

**Iranian Railroad for Queer Refugees**  
**Submission to the 20th Session of the Working Group on the Universal Periodic Review**  
**15 March 2014**

The Iranian Railroad for Queer Refugees welcomes this opportunity to present its submission to the Universal Periodic Review (UPR) of the Islamic Republic of Iran. This review is of key importance given the serious violations of the rights of lesbians, gays, bisexuals and transgender individuals (LGBTs) in the country, violations including arbitrary arrest and detention, torture and other ill treatment and punishment. We take this opportunity to stress the obligation of Iran to cooperate with international human rights mechanisms, including the Special Procedures of the Human Rights Council.

**Introduction of the Organization**

1. The Iranian Railroad for Queer Refugees is an international, non-for profit, queer human rights organization based in Toronto, Canada, where it was founded on October 9th 2008 with the objective of eliminating Iranian queer issues as part of mainstream human rights discourse.
2. The IRQR's mission is advancing human rights for Iranian queers asylum seekers/refugees to increase public awareness of their plight and to provide continued support to them where and when it is required.
3. We provide support and counseling to Iranian queer asylum seekers throughout the process worldwide. This support includes but is not subject to; financial aid for shelter, food and healthcare. IRQR follows up with their Iranian queer refugee cases from when leave until they arrive in a safe country and are supportive during the entire refugee process.
4. As of January 2014, we were able to help process more than 820 refugee applications. We have received international recognitions and extensive media coverage internationally.
5. Mahmoud Ahmadinejad, the former Iranian president, once declared to the world: "In Iran, we don't have homosexuals."<sup>1</sup>This narrative is reflexive and representative of the state's policies and practice that in fact do not support a homosexual "subject". We believe that the Iranian queers' fight for survival, liberty, and dignity begins first and foremost as a struggle for acknowledgement and existence.

**Arbitrary arrest, execution and ill treatment of LGBTs**

6. Articles 7 and 10 of the International Covenant on Civil and Political Rights (ICCPR) prohibit torture and other ill treatment and impose an obligation upon State parties to afford detainees humane treatment. Article 38 of the Iranian Constitution prohibits all forms of torture. However the Law on Homosexuality of the Islamic Republic of Iran is based on a strict interpretation of Sharia laws that reserve some of the harshest penalties for those convicted of same-sex sexual conduct. Article 124 of the Law states that a man found guilty of kissing

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<sup>1</sup> Saeed Kamali Dehghan, "Iran's persecution of gay community revealed," The Guardian, May 17, 2012.  
<http://www.theguardian.com/world/2012/may/17/iran-persecution-gay-community-revealed>

another man “with lascivious intent” is punishable by up to 60 lashes of the whip. Article 123 of the Law states that 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.

7. The judicial validity of coerced testimony illustrates Iran’s non-compliance with international standards related to due process, more specifically its violation the right to equality before the courts and to a fair trial that is enshrined in Article 14 of the ICCPR.
8. It is estimated that the number and frequency of executions is much higher due to the fact that queer Iranians are often condemned under the charges of rape, fraud or treason, in order to justify their criminality.<sup>2</sup> These camouflaged charges allow the Iranian government to conceal the punishment of queer citizens thereby continuing to curtail sexual minorities’ rights to life and security.
9. Ahmad, a queer Iranian who currently lives in Canada, expressed in an email sent to IRQR in July 2012 that he was arrested in a gay birthday party in Iran by the militia. He was taken to police station where he got raped. He was then told that he could enjoy his life from now on as a faggot. Three months later, while trying to give blood at a blood drive, he found out he was HIV-positive.
10. The Islamic Republic of Iran’s laws prevent victims from reporting the abuses against them and render them vulnerable to harassment, abuse and extortion.

### **Discrimination of LGBTs**

11. The discrimination against sexual minorities is arguably one of the main tenets of the legal and ideological discourses of the Islamic Republic’s regime. It is inevitable that queers are cast out to the fringes of society, to the borders of invisibility, in order to render this religious rhetoric as coherent. The argument against any recognition of civil rights for sexual minorities is reiterated as an unassailable cultural, religious and ideological cornerstone for the Islamic Republic.
12. Government regulations relating 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 discriminatory laws to harrass, arrest and detain allegedly queer individuals. Such enforcement of morality laws against sexual minorities illustrates that powerful homophobic rhetoric from religious leaders. This hierarchy equally reflects the infiltration of the homophobic rhetoric into these popular bodies of the Islamic Republic at large, since conservative youth constitute the core of the Militia.
13. For a queer Iranian, self-censorship is a means of self-preservation. Many queer Iranians recount how the bonds with their families are often strained - and even severed - after revealing their true sexual identities. The overwhelming majority of LGBT Iranians interviewed by the Human Rights Watch during the course of its 2010 investigations spoke of

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<sup>2</sup> “LGBT Republic of Iran: An Online Reality?”, page 36, Small Media, May 2012.  
<http://smallmedia.org.uk/lgbtrepublic.pdf>

abuse and rejection by their families: they had been beaten by their parents or siblings, because their families came to know of their same-sex relationships or because they disclosed their sexual orientation or gender identity to their family (need a reference to include this sentence).

