IRAN: Life is Yet Elsewhere for the LGBT Refugees

This report briefly describes the harsh situation of Iranian LGBT refugees in transit countries. This report also tries to enlighten and document the dreadful facts in which the Iranian LGBT Community is involved.
This report was written by Payam Shirazi, research assistant at Mount Sinai Hospital, in collaboration with IRQO. This report was prepared based on case-by-case research and interviews with LGBT individuals in addition to published media reports, which is mentioned in the references.

It is the writer’s sincere gratitude to those who shared their very intimate stories to IRQO to uncover the brutal state of living in Iran and the transit countries as well as to support the Iranian LGBT Community.
IRAN: Life is Yet Elsewhere for the LGBT Refugees

IRQO REPORT ON IRANIAN LGBT REFUGEES №. 02 APRIL 2013

Table of Contents:

Recommendations 4
   To the government of Iran 4
   To the government of Turkey 5
   To UNHCR and other involved countries 5

Introduction 6

Methodology 7

Procedures 7

   Inside Iran 8
      Incident No. 1 10
      Incident No. 2 10
      Incident No. 3 11

   Transit countries 14
      Process of seeking asylum in Turkey 14
      Health 15

   Incident No. 4 16
      Incident No. 5 17
      Incident No. 6 17
      Incident No. 7 17
      Incident No. 8 18
      Incident No. 9 18

References 20
Recommendations

To the government of Iran

- Recognize Human and Civil Rights of Gay, Lesbian, Transgender and Bisexual people on equal bases under Iran’s civil rights.

- Eliminate all laws, codes and legislation under the Islamic Penal Code in which gay, lesbian, transgender people are criminalized. Criminalization include but not limited to articles 110-111. These articles recognize homosexual act as lavat (sodomy) and exhibit death penalty for homosexual acts.

- Eliminate articles 121-122 of the Islamic Penal Code in which takhfiz (same-sex foreplay) acts ordered to a maximum of 100 lashes as punishment.

- Eliminate articles 123-124 of the Islamic Penal Code in which lams or booseh shahawani (lustful touch and kissing) acts between same-sex individuals ordered to a maximum of 60 lashes as punishment.

- Eliminate articles 129-131 of the Islamic Penal Code in which musahiqa (lesbian) acts ordered to receive lashes and/or death penalty in conditions as punishment.

- Eliminate article 120 of the Islamic Penal Code, which allows hakim sharia (the Islamic judge) to order sentences based on his circumstantial methods. Circumstantial methods would allow hakim sharia to decide punishment based on his personal judgment.

- Eliminate article 220 of Islamic Penal Code which allows Father and Paternal Grandfather to punish their children to death as the act of honor killing where many gay lesbian and transgender individuals have fallen victim to, and the murderer parent/male kin was let free of charges.

- Include the Islamic Penal Code to serve the same punishment for sexual harassment against an LGBT person, as would be done for a heterosexual person. Provide legal support against honor killing and abuse of LGBT individuals based on their sexual orientation or gender identity.
- Adjust military service exemptions that treat gay and transgender Iranians as diagnosed with “mental disorders” or “behavioral disorders.” Discontinue any humiliating and improper physical and psychological tests by private and government agencies.

- Allow internationally known, trusted and honored researchers and scientists to provide the government agencies and judiciary system with the world’s most recent findings in gender and sexual studies to support and recognize facts of gender identities.

- Train and educate government agencies, public and families to accept and respect sexual orientations, expressions and identities of homosexual and transgender citizens.

To the Government of Turkey and other transit countries

- Provide protection to Iranian LGBT people who seek asylum by prosecuting acts of violence against them during their stay in transit countries.

- Permit LGBT asylum seekers and refugees to reside in larger cities where they are less likely to be abused based on their sexual orientations and gender identities.

- Train police officers who are involved with interviewing and documenting LGBT asylum seekers cases to consider confidentiality very seriously with regards to LGBT cases, protect LGBT individuals and connect them to appropriate social groups.
To the UNHCR Offices, EU Member States, Canada, Australia, the United States, and other concerned governments

- Expedite process of seeking asylum and resettlement of LGBT individuals to the host countries. Reduce the wait time from Interview to Resettlement process to the maximum of one year.

