



## **Submission to the Committee on Economic, Social, and Cultural Rights on the Examination of the Second Periodic Report of the Islamic Republic of Iran**

Committee on Economic, Social and Cultural Rights Pre-Sessional Working Group 48th Session



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and Cultural Rights on the Examination of the  
Second Periodic Report of the Islamic Republic of Iran**

Under the International Covenant on Economic, Social, and Cultural Rights

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The International Gay and Lesbian Human Rights Commission (IGLHRC)

# Table of Contents

<b>Table of Contents</b> .....	<b>1</b>
<b>Introduction</b> .....	<b>1</b>
<b>Substantive Violations</b> .....	<b>2</b>
<b>1. Prohibition of Discrimination (Article 2)</b> .....	<b>2</b>
Recommended Questions to the Government of Iran: .....	4
<b>2. Right to Education (Article 13)</b> .....	<b>5</b>
Questions for the Governments of Iran: .....	6
<b>3. Right to Take Part in Cultural Life (Article 15)</b> .....	<b>7</b>
Questions for the Government of Iran:.....	9
<b>Recommended Questions for the Government of Iran</b> .....	<b>10</b>

## **Introduction**

This is a submission by the International Gay and Lesbian Human Rights Commission (IGLHRC) to the Pre-Sessional Working Group of the Committee on Economic, Social and Cultural Rights (ICESCR) on the occasion of the second periodic review of the Islamic Republic of Iran.

The Islamic Republic of Iran has been a State party to the International Covenant on Economic, Social, and Cultural Rights (ICESCR) since 1975. This report is specifically concerned with the situation of lesbian, gay, bisexual and transgender (LGBT) individuals in Iran.

## Substantive Violations

### 1. Prohibition of Discrimination (Article 2)

Article 2, Paragraph 2 of the Covenant provides that State parties must guarantee the exercise of all rights contained therein without discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or “*other status*.” In its recent General Comments, the Committee has stated that,

“Other status”...includes sexual orientation.<sup>1</sup> States parties should ensure that a person’s sexual orientation is not a barrier to realizing Covenant rights... In addition, gender identity is recognized as among the prohibited grounds of discrimination; for example, persons who are transgender, transsexual or intersex often face serious human rights violations, such as harassment in schools or in the workplace.<sup>2</sup>

In its most recent Concluding Observations, the Committee has noted widespread discrimination on the basis of sexual orientation, and called for the adoption of a comprehensive system of anti-discrimination laws.<sup>3</sup> In one instance, Committee specifically requested information concerning the extent of the practice of discrimination against LGBT individuals, particularly in employment, health care, and education.<sup>4</sup> The Islamic Republic of Iran has a responsibility to ensure the full enjoyment of the rights protected under the Convention by members of the LGBT community.

The Government of Iran systematically violates, and permits non-State actors to violate, the human rights of LGBT individuals or individuals who are perceived to be LGBT. Such violations have been thoroughly documented, and numerous UN agencies, treaty bodies and other mandate holders have expressed concern at the high level of discrimination and violence on the basis of sexual orientation and gender identity in Iran.

In his March 2012 report to the 19<sup>th</sup> Session of the Human Rights Council in Geneva, the UN Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, Dr. Ahmed Shaheed, highlighted the abuse, stigmatization and violence which LGBT Iranians face and

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<sup>1</sup> See CESCR general comments Nos. 14 and 15.

<sup>2</sup> General comment No. 20, Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), Committee on Economic, Social and Cultural Rights, E/C.12/GC/20, 2 July 2009

<sup>3</sup> Concluding Observations for Uruguay, Committee on Economic, Social and Cultural Rights, E/C.12/URY/CO/3-4, 1 December 2010

<sup>4</sup> Concluding Observations for Russia, Committee on Economic, Social and Cultural Rights, E/C.12/RUS/CO/5, 20 May 2011

expressed his concern that “members of the lesbian, gay, bisexual, and transgender community face harassment, persecution and cruel punishment and are denied their basic human rights, including their right to life.”<sup>5</sup>

The Human Rights Committee (“HRC”), at its recent 103<sup>rd</sup> Session in Geneva, has also considered the human rights record of Iran. In its Concluding Observations, the HRC recognized that LGBT Iranians face “harassment, persecution, cruel punishment and even the death penalty”. Of particular relevance to the ICESCR, the Committee noted that there is evidence that individuals in Iran are routinely discriminated against on the basis of sexual orientation when attempting to access vital services, including “employment, housing, education and health care”.<sup>6</sup>

The members of the HRC called upon Iran to “repeal or amend all legislation which provides for or could result in the discrimination, prosecution and punishment of people because of their sexual orientation or gender identity”.<sup>7</sup> They also recommended that the Government take steps to “eliminate and prohibit discrimination on the basis of sexual orientation, including with respect to access to employment, housing, education and health care, and to ensure that individuals of different sexual orientation or gender identity are protected from violence and social exclusion within the community.”<sup>8</sup>

