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Subject: ►Iran◄: Treatment of lesbians**Regional Office:** 2**From:** Research Directorate, Immigration and Refugee Board, Ottawa

Keywords: ►homosexuals◄; women; marriage; men; social relationships; customs and traditions; cultural identity; family; youth; freedom of movement; husbands; detention; legal proceedings; rape; prosecution; gender discrimination; segregation; witnesses; testimonies; statistical data; human rights violations; social structure; courts; politics; social group discrimination; security forces; social group persecution; punishment; death penalty; torture; offences; Shari'ah; ►Iran◄

The following information was provided during a 30 May 1999 telephone interview with an Iranian sociologist at the Centre national de la recherche scientifique (CNRS), Paris, France, who is also a chargée de conférences at the Sorbonne-Nouvelle Paris-III, and travels frequently to ►Iran◄ for field research. The sociologist spent the summer of 1998 in ►Iran◄, and has published on ►Iran◄ and Iranian women in academic reviews such as the *Revue française de sciences politiques*, the *British Journal of Middle Eastern Studies* and *Les Cahiers de l'Orient* and *Le Monde Diplomatique*.

The sociologist stated that there are lesbians in ►Iran◄ as in many other societies in the world. Lesbianism is prevalent and is a phenomenon that has existed for a long time. The sociologist added that many Iranian women would engage in lesbian acts to satisfy their sexual desires before being married to a man. This situation is the result of the strict code of conduct regulating male-female relationship in ►Iran◄ where it is easier and socially acceptable to be close to people of the same gender. Women coming from traditional families are more likely to experience same-sex relationship than liberal families because of the strict control on their behaviour towards men. For example, young women from traditional families would often be restricted to their family home and only allowed to see other women. The sociologist further indicates that because a majority of Iranian women do not necessarily find their sexual relations with their husbands satisfying and, since they cannot enter an illicit sexual relationship outside of marriage, they tend to seek sexual satisfaction with the same gender as a less risky solution.

It is very difficult to "recognize" a lesbian in public because Iranian women publicly hold hands, kiss, etc.

The sociologist was unaware of any arrests, detention or prosecution of lesbians in ►Iran◄. As for gay men, the Iranian authorities consider that there is a "rape" through penetration; a person commits the act while another is the victim of it. For lesbians, the concept of "rape" is extremely difficult to apply since there is no "natural" penetration.

In principle, the prosecution of lesbians requires four male witnesses, since the testimony of women is not considered valid in rape cases. Therefore, it would be very difficult and unlikely for lesbians to be prosecuted in ►Iran◄ because in such a segregated society men would never witness sexual relations between women. Although aware of their existence, the Iranian authorities are not concerned by lesbian relations. As long as lesbians remain in the private domain and do not challenge the social institution of marriage, the Iranian authorities will continue to avoid the issue.

This information on prosecution was corroborated by a specialist on ►Iran◄ who is a researcher with the Écoles des hautes études en sciences sociales de Paris (ÉHÉSS) (14 July 1999).

The specialist on ►Iran◄ at the ÉHÉSS added that it is impossible to recognize a lesbian in the street since Iranian women hold hands, kiss and exhibit physical proximity in public without facing any problems (ibid.). This is social behaviour that is accepted in ►Iran◄ (ibid.). The researcher also indicated that he has never come across any arrests, prosecution or execution of lesbians in ►Iran◄ in the last 10 years (ibid.).

According to the Director of the Institut d'études iraniennes at the Université de Paris III, lesbian relations are not accepted in ►Iran◄ (12 July 1999). The Director was not aware of any cases of lesbians being arrested, prosecuted or executed in the last 10 years in ►Iran◄ (ibid.). He corroborates the information provided by the Iranian sociologist regarding the lack of interest of the Iranian authorities in lesbian activities as long as it does not question the social structure and the family (ibid.). The Director added that like male homosexuality, lesbianism is prevalent in a society, such as the Iranian society, where male-female relationships are strictly controlled and defined by traditions (ibid.). As long as it remains in the private domain, lesbian activities are tolerated (ibid.).

According to a representative of Homan-Los Angeles, a group established in 1990 in Stockholm (Sweden) to defend the rights of Iranian gays and lesbians, there are lesbians in ►Iran◄ (11 June 1999). The representative provided the information based partly on discussion with Iranian lesbians and gays in the United States. Lesbianism is not well accepted in the Iranian community (ibid.). The representative acknowledges that many young Iranian women would have lesbian relations before getting married without being lesbian in their sexual activities (ibid.). Iranian women, like men, demonstrate a public sensuality with each other, holding hands for example, which does not mean that they are lesbians (ibid.). The representative did not know whether any Iranian lesbians have been prosecuted in the last 10 years (ibid.). He also could not provide any information on the legal requirements regarding court evidence in order to prosecute a lesbian in ►Iran◄ (ibid.). Based on his knowledge of Iranian culture and politics, and not on actual cases of lesbians caught by the authorities, the representative said that in his opinion lesbians who are "discovered" would be dealt with more severely than people caught in a pre-marital sexual male-female relationship (ibid.).

Reports on lesbians in ►Iran◄ are rare and only provides generic statements regarding the illegality of gay and lesbian behaviour in ►Iran◄, and on theoretical punishments. No reports provide information on actual prosecution cases and the ensuing punishment.

In its 1996/97 annual report, the International Gay and Lesbian Association (ILGA) stated that:

In ►Iran◄, lesbians are illegal. They face a punishment going from 100 lashes in the feet to death penalty.

A 6 November 1995 article published in the *New Jersey Law Journal* states that:

In ►Iran◄, the first punishment for a gay man or lesbian found guilty of an "offence" is 100 lashes. Second and third offences -- which can include any behaviour that arouses authorities' suspicions -- mean another 100 lashes each.

In *Sexuality and Eroticism Among Males in Moslem Societies*, Arno Schmitt and Jehoeda Sofer indicate that

Of female same-sex behavior (musahaqa) almost nothing is known. Islamic law considers it sex outside of marriage and therefore as adultery, with all the consequences already described. Yet because no penetration takes place, punishment is theoretically limited to one hundred lashes. In practice lesbian behavior is regarded as relatively unimportant, because it usually takes place discreetly (1992, 186-187).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

References

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Sexuality and Eroticism Among Males in Moslem Societies. 1992. Edited by Arno Schmitt and Jehoeda Sofer. New York, NY: Harrington Park Press.

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Additional Sources Consulted

Electronic sources: WNC, Internet, LEXIS-NEXIS

Homan Magazine. 1996-1999

Three oral sources did not have information on this subject.

