



University College
Stockholm

March 2024

Human Rights Report

Unveiling Injustice: Analysis of Human Rights Violations Against the LGBTQ+ Community in Iran



Albert Smith

Table of Contents

Introduction.....	3
Summary.....	5
Methodology.....	7
The historical trajectory of the Iranian regime posts the 1978 revolution, with a focus on human rights issues and violations.	8
The contemporary challenges faced by the LGBTQ+ community in Iran, as elucidated in both domestic and international reports.....	13
Interview With a few Iranian LGBTQ+ refugees in Turkey, who are waiting for their refugee process under the United Nations;	14
Iran's domestic law on LGBTQ+	21
Recommendation.....	24

Introduction

The United Nations was conceived with the noble aim of preserving the character and dignity of human beings and fostering equality among nations by minimizing class differences within societies. This ambitious mission is encapsulated in the Universal Declaration of Human Rights, complemented by various covenants, agreements, and conventions. However, a critical inquiry arises: has the United Nations been successful in achieving its goals of cultivating societies that are free from human rights violations?

In the contemporary landscape, discussions across scientific, political, and academic spheres grapple with this pressing question. Despite the existence of the Universal Declaration of Human Rights, the stark reality persists – cruelty and crimes against humanity continue to plague our global community at an alarming magnitude.

Within the context of the Universal Declaration of Human Rights, it becomes pertinent to explore whether the declaration comprehensively addresses all the issues and cases essential for safeguarding human rights. Are the societies that have accepted and endorsed this declaration genuinely adhering to its principles, or do discrepancies persist?

This inquiry gains personal resonance for me as an Iranian navigating the intricate web of religious and sexual identity amid a tumultuous sociopolitical landscape. The events following the 1978 revolution, which I hesitate to label as such but rather as an occupation by Khomeini and the dogmatic mullahs invoking religion, marked a pivotal turning point. Their sole objective appeared to be the dismantling of human dignity and identity, a sinister agenda that endures to this day.

Proudly Iranian and born into a Muslim family, I was fortunate not to be coerced into embracing Islam by my kin. In my formative years, my exploration led me to Christianity, inspired by the teachings of Jesus Christ. This desire to embrace a different faith coincided with the realization of my same-sex attraction, leading me to fall in love

with a man. Trapped within the confines of a dictatorial regime governed by the oppressive rule of the mullahs, this intersection of religious and sexual identity subjected me to a harrowing death sentence, compelling me to flee my homeland.

My relentless commitment to fighting against cruelty and crimes against human rights, particularly the right to choose my religion and love freely, spurred me to pursue studies in Human Rights and Democracy. Years ago, seizing an opportunity, I shed the name imposed upon me by societal expectations and embraced a name reflective of my true self. Residing in a country that grants me the freedom to love the religion and pursue the profession of my choice, I am compelled by a personal desire to shed light on the atrocities faced by the gay community in Iran on a global stage.

This report transcends being a mere exposé on the struggles of the LGBTQ+ community in Iran; it is an intimate chronicle of my own life, a narrative that led me away from my homeland and family for years, merely for the 'crime' of loving someone of the same sex and embracing the religion of my choice. With each word penned, I fervently hope for a future day when my homeland, Iran, stands liberated and prosperous, and when the entire world is emancipated from the shackles of cruelty and crimes against humanity.



Summary

In the heart of the Middle East, a shadow lingers over the lives of the LGBT community in Iran. As the Islamic Republic of Iran perpetuates a system rooted in Shia jurisprudence, the repercussions for individuals identifying as lesbian, gay, bisexual, or transgender have been nothing short of oppressive. This article aims to shed light on the systematic violation of LGBT rights in Iran, delving into the multifaceted layers of discrimination, aggression, and the profound impact on the lives of those who dare to defy societal norms.

The Historical Context: Khomeini's regime and its Impact on Human Rights after the 1978 revolution;

To understand the current state of affairs, it is imperative to examine the historical context. The Islamic Revolution of 1979, led by Ayatollah Ruhollah Khomeini, ushered in a new era for Iran. While the revolution promised an Islamic republic, the reality has been an increasingly authoritarian regime that has systematically denied its citizens, particularly the LGBT community, their fundamental rights.

Khomeini's influence on shaping Iran's legal landscape is undeniable. The implementation of Shia jurisprudence has provided the regime with a legal basis for the persecution of LGBT individuals, with punishments ranging from public floggings to, shockingly, the imposition of the death penalty. Such draconian measures have been used to suppress any perceived deviation from the established societal norms, leaving countless individuals to grapple with the dire consequences of their sexual orientation.

