Rights Violations Against Gay, Lesbian and Transgender People in Iran' published in June 2014:

'Almost every lesbian, gay and transgender interviewee who did not conform to culturally approved models of femininity and masculinity told JFI & 6R that they lived in fear of being sexually assaulted and raped by members of the police and Basij. For several of them, this fear had unfortunately come true.

'[...]Since 2007, there have been several confirmed reports of state-led raids on private parties followed by mass arrest and detention of those suspected of "homosexuality". Detainees are reported to have been beaten, and subjected to other cruel, inhuman or degrading treatments or punishments, including anal examinations by medical doctors without consent. In many cases, intelligence forces are believed to have carried out the raids while in at least one case in the western city of Kermanshah, the intelligence unit of the Revolutionary Guards took responsibility for the raid.'²⁸

- 4.1.12 A 2018 report produced by the 'Iranian Railroad for Queer Refugees' group stated the following:

'LGBT Iranians may feel compelled to conceal their sexual identity because the government has made extensive efforts to set up semi-official and vigilante organizations mandated to preserve "public morality." For example, the Social Protection Division created in late 2004 recruits unemployed ex-military draftees to uphold its aim to control "the social ills of every neighborhood and region," as well as "deviant individuals." These divisions report serious moral offenses to the "disciplinary forces of the judiciary" for further action.

'Further government regulations related to public morality and homosexuality came into effect in 2007. Iran's security forces, including the police and paramilitary known as the Militia - have relied upon the aforementioned discriminatory laws to harass, arrest, and detain allegedly queer individuals. The incidents often occur in parks and cafes, but Human Rights Watch has documented cases in which security forces have raided homes and

²⁷ OutRight International, 'Iran's sodomy law', 14 August 2012, [url](#)

²⁸ 6Rang, 'Human Rights Violations against Lesbian, Gay and Transgender People', June 2014 [url](#)

monitored Internet sites for the purpose of detaining people they suspected of gender and sexual nonconformity.²⁹

4.1.13 The same source also stated that ‘LGBT Iranians have also reported accounts of physical and psychological abuse during detention - including the threat and use of torture – in order to extract confessions as evidence of homosexual conduct to be adduced in Iranian criminal trials’³⁰

4.1.14 The Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), COI compilation titled ‘Iran: Women, children, LGBTI persons, persons with disabilities, "moral crimes"' dated December 2015 featured an unofficial translation of a country report undertaken by the Netherlands Ministry of Foreign Affairs in May 2015. The report notes that:

‘...homosexual and bisexual persons who do not openly reveal their sexual orientation and keep a low profile are able to move freely within society. In Iran, it often happens that persons of the same sex live together, and this is not necessarily associated with homosexuality. This is especially true for the larger cities where there is a greater anonymity.

‘In the past, there have been regular raids on meeting places for homosexual persons. But with the rise of social media and online dating, these groups have shifted their activities to gay-oriented chat rooms and dating sites. Authorities now condone public meetings between homosexual persons in specific locations. Even places that were known to the authorities as venues where gay sex is provided for money (e.g. certain baths) were left undisturbed during the reporting period.

‘In larger cities in particular, the authorities do not pursue a policy that aims to fight homosexuality “with fire and sword”. However, according to a confidential source, authorities would intervene immediately once there is activism or if they believe that some activities might give Iran a bad name abroad.

‘As far as can be ascertained, all investigative services, i.e. the Basij, the IRGC [Islamic Revolutionary Guard Corps] and the intelligence services are mandated to pursue homosexual activities. According to a source, it is known that the Basij are those who most actively seek to pursue people engaging in homosexual activities. The majority of arrests relating to homosexuality take place at private home parties. Initially, these arrests would be justified on grounds of illegal alcohol consumption, dress code violations and “debauchery”. This has not changed during the reporting period.

‘A number of interviews with persons accused of homosexual behaviour seem to show that the authorities use harsh measures during arrests and interrogations. Intimidation, blackmailing, incommunicado detention, rape, torture, coercion to sign (false) confessions and extrajudicial punishments such as flogging are widely practiced during detention and interrogation. In most cases, authorities try to press the detainee to make a confession of

²⁹ IRFQR, ‘Iranian Queer Watch Report’, 2018, [url](#)

³⁰ IRFQR, ‘Iranian Queer Watch Report’, 2018, [url](#)

homosexual conduct and/or to reveal the identity of other homosexual persons.’³¹

- 4.1.15 A 2016 report produced by OutRight Action entitled ‘Being Lesbian in Iran’ stated:

‘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.

