



This factsheet is from a three part series for LGBTQ people, looking at laws that affect you, your rights and what to do if arrested, and information on sexual health, in Egypt, Iran, and Lebanon.

ARTICLE 19

# YOUR RIGHTS AND

# WHAT TO DO IF YOU'RE ARRESTED

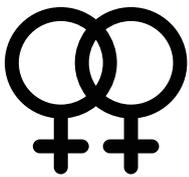
## 📍 IRAN



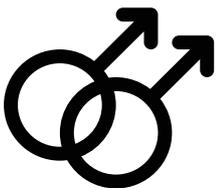
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### BEING LGBTQ IN IRAN

In **Iran** being a gay, lesbian, bi, or trans person is considered by many as a form of sexual perversion and psycho-sexual sickness. There is limited information available for the average **Iranian** family about sexual orientation or gender identity – much of the unbiased information that is available is blocked through the government's continued efforts to censor all media and online content. Most people's perceptions of LGBTQ people come from religious teachings or the government.



Slang and derogatory language that demonises LGBTQ people is prevalent; equating same-sex sexual conduct, cross-dressing, and gender-nonconformity with having weak personality, loose morality, or mental problems. This is reinforced by **state-controlled media** that spread negative images of LGBTQ people through false information.



As a LGBTQ person in **Iran**, you have most probably personally experienced various forms of harassment and abuse throughout your life; whether it comes from members of your family, classmates, neighbours, acquaintances, co-workers, or security forces.



So, it's fair to say being queer in **Iran** is not easy, especially if you're out, with all the social, cultural, and legal barriers that you and other community members face every day. However you are part of a vibrant and resilient community that is constantly surviving and manoeuvring through the barriers put ahead of you.

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Read our factsheet on "**The Laws That Affect You**" for a breakdown of the national and international laws and see what is illegal in Iran for LGBTQ people.

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With all the difficulties you face, it is important to be aware of your rights and the support available.

Although the legal system and a portion of society is hostile to LGBTQ people, there are ways that you can partially and temporarily protect yourself against these acts of abuse and



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violence. As laws can be used against you it's important to be knowledgeable. This does not guarantee your safety and security, but by being aware of the laws and understanding how the legal system works you may be able to avoid some abuses and know how to deal with them if you have to.

In **Iran**, being or identifying as homosexual or bisexual is not a crime, but any sexual act between same-sex persons is punishable. So it is not your feelings or your orientation, but certain acts which are criminalised. Remember only five types of same-sex sexual conduct are punishable under Iranian law:

- Same-sex relations between men is punishable by lashing and the death penalty depending on positions used.
- Same-sex relations between women are punishable by lashing for the first three condemnations and then the death penalty for the fourth time.

It's noteworthy that the vague definition in the law of a "sexual act" between women makes it very difficult for this to be proven.

Since the law is written in detailed, confusing, and technical language please remember this advice if you engage in same-sex relationships in Iran:

- Punishments in law differ depending on your gender, type of relation, and number of sexual acts. Remember there are only two genders recognised by Iranian law: male and female.
- If you are a man, you should know Iranian law defines the categories of punishment in case of conviction: 1) sodomical intercourse (Lavāt), 2) sexual acts without penetration (Tafkhiz) and 3) homosexuality defined as other sexual acts than the two above (kissing, touching, cuddling for "sexual pleasure").
- If you are a woman, you should know Iranian law defines two categories of punishments in case of conviction: 1) touching of two vulvas (Musahegheh) 2) other homosexual acts such as kissing, touching, cuddling for "sexual pleasure".

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- ▶ Remember, you can only be convicted upon acts committed and not feelings or orientation.
- ▶ Only certain sexual acts between two men are punishable by death, but sexual intercourse between two women is punishable by lashes for the first three condemnations and the death penalty after the fourth.
- ▶ Sexual acts between two same-sex individuals are proven either through 1) confessions or 2) testimony of witnesses. However in most cases, individuals are tricked or forced to confess. Unfortunately, once you confess, it is very difficult to take it back.