A Global Diaspora: The Scattered Lives of Iranian Homosexuals;

The diaspora of Iranian homosexuals is a harrowing consequence of the oppressive environment they endure. Threatened and marginalized, these individuals have been forced to leave their homeland, seeking safety and acceptance in foreign lands. Interviews with several Iranian refugees who have experienced this journey firsthand provide invaluable insights into the challenges faced by the LGBT community in Iran.

Islamic Punishments and Legal Consequences: A Closer Look at Shia Jurisprudence

The legal consequences faced by LGBT individuals in Iran are deeply rooted in Shia jurisprudence, providing a cloak of legitimacy to the regime's oppressive measures. This article will meticulously examine the laws governing punishments in Iran, exploring the nuances of Islamic legal doctrines that allow for the imposition of severe penalties based on sexual orientation.

Conclusion: Advocating for Change and International Solidarity

As the shadows of oppression persist, the international community must stand in solidarity with the LGBT community in Iran. By amplifying the voices of survivors, shedding light on the legal intricacies of the regime, and advocating for change, we can contribute to a collective effort to dismantle the barriers that deny fundamental rights to countless individuals. This article serves as both a call to action and a testament to the resilience of those who continue to defy a system that seeks to silence their existence.

Methodology

The methodology employed in this study is shaped by the constraints posed by the limitations on data collection within the chosen country of analysis, namely Iran. Due to the prevailing circumstances that inhibit the recognition of LGBTQ+ individuals by the Iranian regime, thereby rendering it a criminal offence, the acquisition of accurate quantitative statistics proves challenging. Consequently, a predominantly qualitative approach was adopted for the majority of this report.

To address the dearth of directly accessible LGBTQ+ data in Iran, an integrated methodology was devised, leveraging both domestic and international sources, including reports. To supplement this approach, an extensive exploration of diverse resources and human rights reports related to Iran, specifically focusing on LGBTQ+ issues, was undertaken. Additionally, interviews were conducted with individuals who had experienced victimization as a result of the Iranian regime's actions against the LGBTQ+ community in the country.

These interviews were conducted through various means, encompassing online communication, written question-and-answer sessions, and the examination of published documentaries. To safeguard the confidentiality and security of the interviewees, the identity of the interviewer will be kept confidential. The interviews aimed to capture the personal narratives of the respondents, shedding light on their experiences of violation, the societal and cultural impacts on the LGBTQ+ community, instances of discrimination or prejudice based on sexual orientation or gender identity, legal barriers, and the application of the penal code for homosexuals in Iran, rooted in Shariah law.

The historical trajectory of the Iranian regime posts the 1978 revolution, with a focus on human rights issues and violations.

From Free Life to Islamic Totalitarianism

Iran boasts a history marked by dynamic changes and significant events. Before the 1357 revolution, the Iranian people, particularly during the Pahlavi era, experienced diverse influences that shaped various social, cultural, and political freedoms. A life characterized by favourable conditions and personal liberties prevailed during this period, only to be transformed into an Islamic totalitarian regime after the ascent of Khomeini to power.

Under the rule of Mohammad Reza Shah Pahlavi, Iran underwent notable economic and social transformations. Reforms, modernization, and industrial development brought about considerable improvements in people's lives. Concurrently, cultural and religious freedoms expanded, fostering broader societal participation as education and culture flourished. However, as the 1970s unfolded, discontent and unrest emerged in certain segments of society. Various groups, including Islamists and leftist factions, capitalized on the political climate, placing heightened emphasis on religious principles. It was during this time that Imam Khomeini emerged as a prominent religious and social leader, symbolizing resistance against the monarchy.

Khomeini's rise and the declaration of the Islamic Revolution ushered in profound changes in the fabric of Iranian society. The emphasis on Islam as a social and political foundation resulted in numerous restrictions on individual freedoms, establishing Islamic totalitarianism. Consequently, people encountered significant constraints in their daily lives. Following the revolution, individuals faced restrictions across various domains. Cultural, religious, and sexual freedoms were curtailed, leading to the emergence of political and social discrimination. Citizens, regardless of their religious or sexual orientations, were compelled to exist within the framework of Islamic totalitarianism.