### **The situation of Homosexuals, Bisexuals and Transgender individuals**

14. The case of Taraneh, describes the situation that many lesbians face in Iran. She was held for three months in prison, during which she was tortured and repeatedly threatened with imminent execution.<sup>3</sup> During her prosecution, the Revolutionary Court of Isfahan offered to drop all charges against Taraneh on the condition that she named other lesbians. Upon rejecting this offer she was beaten and returned to her prison cell. Furthermore, Article 129 of the Iranian Law on Homosexuality states that the punishment for lesbianism is 100 lashes of the whip for each party. Article 131 of the Iranian Law on Homosexuality states that if lesbianism is repeated three times and the punishment has been carried out on each occasion, the punishment of the fourth occasion will be death.
15. Bisexuals in Iran, who face a similar reality of discrimination, find themselves using the camouflage of heterosexual marriage as a means to mask their true identities. The lack of research and education on bisexuality contributes to the confusion and the concurrent anxiety and depression that many bisexuals experience. Interviews conducted by the Iranian Railroad for Queer Refugees suggest that it is safe practice for any queer refugee applicant to assume a general lack of knowledge on the part of refugee authorities and tribunals in regard to bisexuality. The real discrimination therefore goes unrecognized and the individuals are not protected.
16. Transgender Iranians face a greater threat of arrest, abuse and torture from the authorities than do their fellow Iranian gays and lesbians. 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 cost 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 murder. Abuse and assault by doctors during the treatment have been reported by transgendered Iranians who were interviewed by the Iranian Railroad for Queer Refugees.
17. Numerous LGBT Iranians are forced to undergo medical and psychological treatment under the pretext of curing their sexual orientation. According to Gay Star News, between 2006 and 2010, over 1366 gender reassignment operations were performed in Iran.<sup>4</sup>

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<sup>3</sup> “Lesbians in Iran: Stories of Persecution and Torture,” ILGA website, February 15, 2010.

<http://ilga.org/ilga/en/article/mi6UKgn1c6>

<sup>4</sup> Dan Littauer, “Iran performed over 1,000 gender reassignment operations in four years,” Gay Star News, September 4, 2012. <http://www.gaystarnews.com/article/iran-performed-over-1000-gender-reassignment-operations-four-years041212>

## The violation of freedom of expression

18. The Islamic Republic of Iran's media policy of eliminating the presence of queers from the newsrooms directly works to erase the existence of Iranian queers from public view while at the same time indirectly and systematically shaping and guiding the discourse of ignorance and prejudice that circulates about homosexuality. State-controlled media outlets reinforce widespread ignorance and prejudice on minority sexuality, creating a negligent national population. On June 8 2012, government officials ordered the permanent closure of the renowned and respected Tehran publishing house, Cheshmeh. On June 22 2012 a high-ranking Iranian official was quoted saying that the publishing house was accused of disseminating content "promoting homosexuality, incest and immoral sexual relations"<sup>5</sup>. In another instance, a book entitled *Shahed Baazi* by Cyrus Shamisa was ordered off the shelves - despite being initially approved - because in it certain notable authors were regarded as homosexuals or bisexuals.<sup>6</sup> Furthermore, Iranian authorities have attempted to reduce the number of bloggers by requiring Internet providers to install filters in order to control online traffic and by forcing bloggers to obtain licenses from the government.<sup>7</sup> Several queer bloggers have received official letters from the police, forcing their writers to cease all Internet activities or accept 24-hour surveillance of their online activity, including the content of their emails.
19. Janet Afary, author of the *Sexual Politics in Modern Iran* explains that "the situation of Iran's queer community worsened after Ahmadinejad came into power. Internet chat rooms are set up by the state to trap gays and lesbians who respond to queries".<sup>8</sup> The Iranian Railroad for Queer Refugees is increasingly concerned about the dire situation that queer bloggers now face as the Iranian regime extends its surveillance and censorship efforts.

## Recommendations

20. Iran, in accordance with its obligations under the Articles 9, 17 and 19 of the ICCPR must respect and protect the right to security, the right to privacy and the right to freedom of expression.
21. Iran, in accordance with its obligations under Article 2 of the Universal Declaration of Human Rights (UNDHR) must respect and protect the right to freedom from discrimination.
22. IRQR calls on the Working Group on the UPR (Working Group) and the Human Rights Council (Council) to recommend to the Government to cease the practice of arbitrary arrest and detention and interrogation techniques amounting to torture or other ill treatment, including sexual abuse towards detainees.

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<sup>5</sup> Dan Littauer, "Iran shuts Publisher for 'Promoting' Gay Sex and Immorality," *Pink News*, June 24, 2012. <http://www.pinknews.co.uk/2012/06/24/iran-shuts-publisher-for-promoting-gay-sex-and-immorality/>

<sup>6</sup> "LGBT rights in Iran," <http://www.nationmaster.com/encyclopedia/LGBT-rights-in-Iran>

<sup>7</sup> Ben Worthen, Mike Esterl, Siobhan Gorman. *Iran's Web Spying Aided By Western Technology: European Gear Used in Vast Effort to Monitor Communications*. Printed in *The Wall Street Journal*, page A1. <http://online.wsj.com/article/SB124562668777335653.html> (Accessed on March 31, 2010)

<sup>8</sup> "LGBT Republic of Iran: An Online Reality?", page 62, *Small Media*, May 2012. <http://smallmedia.org.uk/lgbtrepublic.pdf>

23. IRQR calls on the Working Group and the Council to recommend that education be followed by training for decision makers on the subject of various gender identities.
24. IRQR calls on the Working Group and the Council to recommend that the Islamic Republic of Iran lift censorships on websites that contain any reference to homosexuality.
25. IRQR calls on the Working Group and the Council to recommend to the Government to ensure full respect of the rights to freedom from discrimination and refrain from any interference with the lawful exercise of this right.