



OUTRIGHT
ACTION INTERNATIONAL
Human Rights for LGBTIQ People Everywhere



Submission to the Special Rapporteur on the right to health

A submission to the questionnaire issued by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, for the report she will present to the Human Rights Council in June 2022.

Contact Details

Type of Stakeholder (please select one)	<input type="checkbox"/> Member State <input type="checkbox"/> Observer State <input checked="" type="checkbox"/> Other (please specify) - NGOs observer
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Can we attribute responses to this questionnaire to your State publicly*? *On the OHCHR website, under the section of SR health	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Comments (if any):

¹ <https://outrightinternational.org/>

² <https://impactiran.org/>

Intro:

1. LGBTQI+ people in Iran face severe discrimination, restrictions, and marginalization in law and society. The country's legal framework prescribes severe punishments, including the death penalty, for engaging in homosexual acts, and individuals enjoy impunity for heinous acts of violence against LGBTQI+ persons in the country. Consequently, LGBTI+ Iranians suffer from significant isolation, depression, and other mental health problems. Further to this, systematic discrimination and restrictions on LGBTI+ Iranians in the country renders them highly vulnerable to violations of their right to health. The following information responds to questions 1, 2, 4, and 5 of the call for submissions issued by the Special Rapporteur on the right on health.

Response to question 1:

Please describe share data and information on the characteristics, number of cases, and the profile of victims and perpetrators in your country or region(s) regarding:

- 1.1. gender-based violence against women.*
 - 1.2. gender-based violence and other forms of violence against children:*
 - 1.3. gender-based violence against LGBTI or other persons based on real or imputed sexual orientation, sex characteristics, and gender identity:*
 - 1.4. violence against persons with disabilities, including GBV.*
 - 1.5. gender-based violence against men*
 - 1.6. conflict gender-based violence, including sexual violence.*
2. A lack of comprehensive and readily available official data on the prevalence of violence in Iran makes research and human rights documentation difficult.³ Regardless, acts of violence are regularly reported and considered widespread.⁴ In July 2019, the head of the Medical Examiner's Office of Tehran Province reportedly announced that more than 16,420 domestic violence cases had been reported to the office, increasing since 2018.⁵ In February 2019, Habibollah Massoudi Farbod, deputy of social affairs of the State's Welfare Organization, reportedly announced that during 2018 Iranians called public social welfare hotlines to report over ten-thousand cases of violence against women.⁶ In April 2020, Mahmoud Aligoo, the department of social harms department of the State's Welfare Organization, reportedly announced a dramatic increase in the number of domestic violence cases during the mandated lockdown to combat the

³ Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International September 2019, <https://www.justice.gov/eoir/page/file/1203136/download>

⁴ Human Rights Activists in Iran, 2021 report: <https://www.hra-news.org/periodical/a-108/>

⁵ Human Rights Activists News Agency, 2019, <https://www.en-hrana.org/increase-in-domestic-violence-in-tehran-more-than-16-thousand-cases-were-filed>

⁶ Human Rights Activists News Agency, 2020, <https://www.en-hrana.org/domestic-violence-increased-during-coronavirus-quarantines-and-stay-at-home-orders>

spread of the virus COVID-19.⁷ However, the Government has not taken the necessary steps to prioritize the elimination of violence against women, nor does it punish all acts of such violence.

3. In their 2021 annual report, Human Rights Activists (HRA) highlighted that their database documents more than twenty-thousand cases of domestic violence, two- thousand cases of violence against children, over nine-thousand instances of child marriage, and fifteen cases of sexual abuse and assaults, including rape, against a child. HRA also documented forty-three reports of physical and sexual violence cases against women.⁸
4. In January 2021, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran reported that the Iranian Government established an emergency hotline and centers for responding t social concerns like domestic violence. He noted "8 percent of calls to the hotline and 10 percent of in-person social emergency unit visits concerning violence against women".⁹
5. Women in Iran who have been victims of abuse may obtain information on shelters through a government welfare organization hotline.¹⁰ According to official sources, the Government established 27 'rehabilitation centers' and 30' health centers' throughout the country for women and girls subjected to domestic violence.¹¹ The same data stated that only 27 centers were established in 27 out of 31 provinces, including 19 run by non-governmental organizations.¹² The Government stipulated from March 2020 to March 2021, 539,597 social emergency calls were recorded, which is an increase from the previous year.¹³
6. The State's Welfare Organization reported that shelters care for approximately 2,000 victims of domestic violence annually.¹⁴ Further, the existing shelters generally located solely in major cities are reportedly poorly resourced and advertised and cannot provide long-term support.¹⁵ But cases of violence, including gender-based violence, are believed to be underreported due to a lack of adequate and enforced legal protections for women and social stigma.