## Convictions:

- ▶ **Lavat:** For two men, if the one performing as “top” is “single” and has engaged in a sexual act with the consent of the “bottom”, then he won’t risk the death penalty until a fourth conviction. Punishment is 100 lashes and a two-year social rights ban, which includes the right to work in government affiliated workplaces.
- ▶ **Lavat:** For two men, if the one performing as “top” is married and can engage in sexual acts with his wife, or he has raped the person acting as “bottom” the punishment will be the death penalty.
- ▶ **Lavat:** For two men, the one who receives or acts as “bottom” will be punished by death penalty, in any case and regardless of situations, unless he can prove he’s been raped.
- ▶ **Tafkhiz:** The penalty consists of 100 lashes and a two-year social rights ban for the first three convictions and death penalty for the fourth time.
- ▶ **Tafkhiz:** If the person acting as “top” is non-Muslim and the one acting as “bottom” is Muslim, then the “top” will be executed.

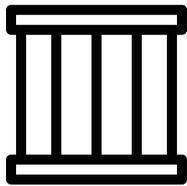
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## SO WHAT CAN YOU DO IF YOU'RE ARRESTED?

- **Musahegheh:** the touching of two vulvas between two women is punishable by 100 lashes and a two year social rights ban for the three first convictions and death penalty for the fourth time.
- Same-sex sexual conduct, other than Lavat, Tafkhiz or Musahegheh, is punishable with 31 to 74 lashes.
- If you get arrested, don't be fooled by promises from police or law enforcement agents, (e.g. "If you tell us you are gay or had sexual relations with the same-sex partner, in this or that position, we will let you go" or "If you confess you've been the 'top', you won't risk persecution").

It is important to remember that if you confess, it will be used as evidence to convict you.
- If arrested, the security forces may try to intimidate you by sending you for a rectal examination, or through other means. Forced anal examinations are a form of cruel and inhuman treatment that can amount to torture. The overwhelming medical and scientific opinion holds that it is impossible to use these exams to determine whether a person has regularly engaged in same-sex anal sexual conduct. Even if they claim that an anal exam states that you have had anal sex, that is not proof and you should not confess to anything based on such claims.
- Security forces may try to do all they can to convince you that "they already know everything about you and now you need to be honest with them and tell everything".
- If you start talking about your sexual preference and activities and confess to having sex with someone from your own sex, then your confessions can be used against you to seek a conviction and even the death penalty.
- Last, but not least, it may be tempting to tell the authorities that you were seduced or forced to have sex by your sexual partner. This may help you (but it is not a guarantee), however it can have serious, even fatal consequences for the person you were intimate with. If you had a consensual relation with that person, never use this tactic against your partner, voluntarily or under pressure.

## WHAT OTHER LAWS CAN BE USED AGAINST YOU?



The short answer is, it all depends. In some cases, when individuals are arrested at a party, they are often charged with committing sinful acts, which may include consuming alcohol, mingling with the opposite sex, etc. In some cases, especially for trans individuals and cross-dressers, the authorities have also laid charges for dressing as members of the opposite sex, which can be punished by up to two months in prison or 74 lashes under Article 638 of the Islamic Penal Code. (For more information about the situation of transgender people in Iran please visit [OutRight Action International](#)).

Please remember that these criminal charges are not directly linked to sodomy or homosexuality. It's possible that the authorities arrest individuals suspected of being homosexual and try to force them to confess to their "sexual perversion and heinous acts." If they fail to frame the suspect, they may try other tactics, including charging them with the commitment of a "sinful act." While being charged with committing a sinful act can lead to serious prison time or physical punishment, it is not as serious as being charged with sodomy, which may potentially carry the death penalty for the person convicted.

## ADDITIONAL RESOURCES ABOUT SODOMY LAW IN IRAN

If you are interested in learning more about what law says about LGBTQ people in **Iran**, there are some good resources available online that you can consult:

- ▶ OutRight Action international: [Legal Defense Strategies and Best Practices for Those Charged with Sodomy](#) – a guide for lawyers defending clients charges with same-sex practices.
- ▶ Five [manuals](#) by OutRight Action International.
- ▶ [Radio Ranginkaman legal advice podcasts](#).

You can also refer the allied NGO and individuals such as [Radio Ranginkaman](#) and [Spectrum](#) for more information and support as an LGBTQ person in Iran.

## FINAL WORD

We hope you find this factsheet helpful and educational. Please share it with your friends and loved ones.