‘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.’³²

- 4.1.16 The same 2016 report by Outright Action also stated: ‘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.’³³

- 4.1.17 The May 2018 report entitled ‘Breaking the Silence – Digital media and the struggle for LGBTQ rights in Iran’ written by Small Media also stated:

‘[V]erifying human rights reports remains an enormous challenge for international human rights monitoring organisations. This does not only extend to executions; the state’s harassment of LGBTQ citizens through lower level ‘public decency’ laws is also difficult to catalogue and advocate for at the international level, in large part owing to LGBTQ community members’ fears of drawing unnecessary attention to themselves and their sexual orientation or gender identity.’³⁴

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4.2 Transgender persons

- 4.2.1 An article published in March 2017 by The Guardian looked at the treatment of transgender persons in Iran. It stated:

‘The government’s treatment of the transgender community is not so black and white. Since 1983, when Ayatollah Khomeini issued a fatwa permitting the acceptance of transgender people in society, sex reassignment surgery has been available and Iranians can take out loans for the surgery. In fact, except for Thailand, Iran carries out more sex reassignment operations than any other country in the world. It’s a double edged sword for some in the LGBT community though – the operations have become a controversial solution for gay men trying to reconcile their faith with their sexuality and the

³¹ Accord, ‘Iran: LGBTI persons: COI Compilation’ page 67, December 2015, [url](#)

³² OutRight, ‘Being Lesbian in Iran’, 2016, [url](#)

³³ OutRight, ‘Being Lesbian in Iran’, 2016, [url](#)

³⁴ Small Media, ‘Breaking the Silence’, May 2018, [url](#)

government refuses to recognise transgender people who don't want surgery.'³⁵

4.2.2 A report produced by Quartz in April 2017 stated that after the aforementioned fatwa was passed:

'Trans people were no longer discussed as or thought of as deviants, but as having a medical illness (gender identity disorder) with a cure (sex reassignment surgery).

“The Iranian government doesn't recognize being trans as a category per se, rather they see trans individuals as people with psychosexual problems, and so provide them with a medical solution,” says Kevin Schumacher, a Middle East and North Africa expert with OutRight Action International, a global LGBTIQ-rights organization. The policy is based on Islamic notions that gender is binary and that social responsibilities should be split between men and women. “If you're born a man and your body is a female then in order to protect you and the wellbeing of society,” says Schumacher says, “the government is responsible for fixing the issue.”³⁶

4.2.3 OutRight Action International's 2016 report on transgender people in Iran stated the following in their executive summary:

'The Islamic Republic of Iran conceptualizes trans people through the clinical framework of gender identity disorder (GID) and, in response, provides limited subsidized support to specific forms of transition-related healthcare - including gender confirmation surgery (GCS), hormone replacement therapy (HRT), and various forms of psychosocial counseling.

'Although the medicalization of issues related to gender identity has allowed for some legal recognition for members of the trans community, it has also reinforced the stigma rooted in the notion that trans individuals suffer from psychological and sexual disorders and require treatment to become “normal.”

'Iranian law allows for the legal recognition of trans individuals' gender identity; however, such recognition is only granted to individuals officially diagnosed with GID and upon their successful completion of a long process of legal and medical gender transition. The government's position has led some observers to conclude that Iran is progressive on trans rights. While there are positive aspects to the government's policies, trans Iranians continue to face serious discrimination and abuse in both law and practice, and they are rarely treated as equal members of society.

'Iranian law fails to recognize the gender identity of any trans individual who is not granted access, does not wish, or cannot afford to pursue GCS. This deprives many of legal recognition and renders them particularly vulnerable to harassment and discrimination. The law utterly fails to recognize transgender individuals who do not desire medical intervention or may wish to decide for themselves which medical procedures are right for them.'³⁷

³⁵ The Guardian, 'Most difficult places in the world to be gay or transgender', 1 May 2017 [url](#)

³⁶ Quartz, 'In Iran, there's only one way to survive as a transgender person', 19 April 2017, [url](#)

³⁷ OutRight, 'Being Transgender in Iran', October 2016, [url](#)

4.2.4 The 2018 report by the Iranian Railroad for Queer Refugees stated:

‘Transgendered Iranians also face a greater threat of arrest, abuse and torture from the authorities than do their fellow Iranian gays and lesbians. Finally, the court proceedings are brutally degrading for transgendered Iranians.

‘There is also a more immediate dimension to the threat against the transgender Iranian: Most transgendered individuals cannot obtain legal employment permits unless they undergo sexual reassignment surgery. However, the cost of this operation is not absorbed by the state and few transgendered Iranians have the financial means necessary to cover the costs of the procedure and the requisite hormone therapy. Forced into poverty and social exclusion, many turn to prostitution and risk contracting sexually transmitted diseases, beatings, rape, and even murder.’³⁸

4.2.5 The 2018 report by Small Media entitled ‘Breaking the Silence’ stated the following:

‘[...] a number of other legal provisions directly impact on the rights of LGBTQ people. Rules and regulations around compulsory veiling are one such example. Article 638 of the IPC requires that women wear the hijab in public places, under threat of fines or imprisonment. It also forbids the violation of “religious taboos”:

‘Article 638 – Anyone who explicitly violates any religious taboo in public beside being punished for the act should also be imprisoned from ten days to two months, or should be flogged (74 lashes).

