



“Even If You Go to the Skies, We’ll Find You”

LGBT People in Afghanistan After the Taliban Takeover

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OUTRIGHT
ACTION INTERNATIONAL
Human Rights for LGBTIQ People Everywhere



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OutRight Action International works at a global, regional, and national level to eradicate the persecution, inequality and violence faced by lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) people around the world. From its offices in seven countries and headquarters in New York, OutRight builds capacity of LGBTIQ movements, documents human rights violations, advocates for inclusion and equality, and holds leaders accountable for protecting the rights of LGBTIQ people everywhere. OutRight has recognized consultative status at the United Nations.

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Glossary

Asexual: An umbrella term used for individuals who do not experience, or experience a low level, of sexual desire. This identity can include those who are interested in having romantic relationships, and those who are not. People of different sexual orientations and gender identities can be asexual.

Bisexual: The sexual orientation of a person who is sexually and romantically attracted to both women and men.

Cisgender: Denoting or relating to a person whose sense of personal identity and gender corresponds with their sex assigned at birth.

Gay: A synonym for homosexual in many parts of the world; in this report, used specifically to refer to the sexual orientation of a man whose primary sexual and romantic attraction is toward other men.

Gender: The social and cultural codes (linked to but not congruent with ideas about biological sex) used to distinguish between society's conceptions of "femininity" and "masculinity."

Gender-based Violence: Any type of violence that is perpetrated against a person or group of people because of their actual or perceived sex, gender, gender expression, sexual orientation, sex characteristics, or any perceived violation of gender norms.

Gender Identity: A person's internal, deeply felt sense of being female or male, both, or something other than female or male.

Gender Nonconforming: Behaving or appearing in ways that do not fully conform to socially prescribed gender roles and norms.

Heterosexual: The sexual orientation of a person whose primary sexual and romantic attraction is toward people of another sex.

Homophobia: Fear of, contempt of, or discrimination against homosexuals or homosexuality, usually based on negative stereotypes of homosexuality.

Homosexual: The sexual orientation of a person whose primary sexual and romantic attractions are toward people of the same sex.

Intersex: An umbrella term that refers to a range of traits and conditions that cause individuals to be born with chromosomes, gonads, and/or genitals that vary from what is considered typical for female or male bodies.

LGBT: Lesbian, gay, bisexual, and transgender; an inclusive term for groups and identities sometimes also grouped as “sexual and gender minorities.”

Queer: An inclusive umbrella term covering multiple identities, sometimes used interchangeably with “LGBTQ.” Also used to describe divergence from heterosexual and cisgender norms without specifying new identity categories.

Sexual Orientation: The way in which a person’s sexual and romantic desires are directed. The term describes whether a person is attracted primarily to people of the same or other sex, or to both or others.

Sexual Violence: Any sexual act, attempt to obtain a sexual act, or other act directed against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting.¹

Transgender: The gender identity of people whose sex assigned at birth does not conform to their identified or lived gender. A transgender person usually adopts, or would prefer to adopt, a gender expression in consonance with their gender identity but may or may not desire to permanently alter their physical characteristics to conform to their gender identity.

Transgender Men: Persons designated female at birth but who identify and may present themselves as men. Transgender men are generally referred to with male pronouns.

¹ ICC Elements of Crimes, ICC-ASP/1/3, November 11, 2010, <https://legal-tools.org/doc/3coezd> (accessed January 18, 2022).

Transgender Women: Persons designated male at birth but who identify and may present themselves as women. Transgender women are generally referred to with female pronouns.

Summary

Lesbian, gay, bisexual, and transgender (LGBT) people in Afghanistan, and others who do not conform to rigid gender norms, have faced an increasingly desperate situation and grave threats to their safety and lives since the Taliban took full control of the country on August 15, 2021.² Human Rights Watch and OutRight Action International interviewed 60 LGBT Afghans from October to December 2021. Most of those interviewed were in Afghanistan, while others had fled to nearby countries where they remain in danger, including of being forcibly returned. Just a few have resettled in countries where they feel safe.

