

## **Commentary on EASO COI Queries on the DRC, Iran and Iraq: LGBT persons**

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## Introductory remarks

This marks the second time that an ARC Foundation/Dutch Council for Refugees (DCR) Commentary focuses on the European Asylum Support COI Query Responses ('EASO Query Responses').<sup>1</sup> We chose to conduct a thematic review on how the EASO Query Responses covered requests for information on the situation and treatment of LGBTQI+ persons, focusing on those published recently on the DRC, Iran and Iraq:

- EASO, [COI Query, Congo, Democratic Republic of, LGBT people in DRC](#), 9 September 2021 ('DRC COI Query')
- EASO, [COI Query, Iran, Islamic Republic of, LGBT persons in Iran](#), 3 November 2021 ('Iran COI Query')
- EASO, [COI Query, Iraq, Situation of LGBT persons in Iraq](#), 13 October 2021 ('Iraq COI Query')

Our comments are intended as constructive feedback for EASO and the authors of these query responses, including observations on the methodology adapted, as well as comments on specific content issues considered relevant for the respective country-specific COI queries. Whilst drafting this commentary EASO published its updated *COI Research Guide on LGBTIQ* ('EASO LGBTIQ Guide') in November 2021.<sup>2</sup> Where appropriate reference to the EASO LGBTIQ Guide will be made.

This commentary is also intended as a guide for legal practitioners and decision-makers in respect of observed gaps and omissions in the above-mentioned EASO Query Responses, as well as providing additional relevant COI to the issues identified per country.

The commentary should be used as a tool to help identify relevant COI and the COI referred to can be considered by decision-makers in assessing asylum applications and appeals. This document should not be submitted in isolation as evidence to national Refugee Status Determination bodies, the judiciary or other decision-makers in asylum applications or appeals. However, legal practitioners are welcome to submit the COI referred to in this document to decision-makers (including judges) to assist in the accurate determination of an asylum claim or appeal.

The COI referred to in this document is not exhaustive and should always be complemented by case-specific COI research.

## Recommendations

- EASO COI Queries should include a more detailed methodology which:
  - Details the specific time frame that research was conducted in, not just the date the COI Query was finalised;
  - Clarifies the distinction between *Sources Used* and *Sources Consulted*;
  - Clarifies who drafts the COI Query's research headings;
  - Clarifies the peer-review process for a COI Query.
- EASO COI Queries on the situation and treatment of LGBTQI+ persons should include:
  - Information on:

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<sup>1</sup> Information on the EASO Query System can be found here. See European Asylum Support Office (EASO), [EASO Query System](#), undated [Last accessed: 16 December 2021]

<sup>2</sup> See EASO, [COI Research Guide on LGBTIQ](#), November 2021

- The availability and level of state protection in instances of societal abuse;
  - Societal norms in relation to gender, sexual identity and marriage;
  - Whether ‘treatment’ includes discrimination, harassment, physical and emotional violence;
  - Access to services, including educational facilities, healthcare services, housing and employment;
  - The situation and treatment of the LGBTQI+ community, including civil society groups, human rights organisations and activists.
- Research on the situation and treatment by all sexual minorities, as it appears the reviewed EASO COI Queries focused on the treatment of lesbians, gay men, bisexual and transgender persons and at times even not focused equally on each of these. Where information was found for a specific LGBTQI+ community, it would have been useful to separate such information under distinct research headings. Where limited or no information was found it would be helpful to inform the user of this gap in COI, especially as it may assist in considering whether to reach out to country-specific experts.
- The DRC COI Query would have specifically benefitted from:
    - Additional information found in the referenced sources.
    - Translating the COI report on the situation and treatment of Gay Men in the DRC<sup>3</sup>, which was published by the Belgian CEDOCA – *Centre de documentation et de recherches* – in July 2021 and to supplement it with sources found on other sexual minority groups.
    - Extending the COI research to consult French-language sources, both international and national, given that French is the official language of the DRC.
  - The Iran COI Query would have benefitted from:
    - Directly quoting sources, given that there was, at times, significant paraphrasing, which makes it less clear to read and could imply the own analysis and interpretation of the author.
    - Changing the title of the first section ‘Legislation on LGBT issues and its implementation’ to ‘Legislation on LGBT issues’, and creating a subheading on ‘Implementation of legislation on LGBT issues and LGBT experiences within the justice system’, with new sources added – given there are few sources detailing implementation in the first section at present.
    - Grouping together sources relating to LGBTQI+ experiences within the healthcare system and the pathologisation of transgender persons, as well as the role of gender reassignment surgeries, given the prominence of this topic and the blurred line between societal and state actors, and the treatment towards LGBTQI+ persons from both.
    - Creating a separate heading on ‘Availability of state protection and accountability’, rather than the incorporation of this theme into the ‘Treatment of LGBT persons by the state’ section.
    - Including different sub-headings with more sources on the specific societal treatment of different groups, including gay men, lesbian women, bisexual persons and trans persons, particularly in the ‘Treatment of LGBT persons by society’ section.

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<sup>3</sup> See Belgium, Commissariat Général Aux Réfugiés Et Aux Apatrides, Centre de documentation et de recherches (CEDOCA), [COI Focus, République Democratique Du Congo, L’homosexualité](#), 24 June 2021

- Breaking down the final section into ‘Treatment by family members’ (including ‘honour killings’), ‘Treatment by societal actors’ in general, and ‘Treatment when using / access to services’ (education and employment).
- The Iraq COI Query would have benefitted from:
  - Clarifying at the beginning if it was covering both the situation of LGBTQI+ persons in Iraq and in the Kurdistan Region of Iraq and, where relevant, differentiating within the narrative of the report.
  - Creating a separate heading on ‘Availability of state protection’ or lack thereof, rather than incorporating this into the ‘Treatment by the state of LGBT persons’.
  - Creating a separate section on ‘Treatment by non-state actors of LGBT persons’, rather than incorporating militia actions into ‘Treatment by society of LGBT persons’, in order to make room for further discussion on present and past treatment of LGBTQI+ persons by militia groups and terrorist organisations, including ISIS and Popular Mobilisation Units.
  - Including a separate section on the situation and treatment of non-governmental or civil society initiatives supporting LGBTQI+ communities, as well as LGBTQI+ activism and visibility, rather than incorporating it into ‘societal treatment’.
  - Creating a section on ‘Access to services’ separate to societal treatment, as well as a separate heading for ‘Media reaction and reporting on LGBT persons’.
  - Differentiating between different members of the LGBTQI+ community, particularly in the ‘Treatment by society of LGBT persons’ section, for example with subsections on specific treatments for gay men, lesbians, bisexual persons and members of the trans community.

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## Comments on methodology

No methodology is provided as such for the EASO Query Responses. However, the following *Disclaimer* is included in each of the three under review [emphasis added]:

[...] Disclaimer

This response to a COI query has been elaborated according to the EASO COI Report Methodology and EASO Writing and Referencing Guide.

The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. **All sources used are referenced. A quality review has been performed in line with the above mentioned methodology.** This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

The information in the response does not necessarily reflect the opinion of EASO and makes no political statement whatsoever.

The target audience is caseworkers, COI researchers, policy makers, and decision making authorities.

The answer **was finalised on [...]. Any event taking place after this date is not included in this answer.**  
[...]

### Use of sources

The *Disclaimer* asserts that “All sources used are referenced”. Whilst the Iran COI Query contains two lists of sources: *Sources Used* and *Sources Consulted*, the DRC and Iraq COI Queries both only contain the former. This distinction in the Iran COI Query between these two categories is not clear, especially as the *Disclaimer* sets out that if a source is “used” it would be referenced. Moreover, only one source is listed under *Sources Consulted* in the Iran COI Query, namely the ‘About Us’ of a national Lesbian and Transgender Network, which potentially was used to conduct a source assessment. For the purpose of usability and traceability it may have sufficed to include a short source description the first time the national network was referenced.

In general and as highlighted in our previous commentary<sup>4</sup>, it is suggested that a full list of sources consulted be provided, even if those sources did not yield search results. This would aid users to conduct their own updated research and would promote transparency by indicating the full range of sources consulted in the preparation of EASO Query Responses, not just those cited.

### Time frame for research

The three EASO Query Responses provide a completed date as to when the document was finalised. However, no details are provided as to any timeframe for the research.

Having analysed the list of *Sources Used* for each one, the following picture emerges (see *Table 1*):

Year of publication	DRC (‘Date of completion: 9 September 2021’)	Iran (‘Date of completion: 3 November 2021’)	Iraq (‘Date of completion: 13 October 2021’)
Undated	2		1

<sup>4</sup> See ARC Foundation/Dutch Council for Refugees, [Commentary on the EASO COI Query on Ira: What is the security context and treatment of Christians in Iraq? 22 October 2020](#), 29 March 2021, p. 5

1969			1
1991		1	
2004	1		
2005			1
2012		1	
2013		1	
2014	2	2	
2015	1	1	
2016		2	
2017	5	2	
2018	1	2	1
2019	2	4	
2020	1 (annual report covering 2019)	3	10 (of which 1 is an annual report covering 2019)
2021	2 (annual reports covering 2020)	22 (of which 5 are annual reports covering 2020)	9 (of which 5 are annual reports covering 2020)
Total	17	41	23

Table 1: Number of sources per year of publication referred to under 'Sources Used' in the DRC COI Query, the Iran COI Query and the Iraq COI Query

For example, the DRC COI Query only includes information up to the end of 2020 although the report was finalised on 9 September 2021. No explanation is provided as to why no sources covering the situation in 2021 are included, suggesting that either no information was sought, or none was found. In either case, it is suggested that COI Queries clearly indicate the main reference period for research as well as where no or limited information was found.

Moreover, whilst a completion date is provided and the clarification that "Any event taking place after this date is not included in this answer", it is not made fully clear as to whether this was the last date that a search of COI was undertaken, or the date that the EASO Query Responses were drafted, as a time lag between these two activities likely exists. The last date that COI sources were consulted would be useful for users to know, in order to be able to undertake their own updated research and thus to ensure that they are able to access the most up-to-date information.

### Subject questions and content

The following research headings were detailed in all three EASO Query Responses under *Main subject Question(s)*:

- [...] Main Subject Question(s)
- LGBT people in DRC / LGBT persons in Iran / Situation of LGBT persons in Iraq
- Legislation on LGBT issues (and its implementation)
- Treatment of LGBT (persons) by the state / Treatment by the state of LGBT persons
- Treatment of LGBT (persons) by society / treatment by society of LGBT persons

However, it is not made clear who authored these *Main Subject Question(s)* i.e. whether the questions were raised at the outset by the instructing Member State authority and put to the COI researcher(s) or whether these were issues that the COI researcher(s) themselves presented their research findings under. This is notable given that it is considered that there are some gaps in relevant issues addressed in all three EASO Query Responses. For example, pertinent to all three countries, no specific information is included on:

- The availability and level of state protection in instances of societal abuse;
- Societal norms in relation to gender, sexual identity and marriage;
- Whether ‘treatment’ includes discrimination, harassment, and physical and emotional violence;
- Access to services, including educational facilities, healthcare services, housing and employment;
- The situation and treatment of the LGBTQI+ community, including civil society groups, human rights organisations and activists

The way the three EASO Query Responses are presented (and no further explanatory information is provided), they also suggest that research was limited to the treatment of lesbians, gay men, bisexual and transgender persons. Where information was found for a specific LGBTQI+ community, it would have been useful to separate such information under distinct research headings. For example, the DRC COI Query included a source that differentiated between the higher levels of arbitrary arrests and detentions of gay men compared to the ‘corrective rape’ that lesbians and trans men have been subjected to.

It is considered that, in general, specific research on the above should have been conducted, with results presented under distinct headings. In the absence of relevant COI found, it would have been helpful to clarify this. It is expected that with the publication and implementation of the useful EASO LGBTIQ Guide, published in November 2021, and particularly its list of suggested research topics and related research questions<sup>5</sup>, future EASO Query Responses on LGBTQI+ persons should become more encompassing, thus providing an even more useful tool for decision-makers.

#### Peer review

As detailed further above, the *Disclaimer* notes in all three EASO Query Responses that “A quality review has been performed in line with the above mentioned methodology”. It is presumed that this is undertaken in-house by EASO. Notwithstanding this assumption, it would be helpful if such information is specified further under the *Disclaimer*.

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<sup>5</sup> See EASO, [COI Research Guide on LGBTIQ](#), November 2021, 3. *Research questions*, pp. 24-30

## Country specific comments

### The Democratic Republic of Congo (DRC)

#### Key observations

The following key observations were made in relation to the DRC COI Query:

- The report is very brief and would have benefitted from including additional information found in the referenced sources;
- In order to strengthen cooperation among European countries and EASO and to avoid multiple COI reports on the same issue being published during the same year, it would have been useful to translate the COI report on the situation and treatment of Gay Men in the DRC<sup>6</sup>, which was published by the Belgian CEDOCA – *Centre de documentation et de recherches* – in July 2021 and to supplement it with sources found on other sexual minority groups;
- As limited COI was located, it would have been useful to extend the COI research to consult French-language sources, both international and national, given that French is the official language of the DRC.

#### Section specific comments

##### Legislation on LGBT issues and its implementation

It is noted that the heading of this section suggests that the implementation of legislation affecting LGBTQI+ persons is addressed, although in fact it is the subsequent research heading ‘Treatment of LGBT by the state’, which includes such relevant information.

With regards to public decency laws, the DRC COI Query references information on these from a variety of sources:

##### [EASO, COI Query, DRC: LGBT people in DRC, 9 September 2021](#)

[...] 1. Legislation on LGBT issues and its implementation [...]

Sources report that, however, public decency laws are often used and applied in DRC to ‘criminalise private Relationships between persons of the same sex’.<sup>4</sup> Specifically, Article 176 of the Penal Code states that ‘anyone who publicly offends morality by indecent acts shall be liable to eight days’ to three years’ imprisonment and/or a fine of twenty-five thousand zaïres’.<sup>5</sup> [...]

<sup>4</sup> Freedom House, *Freedom in the World 2021*, Democratic Republic of the Congo, 3 March 2021, [url](#); OSAC, *Democratic Republic of the Congo 2019 Crime & Safety Report*, 4 April 2019, [url](#); USDOS, *2020 Country Reports on Human Rights Practises: Democratic Republic of the Congo*, 30 March 2021, [url](#), p. 38

<sup>5</sup> UN Human Rights Council, *Summary of Stakeholders’ submissions on the Democratic Republic of the Congo\** Report of the Office of the United Nations High Commissioner for Human Rights, 19 February 2019, [url](#), p. 3; DRC, *Journal Officiel de la République Démocratique du Congo, Code Penal Congolais*, 30 November 2004, [url](#), p. 47

It is considered that it would have been useful to include additional information found in a source referenced elsewhere in this DRC COI Query, notably the 2017 UHAI-EASHRI [The East African Sexual

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<sup>6</sup> See Belgium, Commissariat Général Aux Réfugiés Et Aux Apatrides, *Centre de documentation et de recherches (CEDOCA), [COI Focus, République Democratique Du Congo, L’homosexualite](#)*, 24 June 2021

Health and Rights Initiative] report, which provides more context on the ‘public decency’ provision found in Article 176 of the Congolese Penal Code:

[UHAI-EASHRI, Landscape Analysis of the Human Rights Situation of Lesbians, Gay, Bisexual, Transgender, Intersex People and Sex Workers in the Democratic Republic of the Congo, 2017](#)

[...] Prohibitive Legislation [...]

PENAL CODE CONGOLAIS Decree of January 30, 1940 as amended and supplemented to date Updated November 30, 2004 [...]

This provision [Article 176] is ambiguous, as it does not define morals therefore leaving it open to interpretation against sex workers and members of the LGBT communities. Consequently it leaves room for the negotiation of the bills such as was proposed in 2010 and 2013 [...]

It would have been further useful to include information from the same source on the lack of legal protection available to LGBTQI+ people and its impact, in addition to information about the punitive legal framework currently operating in the DRC:

[UHAI-EASHRI, Landscape Analysis of the Human Rights Situation of Lesbians, Gay, Bisexual, Transgender, Intersex People and Sex Workers in the Democratic Republic of the Congo, 2017](#)

[...] Legal and Policy Frameworks [...]

The Constitution of DRC that was adopted in 2006 was drafted in language that speaks to the respect of diversity and upholding of human rights. Whilst non-normative sexual orientation, gender identity and sex work may not be explicitly criminalised in Congo, that they are not protected presents a lacuna in the law and exposes LGBTI and sex worker identifying Congolese to all sorts of discrimination, stigma and human rights violations. Further, although the Constitution provides for human rights and non discrimination against Congolese nationals, that sexual orientation and choice of work is not explicitly included as one of the protected grounds sets a precedent for other legislation that then leads to what has ultimately been described as a hostile environment to both LGBTI and sex worker individuals. [...]

LGBT

In the DRC, the law is silent on sexual practices between people of the same sex and there is no explicit law that condemns or protects LGBT people. [...]

Moreover, it would have been helpful to include some context as to the number of attempts to criminalise same-sex practices in the DRC:

[UHAI-EASHRI, Landscape Analysis of the Human Rights Situation of Lesbians, Gay, Bisexual, Transgender, Intersex People and Sex Workers in the Democratic Republic of the Congo, 2017](#)

[...] Legal and Policy Frameworks [...]

LGBT

In the DRC, the law is silent on sexual practices between people of the same sex and there is no explicit law that condemns or protects LGBT people. During the last five years however, efforts have been made by various members of parliament to criminalise same sex sexuality. [...]

Although the proposed bills have not been successful to date, the ruling party is non-committal on the possibility of similar bills arising in the future and there remain fears that LGBT issues are used as political capital by politicians to galvanise and build popular support. On May 31st 2016, the Senate passed a law prohibiting the adoption of children by homosexual and transgender couples.<sup>19</sup> [...]

19 Radio Okapi, (2016) RDC : le Sénat adopte une loi interdisant aux couples homosexuels d’adopter les enfants retrieved from <https://www.radiookapi.net/2016/06/02/actualite/politique/rdc-le-senat-adopte-une-loi-interdisant-aux-couples-homosexuels>

It is further noted that specific information on the legal position of transgender (and intersex) persons was not included in the DRC COI Query, despite information being available in the UHAI-EASHRI report:

[UHAI-EASHRI, Landscape Analysis of the Human Rights Situation of Lesbians, Gay, Bisexual, Transgender, Intersex People and Sex Workers in the Democratic Republic of the Congo, 2017](#)

[...] Legal and Policy Frameworks [...]

Furthermore several pieces of legislation in DRC make reference to ‘Congolese nationals’ which national identity is based on documentation issued by the state. Given that there is no existing legislation that recognises intersex or transgender people then said individuals have limited recourse to attaining the very documents that would inform their access to legislatively provided protection. In order to access documentation gender non-conforming individuals are forced to resort to using their birth certificates (for those that have them) which do not reflect their true genders and consequently their identification documents tend not to be a true representation of their gender identities. [...]

Another observation made in this section is the incorrect translation of a French-language source. Whilst the DRC COI Query stated that Article 176 of the Penal Code included a provision that “anyone who publicly offends morality” shall be “liable to eight days’ to three years’ imprisonment” and/or a “fine of twenty-five thousand zaïres”, the Congolese Penal Code states in French that the fine will be between “25-1000 zaïres”, which is correctly translated into English in the UHAI-EASHRI report [emphasis added]:

[EASO, COI Query, DRC: LGBT people in DRC, 9 September 2021](#)

[...] 1. Legislation on LGBT issues and its implementation [...]

Specifically, Article 176 of the Penal Code states that ‘anyone who publicly offends morality by indecent acts shall be liable to eight days’ to three years’ imprisonment **and/or a fine of twenty-five thousand zaïres**.<sup>5</sup> [...]

<sup>5</sup> UN Human Rights Council, Summary of Stakeholders’ submissions on the Democratic Republic of the Congo\* Report of the Office of the United Nations High Commissioner for Human Rights, 19 February 2019, [url](#), p. 3; DRC, Journal Officiel de la République Démocratique du Congo, Code Penal Congolais, 30 November 2004, [url](#), p. 47

[Democratic Republic of the Congo, Journal Officiel de la République Démocratique du Congo, Code Penal Congolais, Updated on 30 November 2004](#)

[...] SECTION IV : DES OUTRAGES PUBLICS AUX BONNES MOEURS [...]

Article 176 : Quiconque aura publiquement outragé les mœurs par des actions qui blessent la pudeur, sera puni d’une servitude pénale de huit jours à trois ans et **d’une amende de vingt-cinq à mille zaïres** ou d’une de ces peines seulement. [...]

[UHAI-EASHRI, Landscape Analysis of the Human Rights Situation of Lesbians, Gay, Bisexual, Transgender, Intersex People and Sex Workers in the Democratic Republic of the Congo, 2017](#)

[...] Legal and Policy Frameworks [...]

Art. 176: Whoever publicly outraged morals by actions that offend modesty, shall be punished with imprisonment from eight days to three years **and a fine of 25-1000 zaïres** or one of these penalties. [...]

## Treatment of LGBT by the state

The first paragraph of the DRC COI Query reports only briefly on abuses against LGBTQI+ people by state actors [emphasis added]:

[EASO, COI Query, DRC: LGBT people in DRC, 9 September 2021](#)

[...] 2. Treatment of LGBT by the state [...]

There are reports of abuses such as **arbitrary arrests** and **detentions**<sup>7</sup>, and **arbitrary search** against LGBT people <sup>8</sup>. **Harassment** by security forces and judicial officials, based on the sexual orientation and personal identity of the person have also been reported.<sup>9</sup> [...]

7 UHAI EASHRI, Landscape Analysis of the Human Rights Situation of Lesbians, Gay Bisexual, Transgender, Intersex People and Sex Workers in the Democratic Republic of the Congo, 2017, [url](#), p. 12; MOPREDS et al., Human Rights Violations Against Lesbian, Gay, Bisexual, and Transgender (LGBT) People in the Democratic Republic of the Congo (DRC), October 2017, [url](#), p. 4

8 UHAI EASHRI, Landscape Analysis of the Human Rights Situation of Lesbians, Gay Bisexual, Transgender, Intersex People and Sex Workers in the Democratic Republic of the Congo, 2017, [url](#), p. 12

9 OSAC, Democratic Republic of the Congo 2019 Crime & Safety Report, 4 April 2019, [url](#); USDOS, 2020 Country Reports on Human Rights Practises: Democratic Republic of the Congo, 30 March 2021, [url](#), p. 39

It is considered that the referenced reports contain useful additional contextual information on the treatment by state actors towards LGBTQI+ persons and activists, which could have been included in the DRC COI Query [emphasis added]:

[UHAI-EASHRI, Landscape Analysis of the Human Rights Situation of Lesbians, Gay, Bisexual, Transgender, Intersex People and Sex Workers in the Democratic Republic of the Congo, 2017](#)

[...] Legal and Policy Frameworks [...]

LGBT [...]

The lack of legal protection for LGBT people also has an impact on the violence behaviour of the general population and particularly the police. **LGBT respondents reported that they do not report acts of discrimination or violence they suffer for fear of re-victimisation. The relationship between the police and the LGBT community was therefore described by the respondents as disastrous.** This is more pronounced in Kinshasa, Goma, Lubumbashi and Bukavu. [...]

Even after the amendments made in 2006, the Penal Code contains provisions in Article 176 that make reference to ‘morals that outrage the public’. Which provision can and has been used as a basis by law enforcement for **arbitrary arrest, extortion, soliciting of sexual favours, intimidation insults and blackmail.** [...]

[MOPREDS et al., Human Rights Violations Against Lesbian, Gay, Bisexual, and Transgender \(LGBT\), People in the Democratic Republic of the Congo \(DRC\), October 2017](#)

[...] 2. Arbitrary detentions and extortion by State officials

In the Democratic Republic of Congo, LGBT people and **especially transgender and effeminate gay men are victims of arbitrary arrests and detentions** because of their real or imputed sexual orientation and/or gender identity.<sup>24</sup>

[...] 4. Other forms of verbal and physical violence and threats, including against human rights defenders [...]

Between July 2016 and July 2017, **a local organization registered 9 cases of serious death threats and blackmail by telephone, and one death threat in person at the victim’s home.** Some of these cases concern members of the organization MOPREDS, who were the victims of death threats by phone calls and text messages. **Further, “agents of ANR stop by their homes because of their work.”<sup>49</sup> The Executive Director of MOPREDS has been personally threatened and harassed by members of the police and the ANR, questioning him at his home about his work.<sup>50</sup>** The Coordinator of another organization, Rainbow Sunrise Mapambazuko, based in South-Kivu, has also been harassed by members of the police.<sup>51</sup> [...]

24 MOPREDS, Rapport 2017: (Juillet 2016-Juillet 2017) sur les violations des droits de personnes LGBTI à Goma, et à l’est de la République Démocratique du Congo, juillet 2017.

[...] 49 MOPREDS, Rapport 2017: (Juillet 2016-Juillet 2017) sur les violations des droits de personnes LGBTI à Goma, et à l’est de la République Démocratique du Congo, juillet 2017.

50 MOPREDS, Rapport 2017: (Juillet 2016-Juillet 2017) sur les violations des droits de personnes LGBTI à Goma, et à l’est de la République Démocratique du Congo, juillet 2017.

51 Jérémie Safari’s original testimony reads: [...] (original in French). Information provided by Jérémie Safari, Coordinator of Rainbow Sunrise Mapambazuko. September 2017.

Similarly, information from the U.S. Department of State on the lack of state responses to abuse and violence directed against LGBTQI+ persons in 2020 would have been useful to include:

[U.S. Department of State, 2020 Country Reports on Human Rights Practices: Democratic Republic of the Congo, 30 March 2021](#)

[...] Acts Of Violence, Criminalization, And Other Abuses Based On Sexual Orientation And Gender Identity [...]

A local NGO reported authorities often took no steps to investigate, prosecute, or punish officials who committed abuses against FLGBI [sic] persons, whether in the security forces or elsewhere in the government, and impunity for human rights abuses was a problem. [...]

Relating to the above, the DRC COI Query omitted information on the availability of state protection for victims of homophobic violence, abuse, harassment or discrimination. Even with the absence of available COI in the public domain, it would have been helpful to have that acknowledged that information was sought but not located, in order to identify a gap of COI.

#### Treatment of LGBT by society

The DRC COI Query notes with reference to two sources that “non-heterosexual relationships and personal identities remain a cultural taboo”:

[EASO, COI Query, DRC: LGBT people in DRC, 9 September 2021](#)

[...] 3. Treatment of LGBT by society

Discrimination against LGBT people is deep rooted in the society,<sup>15</sup> and ‘non-heterosexual relationships and personal identities remain a cultural taboo’.<sup>16</sup> [...]

15 MOPREDS et al., Human Rights Violations Against Lesbian, Gay, Bisexual, and Transgender (LGBT) People in the Democratic Republic of the Congo (DRC), October 2017, url, p. 5; NPR, Gay, Out And On The Airwaves In Kinshasa, 21 November 2017, url

16 OSAC, Democratic Republic of the Congo 2019 Crime & Safety Report, 4 April 2019, url; NPR, Gay, Out And On The Airwaves In Kinshasa, 21 November 2017, url

Sources available in the public domain at the time of drafting the DRC COI Query, and which would have been useful to include, were, for example:

[BBC, Coronavirus in DR Congo captured on camera, 8 June 2020](#)

[...] "In the megalopolis of Kinshasa, several prejudices have developed, including the stigmatisation of certain minorities with statements such as 'the Coronavirus is a punishment from God to the LGBT community'. [...]

[Target Research & Consulting, Target Study : Congolese have spoken out on homosexuality, the death penalty, abortion and terrorism, 30 March 2021](#)

[...] From this TARGET survey conducted in 2020, it emerges that 9 out of 10 Congolese are against homosexuality, the country being very strongly Christian-dominated. Only 3 percent remained in favor of a law permitting same-sex marriage. The provinces of Equateur and Lualaba remain entirely unfavorable to this law. [...]

It is further considered that additional information found in referenced sources should have been included in the DRC COI Query, especially those that highlighted the specific threat the wider society poses for LGBTQI+ persons:

[MOPREDS et al., Human Rights Violations Against Lesbian, Gay, Bisexual, and Transgender \(LGBT\) People in the Democratic Republic of the Congo \(DRC\), October 2017](#)

[...] 4. Other forms of verbal and physical violence and threats, including against human rights defenders LGBT people in DRC are also subjected to other forms of violence, such as attempted homicides,<sup>47</sup> harassment, death threats and extortion, as well as continuous verbal attacks. It is frequent that in the

streets and neighborhood in Goma, crowds often become aggressive, insult and exert violence against LGBT people, particularly transgender people. LGBT people are also often the victims of false accusations from their neighbors who accuse them of witchcraft or of being “anti-Christ.” Between July 2016 and July 2017, local organizations registered 41 cases of verbal aggressions, physical violence and false accusations in Goma and East DRC.<sup>48</sup> [...]

47 MOPREDS, Rapport 2017: (Juillet 2016-Juillet 2017) sur les violations des droits de personnes LGBTI à Goma, et à l’est de la République Démocratique du Congo, juillet 2017.

48 MOPREDS, Rapport 2017: (Juillet 2016-Juillet 2017) sur les violations des droits de personnes LGBTI à Goma, et à l’est de la République Démocratique du Congo, juillet 2017.

Similarly, it would have been relevant to include the whole excerpt from the U.S. Department of State source reporting on the deteriorating environment for LGBTQI+ persons as a consequence of the 2018 publications by the Bukavu revivalist churches. The DRC COI Query only mentions that circumstances deteriorated, without specifying in which way this was the case [emphasis added]:

[EASO, COI Query, DRC: LGBT people in DRC, 9 September 2021](#)

[...] 3. Treatment of LGBT by society [...]

As reported by USDOS, during 2018, ‘a coalition of revivalist churches in Bukavu published materials characterizing LGBTI persons as against the will of God. The publications contributed **to a deteriorating environment for LGBTI rights** in the area’. During 2020, LGBTI individuals were subjected to harassment, stigmatization, and violence.’<sup>19</sup> [...]

19 USDOS, 2020 Country Reports on Human Rights Practices: Democratic Republic of the Congo, 30 March 2021, [url](#), p. 39

[U.S. Department of State, 2020 Country Reports on Human Rights Practices: Democratic Republic of the Congo, 30 March 2021](#)

[...] Acts Of Violence, Criminalization, And Other Abuses Based On Sexual Orientation And Gender Identity [...]

LGBTI persons in South Kivu Province reported that in 2018 a coalition of revivalist churches in Bukavu published materials characterizing LGBTI persons as against the will of God. The publications contributed to a deteriorating environment for LGBTI rights in the area. **Advocates in the eastern part of the country reported arbitrary detentions, acts of physical violence, including beatings, being stripped naked, sexual abuse in public settings, and rape. In some cases LGBTI persons were forced by threats of violence to withdraw from schools and other public and community institutions.** [...]

Similarly, the UHAI-EASHRI report, used as a source in this section of the DRC COI Query, provides more useful context on the role of churches with regards to discriminatory practices towards LGBTQI+ persons, which may have been relevant to include:

[UHAI-EASHRI, Landscape Analysis of the Human Rights Situation of Lesbians, Gay, Bisexual, Transgender, Intersex People and Sex Workers in the Democratic Republic of the Congo, 2017](#)

[...] Lived Realities [...]

Many respondents identified churches as the moral strength of the nation and the general population often follows their position in the political or social issues. Some LGBT people view these churches as a key factor that increases their vulnerability. Respondents reported that many churches describe homosexual practices as a perversity or an importation from Western cultures. Furthermore, churches are said to contribute overwhelmingly in conveying the belief that homosexuality is a form of witchcraft. [...]

In addition to churches, the U.S. Department of State report included in the DRC COI Query identified other actors that play a dominant role in discriminating against LGBTQI+ persons, which would have been useful to include:

[U.S. Department of State, 2020 Country Reports on Human Rights Practices: Democratic Republic of the Congo, 30 March 2021](#)

[...] Acts Of Violence, Criminalization, And Other Abuses Based On Sexual Orientation And Gender Identity [...]

Some religious leaders, radio broadcasts, and political organizations played a key role in supporting discrimination against LGBTI individuals. [...]

Whilst the DRC COI Query included information about the practice of ‘corrective rape’, it omitted further information about the victims of such sexual violence practices found in a source otherwise referenced in this DRC COI Query [emphasis added]:

[EASO, COI Query, DRC: LGBT people in DRC, 9 September 2021](#)

[...] 3. Treatment of LGBT by society [...]

Additionally, LGBT people in DRC were subject to so-called ‘corrective rape’,<sup>20</sup> as it is believed that an [sic] homosexual person becomes heterosexual if raped.<sup>21</sup> According to a 2017 Joint Report: ‘sometimes rape is committed by young men who live in the same neighborhood as the victim, who generally cannot stand to see a man with a “feminine” gender expression or a young girl with “masculine” gender expression’.<sup>22</sup> [...]

20 USDOS, 2020 Country Reports on Human Rights Practises: Democratic Republic of the Congo, 30 March 2021, [url](#), p. 39

21 New Humanitarian (The), Paul, gay rights campaigner in DRC: ‘They said I was the Antichrist’, 18 August 2014, [url](#); USDOS, 2019 Country Reports on Human Rights Practices: Democratic Republic of the Congo, 11 March 2020, [url](#), p.40; USDOS, 2020 Country Reports on Human Rights Practises: Democratic Republic of the Congo, 30 March 2021, [url](#), p. 39; UHAI EASHRI, Landscape Analysis of the Human Rights Situation of Lesbians, Gay Bisexual, Transgender, Intersex People and Sex Workers in the Democratic Republic of the Congo, 2017, [url](#), p. 14

22 MOPREDS et al., Human Rights Violations Against Lesbian, Gay, Bisexual, and Transgender (LGBT) People in the Democratic Republic of the Congo (DRC), October 2017, [url](#), p. 11

[UHAI-EASHRI, Landscape Analysis of the Human Rights Situation of Lesbians, Gay, Bisexual, Transgender, Intersex People and Sex Workers in the Democratic Republic of the Congo, 2017](#)

[...] Legal and Policy Framework [...]

LGBT [...]

Given the country’s history of and on-going violence particularly in the Eastern parts of Congo, both LGBT and sex workers are subjected to heightened insecurity and threats of different forms of violence and particularly physical and sexual violence. Whereas convictions of sexual violence are said to have improved as of 2014, at least as regards gender based violence,<sup>20</sup> sexual violence is a continued reality particularly for **female sex workers, lesbians and trans men**. [...]

20 Nynke Douma, Dorothea Hilhorst and Jocelyne Matabaro (2016) Getting the balance right? Sexual violence response in the DRC: A comparison between 2011 and 2014 retrieved from [http://www.securelivelihoods.org/publications\\_details.aspx?resourceid=392&CategoryID=2258](http://www.securelivelihoods.org/publications_details.aspx?resourceid=392&CategoryID=2258)

The DRC COI Query makes a very brief reference to discrimination experienced within families, as well as within the health, education and employment sectors. It may have been relevant to include more information on each of these issues (or highlight the lack thereof in the public domain). The following source, for example, referenced in the DRC COI Query, provides the following additional information:

[UHAI-EASHRI, Landscape Analysis of the Human Rights Situation of Lesbians, Gay, Bisexual, Transgender, Intersex People and Sex Workers in the Democratic Republic of the Congo, 2017](#)

[...] Lived Realities [...]

LGBT [...]

In Kinshasa, for example, where people believe in witchcraft, families often take their LGBT children to sorcerers. Discrimination against trans people is more pronounced in families. Perceivably effeminate gay men and transgender individuals in particular tend to bear the brunt of ostracisation based on their expression which makes them easily 'discoverable' by their families. Lesbian identifying women were reported as being able to easily cloak their identities and therefore less likely targets. [...]

Family pressure is reported as often inciting a type of 'forced bisexuality' whereby an individual that may have primarily identified as gay or lesbian, is forced into a relationship or marriage to a person of the opposite sex. [...]

In addition, most individuals are youth and therefore totally dependent on their families. Consequently most respondents reported being closeted. Others resort to automatic self-exclusion or avoid festivities/ family gathering to avoid confrontation with their family members about their sexuality. Individuals who have what is perceived as a favourable economic disposition and who are providers for their families were reported as being more likely to be accepted and treated well by their families and friends. [...]

Information on any numerical data or lack thereof of societal treatment of LGBTQI+ persons may also have been useful to include in this section of the DRC COI Query. For example, the report by MOPREDS [Mouvement pour la promotion du respect et égalité des droits et santé] et al., separately mentioned in this section of the DRC COI Query, reported that:

[MOPREDS et al., Human Rights Violations Against Lesbian, Gay, Bisexual, and Transgender \(LGBT\) People in the Democratic Republic of the Congo \(DRC\), October 2017](#)

[...] I. Executive Summary [...]

Between July 2016 and July 2017, civil society organizations in DRC documented 93 cases of human rights violations of LGBT people in the Nord-Kivu Province (city of Goma and the two communes of Goma and Karisimbi), which include: arbitrary detentions, repetitive acts of physical violence and verbal attacks, false accusations, dead [sic] threats, blackmail and extortion, sexual violence, and discrimination within the family and the health sector, among others. Another civil society organization documented 108 human rights violations of LGBT people in South Kivu, Bukavu (Municipalities of Ibanda, Bagira and Kadutu) during 2016. [...]