‘Note – Women, who appear in public places and roads without wearing an Islamic hijab shall be sentenced to ten days to two months’ imprisonment or a fine of fifty thousand to five hundred Rials.

‘Lesbian and bisexual women, transgender individuals, and crossdressing males are particularly affected by this article, which makes it incredibly challenging for individuals to fully express their gender identity through their attire. In the event that individuals adopt modes of dress or appearance that challenge stereotypical notions of femininity and masculinity, then they place themselves at a grave risk of arbitrary arrest, detention, and ill-treatment.’³⁹

4.2.6 A May 2018 report entitled ‘Iran’s transgender people face discrimination despite fatwa’ by The Associated Press stated:

‘In the ruling clerics’ view, gender reassignment surgery aims to cure a “disease” and re-fit a person into a recognized binary of straight male or straight female. Those who choose not to undergo surgery and get new documents can face arrest by police for dressing in a way that contradicts their government-recognized gender.

‘[...]Transgender people can go to the courts and receive official permission for gender-transition surgery after going through detailed medical

³⁸ IRFQR, ‘Iranian Queer Watch Report’, 2018, [url](#)

³⁹ Small Media, ‘Breaking the Silence’, May 2018, [url](#)

examinations and an interview with a psychiatrist. Afterward, they can receive new identity documents and financial aid for the surgery.

'Iran grants transgender people loans worth nearly \$1,200, though that's still well below the \$7,000-\$12,000 cost of the surgery. In February, the State Welfare Organization of Iran said 3,000 people have applied for gender reassignment financial aid in the past 15 years. Habibollah Maoudi Farid, the organization's deputy manager, told Iran's semi-official ISNA news agency that as many as 70 people a year apply for the loan.'⁴⁰

- 4.2.7 The USSD Iran 2018 HRP report also went on to state 'NGOs reported that authorities pressured LGBTI persons to undergo gender reassignment surgery.'⁴¹

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Section 5 updated: 01 April 2019

5. Societal attitudes and treatment

5.1 Societal treatment

- 5.1.1 The Freedom in the World 2018 Report by Freedom House states that '[m]embers of the LGBT (lesbian, gay, bisexual, and transgender) community face harassment and discrimination, though the problem is underreported due to the criminalized and hidden nature of these groups in Iran.'⁴²
- 5.1.2 A 2018 report produced by the 'Iranian Railroad for Queer Refugees' group stated the following 'In Iran, to be LGBT is to find oneself vulnerable to abuse in and outside the home. Consequently, for a queer Iranian, self-censorship is a means of self-preservation. This is particularly important given the abuse and violence that can come from the hands of private actors such as family, friends and neighbors, in addition to the state actors such as the Militia and the official security forces.'⁴³
- 5.1.3 The Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), COI compilation titled Iran: COI Compilation dated July 2018 featured a unofficially translated summary of a country report undertaken by the Netherlands Ministry of Foreign Affairs in May 2015. The report notes that:
- '...the social acceptance of homosexuality in Iranian society is low. The general social attitude towards LGBT persons is "don't ask, don't tell". The report goes on to note that due to social stigma, homosexual persons have a greater fear of how they are treated by their immediate surroundings than of their treatment by the authorities. If a family member reports a person as being homosexual, this could result in the person's dismissal from work or university. For LGBT persons, it is easier to keep a low profile in the large cities, which is why many choose to move there from elsewhere. As a

⁴⁰ Associated Press, 'Iran's transgender people face discrimination', May 2018, [url](#)

⁴¹ USSD, 'Iran 2018 Human Rights Report', March 2019, [url](#)

⁴² Freedom House, 'Freedom in the World 2018 – Iran', January 2018, [url](#)

⁴³ IRFQR, 'Iranian Queer Watch Report', 2018, [url](#)

confidential source noted, the authorities are not inclined to offer protection to LGBT persons who feel discriminated by members of society.’⁴⁴

- 5.1.4 A 2016 report by OutRight Action International entitled ‘Being Lesbian in Iran’ stated the following:

‘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.’⁴⁵

- 5.1.5 The same source further noted ‘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.’⁴⁶

- 5.1.6 A March 2017 article by the Guardian entitled ‘Where are the most difficult places in the world to be gay or transgender?’ stated:

‘The threat of blackmail is now a huge problem for gay men, explains Saghi Ghahraman, founder of the Iranian Queer Organization. This is because Iran’s complex laws around homosexuality mean that men face different punishments for consensual sexual intercourse, depending whether they are the “active” or the “passive” participant. The passive person faces the death penalty, but the active person only faces the same punishment if married. The laws can lead to distrust between partners, as if caught, the only defence for the passive partner is rape. This also creates an atmosphere for blackmail.’