Many of those interviewed reported being attacked, sexually assaulted, or directly threatened by members of the Taliban because of their sexual orientation or gender identity. Others reported abuse from family members, neighbors, and romantic partners who now support the Taliban or believed they had to take action against LGBT people close to them to ensure their own safety. Some fled their homes from attacks by Taliban members or supporters pursuing them. Others watched as lives they had carefully built over the years disappeared overnight and found themselves at risk of being targeted at any time because of their sexual orientation or gender identity.

Afghanistan was a dangerous place for LGBT people well before the Taliban recaptured Kabul in 2021. In 2018, the government of President Ashraf Ghani passed a law that explicitly criminalized same-sex sexual relations, and the previous penal code included vague language widely interpreted as making same-sex relations a criminal offense.³ LGBT people interviewed had experienced many abuses because of their sexual orientation or gender identity prior to the Taliban's return to power, including sexual violence, child and forced marriage, physical violence from their families and others, expulsion from schools,

² Throughout this report, the term "LGBT" is intended to be inclusive of people of a range of identities, including those who identify as queer, non-binary, or gender nonconforming or who otherwise fall outside a cisgender, heterosexual norm.

³ Human Rights Watch, *Human Rights Watch Country Profiles: Sexual Orientation and Gender Identity 2021* (New York: Human Rights Watch, 2021), Afghanistan, <https://www.hrw.org/video-photos/interactive/2021/04/23/country-profiles-sexual-orientation-and-gender-identity#afghanistan>. Under both the penal code adopted by the Afghan government in 2017 and the country's previous penal code, sex outside of marriage is a crime and is punishable by death, when the high standard under Islamic law of multiple eyewitnesses is met, and by imprisonment under the lower evidentiary standard of criminal courts.

blackmail, and being outed. Many were forced to conceal key aspects of their identity from society and from family, friends, and colleagues. However, when the Taliban, which had been in power from 1996 to late 2001, regained control of the country in August 2021, the situation dramatically worsened.

The Taliban have echoed the previous government's support for the criminalization of same-sex relations, with some of their leaders vowing to take a hard line against the rights of LGBT people. A Taliban spokesperson told Reuters in October, "LGBT... That's against our Sharia [Islamic] law."⁴ A Taliban judge told the German tabloid *Bild* shortly before the fall of Kabul, "For homosexuals, there can only be two punishments: either stoning, or he must stand behind a wall that will fall down on him."⁵ A manual issued by the Taliban's Ministry of Vice and Virtue in 2020 states that religious leaders shall prohibit same-sex relations and that "strong allegations" of homosexuality shall be referred to the ministry's district manager for adjudication and punishment.⁶

Despite making repeated pledges to respect human rights, the Taliban have engaged in widespread rights abuses since retaking control of the country, including revenge killings, systematic discrimination against women and girls, severe restrictions on freedom of expression and the media, and land grabbing. The danger now facing LGBT people in Afghanistan—in an environment devoid of legal protections, under authorities that have explicitly pledged not to tolerate LGBT people—is grave.

Most interviewees believed their only path to safety was to relocate to a country with greater protections for the rights of LGBT people, but so far very few LGBT Afghans escaping Afghanistan are known to have reached a safe country. Only the United Kingdom has publicly announced thus far that it has resettled a small number of LGBT Afghans.⁷ Organizations assisting LGBT Afghans say they have been contacted by hundreds of

⁴ "Taliban say gay rights will not be respected under Islamic law," *Reuters*, October 29, 2021, <https://news.trust.org/item/20211029082858-jijlg/> (accessed December 7, 2021).

⁵ Paul Ronzheimer, "This Taliban judge orders stoning, hanging, hands chopped off," *Bild*, July 13, 2021, <https://www.bild.de/politik/international/bild-international/this-taliban-judge-orders-stoning-hanging-hands-chopped-of-77067554.bild.html#fromWall> (accessed December 7, 2021).

⁶ Document on file with Human Rights Watch. See also "Afghanistan: Taliban 'Vice' Handbook Abusive," Human Rights Watch news release, October 29, 2021, <https://www.hrw.org/news/2021/10/29/afghanistan-taliban-vice-handbook-abusive#>.