III. Human Rights Violations

A. State-led violence, arbitrary detentions, sexual violence and other attacks [...]

Most LGBT people in DRC hide their sexual orientation and gender identity to protect themselves from acts of cruelty and violence at the hands of state authorities. [...]

4. Other forms of verbal and physical violence and threats, including against human rights Defenders [...]

Local organizations indicate that due to the general silence and lack of investigations, it is very difficult to assess the level of violence against LGBT people in the country. The low level of reporting of hate crimes by LGBT people may indicate the extreme stigmatization they suffer. [...]

## Country specific comments

### The Islamic Republic of Iran

#### Key observations

The following key observations were made in relation to the Iran COI Query:

- The at times significant paraphrasing makes the narrative less clear to read and could imply the own analysis and interpretation of the author.
- It is suggested that it would have been beneficial to change the title of the first section 'Legislation on LGBT issues and its implementation' to 'Legislation on LGBT issues', and to have created a subheading on 'Implementation of legislation on LGBT issues and LGBT experiences within the justice system', with new sources added, as noted below. At present, there are few sources detailing implementation in the first section.
- It is posited that sources related to LGBTQI+ experiences of the healthcare system and the pathologisation of transgender persons, as well as the role of gender reassignment surgeries within this, could have been grouped together under a separate section on 'Treatment of LGBT persons within the health sector'. This is suggested in particular given the prominence of this topic and also given that line between societal and state actors, and the treatment towards LGBTQI+ persons from both, may be more blurred here.
- It is also posited that, in order to enhance usability of the report, it may have been helpful to create a separate heading on 'Availability of state protection and accountability', rather than the incorporation of this theme into the 'Treatment of LGBT persons by the state' section.
- It is further suggested that it would have been valuable to include different sub-headings with more sources on the specific societal treatment of different groups, including gay men, lesbian women, bisexual persons and trans persons, particularly in the 'Treatment of LGBT persons by society' section.
- It is noted that it may have also enhanced the coherence of the report to break down the final section into 'Treatment by family members' (including 'honour killings'), 'Treatment by societal actors' in general, and 'Treatment when using / access to services' (education and employment).

#### Section specific comments

##### Legislation on LGBT issues and its implementation

It is noticed that the Iran COI Query cites separately two different sources, 'IRANHRDC, English Translation of Books I & II of the New Islamic Penal Code, 4 April 2014' and 'Iran, Islamic Penal Code, 21 April 2013,' both of which link to the same document, the former source – the 2014 translation by the Iran Human Rights Documentation Centre (Iran HRDC). There is no link to the original 2013 Islamic Penal Code (IPC). The section is inconsistent as to whether it cites the two separately, just one, or else the 2013 IPC 'as available at' in the 2014 Iran HRDC translation, but still while offering at times two identical URLs.

The way the Iran COI Query references the following, it implies that there are no differences to be found between the 1991 and 2013 IPCs with regards to the provisions on same-sex conduct. It is not clear whether the Iran COI Query is referring to the specific or the relevant provisions [emphasis added]:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] The provisions of the 2013 IPC regarding criminalisation of certain same-sex conduct can be found in Articles 233-241, **which are identical to those of the 1991 IPC.**<sup>5</sup> [...]

However, the ambiguity of the sources referenced (as noted above), as well as the uncertainty of the 1991 IPC footnoted which notes “Book One and Book Two are amended up to 2013 and translation of Book Five of the IPC, which was adopted permanently in 1996 and not subject to the January 2012 revisions”, means it is not clear whether the 1991 version cited is the original, which may have implications for the legal framework for LGBTQI+ persons. Other sources, including those referenced elsewhere in the Iran COI Query, indeed imply some differences between the two IPCs with regards to laws on and relevant to same-sex conduct, including the below [emphasis added]:

[Simon Forbes, The Reconstruction of Homosexuality and its Consequences in Contemporary Iran, The SOAS Journal of Postgraduate Research, Volume 10, 2016-17](#)

[...] Since 2013 a new version of the penal code has been put in force. [...] The previous version of the penal code defined *lavāt* as *vati*’ (congress) between males, and specified that it can take the form of *dakhūl* (literally ‘entering’ or ‘penetration’ i.e. anal penetration) or *tafkhīz* (literally rubbing).<sup>57</sup> The old code used the phrase ‘*tafkhīz va nazāir*’ (*tafkhīz* and the like or similar) suggesting a broad range of sexual acts, but the new code restricts the term *tafkhīz* to inter-femoral intercourse.<sup>58</sup> **The present version of the code also restricts the definition of the term *lavāt* to *dakhūl* and treats *tafkhīz* as a separate but related crime.**<sup>59</sup> Sex between women has never been classed as *lavāt*; rather, the term *mosaheqeh* and, once again, **the new code give a more restricted definition.**<sup>60</sup> [...]

As stated above, *hamjensgerāy* is now used in the new penal code. **The old code did not use that word and only used *hamjensbāzy* in the context of the definition of *mosaheqeh*.**<sup>65</sup> **The context now refers to the punishment for sexual behaviour, such as ‘kissing or touching as the result of lust (*shavat*)’, as punishable by the suppliance of between 31 and 74 lashes with the whip at the judge’s discretion.**<sup>66</sup> **Accordingly, in official doctrine *hamjensgerāy* now clearly refers to any kind of physical expression of same sex desire and not just the mental element.**

With the implementation of a new penal code in 2013 the death penalty is now more restricted to homosexual behaviour in response to international criticisms on this issue in recent years. Under the old law, the mere fact of anal penetration between males was sufficient to warrant a mandatory death sentence.<sup>67</sup> **Now, this only applies in certain circumstances.** Firstly, the only cases where the death penalty would apply to both parties is where the insertive partner is married or he is a non-Muslim and the passive partner is a Muslim. Secondly, in cases where there is force and coercion only the insertive partner would be liable to the death penalty and no punishment would apply to the victim. Finally, in other cases a death sentence would apply to the passive partner only, whereas the insertive partner would be punished by 100 lashes for the first three offences and only by death if he had been convicted a fourth time.<sup>68</sup>

**A further change is that the new code places restrictions on investigations into consensual sex offences committed in private, though this does not amount to decriminalisation.** In cases of *vuqu’-e jorā’-m-e manāfiye ‘effat* (crimes contrary to chastity) ‘any type of investigation of and interrogation to discover the hidden affairs and things concealed from the public view shall be prohibited’.<sup>70</sup> This does not apply where there has been a confession or other admissible evidence or where there are allegations of coercion or deception or anything else impacting on consent.<sup>71</sup> [...]

57 Qanūn-e Mājāzat-e Islāmī (QMI 1991), Article 108. [own translation]

58 QMI 1991, Article 121; QMI 2013, Article 235; IHRDC, *Denied identity*, 12.

59 Qanūn-e Mājāzat-e Islāmī (QMI 2013). For convenience the old and new versions of the penal code will from now on be referred to respectively as QMI 1991 and QMI 2013.

60 QMI 1991, Article 127; QMI 2013, Article 238; IHRDC, *Denied identity*, 12.

[...] 65 QMI 1991, Article 127.

66 QMI 2013, Article 237; IHRDC: English Translation of Books I & II of the New Islamic Penal Code available at <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/1000000455-english-translation-of-books-1-and-2-of-the-new-islamic-penal-code.html>.

67 QMI 1991, Article 110.

68 QMI 2013, Article 136 & 234; IHRDC, *Denied identity*, 9-10.

[...] 70 QMI 2013, Article 241; Trans IHRDC.

71 Ibid.

### [The International Lesbian, Gay, Bisexual, Trans and Intersex Association \(ILGA\), State-Sponsored Homophobia 2020: Global Legislation Overview Update, December 2020](#)

[...] Human Rights Watch noted that the IIPC 2013 **provides a “more exact definition of lesbianism”** than the 1991 Islamic Penal Code did, and may make it more difficult for authorities to convict women of lesbianism.<sup>31</sup> [...]

Human Rights Watch has noted that the IIPC 2013 **expanded the definition of *efsad-e fel arz* [spreading “corruption on Earth”] to include “clearly non-violent activities” if they “seriously disturb the public order and security of the nation”, or widely spread “moral corruption”,** in comparison to the 1991 Islamic Penal Code.<sup>34</sup> [...]

31 The 1991 Islamic Penal Code defined lesbianism under Article 127 as “same-sex relations between women by way of their genitals”. See, “Codifying Repression: An Assessment of Iran’s New Penal Code”, *Human Rights Watch*, 28 August 2012, 26.

[...] 34 “Iran: Proposed Penal Code Deeply Flawed”, *Human Rights Watch*, 29 August 2012.

### [Mai Sato and Christopher Alexander, State-Sanctioned Killing of Sexual Minorities: Looking Beyond the Death Penalty, February 2021](#)

[...] Iran has carried out executions for same-sex sexual offences as recently as 2019. In January 2019, ‘a state controlled Iranian news outlet’ (Mendos et al., 2020:49) reported that a 31-year old gay man was publicly hanged for forced sodomy and kidnapping (Iran HRM, 2019).<sup>39</sup> In July 2019, another man was executed for forced sodomy, but this was not reported in the Iranian media (Iran Human Rights, 2019).

Although both these cases concern same-sex *rape*, it is widely believed that such convictions often stem from consensual acts. By imposing the death penalty only on the passive/receptive sexual partner in consensual same-sex intercourse, the 2013 Penal Code creates a legal imbalance between sexual partners.<sup>40</sup> [...]

40 **The 1991 Penal Code, on the other hand, did not discriminate on the basis of sexual position, and imposed the death penalty on both parties.**

Before introducing the provisions related to homosexuality, it could have been useful to include the following statement and definitions provided by the Iran HRDC. The Iran COI Query sets out the definition in the IPC of sodomy and homosexual acts between men (*livat*) but does not do so for those between women; as such, the following introductory excerpt could have been useful:

### [Iran HRDC, English Translation of Books I & II of the New Islamic Penal Code, 4 April 2014](#)

[...] Book Two covers, arguably, the most controversial part of the Code, Islamic *hudud* which are those crimes with fixed and severe punishments in Islamic sources, including, inter alia, illicit (outside of marriage) sex (known as *zina*), sodomy and homosexual acts between men (*livat*) and women (*mosahaqa*), insulting the Prophet (*sabb-e-nabi*), and consumption of an intoxicant (*shorb-e-khamr*). [...]

The Iran COI Query uses significant paraphrasing in this section, which makes it less clear to read and implies at times the own analysis and interpretation of the author. For example, the following excerpt in the Iran COI Query reads:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] 1. Legislation on LGBT issues and its implementation [...]

The law differences between the ‘active party’, which will be sentenced to death if he has forced the sexual act, or if he ‘meets the conditions for *ihsan*’, meaning that he is ‘married to a permanent and pubescent wife’. Otherwise, the punishment is lashing. Meanwhile, ‘the “passive party” shall receive the death penalty regardless of marital status. A non-Muslim “active party” in a sexual act with a Muslim party shall also receive the death sentence’.<sup>10</sup> [...]

10 IHR and ECPM, Annual Report On the Death Penalty in Iran 2020, 30 March 2021, [url](#), p. 25; Iran, Islamic Penal Code, 21 April 2013, [url](#), Articles 235, 236

The Iran COI Query could instead have cited directly from the footnoted source, as follows:

[Iran Human Rights \(IHR\) and Together Against the Death Penalty \(ECPM\), Annual Report on the Death Penalty in Iran 2020, 30 March 2021](#)

[...] In *lavat* (penetrative male homosexual sex) cases, a death sentence shall be imposed on the “active party” only if he is married or has forced the sexual act, but the “passive party” shall receive the death penalty regardless of marital status. A non-Muslim “active party” in a sexual act with a Muslim party shall also receive the death sentence (Article 234 of the IPC). The non-Muslim “active party” in same-sex relations not involving penetration shall also be sentenced to death. [...]

The same point on paraphrasing stands for the Iran COI Query’s explanation of provisions related to *tafkhez* and ‘other homosexual acts’ in the IPC, which states that:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] 1. Legislation on LGBT issues and its implementation [...]

Articles 235 and 236 contain the law regarding *tafkhez*, which refers to the act of ‘putting a man’s sex organ (penis) between the thighs or buttocks of another male person’. At the same time, the act of ‘penetration [of a penis into another male person’s anus] that does not reach the point of circumcision’ is also considered *tafkhez*. The *tafkhez* punishment for both active and passive parties is lashing, except when ‘the active party is a non-Muslim and the passive party is a Muslim’, in which case the active party will receive the death sentence. Coercion or *ihsan* are not relevant in this case.<sup>11</sup>

According to Article 237, ‘homosexual acts of a male person in cases other than *lavat* and *tafkhez*, such as kissing or touching as a result of lust, shall be punishable by thirty-one to seventy-four lashes of *ta’zir* punishment’.<sup>12</sup> [...]

11 Iran, Islamic Penal Code, 21 April 2013, Articles 235, 346, available at IRANHRDC, English Translation of Books I & II of the New Islamic Penal Code, 4 April 2014, [url](#)

12 Iran, Islamic Penal Code, 21 April 2013, Article 237, available at IRANHRDC, English Translation of Books I & II of the New Islamic Penal Code, 4 April 2014, [url](#)

It is posited that it adds no extra value to paraphrase the articles, and it may have been more useful and comprehensive to cite directly from the IPC and include some additional information related to the provisions [emphasis added], as follows:

[Iran HRDC, English Translation of Books I & II of the New Islamic Penal Code, 4 April 2014](#)

[...] Article 235– *Tafkhez* is defined as putting a man’s sex organ (penis) between the thighs or buttocks of another male person.

Note- A penetration [of a penis into another male person’s anus] that does not reach the point of circumcision shall be regarded as *tafkhez*.

Article 236– In the case of *tafkhez*, the *hadd* punishment for the active and passive party shall be one hundred lashes and it shall make no difference whether or not the offender meets the conditions of *ihsan* [mentioned in note 2 of article 234], or whether or not [the offender] has resorted to coercion.

Note- If the active party is a non-Muslim and the passive party is a Muslim, the *hadd* punishment for the active party shall be the death penalty.

Article 237– Homosexual acts of a male person in cases other than *livat* and *tafkhez*, such as kissing or touching as a result of lust, shall be punishable by thirty-one to seventy-four lashes of ta'zir punishment of the sixth grade.

**Note 1- This article shall be equally applicable in the case of a female person.**

**Note 2- This article shall not be applicable in the cases punishable by a *hadd* punishment under Shari'a rules. [...]**

The Iran COI Query states that:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] 1. Legislation on LGBT issues and its implementation [...]

Moreover, as pointed out in the report of organisations Iran Human Rights (IHR) and Together Against the Death Penalty (ECPM), parties found guilty on the fourth occasion may be sentenced to death 'if "offenders" are sentenced and receive the lashing punishment on the first three occasions'.<sup>15</sup> [...]

15 IHR (Iran Human Rights) and ECPM (Together Against the Death Penalty), Annual Report On the Death Penalty in Iran 2020, 30 March 2021, [url](#), p. 28

It is suggested that it would have been beneficial to include the whole section from page 28 of this report on repeat offenders:

[Iran Human Rights \(IHR\) and Together Against the Death Penalty \(ECPM\), Annual Report on the Death Penalty in Iran 2020, 30 March 2021](#)

[...] REPEAT OFFENDERS

Article 136 stipulates that repeat offenders who commit an offence punishable by *hadd*, and who are punished for each offence, shall be sentenced to death on the fourth occasion. This article has failed to specify the *hudud* offences and only mentions the death sentence for fourth-occasion theft in Article 278. Nevertheless, Articles 220-288 have defined *hudud* offences as: fornication and adultery, sodomy, lesbianism, pimping, cursing the prophets, theft, drinking alcohol, *qadf* (false accusation of sodomy or fornication), *moharebeh*, *efsad- fil-arz* and *baghy*. [...]

The quotation cited above in the Iran COI Query is in fact from pages 25-26 (not 28, as footnoted), the full sentence of which reads [emphasis added for the omissions]:

[Iran Human Rights \(IHR\) and Together Against the Death Penalty \(ECPM\), Annual Report on the Death Penalty in Iran 2020, 30 March 2021](#)

[...] **Lesbianism** shall be punished on the fourth occasion if "offenders" are sentenced and receive the lashing punishment on the first three occasions. **This has not been specifically stated in the law, but can be inferred from the provisions of Article 136 of the IPC on Repeat Offenders** [...]

The Iran COI Query states that:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] 1. Legislation on LGBT issues and its implementation [...]

The above-mentioned penalties can be applied to children under the age of 18. According to Article 147 of the 2013IPC [sic], the age of majority for girls is nine lunar years (approximately 8 years and 8 months, according to the Gregorian calendar), while the age of majority for boys is 15 lunar years (approximately 14 years and 7 months, according to the Gregorian calendar).<sup>17</sup> Thus, as stated in a 2015 joint report by IHR and several other civil society organisations, 'adolescents who are suspected of same-sex consensual relationships or children who have been raped through non- penetrative anal sex can be subjected to harsh punishments, such as executions and flogging'.<sup>18</sup> [...]

17 IHR et al., Rights of the Child in Iran Joint alternative report by civil society organizations on the implementation of the Convention on the Rights of the Child by the Islamic Republic of Iran, March 2015, [url](#), p. 11; Iran, Islamic Penal Code, 21 April 2013, [url](#), Article 147;

18 IHR et al., Rights of the Child in Iran Joint alternative report by civil society organizations on the implementation of the Convention on the Rights of the Child by the Islamic Republic of Iran, March 2015, [url](#), p. 16

‘Age of majority’ should read ‘age of maturity’, as originally written in the IPC.

Given it is not footnoted, it is also not clear if the first sentence, ‘the above-mentioned penalties can be applied to children under the age of 18’, is a conclusion made by the author of the Iran COI Query, based on the following information related to lunar years, suggesting (but not stating conclusively) that children over ‘the age of maturity’ are considered to be criminally responsible. It would have been relevant to also add Article 126 of the IPC to make this distinction:

[Iran HRDC, English Translation of Books I & II of the New Islamic Penal Code, 4 April 2014](#)

[...] Article 146– Non-mature children have no criminal responsibility.

Article 147– The age of maturity for girls and boys are, respectively, a full nine and fifteen lunar years.

[...]

Even then, however, further information could have been made available to support the sentence ‘the above-mentioned penalties can be applied to children under the age of 18’, which could imply the specific nature of the mentioned articles, rather than simply the ‘criminal responsibility’ of children considered ‘mature’ in the IPC. Additional information around the penalties for juvenile offenders for *hudud* laws is available, for example, in the previously referenced IRH and ECPM report:

[Iran Human Rights \(IHR\) and Together Against the Death Penalty \(ECPM\), Annual Report on the Death Penalty in Iran 2020, 30 March 2021](#)

[...] JUVENILES & THE DEATH PENALTY

The new IPC retains the death penalty for juvenile offenders. Although Articles 89-95 suggest corrective measures and alternative punishments for children and juveniles, Article 91 is very clear that the offences punishable by *hadd* or *qisas* are exceptions to this rule. It is important to note that almost all juvenile offenders executed in the past 7 years were sentenced to death based on *qisas* and *hudud* laws. Article 91 states: “*For offences punishable by hadd or qisas, mature persons younger than 18 shall be sentenced to the punishments stipulated in this chapter (Articles 89-95) if they do not understand the nature of the offence committed or its prohibition or if there are doubts about their maturity or development of their reasoning.*”

The article leaves to the discretion of the judge to decide whether a juvenile offender understood the nature of the offence, whether they were mature at the time of committing the offence and whether they should be sentenced to death. The Note to Article 91 authorises but does not require the court to seek the opinion of the Forensic Medical Department or to use any other means to reach a verdict. Moreover, while Article 146 provides that immature persons do not have criminal responsibility, Article 147 repeats the provisions of the previous law and the Civil Code regarding maturity and the age of criminal responsibility. Girls are considered mature at the age of 9 lunar years and boys at the age of 15 lunar years. Therefore, a girl older than 8.7 years and a boy older than 14.6 years can be sentenced to death. [...]

The IPC articles in question, related to juvenile penalties, are as follows:

[Iran HRDC, English Translation of Books I & II of the New Islamic Penal Code, 4 April 2014](#)

[...] Article 89– The following punishments shall be given to young people who commit ta’zir crimes and they are between fifteen to eighteen years of age at the time of commission of the crime:

(a) Detention in Correction and Rehabilitation Center from two to five years in the case of offenses punishable in law by a ta’zir punishment of the first to third degree.

(b) Detention in Correction and Rehabilitation Center from one to three years in the case of offenses punishable in law by a ta’zir punishment of the fourth degree.

(c) Detention in Correction and Rehabilitation Center from three months to one year or a fine of ten million (10,000,000) Rials to forty million (40,000,000) Rials or providing one hundred and eighty to seven hundred and twenty hours of unpaid public services in the case of offenses punishable in law by a ta'zir punishment of the fifth degree.

(d) A fine of one million (1,000,000) Rials to ten million (10,000,000) Rials or providing sixty to one hundred and eighty hours of unpaid public services in the case of offenses punishable in law by a ta'zir punishment of the sixth degree.

(e) A fine of up to one million (1,000,000) Rials in the case of offenses punishable in law by a ta'zir punishment of the seventh and eighth degree.

Note 1- Hours of providing public services shall not exceed four hours a day.

Note 2- Considering the accused person's condition and the crime committed, the court, at its discretion, instead of sentencing him/her to detention or a fine prescribed in paragraphs (a) to (c) of this article, can order the offender to stay at home in specific hours determined by the court or detention in the Correction and Rehabilitation Center in the weekend for three months to five years.

Article 90- The court can review its decision for once according to the reports received about the condition of the child or youth and his/her behavior in Correction and Rehabilitation Center and may reduce the detention term up to one-third or replace the detention with handing over the child or youth to his/her natural or legal guardians. The court's decision to review [the original decision] shall be made if the child or youth has spent at least one-fifth of the detention term in Correction and Rehabilitation Center. The court's decision in these cases is deemed final; [however] this shall not prevent [him/her] enjoying conditional release and other mitigations prescribed in the law, when their requirements are met.

Article 91- In the cases of offenses punishable by *hadd* or *qisas*, if mature people under eighteen years do not realize the nature of the crime committed or its prohibition, or of there is uncertainty about their full mental development, according to their age, they shall be sentenced to the punishments prescribed in this chapter.

Note- The court may ask the opinion of forensic medicine or resort to any other method that it sees appropriate in order to establish the full mental development.

Article 92- In the case of offenses punishable by *diya* any payment of other types of financial damages, the Children and Young People Court shall make decisions according to the provision relating to *diya* and damages.

Article 93- If it recognizes mitigating factors, the court can reduce the punishments up to half of the minimum punishment provided and replace security and correctional measures for children and young people with another measure.

Article 94- In the case of all ta'zir crimes committed by young people, the court can postpone the deliverance of the judgment or suspend the execution of the punishment.

Article 95- Criminal convictions of children and young offenders shall have no effect in criminal records. [...]

The Iran COI Query states that:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] Thus, as stated in a 2015 joint report by IHR and several other civil society organisations, 'adolescents who are suspected of same-sex consensual relationships or children who have been raped through non- penetrative anal sex can be subjected to harsh punishments, such as executions and flogging'.<sup>18</sup> [...]

18 IHR et al., Rights of the Child in Iran Joint alternative report by civil society organizations on the implementation of the Convention on the Rights of the Child by the Islamic Republic of Iran, March 2015, [url](#), p. 16

It is suggested that including more information from the report cited here would have added clarity to confusion on age, as highlighted above, as well as offer new information interpreting the legislation on *tafkhez* with regard to consent [emphasis added]:

[Iran Human Rights et al., Rights of the Child in Iran: Joint alternative report by civil society organizations on the implementation of the Convention on the Rights of the Child by the Islamic Republic of Iran, March 2015](#)

[...] **Additionally, in the case of non-penetrative anal sex act between two men (*tafkhez*), these legal provisions do not distinguish between same-sex consensual relations and non- consensual relations, including rape, and in the case of non-penetrative same-sex rape, the victim and perpetrator are both held criminally liable under the law.<sup>49</sup> As the age of criminal responsibility in the Penal Code is 9 lunar years for girls and 15 lunar years for boys, adolescents who are suspected of same-sex consensual relationships or children who have been raped through non-penetrative anal sex can be subjected to harsh punishments, such as executions and flogging, in contravention of the CRC. LGBT rights groups have documented two executions of alleged child offenders for same-sex relations, one in 2005 and another in 2007.<sup>50</sup> [...]**

49 Penal Code, Book, art. 236.

50 International Gay and Lesbian Human Rights Commission, Young man executed for alleged sex crime (5 December 2007), available at: <http://iglhrc.org/content/iran-young-man-executed-alleged-sex-crime>. Full coverage of the 2005 execution is available in Persian at: <http://news.gooya.com/politics/archives/033525.php> and <http://www.ettelaat.net/05-07/news.asp?id=7829> [accessed January 22, 2015].

Although briefly mentioned in the following section, it is suggested that information related to Article 14 of Iran’s Computer Crimes Law may also have been useful to reference here, as is explained in a report (referenced by the Iran COI Query in the following section) from the Iranian Lesbian and Transgender Network, 6Rang, which writes that:

[6Rang, “It’s a great honor to violate homosexuals’ rights’’: Official hate speech against LGBT people in Iran, December 2017](#)

[...] In addition to criminalizing homosexuality, the Iranian authorities also take various measures to prevent access to materials that provide affirmative and accurate materials on homosexuality. Article 14 of Iran’s Computer Crimes Law states, “Whoever uses computer systems, telecommunications systems or data carriers to publish or distribute immoral content, or produces or store them with the intention of corrupting the society, will be sentenced to imprisonment for between 91 days to 2 years or will be fined ... or both.” [...]

Similarly, Articles 15 and 18 of the Computer Crimes Law may have been useful to reference here, as explained in the following report:

[OutRight Action International, the Open Observatory of Network Interference \(OONI\), and the Citizen Lab, No Access: LGBTIQ Website Censorship in Six Countries, 2021](#)

[...] Article 15 criminalizes the use of devices for inciting or aiding and abetting crimes. Additional language notes that fines and prison sentences are mandated for anyone who encourages “the public access to immoral content or facilitates access to this content,” or who “provokes or invites the public to participate in crimes against chastity ... or acts of sexual perversion.”<sup>378</sup> Similarly, Article 18 “criminalizes the use of a computer or telecommunications to disseminate lies with the intention of damaging the public, disturbing the public state of mind or disturbing the official authorities’ state of mind.”<sup>379</sup> [...]

378 Marchant et al., *Breaking the Silence*, 92.

379 Ibid.

Also relevant may have been the ‘corruption on Earth’ provision, as explained in the [International Lesbian, Gay, Bisexual, Trans and Intersex Association] ILGA report below, given that LGBTIQ+ persons and allies have been prosecuted under this:

[The International Lesbian, Gay, Bisexual, Trans and Intersex Association \(ILGA\), State-Sponsored Homophobia 2020: Global Legislation Overview Update, December 2020](#)

[...] Some commentators have suggested that the vague provision of *efsad-e-fel-arz* (corruption on Earth) can also be used against non-heterosexual [sic] individuals. According to the Special Rapporteur on the Islamic Republic of Iran, being convicted of *efsad-e-fel-arz* may carry the death penalty.<sup>32</sup> Although the provision does not contain any explicit SOGIESC reference,<sup>33</sup> there have been reported instances of this provision being used against LGBTQ+ individuals. Human Rights Watch has noted that the IIPC 2013 expanded the definition of *efsad-e fel arz* to include “clearly non-violent activities” if they “seriously disturb the public order and security of the nation”, or widely spread “moral corruption”, in comparison to the 1991 Islamic Penal Code.<sup>34</sup> [...]

32 *Situation of human rights in the Islamic Republic of Iran*, A/HRC/43/61, 28 January 2020, para 18; *Situation of human rights in the Islamic Republic of Iran*, A/75/213, 21 July 2020, para. 29.

33 Art. 286 of the *Iran Islamic Penal Code* states: “Any person, who extensively commits felony against the bodily entity of people, offenses against internal or international security of the state, spreading lies, disruption of the economic system of the state, arson and destruction of properties, distribution of poisonous and bacterial and dangerous materials, and establishment of, or aiding and abetting in, places of corruption and prostitution, [on a scale] that causes severe disruption in the public order of the state and insecurity, or causes harsh damage to the bodily entity of people or public or private properties, or causes distribution of corruption and prostitution on a large scale, shall be considered as *mofsed-e-fel-arz* [corrupt on Earth] and shall be sentenced to death.”

34 “Iran: Proposed Penal Code Deeply Flawed”, *Human Rights Watch*, 29 August 2012.

The aforementioned 6Rang report draws attention to other laws and articles in the IPC which may be used to discriminate against members of the LGBTQI+ community, and as such may have been relevant to include in this report:

[6Rang, “It’s a great honor to violate homosexuals’ rights’’: Official hate speech against LGBT people in Iran, December 2017](#)

[...] People of diverse sexual orientations and gender identities in Iran also face widespread discrimination and violence based on their gender identity and gender expressions including their dress, hairstyles, accessories, cosmetics and mannerisms.<sup>25</sup>

This stems predominantly from laws and regulations that enforce strict Islamic dress codes for both men and women and compulsory veiling (*hijab*) particularly for women. These laws allow police, paramilitary *basij* forces and other public officials to routinely intimidate, harass, assault and arbitrarily detain individuals whose gender expressions including physical appearance are deemed “religiously offensive or inappropriate”.

Article 638 of the Islamic Penal Code punishes teenage girls and women who fail to cover their head and wear loose fitting outfits in public spaces, with a cash fine or imprisonment.

While discriminatory toward all girls and women, this provision has a particularly severe impact on lesbian women and other female-bodied individuals who do not conform to stereotypical models of femininity, and wish to present their gender through physical appearance - including dress, hairstyles, accessories, cosmetics - and mannerisms stereotypically associated with men. Such individuals may be sentenced to cash fines and imprisonment. They may also be accused of “cross-dressing” and sentenced to flogging under provisions in the Islamic Penal Code that prohibit conducts deemed “religiously forbidden” (*haram*) or otherwise “offensive to public morals” (Article 638). [...]

25 The Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity understand “gender expression” as “each person’s expression” on the application of international human rights law – including dress, hairstyles, accessories, cosmetics – and mannerisms, speech, behavioural patterns, names and personal references” and note that “gender expression may or may not conform to a person’s personal human rights”. See [http://www.yogyakartaprinciples.org/wp/wp-content/uploads/2017/11/A5\\_yogyakartaWEB-2.pdf](http://www.yogyakartaprinciples.org/wp/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf)

This section is labelled ‘Legislation on LGBT issues and its implementation’, which may be misleading, given it focuses on provisions within the IPC, and interpretations of them, and contains very little information on the implementation of this legislation. The only exception may be the final sentence

of the section, although it is not clear from the excerpted sentence whether it is speculative ('can') or about past implementation:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] 1. Legislation on LGBT issues and its implementation [...]

Thus, as stated in a 2015 joint report by IHR and several other civil society organisations, 'adolescents who are suspected of same-sex consensual relationships or children who have been raped through non-penetrative anal sex can be subjected to harsh punishments, such as executions and flogging'.<sup>18</sup> [...]

18 IHR et al., Rights of the Child in Iran Joint alternative report by civil society organizations on the implementation of the Convention on the Rights of the Child by the Islamic Republic of Iran, March 2015, [url](#), p. 16

In fact, although outdated, it would perhaps have been clearer to add the rest of the sentence from the cited source, which notes information on the implementation for this specific example [emphasis added]:

[Iran Human Rights et al., Rights of the Child in Iran: Joint alternative report by civil society organizations on the implementation of the Convention on the Rights of the Child by the Islamic Republic of Iran, March 2015](#)

[...] As the age of criminal responsibility in the Penal Code is 9 lunar years for girls and 15 lunar years for boys, adolescents who are suspected of same-sex consensual relationships or children who have been raped through non-penetrative anal sex can be subjected to harsh punishments, such as executions and flogging, in contravention of the CRC. **LGBT rights groups have documented two executions of alleged child offenders for same-sex relations, one in 2005 and another in 2007.**<sup>50</sup> [...]

50 International Gay and Lesbian Human Rights Commission, Young man executed for alleged sex crime (5 December 2007), available at: <http://iglhrc.org/content/iran-young-man-executed-alleged-sex-crime>. Full coverage of the 2005 execution is available in Persian at: <http://news.gooya.com/politics/archives/033525.php> and <http://www.ettelaat.net/05-07/news.asp?id=7829> [accessed January 22, 2015].

As such, it is suggested that it would have been beneficial to change the section title to 'Legislation on LGBT issues', or ideally to include a subheading on implementation with more sources detailing this, rather only than the one limited example given.

Some excerpts in the following section on 'Treatment of LGBT persons by the state' could have been relevant to include instead in this section, or in a new sub-section, based on their focus on 'implementation', including the following:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] 2. Treatment of LGBT persons by the state [...]

[...] According to the records, 'during 2015-2020, Iran hanged at least 6 men for "livat"'.<sup>24</sup> [...]

Writing in its 2021 Annual Report, the United States Commission on International Religious Freedom (USCIRF) stated that Iran 'invokes its interpretation of Shari'a to justify religious freedom violations against the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community and actively executes LGBTI people for their sexual identity'.<sup>29</sup>

The 2020 report on Human Rights Practices by the U.S Department of State (USDOS) noted on the concerns of LGBTI activists who supported that 'the government executed LGBTI individuals under the pretext of more severe, and possibly specious, criminal charges such as rape'<sup>30</sup> or kidnapping.<sup>31</sup> [...]

24 Sato, M. and Alexander, Ch., State-Sanctioned Killing of Sexual Minorities, Looking beyond the death penalty, February 2021, [url](#), p. 17 [...]

29 USCIRF, IRAN, Key Findings, April 2021, [url](#), p.26

30 USDOS, 2020 Country Reports on Human Rights Practices: Islamic Republic of Iran, 30 March 2021, [url](#), p. 56

31 Daily Mail, Iran hangs man for violating anti-gay laws and kidnapping two 15-year-old boys, 28 January 2019, [url](#) [...]

It is also posited that, for the first sentence, this brief sentence could have been accompanied by a larger excerpt from the report referenced, which situates these figures and adds further contextual information around prosecutions for LGBTQI+ persons, as well as the difficulty of ensuring accurate figures; the following excerpt is based partially on interviews conducted for the report as well as media reports:

[Mai Sato and Christopher Alexander, State-Sanctioned Killing of Sexual Minorities: Looking Beyond the Death Penalty, February 2021](#)

[...] However, based on our research, it is almost impossible to determine, or even estimate with any accuracy, the number of executions carried out for same-sex sexual conduct:

The lack of transparency and lack of due process that makes it very difficult to figure out what is happening in Iran's criminal justice [system], and in particular for crimes such as this one [same-sex sexual conduct], where the state tries to hide it from the international community. (I-2)

[The] Iranian regime always change[s] the story... and it makes our organisation and activists' jobs more difficult to prove what exactly happened. (I-10)

In addition to the government and the criminal justice system, the public is reluctant to speak on this issue. [...]

Accordingly, we used publicly available information such as media reporting and existing databases to trace the number of executions carried out each year since 1979 [...], and created a list of executions for same-sex sexual conduct (2004-2020) [...]

Between 1979 and 2020, we identified 241 known executions for same-sex sexual conduct [...]. Several years after the 1979 Revolution, the number of executions dropped to single digits (1984 onwards). [...]

Iran has carried out executions for same-sex sexual offences as recently as 2019. In January 2019, 'a state controlled Iranian news outlet' (Mendos et al., 2020:49) reported that a 31-year old gay man was publicly hanged for forced sodomy and kidnapping (Iran HRM, 2019).<sup>39</sup> In July 2019, another man was executed for forced sodomy, but this was not reported in the Iranian media (Iran Human Rights, 2019). Although both these cases concern same-sex *rape*, it is widely believed that such convictions often stem from consensual acts. By imposing the death penalty only on the passive/receptive sexual partner in consensual same-sex intercourse, the 2013 Penal Code creates a legal imbalance between sexual partners.<sup>40</sup> Once arrested, the Penal Code has a perverse effect of encouraging false accusations of rape: it incentivises persons alleged to have engaged in consensual acts to 'accuse their partner of rape to save their [own] lives' (I-2). In addition to avoiding the death penalty, a false rape accusation may also be motivated by a desire to avoid the stigma associated with being gay (I-12). The Penal Code could also discourage genuine accusations of rape: victims face the risk of being disbelieved about the coercive nature of the sexual act, which could result in an execution. This is because the disclosure of same-sex sexual interactions to the authorities—even where such acts were non-consensual—constitutes a 'confession' of having engaged in such acts, and could be used as evidence to prosecute the victim. [...]