‘And in a remarkable piece of legislation, fathers and grandfathers are given the right under Iranian law to kill their offspring, making “honour” killings legal. “From an early age, children learn starting in the home that the world is very hostile to LGBT people,” says Ghahraman.’⁴⁷

- 5.1.7 The Associated Press May 2018 article entitled ‘Iran’s Transgender People Face Discrimination Despite Fatwa’ interviewed a 19-year-old transgender woman called Nahal. The article stated:

‘Nahal recalled how she had hardly started high school before being forced to leave over her classmates’ insistence she dress as a man. Her manicured fingernails, painted pink, brushed away her long brown hair as she looked

⁴⁴ Accord, ‘Iran: COI Compilation’, Page 185-186, July 2018, [url](#)

⁴⁵ OutRight, ‘Being Lesbian in Iran’, 2016, [url](#)

⁴⁶ OutRight, ‘Being Lesbian in Iran’, 2016, [url](#)

⁴⁷ The Guardian, ‘Most difficult places in the world to be gay or transgender’, 1 May 2017 [url](#)

through old photographs of her childhood, recounting how even her own family has struggled to accept her.

“I no longer see my relatives,” she said. “Maybe I’m a sign that if your own children will have a similar problem later, you can accept it.”

‘It shouldn’t be like this for Nahal in the Islamic Republic, which — perhaps to the surprise of those abroad — has perhaps the most open mindset in the Middle East toward transgender people. The Shiite theocracy’s founder, Ayatollah Ruhollah Khomeini, issued a religious decree, or fatwa, 30 years ago calling for respect of transgender people, opening the way for official support for gender transition surgery.

‘Nevertheless, the general public still harasses and abuses them, and families often shun them. Discrimination in the workplace has forced some into prostitution and others to kill themselves.

“Social encounters are not good at all — verbal and physical abuse and harassment,” said Nahal. “Once even some people attacked and beat me.”⁴⁸

- 5.1.8 A report produced by OutRight Action International in October 2016 titled ‘Being Transgender in Iran’ stated the following:

‘Many trans Iranians report that in addition to the legal, medical, and financial challenges they face, they endure social pressures, ranging from exclusion in the workplace and at school, to domestic violence and public harassment. The social discrimination, domestic violence, and legal harassment experienced by trans individuals often starts at a young age and continues throughout their lives, regardless of whether they choose to pursue medical transition or legal gender recognition.’⁴⁹

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5.2 Family treatment

- 5.2.1 A 2014 report produced by Justice for Iran (JFI) and 6Rang entitled ‘Diagnosing Identities, Wounding Bodies: Medical Abuses and Other Human Rights Violations Against Lesbian, Gay and Transgender People in Iran’ stated the following:

‘A considerable number of lesbian, gay and transgender individuals interviewed by JFI & 6Rang, also reported being subjected to various forms of abuse by their family members because of their sexual orientation and gender identity. These included beatings and flogging as well as forms of psychological abuse such as enforced seclusion and isolation from friends and society, neglect and abandonment, verbal insults and death threats. For lesbians and female-to-male transgender persons, these abuses were often accompanied by threats or realities of being concerned into arranged marriage. Lesbian, gay and transgender individuals in Iran often have no recourse to justice or support for the abuse and violence they routinely suffer

⁴⁸ Associated Press, ‘Iran’s transgender people face discrimination’, May 2018, [url](#)

⁴⁹ OutRight, ‘Being Transgender in Iran’, October 2016, [url](#)

in their families, leading non-state actors to feel emboldened to enact homophobic and transphobic violence with impunity'.⁵⁰

5.2.2 The report went on to state:

'Taunts, insults and threats are a constant reality for lesbian, gay and transgender people and are in fact so common that many of them try to isolate themselves and avoid public interaction in order to reduce their risk of being harassed and abused.'

'Sexual assault and other physical attacks against lesbian, gay and transgender people who do not conform to culturally approved models of femininity and masculinity are also all too common. Many of the lesbian, gay and transgender people interviewed by JFI & 6Rang reported that their life in Iran was marked by a constant fear of being assaulted and raped by men. This was particularly true for female-to-male transgender persons who had not undergone genital reassignment surgeries and worried about having their transgender identity unwantedly disclosed by men who try to fondle their genitals.'⁵¹

5.2.3 The Iranian Railroad for Queer Refugees, 'Iranian Queer Watch Report' September 2018 stated that:

'Many queer Iranians recount how the bonds with their families are often strained – and even severed – after revealing their true sexual identities. Children who behave contrary to expected gender norms can often develop anxiety with respect to parents and other members of their family: behavior that does not conform to the accepted gender expectations – as to how a boy or girl is to act – can lead parents to strictly monitor their children's lives, and lash out against them in frustration, shame or anger.'

