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Addressing Homophobia in Iran

May 15, 2008

"It is painful for me to see how my fellow Muslims deny and condemn the existence of homosexuality within Islam and refuse to accept me as a member of their community."

-- Arsham Parsi, Founder, Iranian Queer Organization.
Philadelphia, May 1, 2008

"The punishment for sodomy [lavat] where penetration has occurred is death, and the method of execution is at the discretion of the Sharia judge."

-- Article 110, Islamic Republic Penal Code

Washington, DC, 17 May 2008

On May 17, 2008, as International Day Against Homophobia is celebrated in countries around the world, the Islamic Republic of Iran continues to violate the dignity, the privacy, and the right to life of its lesbian, gay, bisexual, and transgendered (LGBT) citizens.

In Iran, same sex sexual acts between consenting adults are crimes. Since 1979, thousands of Iranians have been intimidated, harassed in their own homes, arrested, tortured, subjected to cruel corporal punishment, and executed. Some are diagnosed with psychological disorders while others are forced to deny their sexual orientation or induced to repent as sinners. In all cases they are compelled to live in fear behind closed doors because of their sexual orientations or gender identities.

Articles 108 to 134 of the Islamic Republic's Penal Code impose specific punishments -- ranging from 60 lashes to execution -- for men and women found guilty of homosexual acts. Article 123, for example, reads: "If two men, unrelated to one another, lie, without necessity, naked under the same cover, they will each be punished by up to 99 lashes of the whip." Article 110 imposes the death penalty for sodomy. These penalties are maintained in the revised draft of the penal code submitted to the parliament for approval in December 2007.

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Over the years, Iranian authorities have confirmed in their statements that Iran sentences individuals to death for homosexual sex. In 1991, for example, in its reply to inquiries made by a UN special representative, the Iranian government stated that: "according to the Islamic Shariat, homosexuals who confess to their acts and insist on [their homosexuality] are condemned to death." [1] More recently, in May 2007, the head of a parliamentary delegation visiting the United Kingdom stated, in response to inquiries by British MPs, that if homosexual activity is in private, there is no problem, but that those engaging in overt activity should be executed. He also said that homosexuality is against human nature. [2]

The Abdorrahman Boroumand Foundation (ABF) has documented at least 146 cases of executions of individuals charged with a "homosexual act" since 1979. In 1980 in Tabriz, for example, [Mr. Nasser Farhati](#) and four other individuals were executed for "repeated sodomy, so much so that this immoral and filthy act had become like a chronic disease with them." In 1982, an un-named individual was executed for "the hideous act of sodomy and adultery" in Mashad.

In 1990, the UN Special Rapporteur on Iran reported on the execution of a [Mr. Mansuri](#) in Arak and of five other un-named individuals. In 2005, [Mr. Mokhtar N.](#) was found guilty of a "homosexual act." He was executed in public in Bahonar Square in Gorgan.

ABF's list of executions, which is far from being exhaustive, includes individuals who have been executed for political or other unrelated reasons and whose charges include a homosexual offense. [Mr. Makwan Moludzadeh](#), a 20-year-old from Kurdistan, was sentenced to death and executed for homosexual acts committed at the age of 13, in violation of Iranian and international law. His execution may have been prompted by the reported enmity of the local prosecutor. (See also [Mr. Mohammad Sa'id Beizi](#) and [Mohammad Jamil Hosseini](#)).

The list does not include, however, scores of individuals executed for allegedly committing homosexual rape. Among these are believed to have been homosexuals killed based on trumped-up charges, such as in the highly publicized case of the [teenagers](#) in Mashad who received 228 lashes each before being hanged in public in 2005. Investigating the accuracy of these rape charges is difficult and will not be

possible as long as the Iranian authorities deny defendants' basic rights, such as the right to an attorney during interrogation or the right not to incriminate oneself, and as long as they refuse independent human rights monitors access to trials.

ABF and other human rights and LGBT rights groups have documented many instances in which individuals suspected of homosexuality have been arrested and flogged[3]. (See [Amir](#), and [Farshad and Farnam](#)) They note that such corporal punishments have increased noticeably since 2003.

In July 2005, after an inconclusive medical report, a court in Esfahan sentenced five young men to 75 lashes apiece and three years of exile to Khouzistan province for "having confessed one time to a homosexual act." [4] According to Arsham Parsi, founder of Iranian Queer Organization, "being flogged has become routine for many Iranian gays who may even express relief at the fact that they were 'only sentenced to corporal punishment.' "

Twenty-nine years of institutionalized violence and discrimination have driven Iranian gays and transsexuals to an underground life marked by the fear of being caught. It has also made them easy targets of violence in recent government campaigns against "hooligans". In the summer of 2007, the Revolutionary Tribunal of Shiraz sentenced several "hooligans" to prison and other punishments. Among them were two men whose punishment included 175 lashes each for homosexual acts. [5] More recently, in March 2008, another "morality campaign" led to the arrest of 30 male guests at a party in Esfahan. Security forces broke into a private home, and the guests were arrested, detained for weeks with no access to legal counsel, and reportedly examined for evidence of homosexual sex. [6]