It has been suggested that the Iranian authorities are controlling how executions for same-sex sexual intimacy are reported:<sup>41</sup>

Iranian News Agency reports come in as is and very few people have access to it. Then it gets filtered to go to the deputies and the government officials, and then it gets filtered another time to get to the public. And in this filtering, homosexual acts is obviously either changed, eliminated or changed into homosexual rape. And that's why [we] haven't seen these news reports outside in, you know, in public sources. (I-2)

Such factual distortion in the reporting of executions may be a result of the authorities recognising that executing people for non-consensual same-sex conduct is less likely to incur condemnation from domestic and international observers (I-2; I-3):

In the early days of the revolution, the government announced officially executions for homosexual acts. But this caused an uproar outside the country. Advocacy of the LGBT community, advocacy at the UN, I mean, you know, it was really ... And so they started not to say 'homosexual act', and then officially announce of the 'homosexual rape. . . The lack of transparency and lack of due process that makes it very difficult to figure out what is happening in Iran criminal justice, and in particular for crimes such as this one, where *the state tries to hide it from the international community*. (I-2, emphasis added)

Because they didn't like to, you know, attract international media... they would hide these cases behind rape (I-15).

Indeed, the reporting of an execution for rape successfully diverts attention away from the 'same-sex' aspect of the case. Such a desire to dissipate condemnation is further evidenced by the fact that persons executed for same-sex sexual acts are commonly convicted of other crimes such as murder and kidnapping. This is particularly apparent in relation to persons executed for *consensual* same-sex sexual acts: the majority of people executed for consensual same-sex conduct since 2004 (14 out of 23 cases) were also convicted of multiple other offences. By way of comparison, rape was accompanied by other charges in only a minority of cases (15 out of 55 cases). [...]

Our interviewees indicated that the execution of sexual minorities is both 'politically costly' with regard to the international community (I-2) and is becoming increasingly unpopular among the Iranian public due to growing understanding and acceptance of homosexuality (I-2; I-4; I-12). [...]

39 The state-run Iranian Students' News Agency (ISNA) site provides further information that the man abducted two 15-year-old boys and raped them. The news report in Farsi is available from: <https://www.isna.ir/news/97102010834/> (last accessed on 30 January 2021).

40 The 1991 Penal Code, on the other hand, did not discriminate on the basis of sexual position, and imposed the death penalty on both parties.

41 Alternatively, the fact that the number of executions for same-sex rape so drastically outweighs the number of executions for consensual same-sex intercourse could be ascribed to the Iranian authorities simply withholding information concerning the latter. One of our interviewees spoke to us about the executions carried out in secret: 'We run into people who tell us [that] 'I have a neighbour who was executed in x town in xx, he was gay. His father was running the local theatre', but in our news reports we don't have any trace of anyone executed in that town, in that year, or that month, let alone for that crime. And so that's why I tell you that this is not an area where we have you know a lot of information because that's one of the most difficult investigation arms in Iran.' (I-2)

It is further suggested that the Iran COI Query could have extracted additional information from this report on the implementation of legal provisions related to homosexuality; for example, the following, based on interviews as well as a compilation of different sources, explains the complex and discriminatory legal system which members of the LGBTQI+ community in Iran may have to navigate:

[Mai Sato and Christopher Alexander, State-Sanctioned Killing of Sexual Minorities: Looking Beyond the Death Penalty, February 2021](#)

[...] As same-sex intimacy is criminalised in Iran, the victims of same-sex rape, as well as persons blackmailed on the basis of their sexual orientation, have little means of recourse—whether to the police, the *Pasdaran* (the 'Revolutionary Guards', a branch of the Iranian Armed Forces), or the *Basij*, a paramilitary volunteer militia acting as a 'morality police', who have free rein to commit acts of homophobic violence in a veritable 'Guerrilla War' against sexual minorities (Iranian Railroad for Queer Refugees, 2018). In 2017, the police on several occasions arrested individuals perceived to belong to sexual minorities and detained them for almost seven months without charge (I-10). Prolonged detention and the threat of execution were used to extract names of other queer persons in exchange for freedom: 'you're faggots, you're homosexuals, you should be killed, your execution sentences were already issued, you're being taken to the death row soon' (Ibid.).

When prosecuted for same-sex sexual conduct, defendants often struggle to find a lawyer:

One of our biggest challenges in Iran is to find a legal representative . . . No one would like to do it. We had just a couple of lawyers who take LGBT case several years ago, and they had to escape Iran and claim asylum . . . And the reason is that homosexuality is punishable by death in Iran according to Islamic punishment code. If anyone wants to challenge that rule, [they are deemed to be] against this rule, therefore you are against Islamic rule, therefore you are against Islam, and therefore you are against God. That person [the lawyer] can be executed or killed for being immoral or infidel . . . A lot of lawyers are reluctant to take those cases because they don't want to lose their license, they don't want to be accused that they're supporting LGBT causes. (I-10)<sup>34</sup>

Judges have the power to sentence defendants accused of same-sex sexual acts to death with little evidence. The evidentiary requirements for proving *livat* (penetrative sex between men) are varied, and may include the confession of the offender, the testimony of four male witnesses who claim to have witnessed the sexual act, or the 'knowledge of the judge' (Jafari, 2015:22). The latter is particularly concerning, insofar as it 'enables judges to rely on vague circumstantial evidence to determine whether

a crime has occurred even in the absence of other evidence or in the presence of exculpatory evidence' (ibid.) Our interviewees explained how this provision operates in practice:

A lot of time, that Article [knowledge of the judge] is being used, because there are [otherwise] a lot of conditions [to prove the same-sex sexual acts... But if none of them exist, and the judge thinks, 'okay, you look gay, and it's obvious for me that you are not a macho, patriotic man, I am comfortable to sentence you.' (I-10)

The 'knowledge of the judge' [may] be proved with some small, small evidence, [like] the atmosphere and environment of the case... [...] Even if the accused stays silent and did not confess, the judge may write something [like] 'he had behaviour like a woman. Behaviour like an LGBT.' (I-12)

Because this [the prosecution of same-sex sexual acts] is so reliant on individual judges' perception of a case, it is very arbitrary to find out where the sentence is coming from. There are some constituencies and entities within the government that are pretty supportive of LGBT issues, even though privately, [so] when it comes to individual judges and a lack of legal precedents for these cases, you know, we see that the attack is arbitrary... (I-16) [...]

34 A human rights lawyer who used to practice in Iran spoke about how the Iranian authorities were not happy with him defending death penalty cases including sexual minorities, children, and women, which led to his eventual departure from Iran (I-12).

A 2021 letter by 6Rang to the Dutch government is excerpted by the Iran COI Query under the following section, stating that:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] 1. Legislation on LGBT issues and its implementation [...]

In its letter to the Dutch government regarding its asylum policy for Iranian LGBTQI, the 6RANG Network stated that:

'Iranian officials continue to systematically persecute and harass these groups by violent reprisals, penalising them on the basis of specific provisions of the penal code or by bringing broad and vaguely defined national security charges and inciting hatred against them. Moreover, such cases are heard and decided with complete disregard of internationally recognised due process and fair trial standards'.<sup>28</sup> [...]

28 6RANG, 6RANG letter to Dutch Government regarding its asylum policy for Iranian LGBTQI, February 2020, [url](#)

It is suggested that further information could have been drawn from this report to support with COI on specific cases of the 'implementation' of legislation impacting LGBTQI+ persons. For example:

[6Rang, 6Rang letter to Dutch Government regarding its asylum policy for Iranian LGBTQI, February 2021](#)

[...] Iranian officials continue to systematically persecute and harass these groups by violent reprisals, penalising them on the basis of specific provisions of the penal code or by bringing broad and vaguely defined national security charges and inciting hatred against them.<sup>3</sup> Moreover, such cases are heard and decided with complete disregard of internationally recognised due process and fair trial standards.<sup>4</sup> For example, in September 2018, Iran's security forces began a new wave of gender and LGBT rights activists' arrests that led to the detainment of several people. Among others, these forces arrested Ms Maryam Azad, an activist from Shiraz. Ms Azad, who had been banned from travelling outside of Iran, was arrested and interrogated when she attempted to board a flight from Tehran airport. This was because the Iranian government became suspicious of Ms Azad's activism and connection with the activists from outside of Iran.<sup>5</sup>

According to the reports received and verified by 6Rang, on 29 December 2018, two men, named Ehsan Rahmani and Sajjad, were arrested by security forces in the city of Jahrom after a private video of their symbolic wedding was published on social media by a third party. They have been charged with same-sex relations, breach of public morality and the capital offence of *efsad-e-fel-arz* (corruption on earth).

With numerous other examples, these cases don't stop there. However, there is no information published about many cases and they are buried due to a lack of transparency and respect for due process and because of the regime's success in oppressing these victims and stopping them from making their case public. [...] A lack of respect for due process is the reason why these sentences are not published; the regime *conceals* its human rights violations. In addition to no transparency, those charged with the crime of *Lavat* (sodomy) do not have the right to legal representation or attorney. The regime of Iran always labels these cases as *Lavat-e Be-Onf* or sodomy by force or rape—alleging the one party forced the other. The regime does this by offering a less severe sentence for one of the parties in exchange for the confession that he was forced into the same-sex intercourse by the other party. In other words, they offer one of the parties a deal in exchange for a false confession that he did not consent to the sexual conduct. This makes the case appear non-consensual and stops human rights organisations from fighting against the criminalisation and punishment of consensual same-sex conduct using this case. However, in these cases, there is not proof or documentation, whatsoever, of any force being applied by one party to the other, or vice versa, in the sexual relation. These same-sex sexual conducts are almost always with the consent of both parties. For example, in January 2018, one man was executed in Kazerun city for the crime of “forced sodomy” or “raping” a younger man, but the regime provided no evidence of this person applying force to his sexual partner and he was not allowed any legal representation<sup>6</sup>, just like in every other case. [...]

The persecution is not exclusive to activists or limited to conduct involving physical contact. In addition to imposing corporal punishments and, indeed, the death penalty for consensual same-sex conduct that involves physical contact (articles 234, 236-7, and 239), the Islamic Penal Code (adopted in 2013) also imposes severe corporal punishments for homosexual expressions either in the society or via social media platforms under its general provisions about immorality and indecency according to articles 639 and 640 IPC. In certain cases, these expressions are punished according to article 286 IPC under a more serious charge of *efsad-e-fel-arz* (corruption on earth) punishable by the death penalty. Two recent examples of the imposition of this penalty were in the cases of Ehsan Rahmani and Sajjad. Since then, in October 2019 the popular singer, Mohsen Lorestani, was also charged with this offence of *efsad-e-fel-arz* and could possibly be executed. This charge is brought merely on the basis of a private chat<sup>11</sup>. Therefore, whether open or not and whether in physical contact or not, LGBT individuals are constantly criminalised and severely punished. [...]

6Rang's research and documentation [...] show that arbitrary arrests, violence and mistreatment by police forces, raids on private parties against the LGBT community are widespread. IRI has no intention to end such practices of repression and persecution, or to hold perpetrators who carry out similar abuses with impunity accountable. On 13 April 2017, Basij militia forces raided a friendly gathering of young men in Bagh-e Bahadoran, Isfahan. An estimate of 30 men were arrested and transferred to Dastgerd Prison. A court in Isfahan charged them with “sodomy and consuming psychedelic drugs and alcohol.”<sup>12</sup> Similarly, on 17 September 2017, IRGC and Basij forces raided a birthday party in a private garden in Shiraz, arresting 23 individuals some of whom identified themselves as transsexuals. They were subjected to derogatory conduct and beaten by the agents and transferred to the detention centre of the Ministry of Intelligence where they were further abused and interrogated. This group were charged with “attending a haram (i.e. religiously prohibited) party”.<sup>13</sup> [...]

3 Iranwire, “It's a Great Honor to Violate Homosexuals' Rights”. Available at: <https://iranwire.com/en/features/5104>

4 6Rang, Iranian Lesbian and Transgender Network, Submission to the UN Universal Periodic Review 34<sup>th</sup> Session of the UPR Working Group, Islamic Republic of Iran, 2019

5 Radiozamaneh, “مریم آزاد، فعال حقوق زنان بازداشت شد”. Available at: <https://www.radiozamaneh.com/413515>.

6 اعدام در ملاء عام در کازرون: مردی به اتهام آدم‌ربایی و «لواط به عنف» به دار آویخته شد Available at: <https://www.radiozamaneh.com/428073>

[...] 11 Out News, Iran Could Execute Popular Singer Accused of Being Gay, available at: <https://www.out.com/news/2019/10/08/iran-could-execute-popular-singer-accused-being-gay>

12 6Rang, “Men Arrested at a Party in Isfahan Charged with ‘Sodomy’”, 20 April 2017, available at: <http://6rang.org/english/2276>

13 6Rang, “End Persecution and Harassment of Shiraz Party Detainees”, 23 Sep 2015, available at: <http://6rang.org/2726>.

Although outdated, an article referenced in the following section in the Iran COI Query covers cases of convictions under the previous articles, although it also notes that official information related to convictions are sparse or potentially distorted, a point which would have been relevant to add to the Iraq COI Query in the absence of COI on implementation of laws related to homosexuality.

[Simon Forbes, The Reconstruction of Homosexuality and its Consequences in Contemporary Iran, The SOAS Journal of Postgraduate Research, Volume 10, 2016-17](#)

[...] I look at how the law is enforced in practice by selecting and examining a small number of criminal cases. The last task will prove to be particularly challenging to research due to the lack of transparency in the Iranian criminal justice system. [...]

Some cases of *lavāt* are reported in the officially sanctioned press and either portray the case as one of rape or in a few cases as involving blackmail. While this may be fair reporting of some cases, these publications will rarely question official information; therefore, reports need to be treated with extreme caution. They are often vague and uninformative. [...]

The following is a non-exhaustive illustrative list of some other sources that could have been used to provide further information on the implementation of legislation against LGBTQI+ persons and those engaging in LGBTQI+-related materials or activism/support, including charges and executions, and experiences of the justice system by LGBTQI+ persons.

[Center for Human Rights in Iran, Gender Equality Researcher Tried in Iran Under National Security Charge, 25 March 2019](#)

[...] Gender equality advocate Rezvaneh Mohammadi was tried in absentia in Tehran under the unusual charge of “assembly and collusion against national security by seeking to normalize homosexual relations.”

Mohammadi did not attend her trial session held on February 17, 2019, at Branch 28 of the Revolutionary Court in Tehran, and presiding Judge Mohammad Moghiseh refused to allow her lawyer to attend, a source with detailed knowledge of the case told the Center for Human Rights in Iran (CHRI) on March 22, 2019.

“On the day of the trial, Judge Moghiseh told the lawyer he doesn’t accept him and didn’t allow him in the courtroom,” said the source who spoke to CHRI on the condition of anonymity due to security concerns.

The source also told CHRI that after being arrested in September 2018, Mohammadi’s interrogator pressured her to “confess” to receiving money from foreign conference organizers to “overthrow” the Islamic Republic. [...]

The source informed CHRI that the charge against Mohammadi was based on her research focusing on gender equality issues, and for attending related workshops. [...]

The source continued: “From the time of her arrest until her last day in solitary confinement in Ward 209 in Evin Prison, the agents and her interrogator cursed at her and insulted her and she was even threatened with rape. One of the interrogators told her they would build a case against her like no other in the past, which is probably why she was accused of this astonishing charge.”[...]

[Radio Farda, Two Iran Activists Convicted To Five-Year Prison Terms Each, 13 December 2019](#)

[...] Branch 28 of Tehran’s Revolutionary Court has sentenced a civic activist and a labor activist to five-year prison terms each. Revolutionary courts do not abide by Iran’s civil code and often issue arbitrary decisions. [...] Rezvaneh Mohammadi is a civic activist defending the LGBTQ community members. However, the charges against her were accusations routinely made against civic and political activists. She was charged with “Assembly and Collusion against national security with the aim of toppling the regime”. [...]

[The Jerusalem Post, Iran publicly hangs man on homosexuality charges, 12 April 2020](#)

[...] The Islamic Republic of Iran publicly hanged a 31-year-old Iranian man after he was found guilty of charges related to violations of Iran’s anti-gay laws, according to the state-controlled Iranian Students’ News Agency.

The unidentified man was hanged on January 10 in the southwestern city of Kazeroon based on criminal violations of “lavat-e be onf” – sexual intercourse between two men, as well as kidnapping charges, according to ISNA. Iran’s radical sharia law system prescribes the death penalty for gay sex. The ISNA reported that the 31-year-old kidnapped two 15-year-olds. The opaque inner workings of Iran’s judicial system create enormous difficulties for journalists and human rights advocates to examine judicial cases. [...]

[Australian Department of Foreign Affairs and Trade’s \(DFAT\), Country Information Report Iran, 14 April 2020](#)

[...] Iran does not publish official statistics or details relating to executions. This makes it difficult to estimate how many individuals have been executed for same-sex acts, and whether those acts were consensual. Numerous media reports relate to the execution of men who have engaged in same-sex acts. DFAT is not aware of any such executions involving women. However, in many cases, the media has reported that these acts involved non-consensual sexual encounters, including against minors. The issue is further complicated as the Penal Code does not recognise rape as a separate crime: it treats heterosexual and homosexual rape as forms of adultery and sodomy, respectively. As a result, if a consensual homosexual relationship is discovered by law enforcement, the passive partner has a significant incentive to claim that he has been raped as this may be the only way to enable him to escape a death sentence. Moreover, in an actual male-on-male rape case, the victim faces substantial risk in filing a complaint, as if the alleged rapist succeeds in arguing that the act was consensual, the victim could be executed for being the passive partner to an act of sodomy.

In August 2016, a 19-year old man was executed in Arak (Markazi Province) after being convicted of an act of ‘forced sodomy’ (as defined in Article 234). The alleged offence occurred while the man was still a juvenile. Authorities arrested the man after receiving a complaint accusing him and two other youths of forcing a teenage boy (of undisclosed age) to have sexual intercourse with them. The executed man had maintained that the sexual acts were consensual. In January 2019, a 31-year-old gay man was reportedly executed by hanging on charges of kidnapping and raping two 15-year old adolescents (apparently boys). According to local media reporting, the man had several prior criminal records. It is difficult to find evidence of recent cases involving the execution of adults who have indisputably engaged in consensual same-sex relations. International organisations report that authorities are aware of the negative international reactions large-scale persecution and severe punishment of homosexual individuals creates. Where courts find offenders guilty in same-sex relations cases, reporters observe that, in most cases, they generally refrain from imposing the death penalty and instead order floggings. [...]

[The Jerusalem Post, Iran executes ‘high number’ of gays, says German intelligence, 9 June 2020](#)

[...] The newly released domestic intelligence report for the city-state of Hamburg revealed that the Islamic Republic of Iran’s execution spree targeting gays and lesbians continues unabated. According to the report published on Friday, “Opponents of the [Iranian] regime as well as religious and ethnic minorities are regularly victims of state repression, which is reflected, among other things, in the high number of executions. These victims included people who were convicted and executed because of their same-sex orientation.” [...]

[76 Crimes, Iran official charged for cartoon of loving same-sex parents, 18 July 2020](#)

[...] A top Iranian aide has been charged with “spreading moral corruption” for sharing a cartoon online that showed loving lesbian and gay parents. [...]

Earlier [on May 15], on the occasion of World Family Day, Molaverdi posted a photo on her Telegram channel, in which there were two illustrations of same-sex couples. Subsequently, Mashregh News published screenshots of this post from Molaverdi’s Telegram and wrote: “on the occasion of World Family Day, Molaverdi has published a post on her Telegram that depicts the deviant and reprehensible homosexual families made up of two women and a child and two men and a child.”

In response to this report and waves of attacks on social media, Molaverdi said she had accidentally posted the image on her Telegram channel and quickly deleted it afterwards.

Following the news of the indictment against Molaverdi, some influential social media profiles in Iran threatened her with the same disastrous fate as the one Lot's wife meets in the Bible for promoting homosexuality. [...]

[International Federation for Human Rights \(FIDH\) and League for the Defence of Human Rights in Iran \(LDDHI\), No One is Spared: The widespread use of the death penalty in Iran, October 2020](#)

[...] Farhad Salehi-Jobbehdar was sentenced to death for “forced sodomy” with a 10-year-old boy in 2017 and his death sentence was upheld by the Supreme Court. In November 2019, the child’s father formally withdrew his complaint, stating that while his child had been sexually abused, the incident did not involve “full penile penetration” (which is the legal threshold for sodomy). As such, he expressed his opposition to the conviction and death sentence against Mr. Salehi- Jobbehdar for sodomy and pleaded with the authorities to close the case. The execution of Mr. Salehi-Jobbehdar was scheduled in Karaj’s central prison, Alborz Province, on 20 June 2020. Mr. Salehi-Jobbehdar’s lawyer appealed to the Head of the Judiciary for a stay of the execution and a review of the case.<sup>96</sup> There have not been any updates since.

In 2019, a man was executed in public in Kazeroun, Fars Province, on various charges including “sodomy.”<sup>97</sup> In 2014, two men charged with “sodomy” were executed in public in Shiraz, Fars Province.<sup>98</sup> In 2013, three men who had kidnapped and raped a child were executed in public in Shiraz, Fars Province, after being convicted of “sodomy.”<sup>99</sup> In 2011, three men charged with, and convicted of, “sodomy” were executed in Ahvaz, Khuzestan Province.<sup>100</sup> [...]

96 Amnesty International, Iran: Planned execution of man for rape must be stopped, 17 June 2020; available at: <https://www.amnesty.org/en/latest/news/2020/06/iran-planned-execution-of-man-for-rape-must-be-stopped/>

97 Mizan News Agency, Divine punishment of execution implemented in Kazeroun this morning, 10 January 2019; available [in Persian] at: <https://www.mizanonline.com/fa/news/484001/>

98 Raak News, Two persons charged with sodomy executed in Shiraz, 7 August 2014; available [in Persian] at: <https://tinyurl.com/y4vtgvpw>

99 Iranian Students’ News Agency, Three convicted of sodomy executed in public, 19 February 2013; available [in Persian] at: <https://www.isna.ir/news/91113018226/>

100 Iranian Students’ News Agency, Charged with drug smuggling and rape by force; six convicts hanged in Karoun prison of Ahvaz, 4 September 2011; available [in Persian] at: <http://www.isna.ir/news/9006-07868>

## Treatment of LGBT persons by the state

In this section, the Iran COI Query cites a press release by Amnesty International on the murder of a gay man, Alireza Fazeli Monfared, in May 2021, stating that:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] Treatment of LGBT persons by the state [...]

According to Amnesty International (AI) writing in 2021, ‘LGBTI people in Iran face pervasive discrimination, live in the constant fear of harassment, arrest and criminal prosecution, and remain vulnerable to violence and persecution based on their real or perceived sexual orientation and gender identity’.<sup>19</sup> [...]

19 AI, Iran: Murder of gay man highlights dangers of state-sanctioned abuses against LGBTI people, 17 May 2021, [url](#)

The cited excerpt could have included additional information from the press release around state treatment of LGBTIQ+ persons, including fears from LGBTIQ+ persons of reporting homophobic and transphobic events to the police, as is highlighted in the following excerpt:

[Amnesty International, Iran: Murder of gay man highlights dangers of state-sanctioned abuses against LGBTI people, 17 May 2021](#)

[...] According to individuals interviewed by Amnesty International who had known Alireza Fazeli Monfared for months or years prior to his murder, including his partner and a close friend, he had faced years of homophobic and transphobic harassment and death threats by several male relatives because he did not conform to the binary socio-cultural gender stereotypes and “norms” in Iran. According to these informed sources, he had never reported such incidents to the police out of a fear of facing violence and prosecution at the hands of the authorities. [...]

The Iran COI Query also references a short excerpt from the 2021 UN Special Rapporteur report on human rights in Iran, as follows:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] Treatment of LGBT persons by the state [...]

Similarly, in January 2021 the Special Rapporteur on the situation of human rights in Iran, stated that ‘individuals who identify as lesbian, gay, bisexual and transgender experience human rights violations and widespread discrimination.’<sup>20</sup> [...]

20 UN Human Rights Council, Situation of human rights in the Islamic Republic of Iran, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, 11 January 2021, [url](#), para 27, p. 10

The excerpt could have gone further to cite other relevant information from the UN report on the state treatment of LGBTQI+ persons in Iran, in particular the linkage between the criminalisation of same-sex consensual acts and violence by state (among other) actors, as well as discrimination in the justice system, including the following:

[UN Human Rights Council, Situation of human rights in the Islamic Republic of Iran, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, 11 January 2021](#)

[...] 27. The Special Rapporteur regrets that individuals who identify as lesbian, gay, bisexual and transgender experience human rights violations and widespread discrimination. Senior officials describe the community in hateful terms, including by labelling individuals as “subhuman” and “diseased”.<sup>80</sup> [...] The criminalization of same-sex consensual acts legitimizes violence by State actors and private individuals, including the use of torture, beatings and rape by law enforcement and vigilantes.<sup>82</sup> Lesbian, gay, bisexual and transgender persons face regular harassment and, if arrested, are denied the right to a fair trial.<sup>83</sup> [...] The Government highlighted its recognition of transgender persons and claimed it had engaged in raising public awareness about their rights. [...]

80 <http://6rang.org/english/wp-content/uploads/2017/12/Official-Hate-Speech-against-LGBT-People-in-Iran.pdf>.

81 Islamic Penal Code, arts. 233–240.

82 <https://outrightinternational.org/sites/default/files/OutRightLesbianReport.pdf>, pp. 3 and 25; [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT\\_CCPR\\_NGO\\_IRN\\_42317\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf), p. 14.

83 <https://outrightinternational.org/sites/default/files/OutRightLesbianReport.pdf>, pp. 14–17; <https://outrightinternational.org/sites/default/files/OutRightTransReport.pdf>, pp. 31–32.

The Iran COI Query cites the aforementioned report by 6Rang, writing that:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] Treatment of LGBT persons by the state [...]

According to the Iranian Lesbian and Transgender Network (6RANG), ‘since the establishment of the Islamic Republic in 1979, state officials in Iran have consistently portrayed homosexuality as a “deviant” sexual proclivity that has a corrupting effect on society’.<sup>21</sup> [...]

21 6RANG, ‘It’s a great honor to violate homosexuals’ rights’. Official hate speech against LGBT people in Iran, December 2017, [url](#), p. 15

The report referenced contains extensive information on discriminatory rhetoric by the authorities towards LGBTQI+ persons in Iran, and the impact this may have on the lives and safety of LGBTQI+ persons, as well as other violations related to curricula censorship on topics of homosexuality; it would have been valuable to display more of the report's background and findings on this matter, including the following:

[6Rang, "It's a great honor to violate homosexuals' rights": Official hate speech against LGBT people in Iran, December 2017](#)

[...] In the days leading up to Iran's presidential election on 19 May 2017, a global education agenda known as Education 2030 suddenly became the subject of an intense political controversy that brought the issue of homosexuality to the forefront of public discussion. The controversy and the reactions it sparked from rival political parties revealed, yet again, the deep-seated homophobia that exists within the country and that entices the authorities to regularly engage in hateful, violent speech towards gay and lesbian people. [...]

Hassan Rouhani's government had decided in 2016 to adopt Education 2030 and integrate its guidelines into the country's education system. At the time, the decision had not attracted much attention. However, less than two weeks before the Election Day, on May 7, Iran's Supreme Leader Ali Khamenei denounced

President Rouhani's government for quietly adopting Education 2030 and said:

"It is the Islamic Republic here! Here Islam is the benchmark! The Quran is the benchmark! It is not a place where the deficient, destructive and corrupt Western lifestyle can infiltrate! ... The UNESCO 2030 education agenda and the like are not agendas that the Islamic Republic of Iran should ever surrender and submit to."<sup>2</sup>

The Supreme Leader's harsh reproach was quickly followed by a chorus of conservative voices, which attacked Rouhani's government for adopting a UN document that they claimed corrupted society and promoted homosexuality.

Assembly of Experts member Mohsen Heidary said: "This document [Education 2030] provides that those from vulnerable groups shall be protected but ... by vulnerable groups it actually means homosexuals." As such, he warned, "this document will ensure that in 13 years from now, the children of Iran and other Muslim countries will be driven away from Quran and spirituality, and become wholly occupied with *hamjensbazi* [faggotry] and sexual teachings."<sup>3</sup>

Another Assembly of Experts member Ahmad Alamolhoda objected to the emphasis of Education 2030 on the term inclusiveness. He said, "this document provides that the education systems of states parties must be inclusive ... particularly for minorities ... However, the term minorities encompasses not only religious, political and intellectual minorities but also sexual minorities."<sup>4</sup>

The prominent Shia cleric also took issue with the expressed goal to provide safe, non-violent and inclusive environments for all students. He claimed, "by forbidding [the authorities] from using violence to confront students [who engage] in *hamjensbazi* [faggotry] ... and masturbation, Education 2030 facilitates the promotion of *hamjensbazi* [faggotry]."<sup>5</sup>

In response, Rouhani and his team ramped up their own appeals to homophobia to maintain their base. In a campaigning event in Kashan, Esfahan Province, Iran's Oil Minister Bijan Namdar Zanganeh said, "associating [the government] with the teaching of *hamjensbazi* [faggotry] in schools is a big lie and no teacher would ever agree to teaching this."<sup>6</sup> [...]

The barrage of homophobic remarks from Iranian officials in the days leading up to Iran's 2017 presidential election was nothing new. Nor was the level of enthusiasm and endorsement with which such remarks were covered and distributed on state-sanctioned media outlets. The Iranian authorities regularly engage in forms of hate speech that degrade and dehumanize gay and lesbian people and incite hostility, discrimination and violence against them.

Homosexual persons are regularly depicted in official statements and state media outlets as "unnatural", "deviant", "immoral", or "diseased". They are also accused of collusion in Western-orchestrated conspiracies aimed at undermining the Islamic Revolution or corrupting the Muslim population.

As was the case with the controversy around 2030 Education, such hateful attitudes towards homosexual people are often advocated and promoted by high-level state officials, including the Supreme Leader. They are also propagated by individuals who must, in theory, promote and protect

human rights, and ensure that the country's public education, health care and social welfare systems are inclusive and equitable. Among these, for example, are the head of Iran's High Council for Human Rights Mohammad Javad Larijani, his Deputy Secretary General on International Affairs Kazem Gharib Abadi, the UNAIDS Country Director Fardad Daroudi and the head of the Association for Supporting Patients with Gender Identity Disorder Mehdi Saberi. [...]

This briefing gives a general overview of the different types of hostile or hateful remarks that Iranian state officials have made between 2011 and 2017 to perpetuate the toxic notion that homosexual people are less human than others. Their remarks generally vilify homosexual people as:

- "Immoral" and "corrupt";
- "Animalistic" and "subhuman";
- "Sick" and "diseased";
- "Western" and "Imperialistic";
- "Counter-Revolutionary" and "Zionist" [...]

These homophobic expressions constitute incitement to hostility, discrimination and violence, and violate Iran's human rights obligations under international law. They strip away the humanity of an entire group of people based on their sexual orientation and gender identity, and fan the flames of homophobic violence against them. This risk is particularly heightened in a context like Iran where gay, lesbian, bisexual and transgender (LGBT) people face widespread discrimination and violence in law and practice; consensual same-sex sexual relations are criminalized with harsh punishments ranging from flogging to the death penalty; and affirmative and accurate materials on sexual diversity and the human rights of people with diverse sexual orientations, gender identities and gender expressions are banned. [...]

The official statements included in the briefing as examples are just the tip of the iceberg; state-controlled media outlets are replete with homophobic articles and commentaries which incite hostility and discrimination towards homosexual people. [...]

In addition to criminalizing homosexuality, the Iranian authorities also take various measures to prevent access to materials that provide affirmative and accurate materials on homosexuality. [...]

In August 2016, the Head of the Judiciary's Center for Statistics and Information Technology, Hamid Shahriari, warned about "the use of online social media platforms by bad and malignant people and even *hamjensbazan* [faggots] to engage in destructive behavior and spread negative messages." He emphasized that "this threat must be taken seriously" as social media platforms are "the principal battleground for the cold war of the future."<sup>24</sup> [...]

People of diverse sexual orientations and gender identities in Iran also face widespread discrimination and violence based on their gender identity and gender expressions including their dress, hairstyles, accessories, cosmetics and mannerisms.<sup>25</sup>

This stems predominantly from laws and regulations that enforce strict Islamic dress codes for both men and women and compulsory veiling (*hijab*) particularly for women. These laws allow police, paramilitary *basij* forces and other public officials to routinely intimidate, harass, assault and arbitrarily detain individuals whose gender expressions including physical appearance are deemed "religiously offensive or inappropriate".

Article 638 of the Islamic Penal Code punishes teenage girls and women who fail to cover their head and wear loose fitting outfits in public spaces, with a cash fine or imprisonment.

While discriminatory toward all girls and women, this provision has a particularly severe impact on lesbian women and other female-bodied individuals who do not conform to stereotypical models of femininity, and wish to present their gender through physical appearance - including dress, hairstyles, accessories, cosmetics - and mannerisms stereotypically associated with men. Such individuals may be sentenced to cash fines and imprisonment. They may also be accused of "cross-dressing" and sentenced to flogging under provisions in the Islamic Penal Code that prohibit conducts deemed "religiously forbidden" (*haram*) or otherwise "offensive to public morals" (Article 638).

Male-bodied individuals who display gender expressions stereotypically regarded as "feminine" are similarly at risk of being targeted for arbitrary arrest and detention, torture and other ill-treatment, including sexual violence and rape.

The Iranian authorities do not allow individuals to freely define and express their gender identity. Individuals must obtain a diagnosis of "Gender Identity Disorder" and undergo invasive and irreversible medical procedures including hormone therapy and sterilization before they may present their gender through dress, hairstyles and mannerisms that are stereotypically associated with their opposite sex.<sup>26</sup> [...]

Since the establishment of the Islamic Republic in 1979, state officials in Iran have consistently portrayed homosexuality as a “deviant” sexual proclivity that has a corrupting effect on society. This troubling pattern has persisted over the years, with authorities using numerous derogatory adjectives to degrade and dehumanize homosexual persons. [...]

During the course of this research, 6Rang found articles in state media outlets, which also associated homosexuality with infections wrecking moral havoc and even natural disasters. [...]

As part of their hateful discourse toward homosexual people, the Iranian authorities also frequently exclaim with outrage that same-sex relations drag humans down to a subhuman level, making them behave like animals. [...]

Occasionally, the Iranian authorities have argued, somewhat contradictorily, that even the lowest animals do not engage in homosexuality. [...]

In addition to characterizing homosexuality as a major moral failing, in recent years, some Iranian officials have also described it as a “disease” or “disorder” in need of “cure”. High-ranking public officials who manage the country’s health care and social welfare systems have often been at the forefront of promoting this view. [...]

The Iranian authorities continue to use terms such as “disorder” and “illness” to refer to homosexuality even though this sexual orientation was removed from the Diagnostic and Statistical Manual of Mental Disorders (DSM-II) more than four decades ago in 1973.

Distressingly, the authorities do not allow this information or other affirmative material on sexual, biological, physical and psychological diversity to be included in medical curricula and continuing professional development programmes. [...]

In their speeches, the Iranian authorities also consistently characterize homosexuality as “a vile Western phenomenon” that the Europeans and Americans seek to impose on the rest of the world. [...]

During the course of this research, 6Rang also came across official statements that construed homosexuality as a Western-orchestrated project that seeks to dominate other nations and destroy Islam. [...]

On a number of occasions, the Iranian authorities have also claimed that homosexual people are plotting a conspiracy against the Islamic Republic and have ascribed Zionist ideology to them. [...]

2 Zahra Alipour, “Teaching of gender equality sparks infighting in Iran”, Al-Monitor, 7 June 2017, online: <https://www.al-monitor.com/pulse/sites/almonitor/contents/articles/originals/2017/06/iran-unesco-2030-education-plan-rouhani-criticism.html> (accessed 3 December 2017).

3 See <http://polsfeed.com/?p=28673> (accessed 3 December 2017).

4 “Ayatollah Alamolhoda: 2030 Document will return the country to the era before Islamic Revolution”, Fars News Agency, 2 June 2017, online: <http://www.farsnews.com/newstext.php?nn=13960312000682> (accessed 3 December 2017).

5 See above.

6 The video of the statement is available online at the following link: (accessed 3 December 2017) [...]

24 “Implementing the electronic database of the judiciary will save 30 billion toman”, Mehr News Agency, 10 September 2016, online: <http://bit.ly/2kwIWCJ> (accessed 9 May 2017).

25 The Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity understand “gender expression” as “each person’s expression” on the application of international human rights law – including dress, hairstyles, accessories, cosmetics – and mannerisms, speech, behavioural patterns, names and personal references” and note that “gender expression may or may not conform to a person’s personal human rights”. See [http://www.yogyakartaprinciples.org/wp-content/uploads/2017/11/A5\\_yogyakartaWEB-2.pdf](http://www.yogyakartaprinciples.org/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf)

26 See Justice for Iran and the Iranian Lesbian & Transgender Network, *Diagnosing Identities, Wounding Bodies: Human Rights Violations against Lesbian, Gay and Transgender People in Iran*, 24 June 2014, online: <http://justice4iran.org/j4iran-activities/pathologizing-identities-paralyzing-bodies/>

It is suggested that if the Iran COI Query did not want to cite large sections of the report, which is indeed extensive, it would have been valuable to add a note to the reader directing them to the report for further information on discriminatory official rhetoric.