⁷ "I feel free' - LGBT Afghan refugees arrive in UK," *BBC*, October 30, 2021, <https://www.bbc.com/news/world-asia-59102411> (accessed December 14, 2021).

individuals seeking resettlement. Even if the option to resettle internationally were more widely available, LGBT people in Afghanistan face unique barriers to relocation. Gender nonconforming individuals said they were afraid to go to the country's passport office or even pass through routine checkpoints on public roads for fear of being spotted by Taliban officials. The Taliban prohibits women from traveling without male relatives, so lesbians and bisexual women cannot escape on their own.⁸ Many LGBT Afghans have conformed to social expectations that they marry a different-sex partner and have children, and they do not want to abandon or uproot their families.

Those who have fled to nearby countries remain in a tenuous situation. Most of the countries with which Afghanistan shares major borders, including Iran, Pakistan, Turkmenistan, and Uzbekistan, also criminalize same-sex relations, as do some other countries in the region; in Iran same-sex sexual acts can be punished by death.⁹ Most interviewees in nearby countries are on expired or short-term visas or arrived without visas, have no realistic prospect of extending their stays legally, and cannot settle permanently where they are.

The evacuation of people at extreme risk in Afghanistan is nowhere near over. All governments have an obligation to promptly and fairly process asylum claims, including those from LGBT Afghans who fear persecution under the Taliban. Whether LGBT people are seeking to flee directly from Afghanistan or from a nearby country, nations supporting the human rights of LGBT people should create safe and legal pathways for entry and assist in resettlement. Nations that sent military forces to Afghanistan over the last 20 years have a particular responsibility to prevent people who face the risk of persecution from becoming stranded.

But evacuation will not be an option for most LGBT Afghans: it is challenging for Afghans who face persecution on any grounds to obtain the documentation and financial resources needed to leave the country, and LGBT people face additional barriers. For those who

⁸ "No trips for Afghan women unless escorted by male relative, says Taliban," *AFP*, December 12, 2021, <https://www.france24.com/en/live-news/20211226-no-long-distance-road-trips-for-afghan-women-without-male-escort-taliban> (accessed January 4, 2022).

⁹ ILGA World, "State Sponsored Homophobia: Global Legislation Overview Update," December 2020, <https://ilga.org/state-sponsored-homophobia-report-2020-global-legislation-overview> (accessed December 6, 2021). In 2018, Pakistan's senate passed a sweeping transgender rights bill that explicitly prohibits discrimination and harassment of trans people, and protects their rights to health and access to public places.

cannot or choose not to leave the country, it is urgent that their rights be protected within Afghanistan. The Taliban should end abuses against LGBT people and revise laws and regulations to ensure their equal rights. United Nations bodies and concerned governments should use whatever diplomatic leverage they have with the Taliban to do so. Social media platforms should urgently assist LGBT Afghans who are being targeted via their platforms. International donors and aid agencies should make delivering services that assist and protect LGBT people a priority, even when Taliban abuses complicate doing so.

Recommendations

To the Taliban

- Urgently end any and all forms of discrimination or violence against anyone based on a person's perceived or actual sexual orientation or gender identity.
- Publicly direct all Taliban members to cease discrimination and violence against LGBT people and take appropriate measures against Taliban members who violate this prohibition.
- Publicly disavow the October 29, 2021 statement by a Taliban official that the Taliban will not respect the rights of LGBT people, and recognize that the rights of LGBT people are protected under international law.
- Adopt and enforce laws and regulations that prohibit all forms of violence and discrimination on any grounds based on a person's perceived or actual sexual orientation or gender identity and provide meaningful remedies including justice, compensation, and assistance to people who experience discrimination or abuse related to sexual orientation or gender identity.
- Remove the provisions in the Ministry of Vice and Virtue manual prohibiting and punishing consensual same-sex relations.
- Repeal all provisions of the penal code that criminalize consensual sexual relations, including sex outside of marriage and same-sex relations.
- Support and enhance systems to prevent and respond to gender-based violence, through justice, compensation, and services, and ensure that these systems support all survivors, including LGBT people.
- Facilitate programs by nongovernmental organizations to assist LGBT people.

To concerned governments, including the United States and other parties to the 2001-2021 Afghan conflict

- Use any diplomatic leverage to press the Taliban to recognize the rights of everyone in Afghanistan, including LGBT people.
- Recognize that LGBT Afghans face a special risk of persecution in Afghanistan and neighboring countries and expedite their applications for evacuation and resettlement.