In the “*Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity*”,<sup>9</sup> November 2008, the UN High Commissioner for Refugees (UNHCR) repeatedly mentions that homosexuality is a criminal offence in Iran.<sup>10</sup> Similarly, in the 2009 publication, “*Fleeing for Love: Asylum Seekers and Sexual Orientation in Scandinavia*”,<sup>11</sup> the Commissioner highlights the dire situation of LGBT persons, particularly noting that homosexual activity is “punishable by death.”<sup>12</sup>

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<sup>5</sup> Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/HRC/19/66, 6 March 2012. Accessed online 30/03/2012 at: [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-66\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-66_en.pdf)

<sup>6</sup> Concluding Observations for Iran, The Human Rights Committee, CCPR/C/IRN/CO/3 at 10, 29 November 2011

<sup>7</sup> *Ibid* at 10

<sup>8</sup> *Ibid* at 10

<sup>9</sup> Accessed online 30/03/2012 at:

[http://www.justice.gov/eoir/vll/benchbook/resources/UNHCR\\_Guidelines\\_Sexual\\_Orientation.pdf](http://www.justice.gov/eoir/vll/benchbook/resources/UNHCR_Guidelines_Sexual_Orientation.pdf)

<sup>10</sup> The report documents eight cases of asylum requests from LGBT Iranians

<sup>11</sup> Accessed online 30/03/2012 at: <http://www.unhcr.org/4b18e2f19.html>

<sup>12</sup> *Ibid* at page 8

## **Recommended Questions to the Government of Iran:**

1. Are individuals in Iran subject to discrimination and violence because of their sexual orientation and gender identity? If so, what steps is the Government of Iran taking to ensure the protection of LGBT persons?
2. In particular, what measures is the Government of Iran taking to make sure that LGBT persons have access to employment, housing, education and health care?

## 2. Right to Education (Article 13)

Under Article 13, Paragraph 1 of the Covenant, State parties must establish an educational system, which facilitates participation in a “free society”, promotes “understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups” and furthers “the activities of the United Nations for the maintenance of peace.”

The Government of Iran maintains an educational curriculum, which actively promotes misinformation about, and hatred towards, LGBT individuals. It does so by dismissing same-sex relationships and presenting LGBT persons as people of low moral character.

In Iran, a Ministry of Education textbook, which is required for all school children aged between eight and nine years, contains three chapters on marriage.<sup>13</sup> On Page 211 of the textbook, the Ministry states that marriage between one man and one woman is the only acceptable form of relationship, and is the sole means by which individuals can (a) fulfill their sexual needs, (b) achieve spiritual peace (through bonding with one’s spouse) and (c) raise children. Page 221 warns children to stay away from sexual relationships outside of marriage, as any such activity will lead to “sinful pleasure, which gradually results in mental depression and spiritual decay.”

For children aged between six and seven years, the Iranian Ministry of Education requires a religious textbook, which introduces the idea of “public monitoring”, defined as the responsibility of all members of society to prevent others from engaging in sinful acts.<sup>14</sup> At pages 153 – 168 of the textbook, the Ministry encourages students to take action for the prevention of “vice” and sets out a three-point strategic plan. Firstly, students are told to isolate individuals who they believe are engaging in “sin”. Secondly, they are encouraged to confront the “sinner” and to demand that the individual cease what they are doing. Finally, if the students deems fit, they are instructed to use force as long as it has been permitted by the Islamic ruler.

The tone, context and substance of this textbook are extremely troubling and significantly heighten the risk of violence for LGBT youth in Iran. Students in Iran are already educated in an extremely homophobic environment, where diverse sexual orientations are singled out as the worst form of “sin” and “moral decay”. Outside of the classroom, national leaders and the mainstream media present homosexuality as a threat to society, which all citizens must commit to eradicate. This pervasive culture of homophobia, particularly within the school setting, means

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<sup>13</sup> Accessed online 30/03/2012 at: <http://www.roshd.ir/ebook/Motevaseteh/Sevom-e-Dabirestan/Din-o-Zendegi%203%20-%20C251.pdf>

<sup>14</sup> Accessed online 30/03/2012 at: <http://www.roshd.ir/ebook/Motevaseteh/Dovom-e-Dabirestan/Din-o-Zendegi%202%20-%20C222.pdf>



that even without this textbook, Iranian students are vulnerable to stigmatization, discrimination and violence. The effect of this textbook, however, is to actively encourage school children, from a young age, to use force against LGBT individuals.