The Iran COI Query states that:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] Treatment of LGBT persons by the state [...]

In 2021, the election of Ebrahim Raisi in Iran's presidency has raised more fears at the LGBTQ community as Raisi is known for his radical religious views.<sup>25</sup> [...]

25 New Europe, Under Ebrahim Raisi, Iran's LGBTQ community fears the worst, 2 September 2021, [url](#); Washington Blade, New Iran government leaves country's LGBTQ community hopeless, 16 August 2021, [url](#)

It is posited that 'radical religious views' should have been in quotation marks, given it is a statement from the first source cited, a news article from New Europe. It is also suggested that, according to both articles cited, one of the main reasons for fear of Raisi's election was his role in mass executions and other violations of political prisoners, including LGBTQI+ persons, at the end of the twentieth century, which should have been mentioned here in addition to his religious views:

[Washington Blade, New Iran government leaves country's LGBTQ community hopeless, 16 August 2021](#)

[...] Raisi is accused being involved in the 1988 execution of thousands of political prisoners in Tehran, but his human rights abuses are not limited to political prisoners. During Raisi's tenure as "head of the judiciary," blanket immunity was given to the Iranian officials and security forces responsible for the killing of hundreds of innocent men, women and children. This kind of bizarre record of human rights abuse by Raisi is also reflected in the hopelessness of the Iranian LGBTQ community. [...]

[New Europe, Under Ebrahim Raisi, Iran's LGBTQ community fears the worst, 2 September 2021](#)

[...] A hardline, ultraconservative cleric and former head of the judiciary, Ebrahim Raisi has already shown himself to be no friend to Iran's LGBTQ community. Since 1979, under Raisi's watch, between 4,000 and 6,000 members of the LGBTQ community have been executed by Iranian authorities. These individuals, many of whom were convicted of sodomy, sex work, or homosexuality, were, in many cases, publicly hanged and tortured prior to their execution.

In 1988, Raisi went even further, spearheading the mass execution, torture, and imprisonment of thousands of political prisoners, social activists, and opponents of Sharia law, including several hundred members of the LGBTQ community. Many of these individuals were held in secret detention facilities under horrific conditions, where they were subjected to further physical, sexual, and psychological abuse. Between 3,000 and 33,000 people are believed to have been executed over the course of the 1988 massacre. Raisi's involvement in this bloody episode would earn him the nickname, "The Butcher of Tehran."

Raisi's actions during the 1979 and 1988 purges have not been forgotten by the LGBTQ community, and his recent election as president of Iran is considered an ominous development for the country. [...]

The letter from 6Rang to the Dutch government is excerpted by the Iran COI Query, stating that:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] Treatment of LGBT persons by the state [...]

In its letter to the Dutch government regarding its asylum policy for Iranian LGBTQI, the 6RANG Network stated that:

'Iranian officials continue to systematically persecute and harass these groups by violent reprisals, penalising them on the basis of specific provisions of the penal code or by bringing broad and vaguely defined national security charges and inciting hatred against them. Moreover, such cases are heard and decided with complete disregard of internationally recognised due process and fair trial standards'.<sup>28</sup> [...]

28 6RANG, 6RANG letter to Dutch Government regarding its asylum policy for Iranian LGBTQI, February 2020, [url](#)

It is suggested that further information could have been drawn from this report to support with a more comprehensive collection of information on treatment of LGBTQI+ persons by the state, particular on instances of police abuse and violence towards LGBTQI+ persons. For example:

[6Rang, 6Rang letter to Dutch Government regarding its asylum policy for Iranian LGBTQI, February 2021](#)

[...] 6Rang's research and documentation [...] show that arbitrary arrests, violence and mistreatment by police forces, raids on private parties against the LGBT community are widespread. IRI [Islamic Republic of Iran] has no intention to end such practices of repression and persecution, or to hold perpetrators who carry out similar abuses with impunity accountable. On 13 April 2017, Basij militia forces raided a friendly gathering of young men in Bagh-e Bahadoran, Isfahan. An estimate of 30 men were arrested and transferred to Dastgerd Prison. A court in Isfahan charged them with "sodomy and consuming psychedelic drugs and alcohol."<sup>12</sup> Similarly, on 17 September 2017, IRGC and Basij forces raided a birthday party in a private garden in Shiraz, arresting 23 individuals some of whom identified themselves as transsexuals. They were subjected to derogatory conduct and beaten by the agents and transferred to the detention centre of the Ministry of Intelligence where they were further abused and interrogated. This group were charged with "attending a haram (i.e. religiously prohibited) party".<sup>13</sup> [...] we have very recent video footage of a trans person being beaten and harassed on the street with the police present at scene. Unsurprisingly to us, the police agent does nothing to help. When the public urge him to help, he responds by saying, "but it is a trans" and drives his vehicle away from the scene. [...]

In reality, these persons are constantly prosecuted, criminalised, and subjected to all forms of ill-treatment including capital punishment by the state. [...]

12 6Rang, "Men Arrested at a Party in Isfahan Charged with 'Sodomy'", 20 April 2017, available at: <http://6rang.org/english/2276>

13 6Rang, "End Persecution and Harassment of Shiraz Party Detainees", 23 Sep 2015, available at: <http://6rang.org/2726>.

A more recent study by 6Rang would also have been relevant to excerpt here, given its findings on LGBTQI+ persons experiencing violence at the hands of officials in the police and security forces:

[6Rang, Hidden Wounds: A Research Report on Violence Against LGBTI in Iran, September 2020](#)

[...] Recent reports of increase in targeted violence against LGBTI people warrants research into the depth and breadth of this problem. [...] 6Rang conducted a qualitative-quantitative combined research survey. This survey studies the experience of structural and social violence among LGBTI as these concepts are understood within global literature. Structural and social violence is widespread in Iran and LGBTI people Iranians regularly experience these forms of violence.

- About 20 percent of the participants of the current study reported having experienced violence in the legal system; [...]

The laws of Islamic Republic of Iran are a major source of violence against LGBTI people. 19.6 percent of participants reported violence committed by officials in the police and security forces as well as the judiciary i.e. judges and prosecutors. They consistently reported humiliating conduct or physical violence by the ordinary police, security forces, and patrol police (moral police) for reasons such as different gender expression, breaching binary dress-code norms, insufficient hijab (Islamic veil) or participating in house parties. 12.6 percent (N:29) reported they were arrested by the police because of their gender identity and expression, and sexual orientation. 30 participants (17.3%) also gave accounts of the police or judges asking for sexual favors as a bribe or hush money. A considerable number of participants experience physical and/or sexual violence in the legal system.

68 percent of the participants reported they never or rarely took legal action when they faced violence, which possibly reflects their distrust in, and the unreliability of, the judiciary system. [...]

Narratives and personal testimonies of participants show that the real number of those who have experienced violence in a legal setting is probably more than what has been reported. Several participants stated they are afraid of answering this question. Many participants, even those who have not experienced police persecution, reported being in constant fear of being arrested by the police. [...]

It is worth mentioning that 19.6 percent only reflects direct violence that has been perpetrated within police, security forces and the judiciary, while the law and the legal system act as indirect source for all aspects of violence against the LGBTI community. Sexual minorities in Iran face constant threats, insults, harassments, blackmail and abuse in their daily life by non-state actors who feel emboldened to enact

violence with impunity, due to discriminatory laws that criminalize same-sex conduct and transgender expression. [...]

The Iran COI Query states in this section the following, referencing the 2020 report on human rights in Iran by the U.S. Department of State (USDOS):

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] Treatment of LGBT persons by the state [...]

Furthermore, ‘security forces harassed, arrested, and detained individuals they suspected of being LGBTI.’<sup>32</sup> [...]

32 USDOS, 2020 Country Reports on Human Rights Practices: Islamic Republic of Iran, 30 March 2021, [url](#), p. 57

It is suggested here that the excerpt could have been extended to include more information from the USDOS report, including that cited from 6Rang on the treatment of LGBTQI+ persons when in detention:

[U.S. Department of State \(USDOS\), 2020 Country Reports on Human Rights Practices: Islamic Republic of Iran, 30 March 2021](#)

[...] Security forces harassed, arrested, and detained individuals they suspected of being LGBTI. [...] Those accused of “sodomy” often faced summary trials, and evidentiary standards were not always met. The Iranian Lesbian and Transgender Network (6Rang) noted that individuals arrested under such conditions were traditionally subjected to forced anal or sodomy examinations—which the United Nations and World Health Organization stated may constitute torture—and other degrading treatment and sexual insults. [...]

The Iran COI Query cites further the USDOS report, with reference to surveillance:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] Treatment of LGBT persons by the state [...]

With regards to surveillance, in its 2020 report, USDOS highlighted that in some cases, security forces raided houses and monitored internet sites for information on LGBTI persons’.<sup>34</sup> [...]

34 USDOS, 2020 Country Reports on Human Rights Practices: Islamic Republic of Iran, 30 March 2021, [url](#), p. 57

It is suggested that additional information on surveillance and censorship displayed in the USDOS report could have been highlighted here, including:

[U.S. Department of State \(USDOS\), 2020 Country Reports on Human Rights Practices: Islamic Republic of Iran, 30 March 2021](#)

[...] The government censored all materials related to LGBTI status or conduct. Authorities particularly blocked websites or content within sites that discussed LGBTI issues, including the censorship of Wikipedia pages defining LGBTI and other related topics. There were active, unregistered LGBTI NGOs and activists in the country. [...]

The Iran COI Query references a report from OutRight Action International, the Open Observatory of Network Interference (OONI), and the Citizen Lab on LGBTIQ website censorship, noting that:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] Treatment of LGBT persons by the state [...]

According to a 2021 joint study by the Open Observatory of Network Interference (OONI) and others, there were 75 LGBTIQ unique URLs blocked in Iran at least once during the period 1 June 2016-31 July

2020. The same source highlighted that ‘blocked URLs in Iran include many human rights, cultural, and news websites covering LGBTIQ-related topics. Many blogging platforms are also blocked’, making the discussion of such topics impossible. Moreover, ‘the passing of the Computer Crimes Law’ has ‘significantly expanded state surveillance and censorship powers’, making it easier to target LGBTIQ persons ‘in the form of surveillance and harassment’. The source further underlined the use of ‘Entrapment through dating apps’ as a ‘persistent concern’.<sup>35</sup> [...]

35 OONI et al., NO ACCESS, LGBTIQ Website Censorship in Six Countries, 2021, [url](#), pp. 8, 9

It is suggested that the section on Iran in this report offered further relevant information on censorship in Iran of LGBTIQ+ material, as well as the impact of this censorship and an absence of LGBTIQ+ materials and education, which could have been useful to include directly. The following passages of the report, based on several other sources, illustrate this:

[OutRight Action International, the Open Observatory of Network Interference \(OONI\), and the Citizen Lab, No Access: LGBTIQ Website Censorship in Six Countries, 2021](#)

[...] Widespread censorship has harmed the ability of LGBTIQ people to organize and advocate for human rights, as well as access critical information about health and well-being. [...]

The absence of education about gender and sexuality in Iran results in a gap in people’s knowledge regarding sexual orientation, and gender identity and expression. According to one interviewee, the lack of credible sources for researching LGBTIQ issues and the circulation of misinformation have led some people to think that they are transgender when they are likely to be gay.<sup>364</sup> Additionally, families often do not have sufficient information or resources to support their LGBTIQ loved ones, which can lead to bullying and violence, while healthcare professionals may also be misinformed or misleading on how to appropriately care for LGBTIQ people.<sup>365</sup> [...]

LGBTIQ individuals in Iran fear being surveilled or entrapped by the authorities. According to a study by the research group Small Media, surveillance perpetrated by the state and “malicious individuals” is perceived as the biggest risk to security and safety. More than one-third of the study’s respondents were also concerned about online entrapment.<sup>380</sup> Evidence exists that members of law enforcement would pose as gay or trans people interested in “meeting up” to entrap LGBTIQ people, while those who were entrapped by police on dating apps (or caught offering sex for money) are then used to entrap others.<sup>381</sup> Research by the advocacy group ARTICLE19 also indicates that LGBTIQ dating apps and Telegram chat groups have been monitored by Iranian officials.<sup>382</sup> Furthermore, Shadi Amin, an Iranian writer and activist who is the director of 6rang, an Iranian Lesbian and Transgender network, noted in an interview that the Islamic Republic’s “Cyber Army” trolls LGBTIQ-supportive accounts and spreads messages that homosexuals are sinful.<sup>383</sup> While some LGBTIQ people online in Iran already practice some form of digital security, Amin notes that they must continue to increase their vigilance and knowledge of digital security measures, especially when using dating apps.<sup>384</sup> [...]

A 2017 study by OONI confirmed the blocking of 886 domains, which included forty-six LGBTIQ-related domains, as well as foreign and local news websites, political opposition and pro-democracy sites, blogs of Iranian political activists, and human rights websites, among others.<sup>390</sup> Shadi Amin explained that LGBTIQ-related censorship is often justified on the grounds of safeguarding morality.<sup>391</sup> This pervasive censorship of local and international websites has particularly damaged the ability of LGBTIQ people in Iran to organize domestic and transnational advocacy initiatives.<sup>392</sup> [...]

Members of Iranian LGBTIQ communities use virtual private networks (VPNs) to access platforms such as Facebook and Instagram, which are intermittently blocked.<sup>400</sup> If the government is to permanently ban Instagram in the name of blocking ‘immoral’ or ‘obscene’ content, it could result in the loss of one of the few remaining platforms for online expression for Iranians. This ban would hit women and LGBTIQ people the hardest, as many of them rely on Instagram to advertise their businesses and to exchange information.<sup>401</sup> The Iranian government is reportedly seeking to replace international social media platforms with nationally developed alternatives (e.g., messaging platforms Soroush and Bale), although uptake has been slow. [...]

In this study, we observed the blocking of URLs such as ‘www.gay.com’, ‘www.bisexual.org’, ‘www.planetromeo.com’, ‘www.grindr.com’, and ‘www.ifge.org’, in addition to the blocking of several other Iranian and internationally relevant LGBTIQ URLs. [...]

364 Amin, interview.

365 Ibid.

[...] 380 Marchant et al., *Breaking the Silence*, 92.

381 Houshyar, *LGBT Rights in Iran*; Shadi Amin (Director of 6rang, an Iranian Lesbian and Transgender network), as discussed with the interviewer, August 27, 2020..

382 *LGBTQ Online Summary Report: Apps, Arrests and Abuse in Egypt, Lebanon and Iran* (Article 19, February 2018): 10, [https://www.article19.org/wp-content/uploads/2018/02/LGBTQ-Apps-Arrest-and-Abuse-report\\_22.2.18.pdf](https://www.article19.org/wp-content/uploads/2018/02/LGBTQ-Apps-Arrest-and-Abuse-report_22.2.18.pdf).

383 Ibid. 384 Ibid.

[...] 390 Xynou et al., *Internet Censorship in Iran*.

391 Amin, interview.

392 Ibid.

[...] 400 Xynou et al., *Internet Censorship in Iran*, under “Key Findings”; Leonid Evdokimov, *Iran Protests: DPI Blocking of Instagram (Part 2)*, Open Observatory of Network Interference, February 14, 2018, <https://ooni.org/post/2018-iran-protests-pt2/>.

401 Megha Rajagopalan and Soudeh Rad, “Meet the Iranian Influencers Whose Livelihoods Will Be Stripped Away By a Ban on Instagram,” *BuzzFeed News*, January 29, 2019, <https://www.buzzfeednews.com/article/meghara/iran-insta-gram-ban-women-influencers>.

This section may have benefited further from additional information around censorship of material related to LGBTQI+ persons, and the impact of this. The following two sources are illustrative examples:

[Iran Human Rights et al., Rights of the Child in Iran: Joint alternative report by civil society organizations on the implementation of the Convention on the Rights of the Child by the Islamic Republic of Iran, March 2015](#)

[...] Iranian press and Internet laws and policies also restrict neutral or positive content regarding LGBT persons on the Internet and in the media in violation of the right of children to access information guaranteed by Article 17 of the CRC.<sup>59</sup> For example, authorities in Iran block webpages explaining homosexuality or bisexuality on the popular online encyclopedia Wikipedia.<sup>60</sup> In turn, there is no readily available reliable information for Iranian citizens, including adolescents, to learn about gender and sexuality, including homosexuality and transgender identities. [...]

59 For laws on government press and the Internet, see The Press Law (1986),<sup>43</sup> available at: <http://www.iranh43rdc.org/english/human-rights-documents/iranian-codes/3201-the-press-law.html>; ARTICLE 19, The Islamic Republic: Computer Crimes Law (2012), available at: [http://www.article19.org/data/files/medialibrary/2921/12-01-30-FINAL-iran-WEB\[4\].pdf](http://www.article19.org/data/files/medialibrary/2921/12-01-30-FINAL-iran-WEB[4].pdf).

60 University of Pennsylvania: Iran Media Program, City University of New York: Human Rights in Iran Unit, Citation Filtered: Iran’s Censorship of Wikipedia (7 November 2013), available at: <http://www.iranmediaresearch.org/en/research/download/1539>.

[IFMAT \(Iranian, Frauds, Manipulations, Atrocities Human Rights Violations\), Internet censorship in Iran, 5 November 2019](#)

[...] Iranian ISPs [internet service providers] were found to be censoring sites connecting LGBTQI communities, as well as sites promoting LGBTQI rights. Grindr, an internationally popular social networking site geared towards gay and bisexual men, was amongst those found to be blocked. One of the first major sites for lesbians was also blocked. We found sites like ILGA, a worldwide federation campaigning for LGBTI rights since 143978, to be blocked as well.

While transexuality can be legal in Iran if accompanied by a gender confirmation surgery, transsexuals still experience social intolerance, similarly to many other countries around the world. This is also suggested by our findings, which show that sites on transexuality were amongst those blocked in Iran. [...]

In this section on the treatment of LGBTQI+ persons, the Iran COI Query states that:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] Treatment of LGBT persons by the state [...]

Furthermore, gay men are excluded from the compulsory military service under the category of “mental illness” as it is considered of having “perversions” that are contrary to social and military values’. The exception can be given from 6 months to permanently – if it is proven by medical facility. Many gay men seek exception from the military service in order to avoid ‘the risk of violence and discrimination’.<sup>36</sup>  
[...]

36 AI, Iran: Murder of 20-year-old gay man highlights urgent need to protect LGBTI rights, 17 May 2021, [url](#), p.3

It may have been useful here to cite further information from the Amnesty International public statement, including the full provision in the military regulations, as well as further explanations on the uses and risks of military exemption cards, which disclose sexual orientation and gender identity. Although this is briefly mentioned in the following section when discussing the death of Alireza Fazeli Monfared, it is suggested that it would have been useful to cite here as further context around LGBTQI+ military exemptions.

[Amnesty International, Iran: Murder of 20-Year-Old Gay Man Highlights Urgent Need to Protect LGBTI Rights, 17 May 2021](#)

[...] Amnesty International understands that two days before his murder, on 2 May 2021, Alireza Fazeli Monfared had received a military exemption card, exempting him from compulsory military service on the basis of a provision in Iran’s military regulations which stipulates that individuals with “perversions that are contrary to social and military values (including sexual perversions and homosexuality) can be exempted from military service for six months or, if proven by a medical facility, permanently.”

This exemption clause for gay, transgender and gender non-conforming individuals is listed under section 5 (7) of the military regulations, under the category of “mental illnesses”. Alireza Fazeli Monfared’s exemption card references clause 5 (7) as the reason for the exemption, revealing to anyone who views the card and is aware of the relevant provisions in Iran’s military regulations that the individual has been exempted on the basis of their gender identity or sexual orientation. Such non-consensual disclosure of sexual orientation and gender identity is a breach of the right to privacy and puts gay, transgender and gender non-conforming individuals in Iran at risk of violence and discrimination.

While this provision is discriminatory and degrading towards gay, transgender and other gender non-conforming persons, and treats homosexuality as a form of mental illness or psychopathology in spite of clear statements to the contrary from various psychiatry bodies across the world and the World Health Organization,<sup>5</sup> it is commonly used by gay, transgender and gender non-conforming persons in Iran to seek an exemption from compulsory military service to protect themselves from homophobic and transphobic abuses prevalent in military settings.

According to informed sources, Alireza Fazeli Monfared had served several weeks of military service when he turned 18 before applying for an exemption card because of the abuse he received from the other conscripts in connection with his gender expression. The organization understands that he had made complaints to officials in the army but had received no support.

Alireza Fazeli Monfared’s partner, Khalil Abiat (Aghil) who is an Iranian asylum seeker based in Turkey and had been expecting his arrival later in May 2021, told Amnesty International that two days before his murder, Alireza Fazeli Monfared had expressed concern that the envelope containing his exemption card may have been viewed by others [...]

Given that several male relatives had in the past threatened to kill Alireza Fazeli Monfared and attempted to physically assault him because of his gender expression, some Iranian LGBTI human rights activists suspect that the indication on his exemption card pointing to his sexual orientation may have come to the attention of his relatives and triggered or aggravated the risks that led to his murder.

According to information received from Iranian gay men and reports by human rights groups,<sup>6</sup> in seeking exemption from military service on the basis of their sexual orientation or gender identity, gay, transgender and gender non-conforming individuals are generally forced to undergo humiliating and degrading physical and psychological tests, including anal examinations, which amount to torture, as well as interrogations by officials during which they are forced to answer intimate questions about their gender and sexuality such as their preferences for sexual positions. [...]

5 The American Psychiatric Association removed homosexuality as a disorder from the “Sexual Deviancy” section of the Diagnostic and Statistical Manual of Mental Disorders in 1973 (2nd edition). In 1992, the World Health Organization replaced its categorization of homosexuality as a mental illness. Several states then followed suit. 6 Human Rights Watch, “We Are a Buried Generation”: Discrimination and Violence against Sexual Minorities in Iran, December 2010, <https://www.hrw.org/report/2010/12/15/we-are-buried-generation/discrimination-and-violence-against-sexual-minorities>; 6Rang, Confessing to having same-sex relations is the new norm for military service exemptions in Iran, <https://6rang.org/english/2261/>

The Iran COI Query includes the following statements with regards to the official treatment and perceptions of transgender persons in Iran:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] Treatment of LGBT persons by the state [...]

While the Iranian State criminalises any kind of homosexuality<sup>37</sup>, transgender people are recognized to have ‘Gender Identity Disorder (GID)’ that need [sic] treatment (medical and psychiatric) which ‘can be facilitated [the treatment] by the state’.<sup>38</sup> Specifically, ‘the Iranian government doesn’t recognize being trans as a category per se, rather they see trans individuals as people with psychosexual problems, and so provide them with a medical solution’ as an expert analysed at the Quartz, a journalist media source.<sup>39</sup> [...]

37 Iran, Islamic Penal Code, 20 November 1991, [url](#); 6RANG, 6RANG letter to Dutch Government regarding its asylum policy for Iranian LGBTQI, February 2020, [url](#); FIDH and LDDHI, No One is Spared, The widespread use of the death penalty in Iran, October 2020, [url](#), p. 26

38 Justice for Iran, Medicalisation of sexual orientation and gender identity, 7 October 2014, [url](#)

39 Quartz, “Everyone treated me like a saint”—In Iran, there’s only one way to survive as a transgender person, April 2017, [url](#)

It is suggested that it would have been more accurate and informative to directly quote the Justice for Iran source that is referenced, given it adds further nuance to the perception of transgender persons as needing medical treatment, the experiences of transgender persons in being pushed towards gender reassignment procedures, as well as the often limited knowledge or professionalism of medical professionals on this issue:

[Justice for Iran, Medicalisation of sexual orientation and gender identity, 7 October 2014](#)

[...] Under Iran’s Islamic Penal Code, consensual same-sex sexual relations between adults carry flogging and the death penalty while transgender expressions including cross-dressing may attract a punishment of 74 lashes and a fine. Transsexuality is, however, recognised as a Gender Identity Disorder (GID) curable through sex reassignment surgeries, which were made legal in Iran after a 1986 fatwa by the previous Supreme Leader, Ayatollah Khomeini. As a result of this legal framework, LGBT individuals who do not conform to culturally approved models of femininity and masculinity have to choose between risking harassment, persecution, and arbitrary arrest and detention by police and paramilitary *basij* forces because of their actual or perceived homosexual orientation on the one hand, and seeking a diagnosis of GID with a view to undergo sex reassignment procedures on the other. Medical professionals frequently lead LGBT individuals to choose the latter course, which accounts for Iran’s reputation as a leader in the number of gender reassignment surgery. [...]

Lacking access to information about sexual orientation and gender identity and fearing laws criminalising any positive speech about homosexuality, medical professionals frequently assign a diagnosis of GID to LGBT individuals merely on account of their same-sex desires and gender non-conformity. According to the first paragraph the Ethics code for psychiatrists and counsellors which they are obliged to follow, therapists must “continue to observe ethical standards and religious values of the Islamic Republic of Iran in counselling and therapy services.” Consequently, they are unable to inform their clients about the fact that non-heterosexual desires are normal and acceptable.

Setting aside exceptional cases, the medical professions coax LGBT individuals to either receive reparative therapies (including electroshock therapy and psychoactive medications) aimed at “curing” them of homosexuality or undergo sterilisation and genital reassignment surgeries (GRS) aimed at turning them into “normally gendered” men or women. These abusive practices are taking place at the

instigation of or with the consent or acquiescence of Iranian officials. [...] In a joint research project with Iranian Lesbian and Transgender Network, JFI has documented the accounts of dozens of LGBT individuals who have been prescribed reparative treatments without being given accurate and complete information whether about the risks, benefits, efficacy and scientific validity of such procedures or about issues relating to sexuality and gender diversity. Iranian health care system also engages in the administration of sex reassignment surgeries that drastically fall short of international clinical standards and result in long-lasting health complications including chronic chest pain, kidney malfunction, severe back pain, unsightly scarring, loss of sexual sensation, debilitating infections, recto-vaginal and recto-urethral fistula and incontinence [...]

We have also documented the plight of transgender individuals who were unable to obtain identity documents reflecting their gender and therefore enjoy their basic human rights, including to liberty, freedom of gender expression, freedom from torture and other ill-treatment, education, and employment until and unless they completed sterilisation and other sex change procedures which are required by the authorities for obtaining new identity documents. These practices are in direct violation of the right to free and informed consent, which is an integrative component of the right to health; they may even exceed the scope of violations of the right to health and amount to torture and other cruel, inhuman and degrading treatment. [...]

It could also have been useful to add further information from the Quartz news piece related to this process, such as the following:

[Quartz, “Everyone treated me like a saint”—In Iran, there’s only one way to survive as a transgender person, April 2017](#)

[...] Officially, an Iranian can be diagnosed as having gender identity disorder only after a complex series of medical tests and legal procedures including obtaining a court order, multiple visits to a psychiatrist, and physical and psychological examinations at the state’s Legal Medicine Organization. [...]

If an Iranian is officially diagnosed with gender identity disorder, the government issues the authorization for them to legally start the sex reassignment process, and at the end of that process the court issues a new identity card, with a new gender listed. In other words, while Iran does not mandate that all trans individuals have the surgery, it is not possible to change your gender marker on official documents without undergoing the surgery. [...]

The government does offer some limited financial support for gender-confirmation surgery, hormone-replacement therapy, and psychosocial counseling. But funds are limited and government officials decide on a case-by-case basis which individuals qualify. In 2012, the government announced that health insurance companies must cover the full cost of sex-change operations, according to a BBC report. But OutRight has found that insurance companies still often decline to cover some forms of transition-related care, on the basis that they are cosmetic and not medical. [...]

The Iran COI Query further includes the following statement with regards to gender reassignment in Iran:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] Treatment of LGBT persons by the state [...]

LGBT people are sometimes forced to proceed to gender reassignment<sup>40</sup> which creates various psychological problems due to the lack of information on such issues.<sup>41</sup> [...]

40 BBC, The gay people pushed to change their gender, 5 November 2014, [url](#); Economist (The), Why Iran is a hub for sexreassignment, 6 April 2019, [url](#); DW, The difficulties of being gay in Iran, 26 February 2021, [url](#)

41 BBC, The gay people pushed to change their gender, 5 November 2014, [url](#); DW, The difficulties of being gay in Iran, 26 February 2021, [url](#)

It is suggested that it would have been clearer not to paraphrase or summarise the information from these multiple referenced sources, which could have the effect of sounded vague or generalised, and instead to have cited directly from the articles. For example, the BBC News item cited contains

information on the experiences of those pressured into having gender reassignment surgery without sufficient information:

[BBC, The gay people pushed to change their gender, 5 November 2014](#)

[...] It's not official government policy to force gay men or women to undergo gender reassignment – but the pressure can be intense. [...]

Shabnam - not her real name - who is a psychologist at a state-run clinic in Iran says some gay people now end up being pushed towards surgery. Doctors are told to tell gay men and women that they are "sick" and need treatment, she says. They usually refer them to clerics who tell them to strengthen their faith by saying their daily prayers properly.

But medical treatments are also offered. And because the authorities "do not know the difference between identity and sexuality", as Shabnam puts it, doctors tell the patients they need to undergo gender reassignment.

In many countries this procedure involves psychotherapy, hormone treatment and sometimes major life-changing operations - a complex process that takes many years.

That's not always the case in Iran.

"They show how easy it can be," Shabnam says. "They promise to give you legal documents and, even before the surgery, permission to walk in the street wearing whatever you like. They promise to give you a loan to pay for the surgery."

Supporters of the government's policy argue that transgender Iranians are given help to lead fulfilling lives, and have more freedom than in many other countries. But the concern is that gender reassignment surgery is being offered to people who are not transgender, but homosexual, and may lack the information to know the difference. [...]

Psychologists suggested gender reassignment to Soheil, a gay Iranian 21-year-old. [...]

Then his family put him under immense pressure to go through with it.

"My father came to visit me in Tehran with two relatives," he says. "They'd had a meeting to decide what to do about me... They told me: 'You need to either have your gender changed or we will kill you and will not let you live in this family.'"

His family kept him at home in the port city of Bandar Abbas and watched him. The day before he was due to have the operation, he managed to escape with the help of some friends. They bought him a plane ticket and he flew to Turkey.

"If I'd gone to the police and told them that I was a homosexual, my life would have been in even more danger than it was from my family," he says.

There is no reliable information on the number of gender reassignment operations carried out in Iran. Khabaronline, a pro-government news agency, reports the numbers rising from 170 in 2006 to 370 in 2010. But one doctor from an Iranian hospital told the BBC that he alone carries out more than 200 such operations every year. [...]

The referenced article from The Economist also gives further details about the societal and official pressures for gender reassignment surgery, which may have been useful to incorporate:

[The Economist, Why Iran is a hub for sex- reassignment, 6 April 2019](#)

[...] Gay Iranians face pressure to change their sex regardless of whether they want to, say activists and psychologists in Iran. Therapists tell patients with same-sex desires that they may be transgender, not gay. "I thought I was trans until I was 18, because the only information online and in newspapers was about transsexuals," says a psychologist in Tehran who is a lesbian. "It is a system where homosexuals are not educated and the law does not protect them."

Before going under the knife, patients must receive counselling to ensure that they have gender dysphoria and are prepared for the procedure. But often this process is rushed and standards are not properly observed. Shahryar Cohanazad, a urologist who performs the operation, received 75 referrals in 2017, but only operated on 12 people, having concluded that 63 were gay or confused due to a lack of information. Questions have also been raised about the quality of the procedure in Iran: the United Nations has detailed grisly stories of botched operations. [...]

The Deutsche Welle article referenced includes additional information and nuances on the risks of gender reassignment surgery in Iran and possible psychological consequences, which may have been clearer to display more fully:

[Deutsche Welle, The difficulties of being gay in Iran, 26 February 2021](#)

[...] He [Patrick Dörr, a coordinator with the Queer Refugees Project in Germany] said there have often been cases of lesbian woman and gay men being forced to have gender reassignment surgery. Gay men have also suffered though procedures tantamount to gender mutilation under the mistaken assumption that they were actually women. As one can imagine, the psychological consequences of these interventions are devastating for those affected," says Dörr. [...]

The Iran COI Query references the content of a 2016 report by the Committee on the Rights of the Child on Iran, noting that:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] Treatment of LGBT persons by the state [...]

The observations of the Committee on the Rights of the Child, for Iran, referenced that LGBT children were subjected to electric shocks and the administration of hormones and strong psychoactive medications.<sup>42</sup> [...]

<sup>42</sup> UN Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic reports of the Islamic Republic of Iran, 14 March 2016, [url](#), p. 10

It is suggested that it would have been more accurate to include the direct quotation from the report, which speaks of the Committee being 'concerned by reports', rather than directly aware of this itself.

[UN Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic reports of the Islamic Republic of Iran, 14 March 2016](#)

[...] Furthermore, it [the Committee] is concerned at the reports that LGBTI children are subjected to electric shocks and the administration of hormones and strong psychoactive medications for the purpose of "curing" them. [...]

The Iran COI Query reports on a study by 6Rang on reparative therapies for LGBTQI+ persons in various medical centres in Iran, stating that:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] Treatment of LGBT persons by the state [...]

According to 6RANG's 2018 findings, based on a study of 11 medical centres, counselling clinics and private clinics, five of which were located in Tehran, 'polyclinics, institutions and private clinics, that have listed counselling to LGBTI people as one of the areas of their expertise' considered homosexuality 'to be a disease or sexual deviation.' Subsequently, these institutions 'have made a business by alleging in their advertisements that they can cure this disease'. The methods involving so-called 'reparative therapies', for instance 'electric shock therapy to hands and genitalia, prescribing psychoactive medication, hypnosis, [coercive] masturbation to pictures of the opposite sex, etc.', were reportedly showing an increase.<sup>43</sup> [...]

<sup>43</sup> 6RANG, Reparative Therapies on Gays and Lesbians through Cruel, Inhumane and Humiliating Treatments Has Increased in Iran, 17 May 2018, [url](#)

It is suggested that this study by 6Rang has extensive findings and analysis to offer on the specifics of these therapies, which may have been relevant to include in the Iran COI Query. Moreover, the final sentence of this excerpt on the 'methods... reportedly showing an increase' could be understood as an increase in the number of methods, rather than an increase, as the below excerpt shows [emphasis

added], in the number of facilities ‘treating homosexuals’ and in the use of these treatments taking place. A fuller excerpt from the report would also have added clarity to both of these points.

[6Rang, Reparative Therapies on Gays and Lesbians through Cruel, Inhumane and Humiliating Treatments Has Increased in Iran, 17 May 2018](#)

[...] The **number of private and semi-governmental psychological and psychiatric institutions and clinics treating homosexuals has seen a significant increase** in the last year, despite the Islamic Republic officials’ denial during a UN session in March 2017, of promoting psychological and psychiatric reparative therapies to change individuals’ sexual orientations and gender identities.

6Rang’s (Iranian Lesbian and Transgender Network’s) findings, published on the occasion of the International Day Against Homophobia and Transphobia (IDAHOT), show **that the use of reparative therapies such as electric shock therapy to hands and genitalia, prescribing psychoactive medication, hypnosis, [coercive] masturbation to pictures of the opposite sex, etc., on gay and lesbian individuals has continually increased.** [...] In addition to carefully reading the posts, brochures and videos published on websites of these centres, to collect information, 6Rang’s volunteers also went to these clinics disguised as clients and documented how they were treated after disclosing feelings of same-sex attraction. This research has additionally taken input from two psychology experts of LGBTI issues in Iran. The results show that many of these psychiatric and psychological centres in Iran use one of the following methods, or a combination of them, to try to change the sexual orientation and gender identity of their gay or lesbian clients.

The first group consists of centres and clinics that consider both same-sex attraction and an inclination to change one’s sex to be symptoms of another psychiatric disorder, thereupon attributing the person’s different sexual preferences to a certain psychiatric diagnosis, and then taking measures to treat that diagnosis. For instance, a same-sex attraction may be considered a symptom of a mood disorder, and the patient is consequently prescribed mood stabilizers or antipsychotics. As another example, same-sex attraction may be regarded as a mental obsession, and common methods to treat obsessive disorders including pharmacotherapy (medicinal treatment) and cognitive behavioural therapy are applied. This group of health-care professionals consider persons with a desire to change or modify their sex (transsexuals), to be suffering from a delusion that makes them believe they should live in an opposite-sexed body. They proceed to treat this “delusion” symptomatically, through the use of antipsychotic medications or shock therapy. [...]

The second group of medical centres claim to specialize in homosexual reparative therapy and regard same-sex attraction as a deficiency in behavioural and cognitive development, such as weak interpersonal skills or low self-esteem. They presume that a person with same-sex attraction has not yet been able to experience positive relationships with the opposite sex due to environmental factors. In these centres, they direct the individuals to change their sexual orientation by encouraging them to establish relationships with the opposite sex (behavioural therapy) and attempting to treat the purportedly irrational belief of finding a person of the same-sex attractive (cognitive therapy). This group seeks to control sexual behaviour and usually pressures the patient by holding them responsible for the treatment’s failure, blaming failure on the patient’s lack of willpower and claiming the patient did not want to be cured. Through this reasoning, the health-care professionals do not hold themselves accountable for their failed treatments and rid themselves of any concern for the patient. Multiple cases have been reported to 6Rang which show that this group of medical centres also use aversion therapies such as electric shock on hands and/or genitalia, simultaneous drug-induced nausea and presentation of stimulators related to homosexuality, and re-conditioned masturbation, in which the individual is told to picture the opposite-sex while being forced to masturbate. [...]

