

Human Rights Report

Being Transgender in Iran

Executive Summary

The Islamic Republic of Iran conceptualizes trans people through the clinical framework of gender identity disorder (GID) and, in response, provides limited subsidized support to specific forms of transition-related healthcare—including gender confirmation surgery (GCS), hormone replacement therapy (HRT), and various forms of psychosocial counseling.¹

Although the medicalization of issues related to gender identity has allowed for some legal recognition for members of the trans community, it has also reinforced the stigma rooted in the notion that trans individuals suffer from psychological and sexual disorders and require treatment to become “normal.”

Iranian law allows for the legal recognition of trans individuals’ gender identity; however, such recognition is only granted to individuals officially diagnosed with GID and upon their successful completion of a long process of legal and medical gender transition. The government’s position has led some observers to conclude that Iran is progressive on trans rights. While there are positive aspects to the government’s policies, trans Iranians continue to face serious discrimination and abuse in both law and practice, and they are rarely treated as equal members of society.

Iranian law fails to recognize the gender identity of any trans individual who is not granted access, does not wish, or cannot afford to pursue GCS. This deprives many of legal recognition and renders them particularly vulnerable to harassment and discrimination. The law utterly fails to recognize transgender individuals who do not desire medical intervention or may wish to decide for themselves which medical procedures are right for them.

Over the past decade, several Iranian government agencies and institutions have made efforts to act in a coordinated and deliberate way to raise awareness and address the urgent needs

¹ Iran’s State Welfare Organization, the government agency with responsibilities for transgender well-being, classifies transgender people who meet a specific criteria as having “gender identity disorder,” available at <http://www.behzisti.ir/Modules/showframework.aspx?RelFacilityId=156&FrameworkPagetype=SEC&BlockId=4&ContentId=155> [accessed January 5, 2016].

of transgender Iranians.² Yet, sizeable gaps in support persist. The absence of comprehensive legal protection, the lack of access to comprehensive and culturally competent healthcare, the often-extreme violence and abuse at the hands of private and state actors, and the narrow definition of trans identities combine to severely limit the safety, wellbeing, and opportunities available to trans Iranians.

Trans individuals recognized by the state, seeking recognition by the state, and/or living without state recognition generally experience discrimination and abuse based on their gender identity. The Iranian trans community faces pressure from both state and non-state actors, ranging from hostile public attitudes to acts of extreme violence, risk of arrest, detention, and prosecution. Most trans individuals interviewed for this report highlighted their personal experiences with bullying, domestic violence, social discrimination, and legal persecution as a result of their gender identity.³ Their experience is heightened by *Sharia*-based laws—including mandatory segregation of women and men in schools and major public transportation systems, along with a strict gender-specific public dress code—that restrict behavior or expression viewed as gender non-conforming, and prohibit individuals from publicly “cross-dressing” or “appearing as members of the opposite sex.”⁴

This report was developed through interviews with 34 trans Iranians, within and outside Iran, as well as through research into a wide range of text-based sources and through limited responses from the Iranian government. This report is intended primarily as a resource for the Iranian trans community and for trans rights advocates working in and around Iran.

2 Despite the lack of laws to protect trans individuals against discrimination, in recent months the Iranian authorities have assigned a court to handle legal issues of trans community members. On December 5, 2015, the official news agency of Iran's judiciary quoted the head of Tehran's Public and Revolutionary Court as saying that a branch of Tehran's judiciary was designated as “personal status court,” which, among other things, would tackle cases related to the personal status of transgender individuals applying for the gender-confirmation process. See Mr. Abbas Pouriani's interview in Persian at <http://www.mizanonline.ir/fa/news/105350/>

ایجاد-مجتمع-قضایی-امور-حسبی-برای-رسیدگی-به-پرونده-دو-جنسیتی-ها-ماجرای-نامه-تهدیدآمیز-و-تیراندازی-در-ملاءعام-ساماندهی-اوراق-قضایی-و-صدور-۳۰۰-هزار-برگه-اوراق-جهت-ابلاغ-ارائه-پیشنهاد-به-قوه-قضائیه-در-راستای-کاهش-طلاق-گلایه-رئیس-کل-محاکم-از-برخی-اظهارنظرها

[accessed January 5, 2016].

3 According to Dr. Morteza Rostami, an Iranian sociologist who teaches at Tabatabai University in Tehran, the social pressures on trans individuals are so high that Dr. Rostani speculates that “100% of trans individuals have had at least one suicidal thought, and 70% of them attempt suicide.” For additional information, see the April 17, 2014, Panel Discussion on “Living Transsexual in Iran,” available in Persian at <http://mehrkhane.com/fa/news/10770/>

نگاه-جامعه-به-افراد-ترنس-موجود-اضافی-اواخواهر-و-منحرف-جنسی-در-حال-حاضر-تنها-سازمان-متولی-بهنیستی-است

[accessed January 5, 2016]. Ms. Farzaneh Yaghubi, the head of Social Services Department at the Iranian Ministry of Health, also confirms the high rate of suicide among Iranian trans individuals, stating that, “As long as trans individuals are not able to be accepted by the society, they will try suicide. That's why the suicide rate among them is so high. This segment of the society faces serious challenges.” For more information about Ms. Yaghubi's speech at the “Interdisciplinary Perspectives on Transsexuality in Iran,” see the October 13, 2015, article, available in Persian at <http://mehrkhane.com/fa/news/21734/>

آخرین-آمار-ترانس-سکشوال-ها-والدین-به-رفتارها-و-پوشش-های-انتخابی-کودک-خود-دقت-کنند

[accessed January 5, 2016].

4 Iran's *Sharia* law is based on the official interpretation of Islamic doctrine as understood by the Shiite jurisprudence (also known as *Fiqh*). For a detailed analysis of Iran's Islamic laws, see Ziba Mir Hosseini, “*Sharia* and National Law in Iran,” 2012, available at <http://www.zibamirhosseini.com/wp-content/uploads/2012/03/ZMH-Sharia-national-law-in-Iran-book-chapter.pdf> [accessed January 5, 2016].