The social and political developments in Iran from the Pahlavi era to the Islamic Revolution underscored significant shifts in people's lives. While the Pahlavi era facilitated notable improvements through development and modernization, the advent of Khomeini and the establishment of an Islamic totalitarian regime subjected individuals to numerous restrictions and discrimination. These transformations have left a lasting impact on the daily lives of Iranians and have profoundly influenced the social and cultural trends in the country.

“Islamization came over Iran on the trail of a populist revolution that gathered momentum in 1978–79 and overthrew the secular, authoritarian regime of the Shah, Muhammad Reza Pahlavi to sympathetic scholars the rise of Islamism was indicative of the failure of secularization; that assumed failure lent a new credence to Islamic cultural relativism. We often hear that the sharia (Islamic law) and its principles provide solidarity and socio-political motivation to Muslims who demand ‘the immediate application’ of the shari ‘ah.¹ Assuming the total failure of modern ideologies in Islamic countries, Muslim thinkers had, in the words of a sympathetic scholar, “advocated a more authentic, Islamic framework for Muslim society.” (Ashrafi, 2001).¹

The Islamic Constitution of Iran is based on Islamic principles and the theory of velayat al-faqih (the legal authority of the clergy). Islamic principles and Islamic Sharia have been declared as the main source of law, and Wilayat al-Faqih has been formulated as a rule against human rule. The provisions of human rights are also included in the Islamic constitution, but they can have differences from the concepts of human rights in international documents. For example, the rights and duties of Iranian citizens are specified in the constitution, but it may be consistent or different with different interpretations of human rights in international documents.

¹ Ashrafi, Reza. (2001). Human rights in Iran: the abuse of cultural relativism, Library of Congress Cataloging, University of Pennsylvania Press.

“Before the clerics around Ayatollah Khomeini established total control over the country in 1980, the provisional government under the moderate Prime Minister Mahdi Bazargan appointed four individuals, including the prominent human rights lawyer Abdolkarim Lahiji, to prepare a preliminary draft of the Constitution for the country. The drafters proposed to incorporate the provisions of the UDHR into the Constitution. The clerics in the Assembly of Experts altered this document beyond recognition and submitted for ratification another draft in which all the rights provisions were burdened by Islamic qualifications that purposefully remained undefined. As Shaul Bakhash has aptly observed, the clerics “seemed at once persuaded that Islam provided for basic freedoms and concerned lest these freedoms be used to undermine Islam, create disorder, spread undesirable doctrine, and protect those who deserved punishment.”⁴ The constitutional provisions for protecting civil and political rights became limited and conditional. Having carefully studied the Islamist deliberations that transformed the draft constitution, Lahiji has pointed out that the Islamic qualifications were not based on the well-defined Shariah concepts, such as Islamic ordinances (ahkam) or Islamic laws (qavanin). In all human rights provisions, the clerics stipulated that the enjoyment of rights must remain in conformity with Islamic criteria (m‘ayar-ha), Islamic standards (mavazin), Islamic principles (mabani), and the foundations (asas) of the Islamic Republic. (Ashrafi, 2001)²

The Early Years: Repression and Suppression

In the aftermath of the revolution, Khomeini's regime embarked on a campaign to eliminate political opposition and dissent. The regime swiftly targeted perceived threats to its authority, leading to mass arrests, torture, and executions. Thousands of political activists, intellectuals, and opposition figures faced persecution, with human rights taking a backseat to political expediency. (Amnesty International, 1990).

² Afshari, Reza. (2001). Human rights in Iran: the abuse of cultural relativism, Library of Congress Cataloging, University of Pennsylvania Press.

The Cultural Revolution: Restriction of Civil Liberties

The Iranian Cultural Revolution of the early 1980s saw an intensified crackdown on cultural and intellectual freedoms. Universities became hotbeds of ideological purification, with scholars and students facing discrimination based on their political beliefs. This period witnessed a systematic erosion of civil liberties, suppressing any form of dissent that challenged the ideological underpinnings of the regime. (Moaveni, Azadeh 2010).³

The 1988 Massacre: Dark Stain on Iran's Human Rights Record

One of the darkest chapters in Iran's post-revolution history is the 1988 mass execution of political prisoners. Ordered by Khomeini, thousands of individuals, primarily affiliated with opposition groups, were summarily executed without due process. This egregious violation of human rights remains a painful memory for Iranians seeking justice and accountability. (Amnesty International, 2018).⁴

Contemporary challenges: persistent violations of human rights

Despite widespread international condemnation and repeated calls for reform, Iran remains plagued by persistent human rights violations. The issues range from severe restrictions on freedom of speech to the relentless persecution of religious minorities, gender-based discrimination against women, and the perpetration of violence against the LGBTQ+ community. The government's unwavering intolerance towards opposition

³ Moaveni, Azadeh. (2010) "Lipstick Jihad: A Memoir of Growing Up Iranian in America and American in Iran." PublicAffairs.