- Support and facilitate the delivery of humanitarian assistance to Afghans in need, and support organizations providing humanitarian assistance, including programs specifically designed to assist LGBT Afghans.
- Ensure that support to organizations working in Afghanistan is directed to organizations that commit to gender-sensitive programming, nondiscrimination, and inclusion of LGBT beneficiaries.
- In engagements with formal and informal civil society groups in Afghanistan, including human rights organizations, women’s rights and feminist organizations, and organizations focused on health, education, or youth, raise concerns about abuses against LGBT Afghans and urge such groups to be inclusive of LGBT Afghans.
- Engage with civil society organizations directly or indirectly addressing LGBT issues in Afghanistan, informal groupings of LGBT people, and community leaders who are well networked within LGBT communities to best help them protect their rights.

To countries neighboring Afghanistan and in the region

- Keep borders open to Afghans who are seeking asylum from persecution.
- Respect the rights of LGBT Afghans to claim asylum where they can demonstrate a well-founded fear of persecution.
- Ensure that civil society organizations, including LGBT organizations, are able to carry out work to assist LGBT Afghans who have fled the country without interference with their work or safety.
- Enact laws prohibiting discrimination based on sexual orientation or gender identity and repeal laws criminalizing consensual same-sex sexual relations.

To governments with Afghan asylum seekers

- Fully respect the rights of Afghan people who are or are perceived to be LGBT to claim asylum where they can demonstrate a well-founded fear of persecution.
- When considering asylum claims and other requests for protection from LGBT Afghans, fully consider all evidence regarding violations of the rights of LGBT people in Afghanistan, who faced severe discrimination previously and especially since the Taliban takeover.

- When considering asylum claims for LGBT Afghans, take into consideration that LGBT individuals often conform to societal norms, such as entering into different-sex marriage, in order to survive. Married status should not be taken as an indication of someone not being LGBT.

To the UN refugee agency (UNHCR)

- Help LGBT Afghans reach and resettle in countries whose legal and policy frameworks provide protections for the rights of LGBT people. Make this an urgent priority for individuals in countries that do not protect LGBT people's rights or criminalizes consensual same-sex relations.
- Ensure that UNHCR staff and implementing partners are adequately trained on and respect the rights of LGBT people, including ensuring that interviews by UNHCR and its contractors with Afghans seeking asylum offer a safe, supportive, and confidential space that allows interviewees to feel able to raise issues related to sexual orientation and gender identity.

To organizations delivering aid in Afghanistan

- Support and enhance interventions to prevent and respond to gender-based violence to ensure that these efforts support all survivors, including LGBT people.
- Ensure all staff are adequately trained to respect LGBT people's rights and that these rights are respected in practice. Ideally, partner with LGBT civil society
- Develop capacity, wherever possible, to provide targeted and specialized assistance to LGBT people through existing and new programs, especially in the context of protection, health, and education.

To digital platforms and social media companies

- Engage meaningfully with organizations defending LGBT Afghans' rights in the development of policies and features, from design to implementation and enforcement, including content moderation and trust and safety strategies that prioritize the concerns of LGBT people in Afghanistan. Remove and block abusive content and content that could put them at risk. Provide context-specific information in Dari and Pashto to users and advise on their rights and the applicable law.

- Establish direct lines of communication between users and local or regional advocacy or support groups for rapid response.
- Introduce the use of disappearing messages on all applications.
- Introduce geolocation changes to obscure the location of users.
- Introduce app-cloaking, including through a feature that automatically deletes the app and its content in case of danger to the user.

Methodology

Human Rights Watch and OutRight Action International conducted research for this report between October and December 2021. The research included interviews via secure voice and messaging platforms and in-person interviews in Afghanistan and five other countries. The research included 60 LGBT interviewees, who came from at least 11 of Afghanistan's 34 provinces.

Human Rights Watch and OutRight Action International obtained informed consent from all interview participants, and provided explanations in appropriate languages about the objectives of the research and that interviewees' accounts would be used in a report and related materials. Interviewees were informed that they could decline to be interviewed and decline to answer any questions they did not feel comfortable answering. Most interviews were conducted by an English-speaking researcher through an interpreter, or by a Dari-speaking researcher. A few interviews were conducted in English with Afghans who were fluent in English.