⁷ Human Rights Activists News Agency, 2020,

<https://www.en-hrana.org/domestic-violence-increased-during-coronavirus-quarantines-and-stay-at-home-orders>; IRNA, 2020, <https://bit.ly/38UoMfB>

⁸ Human Rights Activists in Iran, 2021 report: <https://www.hra-news.org/periodical/a-108/>

⁹ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2021,

<https://undocs.org/Home/Mobile?FinalSymbol=A%2Fhrc%2F46%2F50&Language=E&DeviceType=Desktop>

¹⁰ <http://123.behzisti.ir/>

¹¹ Statistical yearbook of the Welfare Organization of the country - 1399 <http://media.behzisti.ir/d/2021/10/12/0/134192.pdf>

¹² See www.irna.ir/news/83656641/; Statistical yearbook of the Welfare Organization of the country - 1399 <http://media.behzisti.ir/d/2021/10/12/0/134192.pdf>

¹³ Statistical yearbook of the Welfare Organization of the country - 1399 <http://media.behzisti.ir/d/2021/10/12/0/134192.pdf>

¹⁴ Statistical yearbook of the Welfare Organization of the country - 1399 <http://media.behzisti.ir/d/2021/10/12/0/134192.pdf>

¹⁵ www.hamshahrionline.ir/x66FG; <https://www.radiozamaneh.com/488134> (in Persian); Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International September 2019, <https://www.justice.gov/eoir/page/file/1203136/download>

Response to question 2:

Please describe whether the legal framework prohibits and sanctions these forms of violence and the definitions and forms of violence included in the legal system. Please explain redress options for survivors of violence (the pathway they go through if they decide to file a complaint), levels of impunity, and if access to comprehensive physical and mental care for GBV-survivors is recognized as a form of reparation.

7. The Islamic Republic of Iran does not have comprehensive laws against gender-based violence, including domestic violence. Article 630 of the Islamic Penal Code (2013) excludes husbands from criminal liability when they commit murder, assault, and battery against their wife if she is proven to have committed a *zina* offense (adultery and fornication) with another man.¹⁶ 'Disobedience' is a legal ground for battery.¹⁷ Article 1108 of the Civil Code stresses that if a wife refuses to have sex with her husband without a reasonable excuse,¹⁸ she is not entitled to 'spousal maintenance'.¹⁹ Although the legal minimum age for marriage is 13 years old under Iranian law,²⁰ girls as young as nine lunar years can marry, subject to parental consent and court approval.²¹ Therefore, nine lunar years old married girls and older are also subject to the Civil Code Article 1108's obligation to fulfill the sexual needs of their husbands.
8. Rape is not classified as a distinct crime under Iranian law but is a *zina* offense.²² Marital rape is not recognized as a crime at all. The legal definition for 'coerced *zina*' is restricted to forced vaginal and anal penetration by a penis -therefore, excludes other forms of penetration- and only when the perpetrator and the victim are unmarried -therefore explicitly excludes marital rape.²³ Beyond rape, no other form of sexual assault is a crime under the Islamic Penal Code.²⁴ As a result, the Islamic Republic of Iran's legislative framework is insufficient to combat violence and protect victims.²⁴ In November 2019, the Islamic Republic of Iran rejected UPR recommendations calling for domestic violence and marital rape

¹⁶ Iran Human Rights Documentation Centre <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹⁷ Iran Human Rights Documentation Centre

https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

¹⁸ A reasonable and valid excuse for a wife to refuse sexual relations is when the husband has contracted a venereal disease. Iran Human Rights Documentation Centre,

https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

¹⁹ Amnesty International, 2015, <https://www.amnesty.org/download/Documents/MDE131112015ENGLISH.pdf>

²⁰ Article 1041 of the Civil Code as amended up until December 2000, NGO Submission to the Committee on the Rights of the Child, 2016, https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19809_E.pdf