- Assist transgender asylum seekers and refugees with their hormone replacement therapy while waiting resettlement.

- Avoid deportation of the Iranian LGBT refugees and asylum seekers as they are at the risk of life threatening harassment and detention in Iran.

- Update immigration courts and related agencies with LGBT circumstances in various regions in Iran and various forms of homophobic harassment they receive outside the large cities.
Introduction

The Iranian Queer Organization (IRQO)\(^1\) is an international not-for-profit organization advocating for the Iranian lesbian, gay, bisexual, and transgender (LGBT) individuals. IRQO is based in Toronto, Canada although the organization provides support and counseling to clients. IRQO addresses issues of the Iranian community LGBT community at large; provides services to its clients and generates informative material that can benefit the community at large; documents human rights violations, provides letters of support for Iranian LGBT asylum seekers and refugees; provide affidavits to UNHCR and Immigration Courts, and supports anti-homophobia efforts. IRQO also raises awareness about LGBT life conditions inside Iran, which is deeply affected by homophobic legal and social institutions. Through various venues such as online library and electronic G-book series in Gilgamišaanza Publication\(^2\), its monthly online magazine Cheragh\(^3\), and through widespread lobbying, IRQO works towards decriminalization of homosexuality in Iran. Transgender and intersex people are included in IRQO activities as well.

The purpose of this report is to provide an accurate evidence of circumstances in Iran and transit countries for LGBT asylum seekers. This report focuses on LGBT Iranians in transit countries and Turkey specifically due to a large number of asylum seeker and refugees in Turkey. In fact, this report will review some of the disturbing incidents that happened to Iranian LGBT in Iran and transit countries. It is our hope that this report will serve to foster sensitivity and openness in care of Iranian LGBT citizens, asylum seekers and refugees, as they try to practice their vitally important human rights.

---

\(^1\) IRQO was formerly known as Persian Gay and Lesbian Organization – PGLO.
\(^2\) Gilgamišaanza is an independent publication specialized in publishing LGBT books and resources in Persian (Farsi) language. It was founded in 2010 by Ms. Saghi Ghahraman.
\(^3\) Cheragh, also spelled as Cheraq, is a monthly e-magazine sponsored by IRQO. www.cheragh.org
Methodology

This report uses two main methods to collect information. First, by direct interviews and reports addressed to IRQO. IRQO had over 200 clients in transit and host countries in 2012 providing this opportunity for IRQO to interview LGBT refugees as well as activists in and outside of Iran. IRQO receives reports from lawyers, professors and scholars whose common field of interest is LGBT rights in Iran. Furthermore, IRQO has expanded its network with the grassroots movements and groups in Iran, Turkey, Europe, US and Canada.

Gathered information is confirmed with different sources in order to guarantee the accuracy of the information. This report will not reveal details of its sources for confidentiality and safety reasons due to the risk to Iranian LGBT individuals who live in Iran or have family members in Iran. This report uses indirect sources such as annual reports and media releases from human rights activists and advocates.

Procedures

LGBT individuals who face discrimination in Iran need to leave their hometown and move to populated cities or leave the country involuntarily. In more than 200 recent cases, individuals did not have any other option but to leave the country and seek asylum. Amongst the neighboring countries, UNHCR’s office in Turkey has been receiving the majority of LGBT asylum seekers. Other than the main group in Turkey, there are numbers of LGBT asylum seekers in India, Malaysia, Thailand and Philippines. Additionally, European countries, USA, Canada, and Australia would independently process LGBT refugee cases according to the 1951 Refugee Convention.

Although The Islamic Republic of Iran has signed and accepted the Universal Declaration of Human Rights, it does not recognize the rights for homosexual activities; furthermore, its Sharia law openly discriminates between homosexual and heterosexual activities. Article 111 of the Islamic
Penal Code says, “sodomy involves killing if both the active and passive partners are mature, of sound mind and have free will.”