'The overwhelming majority of LGBT Iranians interviewed by the Human Rights Watch during the course of its 2010 investigations spoke of abuse and rejection by their families: they had been beaten by their parents or siblings, particularly older brothers, either because their families came to know of their same-sex sexual relationships, or because they disclosed their sexual orientation or gender identity to their family. This abuse included harassment and threats, constant monitoring, as well as physical and sexual violence.'⁵²

6.1.8 The report further stated:

'While the Islamic Republic penal code's punishment for sexual conduct is less harsh for lesbians, their social and economic situation is significantly more restrictive when compared to gay men. As women, lesbians are already trapped in a cultural and structural paradigm of patriarchy that restricts Iranian women generally to domestic roles. These disadvantages are compounded by the discrimination that they suffer because of their sexual orientation. Survival for Iranian lesbians, financially and socially, is dependent on their ability to repress or hide their sexual identity in various ways. This self-repression stems from a well- founded fear of discovery: if

⁵⁰ 6Rang, 'Human Rights Violations against Lesbian, Gay and Transgender People', June 2014 [url](#)

⁵¹ 6Rang, 'Human Rights Violations against Lesbian, Gay and Transgender People', June 2014 [url](#)

⁵² IRFQR, 'Iranian Queer Watch Report', 2018, [url](#)

her family ever finds out about her sexual orientation, the Iranian lesbian is likely to become subject to abuse, beatings, and even murder. The so-called “honour killings” by male kin are not uncommon, and the socially justifiable status of such crimes reflects the conservative value- norms of the Iranian society. Most often, lesbian Iranians find themselves abandoned by their families, a situation that can induce these women to enter into prostitution to survive and to the frequently dire effects that it can have for already marginalized women.’⁵³

5.2.4 The Associated Press May 2018 article entitled ‘Iran’s Transgender People Face Discrimination Despite Fatwa’ further stated:

‘Perhaps the worst abuse transgender people face is in the home. Families still find it difficult to accept their loved ones. Many transgender women end up being kicked out of homes or being threatened by family members.

‘Behnam Ohadi, a psychiatrist and psychologist who counsels transgender people and refers them to Iran’s Health Ministry for surgery, says some families do whatever they can to stop the surgery.

“Some families even threaten to kill me if I tell them their child is a trans,” he says. “Sometimes they wish their child had cancer or died.”

‘Ohadi says transgender people rejected by their families can end up working as prostitutes as it is very difficult for them to find work.

“Families try to silence the children, sometimes they even move their house and go to another city,” Ohadi says. “These issues are forcefully buried in our society.”⁵⁴

5.2.5 Small Media carried out a combination of interviews, focus groups, desk research, online surveys and social media monitoring in Iran and produced an overview of the situation facing LGBTQ people. Their report entitled ‘Breaking the Silence – digital media and the struggle for LGBTQ rights in Iran’ stated:

‘Given the existence of such stringent and unforgiving anti-LGB laws in Iran, and the widespread entrenchment of intolerance against all members of the LGBTQ community, the pressure on people to suppress their desires and conceal their identities is immense. And yet, based on our survey of 806 LGBTQ Iranians, carried out between 14 March and 8 April 2018, it seems as though increasingly the community is feeling comfortable enough to start edging out of the closet, and to act more assertively in proclaiming its identity.

‘Out of our full survey sample, 60% of respondents are ‘out’ to at least one person. This is interesting enough, given the risks that exist around publicly claiming LGBTQ identities, whether they be risks of state violence, family rejection, or ongoing harassment.

‘[E]xamining the age demographics, we can see that at ever increasing frequency, younger LGBTQ people are coming out and discussing their sexual orientation and gender identity with their peers. Out of all the age

⁵³ IRFQR, ‘Iranian Queer Watch Report’, 2018, [url](#)

⁵⁴ Associated Press, ‘Iran’s transgender people face discrimination’, May 2018, [url](#)

cohorts under 30, more than 60% of respondents were out to at least one person, rising to 68.6% of under-18s.

‘It is notable that more than half of LGBTQ people surveyed perceived an overall improvement in public perceptions of the community over the past decade, at the same time as a mere 12% attributed positive changes to the Rouhani government. Such results suggest that public perceptions have been transformed by sociocultural forces, rather than any progressive action on the part of the state.’⁵⁵

5.2.6 The report continued to state:

‘A number of our interviewees and focus group participants spoke to us about the origins of the perceptible shifts in public opinion we’ve just discussed. “Keyvan”, an Iranian bisexual based in Canada, spoke about what he perceived to be the gradual normalisation of LGBTQ topics among certain segments of society, and especially online:

“I see more people are familiar with LGBTQ issues – for instance on Twitter I see people are talking more openly, and using terms easily. I think there’s a higher level of awareness at least among a specific social group. They know and accept the existence of LGBTQ [people] but at the same time we need to connect more people to the Internet, or I do not know, maybe we should find ways to change the culture in society itself [offline].”

‘In a similar vein, “Jaleh”, a lesbian based in Iran, spoke about the cultural impact of discussions about LGBTQ issues in the media, whether from imported international films or diaspora-produced TV shows:

“[The situation] has improved. You can hear the discussions [about LGBTQ issues] everywhere, and in my family too. These days in art and movies one sees homosexuals often, and this is very effective at making them visible. All of the media—including the BBC and others—have played a role. It seems like the taboo [and stigma] around the issue is broken, and has now been trivialised to a large extent.”