²¹ Iran Human Rights Documentation Centre,

https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

²² Article 221 of the Islamic Penal Code (2013), Iran Human Rights Documentation Centre, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

²³ Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

²⁴ Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

²⁴ See more: Iran Human Rights Documentation Center, 2020,

<https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

criminalization.²⁵

9. Reports of cases of violence against women have shown that there is a general lack of perpetrators' accountability.²⁶ Victims wishing to file a complaint about domestic violence must present two adult male witnesses to the assault, an evidentiary burden challenging to meet -if not impossible.²⁷ Further, a woman can be permitted to leave the marital house only if she can prove to a court a significant risk of bodily harm or threat to her life and safety.²⁸ When perpetrators are convicted, sentences tend to be a payment of *diyah* (financial compensation)³⁰ unless the offense disrupts public order and the protection of society, in which case a prison sentence may be imposed.²⁹ Additionally, the absence of laws providing for the issuance of restraining orders puts victims at risk of retaliation. In October 2018, a hospitalized woman that had been stabbed by her brother was later murdered by him at the hospital.^{30,31}
10. Reports have shown that police and judges often consider domestic violence as an internal family matter.³³ Police intervention has reportedly been discouraged and parties are urged to settle out-of-court.³⁴ State institutions and Iranian authorities have reportedly been unwilling to investigate, punish perpetrators and provide social services to victims of sexual assault or rape.³²

Response to question 4:

Please also share information on the impact of criminalization of sex work, same-sex relations, transgender persons, abortion, drug abuse, harmful practices in obstetric care, female genital mutilation on the violence experienced by the affected individuals, and their enjoyment of the right to health.

²⁵ Recommendations 26.253, 26.254, Universal Periodic Review, Iran, 2019, <https://undocs.org/en/A/HRC/43/12/Add.1>

²⁶ Center for Human Rights in Iran, 2019, <https://iranhumanrights.org/2019/11/stop-violence-against-women/>; Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>; Human Rights Activists News Agency, <https://www.en-hrana.org/articles>

²⁷ “The standard [of proof] for testimony in all offences shall be two male witnesses; unless in *zina*, *livat*, *tafkhez*, and *mosaheqeh* which shall be proved by four male witnesses” Article 199 of the Islamic Penal Code (2013), Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

²⁸ Amnesty International, 2015, <https://www.amnesty.org/download/Documents/MDE1311112015ENGLISH.pdf>

³⁰ Ibid.

²⁹ Article 614, Islamic Penal Code (2013), Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

³⁰ Center for Human Rights in Iran, 2018,

<https://iranhumanrights.org/2018/11/iran-must-pass-legislation-to-protect-women-against-violence/>; <https://www.ilna.news/-بخش-قتل-زن-جوان-توسط-پیر-ادرش-در-بیمارستان-قاتل-در-پیر-ایر-چشمان-همه-اقدام-بیه-قتل-کرد-150/685150-استان-ها->

³¹ Country Reports on Human Rights Practices: Iran, U.S. Department of State, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/iran/>³⁴

UN General Assembly, ‘Situation of human rights in Iran’ (para 32), 31 August 2015,

<https://undocs.org/Home/Mobile?FinalSymbol=A%2F70%2F352&Language=E&DeviceType=Desktop>; Australian Department of Foreign Affairs and Trade, Country Information report, Iran, 2020, <https://www.dfat.gov.au/sites/default/files/country-information-report-iran.pdf>

³² Iran Human Rights Documentation Center, 2020, <https://iranhrdc.org/access-to-justice-for-victims-of-sexual-violence-in-iran/>