Most of the interviewees were young adults in their 20s; one was 17 and several were 18 or 19 years old. Afghan terminology describing gender and sexual identity does not neatly correspond to terms used in English. Most interviewees described themselves in terms best translated as gay or bisexual men or transgender women, but we also interviewed a small number of lesbian women, transgender men, and a person who identified as asexual. Some interviewees were married to different-sex spouses while engaging in romantic or sexual relationships with same-sex partners.

The small representation of cisgender women and trans men among our interviewees in part reflects their far more limited freedom of movement compared to people assigned male at birth in Afghanistan, especially since the Taliban regained power. Some interviewees left Afghanistan immediately after the Taliban takeover; the vast majority of those we encountered who had fled the country were cisgender men, likely for reasons related to mobility and economic status. Other interviewees were people within Afghanistan who were proactively seeking contact with international organizations or with Afghans outside the country because they had hopes of fleeing; these individuals were

also disproportionately cisgender men or trans women. Women also have less access to private space away from their families for phone interviews, and to phones and phone credit.

Within Afghanistan, the Taliban have increasingly restricted women from moving outside their homes without male relatives. Researchers contacted several lesbian and bisexual women in Afghanistan who could not safely participate in interviews or said they were too frightened to do so.

The men and trans women we interviewed may have had larger networks of other people legally classified as men, compared to women interviewees' networks of lesbian and bisexual women. Under the previous government, there was at least one Afghan civil society organization working with gay men and trans women, while we were unable to identify and contact any formal organizations that worked with lesbian and bisexual women or trans men.

Names have been changed and other identifying details withheld throughout this report to protect the privacy and security of interviewees and people close to them.

I. The Situation Facing LGBT People After the Taliban Takeover

Before Taliban forces took control of Afghanistan in August 2021, Ali A. had a relatively good life. The 18-year-old had left his family living in a province several hours' drive from Kabul, largely cutting ties after his brother revealed Ali's sexuality to his relatives. Ali earned a living as a makeup artist at a queer-friendly beauty salon and picked up extra cash as a dancer in a karaoke bar where gay men gathered.

Ali went into hiding as soon as the Taliban swept into Kabul on August 15. He was well enough known in Kabul's small queer community that he was afraid of being recognized on the street. He began receiving threats by text message, but he did not know who sent them. Ali's mother sent word that his father, who was close to a senior Taliban official, was using his connections to hunt him down because he is gay. "Who should I hide from first," said Ali. "From my father or from the Taliban?"¹⁰

Ali left his Kabul home and took shelter in a factory that was abandoned when US forces left Afghanistan. He did not think anyone would enter the building, but he couldn't be sure. Taliban members would sometimes gather in the empty field next door. Ali only went out in the early morning to buy food, surviving on two biscuits a day. When first interviewed, Ali said he only had enough cash remaining to eat for three more days. "I love my country, but I have to leave because I have to survive," he said.¹¹

Researchers at OutRight Action International and Human Rights Watch heard dozens of stories in Afghanistan like Ali's. Even the most fortunate LGBT Afghans lived close to danger before the Taliban regained power, facing threats and harassment from family members, neighbors, police, online contacts, and even romantic partners. The Taliban added a new layer to the danger.

Some interviewees said that members of their families reported on them, seeing a chance to settle old scores or to win their own protection from Taliban violence. Others described

¹⁰ Interview with Ali A., location withheld, late 2021.

¹¹ Ibid.

how former romantic partners joined the Taliban and sent messages to their exes promising to hunt them down. Taliban fighters assaulted people at checkpoints for wearing clothes that did not conform to accepted gender norms—or even outfits deemed too “Western”—and searched their cellphones and belongings for evidence that they were LGBT. Two gay men said they were raped or blackmailed into sex by Taliban members. Several interviewees said they knew of LGBT people who had gone missing and were believed to have been killed. A male couple fled their city together after several gay friends of theirs were killed; the men believed these were targeted killings carried out by the Taliban, although they were not certain whether their friends had been killed because of their sexuality, because they had participated in an anti-Taliban protest, or both.¹²

The extent of Taliban violence against LGBT people, including killings, since August 15 is unclear. The Taliban are seeking international recognition and have denied allegations of extrajudicial killings.¹³ The ability of the Afghan media to report on killings and other violence is deeply constrained due to Taliban restrictions on media freedom and the impact of the financial crisis on the journalism sector.¹⁴ Documenting killings of people suspected of being LGBT is especially difficult, because people close to LGBT victims are often too frightened or too ashamed to repeat what happened.