Likewise, the society of Iran is not LGBT-friendly due to lack of civil rights and social works that open ways to educating society with regards to social justice and human rights. The Iranian government extends its control over any types of NGO movements. In several cases the government shut down independent NGO’s providing social services due to contradictions with Sharia Law. For instance, in his speech Ayatollah Javadi-Amoli, one of the most influencing scholars in Iran, openly condemns LGBT activity and encourages his followers to attack LGBT people.

In such a harsh and risky situation, independent activists and advocates have to either refuse and deny their support of LGBT individuals or perform the support secretly.

Doctors Arash Alaei and Kamiar Alaei, who actively worked and are internationally known for their HIV/AIDS support programs, assisted the Iranian LGBT community in Iran by providing health teachings and treatments. They were arrested in 2008 and imprisoned for two years and six months. They left Iran after they were released from prison.

**Inside Iran**

In the Islamic Republic of Iran, the justice system is constructed from the Sharia text in which very limited types of sexuality is considered sane

---


7 The World Health Organization defines sexuality as, “a central act of being human throughout life which encompasses sex, gender identity and role, sexual orientation, eroticism, pleasure, intimacy and reproduction. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviour, practices, roles and relationships. While sexuality can include all of these dimensions, not all of them are always experienced or expressed. Sexuality is influenced by the interaction of biological,
sexuality, and the homosexual action is considered a crime against God’s will and therefore punished by death penalty. Human Rights Watch reported that the Iranian government publicly executed two men, Mokhtar N. (24 years old) and Ali A. (25 years old), in the city of Gorgan. Considering that people could define sexuality in a myriad of ways, sexuality can range from hugging, kissing, touching, and holding hands to sexual intercourse, oral sex, emotional closeness and companionship. Sexuality depends on a lot of factors such as physical and psychological factors and fear of punishment, fearful experiences in the past, and whether they are allowed to have partners or not. The Islamic Penal Code of Iran does not tolerate any kind of intimate behavior between same-sex individuals and exhibit punishment up to 100 lashes to each party. Furthermore, Islamic ethics and public decency have become common legal terms in which LGBT people are in the very front line of being judged and harassed. Private parties and gatherings are reportedly attacked, and LGBT individuals are arrested, lashed and in some cases forced to pay a fine only based on violation of the Islamic ethics and decency. Repeatedly, execution of LGBT people in Iran has caused the international community to appeal the Iranian government to stop discrimination and execution of LGBT people in Iran. However, the Present of Iran, Mahmoud Ahmadinejad, denied the existence of gays in Iran during his visit to New York. Mr. Siamak Ghaderi, who worked for the Islamic Republic News Agency (IRNA) for 18 years, interviewed some members of the LGBT community in Iran and published his report on his weblog called

---

'Our IRNA’ after Mahmoud Ahmadinejad denied the existence of homosexuals in Iran during his speech in Colombia University. Shortly after, he was arrested and sentenced to pay a fine, four years of imprisonment, and 60 lashes for propaganda against the Islamic regime, disturbing public sensibilities and publishing falsehoods.”

Furthermore, Mohammad-Javad Larijani, secretary-general of the Iranian High Council for Human Rights, remarked that homosexuality is “sexual immorality and a disease, and therefore is punishable by death under the Islamic law in Iran” during his conference with German politician Mr. Tom Koenigs.

Iranian Military Service, on the other hand, is another confusion in which LGBT men and women are harassed and discriminated based on their sexual orientation and gender identity. Every Iranian man who is 18 years of age or older is obligated to complete his military services whereas gay men and transgender women are treated as individuals with mental or gender disorder and are removed from their military services. Those gay men and transgender women who are removed from services will be confronted with their parents, giving details of their homosexual act, and are handed an identification card bearing the reason of their exempt on them. Ayatollah Mohammad-Taghi Mesbah, who is an influencing scholar in Qom, said in his speech in the conference of Religion, Sexuality and Psychology in Qom:

“This is unfortunate that universities falsified about homosexuality. They tried to convince us with scientific facts. They say homosexuality is genetic. Homosexuality is the greatest sin in the presence of Allah. These days US presidency candidates compete with each other in supporting homosexual
rights, and here some weak and corrupt people follow them in our country.”16