11. Article 19 of the Constitution of the Islamic Republic of Iran guarantees that all people enjoy equal rights, "whatever the ethnic group or tribe to which they belong" and that "color, race, language, and the like, do not bestow any privilege".³³ However, the Constitution lacks an explicit provision recognizing sexual orientation and/or gender identity as protected characteristics. Article 20 of the constitution states that "All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria".³⁷ The stipulation of "Islamic criteria" excludes lesbian, gay and bisexual individuals from this legal guarantee as same sex relations are penalized under the Iranian 'Islamic Penal Code'.³⁴
12. The 2013 Penal Code of the Islamic Republic of Iran explicitly forbids sexual relations between same-sex partners, whether such relations are consensual or coerced. The offences and punishments for males engaged in same-sex sexual or intimate conduct (including acts such as kissing or lustful touching) are described in Articles 233 to 237. Depending on whether the convicted individual is active/passive partner, married/single, or whether they are Muslim/non-Muslim, the punishment can range from flogging to the death penalty. The 2013 Penal Code also criminalizes female same-sex relations and intimate conduct through Articles 238 to 240, the punishment for which is flogging regardless of circumstance.³⁹ There are no official, readily available statistics on the number of executions for same-sex relations.⁴⁰ However, NGO reports have shown that it occurs and suggest the incidence rate is high.⁴¹
13. In 1986, then Supreme Leader Ayatollah Khomeini, issued a *fatwa* (a ruling or a religious decree on a point of Islamic law given by a recognized authority) permitting the acceptance of sex reassignment surgery for transgender people.⁴² Sex reassignment surgery is now codified in Article 4 of the Family Law (2013), which stipulates that those seeking medical intervention should obtain prior judicial and medical approval officially stating that they have been diagnosed with Gender Identity Disorder.⁴³ The Ministry of Health has overall responsibility for implementation of this law, by ensuring the provision of medical care to recognized transgender people. The State Welfare Office provides social and psychological support and several Government institutions, such as the Ministry of Labor, are involved in supporting transgender individuals who pursue or have been through sex reassignment procedures.⁴⁴
14. Although State recognition and support have given transgender individuals a certain level of legal legitimization, it also has reinforced the societal stigma by pathologizing transgender identities: implying that trans persons suffer from a medical condition which requires treatment. Additionally, medical assessment in the Islamic Republic of Iran conflates a variety of sexual and gender identities with transsexuality, resulting in those for whom surgery is neither appropriate nor necessary being 'treated' in line with the prevailing medical opinion: that any divergence from cisgender heterosexuality can only be

³³ Constitution of the Islamic Republic of Iran, http://www.iranchamber.com/government/laws/constitution_ch03.php

³⁷ Constitution of the Islamic Republic of Iran, http://www.iranchamber.com/government/laws/constitution_ch03.php

³⁴ Iran Human Rights Documentation Center,

<https://iranhrdc.org/denied-identity-human-rights-abuses-against-irans-lgbt-community/#2>

due to a person's gender dysphoria and transsexual identity.⁴⁵ Further, among these individuals, only those who are officially diagnosed with agender identity disorder and who obtained a permit to undergo sex reassignment surgery can have their gender legally recognized by the Government. Others cannot benefit from the State Welfare's services including sex change procedures or counselling and as a result cannot receive a state-issued identity card which legally affirms their gender.⁴⁶ As a result, individuals of varying sexual and gender identities who cannot or will not pursue medical transition are not protected from abuses, including arrest, detention and prosecution.⁴⁷

15. Besides the criminalization of same-sex conduct, a number of other legal provisions directly impact on the rights of lesbian, gay, bisexual and transgender (LGBT) individuals, in particularly Iranian laws related to public decency. For instance, Article 639 of the 2013 Islamic Penal Code criminalizes the

³⁹ Islamic Penal Code 2013, Iran Human Rights Documentation Center,

<https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

⁴⁰ Small Media, 2018, https://smallmedia.org.uk/media/projects/files/BreakingTheSilence_2018.pdf

⁴¹ Amnesty International, 2017,

<https://www.amnesty.org/en/latest/news/2016/08/iran-hanging-of-teenager-shows-brazen-disregard-for-international-law/>;

Amnesty International, 2018, <https://www.amnesty.org.uk/urgent-alireza-arrested-15-tortured-confession-be-executed-tomorrow>;

Iran Human Rights, 2019, <https://iranhr.net/en/articles/3611/> ; Human Dignity Trust,

<https://www.humandignitytrust.org/country-profile/iran/> ; International Lesbian Gay Bisexual Trans and Intersex Association

(ILGA), 2019, https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf

⁴² Outright International, 2016, <https://outrightinternational.org/sites/default/files/OutRightTransReport.pdf>

⁴³ Outright International, 2016, <https://outrightinternational.org/sites/default/files/OutRightTransReport.pdf>

⁴⁴ Outright International, 2016, <https://outrightinternational.org/sites/default/files/OutRightTransReport.pdf>

⁴⁵ Small Media, 2018, https://smallmedia.org.uk/media/projects/files/BreakingTheSilence_2018.pdf ; Outright International,