The sad reality of the discriminatory and violent treatment of sexual minorities in Iran contrasts starkly with the Islamic Republic's glowing claims of providing equality to its citizens:

- "The judiciary power of the Islamic Republic has also worked out a bill of citizens rights. One of the main principles incorporated in this bill ensures the enjoyment of every person of equal rights so that his individual rights and freedoms are guaranteed irrespective of his ethnic origin and other factors such as race, color, sex, etc..." [7]

Other official statements such as: "[I]n Iran, we don't have homosexuals, like in your country. ... We don't have this

phenomenon,"[8] only exacerbate the problems faced by Iranians with a non-conforming sexual orientation or gender identity. The authorities' efforts to address the issue by providing certificates of mental disorder or encouraging sex change operations are neither a sign of tolerance nor helpful. While the state assistance to sex change operations is reserved to transsexuals, many homosexuals may resort to sex change operations in search of acceptance and to escape violence.

A BBC documentary aired in February 2008 reported on the exceptionally high number of sex change operations in Iran. It contained interviews with several individuals who had had or were about to undergo sex change operations. For the most part, the interviewees justified their choice of resorting to a painful, complicated, and potentially dangerous surgery as a way to counter the lack of recognition in society or harassment by authorities, rather than to address a fundamental uneasiness with one's own gender.

Vida, who underwent sex change surgery, says: - "When I was a boy...my father had to call for a cab to take me to school. If, instead, I went out walking, the police, the revolutionary guards, or the morality police would arrest me, ... take me in, and treat me disrespectfully. ... As a boy, I couldn't do anything. [If someone bothered me, the authorities would say] 'Look at you, you're asking for it,' and what could I say to that?" The reportedly high rate of suicides following these operations and the difficulties of integration for those who survive them underlines the need for a different approach by the Iranian government and the civil society. Such an approach should consist of decriminalizing homosexuality completely and providing equality of rights to sexual minority individuals.

The Iranian government should stop all violence against individuals on the basis of sexual orientation and gender identity and repeal the laws that criminalize their sexuality. The reintegration of LGBT individuals into Iranian society can hardly succeed if the State denies their existence, provides them with certificates for psychological disorder, and outlaws their relationships. Laws punishing consensual sexual relationships between adults are discriminatory and violate individuals' right to privacy under the International Covenant on Civil and Political Rights, to which the Iranian government is party since 1975. (UN Human Rights Committee in its Toonen decision, 1994.)

Even when laws regarding same sex relationships are not enforced in practice, they are stigmatizing and serve to

perpetuate prejudices and discrimination against LGBT individuals in society at large. Decades of violence, discrimination, and exclusion have made Iranian LGBT's vulnerable to violence within society and left them in need of legal protection and visibility. Human rights activists inside Iran, the reform-oriented media, and other civil society actors can play a crucial role by including LGBT rights in their campaigns for awareness and equality.

On the occasion of the International Day Against Homophobia[9], ABF has translated into [Farsi](#) **The Yogyakarta Principles: On the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity**. These principles were drafted and adopted by a group of 29 distinguished experts in the field of human rights law on November 9, 2006 in Yogyakarta, Indonesia.[10] The introduction to the Yogyakarta Principles highlights the "policing of sexuality" as a key factor perpetuating "gender-based violence and gender inequality."

The [Yogyakarta Principles](#) emphasize the obligation of States to implement human rights. They provide States, as well as other actors, including national and international human rights organizations, media, and the United Nations human rights system, with comprehensive recommendations. By making this valuable tool accessible in Farsi to a broad range of actors in Iran, ABF hopes to contribute to a much needed debate on Iranian homosexuals, bisexuals, and transsexuals and their inherent rights to dignity and equality.

[1] United Nations, February 13, 1991. Quoted in UNHCR, Chronology of events 1989-1994. Question and Answer Research Papers.

[2] Times Online, November 13, 2007 quoting the minutes taken by an official describing the meeting between British and Iranian MPs.

[3] <http://pglo.net/IRQO/English/pages/119.htm>

[4] Hamshahri newspaper, July 14, 2005

[5] Iranian Students News Agency, August 22, 2007

[6] <http://www.hrw.org/english/docs/2008/03/28/iran18385.htm>

Human Rights Watch's press release regarding this event noted that in a similar raid in May 2007, 87 guests in a party were arrested. Some were stripped in the street and beaten
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"until their backs or faces were bloody". Others were detained, tried and sentenced to 80 lashes and heavy fines for "facilitating immorality and sexual misconduct."

[7] Answers to questions about the implementation of the Durban Declaration... Letter of the Permanent Mission of the Islamic Republic of Iran to the Anti-Discrimination Unit of the Office of the High Commissioner for Human Rights, 14 March, 2008.

[8] Mahmoud Ahmadinejad, President of the Islamic Republic of Iran. Columbia University, 24 September 2007.

[9] The date was chosen because it marks the anniversary of the removal on May 17 1990 by the General Assembly of the World Health Organization (WHO) of homosexuality from their list of mental disorders.

[10] <http://www.yogyakartaprinciples.org>