⁴ Amnesty International. (2018). "Blood-soaked secrets: Why Iran's 1988 prison massacres are ongoing crimes against humanity." [Iran: Blood-soaked secrets: Why Iran's 1988 prison massacres are ongoing crimes against humanity - Amnesty International.](#)

voices and its rigid governance approach has cast a prolonged shadow over the human rights landscape in Iran (United Nations Human Rights Council, 2022).⁵

In the face of mounting concerns, the global community has consistently urged Iran to address these violations and uphold the fundamental principles enshrined in international human rights instruments. Despite such calls, tangible progress has been elusive, as the regime continues to prioritize its interests over the well-being and rights of its citizens.

The restrictions on freedom of speech have created an oppressive atmosphere, curtailing the ability of individuals to express dissent and engage in open discourse. This is exacerbated by the persecution faced by religious minorities, creating an environment of fear and marginalization.

Discrimination against women is manifested in various forms, ranging from unequal access to education and employment opportunities to restrictive societal norms that curtail their autonomy. Moreover, the continued violence against the LGBTQ+ community reflects a blatant disregard for the principles of equality and non-discrimination.

The human rights outlook in Iran is further compounded by the regime's relentless crackdown on political opposition. The suppression of dissenting voices, imprisonment of activists and curtailment of political freedoms have created a climate of fear, stifling any attempts at fostering a more inclusive and democratic society.

⁵ United Nations Human Rights Council (2022). "Situation of human rights in the Islamic Republic of Iran." [A/77/525: Situation of human rights in the Islamic Republic of Iran - Report of the Secretary-General | OHCHR.](#)

The contemporary challenges faced by the LGBTQ+ community in Iran, as elucidated in both domestic and international reports.

Iran, a nation with a rich history and diverse culture, grapples with contemporary challenges, particularly regarding the rights and well-being of its gay community. The issues faced by the gay community in Iran have been widely documented in both domestic and international reports, shedding light on the complex intersection of cultural, religious, and legal factors influencing the lives of LGBTQ+ individuals.

The LGBTQ+ community in Iran faces authentic challenges and confrontations that have been examined in detail in domestic and international reports.

Legal Challenges Faced by the LGBTQ+ Community in Iran:

The legal landscape in Iran presents formidable obstacles for the gay community, as the Islamic Republic's legal framework actively criminalizes same-sex relations, thereby subjecting LGBTQ+ individuals to severe consequences. The implications of Iran's penal code, which not only condemns consensual same-sex acts but also imposes penalties ranging from imprisonment to fines and, in extreme cases, capital punishment. The enforcement of these stringent laws cultivates an environment of fear and discrimination, compelling many individuals to conceal their sexual orientation.

- *Criminalization of Same-Sex Acts:*

One of the primary legal challenges faced by the LGBTQ+ community in Iran is the criminalization of consensual same-sex acts under the penal code. This legal stance, inherently discriminatory, exposes individuals engaged in such relationships to various punitive measures.

- *Severity of Penalties:*

The penal code's provisions regarding same-sex relations not only reflect societal prejudices but also result in disproportionately severe penalties. Imprisonment, substantial fines, and, notably, the spectre of capital punishment contribute to the gravity of the challenges faced by LGBTQ+ individuals in Iran.

- *Enforcement and Its Consequences:*

The rigid enforcement of these laws amplifies the climate of fear and discrimination surrounding the LGBTQ+ community. The spectre of legal consequences forces individuals into concealing their sexual orientation, perpetuating a cycle of secrecy and marginalization.

One of the most cited cases is the execution of Mahmoud Asgari and Ayaz Marhoni in 2005 on charges of homosexuality. This incident highlighted the severity of consequences faced by the gay community in Iran, drawing international attention to the human rights violations occurring within the country.⁶

Interview With a few Iranian LGBTQ+ refugees in Turkey, who are waiting for their refugee process under the United Nations;
Question; Have you encountered legal barriers or discrimination from the government or legal authorities based on your sexual orientation or gender identity?