“Farhad”, a transgender man living in Iran, also spoke about the power of the media to reshape public opinion of LGBTQ people, adding that even in the Iranian national media, progressive discussions around transgender rights were starting to break into the mainstream thanks in large part to public advocacy efforts by high-profile celebrities such as the actress Behnoush Bakhtiari:

“These days, 14 year-old teenagers come out and say they are homosexual... in general, debates on the topic of [sexual orientation and gender identity] have become more frequent. Trans issues are also discussed in the official [Iranian] media. For instance, [the actress] Behnoush Bakhtiari talked about trans people, which was very effective at raising awareness.”⁵⁶

5.2.7 The report concluded:

⁵⁵ Small Media, ‘Breaking the Silence’, May 2018, [url](#)

⁵⁶ Small Media, ‘Breaking the Silence’, May 2018, [url](#)

‘Although no progress has been made over the past decade with regard to the legal recognition of LGBTQ citizens’ rights, our research suggests that social attitudes are slowly shifting in a positive direction, thanks to increased coverage of LGBTQ issues in satellite and online media.

‘On the basis of our surveys and conversations with LGBTQ people, our overview of community activities on Instagram and Telegram, and our appraisal of existing community resources, we can say that the LGBTQ community has developed in confidence, organisation and optimism since our last report in 2013. Although enormous challenges still exist in the form of state violence, harassment and homophobia, we have observed a number of positive signs that the tide is beginning to turn against state-directed homophobia and community repression[.]

‘More and more Iranian young people appear to be coming out to their peers than ever before, with some young LGBTQ people making themselves visible on social media platforms. Iranian LGBTQ organisations should produce resources to support them to do so as safely as possible.

‘Our survey results and observations from our interviewees and focus group participants suggest that Iranian teens are coming out in greater numbers than ever before. It is encouraging that young Iranians are starting to feel confident enough to talk openly about their sexual orientations and gender identities, and that some of them are finding support from their friends and families.

‘At the same time, some teens are taking huge risks by speaking so honestly at a time when same-sex activity is still criminalised, and where anti-LGBTQ sentiments are still so widespread.

‘The LGBTQ community is attracting more public advocates to its cause, who are helping to reshape public opinion...Over the past few years, more and more high-profile Iranians have pushed for recognition of LGBTQ rights, including the megastar pop diva Googoosh, and the TV and film actress Behnoush Bakhtiari. Other personalities in the Persian diaspora media have even come out publicly, including the Manoto journalist Aram Bolandpaz. At the same time, high-influence users of social media platforms such as Instagram have also been adept at introducing LGBTQ issues into the timelines of users who would otherwise not be interested or engaged in questions of LGBTQ rights.’⁵⁷

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5.3 Children and adolescents

5.3.1 A submission entitled ‘The Situation of LGBT Children in Iran’ by the Iranian Lesbian & Transgender Network (6Rang) in June 2015 stated the following on the topic of family violence towards LGBT children:

‘LGBT children report being subjected to various forms of physical or mental violence in their families. These include beatings and flogging as well as forms of psychological abuse such as enforced seclusion and isolation from friends and society, neglect and abandonment, verbal insults and death

⁵⁷ Small Media, ‘Breaking the Silence’, May 2018, [url](#)

threats. For lesbians and female-to-male transgender persons, these abuses are often accompanied by threats or realities of being coerced into arranged marriages. LGBT individuals in Iran often have no recourse to justice or support for the abuse and violence they routinely suffer in their families. This impunity emboldens abusive family members to commit more homophobic and transphobic abuses.

'Iran's Penal Code allows parents and legal guardians to subject children to corporal punishment in so far as "they ensure that it does not exceed disciplinary norms" (Article 158 (T). Under Iran's Penal Code, fathers or grandfathers who kill their child or grandchild are exempt from the punishments ordinarily applicable to murder (Article 301) and may be only given a sentence of between three to ten years in prison (Article 612).'⁵⁸

5.3.2 The report went on to cover the topics of school and community violence and stated:

'School children perceived as being lesbian, gay, bisexual or transgender tend to psychological and physical bullying in Iran. School authorities are believed to rarely take any effective action against such bullying, which is known to lead to depression and other physical and mental health problems, obstruct children's personal and social development, and increase their risks of becoming violent themselves.

'LGBT individuals interviewed by the Iranian Lesbian and Transgender Network also reported experiencing physical and mental violence at the hands of teachers and school administrators themselves. For some of them, the violence reached a level of severity that they felt they had to drop out of school.

'As various Special procedures mandate holders have recognized, the criminalization of private consensual homosexual acts increases stigmatization and make people with diverse sexual orientations and gender identities, including minors, more vulnerable to community violence. Research carried out by the Iranian Lesbian and Transgender Network shows that LGBT adolescents tend to experience homophobic taunts, insults and threats on a constant basis and this is in fact so common that many of them decide to isolate themselves in order to avoid being harassed or assaulted by members of the public.