The third group of medical centres seeking to convert gays and lesbians, consider same-sex attraction as an indicator of a subconscious conflict or past trauma, and attempt to identify the root cause of the ‘problem’ by using methods like hypnosis, attempting to induce opposite-sex attraction. They may also conduct a purported psychoanalysis into the individual’s history of personal relations with significant men and women in their lives, such as their parents. These health-care professionals often cause the client a loss of time and financial resources in long sessions, only to confuse the LGBTI person with some general comments and simplistic interpretations, later intensifying the individual’s sense of self as a diseased person. They usually conceal their failures in reparative therapy on the sexual orientation by saying to gay clients,

“You need to reconstruct your relationship with your mother to be interested in women again,” or to lesbian clients,  
“You have a conflict in your relationship with your father which has caused your lack of interest in men.”

Confronted with such suggestions, the clients who are severely dissatisfied with their sexual orientation usually cease any same-sex sexual behaviour for some time, but the desire and the orientation often persist. Sometimes the clients grow tired of the ongoing therapy, and to save themselves further inconveniences, express that they have been cured. The therapist interprets this result as a success in treatment.

The last group of medical centres practicing reparative therapy takes advantage of the client's dissatisfaction at their own orientation and identity. Making use of the client's religious tendencies and the sense of guilt, these health-care professionals intimidate them by warning of homosexuality's dangerous physical and mental consequences, social stigma and familial rejection. The centres aim to direct clients to choose heterosexuality as the only sensible option. In this method known as “spiritual therapy,” the focus is on practicing prayer, piety and overcoming evil thoughts. [...]

It is posited that all of these sources related to LGBTQI+ experiences of the healthcare system and the pathologisation of transgender persons, as well as the role of gender reassignment surgeries within this, could have been grouped together under a separate section on ‘Treatment of LGBT persons within the health sector’, given also that the line between societal and state actors, and the treatment towards LGBTQI+ persons from both, may be more blurred here.

It is also suggested that, given the scope of this violation against LGBTQI+ persons, and the relatively wide availability of sources detailing this issue, it would have been worth adding in further sources to strengthen and corroborate this issue, as well as report on wider issues within healthcare for LGBTQI+ persons. The report by the Special Rapporteur, for example, contains further details about discrimination against and violations of LGBTQI+ persons in the healthcare system.

[UN Human Rights Council, Situation of human rights in the Islamic Republic of Iran, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, 11 January 2021](#)

[...] Substantial barriers are placed on lesbians and gays in accessing the health-care system. Lesbian, gay, bisexual and transgender persons are often advised that their gender non-conformity or same-sex attraction represents so-called gender identity disorder, which necessitates “reparative” therapies or sex reassignment surgeries, to “cure” them.<sup>85</sup> The Government claimed that there were no restrictions on medical services and that any treatment was administered with consent. The Special Rapporteur is also concerned at reports that lesbian, gay, bisexual and transgender children were subjected to electric shocks and the administration of hormones and strong psychoactive medications (CRC/C/IRN/CO/3-4, paras. 53–54). These practices amount to torture and cruel, inhuman and degrading treatment, and violate the State's obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. [...]

85 ILGA\_State\_Sponsored\_Homophobia\_2019.pdf, p. 441

The letter by 6Rang to the Dutch government excerpted above by the Iran COI Query also contains extensive information on the use of medical practices to coerce LGB and transgender persons into conversion therapies and other surgeries, which would have been relevant to display here. It states that:

[6Rang, 6Rang letter to Dutch Government regarding its asylum policy for Iranian LGBTQI, February 2021](#)

[...] Similarly, 6Rang's research shows that the criminalisation of LGB and transgender persons on the basis of sexual orientation and gender identity is increasingly accompanied by a range of legal and

medical practices intended to *coerce* LGB and transgender people into reparative or conversion therapies, hormone treatments and sex reassignment and sterilisation surgeries.

In these cases, a free and informed consent of the individual is missing. The Iranian legal framework does not make being a trans person a crime. However, being transsexual is recognised as a medical condition known as Gender Identity Disorder (GID) that is curable through sex reassignment surgeries (SRS). As a result, LGBT individuals have two choices: first, to risk criminal prosecution, (state) harassment, and arbitrary arrest and detention; or second, to seek a diagnosis of GID with a view to undergo sex reassignment surgeries, sterilisation and hormone therapies. This means that LGB people cannot choose to be as they are and can only go through sex change in order express their identity and choose partners of the same sex. For trans persons this means that they cannot choose whether or not to undergo medical procedures. Additionally, medical professionals give the diagnosis of GID to LGBT individuals merely on the account of their same-sex desires and gender non-conformity and to individuals who do not conform to culturally approved models of femininity and masculinity. Thus, LGBT individuals are coerced to either receive reparative therapies aimed at “curing” them of homosexuality or undergo sterilisation and SRS aimed at turning them into “normally gendered” men or women.

This situation is further complicated by the complete disregard for ethical, medical, clinical and educational standards in the administration of these irreversible procedures. In a joint research with Justice for Iran, 6Rang documented<sup>16</sup> accounts of dozens of LGBT individuals who have been prescribed reparative treatments without being given adequate and accurate information about the risks, benefits, efficacy and scientific validity of such procedures or about issues relating to sexuality and gender diversity. 6Rang’s research has revealed countless instances of administration of SRS that drastically fall short of international clinical standards resulting in bleeding or serious infections and leading to permanent and irreparable physical damage and long-lasting health complications. These are particularly grave given the IRI’s failure to ensure that SRS surgeons and healthcare professionals dealing with such cases meet the appropriate standards of proficiency, expertise and ethical conduct.<sup>17</sup> For example, there have also been numerous incidents of abuse and harassment at the hands of health care professionals,<sup>18</sup> while the process of applying for legal sex change is itself marked by deep-seated homophobia and other discriminatory attitudes from the officials.<sup>19</sup> [...]

IRI does not reimburse the cost of sex reassignment surgery. The welfare-based medical insurance only available to few can be used to covers only a third to half of the cost required for undergoing SRS when this is done at a public, government-run hospital. This is because the cost at these hospitals are cheaper than private hospitals. However, these hospitals, as detailed above, fall drastically short of all standards of clinical practice, proficiency, expertise and ethical conduct. Most cases result in bleeding, serious infections, and permanent and irreparable physical damage and long-lasting health complications. As such, most patients prefer to use private medical services that may be better in quality, but the amount of reimbursed provided by the welfare-based insurance is so little that it covers close to nothing when it comes to private care. Moreover, no additional medical procedure such as various plastic and other reparative surgeries needed by trans person after the main operation are not covered at all.

Moreover, these individuals often take such irreversible decisions without having been given the opportunity to have a real-life experience of one or two years in their desired gender, as prescribed by the Standards of Care of the World Professional Association for Transgender Health.<sup>20</sup> Iran refuses to respect the medical requirement of real life experience on the basis of religion and custom. We believe the only way to change the situation of many Iranian transgender individuals is to abolish the laws which criminalise same-sex relations and do not tolerate any gender expression which does not comply with heteronormative norms. [...]

16 Justice for Iran, “Diagnosing Identities, Wounding Bodies: Medical Abuses and Other Human Rights Violations Against Lesbian, Gay and Transgender People in Iran” (2012), available at: <https://justice4iran.org/wp-content/uploads/2014/06/Pathologizing-Identities-Paralyzing-Bodies.pdf>

17 A/HRC/28/12/Add.1, at 7.

18 The interview is available online at the following link: <https://www.youtube.com/watch?v=8Wh0snjDCX0> (accessed 17 January 2020).

19 The psychologists and psychiatrists making up the relevant commission in charge of the procedures at the Legal Medicine Organization of Iran (LMOI) often regard homosexuality as a morally reprehensible act worthy of criminal punishment and contrast it with transsexuality as ‘a gender identity disorder’ in need of hormonal and surgical corrections and therefore push the applications to trace the origins of their same-sex desire and feelings of confusion, depression and isolation to being in the ‘wrong body’ rather than perhaps being in a social environment

that highly reprimands homosexuality and leaves no leeway in the traditional masculine and feminine role or behaviour. See: Justice for Iran, "Denying Identities, Maiming Bodies", supra note 12, at 20-22 and 33-34.  
20 World Professional Association for Transgender Health, "Standards of Care for Gender Identity Disorders," Vol. 7 (2012), available at: <https://www.wpath.org/media/cms/Documents/SOC%20v7/Standards%20o>

Another report by 6Rang, referenced separately in the Iraq COI Query, also contains useful information on this topic, which would have been relevant to include, given it adds further detail including on the issue of consent and psychological effects of 'treatment' of LGBTQI+ persons, as well as issues around mainstream beliefs and practice in the health sector:

[6Rang, "It's a great honor to violate homosexuals' rights'": Official hate speech against LGBT people in Iran, December 2017](#)

[...] Distressingly, the authorities do not allow this information or other affirmative material on sexual, biological, physical and psychological diversity to be included in medical curricula and continuing professional development programmes.

On the contrary, they have facilitated the proliferation of pseudo-medical research projects and textbooks, which advocate various pseudo-medical and potentially harmful interventions for "curing" homosexuality.<sup>47</sup> As a result, many health professionals in Iran remain unaware that reputable scientific bodies have consistently stated that homosexuality is a normal and positive variation of human sexuality and is not a disorder.<sup>48</sup>

State-affiliated professionals leading on pseudo-medical projects aimed at "curing homosexuality" often diagnose individuals with mental disorder simply based on same-sex attractions and non-conformity to gender stereotypes; give a false or deceptive impression about the clinical or scientific basis of psychiatric treatments intended to change people's sexual orientation or gender identity; and misrepresent the efficacy and the potential for harm of such treatments.

6Rang has documented the cases of many lesbian, gay and transgender individuals, including teenagers, in Iran who have been subjected to pseudo-medical interventions including psychiatric treatments, hormone therapy, unnecessary medication and electroshock therapies, in order to suppress their sexual arousal patterns or modify gender expressions.<sup>49</sup>

The individuals 6Rang has talked to have consistently said that such interventions caused them mental impairment, physical pain, depression, loss of interest or pleasure, feelings of guilt or low self-worth, disturbed sleep or appetite, low energy and poor concentration. They overwhelmingly said that doctors failed to disclose the risks and harms associated with such interventions or offer alternative, affirmative treatments aiding self-awareness and self-acceptance. 6Rang, has, therefore, expressed concern that medical procedures aimed at "curing homosexuality" in Iran are often carried out without informed consent. [...]

47 See Justice for Iran and the Iranian Lesbian & Transgender Network, *Diagnosing-Identities, Wounding Bodies: Human Rights Violations against Lesbian, Gay and Transgender People in Iran*, 24 June 2014, online: <http://justice4iran.org/j4iran-activities/pathologizing-identities-paralyzing-bodies/>

48 See, for example, American Psychological Association Resolution (APA) on Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts (2009), online: <http://www.apa.org/about/policy/sexual-orientation.aspx>; APA Policy Statements on Lesbian, Gay, Bisexual and Transgender Concerns (2011), online: <http://www.apa.org/about/policy/booklet.pdf> (accessed 3 May 2014); Therapies to Change Sexual Orientation Lack Medical Justification and Threaten Health" (PAHO/WHO, 2012), online: [http://www.paho.org/hq/index.php?option=com\\_content&view=article&id=6803%3A%5C%22therapies%5C%22-to-change-sexual-orientation-lack-medical-justification-and-threaten-health-&catid=740%3Anews-press-releases&Itemid=1926&lang=en](http://www.paho.org/hq/index.php?option=com_content&view=article&id=6803%3A%5C%22therapies%5C%22-to-change-sexual-orientation-lack-medical-justification-and-threaten-health-&catid=740%3Anews-press-releases&Itemid=1926&lang=en) (accessed 3 May 2014).

49 See Justice for Iran and the Iranian Lesbian & Transgender Network, *Diagnosing-Identities-Wounding- Bodies: Human Rights Violations against Lesbian, Gay and Transgender People in Iran*, 24 June 2014, online: <http://justice4iran.org/j4iran-activities/pathologizing-identities-paralyzing-bodies/>.

Other non-exhaustive illustrative sources detailing discrimination and violations against LGBTQI+ persons in Iran within the health sector include:

[Small Media, Breaking the Silence: Digital Media and the Struggle for LGBTQ Rights in Iran, 14 April 2018](#)

[...] Despite advances in social attitudes, key challenges remain for LGBTQ people seeking to access health services— particularly services relating to sexual health and mental health.

Besides ongoing questions around broader public acceptance and support, LGBTQ people face a number of very specific challenges around access to core health services; particularly sexual health services and mental health services.

This report shows that a majority of LGBTQ people surveyed did not have access to sexual health resources, and did not know where they could access appropriate services and resources in the event that they needed them. These findings also hold true for mental health support services, with many psychotherapists hostile to notions of minority sexual and gender identities.

We show how the community and its allies in the international community have attempted to step up to meet some of the service delivery needs of LGBTQ people by establishing online support mechanisms. Feedback around these services has been overwhelmingly positive, but these services are starting to show signs of strain and a lack of resources, and will require greater investment in order to scale up their operations.

As well as practical services such as online counselling and sexual health consultations, the community remains active in producing online resources relating to sexual and mental health. Much of the content we identified was appropriate and well-designed, but some interviewees expressed concern around sub-par translations of foreign-language resources. Access also remains an issue, with a majority of survey respondents remaining unaware of where they could even find such resources. [...]

[Australian Department of Foreign Affairs and Trade's \(DFAT\), Country Information Report Iran, 14 April 2020](#)

[...] The prevailing view among Iranian healthcare professionals is that homosexuality is a psycho-sexual illness. Official 'treatment' for gay men and women includes prescription medications (such as Valium) and gender reassignment surgery (GRS). International observers report that private and semi-governmental psychological and psychiatric clinics offer 'corrective treatment' for LGBTI persons. These clinics allegedly use electric shock therapy on the hands and genitals of LGBTI persons, prescription of psychoactive medication, hypnosis and coercive masturbation to pictures of the opposite sex. One such clinic, The Anonymous Sex Addicts Association of Iran, reportedly has branches in 18 provinces. [...] Authorities regard transsexuality as a mental disorder for which medical solutions are available, and permit hormone treatment and GRS. The government provides loans specifically to fund treatments, and requires health insurers to cover the cost of GRS. Only transgender individuals who have undergone GRS can change their legal gender. Decisions regarding 'sex reassignment' fall within the purview of the Family Court, and one must apply to the court to be approved for GRS. Upon application to the Family Court, an individual wishing to undergo GRS is referred to the Legal Medical Organization, where an examination is performed and a medical opinion issued. If the Legal Medical Organization determines the individual qualifies for such treatment, the Family Court issues a permit for GRS. After completing GRS, the individual returns to the Family Court with a petition to the National Organization for Civil Registration (ONOCR, also known as Vital Records) to amend their national identity documents to reflect their new name and gender. If approved, the Family Court issues an order for the ONOCR to update and reissue the individual's official records. [...]

After GRS has been completed and their legal documents (including identity card, birth certificate and passport) adjusted, one is legally allowed to dress according to the opposite sex and to move into the spaces reserved for this sex (but not before). Authorities do not generally permit cross-dressing because men or women dressing as the opposite sex is considered disruptive to the social order. However, once an individual is diagnosed as suffering from gender dysphoria and agrees to undergo GRS, local authorities may issue them a permit to allow them to appear in public dressed as the opposite sex prior to the actual surgery. Post-surgery, transgender persons are advised to maintain discretion about their past due to stigma associated with being transgender.

No reliable data are available on the extent of GRS operations in Iran, but media reports suggest they are common. Human rights activists and NGOs have reported that authorities and families pressure gay men and lesbians and other gender non-conforming individuals to undergo GRS to avoid the legal and social consequences of their sexual orientation or gender-identity ambiguity. Observers have also raised concerns about the quality of medical services offering GRS operations, citing reports of operations that have fallen short of international clinical standards and resulted in long-term health complications. Few legal remedies are available to those who endure botched operations. Despite the

financial assistance provided by the government, the cost of GRS and hormone therapy is still beyond the means of many people. Those who undergo GRS report mixed rates of satisfaction, and cite ingrained social stigma against gay people (often including from the medical professionals performing the surgery), lack of follow up medical treatment, and insufficient funds to subsidise the procedure. Those who do not undergo GRS are often abandoned by their families, and many resort to prostitution to survive. In addition to leaving them further vulnerable to abuse and harassment, transgender women who have not undergone GRS and engage in sex work are at risk of arrest and prosecution as homosexuals as they are deemed to be men. [...]

#### [6Rang, Hidden Wounds: A Research Report on Violence Against LGBTI in Iran, September 2020](#)

[...] Recent reports of increase in targeted violence against LGBTI people warrants research into the depth and breadth of this problem. [...] 6Rang conducted a qualitative-quantitative combined research survey. This survey studies the experience of structural and social violence among LGBTI as these concepts are understood within global literature. Structural and social violence is widespread in Iran and LGBTI people Iranians regularly experience these forms of violence.

- And, about 19 percent of the participants reported experiencing violence in the healthcare system.
- In addition to violence perpetrated by state actors, participants also reported extremely concerning [...]

The LGBTI community in Iran experience discrimination in healthcare system because of staff unawareness and insensitivity, homophobia and transphobia, heteronormative discourse, stigmatization, negative comments, harassment, refusal of treatment, and verbal or sexual assault. Reparative or conversion therapy is a common practice among mental health professionals in Iran, which has also been supported systematically by the Islamic Republic's education system. In such conditions, widespread mistreatment threatens the health and wellbeing of LGBTI people. Transsexual people are more vulnerable as they need routine medical care such as hormone therapy.<sup>14</sup> In the current survey, 18.7 percent of participants reported having experienced violence committed by the healthcare professionals. 66 percent of the participants reported they never or rarely seek help from mental health professionals in case of being subjected to violence. [...]

14 Justice for Iran, "Diagnosing Identities, Wounding Bodies: Medical Abuses and Other Human Rights Violations Against Lesbian, Gay and Transgender People in Iran" (2012), available at: <https://justice4iran.org/wp-content/uploads/2014/06/Pathologizing-Identities-Paralyzing-Bodies.pdf>

#### [Human Rights Watch, World Report 2021: Iran – Events of 2020, 13 January 2021](#)

[...] Women's Rights, Children's Rights, Sexual Orientation, and Gender Identity [...]

Although Iran permits and subsidizes sex reassignment surgery for transgender people, no law prohibits discrimination against them. [...]

#### [UN OHCHR, Statement by Javaid Rehman, Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, at the forty-sixth session of the Human Rights Council - Item 4, 9 March 2021](#)

[...] I also outline in this report the wide-spread discrimination against sexual minorities in Iran, including hate speech from public officials and most disturbingly the application of the death penalty for consensual same-sex relations. I am troubled that so-called "reparative" therapies are imposed on members of the LGBT community, especially reports of administration of electric shocks, hormones and strong psychoactive medications for children experiencing gender nonconformity and same-sex attraction. I urge the authorities to eliminate all forms of discrimination against all minorities and to ensure the equal rights, respect and dignity of all individuals. [...]

This section on 'Treatment of LGBT persons by the state' would have benefited from further information on state protection (or lack thereof) for LGBTIQ+ persons facing discrimination and abuse, which could also have warranted a separate heading.

For example, the Iran COI Query notes a press release by Amnesty International, which is cited briefly at the top of this section with relation to 'arrest and criminal prosecution', as well as in the below

section with regards to the murder of a gay man in May 2021. However, the report also adds further information related to the limitations of state protection and the role of discriminatory legislation in perpetuating violence [emphasis added]:

[Amnesty International, Iran: Murder of gay man highlights dangers of state-sanctioned abuses against LGBTI people, 17 May 2021](#)

[...] The horrifying murder of a 20-year-old gay man in Iran has shed new light on how the criminalization of consensual same-sex sexual conduct and gender non-conformity perpetuates systemic violence and discrimination against lesbian, gay, bisexual, transgender and intersex people (LGBTI), said Amnesty International in a detailed analysis issued to mark the International Day Against Homophobia, Biphobia, Intersex-phobia and Transphobia. **His murder also highlights the urgent need for the Iranian authorities to enact and implement laws to protect the human rights of LGBTI people.** [...] Friends of Alireza Fazeli Monfared, who identified as a non-binary gay man, told Amnesty International that he was abducted by several male relatives in his hometown of Ahvaz, Khuzestan province, on 4 May 2021. The next day the relatives informed his mother that they had killed him and dumped his body under a tree. Authorities confirmed that Alireza Fazeli Monfared's throat was slit and announced investigations, **but none of the suspected perpetrators have been arrested to date.** [...]

"Alireza Fazeli Monfared's brutal murder exposes the deadly consequences of state fuelled homophobia and is a tragic reminder of the urgent need to repeal laws that criminalize consensual same-sex relations and gender non-conformity. These laws foster a permissive climate for homophobic and transphobic hate crimes and legitimize violent, including deadly, attacks against people on the grounds of their real or perceived sexual orientation or gender identity.," said Diana Eltahawy, Deputy Director for the Middle East and North Africa at Amnesty International.

**"The Iranian authorities' brazen disregard for the lives and safety of LGBTI people and the prevailing climate of impunity for such crimes raise the alarm that his murder could go unpunished.**

"We urge the Iranian authorities to conduct a prompt, independent, impartial and effective investigation into Alireza Fazeli Monfared's murder and take urgent action to protect LGBTI people from discrimination, harassment, assaults and other abuses from state and non-state actors." [...]

Also in reference to the above murder case, a report (later referenced by the Iran COI Query but not addressing this issue) by researchers Mai Sato and Christopher Alexander explains that in the case of 'honour' killings, perpetrators of violence against LGBT persons may escape greater punishment, which may have been relevant for the Iran COI Query to highlight – either here, under the theme of accountability/protection, or else in the legislation section.

[Mai Sato and Christopher Alexander, Australian Institute of International Affairs, When the State Kills: Persecution of Sexual Minorities, 17 June 2021](#)

[...] One such example is the so-called "honour" killing, of which Ali became a victim. "Honour" killings are often carried out by family or community members for bringing shame or dishonour on a family. LGBTIQI persons are among the victims for transgressing gender norms or for sexual behaviour.

In Iran, the criminal code distinguishes between murder and "honour" killings. This allows the offender to receive a lesser punishment compared to a punishment for murder conviction, or escape punishment completely. In these cases, the murder is committed by individuals, but the state is essentially sending the message to its citizens that it is acceptable to kill people based on their sexual orientation. The Iranian penal code provides that if the father carries out the honour killing, he can avoid punishment (*qisas*). Similarly, if the killing was a reaction to the victim committing a capital offence, the offender only needs to pay compensation (*divat*). In Ali's case, the relatives who killed Ali could avoid punishment if they claim that Ali was engaged in a same-sex sexual act, which is a capital offence. [...] these killings often go unreported, especially in rural areas where the authorities turn a blind eye. As described by one person we interviewed, "The Iranian regime supports these causes and don't give those people a hard time even if they kill their family member, as long as they say that the person did something wrong to us, for example, 'she was homosexual', or 'I killed her in order to keep my name or save the name of Islam'." [...]

The previously referenced UN Special Rapporteur report also references issues of accountability and protection with regards to LGBT QI+ persons, particularly that abuse against LGBTQI+ persons is often not reported to law enforcement for fear of further persecution, including the following:

[UN Human Rights Council, Situation of human rights in the Islamic Republic of Iran, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, 11 January 2021](#)

[...] Other forms of violence and discrimination include sustained domestic abuse and bullying in educational institutions and workplaces.<sup>84</sup> These acts remain largely underreported due to the victims' fear of persecution. The Government highlighted its recognition of transgender persons and claimed it had engaged in raising public awareness about their rights. [...]

84 [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT\\_CCPR\\_NGO\\_IRN\\_42317\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf), p. 14; <https://outrightinternational.org/sites/default/files/OutRightLesbianReport.pdf>.

Other illustrative, non-exhaustive sources detailing information around state protection for LGBT persons and/or accountability include the following:

[Australian Department of Foreign Affairs and Trade's \(DFAT\), Country Information Report Iran, 14 April 2020](#)

[...] The law does not prohibit discrimination based on sexual orientation and gender identity, and no criminal justice mechanisms exist to prosecute those accused of committing hate crimes against LGBTI persons. [...] It is not possible for an LGBTI person to seek state protection, as doing so would be an act of self-incrimination and leave them vulnerable to arrest and prosecution. Given the criminalised and hidden nature of homosexuality, harassment of and discrimination against LGBTI persons is under-reported. [...]

[6Rang, Written contribution to the Human Rights Committee From 6Rang \(Iranian Lesbian and Transgender Network\) In preparation for the List of Issues Prior to Reporting \(LOIPR\) for the Islamic Republic of Iran: Non-discrimination, right to life, freedom from torture, right to liberty and security of persons and right to fair trial, Human Rights Committee, 130 Session \(12 Oct 2020 - 06 Nov 2020\), 12 October 2020](#)

[...] 2. Islamic Republic of Iran (IRI) has continuously failed to protect members of the LGBT community from harassment, persecution, violence, and discrimination. [...]

#### Treatment of LGBT persons by society

In this section, the Iran COI Query excerpts a few sentences from a research study by Kameel Ahmady on the experiences of the LGBTQI+ community in Iraq:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] 3. Treatment of LGBT persons by society [...]

According to researcher Kameel Ahmady writing in 2019, 'Iran is a traditional society that operates on a basic premise that homosexuality is an abnormality'. Moreover, 'due to lack of legal protections, LGBT individuals face widespread social dishonour that are heavily influenced by conservative and religious values. In essence, their identity is negated in daily life'. Referring to bisexual persons, the same source points out that 'even homosexuals consider bisexuality is not only an insult to heterosexuality, but is not even categorized in the Lesbian-Gay binary. In many respects, bisexuals are viewed as the "unacceptable" within an already unacceptable group'.<sup>45</sup> [...]

45 Ahmady, K., LGBT in Iran- The Homophobic Law and Social System in Iran, 2019, [url](#)

The article offers other information relevant to this section, which could have been referenced to give further depth to the treatment of LGBTQI+ persons by society, including the following:

[Kameel Ahmady, LGBT in Iran- The Homophobic Law and Social System in Iran, 2019](#)

[...] Iran is a traditional society that operates on a basic premise that homosexuality is an abnormality. Traditional society dealing with what are assumed abnormalities such as heterosexuals is not a new story in Iran nor is the combat against it, but the manner in which Iran exposes perceived “abnormalities” to maintain control over its sexual the minorities is yet a controversial issue rooted in its past and carrying on in the present. [...]

In Iran there is no standardized measure of gender binaries. Sexual desires are bound to intricate deep-rooted ever-lasting social definitions to such a significant extent that sometimes it is difficult for homosexuals themselves to distinguish, understand and accept their own orientations. In Iran, when enquiring about someone’s gender, one cannot find an appropriate response that yields a third possibility. Either one is a man or a woman. This fact is so categorically clear cut that it has left no questionable room of doubt. Any departure from this dual sexual system of classification in Iran is categorized under the auspice of mental and behavioural disorders. Iran emphasizes the complementarity and unity of the two sexes, each associated with distinguishable gender roles. [...]

LGB individuals are attacked and harassed in Iran. The laws are stacked against them; they are vulnerable to harassment, abuse and violence from their families and society. There is an eternal and inseparable connection between religion with sexual norms in Iran and a flourishing legal system and draconian laws which serve to punish those who do not respect religious and sexual norms. Legal sanctions are perpetrated by the government, the judiciary system and by non-state actors such as schools, communities and families. [...]

The opponents of homosexuality see it as moral corruption or something unnatural. Homophobia and stigmatization of homosexuality in these societies are the major causes behind violence and discrimination. [...] From a religious perspective, it is seen as an unacceptable and abnormal conduct. Since homosexuality is considered a flagrant social mismatch and is stigmatized, there are many who believe that homosexuals deserve the violence and discrimination.

In general, the public perceive homosexuals as perverts who threaten the moral health of the society. Aggressive attacks on homosexuals are still rampant [...]

LGB individuals in Iran belong to a silenced minority who often are compelled to hide their sexual orientation from their families and friends out of a well-founded fear of reprisals and social rejection. [...]

The Iran COI Query includes an excerpt from the Australian Department of Foreign Affairs and Trade’s (DFAT) 2020 report on Iran, noting that.

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] 3. Treatment of LGBT persons by society [...]

A 2020 report by DFAT quoted local sources, who stated that while younger Iranians were becoming more tolerant, ‘homosexuality is not openly discussed and gay people face severe discrimination. This includes abuse and harassment from family members, work colleagues, religious figures, and school and community leaders’.<sup>46</sup> [...]

46 DFAT, Country Information Report Iran, 14 April 2020, [url](#), p. 54

It is suggested that it would have been useful to include more relevant information from the section in which the excerpt was taken, such as the following [emphasis added]:

[Australian Department of Foreign Affairs and Trade’s \(DFAT\), Country Information Report Iran, 14 April 2020](#)

[...] **There is a strong societal taboo against homosexuality, particularly among older, more conservative Iranians — one local source said it was impossible for Iranians, as Muslims, to accept homosexuals.** [...]

Local sources told DFAT that younger Iranians, particularly in more progressive parts of major cities, are increasingly more tolerant, but that, on balance, homosexuality is not openly discussed and gay people face severe discrimination. This includes abuse and harassment from family members, work colleagues, religious figures, and school and community leaders. **Ostracism from one's family is common, particularly in the case of conservative families. DFAT heard anecdotally that gay men and lesbians face considerable societal pressure to enter into a heterosexual marriage and produce children.** [...]

In this section, the Iran COI Query also excerpts information from the aforementioned Deutsche Welle article, stating that:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] 3. Treatment of LGBT persons by society [...]

According to a February 2021 report by DW, the 'level of social "ostracism" gays face in Iran is enormous', and their 'only recourse is often political asylum'.<sup>50</sup> [...]

50 DW, The difficulties of being gay in Iran, 26 February 2021, [url](#)

It is suggested that it could have been made clearer that the first quotation on 'ostracism' is not from the article's author but rather from an interviewee, a young gay man from Iran who was accused of violating the laws of the Islamic Republic after being caught in bed with another man; the quotation marks around 'ostracism' also do not exist within the original text. Including more detail from the article and the experiences of this man would have been informative in illustrating the treatment of some LGBTQI+ persons within society, including family members, leading them to flee. For example, the article also wrote that:

[Deutsche Welle, The difficulties of being gay in Iran, 26 February 2021](#)

[...] Police in Iran enter a young man's apartment looking for signs of "misconduct." They rummage through his laundry and check his computer. The young man, who goes by the name of Sahand, stands accused of violating the laws of the Islamic Republic — a relative reported him to police after finding him in bed with another man.

"It was terrible," Sahand told DW. "Right after they found us my father was there screaming at me and telling me I ruined his life. He wanted nothing more to do with me and never wanted to see me again. The police came a while later. My mom then called my sister, who I had earlier confided in."

Sahand later found out from his sister that it was a relative who had betrayed him. After his apartment and his life were turned upside down, it became perfectly clear to him that he had to flee Iran. While studying abroad, he had the opportunity to travel to Europe, where he applied for asylum. He has been living in Germany for a year now and hopes his asylum application will be approved.

Sahand agrees and says the level of social ostracism gays face in Iran is enormous. "I too went into therapy after a sister gave me the name of a female therapist. And I was lucky. After three, four appointments she told me that I had homosexual tendencies and that I would only be happy if I accepted that I'm gay. And that's what I did. But it's difficult. I haven't spoken with my father since our fight. I'm still in contact with both of my sisters and through them I have loose contact with my mom." [...]

Sahand [...] says the level of social ostracism gays face in Iran is enormous. [...]

At the end of the section on the treatment of LGBTQI+ persons by society, the Iran COI query reported on the murder of a gay man in May 2021, reportedly by his own family:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] 3. Treatment of LGBT persons by society [...]

On 4 May 2021, a young non-binary gay man was reportedly abducted and killed by 'several male relatives in his hometown of Ahvaz, Khuzestan province, according to a report by Amnesty International quoting friends of the victim. The same source stated that the victim had 'faced years of homophobic

and transphobic harassment and death threats by several male relatives because he did not conform to the binary socio-cultural gender stereotypes and “norms” in Iran’, but was afraid to report the incidents to the police ‘out of a fear of facing violence and prosecution at the hands of the authorities’.<sup>51</sup> As reported by various sources, the murder occurred after the young man had received an exemption card from the military service .<sup>52</sup> [...]

51 AI, Iran: Murder of gay man highlights dangers of state-sanctioned abuses against LGBTI people, 17 May 2021, [url](#)

52 Germany, BAMF, Briefing Notes, Group 62 – Information Centre for Asylum and Migration, 10 May 2021, [url](#), p. 5; CNN, A card exempted a gay man from serving in Iran’s military. It may have cost him his life, 15 May 2021, [url](#)

It is suggested that further information highlighted in the Amnesty International press release around the context of Alireza Fazeli Monfared’s murder and his past experiences would have shed further light on the treatment of LGBTQI+ persons by society:

[Amnesty International, Iran: Murder of gay man highlights dangers of state-sanctioned abuses against LGBTI people, 17 May 2021](#)

[...] Friends of Alireza Fazeli Monfared, who identified as a non-binary gay man, told Amnesty International that he was abducted by several male relatives in his hometown of Ahvaz, Khuzestan province, on 4 May 2021. The next day the relatives informed his mother that they had killed him and dumped his body under a tree. Authorities confirmed that Alireza Fazeli Monfared’s throat was slit and announced investigations, but none of the suspected perpetrators have been arrested to date. [...] According to individuals interviewed by Amnesty International who had known Alireza Fazeli Monfared for months or years prior to his murder, including his partner and a close friend, he had faced years of homophobic and transphobic harassment and death threats by several male relatives because he did not conform to the binary socio-cultural gender stereotypes and “norms” in Iran. [...]

LGBTI people in Iran face pervasive discrimination, live in the constant fear of harassment, arrest and criminal prosecution, and remain vulnerable to violence and persecution based on their real or perceived sexual orientation and gender identity. [...]

It is further posited that it would have been relevant to indicate that the ‘exemption card from the military service’ is believed to have been one of the reasons that led to Alireza Fazeli Monfared’s death, as reported in the cited CNN article:

[CNN, A card exempted a gay man from serving in Iran’s military. It may have cost him his life, 15 May 2021](#)

[...] But on May 4, Fazeli-Monfared was killed, possibly after his extended family discovered that he was gay through a military service exemption card that arrived in the mail, according to [his partner Aghil] Abiat and the Iranian LGBTQ organization 6Rang. [...]

Just days before the alleged killing, Fazeli-Monfared told Abiat about the arrival of his military service card. Fazeli-Monfared also told his partner that he thought the envelope had been opened and resealed. The couple shrugged it off at the time -- chalking it up to paranoia. "We talked about it but we didn't do anything about it, we thought it was just in our heads," Abiat said. But the document exempted Fazeli-Monfared from military service on the grounds of his sexuality, and it may have led to his wider family finding out his sexual identity. [...]

The Iran COI Query goes on to discuss honour killings of LGBTQI+ persons, stating the following:

[EASO, COI Query Response: Situation of LGBT person in Iran, 3 November 2021](#)

[...] 3. Treatment of LGBT persons by society [...]

According to researchers Mai Sato and Christopher Alexander, ‘honour killings are often carried out by family or community members for bringing shame or dishonour on a family’.<sup>54</sup> Moreover, the same sources highlighted the ‘the existence of numerous reports of honour killings against sexual and gender minorities in Iran’, while quoting interviewees who stated that ‘such [honour] killings are particularly rife in rural areas’. The fact that such violent incidents ‘received very little media attention in Iran’

showed, according to Sato and Alexander, the ‘normalisation of violence within families and towards sexual minorities’ in Iran.<sup>55</sup> [...]

54 Sato, M. and Alexander, Ch., When the State Kills: Persecution of Sexual Minorities, 17 June 2021, in Australian Institute of International Affairs, [url](#)

55 Sato, M. and Alexander, Ch., State-Sanctioned Killing of Sexual Minorities, February 2021, [url](#), pp. 62-63

To note, the URL in footnote 55 does not work.

It is suggested that the second report referenced by researchers Mai Sato and Christopher Alexander contains more information on honour killings of LGBTQI+ individuals in Iran which would have been useful here to display, including testimonies from interviewees on the ‘violent incidents’ referenced by the Iran COI Query, such as the following:

[Mai Sato and Christopher Alexander, State-Sanctioned Killing of Sexual Minorities: Looking Beyond the Death Penalty, February 2021](#)

[...] the mere existence of such provisions [on honour] is concerning, given the existence of numerous reports of honour killings against sexual and gender minorities in Iran. For example:

- In 2019, a transgender woman was killed by her father, brother-in-law and cousins. Police made arrests; however, because all parties involved in the homicide were of the same family, there was nobody entitled to *divat*. Accordingly, the offenders were released (Dehkordi, 2020).
- In 2010, a transsexual woman was killed by her two brothers due to her ‘immoral lifestyle’. The death sentences of both offenders were commuted because their father – also the father of the victim – forgave them (Iranian Queer Organisation, 2011).
- In 2005, a gay man was burned alive by his father. The authorities took no action against the offender, because he suffered injuries after attempting to take his own life (Iranian Queer Organisation, 2011).