In addition to the school curriculum, the Ministry of Education promote homophobic discrimination and violence through numerous other means, most particular the official website of the Iranian National Network of Schools. In one posting, the administrators of the site recall that the destruction of Sodom and Gomorrah was alleged to have come about because the inhabitants engaged in sodomy. It warns that a similar fate awaits all those who “violate God’s law and commit sin.”<sup>15</sup> The website of the Education Ministry in North Khorasan province<sup>16</sup> recounts the story of a Shiite Saint, Imam Hadi, in the 10<sup>th</sup> Century who is said to have issued a death sentence against a Muslim scholar who would have permitted same-sex relations.<sup>17</sup>

### **Questions for the Governments of Iran:**

1. Does the official State curriculum in Iran promote the condemnation of homosexuality? Does such condemnation comply with the requirement of an open and tolerant education system under Article 13 of the Covenant?
2. Does the Government of Iran consider homosexuality to be a “sin” for which one student may use force against another student under the policy of “public monitoring”?

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<sup>15</sup> *Ibid*

<sup>16</sup> Accessed online 30/03/2012 at: <http://vahdat2.nkhschool.ir/index.php?action=viewpost&cid=342>

<sup>17</sup> *Ibid*

### 3. Right to Take Part in Cultural Life (Article 15)

Article 15, Paragraph 1 of the Covenant provides for the right of every person to take part in cultural life and to “benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.” Under this provision, the Government of Iran has a responsibility to facilitate the participation of every individual, including LGBT persons, in the cultural life of the nation and to protect the rights of individuals to morally and materially benefit from their literary and artistic work.

The Government of Iran consistently violates the rights of LGBT persons under Article 15 (1). The State deploys extensive monitoring and censorship methods to prevent any mention of homosexuality that conflicts with the official State message of condemnation. In August 2007, the Press Advisory Board (PAB) closed a prominent Iranian reformist newspaper for publishing an interview with Saghi Ghahraman, a Canadian-based Iranian poet who is also a well-known advocate for LGBT rights. Although the interview itself did not make any reference to sexual orientation or gender identity, the PAB nonetheless decided that the story amounted to the promotion of homosexuality.<sup>18</sup>

Article 9 of the Iranian Press Law provides that a publisher may only issue written material, which is “free of moral corruption” and “supportive of the Constitution.”<sup>19</sup> There is therefore no licensed publisher of LGBT subject matter in Iran. In September 2011, the Deputy Ministry of Culture and Islamic Guidance, the government agency in charge of censorship, confirmed that books that discuss the sexual orientation of famous cultural figures in Iran would be banned.<sup>20</sup> Similarly, State law enforcement agents have waged a campaign to increase “public safety” through a crackdown on any merchandized item that symbolizes “cultural decay”. This includes “homosexuals’ symbols.”<sup>21</sup>

In recent years, the Iranian government has expanded its homophobic campaigns to the Internet, censoring LGBT-related websites and blogs. Iranian telecommunications officials regularly block access to Persian language LGBT websites that are run from outside the country, thus preventing access to information.<sup>22</sup> Since 2009, a number of LGBT blogs that were hosted by

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<sup>18</sup> “Following publishing an interview with a lesbian, Sharq newspaper was shut down”, Hayat news, August 6, 2007. Accessed online 30/03/2012 at: [http://www.hayat.ir/?lang=fa&page=showbody\\_news&key=&row\\_id=8923&style=no](http://www.hayat.ir/?lang=fa&page=showbody_news&key=&row_id=8923&style=no)

<sup>19</sup> Art 9, Qanun-e Matbu'at [Press Law] 1364 [ratified 1986, amended 2000]

<sup>20</sup> “Deputy Minister gives example of the books that will be censored”, Aftab News, September 26, 2011. Accessed online 30/03/2012 at: <http://aftabnews.ir/vdcbssb8zrhbfip.uiur.html>

<sup>21</sup> “Confiscation of stationeries depicting immoral images in Hormozgan province”, Fars News Agency, September 25, 2011. Accessed online 30/03/2012 at: <http://www.farsnews.com/newstext.php?nn=13900703001219>.

<sup>22</sup> For example, access to the IRQO website and to [www.Manjam.com](http://www.Manjam.com) (a popular gay dating website), along with many other blogs belonging to expatriate gay Iranians, have been blocked by the Telecommunication Company of Iran. When an individual tries to visit one of these websites, s/he receives a warning that reads: “Affiliation with these websites is criminal and carries serious penalties.”