Ayatollah Ali Khamenei, Iranian Supreme Leader, also made comments on the LGBT rights by stressing that homosexuality would never be a concern in Iran because he believes homosexuality is only a decadent Western phenomenon.17

Incident No. 1

A. T., a 21-year-old gay man, was spending intimate time with his boyfriend in the alley outside their orchid in Mash’had18 in fall 2004. While A. T. was making out with his boyfriend, Revolutionary Guards19 approached them and started beating A. T.’s boyfriend. A. T. recalls that he begged them to stop beating his friend and even offered them money. A. T. quotes from one of the guards, “you know that if we report you to our chief, you will both be hanged”. After A. T. confirmed, the guards forced him to please them the same way he did with his boyfriend, and all five men raped A. T. one by one, humiliated both of them and left. A.T.’s boyfriend was horrified and cried quietly. He took A. T. in his car after the guards left and took him to a pharmacy to get some painkillers for A. T.’s bleedings in his rectum area. When back in his room, A. T. committed suicide by taking the painkillers. His boyfriend took him to the hospital. A. T. cut his wrist while in the car. In the hospital, nurses called A. T.’s father, but he denied having a “such a son”. In

18 The city of Mash’had is located in the North East of Iran. Mash’had is considered a conservative city since it holds the holy shrine of Imam-Reza, a religious leader for Shia.
the ER Unit, the police wanted to question him for details, but the in-charge doctor discharged him before more investigation revealed reasons of his injuries, which could lead to his arrest instead of his attackers. They both were under severe depression, and their relationship suffered. A. T. is still suffering from the incident both physically and mentally. He has developed nightmares and has been treated for post-traumatic stress disorder - PTSD.

Incident № 2

A. D. was working with financial institution in Tehran. He lived with his partner when he met a straight man, who seemed to be gay friendly. He was welcomed in A. D’s home and he often spent time with the couple as a family friend. Once he became aware of the nature of A.D’s long-term relationship with his boyfriend, he began blackmailing and threatening A. D. for a great amount of money. A. D. reports that he ignored him, but he brought a group of felons to A. D’s place and physically threatened A. D and his boyfriend.

Incident № 3

D. and A. are 28-year-old gay men from Tehran. Before the incident happened in summer 2011, they were partners for more than two years. D. and A graduated form University of Tehran. They report, “we were enjoying our summer morning, taking a walk while a fire-armed Basiji Guard stopped us and asked why we were holding hands”. Basiji showed his ID card and a tear gas gun. D. and A. tried to mislead the Basiji by saying “that's nothing. We're friends, just holding hands”. He was not convinced. He questioned them separately and took them in his car and drove to an apartment. Once in the apartment, he started verbally insulting A. and D. and beating them. D. reports that the Basiji guard sexually harassed us and took our contact information before he letting us leave. A. Attempted suicide a week later cutting his wrist. A. mentions: “he ruined our lives. I never slept

---

20 Walking hand in hand is a casual scene in Iran for both men and women. It is accepted neutral for men and women.

21 Basij is considered militia division of Iran’s Revolutionary Guards
without nightmare after that day.” A. and D. are treated for Major Depressive Disorder – MDD.

Transit Countries

Violation of LGBT rights is not limited to those LGBT individuals living in Iran. IRQO regularly receives significant number of sexual harassment reports from its clients in transit and host countries due to several reasons such as lack of legal status and harsh homophobic environment. While IRQO is heavily involved with LGBT refugees in Turkey, harassment experienced by LGBT refugees in the East Asian countries goes unnoticed by organizations and authorities. One Iranian gay refugee in Malaysia reported to IRQO that he has been forced to give sexual favors in return of shelter and food even after he was granted refugee status and while he was waiting for his resettlement interview. In Turkey, rooms and apartments are hardly rented to the Iranian LGBT refugees. LGBT refugees have to hide their sexual orientation or the landlord would evacuate them immediately causing LGBT individuals lose money and shelter. Refugees do not have work permits in their transit countries. Therefore, they have to work under harsh circumstances in order to pay for their expenses, and there is a chance the employer do not pay wages and dismisses them without pay.

