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Human Rights Violations against Lesbian, Gay, Bisexual and Transgender People in Iran

Submission to the UN Universal Periodic Review
48th Session of the UPR Working Group

Islamic Republic of Iran
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6Rang (Iranian Lesbian and Transgender Network), was founded in 2010 following the first Iranian lesbian and transgender gathering. Its network and contacts span across Iran, and is a member of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA). The organisation's mission is to promote awareness of LGBTI+ human rights and combat homophobia, transphobia, and violence, with a particular focus on lesbian and transgender individuals. To achieve this mission, 6Rang employs key strategies, including strengthening member capacity to challenge discrimination, offering online counselling for LGBTI+ individuals, especially lesbian and transgender Iranians, and conducting international advocacy and media work centered around research and documentation to raise awareness about sexual orientation, gender identity, and diversity within Iran.

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Executive Summary

- 6Rang's submission focuses on several key issues regarding LGBT+ human rights in Iran and highlights the failure of Iranian authorities to undertake appropriate measures and implement the recommendations from Iran's previous UPR reviews. The Islamic Republic has addressed the recommendations superficially, and dismissed international consensus on recognising the principle of non-discrimination on the basis of sexual orientation and gender identity.
- Iran has failed to adopt legislation or policies to protect LGBT+ individuals, who continue to face severe persecution and discrimination. The Iranian Penal Code (IPC) criminalises same-sex conduct, imposing severe punishments, including flogging and the death penalty. Transgender and non-binary expressions face restrictions and penalties. Medical practices often misdiagnose and abuse LGBT+ individuals, including the use of harmful conversion therapies. State and non-state actors perpetrate physical and psychological violence against LGBT+ persons with impunity.
- LGBT+ human rights defenders are prosecuted, and may have faced the death penalty. Hate speech by state officials against the LGBT+ community exacerbates societal hostility and alienation, particularly as a part of the crackdown on protests. Gender-based violence against LGBT+ protestors, particularly during the crack down on the 2022-23 nationwide protests constituted crimes against humanity of gender persecution.
- 6Rang makes a number of recommendations to the Islamic Republic of Iran to act on the institutional and human rights concerns raised in this submission.

Follow-up from the previous review

1. During Iran's third UPR it received 10 recommendations in relation to sexual orientation and gender identity issues.¹ Iran only partially supported two of the recommendations and rejected the remaining eight,² which asked them to decriminalize consensual same-sex relations and abolish the death penalty for related offenses,³ as well as those urging them to end discrimination and violations on the grounds of sexual orientation and gender identity.⁴
2. The two partially recommendations are followed:
 - 26.81. *Review its legislation and policies so as to ensure non-discrimination, especially on the grounds of religion or belief, as well as sexual orientation and gender identity (Czechia);*
 - 26.86. *Take measures of protection against violence and discrimination on the grounds of sexual orientation and gender identity (New Zealand);*

6Rang regrets the Islamic Republic of Iran's continued failure to implement the recommendations it had partially supported concerning the assurance of non-discrimination based on sexual orientation and gender identity, as well as the protection of LGBT+ individuals against violence.

3. The Islamic Republic of Iran has repeatedly demonstrated its lack of recognition for the principle of non-discrimination based on sexual orientation and gender identity through repeated statements made by its representatives to UN human rights mechanisms. For example, during the fourth periodic review of the Islamic

Republic of Iran by the UN Human Rights Committee on 9 October 2023, Zohreh Elahian, a representative from the State delegation addressed questions concerning the criminalisation of same-sex relations. The representative argued that there is no international consensus on recognising same sex relations and claimed that the rights associated with it are not covered by the provisions of international covenants. She followed up by stating that the Islamic Republic has also not recognised these rights.⁵

4. This submission, prepared for the fourth cycle of the Universal Periodic Review (UPR) of Iran, which will take place in January 2025 outlines the human rights situation of LGBT+ individuals in Iran. It highlights the most significant examples of the Islamic Republic of Iran's violations of its international human rights obligations concerning sexual orientation and gender identity, as enshrined in treaties and customary international law, focusing on developments since the third cycle in November 2019.