Our interviewees confirmed that such killings are particularly rife in rural areas (I-4; I-10):

Honour killings are still happening in small villages... the story I told you about the father who set his son on fire [after finding out that he was gay], that’s a clear case of honour killing. [...] The Iranian regime supports these causes and don’t give those people a hard time even if they kill their family member, as long as they said ‘that person did something wrong to us, for example, she was homosexual, or I killed her in order to keep my name or save the name of Islam’. (I-10)

This case mentioned by this interviewee received very little media attention in Iran, demonstrating the normalisation of violence within families and towards sexual minorities:

At that time, only one local media reported this incident, in three lines – only three lines. We had to have an investigation in order to find out what exactly happened. A lot of things are happening— I am sure that in small cities, people or local clergies order to stoning to death people, or hanging them. (I-10) [...]

This section is short, which could give the impression that societal mistreatment of LGBTQI+ persons is not pervasive. Multiple other sources could have been included to give further background to discrimination and abuse experienced by LGBTQI+ persons in Iran. Some of these sources were included separately in other parts of the Iran COI Query, but could have been utilised further with additional information excerpted for this section. This includes the following:

[Iran Human Rights et al., Rights of the Child in Iran: Joint alternative report by civil society organizations on the implementation of the Convention on the Rights of the Child by the Islamic Republic of Iran, March 2015](#)

[...] Iranian children and adolescents who are or are perceived to be lesbian, gay, bisexual, or transgender (LGBT) face legal and social discrimination. LGBT children who are victims of violence, most commonly domestic violence, are unable to seek protection from authorities without potentially facing criminal punishment themselves. In schools, they are also sexually and psychologically abused and

bullied by classmates, and sometimes sexually abused and raped by teachers and school administrators. [...]

Iranian children and adolescents who are or are perceived to be lesbian, gay, bisexual, or transgender (LGBT) face multiple forms of legal and social discrimination stemming from widespread social stigma against homosexuality and trans identities, and perpetuated through Penal Code provisions that criminalize same-sex sexual acts. Discrimination leaves LGBT children vulnerable to criminal prosecution, torture, execution, physical or sexual abuse by the State and non-state actors, and severely interferes with their ability to enjoy their human rights fully, including the right to education. Legal and social discrimination also greatly impact the rights of all children and adolescents to access information about a diversity of sexual orientations and gender identities. [...]

[6RANG, "It's a great honor to violate homosexuals' rights'": Official hate speech against LGBT people in Iran, December 2017](#)

[...] People of diverse sexual orientations and gender identities in Iran also face widespread discrimination and violence based on their gender identity and gender expressions including their dress, hairstyles, accessories, cosmetics and mannerisms.<sup>25</sup> [...]

25 The Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity understand "gender expression" as "each person's expression" on the application of international human rights law – including dress, hairstyles, accessories, cosmetics – and mannerisms, speech, behavioural patterns, names and personal references" and note that "gender expression may or may not conform to a person's human rights". See [http://www.yogyakartaprinciples.org/wp/wp-content/uploads/2017/11/A5\\_yogyakartaWEB-2.pdf](http://www.yogyakartaprinciples.org/wp/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf)

[UN Human Rights Council, Situation of human rights in the Islamic Republic of Iran, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javid Rehman, 11 January 2021](#)

[...] Other forms of violence and discrimination include sustained domestic abuse and bullying in educational institutions and workplaces.<sup>84</sup> These acts remain largely underreported due to the victims' fear of persecution. [...]

84 [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT\\_CCPR\\_NGO\\_IRN\\_42317\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf), p. 14; <https://outrightinternational.org/sites/default/files/OutRightLesbianReport.pdf>.

The following is a non-exhaustive, illustrative list of unreferenced sources that could have been included to illustrate further how LGBTQI+ persons or those seen to be supporting LGBTQI+ persons may be treated by/in society in Iran.

[Mohammadrasool Yadegarfar, How are Iranian Gay Men Coping with Systematic Suppression Under Islamic Law? A Qualitative Study, \*Sexuality and Culture\*, 23, 20 May 2019](#)

[...] The aim of this study is to use a qualitative approach to gain a more in-depth understanding of the coping strategies adopted by gay men living in Iran under systematic suppression based on each individual's subjective experiences, feelings, intention and beliefs. A semi-structured interview in Farsi (Persian) language was used to gather the qualitative data. Twenty-three men who identified themselves as gay and who currently live in Iran were interviewed for this study. Transcripts of the interviews were subjected to analysis using thematic analysis. The key themes that emerged as coping strategies were: risk taking; internalized oppression; travelling/leaving the country; social networks and family of choice; mental health and psychological therapy and medication; social class; and developing a new identity. [...]

In addition, participant 4, who was 41 years old, in a relationship, and self-employed, mentioned that he was from a working-class family living in the south of Tehran and that the situation for gay men there was more difficult than for people in the north of Tehran, as people in the south were more traditional and conservative than people from the north. He stated that because of this, not many gay men from north Tehran hung around with gay men from the city's south. [...]

### [76 Crimes, Iran official charged for cartoon of loving same-sex parents, 18 July 2020](#)

[...] A top Iranian aide has been charged with “spreading moral corruption” for sharing a cartoon online that showed loving lesbian and gay parents. [...]

Earlier [on May 15], on the occasion of World Family Day, Molaverdi posted a photo on her Telegram channel, in which there were two illustrations of same-sex couples. Subsequently, Mashregh News published screenshots of this post from Molaverdi’s Telegram and wrote: “on the occasion of World Family Day, Molaverdi has published a post on her Telegram that depicts the deviant and reprehensible homosexual families made up of two women and a child and two men and a child.”

In response to this report and waves of attacks on social media, Molaverdi said she had accidentally posted the image on her Telegram channel and quickly deleted it afterwards.

Following the news of the indictment against Molaverdi, some influential social media profiles in Iran threatened her with the same disastrous fate as the one Lot’s wife meets in the Bible for promoting homosexuality. [...]

### [6Rang, Hidden Wounds: A Research Report on Violence Against LGBTI in Iran, September 2020](#)

[...] Recent reports of increase in targeted violence against LGBTI people warrants research into the depth and breadth of this problem. [...] 6Rang conducted a qualitative-quantitative combined research survey. This survey studies the experience of structural and social violence among LGBTI as these concepts are understood within global literature. Structural and social violence is widespread in Iran and LGBTI people Iranians regularly experience these forms of violence. [...]

- About 46 percent of the participants reported experiencing violence in the education system; [...]
- In addition to violence perpetrated by state actors, participants also reported extremely concerning rates of social violence perpetrated by non-state actors such as family, intimate partners, and peers.
- More than 20 percent of the participants reported having experienced violence perpetrated by their intimate partner;
- Nearly 63 percent of the participants reported experiencing violence perpetrated by their nuclear family,
- 49 percent of the participants reported experiencing violence perpetrated by their friends or classmates;
- 38 percent of the participants reported experiencing violence perpetrated by their extended family;
- 52 percent of the participants reported experiencing violence perpetrated in public spaces;

And, 24 percent of the participants reported experiencing violence perpetrated in work settings. [...] Sexual minorities in Iran face constant threats, insults, harassments, blackmail and abuse in their daily life by non-state actors who feel emboldened to enact violence with impunity, due to discriminatory laws that criminalize same-sex conduct and transgender expression. For instance, one participant reported being surrendered to the police by her own family due to her non-binary gender expression. Also, a homosexual couple had to resign and leave their job because their relationship was “outed” or disclosed to their colleagues, which led to threats of them being handed over to the police by their employer. [...]

According to the survey results, 107 of 230 participants reported having experienced violence in their educational environments. This means that almost half of them faced violence at school, or university. 18 percent of the participants reported having been constantly insulted and humiliated by the school administration.

Violence in a school or university is one of the most visible types of violence against the LGBTI community. This type of violence can take many forms ranging from physical violence to verbal, psychological, or even, sexual violence. It is often expressed through acts of bullying, intimidation, and repression by classmates, trainers, or other school staff. Sexual violence in the educational settings is more common in countries where being a member of the LGBTI community is legally forbidden or against socio-religious norms. This is because on the one hand, victims are afraid or ashamed of breaking their silence or seeking help and on the other, the law neither protects the victims nor has a deterrent effect on sexual offenders.

These statistics and personal testimonies add nuance to our previous general findings. Our prior interviews gave evidence that in educational institutions, such as schools, the criminalization of sexual orientation and gender identity together with the segregation of schools by gender has a deeply negative impact on access to education.<sup>12</sup> LGBTI people frequently suffer harassment and beaten up by school administrators as well as raped and experienced violence perpetrated by other pupils. For some

LGBTI people, harassment and abuse happen so often and so severely that they are left with no choice but abandon their education and drop out of school.

The harassment and abuse in education is not limited to trans persons where their identity is apparent. Students who are perceived to be LGBTI or have non-conforming gender expression also suffer extensive violence and harassment including bullying and rape by classmates. School authorities rarely take any action to address these issues.<sup>13</sup> Therefore, one's perception adds an extra layer of complexity to the causes of harassment and violence in education. [...]

As previously defined, social violence is any kind of implicit or explicit violence perpetrated by individuals (non-state actors) in different social interactions such as peer groups or the individual's household. Prior in-person interviews illustrate that the members of the public as well as family members inflict violence on LGBTI people.<sup>19</sup> The current legal landscape of Iran that criminalizes same-sex conduct and gender-variant expression paired with the incitement to hate speech and hatred by top-ranking Iranian officials, not only provides the opportunity for, but also actively promotes abuse and violence against LGBTI people. This kind of abuse also takes the form of blackmail and extortion. Participants have previously given accounts of verbal abuse on public transport because of their appearance, harassment for public displays of affection such as kissing in a parking lot, etc. Other testimonies show that taunts, insults and threats are a constant reality for LGBTI people. In fact, these incidents are so common that many of them try to isolate themselves and avoid public interaction in order to reduce their risk of being harassed and abused.<sup>20</sup>

A great number of participants have also reported experiencing violence in their families because of their sexual orientation and gender identity. Experiences of violence in the family involve beating, flogging, psychological abuse, forced isolation from friends and society, verbal abuse, and death threats. In case of lesbians and female-to-male transgender people, family abuse also elevated to threats to or actual coercion to arranged marriage. There have been reports of lesbians and trans individuals who were victims of honor-based violence. Families may kill, physically harm, or force their members into arranged marriages with the intent to protect or defend the honor or reputation of the family and/or the community. Iranian LGBTI people often have no recourse to justice for the violence and abuse they suffer in their families. Participants have given accounts of being beaten by their families until they abandoned their homes or were told to become "normal".

The new findings not only verify the mentioned perpetrators in addition to intimate partners, colleagues and peers, and extended family, but also give us a picture of who is responsible for the most violence against LGBTI people in which setting. [...]

#### Domestic

This type of violence and abuse can be defined as any incident of controlling, coercive, threatening behavior, violence or abuse by those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. Such violence can encompass, but is not limited to psychological, physical, sexual, financial and emotional.<sup>21</sup> [...] over half of participants (62.2%) reported violence from a member of their nuclear family. [...]

Oly [sic] a quarter of participants perceived their nuclear family as supportive when they were struggling with violent experiences, while 53 percent of them described their family as unsupportive. 26 percent of participants reported constant experience of violence during their childhood. Also, 24.34% of participants felt insecure about their family. Almost 26% of 6Rang survey participants reported forced marriage as a concern to different extents. Forced marriage is recognized as a serious abuse of human rights. It could lead to various other forms of violence such as corrective rape, sexual violence and being trapped in abusive, harmful relationships. [...]

LGBTI people persons also face violence from their intimate partners. 11.20 % of participants reported they are in a violent relationship.

Examples of this type of abuse would be that an abusive partner may manipulate and convince the victim that no one will believe the abuse is real by using society's heterosexist myths about aggression and violence. For example, in a violent gay couple's relationship, the abuser might say to his abused partner "You are an adult and strong man, do not play the role of a victim! Nobody believes it". Or similarly, an abusive partner may threaten to call the police, family, or friends and disclose the abused one's sexuality.

The nature of violence perpetrated by family members is different from other forms of violence. One might decide to leave the school, college or workplace to avoid unfriendly or hostile environment. It could be challenging, but possible. Leaving parents, family members and home environment is hardly possible because everyone, more or less, is dependent on the family, emotionally and financially. For

LGBTI youth, independence can be a great challenge due to their problems in being able to complete an education and/or secure consistent employment. Many of these individuals prefer to stay in their violent home and deal with abusive family members because they know the world outside their home is even more harsh and cruel. Some of them may think to leave home. For those who do not earn enough money, leaving home means becoming homeless. There is no official statistics about homelessness among LGBTI community in Iran. In the US, 40% of homeless youth identify as LGBTI.<sup>22</sup> In Iran, a higher rate could be estimated due to the lack of protective laws to support this population. In case of trans persons, this form of violence may amount to withholding medication or misgendering. [...]

#### Violence in public spaces

Public spaces have historically been a fighting ring for the disadvantaged groups. Harassment against LGBTI people in public spaces, even in states with strict local protections against discrimination in public spaces, still take place. Not surprisingly, 52.2% of participants reported experiencing violence in public spaces. Strangers in public accommodations, places of business, public transport, taxis, public toilets, and restaurants are another main source of violence against the LGBTI community in Iran. Additionally, 24.5% of participants reported having experienced cyber violence, which could be considered as a form of public space violence.

6Rang's prior interview-based research has shown that sexual assault and other physical attacks against LGBTI people who do not conform to culturally approved models of femininity and masculinity are also all too common.<sup>23</sup> Many of participants reported that their lives in Iran constantly involved the fear of being assaulted and raped by men.<sup>24</sup> 6Rang has recorded multiple accounts of sexual assault and rape perpetrated by non-state actors. This problem is further compounded by the fear of the participants that if they were to file complaints to the police, the law would not only not protect them but also get them arrested and charged with sexual offences.<sup>25</sup>

Adding to these insights, the current findings specifically show just how frequent and how widespread this form of violence is.

These non-state actors also feel encouraged to engage in homophobic and transphobic acts because the absence of an adequate police response to incidents of sexual assault and rape allows them to do so with impunity. This lack of police response is also a source of human rights violation in that Iran is failing in its duty to protect one group of its population from violence. [...]

Peer groups, whether in educational settings such as school or in public space, are another serious perpetrator of violence against LGBTI people. For example, bullying at school against LGBTI children and adolescents is one of the most serious mental health risk factors. Bullying experienced among LGBTI students is correlated with suicidal ideation, suicide attempts, and unexcused absences from school.<sup>26</sup> In the current study, 49.1 percent of participants experienced violence from their peer group including friends and classmates. Only 26% of them described their friend or peer group supportive. The following table provides a collection of personal accounts of this form of violence. [...]

#### Vicious cycle of violence

LGBTI individuals in Iran experience violence across all parts of their lives with instances combining and intersecting to create an existence in which LGBTI people are trapped in a life cycle of violence. Starting at home, their identity, gender expression, and sexuality is severely suppressed or rejected by family members. At school, LGBTI children and adolescents experience homophobic and transphobic motivated bullying, which directly impacts their ability and right to access education. Such discrimination is perpetrated by other students, teachers, and administrators and often continues at home because it makes them unable achieve higher marks or other things in education. While many of them may not even be able to finish high school, those who find a chance at higher education, still experience harassment, discrimination, and constant fear of disclosure and its legal consequences at the university and workplace.

For many LGBTI youth, particularly those who are gender non-conforming, the lack of successful education combined with societal discrimination leads to difficulties in finding and keeping employment. Lack of a reliable job makes them financially dependent on their violent families. Financial needs also make them more susceptible to stay in abusive intimate relationships. For those who are lucky to find a stable job, hostile work environment and unwanted outing put them at the risk of unemployment. It appears that the absence of protective laws creates a vicious cycle of violence in which LGBTI people are victimized systematically. 35 % of participants were hopeful to break this cycle of violence. [...]

While seeking help could be considered as a healthy resistance strategy, silence, retaliation and self-directed aggressive behaviors such as self-harm or suicidal thoughts are maladaptive coping strategies. The following table shows the participants' strategies for resisting or countering violence.

These findings show the limitations of access to reliable sources of support. For example, only 15 % of participants rely on legal support regularly. When the law, family, and friends are the perpetrators of violence, silence seems like a low-cost solution for avoiding conflict. However, silence also leads to a feeling of being victimized and increases the sense of entrapment and helplessness. 36.08% of participants said they lost their self-confidence after experiences of violence. 55.62 percent of participants reported LGBTI organizations have had a definite significant role in their awareness and 24 percent estimated the role of these organizations to some extent important in their awareness. 57% of participants reported they use social media as the main source of information about gender and sexuality related topics. 35 % of participants were hopeful about breaking the cycle of violence. [...]

12 Justice for Iran, "Diagnosing Identities, Wounding Bodies: Medical Abuses and Other Human Rights Violations Against Lesbian, Gay and Transgender People in Iran" (2012), available at: <https://justice4iran.org/wp-content/uploads/2014/06/Pathologizing-Identities-Paralyzing-Bodies.pdf>

13 Ibid

[...] 19 Justice for Iran, "Diagnosing Identities, Wounding Bodies: Medical Abuses and Other Human Rights Violations Against Lesbian, Gay and Transgender People in Iran" (2012), available at: <https://justice4iran.org/wp-content/uploads/2014/06/Pathologizing-Identities-Paralyzing-Bodies.pdf>

20 Ibid supra note 3

21 <https://www.galop.org.uk/domesticabuse/>

22 Griffith. D. (2019). LGBTQ youth are at greater risk of homelessness and incarceration. Available at: [https://www.prisonpolicy.org/blog/2019/01/22/lgbtq\\_youth/](https://www.prisonpolicy.org/blog/2019/01/22/lgbtq_youth/)

23 Justice for Iran, "Diagnosing Identities, Wounding Bodies: Medical Abuses and Other Human Rights Violations Against Lesbian, Gay and Transgender People in Iran" (2012), available at: <https://justice4iran.org/wp-content/uploads/2014/06/Pathologizing-Identities-Paralyzing-Bodies.pdf>

24 Ibid

25 Ibid

26 Robinson, J. P., & Espelage, D. L. (2012). Bullying Explains Only Part of LGBTQ–Heterosexual Risk Disparities: Implications for Policy and Practice. *Educational Researcher*, 41(8), 309–319. <https://doi.org/10.3102/0013189X12457023>

[6Rang, Written contribution to the Human Rights Committee From 6Rang \(Iranian Lesbian and Transgender Network\) In preparation for the List of Issues Prior to Reporting \(LOIPR\) for the Islamic Republic of Iran: Non-discrimination, right to life, freedom from torture, right to liberty and security of persons and right to fair trial, Human Rights Committee, 130 Session \(12 Oct 2020 - 06 Nov 2020\), 12 October 2020](#)

[...] The lives of LGBT people in Iran is defined by exclusion from family homes, denial of employment, prevention from attending school, forced marriage, jail and detention, flogging and execution, "street" violence, and other physical and verbal attacks in public and private settings. [...]

While the section does offer some COI on the specific experiences of bisexual persons, and the experiences of trans persons with relations within the healthcare system in the previous section, it is suggested that it would have been valuable to include different sub-headings with more sources on the societal treatment of different groups, including gay men, lesbian women, bisexual persons and trans persons, given these groups may also have specific experiences. For example, the following sources are used elsewhere in the Iran COI Query, and further information within them could have illustrated varying treatment:

[The Economist, Why Iran is a hub for sex- reassignment, 6 April 2019](#)

[...] Even though the clerics allow it, those who transition say there is still a stigma associated with being transgender in Iran. Some tell of being disowned by their families and having to work as prostitutes, for lack of other choices. [...]

[Kameel Ahmady, LGBT in Iran- The Homophobic Law and Social System in Iran, 2019](#)

[...] In Iran, Homosexuals living openly as a gay person is not easy in Iran; same-sex partnerships exist in secret. Women have even less freedom than men. [...] A self-determined and self-reliant life is unattainable, especially for women coming from smaller environment, poor and strict religious families. Cases have been identified in which lesbian women have been put under pressure by their relatives until they “consented” to marriage. For these women, marriage always means the end of a possible former same-sex relationship. [...]

[Australian Department of Foreign Affairs and Trade’s \(DFAT\), Country Information Report Iran, 14 April 2020](#)

[...] While the Penal Code’s punishment for sexual conduct is less harsh for lesbians, human rights observers report that their social and economic situation is significantly more restrictive than that of gay men. The restrictions already imposed on lesbians as women in Iranian society are compounded by the discrimination they face because of their sexual orientation. Financial and social survival for lesbians depends on their ability to repress or hide their sexual identity, particularly from family members. ‘Honour killings’ of lesbians by male kin reportedly occur (see Honour Killings), as do beatings and other physical and psychological abuse. Most often, lesbians find themselves abandoned by their families, a situation that can compel them to engage in sex work in order to survive. This leaves them further vulnerable to abuse, harassment and possible arrest. [...]

[Amnesty International, Iran: Murder of 20-Year-Old Gay Man Highlights Urgent Need to Protect LGBTI Rights, 17 May 2021](#)

[...] Non-binary and other gender non-conforming individuals who cannot or do not wish to undergo gender confirmation surgery, change their legal sex or choose between the binary gender categories of man and woman are at a constant risk of criminalization. They also experience discrimination in access to education, employment, health care and public services because the Islamic Republic system in Iran heavily enforces gender segregation across a wide range of institutions and public spaces, and imposes strict dress codes for men and women. [...]

It is finally noted that it may have been useful to break down this section into treatment by family members, treatment by societal actors in general, and access to services (education and employment).

## Country specific comments

### Iraq

#### Key observations

The following key observations were made in relation to the Iraq COI Query:

- It would have been useful for the report to clarify at the beginning if it was covering both the situation of LGBTQI+ persons in Iraq and in the Kurdistan Region of Iraq and, where relevant, to have differentiated within the narrative of the report.
- It is also posited that in order to enhance usability of the report it would have been helpful to create a separate heading on 'Availability of state protection' or lack thereof, rather than its incorporation into the 'Treatment by the state of LGBT persons'.
- It may also have been clearer to create a separate section on 'Treatment by non-state actors of LGBT persons', rather than incorporate militia actions into 'Treatment by society of LGBT persons'. This would also have made room for further discussion on present and past treatment of LGBTQI+ persons by militia groups and terrorist organisations, including ISIS and Popular Mobilisation Units.
- It may also have been useful to include a separate section on the situation and treatment of non-governmental or civil society initiatives to support LGBTQI+ communities, as well as LGBTQI+ activism and visibility, rather than incorporate some of it into 'societal treatment'.
- It is suggested that a separate section on 'Access to services' may have been valuable as separated from societal treatment, as well as a separate heading for 'Media reaction and reporting on LGBT persons'.
- It may also have been useful to differentiate between different members of the LGBTQI+ community, particularly in the 'Treatment by society of LGBT persons' section, for example with subsection on gay men, lesbians, and members of the trans community.

#### Section specific comments

##### Legislation on LGBT issues

It is considered that the following excerpt of the Iraq COI Query could have been complemented by an additional article from Iraq's 2005 Constitution that may be relevant to the rights of LGBTQI+ persons.

##### [EASO, COI Query, Iraq: Situation of LGBT persons in Iraq, 13 October 2021](#)

[...] 1. Legislation on LGBT issues [...]

According to Article 14 of Iraq's 2005 Constitution, 'Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion, or economic or social status'.<sup>1</sup> [...]

<sup>1</sup> Iraq, Constitution of the Republic of Iraq, 2005, [url](#)

The original source also contained the following article with respect to family life:

[Iraq, Constitution of the Republic of Iraq, 2005](#)

[...] Article 29

First

A. The family is the foundation of society; the State shall preserve it and its religious, moral, and national values [...]

This additional article may be of relevance to the broader social norm and its possible impact on LGBTQI+ persons in Iraq.

The Iraq COI Query references the following information from Human Rights Watch's 2021 World Report:

[EASO, COI Query, Iraq: Situation of LGBT persons in Iraq, 13 October 2021](#)

[...] 1. Legislation on LGBT issues [...]

According to Human Rights Watch, 'Article 394 of Iraq's penal code makes it illegal to engage in extra-marital sex, a violation of the right to privacy that disproportionately harms lesbian, gay, bisexual, and transgender (LGBT) people'. Human Rights Watch also draws attention to Paragraph 401 of the Code regarding so-called 'immodest acts', which is described as 'a vague provision that could be used to target sexual and gender minorities'.<sup>4</sup> [...]

4 HRW, World report 2021: Iraq, 13 January 2021, [url](#)

It is considered that the Iraq COI Query would have benefitted from adding the full sentence related to Paragraph 401 of the Iraq Penal Code, which gave additional information on imprisonment time and lack of documentation of usage [emphasis added]:

[Human Rights Watch, World Report 2021: Iraq – Events of 2020, 13 January 2021](#)

[...] Iraq's criminal code **does not explicitly prohibit same-sex sexual relations**, but article 401 of the penal code holds that any person who commits an "immodest act" **in public** can be **imprisoned for up to six months**, a vague provision that could be used to target sexual and gender minorities, although **such cases have not been documented**. [...]

Also referenced in the Iraq COI Query is a Human Rights Watch excerpt on further paragraphs from the Iraq Penal Code from a different report on LGBTQI+ activism in the Middle East and North Africa:

[EASO, COI Query, Iraq: Situation of LGBT persons in Iraq, 13 October 2021](#)

[...] 1. Legislation on LGBT issues [...]

Similarly, Human Rights Watch also pointed out that '[p]aragraph 210 prohibits the dissemination of any information or idea that "disturbs the public peace," while paragraphs 403 and 404 penalize any "obscene or indecent publication or speech"', provisions which have the potential to be used against LGBT persons and activists.<sup>5</sup> [...]

5 HRW, Audacity In Adversity: LGBT Activism in the Middle East and North Africa, April 2018, [url](#), Annex, p. 66

It is considered that the full paragraph from which this excerpt was taken from could have been presented in order to make clear the full meaning of the source and the implications of the provisions in the Iraq Penal Code that impact both LGBTQI+ persons and those working on LGBTQI+ rights [emphasis added]:

[Human Rights Watch, Audacity in Adversity: LGBT Activism in the Middle East and North Africa, April 2018](#)

[...] other provisions restrict the freedoms of expression, association, and assembly relating to unpopular issues, which can **impact human rights defenders working on LGBT rights**. Paragraph 210 prohibits the dissemination of any information or idea that “disturbs the public peace,” while paragraphs 403 and 404 penalize any “obscene or indecent publication or speech.”<sup>236</sup> In one case, Kurdish Regional Government prosecutors used paragraph 403 to sentence a doctor to six months imprisonment for publishing an article on health issues impacting men who have sex with men. He was later pardoned.<sup>237</sup> [...]

236 Iraq Penal Code, no. 111 of 1969, paras. 403 and 404. An English translation of the penal code is available here: [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=57206&p\\_country=IRQ&p\\_count=232&p\\_classification=01.04&p\\_classcount=5](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=57206&p_country=IRQ&p_count=232&p_classification=01.04&p_classcount=5) (accessed March 19, 2018).

237 Reporters San Frontières, “Kurdish President Pardons Doctor who Was Jailed for Writing about Homosexuality,” December 8, 2008, <https://rsf.org/en/news/kurdish-president-pardons-doctor-who-was-jailed-writing-about-homosexuality>, accessed November 9, 2017.

It is considered that the same Human Rights Watch report included additional information which could have been useful to display in the Iraq COI Query, including the following passages which give further context to ‘morality’ provisions in Iraq and their connection to the curtailing of LGBTQI+ rights, as well as government inaction on LGBTQI+ rights.

[Human Rights Watch, Audacity in Adversity: LGBT Activism in the Middle East and North Africa, April 2018](#)

[...] Iraq and Jordan have no laws that explicitly criminalize consensual same-sex conduct, and their governments have not systematically interpreted other “morality” provisions to criminalize consensual same-sex conduct. [...]

vaguely worded “morality” or “indecent” laws could be used to prohibit speech in support of LGBT rights. Such laws penalize, for example, anyone who [...] “sings or broadcasts in a public place obscene or indecent songs or statements” (Iraq) [...].<sup>16</sup> [...]

Iraq does not criminalize same-sex conduct, and the government formed an LGBT committee in 2012, funded by international donors, which aimed to sensitize government officials about sexual orientation and gender identity. The committee “never produced any public reports or tangible policy results” and largely stopped operating in 2014 as the government became consumed by battling ISIS.<sup>48</sup> An activist told Human Rights Watch in 2017 that the committee was still existent, but had produced nothing tangible.<sup>49</sup> [...]

In 2010, Iraq became the first predominantly Arab country to accept UPR recommendations related to sexual orientation and gender identity, including recommendations to “address extrajudicial killings of persons on the basis of their actual or presumed sexual orientation.”<sup>212</sup> In 2014 Iraq accepted a recommendation to “avoid all forms of discrimination based on ethnicity, religion, gender or sexual orientation.”<sup>213</sup>

Encouraged by these developments, IraQueer and its partner organizations submitted a shadow report on Iraq in 2015 to the Human Rights Committee, which evaluates countries’ compliance with the International Covenant on Civil and Political Rights. The organizations made a series of recommendations related to steps Iraq should take to address violence and discrimination related to sexual orientation and gender identity. Ashour told Human Rights Watch:

The Iraqi government was surprised to see this report. They accepted the recommendations—at least on paper. Now there needs to be an active statement from the Iraqi government saying that killing, regardless of the reason, is illegal.... The point that we can’t negotiate is security. Of course, we also want access to health—it’s also a part of security. But the killing is making it impossible for us to do anything.<sup>214</sup> [...]

16 [...] International Lesbian, Gay, Bisexual, Trans and Intersex Association: Carroll, A. and Mendos, L.R., State Sponsored Homophobia 2017: A world survey of sexual orientation laws: criminalisation, protection and recognition (Geneva; ILGA, May 2017). pp. 41-42.

[...] 48 International Gay and Lesbian Human Rights Commission (IGLHRC, now known as OutRight Action International), MADRE, and Organization of Women’s Freedom in Iraq (OWFI), When Coming Out is a Death

Sentence: Persecution of LGBT Iraqis, 2014, [https://www.outrightinternational.org/sites/default/files/ComingOutDeathSentence\\_Iraq\\_0.pdf](https://www.outrightinternational.org/sites/default/files/ComingOutDeathSentence_Iraq_0.pdf) (accessed November 3, 2017).

49 Human Rights Watch Skype interview with Amir Ashour, IraQueer, July 17, 2017

[...] 212 ARC International, "Iraq," <http://arc-international.net/global-advocacy/universal-periodic-review/i/iraq/>

213 ARC International, "Iraq (Cycle 2)," <http://arc-international.net/global-advocacy/universal-periodic-review/i/iraq-cycle2/> (accessed October 9, 2017).

214 Human Rights Watch Skype interview with Amir Ashour, IraQueer, July 17, 2017.

It is also suggested that, when discussing provisions in the Penal Code, it may have been useful also to cite directly from the Iraqi Penal Code of 1969, which includes the following relevant articles:

[Iraq, Penal Code: Iraq, No.111 of 1969, July 1969](#)

[...] Article 394 (1) Any person who, outside of marriage, has sexual intercourse with a woman with her consent, or commits buggery with a person with their consent, is punishable by a period of imprisonment not exceeding 7 years if the victim is between the ages of 15 and 18. If the victim was under the age of 15, the offender is punishable by a period of imprisonment not exceeding 10 years.

[...]

Article 401 - Any person who commits an immodest act in public is punishable by a period of detention not exceeding 6 months plus a fine not exceeding 50 dinars or by one of those penalties.

Article 402 - (1) The following persons are punishable by a period of detention not exceeding 3 months plus a fine not exceeding 30 dinars or by one of those penalties:

(a) Any person who makes indecent advances to another man or woman.

(b) Any person who assails a woman in a public place in an immodest manner with words, actions or signs.

(2) The penalty will be a period of detention not exceeding 6 months plus a fine not exceeding 100 dinars if the offender, having been previously convicted for such offence, reoffends within a year of the date of such conviction.

Article 403 - Any person who produces, imports, publishes, possesses, obtains or translates a book, printed or other written material, drawing, picture, film, symbol or other thing that violates the public integrity or decency with intent to exploit or distribute such material is punishable by a period of detention not exceeding 2 years plus a fine not exceeding 200 dinars or by one of those penalties. The same penalty applies to any person who advertises such material or displays it in public or sells, hires or offers it for sale or hire even though it is not in public or to any person who distributes or submits it for distribution by any means.

If the offence is committed with intent to deprave, it is considered to be an aggravating circumstances.

Article 404 - Any person who himself or through some mechanical means sings or broadcasts in a public place obscene or indecent songs or statements is punishable by a period of detention not exceeding 1 year or by a fine not exceeding 100 dinars. [...]

Evidence on any data on prosecutions related to the above legislation may also have been useful to include in this section. For example, a report by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), separately mentioned in this section in the Iraq COI Query, also reported that:

[International Lesbian, Gay, Bisexual, Trans and Intersex Association \(ILGA\), State Sponsored Homophobia: Global Legislation Update Overview: 2020, 15 December 2020](#)

[...] Iraq [...]

There have been no recorded incidents in recent years of prosecutions by the state, though there have been reports of extrajudicial executions ordered by non-legal Sharia judges, and of both police and militias frequently kidnapping, threatening and killing LGBT people.<sup>144</sup> [...]

144 "Exposing persecution of LGBT individuals in Iraq", OutRight Action International, 19 November 2014; "Timeline of publicized executions for "indecent behavior" OutRight Action International, 2 April 2016.; Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq,

A/HRC/38/44/Add.1, 5 June 2018; Alessandro Bovo, "In fuga dall'Iraq perché gay, la storia di Danyar tra discriminazioni e omofobia," Gay.It, 6 October 2020.

Legal information related to gender reassignment surgery would also have been relevant here, as demonstrated in the following source:

[Iraqueer, Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq, June 2018](#)

[...] The fact that hormone treatments are not legal make transitioning even more dangerous for those individuals. Undergoing sex change operations are not permitted by the law. People who manage to undergo the surgery outside of Iraq face the difficulties in obtaining legal documents that reflect their post surgical identity. [...]

Treatment by the state of LGBT persons

This section in the Iraq COI Query includes a short excerpt from an article on Iraqi LGBTQI+ activists published in the New Arab, as follows:

[EASO, COI Query, Iraq: Situation of LGBT persons in Iraq, 13 October 2021](#)

[...] 2. Treatment by the state of LGBT persons [...]

On 27 March 2020, LGBT activists were quoted in a media report expressing 'fear of violence from the state security forces', should they openly 'display their sexual orientations'.<sup>9</sup> [...]

9 The New Arab, 'We are here': The LGBT activists on the frontline of Iraq's revolution, 27 March 2020, [url](#)

It is considered that the same article contains further information on treatment by state actors towards LGBTQI+ persons and activists, which could have been added to the Iraq COI Query to give background to state violence and responses to LGBTQI+ persons and LGBTQI+ activism, such as the following:

[The New Arab, 'We are here': The LGBT activists on the frontline of Iraq's revolution, 27 March 2020](#)

[...] Since 1 October, protesters have poured onto the streets of the Iraqi capital Baghdad and other southern provinces to demand fundamental changes to the political system.

LGBT activists are a key part of this movement and have played a prominent role in protest zones, with many of them medics, cameramen and activists seeking basic rights.

While these protesters say they will keep demonstrating alongside their brothers and sisters, they do not want to display their sexual orientation for fear of violence from the state security forces and various religious-affiliated militias. [...]

While interviewing various LGBT protesters at Baghdad's Tahrir Square The New Arab had to observe a great deal of caution in order to protect the interviewees' safety.

Among them is 25-year old Jafaar Al-Qarahghuli, a Baghdad-based activist who joined the protests taking place at Tahrir Square in early October, when the so-called Tishreen Revolution began.

"We do not carry logos or special flags or anything indicating our identities to avoid being an easy target for armed groups," he told The New Arab. "We attend the protests in high numbers to show that we are part of this, as part of the community". [...]

Earlier in 2020, the Iraqi government submitted a report to the UN connecting sexual orientation and the right to life, highlighting their commitment to holding killers accountable. [...]

According to Article 3, paragraph 12, the report stated that Iraq's constitution has no provisions that discriminate against persons of any specific category on the basis of sexual orientation or gender, and it does not sanction or approve the use of violence of any kind against them.

Al Uboudi said the report was designed to placate the UN and the international community at a time where the Iraqi government was under threat from millions of civilians demanding a revolution.

However, now that it has been publicly announced, the government must follow and act upon their report. [...]

"This is a positive development. Now, any LGBTQ person can use this statement to defend themselves in court or to push for further recognition and protection" he added. [...]

Amir Ashour, Founder and Executive Director of IraQueer told The New Arab, "We are delighted to see the Iraqi government finally recognizing LGBT+ people's right to life. For more than a decade, killings of LGBT+ Iraqis have been overlooked by the authorities and perpetrators have been let go". [...]