2016, <https://outrightinternational.org/sites/default/files/OutRightTransReport.pdf>

⁴⁶ Outright International, 2016, <https://outrightinternational.org/sites/default/files/OutRightTransReport.pdf>

⁴⁷ Outright International, 2016, <https://outrightinternational.org/sites/default/files/OutRightTransReport.pdf>

facilitation or encouragement of "people to immorality or prostitution".³⁵ Article 6 of the Press Law (1986) prohibits the dissemination of material "which violates public chastity" including "forbidden practices"⁴⁹ such as same sex relations. Similarly, Article 14 of Law on Computer Crimes criminalizes the distribution of "immoral content".⁵⁰ Governmental-mandated organizations set up to preserve "public morality", notably the *Basij* militia, reportedly harassed, arrested, detained and abused LGBT individuals on the basis of the aforementioned regulations.³⁶

³⁵ Islamic Penal Code (2013), Iran Human Rights Documentation Center,

<https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/> ⁴⁹

International Lesbian Gay Bisexual Trans and Intersex Association (ILGA), 2019,

https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf ⁵⁰

International Lesbian Gay Bisexual Trans and Intersex Association (ILGA), 2019,

https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf

³⁶ Iranian Lesbian & Transgender Network (6Rang), 2014,

<http://6rang.org/english/wp-content/uploads/2014/06/Pathologizing-Identities-Paralyzing-Bodies.pdf> ; Iranian Railroad for Queer

Refugees (IRQR), 2018, <https://irqr.net/wp-content/uploads/2018/09/IQW-Report.pdf> ; OutRight International, 2016,

16. Similarly, law enforcement forces have been reportedly arresting and detaining transgender individuals for appearing cross-dressed in public, an act considered *haram* (forbidden under Islamic law) until a 'disorder' could be medically and legally established.³⁷ Additionally, Article 638 of the 2013 Penal Code provides that all women must appear in public wearing the mandatory *hijab*,³⁸ a provision that has been reportedly used against both transgender men pressured into wearing a *hijab* and transgender women accused of "cross-dressing" in public, regardless of whether their change in gender has been legally recognized.³⁹ In a number of reported cases, transgender individuals arrested on such charges have been detained, prosecuted and sentenced to flogging.⁴⁰ Due to the lack of official reporting and victims' fear of social stigma, the number of cases of abuses and discriminations against individuals on the grounds of their sexual orientation and gender identity is likely much higher than those reported by human rights organizations.⁴¹
17. There is, as of now, no evidence that the Iranian Government is currently considering repealing or amending laws that result or could result in discrimination, prosecution, and punishment of people because of their sexual orientation or gender identity. Iranian law does not recognize transgender individuals who haven't been diagnosed with GID and implicitly supports the conception that transsexuality is a condition that needs to be medically 'corrected' and criminalizes same-sex relations. Such behavior may well pressure transgender individuals into undergoing treatments and medical procedures to escape discriminations and persecution and may incentivize forced medical procedures. In a number of reported cases, such medical interventions have been carried out without prior informed consent or individuals were subjected to forced administration of hormones and medication,⁵⁷ which is a grave violation of the right to health⁵⁸ and may amount to torture.⁵⁹
18. There is no readily available information that might indicate that the Islamic Republic of Iran has engaged in steps to ban forced, coercive or otherwise involuntary psychological, medical, and surgical procedure designed to change or reassign people's sexual orientation, gender or sex characteristics without their free, prior and informed consent.

Response to question 5:

Please share information on the health and other type of responses provided by the State and/or other actors in your country/ies or regions in focus to survivors of each/some of the aforementioned forms of violence.

https://outrightinternational.org/sites/default/files/OutRightLesbianReport.pdf?_ga=2.78516692.1992181521.1595330838-780871412.1595330838

³⁷ Outright International, 2016, <https://outrightinternational.org/sites/default/files/OutRightTransReport.pdf>

³⁸ Outright International, 2016, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

³⁹ Outright International, 2016, <https://outrightinternational.org/sites/default/files/OutRightTransReport.pdf>

⁴⁰ Outright International, 2016, <https://outrightinternational.org/sites/default/files/OutRightTransReport.pdf>

⁴¹ Small Media, 2018, https://smallmedia.org.uk/media/projects/files/BreakingTheSilence_2018.pdf; Iranian Lesbian & Transgender Network (6Rang), 2015, https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19808_E.pdf