Iranian companies have been shut down. Those attempting to access the website received the following notification: “This blog was shut down in accordance with an order from the Official Working Group Responsible for Blocking Criminal Content.”<sup>23</sup>

The Iranian Revolutionary Guard has established an online unit named the “Cyber-Crime Office<sup>24</sup> to deal with “cyber crimes” through methods such as hacking websites, wiretapping, monitoring online communications, and even publishing online propaganda.<sup>25</sup> On its official website ([www.gerdab.ir](http://www.gerdab.ir)), the Office regularly posts articles against homosexuality and makes threats against those who “violate the country’s regulations and post materials about homosexuality.” Such systematic harassment by the authorities is a serious violation of freedom of expression and opinion.<sup>26</sup>

The Iranian authorities target journalists who advocate for individuals accused or convicted of homosexual acts. Mitra Khalatbari, who brought the *Mouloodzadeh Case* (a seventeen year old male was put to death for allegedly raping another male when he was thirteen) to international attention, became the subject of intense pressure from the Iranian security forces following her reporting of the case. She lost her job as a journalist and was expelled from her university. Under constant pressure, Mitra Khalatbari left Iran in 2009 and sought asylum in Germany.<sup>27</sup>

The journalist, Siyamak Ghaderi, has been persecuted and subjected to legal sanction for interviewing LGBT persons. Mr. Ghaderi is a former employee of the state news agency, IRNA, where he worked for eighteen years. He was arrested in August 2010 and brought to Evin Prison, where he was allegedly tortured. In January 2011, the 28<sup>th</sup> Branch of the Revolutionary Court in Tehran sentenced Mr. Ghaderi to four years’ imprisonment, sixty lashes and a fine for “publishing lies”, committing “religiously unlawful acts” and other charges, including posting interviews with LGBT individuals on his blog.<sup>28</sup> The interviews Mr. Ghaderi conducted were in

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<sup>23</sup> See <http://ma2tarafeha.blogfa.com/> (Accessed 30/03/2012)

<sup>24</sup> The official statements of the Cyber-Crime Office can be accessed online at: <http://www.gerdab.ir/>

<sup>25</sup> Mr. Solouki, from the Cyber-Crime Office of the Islamic Revolutionary Guards, told the official IRNA News Agency: “Those who engage in cultural operations against the sacred culture and the Islamic regime should not proceed under the assumption that Iran’s cyber space is vulnerable and out of control.” See “The Revolutionary Guard warns all those who want to overthrow the Islamic Republic through soft warfare”, April 21, 2009. Accessed online 30/03/2012 at: <http://hamshahrionline.ir/print-78583.aspx>

<sup>26</sup> Recently, a leading LGBT blogger informed IRQO that he has received a number of threats from Gerdab, the investigative arm of the Cyber-Crimes Office of the Islamic Revolutionary Guards. One such message stated: “Iran’s cyber army is ready to identify and wipe out corrupt and decaying social groups. Everyone who works behind this weblog has been identified. The Cyber Army of the Islamic Republic of Iran has identified all the people who work on putting up websites and weblogs with immoral content. They are from the provinces of Kerman and Tehran in Iran, and Toronto, Ontario in Canada.” For more information, see *Humanity Denied: The Violations of the Rights of Lesbian, Gay, Bisexual and Transgender Persons in IRAN*, Page 13. Accessed online 30/03/2012 at <http://ilga.org/ilga/static/uploads/files/2011/9/29/29014233.pdf>

<sup>27</sup> This segment was written based on email exchanges between IGLHRC and Mitra Khalatbari in November and December 2007 and November 2009. Mitra Khalatbari’s contact information is on file at IGLHRC

<sup>28</sup> See; Interview with Siyamack Ghaderi’s wife regarding Mr. Ghaderi’s prison sentence. Accessed online 30/03/2012 at: (Translation completed by Hossein Alizadeh, IGLHRC): <http://youthforhumanrightsiran.wordpress.com/سوق-ادری-سی-امک-های-خانواده-ب-مصاحبه/>

response to President Ahmadinejad's speech at Columbia University where he claimed that there are no homosexuals in Iran.<sup>29</sup> In October 2011, an appeal court in Tehran dropped some of the previous charges, but confirmed the 4-year jail term for Mr. Ghaderi.<sup>30</sup>

### **Questions for the Government of Iran:**

1. Does the Government of Iran prohibit print and online materials, such as news publications and blog postings, which discuss sexual orientation and gender identity? If so, how does such a prohibition protect the rights of LGBT persons to engage in the cultural life of the nation and to enjoy the material and moral benefits of their work product?
2. What steps has the Government of Iran taken to ensure that those who make a contribution to the culture life of the nation, including through their print media or online discussion of sexual orientation and gender identity, are not subject to harassment, arrest or conviction by the State authorities?

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<sup>29</sup> The Iranian government has since shut down Mr. Ghaderi's original blog, "Our IRNA", which was hosted by an Iranian blogging company: <http://www.ourirna11.blogspot.com/>

<sup>30</sup> *Siyamak Gahdei Refused to ask for Clemency*. Accessed online 30/03/2012 at: <http://www.rahesabz.net/story/44901/>

## **Recommended Questions for the Government of Iran**

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