'During its research, the Iranian Lesbian and Transgender Network interviewed several individuals who said they were sexually assaulted and raped when they were below the age of 18 because of their sexual orientation or gender identity. In all these cases, the victims said they not only did not feel protected by the law but also feared that they will be arrested and charged with sexual offences, if they were to file complaints with the police.'⁵⁹

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⁵⁸ 6Rang, 'The Situation of LGBT Children in Iran', June 2015, [url](#)

⁵⁹ 6Rang, 'The Situation of LGBT Children in Iran', June 2015, [url](#)

5.4 'Secret Pride'

5.4.1 A number of sources indicate that a group of young activists have been holding a series of 'secret Pride' celebrations in Iran since 2010. A July 2017 article written by Michaela Morgan entitled 'LGBT+ Iranians are set to celebrate Pride in secret with "Rainbow Friday"' stated:

'In a country where homosexuality is illegal and punishable by death, Iran's LGBT+ community will be celebrating Pride in the only way possible—in secret.

'Ranginkamaniha or "Rainbow Friday" has been taking place in Iran since 2010 and invites the country's queer community to upload photos of themselves with rainbow flags, balloons and messages of hope—with their faces obscured for their own safety.'⁶⁰

5.4.2 An article written by Sexuality Policy Watch entitled '2018 Pride Day in Iran' stated:

'July 27 is Pride Day in Iran. It's been the 9th following year that the 4th Friday of July (1st Fri of Mordad in Persian calendar) is named & celebrated as Iran Pride Day.

'Although being queer is officially illegal & same-sex sexual conduct could be punished by death in Iran, LGBTIQs inside the country celebrate this day in their own way and share it with hashtag #IranPride on social media.

'The "Rainbows" (Ranginkamaniha in Persian) established this day. The group releases a statement each year. This year's statement is focused on "Fighting for Diversity".'⁶¹

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Section 6 updated: 01 April 2019

6. Access to services

6.1 Sexual health services

6.1.1 The 2018 report produced by Small Media looked into sexual health services and resources for LGBTQ people. It stated:

'Through a series of conversations and surveys we conducted with Iranian LGBTQ participants and sexual health experts, we documented a number of obstacles to access to sexual health services and resources. Without access to appropriate information about STIs or practical safe sex advice, or to targeted and appropriate treatment, Iranian LGBTQ people are at exceptionally high risk of exposure to sexually transmitted infections.

'...the primary barrier to improving LGBTQ people's access to sexual health services is silence – from society, from health professionals, and from LGBTQ people themselves. The extremely discreet nature of existing sexual

⁶⁰ SBS, 'LGBT+ Iranians are set to celebrate Pride in secret with 'Rainbow Friday'', July 2017, [url](#)

⁶¹ SPW, '2018 Pride Day in Iran', July 2018, [url](#)

health services in Iran makes it difficult for Iranian LGBTQ people to know where to go for testing, or which practitioners they can trust.’⁶²

6.1.2 The report continued:

‘We surveyed 314 LGBTQ Iranians to enquire about their access to sexual health resources and their experiences engaging with sexual health support services. Of this sample, 65.9% did not know where they could go to access Persian-language sexual health resources online, and 65.9% do not even know where they could access sexual health services if they were needed.

‘A key issue preventing LGBTQ people from accessing sexual health services in Iran appears to be a lack of trust in sexual health practitioners. Only 8.9% of respondents had disclosed their sexual orientation or gender identity to a sexual health practitioner. Of those who had not, 28.6% stated that they refrained from discussing their sexuality or gender identity for fear of negative consequences. Only 4.5% of respondents thought sexual health providers were generally well-informed about the needs of LGBTQ people.

‘It wasn’t just the health service that came in for criticism, however. Several focus group participants also criticised the current lack of availability of online sexual health resources, and stated that it was particularly challenging to access sexual health resources online in Persian.’⁶³

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6.2 Transgender persons

6.2.1 The 2016 Transgender Human Rights report produced by OutRight Action International looked at the legal processes involved for a trans individual who has undergone ‘sex reassignment surgery’ (SRS) to obtain a new identification card. The report also considered the situation for those who have not undergone SRS:

‘[T]rans individuals in Iran who do not wish to pursue medical transition processes, who cannot afford such processes, or who wish to pursue some forms of medical gender transition but not others, are wholly deprived of legal identity recognition and face severe barriers to maintaining and pursuing education, to accessing housing and employment, and to moving freely and safely through society. The law does not recognize such trans individuals, nor does it provide space or legal recognition for individuals who identify across or outside of the gender binary.’⁶⁴

6.2.2 The same report goes on to cover the state’s support for trans people:

‘Providing medical care to trans individuals is primarily the responsibility of the Ministry of Health. The provision of social and psychosocial support for trans patients is assigned to the State Welfare Office [SWO]. Other state agencies involved in supporting Iranian trans community members include the Ministry of Labor, which coordinates national political and legal advocacy efforts in support of the trans community; the Law Enforcement Agency, which refers trans individuals that are reported to them to the SWO; the