19. The Government's behavior towards lesbian, gay and bisexual individuals has been hostile and Iranian authorities publicly criticize the country's lesbian, gay and bisexual community. In 2013, Mohammad Javad Larijani, secretary of Iran's high council for human rights said that homosexuality was regarded as "an illness and malady" in the Islamic Republic of Iran.⁶⁰ Negative comments from Iranian officials have been regularly and recently reported, where they used terms such as "immoral," "corrupt," "animals," "sick" or "Western" to qualify homosexual individuals.⁶¹ Such openly hostile behavior towards the lesbian, gay and bisexual community from government officials may further impair LGBT persons' access to employment, social services, health care, and education. It creates a permissive environment for the exclusion and societal stigmatization against LGBT individuals in Iran.⁶² There is no readily available information that might indicate the existence of state measures to address discrimination against lesbian, gay, bisexual and non-legally recognized transgender individuals.

⁵⁷ Iranian Lesbian & Transgender Network (6Rang), 2014,

<http://6rang.org/english/wp-content/uploads/2016/02/Diagnosing-Identities-Paralyzing-Bodies.pdf>; Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, 2019, <https://undocs.org/en/A/74/273>; Iranian Lesbian & Transgender Network (6Rang), 2018, <http://6rang.org/english/2422>

⁵⁸ Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, August 2009, <https://undocs.org/A/64/272>

⁵⁹ Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, July 2008, <https://undocs.org/en/A/63/175>; Yogyakarta Principles,

http://yogyakartaprinciples.org/wp-content/uploads/2016/08/principles_en.pdf and http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf

⁶⁰ The Guardian, 2013, <https://www.theguardian.com/world/iran-blog/2013/mar/14/iran-official-homosexuality-illness>

⁶¹ Iranian Lesbian & Transgender Network (6Rang), 2017,

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

⁶² Iran Human Rights Documentation Center,

<https://iranhrdc.org/denied-identity-human-rights-abuses-against-irans-lgbt-community/#2>; Iranian Lesbian & Transgender Network (6Rang), 2015,

https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19808_E.pdf; OutRight International, 2016,

https://outrightinternational.org/sites/default/files/OutRightLesbianReport.pdf?_ga=2.78516692.1992181521.1595330838-780871412.1595330838; Iranian Lesbian & Transgender Network (6Rang), 2015,

https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19808_E.pdf; Committee on the Rights of the Child, 2016,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/IRN/CO/3-4&Lang=En; Small Media, 2018, https://smallmedia.org.uk/media/projects/files/BreakingTheSilence_2018.pdf

20. In the Islamic Republic of Iran, the lack of laws or legal mechanisms protecting transgender individuals against discrimination and the absence of recognition of transgender individuals who do not pursue sex reassignment surgery leave them without legal guarantee to their rights afforded by the International Covenant on Economic Social and Cultural Rights. Transgender individuals who do not wish, cannot or have not been medically allowed to go through sex reassignment surgery are not eligible to obtain legal recognition corresponding to their gender identity. As a consequence, they face barriers to access higher education, employment and housing as they cannot obtain relevant legal permits without denying their

sexual orientation and/or gender identity.⁴² Moreover, they are not eligible for social services and health assistance provided by the State for recognized transgender individuals. Additionally, gender segregation is enforced in some instances in higher education, restricting access of non-recognised transgender individuals and contributing to the risk of harassment and bullying.⁴³ Even with state recognition, transgender individuals suffer from social stigma, impacting their opportunity to seek and obtain employment.⁶⁵

⁴² OutRight International, 2016, <https://outrightinternational.org/sites/default/files/OutRightTransReport.pdf>; Iranian Railroad for Queer Refugees (IRQR), 2018, <https://irqr.net/wp-content/uploads/2018/09/IQW-Report.pdf>

⁴³ OutRight International, 2016, <https://outrightinternational.org/sites/default/files/OutRightTransReport.pdf>; Human Rights Watch, 2012, <https://www.hrw.org/news/2012/09/22/iran-ensure-equal-access-higher-education>; Iranian Lesbian & Transgender Network (6Rang), 2015, https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19808_E.pdf

⁶⁵ OutRight International, 2016, <https://outrightinternational.org/sites/default/files/OutRightTransReport.pdf>