Process of Seeking Asylum in Turkey

Once LGBT individuals face a situation where they are at risk in Iran, or their human rights are violated by the government, militia, or homophobic society, they have no choice but to seek asylum in a safe country. Turkey receives a great deal of LGBT asylum seekers because it shares borders with Iran. The ports of entry to Turkey from Iran are by air, train and bus or through crossing bordering mountains from North East of Iran. Also Turkey is known to be one of the most stable countries that have mutual visa agreement with the government of Iran. According to Iran-Turkey mutual visa agreement, citizens of each country can obtain a visitor visa at the point

22 IRQO archives.
of entry with no charge. Although Iran and Turkey have similar cultural and historical context, domestic racial conflicts would be an issue that makes situation of seeking asylum more difficult. In general, struggles of asylum seekers and refugees during their stay in Turkey can be reported concerning three main aspects; health, legal, and housing.

LGBT asylum seekers and refugees are assigned to reside in cities such as Denizli, Kayseri, Isparta, Eskisehir, Nevsehir, and a much smaller number are sent to Yalova, Balikesir, Kirsehir, Kastomono, Duzce. Renting apartments in Turkey means that the individual must pay 6 months or depending on the city, one year of the rent in advance plus one month rent to the rental agency in addition to monthly payments for electricity, water, heat, cooking, internet, and phone. Among expenses refugees are obliged to pay tax. Traveling to Ankara for several interviews with the UNHCR and embassies would be another expense. Paying for medications, and other unexpected expenses is left to the individual’s responsibility. In addition to the financial expenses that are beyond the means any LGBT refugee would have during the time in Turkey, complications of hiding their identity as LGBT from various agencies and social services, landlords, neighbors, and other Iranian refugees would add to the situation. Exposure of identity would mean being subject to harassment and evicted from their homes.

**Health**

A large number of LGBT refugees and asylum seekers are in need of their prescribed anti-depressant and anti-anxiety medications because of the psychosocial pressure of living in exile in addition to experienced psychological traumas. This part is going to review some of the traumatic incidents that declined the health of Iranian LGBT individuals in Turkey. Besides anti-depressant and anti-anxiety medications, some LGBT individuals have been diagnosed with bipolar and borderline disorders, and they require anti-psychotic medications. Unlike over-the-counter

---

23 In this report *psychosocial pressure* is used to refer as feelings of being obligated to leave one’s hometown in order to keep oneself and the family safe. It also includes pressure of being in the closet and fear of gender expression. It is further explained in the part *Inside Iran* by giving true story incidents.
medications, anti-depressants and anti-psychotics are expensive while LGBT asylum seekers and refugees do not have insurance plans to cover their medication expenses over the long period of transition. This would cause LGBT asylum seekers and refugees to decrease their dose or stop their medications. Delay in anti-psychotic medications could give harmful adverse functions and side effects such as obsessions, hysteria and convulsions.

At the time of this report, 15 LGBT refugees reported suffering from life threatening health conditions. 20 LGBT refugees are in need of antidepressant medications, and 18 transgender individuals need hormones for their prescribed hormone therapy.

Incident № 4

One gay refugee in Turkey, who has been diagnosed with Major Depressive Disorder since he was 19 years of age, explained his condition as, “I am always afraid that my hysteria comes back. When I don’t take my pills, when my depression is back, I feel my eyes sink in their sockets, and I am delusional, and I see people turn into strange shapes. This bothers me a lot that depression has no cure that I have to be dependent on Lithium to the end of my life, taking it three times a day; it has been like this in the past 5 years. I must take a lot of water with Lithium so it doesn’t harm my liver. Even though, my palms always sweat, my lips dries and my skin turns flaky, my depression comes in periods.” He reported that he took ‘Lithium B Carbonate 30 mg’ which is expensive to purchase and has side effects such as deteriorating vision. He continued, “I cannot get off the pills, and I can’t get them here.”