Human Rights Violations against Lesbian, Gay, Bisexual and Transgender People in Iran

5. The LGBT+ community is one of the most marginalised groups in Iran. The LGBT+ individuals routinely suffer physical and psychological violence at home, in society, in schools and workplaces, in healthcare, and at the hands of the law enforcement.⁶ 6Rang is deeply concerned about the ongoing and escalating discrimination, persecution, and prosecution based on sexual orientation and gender identity, including the death penalty for same-sex relations and the advocacy of human rights for LGBT+ individuals.

a. Criminalisation of same sex conduct and non-conforming gender expressions

6. The Islamic Penal Code (IPC) adopted in 2013 criminalises same-sex conduct, with punishments ranging from flogging to the death penalty.⁷

These punishments are actively enforced by the State, according to the November 2023 UN Human Rights Committee concluding observations on the Islamic Republic of Iran.⁸

7. In relation to consensual same-sex sexual intercourse between men, called *livat* (i.e. sodomy), the IPC imposes the death penalty, although it treats the “active” and “passive” parties differently. The active partner will be sentenced to death and executed provided that he is either married, or if he is a non-Muslim who has engaged in sodomy with a Muslim passive partner. The passive partner, however, is punishable by death sentence regardless of his marital status or religion (art. 234). Sexual acts between men that do not amount to intercourse are also punishable by up to 100 lashes if the act is deemed consensual (arts. 236-7).
8. With regard to same-sex relations between women, called *Musahiqa* (i.e. lesbianism), the IPC imposes flogging (100 lashes) for each party (art. 239). If a woman is convicted of *Musahiqa* three times and receives this punishment each time, the penalty for a fourth conviction escalates to the death penalty. (art.163)
9. Transgender expressions including *cross-dressing* may attract a punishment of flogging (74 lashes) under the broad and vaguely worded article 638 of the IPC. Homosexual expressions either in the society or via social media platforms are also punishable under general provisions about immorality and indecency according to articles 639 and 640 IPC by imprisonment, flogging and a fine. Alternatively, in more extreme cases, especially those involving advocating for the rights of LGBT+ individuals, such acts may be punishable according to article 286 IPC under a more serious charge of *efsad-e-fel-arz* (corruption on earth) punishable by execution (art. 286).
10. Gender identity expression faces restrictions as individuals must obtain a diagnosis of 'gender identity disorder' and undergo invasive medical procedures before expressing their gender identity. Non-conforming gender expressions, including not wearing Islamic hijab, are penalised under the Islamic Penal Code. Lesbian, trans, and non-binary individuals expressing their

identity through appearance, clothing, or behaviours considered non-conforming may face imprisonment, fines, or lashes. Lesbian and trans women encounter additional discrimination due to gender discriminatory laws and policies, relegating them to a second-class position.⁹ Gender segregation rules and measures contribute to further discrimination and deprivation. The UN Human Rights Committee has asserted that “State actors frequently harass and detain lesbian, gay, bisexual and transgender individuals on the basis of public decency laws and subject such persons to torture and ill-treatment while they are in detention.”¹⁰

b. Conversion therapies and medical abuses

11. 6Rang’s previous research has found that some medical practices assign other psychiatric diagnoses to patients who deviate from heterosexual and cisgender norms, and often misdiagnose these patients.¹¹ For example, same-sex desires is often diagnosed as a mood disorder and treated with anti-psychotics; homosexuality has also been diagnosed as obsessive-compulsive disorder (OCD) and treated with medication and behavioural therapy. These practices see transgender patients as experiencing delusions that force them to believe they belong in the wrong body, and they are often treated with electroconvulsive therapy or anti-psychotic drugs. Another alarming issue is the coercion of gay and lesbian people into undergoing gender reassignment surgery without their informed consent. The UN Human Rights Committee has recently raised concerns about this issue as well.¹²

12. Some medical practices in Iran specialise in conversion therapy. They believe that homosexuality is due to a lack of positive experiences with the opposite sex and low self-esteem. They encourage their patients to form relationships with people of the opposite sex as a way to convert their sexuality. Treatments at these facilities include electric shock to the hands and genitals, ingestion of emetic drugs while watching pornographic material depicting same-sex intercourse, masturbation while watching pornographic material depicting

heterosexual intercourse, and other inhumane treatments¹³. 6Rang's research has confirmed that the government is actively encouraging such practices that have been viewed as torture or ill-treatment in many cases.¹⁴

c. Persecution of LGBT+ human rights defenders

13. In October 2021, Iranian authorities arrested LGBT+ activists Zahra (Sareh) Sedighi-Hamadani and Elham Choubdar, accusing them of "promoting homosexuality" and "spreading corruption on earth." They faced severe torture and coercion to confess to crimes they did not commit while state media falsely accused them of trafficking women. In August 2022, both were sentenced to death by the Revolutionary Court in Urumieh.

14. In September 2022, nine UN Experts urged the Iranian authorities to immediately halt the executions of the two women confirming they had been sentenced to death in relation to their support for the human rights of LGBT people.¹⁵ Their sentences were overturned in March 2023 by the Supreme Court, leading to their temporary release on a bail of 1 billion Iranian tomans each. However, their case was sent for retrial, and judicial persecution continued.