A.S. (Gay man): Secrecy to Avoid Discrimination: I did not face legal discrimination directly, as I kept my sexual identity a secret until I left Iran, as I knew I would be in danger.

⁶ Amnesty International. (2018). "Iran: Further information on the execution of two men in Mashad." Retrieved from <https://www.amnesty.org/en/documents/mde13/059/2005/en/>.

M.N (Transsexual): Yes, very...In the interrogation sessions, my identity and sexual orientation were ridiculed by the interrogators insulted I have been verbally abused many times in the street because of the way I dress, and I have been forced to sign affidavits... I have even been harassed by agents at the airport because of the tone of my voice.

S.KH.(Gay man): As I mentioned earlier, if the law had protected me as a citizen, I could have filed a complaint against those who tortured me to death for the crime of kidnapping, assault, violence, threats, humiliation, etc., but I knew that the law It's not me and I have no choice but to remain silent, besides the fact that according to the law, it took away from me the ability to continue my education and flight in Jame, and that's why I had to remain silent with all these cruelties and tortures.

Social Stigma and Discrimination:

Cultural Challenges

The culture of Iranian society is also one of the influential factors in the experience of homosexuals. Cultural stress and social discrimination that occur at this level have deep effects on the psyche and spirit of homosexual people. The LGBTQ+ community in Iran faces pervasive social stigma and discrimination. Traditional cultural and religious beliefs contribute to an environment where individuals are ostracized and marginalized based on their sexual orientation. Homosexuality is often viewed as incompatible with Islamic values, leading to the isolation of LGBTQ+ individuals from their families and communities.

The culture of Iranian society is also one of the influential factors in the experience of homosexuals. Cultural stress and social discrimination that occur at this level have a profound effect on the psyche and spirit of gay people. Iran is an Islamic country and

homosexuality is forbidden in Islamic laws. In addition, many punishments have been set for homosexuality. Accordingly, heterosexuality does not have a good image in Iran, and it is not accepted by the society both legally and morally. Accordingly, people do not publicly declare their sexuality. But in the case of transgenderism, because it is not illegitimate, fewer positions are taken.

International human rights organizations, such as Amnesty International and Human Rights Watch, have extensively documented cases of discrimination and violence against the gay community in Iran. These reports underscore the urgent need for cultural and societal changes to create a more inclusive and accepting environment for LGBTQ+ individuals.

Social challenges

Community is also a key factor in the experience of Iranian homosexuals. From discrimination in work and education to problems in family communication, these challenges are visible.⁷

Interviewer perspective:

Question: How has Iran's social and cultural context impacted your understanding of your identity? Or what challenges have you faced regarding discrimination or prejudice due to your sexual orientation or gender identity?

M.N (Transexual):

- Unfortunately, the prevailing closed, traditional and religious atmosphere, especially in those years, made it very difficult for a person to be able to know himself completely. I used every possible method to get to know myself better. From finding others who share my feelings to counselling with psychiatrists and

⁷ ILGA World. (2020). "State-Sponsored Homophobia." Retrieved from https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2020.pdf

sexologists! Unfortunately, I have many bad memories of those so-called counselling sessions. Most of those people were involved in religious beliefs and prejudices and did not have scientific information in this field. I know many people who were misled by this wrong advice.

- From the LGBTQ family, only trans people in Iran can have legal rights under certain conditions Patriarchal laws, false advertising, punishments such as death and prison for homosexuals and the same incorrect advice by the medical team have brought many people under the surgical knife so far, who now regret it. As long as I was in Iran, I only knew myself as someone who was oriented towards men, but I knew that this was not a complete definition of me. I saw it for years, accepted it and embraced it.

- Finding a house for someone who was single and queer and lived in the city was almost impossible. Once I had to leave the house before the end of my contract because the neighbours pressured the owner of the house... It was not possible to work in government places at all, and despite any educational qualification, any job interview was rejected. At the university, it was not possible to wear the desired clothing, and the security team of the university checked clothes, hair, nails, etc. upon entering the campus. I want to say that everywhere you could feel this discrimination second by second, only the intensity was different.

-
- **S.H. (Transsexual):**
 - The family government society did not help me to know myself. I later met my psychologist through Instagram.

 - Family, father, mother, and sister, not only understanding, and nannying but suppressing and punishing me, it was a source of shame, my family were my first transphobes who made life hell for me, then society. People look at me as a worthless woman, even less than a street prostitute, much less without any mercy. In the government, I was also experienced in the name of Levat, because I had not forced gender discrimination and...