24 IRQO archives
Incident №. 5

Another gay refugee who resided in Turkey has also been on medications since he was 15 years of age. He tried to change his pills into a similar generic type that was prescribed in Turkey, but he had severe motor convulsions. He reported that he could not walk steadily for a couple of weeks, and he had hallucinations. He said he felt dizzy and very disturbed with shaky hands. His roommates reported that they were not able to leave him unattended for the fear of injuries due to faint or convulsions.

Some of LGBT refugees have tried suicide before they escaped Iran. The incident left them with permanent damages to the body. One lesbian woman, who was forced to marry a man, cut herself. As a result, her right leg is now numb and she cannot walk properly. She feels severe pain through her leg.

Incident №. 6

A young gay man, in his early 20s, was raped repeatedly by his straight roommates in Adana, Turkey. He had registered with the UNHCR in late Spring 2012, and was assigned to the satellite city of Adana. Being a small town with a limited number of LGBT asylum seekers with whom he was not familiar, he could not get help for months until he reached out to the UNHCR and was relocated with help from the UNHCR, KAOS and IRQO. He left his city with physical injuries and a severe anxiety level diagnosis.  

Incident №. 7

Another young gay man was kidnapped and raped in Turkey, Isparta. He lived in the city for over a year but was isolated and kept away from other LGBT refugees in the town as he insisted to protect his identity, for he belonged to a certain ethnic group. He was lured by a group pretending to be social and medical workers and taken outside the city, raped and abandoned. He received help from UNHCR and KAOS representatives. He was hospitalized for a short while to receive treatment. 

25 IRQO archives
26 IRQO archives
Incident №. 8

An under-aged gay man arrived in Turkey and was assigned to reside in Kırsehir. He had to wait until his 18th birthday before his case could be determined by the UNHCR. Waiting home one night, a year later, he was approached by a stranger who implied sexual favor. Upon refusing, he was beaten severely. His face was completely swollen and bruised with a broken jawbone. Police was informed, so he was taken to hospital for treatment. Although his satellite city was changed for further protection, nothing was achieved in the way of pressing charges against the attackers. 27

Incident №. 9

Marjan Ahourayee, a 29-year-old male to female transgender refugee died in Turkey on April 2, 2013. Her body failed to cope with complications of her posttraumatic syndromes and infections. She was in Turkey for 14 months, and would have been resettled in Canada with more attentive consideration of the Canadian Embassy. She arrived in Turkey already diagnosed with some illnesses and contracted other health related complications due to the hormones she used, the poor diet and life style she was forced to adapt. Her death could have been avoided if her resettlement would have taken place soon after her determination, and necessary treatments would have been given to her in Canada. 28

---

27 IRQO archives
28 IRQO archives
Reviewed past incidents in addition to the recent loss of Marjan Ahourayee, who needed immediate assistance for her infections, truly prove the fact how Iranian LGBT refugees and asylum seekers are in the need of serious attention. It is believed that UNHCR, the transit governments and the embassies of the host countries have the responsibility for the safety and protection of LGBT asylum seekers and refugees. However, repeatedly disturbing incidents discourse the neglect of providing proper healthcare and legal consideration, which have to be identified and resolved. Dismissive approach towards LGBT refugees and asylum seekers with multifarious cases from abuse and rape to hormone replacement therapy and post trauma syndromes would not only disturb the situation but also extend trauma to death of Iranian LGBT members.
References


Kenare, A., 2011, Los Angeles Times, “Long suspensions, heavy fines for Iran soccer players’ fanny pat”, US,

http://www.rferl.org/content/iran_rights_official_calls_homosexuality_disease/24444986.html

http://www.radiozamaneh.com/english/content/jailed-iranian-journalist-refused-furlough


World Health Organization - WHO, 2010, p. 10

IRQO archives, 2012, confidential interviews with LGBT members
IRAN:	
  LIFE	
  IS	
  YET	
  ELSEWHERE	
  FOR	
  THE	
  LGBT

22

IRQO
Report
on
Iranian
LGBT
Rights
No.
02
April
2013

Copyright © 2013 Iranian Queer Organization – IRQO
The 519 Church Street
Toronto, Ontario  M4Y 2C9
www.irqo.org