15. Following a retrial, Elham Choubdar was sentenced to three years in prison and was re-arrested in February 2024 to serve her sentence in Urmiah Central Prison. Zahra Sedighi-Hamedani, under immense pressure, fled Iran in mid-2023, but her mother faced threats from authorities to collect the bail money through property confiscation. Thanks to an international fundraising campaign led by 6Rang, the required bail money was raised and paid to authorities in April 2024, alleviating some immediate pressures on her family.

16. The UN Human Rights Committee has confirmed that Iranian authorities prosecute human rights defenders who advocate on behalf of sexual or gender minorities.¹⁶ Criminalisation of advocacy for LGBT+ human rights amidst ongoing internet smear campaigns aimed at discrediting their work.¹⁷

17. This pattern has intensified, both during and in the aftermath of the nationwide protests in 2022-23.¹⁸ As the UN independent international fact-finding mission on the Islamic Republic of Iran has established, “The authorities appear to have condoned, if not actively participated in, doxing, smear campaigns and other demeaning forms of online harassment, especially of women and others, including the LGBT+ community, for their support or involvement in the protests. In that regard, the authorities failed to uphold their duty both to protect and fulfil the rights to freedom of expression and to privacy.”¹⁹

d. Violations against LGBT+ protestors

18. Evidence collected by 6Rang confirms that LGBT+ individuals experienced aggravated violations of their fundamental human rights only and merely for deviating from gender criteria imposed by the Islamic Republic during or as a result of participation in the nation-wide 2022-23 protests.²⁰

19. Individuals arrested on various grounds have experienced heightened gender-based violence due to their actual or perceived sexual orientation and gender identity. Additionally, they might face charges related to their LGBT+ status, irrespective of the initial reasons for their arrest.²¹

20. Their perceived or real sexual orientation, gender identity, and gender expression became an excuse for security forces to not only deprive them of their fundamental human rights, an experience all protestors shared, but also open-handedly commit a wide-range of gender-based crimes against them, in particular.²²

21. The UN independent international fact-finding mission on the Islamic Republic of Iran has found that “sexual and gender-based violence was carried out on women, men and children who had been detained, including LGBT+ persons arrested in connection with the protests.”²³ The Mission has also established a

discernible pattern of cruelty directed at protesters on the basis of their gender and actual or perceived sexual orientation or gender identity and stated: “the security forces have used persecutory conduct, including rape and other forms of sexual and gender-based violence, with the intention of discriminating against women and girls and men and boys supporting demands for gender equality and LGBT+ persons, in order to silence, deter and punish the protesters and their supporters.”²⁴

22. 6Rang contends, based on inputs from 70 individuals, that protesters from the LGBTIQ+ community, highlighted in their research report "War on Bodies and Minds," faced treatment by authorities that amounted to crimes against humanity of gender persecution. This violation involved the deprivation of fundamental rights based on real or perceived sexual orientation or gender identity and was orchestrated by security forces, prisons, and judicial authorities. The discriminatory intent was demonstrated through inflammatory and hate speech, with these actors enjoying absolute impunity.²⁵

e. Hate Speech

23. State officials and affiliated media continue to use hateful and derogatory language against the LGBT+ community in Iran. They present LGBTQ+ individuals as ‘immoral and corrupt’, ‘animalistic and subhuman’ and ‘sick and diseased’; apart from being presented as inferior, LGBT+ people are often accused of working with Western imperialists or being anti-revolutionary.

24. The Human Rights Committee in its November 2023 concluding observations on Iran noted that while “the Charter of Citizenship Rights bans spread of hatred [...] it is particularly concerned by multiple reports of hate speech by public officials, instigating prejudice against LGBT persons (articles 2, 20, 26 and 27)”.²⁶

25. The practice has intensified and has been expressed in different forms following the participation of LGBT+ individuals in the protests in 2022-23.²⁷ In their attempts to quash the efforts of the community in the protests, the state officials have used such language to deter from the validity of their demands and silence them.²⁸

Recommendations

26. 6Rang calls on the Islamic Republic of Iran to:

1. Decriminalise same-sex relationships and remove the death penalty and flogging for offenses relating to consensual same-sex conducts between adults.
2. Ban all forms of forced, coercive or otherwise involuntary psychological, medical and surgical procedures designed to change or reassign people's sexual orientation, gender or sex characteristics without their free, prior and informed consent, and outlaw reparative therapies amounting to torture or cruel, inhuman and degrading treatment;
3. Protect gender non-conforming people from harassment, arbitrary arrest and detention, and torture and other ill-treatment, whether by state or non-state actors;
4. Ensure that human rights violations against all individuals, regardless of sex, gender, or sexual orientation, are investigated impartially and comprehensively. Those responsible, particularly for acts against protesters that may constitute gender persecution, should be held accountable.
5. Ban and refrain from making public statements that incite hatred, violence and discrimination against individuals on the basis of sexual orientation,

gender identity or gender expression;

6. Immediately and unconditionally release LGBT+ activists and human rights defenders from detention and put an immediate end to the persecution and harassment of those who promote sexual diversity and gender rights.