The Iraq COI Query reports in this section that:

[EASO, COI Query, Iraq: Situation of LGBT persons in Iraq, 13 October 2021](#)

[...] 2. Treatment by the state of LGBT persons [...]

On 17 May 2020, several foreign embassies and the World Bank office in Baghdad raised the rainbow flag to celebrate the International Day Against Homophobia, Transphobia, and Biphobia.<sup>14</sup> [...]

14 The New Arab, Baghdad demands apology after EU embassies raise 'LGBTQ rainbow flag' in Iraqi capital, 18 May 2020, [url](#); Kurdistan 24, Iraq condemns foreign embassies for violating country's 'values' by displaying rainbow flag, 17 May 2020, [url](#)

However, it is considered that it would have been better not to paraphrase or summarise multiple sources on this issue, given the significance of the event and responses, instead citing the sources directly and including the nuances of government statements and demands. For example, the article cited from the New Arab stated that:

[The New Arab, Baghdad demands apology after EU embassies raise 'LGBTQ rainbow flag' in Iraqi capital, 18 May 2020](#)

[...] The embassies of Canada, the UK and the EU in Iraq have deleted a controversial tweet that showed the missions raising a "LGBTQ banner" alongside the Iraqi flag in the capital Baghdad.

The rainbow flag was raised in Baghdad on Sunday to mark the International Day Against Homophobia and Transphobia, prompting both praise and a severe backlash from Iraqis online.

"Together with @CanadainIraq and @UKinIraq, today in Baghdad we join EU Delegations worldwide in raising the rainbow flag to mark the International Day Against Homophobia and Transphobia and highlight the rights of Lesbian Gay Bisexual Transgender people," the European Union Delegation to the Republic of Iraq said in a tweet on Sunday, which was also translated into Arabic.

While some received the gesture positively, others - including leading Iraqi politicians and figures - unleashed a barrage of criticism at the European Union Delegation, which spearheaded the move.

Iraq's foreign ministry issued a statement on Sunday to denounce the the [sic] raising of the flags, which it said was against "the noble morals of all divine religions".

"We remind all the missions operating in Iraq to adhere by the laws of the country, and to follow diplomatic norms," it said.

Deputy Speaker of Parliament Bashir Hadad, meanwhile, described the move as a "clear provocation to the feelings of the Iraqi people".

"We do not allow the hoisting of the homosexual flag on our land [...] We have directed the foreign relations, religious affairs, and other relevant committees to take the necessary measures against this behaviour," he said in a statement.

"The [EU] mission must immediately lower the flag and apologise for their action which should not be repeated again," he added.

Influential Shia cleric Muqtada Al-Sadr's Sairoon bloc claimed the gesture was "unacceptable", coming during the holy Muslim fasting month of Ramadan.

"We refuse and condemn any behaviour that contradicts the culture and religion of the Iraq people. We ask the European mission in Iraq to lower the flag," read a Sairoon statement.

"We are in a blessed and holy month for all Muslims, and the foreign diplomatic missions in Iraq need to take into account the peculiarities of Muslim peoples," it added.

The cleric later issued a series of tweets on his official account, in which he took aim at the LGBTQ community saying they were "mentally ill and in need of recovery and guidance".

The raising of the flag was an "attack on all People of the Book, not just Muslims", he added, referring to Christians and Jews. [...]

The article cited from Kurdistan 24 also stated that:

[Kurdistan 24, Iraq condemns foreign embassies for violating country's 'values' by displaying rainbow flag, 17 May 2020](#)

[...] The Iraqi foreign ministry condemned foreign embassies on Sunday for offending what it called the country's "norms and values" by hoisting the rainbow flag, also termed the LGBTQ or gay pride flag, on the International Day Against Homophobia, Transphobia, and Biphobia. [...]

The Iraqi foreign ministry claimed in a statement that the move is a "violation of the high moral principles and values respected by all divine religions" and goes against the "sacred religious feelings" of Iraqis. The nation is majority Shia Muslim. [...]

In his Sunday statement on the hoisting of the flag, Sadr—the chief of the largest faction in the Iraqi parliament—referred to LGBTQ people as "mentally ill needing treatment and guidance." He also said he expected the Iraqi government and parliament to respond to the embassies raising the flag.

In late March, the self-styled nationalist cleric joined a host of unqualified figures to theorize the origins of the new coronavirus disease. He blamed it on one of his usual scapegoats, claiming that same-sex marriage was among the "causes" of the global pandemic.

Another influential politician and cleric, Ammar Hakim, was among a series of officials who spoke out against the hoisting of the flag. Deputy parliamentary speaker Bashir Haddad, the Religious Affairs Committee, and a number of other factions in the legislature issued similar remarks.

The Dawa Party of former Iraqi prime minister Nouri al-Maliki said the move to raise the rainbow flag in the capital was especially offensive during the holy month of Ramadan, while Iraqis are "closer to God."

Few other issues, including the daily killings of protesters on the streets of Iraq, appear to have caused such a speedy chorus of condemnatory statements from so many government bodies and top officials across ethnic and sectarian lines. [...]

The Iraq COI Query includes an excerpt from a media report as follows:

[EASO, COI Query, Iraq: Situation of LGBT persons in Iraq, 13 October 2021](#)

[...] 2. Treatment by the state of LGBT persons [...]

On 9 April 2021, a report by Voice of America stated that, during the previous week, 'Kurdish security forces in Sulaymaniyah reportedly arrested several gay men. The government denied targeting the group, saying its operation was rather to crack down on prostitution'.<sup>11</sup> [...]

<sup>11</sup> VOA, LGBTQ Members Face Threats in Iraqi Kurdistan, 9 April 2021, [url](#)

This excerpt could have included further information from the article on the treatment of the detainees by security forces, and increased fear as a result from the LGBTQI+ community:

[VOA, LGBTQ Members Face Threats in Iraqi Kurdistan, 9 April 2021](#)

[...] Members of the [LGBTQ] community told VOA the arrests of at least eight gay men on April 1 instilled fear among them, particularly after security forces reportedly attempted to force the men to undergo physical examinations. [...]

Before the government said the raid targeted prostitution, Kurdish local media had quoted the operation supervisor Pshtiwan Bahadin as saying the raid was against "immorality" and targeted some LGBTQ suspects. [...]

While this section in the Iraq COI Query includes excerpts on lack of accountability for perpetrators of violence against LGBTQI+ persons, it may have benefited from further information on whether anti-discrimination protections are available to LGBTQI+ individuals based on their sexual orientation. A separate heading could have been useful on 'Availability of state protection'. For example, the following sources detail this information:

[IraQueer, Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq, June 2018](#)

[...] LGBT+ individuals [...] lack any legal protection whatsoever and to date there is no political will on the part of the government to address human rights violations against LGBT+ individuals. The government refuses to acknowledge LGBT+ individuals as Iraqi citizens and is not willing to protect them.<sup>3</sup> Being invisible before the law puts the LGBT+ community at great danger as it deprives them legal recourse to fight back against human rights violations. Lacking protection and the opportunity to seek justice pushes them deeper underground. [...]

[MADRE, IraQueer, Outright Action International, The Organization of Women's Freedom in Iraq, 'Violence and Discrimination Based on Sexual Orientation and Gender Identity in Iraq', September 2019](#)

[...] Perpetrators of egregious anti-LBTI human rights violations include victims' family members, militia fighters and religious militants from various groups, as well as government officials. Members of the security forces and police are, at best, non-responsive to human rights violations committed on the basis of SOGIESC, and at worst, active participants in them. People in Iraq can count on virtually no protection or recourse for anti-LBTI violence and discrimination. [...]

For victims of anti-LBT discrimination, including violence, there is no viable recourse in the Iraqi State.<sup>6</sup> Government security forces not only fail to investigate acts of discrimination and violence against LBTI people, but they also stand by and allow violence to occur, fully aware of what is happening.<sup>7</sup> Furthermore, security forces and government officials themselves commit anti-LBTI discrimination and violence.<sup>8</sup> The government's denial of access to justice for victims of these human rights violations encourages further discrimination and acts of violence, including those committed by health professionals and others who capitalize on LBTI peoples' vulnerable status.<sup>9</sup> In addition, LBTI survivors of violence often do not report incidents due to fear of additional violence or discrimination from state officials or of their orientation or identity being disclosed to family or their community, leading to wider impunity.<sup>10</sup> [...]

Local Iraqi civil society organizations, as well as the international community, are calling for transparent and fair trials that acknowledge the sexual and gender-based crimes committed by ISIL and the impacts they have on victims.<sup>45</sup> Thousands of sentences have been handed down in Iraq to members of ISIL, but not one has included sexual or gender-based crimes.<sup>46</sup> [...]

7 IraQueer, OutRight Action International, MADRE, OWFI, LGBT Human Rights Violations in Iraq, in Response to the Fifth Periodic Report of the Republic of Iraq, p. 8 (2015).

8 IraQueer, OutRight Action International, MADRE, OWFI, LGBT Human Rights Violations in Iraq, in Response to the Fifth Periodic Report of the Republic of Iraq, p. 8 (2015).

9 IraQueer, OutRight Action International, MADRE, OWFI, LGBT Human Rights Violations in Iraq, in Response to the Fifth Periodic Report of the Republic of Iraq, p. 8 (2015).

10 UN High Commissioner for Refugees (UNCHR), International Protection Considerations with Regard to People Fleeing the Republic of Iraq, p. 103, (2019).

[...] 45 Open Letter to the U.N. Security Council on the Government of Iraq's Prosecutions of ISIS Fighters (June 2018), <https://www.madre.org/press-publications/human-rights-report/open-letter-un-security-council-government-iraqs-prosecutions>.

[Australian Government Department of Foreign Affairs and Trade \(DFAT\), DFAT Country Information Report Iraq, 17 August 2020](#)

[...] The Constitution and law do not extend anti-discrimination protections to lesbian, gay, bisexual, transgender and/or intersex (LGBTI) individuals based on their sexual orientation or gender identity. [...]

According to NGOs, Iraqis who experienced severe discrimination, torture, physical injury, and the threat of death on the basis of real or perceived sexual orientation, gender identity and expression, and

sex characteristics have no recourse to challenge those actions via courts or other state protection agencies. [...]

[ILGA Asia, Lives at risk: The perpetual struggles of LGBTIQ people in Iraq, 2021](#)

[...] Even though there are existing laws protecting Iraqis violence, LGBTIQ Iraqis are often not protected by law enforcement. [...] [

The section on the treatment by the state of LGBTQI+ persons is short, which could give the impression that issues are infrequent or that the state is not heavily involved in responses towards LGBTQI+ persons. Other sources available in the public domain at the time of drafting the Iraq COI Query could have been included to give a sense of the depth and frequency of the main issues presented, for example on instances of police violence against LGBTQI+ persons, arbitrary detentions, and further statements and public sentiments voiced by prominent government representatives. Non-exhaustive illustrative examples include:

[Iraqeer, Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq, June 2018](#)

[...] Who commits these violations? [...]

The Iraqi government itself has also been directly involved in violating the rights of LGBT+ individuals. Despite its obligations under international human rights law to protect and realize human rights for all its citizens, and its ratification of several human rights treaties including the International Covenant Against Torture, several individuals — especially trans persons — have reported instance of verbal physical, and sexual abuse at various checkpoints across Baghdad and other cities. IraQueer is also in possession of several videos showing the police humiliating and physically abusing trans people, while filming the injustices themselves. Similarly, queer individuals, especially “masculine” women, “feminine” men, and trans people, have faced physical abuse in Northern Iraq under the Kurdistan Regional Government. Many of those individuals have been detained without being informed about their rights, or without access to legal representation.<sup>15</sup> Sazgar, a 41-year-old Lesbian based in Slemani was detained by the police several times. She told IraQueer, “A police officer threatened to rape me and said that it might make me a real woman”. [...]

15 Shibata, Mari. "How one man is trying to make it safer to be LGBTQ in Iraq." The Washington Post. July 27, 2016. [https://www.washingtonpost.com/news/soloish/wp/2016/07/27/how-one-man-is-trying-to-make-it-safer-to-be-lgbtq-in-iraq/?utm\\_term=.d6db88cdf15b](https://www.washingtonpost.com/news/soloish/wp/2016/07/27/how-one-man-is-trying-to-make-it-safer-to-be-lgbtq-in-iraq/?utm_term=.d6db88cdf15b).

[Rudaw, Queer in Kurdistan: LGBT+ community weighed down by societal pressure, 3 May 2021](#)

[...] Anti-LGBT sentiments are rife in Kurdistan, and held by some of its most educated and powerful. Omar Gulpi, a Kurdistan Justice Group (Komal) MP, filed a lawsuit in February against Rasan Organization, a non-profit advocating for LGBT+ rights in the Kurdistan Region. He called it a “sickness”. [...]

[ILGA Asia, Lives at risk: The perpetual struggles of LGBTIQ people in Iraq, 2021](#)

[...] Politicians and leaders have negative perceptions towards LGBTIQ movement and farmed [sic] it as “attacking” the Iraqi society’s values and religious teachings. [...]

Treatment by society of LGBT persons

The Iraq COI Query describes an excerpt from a media report as follows:

[EASO, COI Query, Iraq: Situation of LGBT persons in Iraq, 13 October 2021](#)

[...]3. Treatment by society of LGBT persons [...]

A media report of 27 March 2020 quoted LGBT activists expressing their reluctance to openly display their sexual orientation due to the fear of being targeted in particular by 'various religious-affiliated militias', claiming that 'their lives could be in danger'.<sup>12</sup> [...]

12 The New Arab, 'We are here': The LGBT activists on the frontline of Iraq's revolution, 27 March 2020, [url](#)

It is considered that further information and context could have been drawn from this media report to expand on the treatment by society and armed groups towards LGBTQI+ persons, the safety responses enacted by the LGBTQI+ community, and the efforts to demonstrate LGBTQI+ activism, as well as the limitations and dangers here, including the following:

[The New Arab, 'We are here': The LGBT activists on the frontline of Iraq's revolution, 27 March 2020](#)

[...] While interviewing various LGBT protesters at Baghdad's Tahrir Square *The New Arab* had to observe a great deal of caution in order to protect the interviewees' safety.

Among them is 25-year old Jafaar Al-Qarahghuli, a Baghdad-based activist who joined the protests taking place at Tahrir Square in early October, when the so-called Tishreen Revolution began.

"We do not carry logos or special flags or anything indicating our identities to avoid being an easy target for armed groups," he told *The New Arab*. "We attend the protests in high numbers to show that we are part of this, as part of the community". [...]

"The government, militias, community, and the constitution, all of them are against us," he added. "The demonstrations enabled people to demand their rights, and break off the taboos, like women who filled the streets after they were prevented from going out of the house". [...]

Earlier this year, an LGBT Arabic page launched a campaign on Facebook under the name 'One of you'. "We launched this campaign in order to let people in the Arab world know that LGBTQ people are a part of their communities. The campaign involved taking a picture in a public place and writing the phrase 'one of you' while showing the colours of the rainbow," someone involved with the LGBT Arabic team, who requested anonymity, told *TNA*.

The Iraqi LGBT community was among the first to participate in the campaign, despite the violence they face on a daily basis since joining the protests. [...]

"Being gay in Iraq means that you are at greatly more risk from attacks than other people," said 25-year-old Baghdad-based photographer Hayder Mundher. [...]

"I am thinking of leaving home to seek a better and safe life," he said. "I have been threatened twice now, both times in October 2018 while I was in Basra to video a short documentary talking about the LGBTQ community."

The threats came via a dating app. "Along with photos of me, the chatter wrote, 'you will be killed'. It was at this point that I decided to leave Basra." [...]

Some protesters even updated their Facebook profiles with photos showing their sexual orientation. One of them was Karar Ahmed, a 17-year-old from the conservative city of Najaf.

"My profile photo represents my identity, despite this I face harassment by people on a daily basis just because I chose to declare my orientation" Ahmed said. "Militia leaders and their TVs incite the community against us and spoil the revolution by spreading inflammatory words, but I do not care what they are doing, I will not hesitate to keep saying that I am here". [...]

The Iraq COI Query also referenced reports from the Middle East Eye and the Jerusalem Post of a Twitter statement by Iraqi Shi'ite cleric leader Muqtada al-Sadr, observing that:

[EASO, COI Query, Iraq: Situation of LGBT persons in Iraq, 13 October 2021](#)

[...]3. Treatment by society of LGBT persons [...]

On 28 March 2020, Iraqi Shi'ite cleric leader Muqtada al-Sadr expressed opposition against gay marriage on a social media network, claiming that the legalisation in various countries of same-sex marriage had 'caused the outbreak of the coronavirus pandemic'.<sup>13</sup> [...]

13 MEE, Coronavirus: Iraqis criticise Muqtada al-Sadr for same-sex marriage claims, 30 March 2020, [url](#)  
Jerusalem post (The), Pro-Iran cleric in Iraq says same-sex marriage caused coronavirus, 29 March 2020, [url](#)

It is considered that it would have been relevant here to add further information about the extent of societal responses to, and agreement with Sadr's opinion, as well as the potential breadth of his influence, as is reported in the first source:

[Middle East Eye, Coronavirus: Iraqis criticise Muqtada al-Sadr for same-sex marriage claims, 30 March 2020](#)

[...] The tweet by Sadr, who has a huge following in Iraq, received more than 10,000 likes - but there were also around 6,000 replies heavily criticising his comments. [...]

In a statement on Sunday, the Iraqi LGBT rights group [IraQueer](#) condemned Sadr's coronavirus comments, accusing him of "weaponising" the fears and anxieties of Iraqis.

"Making such ignorant statements will not only endanger LGBT+ people's lives, but will also put the lives of all Iraqis at risk," the group said in the statement. [...]

The Iraq COI Query's excerpted information around the societal reaction to the day in 2020 on which foreign embassies raised the rainbow flag to celebrate the International Day Against Homophobia, Transphobia, and Biphobia was as follows:

[EASO, COI Query, Iraq: Situation of LGBT persons in Iraq, 13 October 2021](#)

[...] 3. Treatment by society of LGBT persons [...]

On 17 May 2020, several foreign embassies and the World Bank office in Baghdad raised the rainbow flag to celebrate the International Day Against Homophobia, Transphobia, and Biphobia.<sup>14</sup> In addition to objections by government officials, the move was met with 'strenuous objections by Islamic parties and PMU [Popular Mobilization Units/ Popular Mobilization Forces] militias'.<sup>15</sup> According to USDOS quoting unnamed media sources, 'a few days after the rainbow flag [sic] was raised [...] a young gay man was killed in Baghdad's Sadr City neighbourhood, and another in Babil Province, in an apparent backlash against the flag raising'.<sup>16</sup> [...]

14 The New Arab, Baghdad demands apology after EU embassies raise 'LGBTQ rainbow flag' in Iraqi capital, 18 May 2020, [url](#); Kurdistan 24, Iraq condemns foreign embassies for violating country's 'values' by displaying rainbow flag, 17 May 2020, [url](#)

15 Al Monitor, Rainbow flags over Baghdad fan debate, spur fear, 27 May 2020, [url](#)

16 USDOS, Iraq 2020 Country Report on Human Rights Practices, 30 March 2021, [url](#); Shafaq, Gunmen assassinate "Gay" person in Baghdad, 20 May 2020, [url](#)

It is suggested that, given this was a significant event for the LGBTQI+ community in Iraq and was covered widely in national and international media, the societal reaction against the flag raising could have been covered more substantially in the Iraq COI Query from further information within the cited sources. For example, the referenced reports give the following additional information, which could have been excerpted directly:

[Kurdistan 24, Iraq condemns foreign embassies for violating country's 'values' by displaying rainbow flag, 17 May 2020](#)

[...] The Iraqi foreign ministry condemned foreign embassies on Sunday for offending what it called the country's "norms and values" by hoisting the rainbow flag, also termed the LGBTQ or gay pride flag, on the International Day Against Homophobia, Transphobia, and Biphobia. [...]

The Iraqi foreign ministry claimed in a statement that the move is a "violation of the high moral principles and values respected by all divine religions" and goes against the "sacred religious feelings" of Iraqis. The nation is majority Shia Muslim.

It should be noted that religious communities, notably the Abrahamic faiths of Christianity and Judaism, have become more accepting of sexual and gender minorities in recent decades. Many European and North American countries—which are majority Christian—and Israel—predominantly Jewish—have enacted laws protecting them from discrimination and hate crimes.

Even among Muslims, especially the younger generations and those part of the European and American diaspora, there is a growing positive, or at least permissive, view of and attitude toward these historically, and still to this day, oppressed communities.

Iraqi LGBTQ activists long been part of campaigns to raise awareness about these groups in the country, slowly growing after the fall of the former regime of Saddam Hussein in 2003 to a US-led military campaign.

As the voice of these activists grew, however, influential figures upped their calls for violence against LGBTQ Iraqis, who have also been a part of the anti-government protests that began in late 2019 and calling for systemic change. Official reports indicate that Iraqi forces have killed upwards of 600 demonstrators and wounded over 20,000 others.

A largely conservative society, individuals who were, or suspected of being, part of the LGBTQ community have been targeted for their presumed identities, including one particularly gruesome incident in late 2018. [...]

In his Sunday statement on the hoisting of the flag, Sadr—the chief of the largest faction in the Iraqi parliament—referred to LGBTQ people as “mentally ill needing treatment and guidance.” He also said he expected the Iraqi government and parliament to respond to the embassies raising the flag.

In late March, the self-styled nationalist cleric joined a host of unqualified figures to theorize the origins of the new coronavirus disease. He blamed it on one of his usual scapegoats, claiming that same-sex marriage was among the “causes” of the global pandemic.

Another influential politician and cleric, Ammar Hakim, was among a series of officials who spoke out against the hoisting of the flag. Deputy parliamentary speaker Bashir Haddad, the Religious Affairs Committee, and a number of other factions in the legislature issued similar remarks.

The Dawa Party of former Iraqi prime minister Nouri al-Maliki said the move to raise the rainbow flag in the capital was especially offensive during the holy month of Ramadan, while Iraqis are “closer to God.”

Few other issues, including the daily killings of protesters on the streets of Iraq, appear to have caused such a speedy chorus of condemnatory statements from so many government bodies and top officials across ethnic and sectarian lines. [...]

#### [The New Arab, Baghdad demands apology after EU embassies raise 'LGBTQ rainbow flag' in Iraqi capital, 18 May 2020](#)

[...] Influential Shia cleric Muqtada Al-Sadr's Sairoon bloc claimed the gesture was "unacceptable", coming during the holy Muslim fasting month of Ramadan.

"We refuse and condemn any behaviour that contradicts the culture and religion of the Iraq people. We ask the European mission in Iraq to lower the flag," read a Sairoon [statement](#).

"We are in a blessed and holy month for all Muslims, and the foreign diplomatic missions in Iraq need to take into account the peculiarities of Muslim peoples," it added.

The cleric later issued a series of tweets on his official account, in which he took aim at the LGBTQ community saying they were "mentally ill and in need of recovery and guidance".

The raising of the flag was an "attack on all People of the Book, not just Muslims", he added, referring to Christians and Jews.

Despite the uproar from some conservative segments of Iraq's political establishment, other Twitter users praised the gesture. [...]

#### [Shafaq News, Gunmen assassinate “Gay” person in Baghdad, 21 May 2020](#)

[...] Gunmen killed a person on Wednesday with silencer guns in Baghdad's Sadr City, leaving behind, a "warning message" that might be a prelude to homosexual assassinations in Iraq.

"An armed group killed a person with silencers in Sadr City," a police officer told Shafaq News Agency. "Preliminary information indicates that the victim is homosexual," noting that "a letter was found near his body saying: a warning message ... To the genuine Iraqi families, your children must be followed up from practicing homosexuality".

The incident comes days after the European Union mission in Baghdad raised the rainbow flag above its headquarters on the occasion of the International Day Against Homophobia, for the first time in the history of Iraq. [...]

Raising the flag sparked widespread angry reactions from Iraqi political parties, considering that this matter contradicts the traditions of conservative Iraqi society.

Human rights organizations say that homosexuals have been vulnerable to murder in Iraq by unknown armed men for many years. [...]

[Al Monitor, Rainbow flags over Baghdad fan debate, spur fear, 27 May 2020](#)

[...] The embassies of Canada and the United Kingdom and the offices of the World Bank and the European Union raised rainbow LGBTQ flags in Baghdad to mark the International Day Against Homophobia and Transphobia on May 17.

Though welcomed by liberals, the gesture prompted an online backlash, strenuous objections by Islamic parties and PMU militias and spurred fear among Iraq's LGBTQ community. The fierce online commentary from conservatives forced the embassies to delete tweets that showed the colorful flag fluttering alongside the flags of the European Union, Canada and Iraq.

The hashtag #No\_to\_LGBT\_flag\_in\_Iraq trended on Twitter, particularly among supporters of controversial Shiite cleric Muqtada al-Sadr. Many users shared a photograph of a rainbow flag being burned, warned its hoisting would have consequences, called to bring back the death squads that used to kill gay men with concrete blocks and religious posts condemning homosexuality. [...]

Observers expressed fears of a possible violent backlash.

"Sadr's supporters threatened to kill gays online. A day later, a person was shot dead with a silencer in Sadr City. The body was left with a letter in his hand telling Iraqi families to warn their sons against homosexual activities," said Noor al-Qaisi, a Sweden-based Iraqi activist and blogger. [...]

It is also noted that the date for the Shafaq News source referenced in footnotes should be 21 May 2020, instead of 20 May 2020.

In addition to these sources, the following information, from a local NGO, found in the Australian Department of Foreign Affairs and Trade (DFAT) report should have been included as it proves further the reaction against the LGBTQI+ community in Iraq as a result of the flag incident [emphasis added]:

[Australian Government Department of Foreign Affairs and Trade \(DFAT\), DFAT Country Information Report Iraq, 17 August 2020](#)

[...] When the EU Mission to Iraq raised a rainbow flag in its compound (co-located with the UK Embassy) in May 2020, accompanied by a tweet (supported by the UK and Canada) to mark International Day Against Homophobia, Biphobia, Intersexism and Transphobia, Iraq's Ministry of Foreign Affairs (MOFA) protested strongly. Following considerable public backlash and the MOFA statement, the tweet was removed from social media. **According to an Iraqi LGBTI NGO, an uptick in violence against the community followed the incident, with nine LGBTI people killed in just two months.** [...]

The Iraq COI Query added the following excerpt by Iraqueer portraying the LGBTQI+ community in Iraqi media:

[EASO, COI Query, Iraq: Situation of LGBT persons in Iraq, 13 October 2021](#)

[...] 3. Treatment by society of LGBT persons [...]

In June 2020, Iraqueer, an Iraqi NGO working to advance LGBT+ rights, published a report on the 'spread of anti-LGBT+ rhetoric' in the Iraqi media. According to the organisation, the 'majority of media coverage' in Iraq 'is biased against the LGBT+ community, reinforcing discriminatory ideas that LGBT+ individuals are alien to Iraqi society, and that LGBT+ identities are ailments that must be treated and eradicated'.<sup>18</sup> [...]

<sup>18</sup> Iraqueer, BIASED - Iraqi Media and the Spread of Anti-LGBT+ Rhetoric, June 2020, [url](#), p. 4

It is considered that the Iraq COI Query only referenced a small portion of the executive summary of the report, despite the remainder of the report displaying extensive findings pertaining to the media treatment of LGBTQI+ persons, societal reactions (including those of religious leaders and militia), and the effects of this on LGBTQI+ lives, including the following examples:

## [IraQueer, BIASED - Iraqi Media and the Spread of Anti-LGBT+ Rhetoric, June 2020](#)

[...] The poor state of LGBT+ rights in Iraq is influenced by a number of factors. Chief among them are certain religion and traditional values, which are frequently cited by religious and political figures as justification for discrimination against the LGBT+ community. The effect cascades from there: A lack of LGBT+ resources or education in local languages to counter these narratives allows them to spread widely, and groups across society—from medical professionals to educators to civic leaders—take advantage, scapegoating LGBT+ individuals to promote their agendas or explain away societal ills.

In societies where scientific and social resources about LGBT+ people are absent, media outlets can play a crucial role in shaping public opinion by providing fact-based coverage and holding those who violate the rights of LGBT+ Iraqis accountable. Though Iraqi media outlets have started covering LGBT+ issues in the last 10 years, they are not yet using their platforms to meet these responsibilities. Just the opposite.

The majority of media coverage today is biased against the LGBT+ community, reinforcing discriminatory ideas that LGBT+ individuals are alien to Iraqi society, and that LGBT+ identities are ailments that must be treated and eradicated. [...]

In a study conducted by IraQueer in 2018, 89% of LGBT+ respondents shared that the media coverage in Iraq has negatively impacted the way they perceive their queer identities.

Additionally, the nature of the media coverage shifted from mainly translating articles published internationally to locally produced articles and TV shows that vilify LGBT+ people. Our analysis of the search results found that the overwhelming majority of the media coverage was biased against the LGBT+ community, encouraging people to reject such identities. On many occasions, the coverage went as far as calling for the elimination of LGBT+ people from society to “protect” innocent children and youth who are “easily influenced”. [...]

Al-Sumariyah News published a statement in September 2017 by Qaes Al-Khazali, the leader of Asaab Ahl Al- Haq, a group responsible for many of the killing campaigns against LGBT+ individuals. In his statement, Al- Khazali states, “There are people who work on spreading sexual abnormality in the Iraqi society with the support of the United States. We will defend the culture and identity of this country with the support of our religion and beliefs.” Similarly, they released a statement in 2018 by Muqtada Al-Sadr, the leader of the Sadr political party, formerly an armed militia responsible for LGBT+ murders between 2006 and 2012, which stated, “Homosexuals struggle with mental disorders and internal pressure that result in resorting to negative actions like wearing women’s clothes instead of men’s, and they are mentally ill.”

Al-Shafaq News published a statement in March 2020 from Jawad Al-Khalisi; a religious leader who reacted to IraQueer’s work around the right to life and Iraq’s acknowledgement of that right by saying “Religious leaders should condemn the work of IraQueer, and should call to expel the British and American ambassadors from Iraq.” [...]

The Iraqi Media Network used the terms “abnormal”, “shemale” and “prostitution” when talking about LGBT+ people. [...]

The anti-LGBT+ narrative continues to be presented by these outlets. In recent years however, certain writers and alternative media outlets have tried to offer more neutral coverage.

Rudaw’s English section occasionally offered the opportunity for LGBT+ activists and individuals to share their story. The most recent article was an opinion editorial talking about the backlash that was caused by European Union and other embassies raising the rainbow flag in Baghdad, and it was written by IraQueer’s founder, Amir Ashour. But this article represents an example of a very limited media coverage in written media outlets where LGBT+ people are sharing their own story, or are portrayed in neutral or positive ways. [...]

Almost all the programs and news segments had a haunted house-like music playing while talking about LGBT+ identities. Some of them even added extra dangerous sounding music, like the sound of a bomb after any statement they deemed to be “controversial” and was made by an LGBT+-identifying person. Such music played after statements like, “I am gay,” “I want to kiss another boy,” and “Humans become aware of their sexuality when they are younger.” Similarly, some of the programs even filmed their episodes and interviewed LGBT+ people in abandoned warehouses, dark alleys, and other suspicious-looking environments. [...]

Hosts and “expert” guests often started the shows detailing the reasons why one becomes LGBT+. The reasons they listed included hormonal abnormality, birth defects, mental illness, families and lack of

parental guidance, rape and sexual abuse, and disconnection from religion. Hosts' questions ranged from "Why do people become this way?" to "How do we solve these problems?", which is to say they portray the LGBT+ community as a threat to the structure of Iraqi society that needs to be remedied. Through such questions, the media is implicitly taking the position in which they believe that homosexuality is an illness, and their objective is to prove or reinforce this theory through their coverage.

Additionally, many of the "experts" expressed how they perceive LGBT+ people as deviant individuals who are "controlled by temporary lust" that could potentially develop into an addiction should the individual continue choosing to express and practice their "abnormal" sexual orientations. The idea that being LGBT+ is natural was not considered even once. In fact, they repeatedly used words like crime, sin, and outsiders to convey the idea that being LGBT+ is not a part of the Iraqi identity.

Many of them even claimed that the number of homosexuals has increased since the invasion of Iraq in 2003, casting them as victims of foreign campaigns to promote homosexuality and destroy Iraqi society's moral foundation. But also often contradicting themselves by saying that the rights of these groups do not need to be addressed since Iraq has so few of them.

Furthermore, LGBT+ rights activists and allies continue to be attacked by the media as they are referred to as "more dangerous than terrorists" who should be held accountable for endangering the youth and other vulnerable groups in the society. In several interviews, Ahmed Al-Sahhaf; the spokesperson of the Iraqi Ministry of Foreign Affairs has called for legal actions to be taken against groups like IraQueer. Naturally, by agreeing that reasons for homosexuality and other non-conforming sexual orientations are all societal ailments, the guests and hosts try to explore potential solutions. These solutions ranged from better parenting skills to better efforts from governmental and religious institutes to "reintegrate" the youth into society after "treating" them. The words "treatment" and "preventions" were used a total of 188 times, while words like criminals and punishment were used 134 times. 100% of their solutions were anti-LGBT+ people as none of them considered the possibility that being LGBT+ is not a problem. [...]

When referring to LGBT+ people, the overwhelming majority of the words used to describe them were negative. Words like "faggot," "sinner," "abnormal," "mentally ill," "outcast," "lustful," and "prostitutes" were used to refer to LGBT+ people. These words are often used to voice moral disapproval toward these identities. [...]

The use of negative terms pushes the public to associate LGBT+ people with offensive adjectives, therefore making it harder for advocates to change public opinions as the language the public understands is inherently negative. As previously highlight, this has also impacted the mental health of LGBT+ people the majority of whom were negatively impacted by the media coverage. [...]

Despite all these negative aspects to the programs and the larger media coverage, there are still a few positive signs that could be the beginning of better media practices and coverage of LGBT+ topics. Despite the security risks, one can argue that the increased level of coverage is a positive sign that LGBT+ people are being slowly recognized. [...]

That being said, the media in Iraq generally are not meeting their responsibilities. Most notably, TV channels have been systematically promoting hate speech and violence against members of the LGBT+ community in Iraq. Despite the increase in the use of more neutral words like "homosexuals" in the last year, Iraqi media outlets have not shown a noticeable will to challenge the narrative they are offering. On the contrary, they have often provided militia leaders like Al Khazali and Muqtada Al Sadr with a platform to spread and inspire anti- LGBT+ campaigns. In fact, Al-Ahd TV is run by Asaab Ahl Al-Haq, which is an armed militia that under the leadership of Al-Kazali has organized numerous killing campaigns targeting LGBT+ people. These channels continue to offer politicians the opportunity to spread inaccurate and contradicting information to Iraqis. Ahmed Al-Sahhaf's denial of the right to life for LGBT+ people contradicts the fact that the Iraqi government recognized this right for all regardless of their sexual orientation in a submission to the United Nation's Human Rights Committee. [...]

The Iraq COI Query could also have made brief reference to the methodology of the report and the time coverage of the data utilised, including:

[Iraqueer, BIASED - Iraqi Media and the Spread of Anti-LGBT+ Rhetoric, June 2020](#)

[...] For this report, IraQueer searched the websites of more than 60 Iraqi media outlets including newspapers, TV networks, and online platforms using keywords including "homosexuality" ("Al

Methliya Al Jinsiya”) and “sexual abnormality”(“Al Shuthuth Al Jinsi”) as such terms are the ones that are commonly used by media outlets when speaking about LGBT+ people. The search results that are used in this study are of those media coverage between the years 2012 and May 31st, 2020. IraQueer’s search results led to collecting 208 news items from the 60 Iraqi media outlets. We have conducted a general content analysis for articles, news segments, and TV programs that talked about LGBT+ people to better understand their role in shaping public opinion about the LGBT+ community. [...] Finally, we rely on publications produced by scholars, human rights organizations, and other relevant experts to be able to draw conclusions that are credible and fact based. [...]

It is also suggested that the Iraq COI Query could have created a separate heading on ‘Media reaction and reporting on LGBTQI+ persons’ to include the above information.

The Iraq COI Query added the following excerpt from a media report:

[EASO, COI Query, Iraq: Situation of LGBT persons in Iraq, 13 October 2021](#)

[...] 3. Treatment by society of LGBT persons [...]

On 1 October 2020, the Middle East Eye media outlet stated that ‘LGBTQ [lesbian, gay, bisexual, transgender and queer] people in the country have for years faced the threat of violence, with many murders taking place at the hands of armed groups that face little to no accountability’. The same source quoted a protestor in Baghdad, who stated that her announcement of being gay had caused her ‘problems, including threats by militias’. The report also highlighted the ongoing ‘campaign of violence by non-state armed groups in Iraq’ against various groups including ‘LGBTQ people’, which had ‘led to increasing calls for the government to rein in the militias and hold them accountable for their actions’.<sup>19</sup> [...]