Limited Advocacy and Support:

The limited space for advocacy and support exacerbates the challenges faced by the gay community in Iran. Due to the repressive political climate, LGBTQ+ organizations struggle to operate openly. The lack of legal protection for these organizations hinders their ability to provide support, resources, and advocacy for the rights of LGBTQ+ individuals.

International organizations like ILGA World (International Lesbian, Gay, Bisexual, Trans and Intersex Association) and Outright Action International have been instrumental in raising awareness about the challenges faced by the gay community in Iran. However, their impact is constrained by the restrictions imposed on civil society organizations within the country.⁸

Interviewer perspective:

Question: Have you encountered legal barriers or discrimination from the government or legal authorities based on your sexual orientation or gender identity?

A.S. (Gay man): Secrecy to Avoid Discrimination: The participants did not face legal discrimination directly, as they kept their sexual identity a secret until leaving Iran.

S.H (Transexual): They don't fully recognise trans, and they see us as sick or sexually deviant in the worst possible way. On the part of the government, the process of gender discrimination has been very long. It will take at least two years. Currently, we do not receive any support from the government, nor can we receive any information. Believing we can't be anything other than this.

⁸ OutRight Action International. (2018). "The Economic Cost of Homophobia: How Discrimination Hinders Investment in the Global LGBTIQ+ Community." Retrieved from <https://outrightinternational.org/content/economic-cost-homophobia>

Mental Health Implications:

The cumulative impact of legal persecution, social stigma, and limited support contributes to significant mental health challenges within the gay community in Iran. Individuals may experience anxiety, depression, and trauma because of societal rejection and the constant threat of legal consequences.

A study conducted by OutRight Action International in collaboration with Iranian LGBTQ+ organizations found alarming rates of mental health issues within the community. The research emphasises the urgent need for mental health support services tailored to the unique challenges faced by LGBTQ+ individuals in Iran.⁹

Interviewer perspective:

Question: Can you share your personal experiences as a member of the LGBT community in Iran?

S.H (Transsexual): Yes, I was arrested by the religious police because of my makeup, I was given an electric shock, which caused me to lose my voice.

M.N (Transsexual): I was in Iran until I was 23 years old, all those days there was a shadow of fear in my life Because of my identity and sexual orientation, as well as my lifestyle, which was contrary to what Islam and the Islamic Republic had determined for us, I always had to either censor a part of myself or do some things I liked in secret.

⁹ OutRight Action International. (2018). "The Economic Cost of Homophobia: How Discrimination Hinders Investment in the Global LGBTIQ+ Community." Retrieved from <https://outrightinternational.org/content/economic-cost-homophobia>

Criminal Legislation in the Islamic Republic of Iran: Implications for Human Rights

The criminal and criminal laws of the Islamic Republic of Iran form the country's legal system and are based on Islamic principles. These laws have changed in different periods, but they are based on Islamic principles and Imami jurisprudence.¹⁰

Basic rules:

Islam and Imami jurisprudence:

Iran's criminal and penal laws are based on Islamic principles and interpretations of Islamic Imami jurisprudence. These principles include materials extracted from the Qur'an and explained in the form of Imami jurisprudence.

Velayat al-Faqih system:

In the Islamic Republic of Iran, the legal system is based on the principle of religious authority. This means allowing decisions on major issues and Islamic governance to be ruled by an Islamic jurist.¹¹

“When I had been a law student, in the 1960s, we had carefully studied key principles of Islamic sharia, despite the fact that the shah had instituted a secular criminal and civil code. After the revolution, one would have expected the universities to expand and enhance their teaching of sharia, since the new regime had replaced the shah’s secular legal system with Islamic law. But Nargess was learning less than half of what I had learned about sharia principles in my own student days. Why was this the case?

¹⁰ Familiarity with the Constitution of the Islamic Republic of Iran (Constitutional Rights of the Islamic Republic of Iran)

¹¹ The official website of the Islamic Council: www.icana.ir

Essentially because the crafters of the Islamic Republic's education system did not want to teach students the subtleties of sharia law, philosophy, and tradition. Well-trained and erudite students would be equipped to argue for fresher and more modern angles and approaches to Islamic laws. But the Islamic Republic wanted dim Muslims who were not literate in Islamic legal debates, for Muslims who knew their religion could be potential enemies of the regime. This is why a fundamentalist cleric once said in his address to the country's parliament, "We need jurists who are committed to the Islamic Republic and should not be educating and delivering to society people like Shirin Ebadi."(Shirin, Ebadi 2016).