¹ A/HRC/43/12, recommendations made by Canada, Czechia, Germany, Israel, Italy, Luxembourg, New Zealand, Iceland, Malta, and Mexico (26.80-26.86, 26.124, 26.131, and 26.132), Report of the Working Group on the Universal Periodic Review, 27 December 2019.

² A/HRC/43/12/Add.1, Report of the Working Group on the Universal Periodic Review, 20 February 2020.

³ A/HRC/28/12 Recommendations 26.132 (Mexico), 26.84 (Italy), 26.82 (Germany), 26.83 (Israel), 26.124 (Iceland), 26.131 (Malta).

⁴ A/HRC/43/12 Recommendations 26.85 (Luxembourg), 26.80 (Canada), 26.83 (Israel), 26.81 (Czechia).

⁵ The United Nations: The Islamic Republic Must Abolish Executions for Same-Sex Relations, 6Rang, 18 December 2023, available at: <https://6rang.org/english/3701>.

⁶ Justice for Iran & 6Rang, *Diagnosing Identities, Wounding Bodies*, 2014, available at: <https://justice4iran.org/wp-content/uploads/2014/06/Pathologizing-Identities-Paralyzing-Bodies.pdf>.

⁷ Articles 232 and 233 of the New Islamic Penal Code, available at: <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>.

⁸ CCPR/C/IRN/CO/4, Concluding observations on the fourth periodic report of the Islamic Republic of Iran, 23 November 2023.

⁹ Sadr, *Living as Second Class Human Beings Gender Apartheid in the Islamic Republic of Iran*, March 2024, available at: https://www.academia.edu/115650098/Living_as_Second_Class_Human_Beings_Gender_Apartheid_in_the_Islamic_Republic_of_Iran.

¹⁰ CCPR/C/IRN/CO/4.

¹¹ 6Rang, *Straitjacketed Identities: Reparative therapy in systematic medical abuse of Iran's LGBT+ people*, July 2023, available at: <https://6rang.org/english/wp-content/uploads/2023/05/6Rang-Conversion-Therapy-Eng-edit.pdf>.

¹² CCPR/C/IRN/CO/4.

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

¹⁴ World Professional Association for Transgender Health, "Standards of Care for Gender Identity Disorders," Sixth edition (February 2001), available at: <http://www.wpath.org/documents2/socv6.pdf>.

¹⁵ Iran: UN experts demand stay of execution for two women, including LGBT activist, 28 September 2022, Available at: <https://www.ohchr.org/en/press-releases/2022/09/iran-un-experts-demand-stay-execution-two-women-including-lgbt-activist>.

¹⁶ CCPR/C/IRN/CO/4.

¹⁷ Amnesty International, *Iran: Iranian LGBTI defender sentenced to death: Zabra Sedighi-Hamadani & Elham Choubdar*, September 2022, available at: <https://www.amnesty.org/en/documents/mde13/6035/2022/en/>.

¹⁸ 6Rang, *Silencing Protests: Official hate speech against LGBT people as a tool of suppression*, March 2023, available at: <https://6rang.org/english/wp-content/uploads/2023/03/30.03.23-Hatespeech-EN-SBFV.pdf>.

¹⁹ Detailed findings of the independent international fact-finding mission on the Islamic Republic of Iran, 19 March 2024, A/HRC/55/CRP.1, Para 1203.

²⁰ *War on Bodies and Minds: Gender persecution of LGBTIQ+ protestors in the context of the 2022-23 uprising*, September 2023, available at: <https://6rang.org/english/wp-content/uploads/2023/09/War-on-Bodies-and-Minds-EN-FINAL-.pdf>.

²¹ Ibid.

²² Ibid.

²³ A/HRC/55/67, February 2024.

²⁴ Ibid.

²⁵ *War on Bodies and Minds: Gender persecution of LGBTIQ+ protestors in the context of the 2022-23 uprising*, September 2023, available at: <https://6rang.org/english/wp-content/uploads/2023/09/War-on-Bodies-and-Minds-EN-FINAL-.pdf>.

²⁶ A/HRC/55/CRP.1, para. 1195-1196, July 2024.

²⁷ For more detail, see *Silencing Protests: Official hate speech against LGBT people as a tool of suppression*, March 2023, available at: <https://6rang.org/english/wp-content/uploads/2023/03/30.03.23-Hatespeech-EN-SBFV.pdf>.

²⁸ <https://eslahatnews.com/%ش-میابید20فر دای-یس-از-جمهوری-اسلامی-جهنم-است-و-همجنسبازی-در-ایران-رسمیت-یافته-و-گسب%/>.