⁶² Small Media, ‘Breaking the Silence’, May 2018, [url](#)

⁶³ Small Media, ‘Breaking the Silence’, May 2018, [url](#)

⁶⁴ OutRight, ‘Being Transgender in Iran’, October 2016, [url](#)

NOCR [National Organisation for Civil Registration], which reissues national ID cards after judicial and medical approval; and the Military Draft Board, which assesses whether trans individuals should be exempted from compulsory military service. In addition to these agencies, Iran's state-run Imam Khomeini Relief Foundation, which is in charge of providing services to low-income and vulnerable populations, provides financial assistance to qualified trans individuals, and (on a limited basis) offers disability benefits to trans individuals who are not able to work.⁶⁵

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6.3 Education

6.3.1 The Iranian Lesbian & Transgender Network (6Rang) produced a submission to the 'Committee on the Rights of the Child' in June 2015 based on the findings of their 2014 report jointly published with Justice for Iran. The 2015 submission entitled 'The Situation of LGBT Children in Iran' stated:

'Homophobic discrimination is extremely common in schools in Iran. Boys deemed by others to be too effeminate or young girls seen as tomboys endure teasing and harassment because of their appearance and behavior, which is perceived as failing to fit in with a heteronormative gender identity. School authorities also discriminate against young people because of their sexual orientation or gender expression, sometimes leading to their being refused admission or being expelled.

'Because of gender segregation in the Iranian school system, transgender adolescents whose appearance contradicts their identification documents are particularly at risk of violation or denial of their right to education. They may be excluded from schools that correspond with their biological sex because of their transgender status but they will not be allowed to register in schools that correspond with their preferred gender until they undergo gender reassignment surgeries and obtain new identification documents reflecting their gender.'⁶⁶

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Section 7 updated: 01 April 2019

7. LGBT groups, civil society and human rights NGOs

7.1.1 The USSD Iran 2018 HRP report noted that:

'The government restricted the operations of and did not cooperate with local or international human rights NGOs investigating alleged violations of human rights. The government restricted the work of domestic activists and often responded to their inquiries and reports with harassment, arrests, online hacking, and monitoring of individual activists and organization workplaces.

'By law NGOs must register with the Ministry of Interior and apply for permission to receive foreign grants. Independent human rights groups and other NGOs faced continued harassment because of their activism, as well

⁶⁵ OutRight, 'Being Transgender in Iran', October 2016, [url](#)

⁶⁶ 6Rang, 'The Situation of LGBT Children in Iran', June 2015, [url](#)

as the threat of closure by government officials following prolonged and often arbitrary delays in obtaining official registration.’⁶⁷

- 7.1.2 A February 2019 report produced by Amnesty International entitled ‘Laws Designed to Silence: The Global Crackdown on Civil Society Organizations’ stated the following:

‘The Iranian authorities use provisions in the Islamic Penal Code to criminalize the activities of human rights defenders and civil society organizations. This has resulted not only in stopping independent human rights organizations from being able to register and operate, but also in the criminalization of even informal networks or campaigns, such as Step by Step to Stop the Death Penalty (also known by its Persian acronym, Legam)... Penal Code articles frequently used to criminalize the activities of human rights defenders and civil society organizations include: “gathering and colluding to commit crimes against national security” (Article 610), “forming a group composed of more than two people with the purpose of disrupting national security” (Article 498) and “membership of a group with the purpose of disrupting national security” (Article 499). The definitions of these crimes contravene the principle of legality as they are overly broad and vague, allowing the authorities to apply them arbitrarily.’⁶⁸

- 7.1.3 CPIT was unable to find reports of any active registered NGOs based in Iran advocating on behalf of LGBTI people.

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⁶⁷ USSD, ‘Iran 2018 Human Rights Report’, March 2019, [url](#)

⁶⁸ Amnesty International, ‘Laws Designed to Silence’ February 2019 [url](#)

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context
 - Constitution
 - Legislation
 - Criminal/Penal code
- State attitudes and treatment, incl. the law in practice
 - Arrests and detention of LGBT persons and prosecutions for same sex acts and other offences
 - Police violence
 - Police responses to reports of anti- LGBT violence
 - Public statements by government officials
 - Ombudsman/Complaints mechanism(s)
- Societal attitudes and treatment
 - Societal norms
 - Violence and discrimination
 - Anti-LGBT protests
 - Pro-LGBT marches/gay pride
 - Gay 'scene' or 'community'
 - LGBT websites
 - Family treatment
- Media attitudes
- Access to services
 - Healthcare
 - Accommodation
 - Employment
 - Education
- LGBT groups, civil society and human rights NGO's
 - Government recognition of LGBT NGOs
 - Restrictions on Civil Society Groups

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Version control

Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from **21/06/2019**

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CPIN updated to reflect current country information.

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