Iran's domestic law on LGBTQ+

Numerous countries globally are actively addressing the issue of "homophobia"; however, within the Islamic Republic of Iran, adherence to Islamic principles results in the suppression of sexual minorities. Acts such as kissing and engaging in intimate interactions with a sense of desire are deemed criminal offences. Notably, Iran stands out as one of the few nations where individuals identifying as homosexual face the peril of capital punishment for engaging in sexual activities. This severe legal consequence is rooted in the Iranian Penal Code, which draws upon Shia jurisprudence, designating same-sex relations as "hudud," an offence punishable by death The Islamic Penal Laws, having undergone revisions aligned with Islamic Shari'a principles, delineate distinct punitive measures for homosexual individuals based on their gender.¹²

“Furthermore, the introduction of Shari’a and the Islamic penal code after the revolution was used to enforce and administer a social and moral regulation of same-sex desire and sexuality in general, with significant implications for sexual governance and the

¹² Jón Ingvar Kjarran, *Gay Life Stories, Same-Sex Desires in Post-Revolutionary Iran*, University of Iceland, 2019.

policing of private morality. In Iran, at this time, under new Islamic laws, male same-sex sexual practices came to be designated as lavat and were considered a criminal offense for which execution may be administered—a situation that continues to this day” (Jón Ingvar Kjaran,2019).

“Today, the Iranian penal code criminalizes male same-sex sexual practices (mostly focusing on anal intercourse). In legal texts, these sexual crimes are defined as lavat (sodomy) for which execution may be administered” (Jón Ingvar Kjaran,2019).

Iran’s Islamic Penal Code

“In 1979, the clerics whom Khomeini appointed as Islamic judges conducted “Islamic revolutionary trials” in a rather haphazard way in applying what they understood to be Shiite penal law. In 1982, the Majlis (parliament) inserted the ancient judicial concepts in the general Islamic Penal Codes and codified the four Shiite judicial categories into state laws for a provisional period of five years”. (Reza Afshar, 2001).

After the establishment of the Islamic government, Iran's penal laws, derived from Sharia jurisprudence, had various sections, one of them is the punishment of hudud, the punishment that the Islamic government of Iran implements for homosexuals is called Hudud. The hudud category defined punishment for crimes against divine will, such as rebellion against the Islamic state, apostasy, various sexual crimes, and the consumption of alcohol.¹³

Iran’s Islamic Penal Code, Chapter 2 - Hadd punishment for sodomy (livat)

¹³ Afshari, Reza. (2001). Human rights in Iran: the abuse of cultural relativism, Library of Congress Cataloging, University of Pennsylvania Press.

Section 1 -Definition and reasons of hadd punishment for sodomy: Article 108 –Sodomy (livat) is defined as sexual intercourse with a male, whether it takes place as penetration or tafkhiz [rubbing penis between thighs]. Article 109 -Both the insertive and receptive parties of sodomy shall be sentenced to hadd punishment.

Article 110 -In the case of penetration, the hadd punishment for sodomy is the death penalty— the method for which is at the discretion of the judge.

Article 111 -Sodomy shall result in the death penalty provided that both the insertive and receptive parties are mature, sane and free.

Article 112 -If a mature man sodomises a minor, the insertive party shall be sentenced to the death penalty, and the receptive party, if not coerced, shall receive up to seventy-four lashes asta'zir punishment.

Article 113 -If a minor sodomises another minor, each shall receive up to seventy-four lashes as ta'zir punishment unless one of them was coerced to commit sodomy.¹⁴

Interviewer perspective:

Have you encountered legal barriers or discrimination from the government or legal authorities based on your sexual orientation or gender identity?

M.N (Transsexual): Yes, very...

In the interrogation sessions, my identity and sexual orientation were ridiculed by the

¹⁴ IHRDC Translation of the Islamic Penal Code of the Islamic Republic of Iran – Book One & Book Two https://iranhrdc.org/wp-content/uploads/pdf_en/Iranian_Codes/Islamic_Penal_Code_of_the_Islamic_Republic_of_Iran_212133839.pdf

interrogators, and insulted. I have been verbally abused many times in the street because of the way I dress, and I have been forced to sign affidavits...I have even been harassed by agents at the airport because of the tone of my voice.