<sup>19</sup> MEE, LGBTQ activists in Iraq will ‘not hesitate’ to keep on protesting despite threats, 1 October 2020, [url](#)

The media report in question also included the following information, which may have been useful to include to give further information around societal treatment of LGBTQI+ persons and key challenges for them in society. A fuller excerpt is added here, with useful findings are highlighted in bold [emphasis added]:

[Middle East Eye, LGBTQ activists in Iraq will ‘not hesitate’ to keep on protesting despite threats, 1 October 2020](#)

[...] “Most of my friends in the protests are gay, but **no one reveals their sexual identity**,” said Malak, a lesbian student at the Arts College in Baghdad.

While homosexuality is not illegal in Iraq, few would deny that LGBTQ individuals as a whole have long faced widespread discrimination and remain largely invisible in what is still a mostly conservative society.

LGBTQ people in the country have for years faced the threat of violence, with many murders taking place at the hands of armed groups that face little to no accountability. [...]

Since the beginning of the demonstrations, hundreds of activists have been killed by security forces and other armed groups.

“I had announced my sexual identity among my friends in Tahrir Square and demanded they speak about LGBT rights during the protests,” Malak said.

“This caused me problems, including **threats by militias**... so I left the protests for several days, but I returned to Tahrir Square because there was no safe place for me.

“Even if there was a law that supported us, society would remain a major obstacle - stuck on **customs based on male domination and tribal custom**,” she added.

“Our demands are simple: to just live safely in our country without being subjected to **physical and psychological abuse**, and without being dealt with as **outcasts, even by our families**.” [...]

Amir Ashour, executive director of gay rights group IraQueer, said the LGBTQ community in Iraq has been subjected to all kinds of **verbal and physical violence**, adding that local and international organisations have documented **killing campaigns of LGBTQ people in every year since 2006, with more than 220 LGBTQ people killed in 2017**. [...]

For many queer Iraqis, after years of repression, the protests have forced some of their heterosexual fellow citizens to reckon with their existence and question the demonisation of the LGBTQ community. "We are **ostracised due of the way we dress and our Western haircuts** - we want to be free from the religious and social restrictions of society," said Ramy, a 17-year-old high school student. [...]

Some of those involved in homophobic campaigns, such as **followers of the cleric Muqtada al-Sadr**, have also at times played a major role in the anti-government protests, something which worries LGBTQ activists.

Safaa, a 29-year-old communications engineer originally from the city of Nasiriyah, said he had mixed feelings about taking part in demonstrations alongside people who would reject him due to his sexuality.

"As an LGBT person in an Islamic country that kills gays, I refused to participate in the protests, but the young men who were being killed by militia snipers are the biggest incentive to join the protesters," he said.

"I feel guilty over the blood of those who were killed. At the same time, I know that there are individuals in the protests where, **if they knew I was gay, I would be at risk of being killed.**" [...]

"Even if I escaped from security forces, there will be other bullets that could lodge in my head." [...]

A number of recent controversies have recently **stoked more homophobic sentiment within the political establishment and wider society**, regarding the perceived threat caused by LGBTQ activists to Iraq's social norms.

In May, a number of European embassies raised the rainbow LGBTQ flag to mark International Day Against Homophobia, Transphobia and Biphobia, sparking an outcry from a number of Iraqi politicians and religious figures. [...]

Sadr issued a warning to the European Union mission in Iraq, describing homosexuals as mentally ill and in need of treatment, while his office handed the European Union mission a letter of protest over the incident.

In the wake of the controversy, **a number of young men were murdered in cases suspected to be motivated by homophobia.** The real number of lives lost to such bouts of hate crimes cannot be properly recorded, as **many families fail to disclose the circumstances behind their loved ones' deaths due to prevailing stigma.**

One of the victims was from the Sadr City neighbourhood of Baghdad - a letter was found near his body saying: "To the genuine Iraqi families, your sons must be prevented from practising homosexuality." Among the few organisations that exist in Iraq to help LGBTQ people facing the threat of violence is Seefar.

Hawar Ali, a project coordinator for the NGO, said it could provide psychological support or secure temporary places for those who are fleeing death threats - but added that many queer Iraqis were trying to leave the country altogether, often hoping Seefar could provide them with assistance to do so.

"This is impossible, especially with the strict imposition of travel restrictions on Iraqis and the failure of humanitarian organisations to obtain grants for helping those people," he said.

"All of these solutions are temporary. We don't have support to provide safe shelter for those who are under threat, and this is the reason why we lose a lot of the cases, and we do not know what their fate is later." [...]

Meanwhile, the continued campaign of violence by non-state armed groups in Iraq - not only against LGBTQ people, but activists, political analysts and foreign interests - has led to increasing calls for the government to rein in the militias and hold them accountable for their actions.

Prime Minister Mustafa al-Kadhimi, who came to office in May, has repeatedly promised to crack down on violence by militias and to investigate the killing of protesters since October 2019. [...]

The Iraq COI Query described an excerpt from the U.S. Department of State's 2020 report on human rights in Iraq:

[EASO, COI Query, Iraq: Situation of LGBT persons in Iraq, 13 October 2021](#)

[...] 3. Treatment by society of LGBT persons [...]

According to USDOS, LGBTI individuals in the Kurdistan Region of Iraq (KRI) 'also faced intimidation, threats, violence, and discrimination'. The source quoted accounts of LGBTI individuals who stated that

‘they could not live openly’ in the KRI due to fearing ‘violence at the hands of family members, acquaintances, or strangers’. Moreover, LGBTI individuals in the KRI ‘struggled to be accepted’ by their families and community, and ‘disguised their identity from their families due to fear of violence, verbal abuse, and killing’.<sup>21</sup> [...]

21 USDOS, Iraq 2020 Country Report on Human Rights Practices, 30 March 2021, [url](#)

It is suggested that it would have been more accurate and informative to include the whole excerpt which stated that [emphasis added]:

[USDOS, 2020 Iraq Country Report on Human Rights Practices, 30 March 2021](#)

[...] LGBTI individuals also faced intimidation, threats, violence, and discrimination in the IKR. LGBTI individuals reported they could not live openly in the IKR without fear of violence at the hands of family members, acquaintances, or strangers. Rasan Organization for gender-based violence and LGBT awareness posted a video documentary in September 2019 about the **impact of COVID-19 on LGBT individuals in the IKR**. LGBTI individuals struggled to be accepted by their family members and the IKR community and disguised their identity from their families due to fear of violence, verbal abuse, and killing.

According to NGOs, Iraqis who experienced severe discrimination, torture, physical injury, and the threat of death on the basis of real or perceived sexual orientation, gender identity and expression, and sex characteristics had **no recourse to challenge those actions via courts or government institutions**. [...]

The Iraq COI Query included a media report excerpt on the experiences of one LGBTQI+ person now living in the United Kingdom, noting that:

[EASO, COI Query, Iraq: Situation of LGBT persons in Iraq, 13 October 2021](#)

[...] 3. Treatment by society of LGBT persons [...]

On 6 May 2021, a media report quoted an Iraqi refugee in the United Kingdom, stating that he had ‘been badly beaten and thrown in prison three times for being gay’ in his native city of Sulaymaniyah, in the KRI.<sup>22</sup> [...]

22 Pink News, Brave Iraqi refugee fled to the UK after being brutally beaten and thrown in prison just for being gay, 6 May 2021, [url](#)

It is suggested that this excerpt would be more appropriate in the ‘Treatment by the state of LGBT persons’ section, given it focuses on official/police treatment of LGBTQI+ persons, about which further information is added in emphasis below.

[Pink News, Brave Iraqi refugee fled to the UK after being brutally beaten and thrown in prison just for being gay, 6 May 2021](#)

[...] A refugee, who is living in the UK, was forced to flee his home in Iraq after being badly beaten and thrown in prison three times for being gay.

The 32-year-old man, who wished to remain anonymous, told Leeds Live that he grew up in the city of Sulaymaniyah, in the Kurdistan Region, in northern Iraq. [...]

“I had a very very bad life, I [was in a] bad situation with bad suffering,” he said. “Three times I was [put] in prison just for the reason that I’m gay.” [...]

The man told Leeds Live he was arrested one time for just sitting in a park that was “known for gay people”. He said the **police came and started “slapping me all over and kicking me”** before demanding the man humiliate himself and ask to be forgiven.

“Then, he [the police officer] say I must kiss his shoes and ask to be forgiven, but he kicked me again,” he said.

The **man said he lived in constant fear of further abuse and confrontation by the police**. [...]

The original article included information also around the experiences of this individual and others, which further elucidate the societal treatment of LGBTQI+ persons in the community in Iraq, and particularly in the Kurdistan Region of Iraq, which could have been included in a fuller excerpt [emphasis added]:

[Pink News, Brave Iraqi refugee fled to the UK after being brutally beaten and thrown in prison just for being gay, 6 May 2021](#)

[...] A refugee, who is living in the UK, was forced to flee his home in Iraq after being badly beaten and thrown in prison three times for being gay.

The 32-year-old man, who wished to remain anonymous, told Leeds Live that he grew up in the city of Sulaymaniyah, in the Kurdistan Region, in northern Iraq. [...]

“I had a very very bad life, I [was in a] bad situation with bad suffering,” he said. “Three times I was [put] in prison just for the reason that I’m gay.”

He said **nobody “accepted you” or “supported you”** if someone came out as part of the LGBT+ community. The man said he was subjected to **horrific abuse when he lived in Sulaymaniyah**. He said people called him “stupid”, “sick” or “street boy” and people would spit in his face or threaten to tell other people that he was gay. [...]

He said “being gay” in the region is “worse than murder” because he felt it’s “one of the most dangerous places to be gay”. The man added that **some people believe gay people should be put in jail or given the death sentence simply for existing**.

“They will arrest you, they will attack you and they will insult you,” he explained. “And nobody can support your life never, nobody can accept [your] life never ever.”

The gay refugee told Leeds Live he felt like he had no other option but to flee Iraq because his life “was always at risk” and he “couldn’t live” with **“having to lie” about his sexuality**. [...]

The Iraq COI Query also quotes findings from an ILGA-Asia report on challenges faced by the LGBTQI+ community in Iraq.

[EASO, COI Query, Iraq: Situation of LGBT persons in Iraq, 13 October 2021](#)

[...] 3. Treatment by society of LGBT persons [...]

A 2021 report by ILGA-Asia stated that ‘LGBTIQ [lesbian, gay, bisexual, transgender/transsexual, intersex and queer] people continue to face risks when trying to get treatment for sexually transmitted infections (STI), especially when the STI could indicate the type of sex they have’, with such people facing ‘the risk of being outed to the police by the doctor’. The same source stated that ‘LGBTIQ Iraqis often find themselves either being kicked out by their families or escaping them as their lives are in danger’, while also highlighting that the ‘lack of employment opportunities for many LGBTIQ people, especially those who have nonconforming gender expressions, or those that do not match their gender markers, further marginalizes them’.<sup>23</sup> [...]

23 ILGA Asia, Lives at risk: The perpetual struggles of LGBTIQ people in Iraq, 2021, [url](#), p. 10

While the Iraq COI Query selects important information related to societal discrimination, including in healthcare and employment, as well as family treatment, many important findings related to societal treatment and LGBTQI+ activism and visibility have not been referenced, including:

[ILGA Asia, Lives at risk: The perpetual struggles of LGBTIQ people in Iraq, 2021](#)

[...] LGBTIQ organizations have been facing threats from religious and conservative groups, and most of the organizations are operating underground to provide safe houses, medical services, awareness raising, public education, and human rights training. Some organizations are more active with international advocacy and lobbying with regular submission of reports to different U.N. bodies such as the Human Rights Council and the Human Rights Committee. These organizations produced publicly available resources such as guides, videos, reports, and articles aiming to advance the movement.

Despite a suppressive environment, the number of LGBTIQ activists and organizations is increasing due to the strong demand for support of the local community, along with leading efforts of international

organizations. The visibility of LGBTIQ organizations is increased through media coverage and more community members are starting to get involved with them. A number of media personnel started more queer-friendly language and hosting LGBTIQ activists. There is an urgent need to put an end to the systematic killing campaigns against LGBTIQ Iraqis and recognition of the right to life by Iraqi government domestically. The advocacy to end the systematic killing against LGBTIQ is one of the priority areas of LGBTIQ organizations, in addition to safe health services including STI treatment. Another priority is the amendment of the shelter law which currently does not allow civil society organizations in Iraq to provide safe housing for victims in need. [...] Lack of awareness about LGBTIQ people and negative portrayal of LGBTIQ people in media are the other key challenges for LGBTIQ organizations to protect the rights of LGBTIQ persons in Iraq.

[...] In addition to the right to life, other human rights of LGBTIQ people are threatened. LGBTIQ people continue to face risks when trying to get treatment for sexually transmitted infections (STI), especially when the STI could indicate the type of sex they have; for instance, if someone has an STI in their anus, they face the risk of being outed to the police by the doctor. They often find themselves having to pay triple the amount of money to be treated, although this strategy does not work all the time.<sup>2</sup>

Finally, LGBTIQ Iraqis often find themselves either being kicked out by their families or escaping them as their lives are in danger. The lack of employment opportunities for many LGBTIQ people, especially those who have non-conforming gender expressions, or those that do not match their gender markers, further marginalizes them as they cannot afford to rent a place on their own. This challenge has been exacerbated by the COVID-19 pandemic as many of them found themselves having to quarantine with abusive families or temporary hosts. While organizations like IraQueer, Organisation of Women's Freedom in Iraq (OWFI), and others provide safe housing, the need far exceeds the capacity of the safe houses offered by these organizations, forcing many LGBTIQ people to continue living with families that are verbally and physically abusive of them.<sup>3</sup> [...]

2 ILGA Asia interviews with IraQueer and OWFI, undisclosed locations, 2020.

3 Other organizations chose to remain anonymous to avoid threats.

It is suggested that information here related to LGBTIQ+ activism, advocacy and the strategies of LGBTIQ+ rights organisations would have warranted a section to itself, including the following information from this report:

#### [ILGA Asia, Lives at risk: The perpetual struggles of LGBTIQ people in Iraq, 2021](#)

[...] Strategies Employed to Advance LGBTIQ Rights

In Iraq, the leading LGBTIQ rights organizations have seen their work gaining attention over the past years, which led to threats from religious and conservative groups. They were attacked on social media, and were asked to stop defending LGBTIQ people. These organizations continue to operate mostly underground as exposure could endanger their work and the lives of people working at the organization. For example, IraQueer, while doing their work more publicly, kept most of their employees hidden. Other organizations like SEED and OWFI operate mostly underground for security reasons.

IraQueer ([www.iraqueer.org](http://www.iraqueer.org)):

IraQueer is the country's first and only national LGBTIQ led organization. It was founded in 2015, and is run entirely by LGBTIQ staff and volunteers. IraQueer's work has reached more than 1 million people in the last five years. This includes providing safe housing, raising awareness, and providing other services. In general, they focus on three different areas:

- Education: In the beginning of its founding, IraQueer focused on education as a primary aspect of its work. During these years, the organization produced numerous guides for the LGBTIQ community including a sexual health guide, security guide, a story book, and other publications that were aimed at raising awareness amongst and about LGBTIQ Iraqis. Some of these publications were authored in collaboration with partners, while others were done all by themselves. IraQueer also joined OWFI's efforts in producing a radio program that talked about LGBTIQ people for the past three years.
- Advocacy: IraQueer has been the leading voice in advocating for LGBTIQ rights at the international level. IraQueer and other partner organizations have submitted numerous UN reports, spoken at different international events including the Human Rights Council, the Human Rights Committee, among others. IraQueer was the leading force behind Iraq's recognition of the right to life for people regardless of

their sexual orientation in their submission to the Human Rights Committee for the review of Iraq's commitments under the International Covenant on Civil and Political Rights in February 2020 (Human Rights Committee, 2019).

- Direct Services: Together with OWFI, IraQueer provides LGBTIQ Iraqis with safe housing, medical services including treatment for sexually transmitted infections, and referrals especially for those who are seeking asylum to support them with their cases.

Organization of Women's Freedom in Iraq (OWFI) (<http://www.owfiraq.org/>):

As a feminist organization, OWFI supports LGBTIQ rights discreetly to protect their other work. OWFI provided safe housing for nearly 100 LGBTIQ people in the last six years, and supported about 25 people with medical services. Their radio program reached more than 600,000 listeners in the last five years.

- Education: In partnership with IraQueer, OWFI made numerous brochures and posters that were distributed around Baghdad to raise awareness about LGBTIQ people. They were the only organization in Iraq to start a radio program that talks about LGBTIQ people which was later hosted jointly with IraQueer.

- Direct Services: In partnership with IraQueer, OWFI provided safe housing to members of the LGBTIQ community who were fleeing from violent families, neighbors, or other threats. They also helped LGBTIQ people with medical needs and legal representation through bailing them out of prison or legal assistance.

SEED ([www.seedkurdistan.org](http://www.seedkurdistan.org/)):

Direct Services: SEED provided a number of direct services and remained anonymous.

Training: SEED provided training on gender-based violence and human rights to different groups including police officers, social workers, activists, and political leaders, to improve their ability to serve LGBTIQ citizens.

Rasan ([www.rasanorg.com](http://www.rasanorg.com)):

Training: Rasan introduced the basic terms and definitions related to sexuality and gender to young people and activists to increase their awareness about LGBTIQ people.

They completed a mural project to promote LGBTIQ rights in the city of Slemani, Iraq.

Art15 — A New Artistic Initiative Promoting Equality:

An artistic platform that promotes gender and sexual equality through sharing art produced by local queer artists on social media. This initiative started in July 2020 and was funded by IraQueer and others. Their aim is to use a medium, like art, that people can relate to, to convey a message of acceptance and diversity.

SEEFAR (<https://seefar.org/>):

An international organization based in Erbil that conducts research around LGBTIQ people's need to leave Iraq. This research is yet to be published as of the publication of this report. [...]

Increasing number of activists and organizations: Despite difficulties, an increasing number of civil society organizations have started showing interest in supporting and advocating for LGBTIQ Iraqis. The number of activists and organizations is increasing due to the leading efforts of certain international organizations like Outright and Madre, the emergence of Iraqi LGBTIQ activists, and the increasing accessibility to resources on the internet. Before 2015, OWFI was the only organization advocating for LGBTIQ Iraqis despite being a feminist organization. In 2015, IraQueer was launched as the first national LGBTIQ led organization in Iraq, and it was followed by other feminist organizations like SEED, Al-Amal, and a number of individual LGBTIQ activists that became more vocal about the rights of LGBTIQ Iraqis. [...]

Increased Visibility: Despite the increased level of threats faced by the different organizations, the heightened visibility due to the increased media coverage meant that more LGBTIQ people were aware of the existence of these organizations and were starting to get involved with them. The rest of the LGBTIQ community however remains discreet as the fear of losing their lives stops them from being more outspoken in public.

Availability of Resources: The organizations listed earlier have produced a lot of resources that are available to the public and can be used to advance the movement. Guides, videos, reports, and articles have been published in Arabic, Kurdish, and English highlighting the different needs, difficulties, and goals for LGBTIQ Iraqis and the movement. [...]

The same report also contains a comprehensive overview of militia treatment of the LGBTQI+ community in Iraq, which would have been useful to include, maybe even under a separate heading:

[ILGA Asia, Lives at risk: The perpetual struggles of LGBTIQ people in Iraq, 2021](#)

[...] Despite the fact that being LGBTIQ is not expressly criminalized under Iraqi laws, Iraq is considered to be one of the most dangerous countries for LGBTIQ people (The Guardian, 2017). LGBTIQ Iraqis often fall victim to systematic killing campaigns organized by armed militias including Asaeb Ahl Al-Haq, Sadr Army, and ISIS (Human Rights Watch, 2019). In 2012 and 2017, organizations like Human Rights Watch and IraQueer documented more than 200 killings for each of these years alone. An organized killing campaign has been documented by these organizations and others like Outright Action International and Madre, at least once a year since 2006. These killings are motivated by hate speech that is mainly shared by fundamentalist religious leaders who release a “fatwa” or a statement, to warn people that they either change or be killed. Given that those leaders have a large number of followers and political influence, and in some cases, an armed militia, these crimes are easily committed without any consequences (Outright Action International, 2014). [...]

It is further suggested that issues related to discrimination in provision of services to LGBTQI+ persons could have been further explained with additional sources, and perhaps under a separate heading. For example, the following sources report on this issue in relation to healthcare:

[Australian Government Department of Foreign Affairs and Trade \(DFAT\), DFAT Country Information Report Iraq, 17 August 2020](#)

[...] Individuals perceived to be LGBTI often face abuse and violence from within their families and communities and may face denial of services, including health care. LGBTI individuals often do not report abuse for fear of further victimisation or acts of discrimination or violence that may result from them admitting their sexuality or gender orientation. [...]

[IraqQueer, Blog: Healthcare and Medical Services Sought by Iraqi Queers: Doctors Point of View, 24 March 2021](#)

[...] In general, medical care in Iraq isn't the best compared to other countries and with having homophobia spread among doctors, nurses, and pharmacists who work in the hospitals, the medical needs of the Iraqi LGBT+ community are rarely met.

When we talk about health issues, we don't mean simple tooth pain or flu. LGBT+ members need surgeries, STD tests, or mental health services that are unavailable anywhere in the country. For that, most homosexuals avoid visiting doctors or when they do, they avoid telling them about their sexuality because some doctors don't only refuse to offer their help but also put the patients in more trouble and cause stress by insulting them or threatening them. [...]

David (Fake name) is an Iraqi General Practitioner and a homosexual man. David's journey started as several people from the LGBT+ community reached out to him to ask about their health problems that were related to their sexualities or their sexual practices. David says that the ones who asked him for help were too afraid to check with another doctor because of their worries that the doctor would turn to be homophobic.

"I noticed that the LGBT+ community was lacking the proper medical services, including the very basic and simple ones so that was the beginning of my journey to becoming a doctor who offers these services.

Throughout my experience, I noticed that the quality of the medical services varies based on the sexuality of the patient. The type of medical service, the way the patient is treated, and the treatment that is given to the patient all vary significantly based on their sexuality.

Unfortunately, homophobia is common among health personnel including doctors, pharmacists, nurses, and so on. And that homophobia makes some of the medical service providers use the power they have to threaten LGBT+ members on social media or use bad language with them. [...]

It should be noted that the URL hyperlink for footnote 25, USDOS, 2021 Trafficking in Persons Report: Iraq, 1 July 2021, as well as footnote 26, Oxfam, Social Norms Structuring Masculinities, Gender Roles, and Stereotypes, August 2021, do not work.

Lastly, it is noted that a number of relevant and notable sources on the societal treatment of the LGBTQI+ community were not included, including those given further information on the experiences of different members of the LBGT community, for example trans persons, lesbian women, and gay men, and could have provided further breadth and depth on the issue. The following sources are such examples.

[IraQueer, Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq, June 2018](#)

[...] Violence against LGBT+ Iraqis

Members of the LGBT+ community in Iraq have been facing extreme violence. Since 2003, there has been at least one annual killing campaign targeting queer individuals.<sup>4</sup> These crimes have been committed by a number of different groups. But despite the public and horrific nature of these crimes, the Iraqi government and its legal system have failed to address them. No one has been held accountable for torturing and killing members of the LGBT+ community or those who are perceived to be members. The vast majority of the LGBT+ community have reported that they have faced violence in some form.<sup>5</sup> Verbal bullying and abuse extremely common against LGBT+ people. Wearing skinny jeans, having long hair, and having a more “feminine” gender expression are all reasons for why those individuals have faced verbal abuse. In many cases, LGBT+ people have faced physical violence, rape, and in extreme cases, death. Mazin, a gay man living in Baghdad, told IraQueer about the threats he’s been facing from his father. In an interview conducted in January 2018 he said, “I escaped my family’s home six months ago. My dad is a police officer and he found out that I am gay. He’s been threatening to kill me since then. I’ve been staying at my friend’s house since, and rarely go out.” [...]

The injustices queer people face extend to their daily lives. Several individuals have been denied employment or have been fired for looking “too feminine” or for refusing to engage in sexual practices with their employers.<sup>8</sup> Sexual advances from employers occur very often, and are always unreported. LGBT+ individuals do not only lack legal protection, but also fear the possibility of being legally persecuted for redefining social norms and “damaging the public honor.”<sup>9</sup> This was the case for Rawa, a 26-year-old gay man living in Duhok. He stated in an August 2017 interview with IraQueer that he’s been unable to sustain a job because of the harassment he faces. “I’ve been raped by my boss when I was working as a barista,” he said. “He then threatened that he will report me to the police if I said anything. I had no choice but to escape.”

Members of the trans community, in particular, face extreme danger simply by existing. Especially those who choose to undergo hormone treatment and show physical changes. [...]

Locally, trans people face life-threatening circumstances caused from law enforcement, families, neighbors, and even strangers. They face sexual and other abuses. Together with feminine men who are perceived to be gay, they are often the victims of the most visible kinds of hate crimes, such as public executions and harassment.

The lesbian community, on the other hand, tends to be extremely invisible. Lesbians face double discrimination for being women — who lack the same rights and protections as men — and lesbians who challenge the norms of sexual practices in Iraq. They are often forced into marriage, and end up being controlled by their husbands and families without the ability to express their identities. Lesbians also face difficulties connecting with each other due to the lack of online and offline safe spaces. Among many lesbians who have been interviewed by IraQueer, Hana, a 31-year-old living in the Kurdistan Region of Iraq said, “Every day I spend with my husband, another part of me dies. My father forced me to marry my cousin. I no longer recognize myself in the mirror.” Stories like Hana’s are very common amongst the Lesbian community which is forced to face these abuses while being isolated from each other and the rest of the LGBT+ community. [...]

In Southern Iraq, most LGBT+ people face threats from their families. These crimes are covered as honor crimes. [...]

4 “Dying to Be Free: LGBT+ Human Rights Violations in Iraq | In Response to the Fifth Periodic Report of the Republic of Iraq. August 2015. <https://www.iraqueer.org/projects/publications/>

5 IraQueer interviews with 257 LGBT+ individuals — 2015 - 2018.

[...] 8 IraQueer interviews with 257 LGBT+ individuals — 2017 - 2018.

9 Articles 403, 430 and 431 of the Iraqi Penal Code

[UN Special Rapporteur, Human Rights Council, Thirty-eighth session: Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 20 June 2018](#)

[...] C. Killings of LGBTI persons

45. The Special Rapporteur also received information on incitement to hatred through traditional and social media, and attacks, including threats, physical assaults and killings, on men and boys on the basis of their actual or perceived sexual orientation or gender identity as well as on activists and organizations supporting the human rights of LGBTI persons. An emblematic example is the killing of Mr. Karar Nusbi, actor and model, in Baghdad on 2 July 2017. The Government indicated that in response to these killings a Committee had been established dedicated to this issue. It is, however, unclear to the Special Rapporteur which results, if any, it has yielded. [...]

[Danish Immigration Service, Kurdistan Region of Iraq \(KRI\): Women and men in honour-related conflicts, 9 November 2018](#)

[...] Appendix 1 Meeting notes [...]

Razaw Ahmed, Lawyer and women's rights advocate, Sulaymaniyah, Iraq  
Sulaimania, 30 April 2018 [...]

Possibility for protection of LGBT people

229. Razaw Ahmad, noted that LGBT is illegal, in the sharia law, the penal code, article 392 as it is against the culture of the society. The intention of the law is to prohibit sex between two men. The source was unaware about the amount of cases and convictions in cases against homosexual men. The source only knew of one case from 2006 in which she had telephone contact with a homosexual from Baghdad. The man was threatened near his house and fled to KRI and was assisted by NGOs to leave the country.

230. The source stated that families of LGBT-people fleeing the southern governorates will be able to track their family members in KRI.

231. Asked if the tribe would persecute homosexual men, the source confirmed and added that many homosexuals were not able to practise their sexuality due to Islamic law. These are very sensitive cases.

232. In addition, there are only a few actors that work on the rights for the LGBT group, and the work that is done is very discrete.

An individual working in the field of human rights in the Kurdistan Region

LGBT

252. Members of the LGBTI community in the Kurdistan Region report being harassed and victimized by members of the general public, by the police, and by their own families. Even though same sex conduct is not illegal according to secular law, the public still assumes that it is. Moreover, much of Kurdish society is both rural and tribal. Police, the general public, and families would refer to traditional values and Sharia law to justify assaults on LGBTI people. Members of the LGBTI community in the Kurdistan Region report that people who are perceived to be homosexual, or simply look different from traditional gender roles, are at risk of harassment and/or violence from the public and police. In some cases, police may fabricate crimes for which to arrest them, such as public indecency or prostitution. However, the source noted that the more common danger for LGBTI people in many cases comes from their own families; the families may try to remove the dishonour of having an LGBTI person in the family by killing that person. The source was not aware of any LGBTI-related honour killings being officially reported as such in the Kurdistan Region in the last year and a half. However, based on reports, this may be because families would not report killings due to their own involvement or to avoid further shame on the family. Furthermore, persons connected to the victim may not report the crime out of fear of reprisals, and police may be reluctant to investigate based on the assumption that such matters are internal to the family. However, the source was aware of several individuals who reported that their families threatened to murder them.

253. There is a local NGO in Sulaimania working on women's and LGBTI rights. There is also another NGO based outside the country that tries to assist LGBTI persons to find safety in Iraq, but this organization works mostly with secret volunteers who do not reveal their names for fear of attacks. However, in all areas of the Kurdistan Region, persons who are, or who are perceived to be, LGBTI are constantly at grave risk of serious harm if they choose to live openly. Those who do not live openly, live in constant fear of exposure and resultant violence. There is virtually zero safe space or support for people who are, or who are perceived to be, LGBTI in the Region.

254. An LGBTI person in danger could try to run away, but even trying to escape is extremely dangerous because of the heavy presence of security forces and law enforcement, the number of checkpoints between and within the three governorates, and the fact that Kurdish society is very close-knit and well connected. That is to say, it would be extremely easy to find an LGBTI person trying to run away, and encounters with security or law enforcement such as at checkpoints further expose the person to the risk of violence.

255. The source mentioned two examples of the risk of harm against members of the LGBTI community within the past year: in the first example, a young man reported that he was raped by police after being handed over to the police by his father for punishment. With no resources whatsoever, he turned to sex work in another city where he was again harassed and raped by police. Another young man was seen with his partner in public and his brothers chased both men with guns. Both individuals reported that they had been severely beaten and imprisoned by their families and that their families continued to actively hunt them to kill them. These two instances took place across all three governorates of the Kurdistan Region and the two men reported extreme difficulty moving from one place to another to find safety.

256. Regarding protection from danger, the source stated that there are only shelters for women in the Kurdistan Region (which can only be entered and left by court order). LGBTI persons in danger may be able to rent a hotel room for safety if they have the money. However, LGBTI people in danger may not have any money or resources because they are outside of their family networks. Moreover, members of the LGBTI community report losing their jobs when they are found out, or not being able to get a job in the first place because they are perceived to be different. Finally, LGBTI people also report being denied accommodation or kicked out when hotel owners found them out. The source witnessed this directly in relation to one of the individuals described above who reported that his family was searching for him to kill him. [...]

A Human Rights Activist

Erbil, 27 April 2018 [...]

LGBT [...]

259. According to the source, the situation for homosexuals and other members of the LGBT community are relatively better in the KRI than in the rest of Iraq. The source noted that times have changed and the urban societies are freer. In this respect, the source pointed to the area near the citadel in Erbil where LGBT people can meet, but they will not be able to kiss or show emotions in other ways. However, the source highlighted that Iraq, including the KRI, is not a good place for being LGBT in the sense that they are unable to live freely with their sexuality. LGBT people have to hide their orientation; they will often be forced into marriages in order to hide their sexuality from their family and community.

260. The source knew of an example of a homosexual man who was lured by his family to travel from the UK, where he lived, to KRI. The man was nearly forced to marry a woman before he fled back to the UK. Asked when this example took place, the source did not have further comments to add.

261. Families can disown homosexuals, which implies cutting off relations, protection and heritage rights. This is done by a court decision. The source knew of an example that took place ten years ago; a man was infected with HIV and was, as a consequence, disowned from his family and his wife, because he dishonoured the family.

262. The source emphasised that homosexuality is a very sensitive issue and gave an example on a TV programme in which homosexuals discussed with Islamic preachers. This TV programme was highly criticised for giving homosexuals a mouthpiece.

263. There are cases of killings of LGBT people, also in KRI. Asked if the source had examples of killings of LGBT people to share with the delegation, the source did not have further comments to add.

264. Families can also be responsible for killings. Asked if the source had examples of killings of LGBT people by their families to share, the source did not have further comments to add.

265. Previously members of the LGBT community would be subject to torture and killings, but now they might only face imprisonment. Asked if the source had examples of LGBT people who were imprisoned, the source did not have further comments to add.

266. The societal reactions towards homosexuals are much worse in the rural areas than in the cities.

267. Asked about the situation for homosexual women, the source replied that he knew of homosexual women who managed to refuse to marry a man. [...]

[BBC News, Are men the main target of sexual harassment in Iraq?, 11 July 2019](#)

[...] "Gay and trans men continue to experience sexual harassment in Iraq. Those who look and sound more 'feminine' [based on local stereotypes] are often the subject of sexual violence," says Amir Ashour, the founder of IraQueer - a Sweden-based NGO that focuses on the experiences of LGBT people in Iraq. [...]

[MADRE, IraQueer, Outright Action International, The Organization of Women's Freedom in Iraq, 'Violence and Discrimination Based on Sexual Orientation and Gender Identity in Iraq', September 2019](#)

[...] Trans women face violence and discrimination, including sexual abuse, at the hands of law enforcement, families, neighbors, and even strangers.<sup>25</sup> Trans women are not able to obtain identification or official documents with a gender marker that reflects their gender identity,<sup>26</sup> which can limit their access to services and lead to discrimination when presenting their identification to officials across sectors.

Two recent murders illustrate the severe danger faced by transgender women, in Iraq. Local activists report that a trans woman was killed by her extended family in a so-called "honor" crime in Basra in April 2019.<sup>27</sup> The woman was confronted by her family after finding her hormone drugs. After learning she was transgender, her family announced that she had died, and sources close to the victim report that she was killed because of her gender identity.

In late August 2019, a different trans woman was found dead in the outskirts of Baghdad. Her clothes were ripped and she was shot twice.<sup>28</sup> The victim had originally gone missing in late April 2019 after receiving numerous death threats. Since the victim had not expressed plans to flee the area to escape these threats, her friends searched for her in morgues and hospitals around Baghdad since they suspected that she was a victim of a crime. Her date of death is unknown, but activists report that she likely was killed between early May and mid-August 2019. [...]

25 IraQueer, *Fighting for the Right to Live: The State of LGBT+ Human Rights in Iraq*, p. 10 (2018).

26 UNHCR, *International Protection Considerations with Regard to People Fleeing the Republic of Iraq*, p. 102, (2019).

27 Interview with anonymous Iraqi activist (September 13, 2019) (on file with MADRE).

28 Interview with anonymous Iraqi activist (September 13, 2019) (on file with MADRE).

[Rudaw, Queer in Kurdistan: LGBT+ community weighed down by societal pressure, 3 May 2021](#)

[...] Lavin\*, from Sulaimani, does not identify with any particular gender or sexual orientation, and uses they/them pronouns. Lavin told Rudaw English that they had tried to test the waters and see if they would be able to come out to their family. The 24-year-old decided to use the Quranic story of Lot, in which God rained down stones on the people of the twin cities of Sodom and Gomorrah because of acts like homosexuality, as an example.

"I once told my mom to tell me the story of Lot, and then asked her what would she do if I was like them ... she said 'I would take you to a river, kill you, and leave your body there,'" Lavin recalled with sadness in their voice.

Though some family members acknowledge Lavin's sexuality, they consider it to be pathological. "My aunts and my sister know, but there are still times they call me sick," Lavin said.

Family and honor are two of the main pillars of Kurdish society. Any damage to a family's reputation can see a member disowned for the sake of honor, or even killed. To many, failure to marry and have children disrupts social order. To be of any sexual orientation other than straight can not only put that person's life in danger, but damage a family's reputation. It prevents their siblings or other relatives from living their life to the fullest and adds even more pressure on people who already have a lot to lose by going public with their sexuality.

"I was scared to come out because it could have ruined my sister's chances of getting married, or even my family's reputation in the community," said Saman Tahsin\*, a 30-year-old gay man from Sulaimani who moved to the United States as a refugee in 2019. [...]

False equivalence

Levels of discrimination that gay men in Kurdistan face can vary. For men perceived as effeminate because of their build, their facial features, the length of their hair, or the clothes they wear, abuse can come from the most everyday actions. It is common to walk through the alleys of Sulaimani's bazaar

and hear middle-aged men shouting abuse, sometimes sexually explicit, at boys and men in their teens and twenties that look effeminate.

For Zhiar Ali, a Kurdish LGBT+ activist based in Sulaimani, the added level of discrimination more effeminate gay men face is because femininity is associated with weakness. Men are oftentimes denied housing by real estate brokers simply for "looking gay or sounding gay" – often targeting men who look less masculine. [...]

A few organizations in the Kurdistan Region provide safe shelters for LGBT+ people who have been ostracized by their families or have chosen to leave their homes, but more are needed, Zhiar said. "We have a lot more cases that need a safe place to stay, and the current capacity is not nearly enough." People who attack the community claim that they are "protecting" Kurdish society, but Zhiar wonders what exactly they are being protected from. [...]