S.H (Transsexual): They don't fully recognise trans and they see us as sick or sexually deviant in the worst possible way. On the part of the government, the process of gender discrimination has been very long. It will take at least two years. Currently, we do not receive any support from the government, nor can we receive any information. Believing we can't be anything other than this.

Recommendation

In contemporary times, the egregious infringement upon the human rights of homosexuals in Iran has emerged as a pressing concern. This report has scrutinized various lacunae and deficiencies within human rights laws that contribute to the exacerbation of this issue. Consequently, a pivotal question arises: what feasible measures can be undertaken to address this predicament, especially considering the constraints within the Iranian context? To shed light on potential solutions, this section initiates an exploration of perspectives garnered from a series of interviews conducted with diverse individuals.

The interview questions;

What recommendations do you have for improving the rights and well-being of the LGBT community in Iran? to the international human rights and legal organisations?

A.S. (Gay man): Overcoming Religious Dictatorship: The participant recommends dismantling the religious dictatorship in Iran as a crucial step towards promoting LGBT rights.

- Improving Information: Suggestions include improving societal awareness through programming, cultural working groups, and educational seminars.

- Challenging Biased Medical Views: Encouragement for human rights organizations to challenge biased medical views on homosexuality and update medical knowledge to foster acceptance in Iranian society.

M.N (Transsexual): The rights and well-being of the Iranian LGBTQ community will not be possible in any way despite the existence of the Islamic Republic.

As long as the Islamic Republic and its patriarchal laws exist, Iranian queers will be arrested, imprisoned, flogged, raped and executed.

The only short-term solution is more support for Iranian queer refugees, who have been undecided in countries such as Turkey and Greece for years and do not have access to their most basic rights, such as the right to work, access to medical and health services, etc.

S.H (Transsexual): As long as the religious government is at work, that's it. Nothing will be fixed until the government is secular and separate from religion. We are known as apostates and death is our gift.

In this report, it is evident that following the establishment of the Islamic regime in Iran in 1978, numerous religious, political, and sexual factions, irrespective of their gender or stance, became victims of atrocities and grave human rights abuses in the country.

Despite the Islamic regime's assertion of democratic principles upon assuming power in Iran, it not only failed to uphold democratic values but also resorted to coercive measures such as exile, imprisonment, torture, genocide, and non-stop execution against dissenters challenging the regime's oppression.

Amidst the multitude of human rights violations in Iran, the homosexual community faces particularly acute challenges. They endure oppression not only due to their sexual

orientation but also due to the absence of legal and societal safeguards, as well as religious pressures. Social and familial rejection further compounds their plight. Given the impossibility of advocating for gay rights within Iran, the role of international organizations becomes paramount in supporting this marginalized group and exerting pressure on the Iranian regime.

- International organizations and governments are critical in promoting human rights and holding violators accountable. It is imperative to:
- Lobby governments: Urge political leaders to pressure the Iranian government to end discriminatory practices and uphold the rights of LGBTQ+ individuals.
- Advocate at the United Nations: Work with UN bodies such as the Human Rights Council and the Office of the High Commissioner for Human Rights to address LGBTQ+ rights violations in Iran and push for meaningful action.
- Support resolutions and sanctions: Advocate for the adoption of resolutions and the imposition of targeted sanctions against Iran for its systematic discrimination against LGBTQ+ individuals.

For LGBTQ+ individuals facing persecution and violence in Iran, access to safe havens is a matter of life and death. It is essential to:

- Offer asylum: Countries should open their doors to LGBTQ+ refugees fleeing persecution in Iran and provide them with protection and support.
- Establish support networks: Create networks of support for LGBTQ+ refugees, including housing assistance, legal aid, and mental health services.

Advocating for LGBTQ+ rights in Iran requires a concerted and sustained effort from individuals, organizations, and governments around the world. By raising awareness,

supporting LGBTQ+ organizations, engaging with international bodies, providing safe havens, and promoting dialogue and education, we can work together to end the discrimination and violence faced by LGBTQ+ individuals in Iran and ensure that they are treated with dignity, respect, and equality under the law. Let us stand in solidarity with the LGBTQ+ community in Iran and be the voice of change they so desperately need and deserve.

In line with the trends observed over the preceding three decades, amidst the multifaceted challenges faced by Iranians, their paramount aspiration remains the dismantlement of the religious regime in Iran in favour of establishing a democratic secular governance model. The international political arena must heed their calls and extend support to their cause.