About two weeks after the Taliban captured Kabul, Hamid N.’s boyfriend’s parents came knocking on Hamid’s door. The two men had met at university and been a couple for about a year, though his boyfriend’s parents didn’t know that. They just thought the young men were friends.

They were hoping Hamid knew where their son was. They said he’d been missing for two or three days. But Hamid hadn’t heard from him either. The next day the family found their son’s body. Hamid learned this when he went to ask for news: “His small brother said he was killed—I cried a lot,” he said. He did not know the details of how they found the body. “I cut contact,” he said.¹⁵

¹² Interview with Atiq S., location withheld, late 2021.

¹³ “Dozens of former Afghan forces killed or disappeared by Taliban, rights group says,” *BBC*, November 30, 2021, <https://www.bbc.com/news/world-asia-59474965> (accessed January 6, 2021).

¹⁴ “Afghanistan: Taliban Crackdown on Media Worsens,” Human Rights Watch news release, November 22, 2021, <https://www.hrw.org/news/2021/11/22/afghanistan-taliban-crackdown-media-worsens-o>.

¹⁵ Interview with Ali A., location withheld, late 2021.

The parents returned to Hamid’s house after their son’s body was found. They blamed Hamid, saying they had heard rumors that Hamid was gay, and feared their son might have been killed by Taliban members or supporters because of their relationship. “It was a warning for me, too,” Hamid said, describing urgent steps he took to flee the country. “They might also come for me.”¹⁶

Even LGBT people who have not faced direct threats said they were afraid to leave their homes, unable to work or to safely purchase food. “Almost everyone is locked in their rooms and can’t go outside,” said a project manager of an organization that provided medical and mental health services for gay men and trans women. Many LGBT people who were living on their own in large cities have fled the Taliban presence in these cities by returning to their family’s home in rural areas, putting them at greater risk of discovery by their relatives. Fear has led many LGBT people to change their phone numbers and cut off contact with others in the community, leaving them isolated and afraid. The project manager said he was aware of several people who have attempted suicide.

Rape and Other Sexual Violence

Two interviewees said they were raped by members of the Taliban after the August 15 takeover. A few weeks after the Taliban took control of Kabul, Ramiz S. headed to his former office to collect his paycheck. Ramiz, who is 20 years old, worked in a profession that the Taliban targeted for retribution, so he’d stayed away from his office. But he needed the cash, so he made the trip even though it required him to pass through several Taliban checkpoints.

He passed through the first checkpoint without trouble, but at the second, Ramiz said, one of the armed men shouted after him using a derogatory term for gay people, “You are an *izak*!”¹⁷ One man hit Ramiz in the throat to silence him, and then punched him in the stomach and kicked him in the back. They loaded him into a car and took him to another location where four men whipped and then gang raped him over the course of eight hours.

¹⁶ Ibid.

¹⁷ *Izak* is a derogatory Dari term used for gay men and transgender women.

When they released him, the men said they would come for him again. “From now on anytime we want to be able to find you, we will. And we will do whatever we want with you,” Ramiz recalled the men telling him.

Shortly after this attack, Ramiz received word that two men came to his office and demanded his records from human resources, including his address and his family’s address in his home province. Ramiz went into hiding, but Taliban members repeatedly visited his parents’ house in the weeks following the assault demanding to know where he was. At one point they occupied his family’s home for three days, interrogating family members about Ramiz’s whereabouts and beating his siblings. The Taliban members also implied they had been monitoring whether Ramiz had left the city or tried to flee the country. Ramiz rarely left his hiding places, but when he risked a trip to the doctor, a Taliban member whom he believed knew about the attack spotted him and beat him.¹⁸

Baran B., who is 23 years old and from one of Afghanistan’s smaller cities, said someone he didn’t know got his cellphone number and threatened him until he agreed to meet. The man raped him, identified himself as a member of the Taliban, and then vowed to kill him if Baran revealed what happened. “I will tell my superiors and we will tell everyone, and we will kill you,” Baran remembered the man saying to him. Twelve days later, his family learned of the assault and turned on Baran. He then left his city, fleeing threats from his uncles and cousins.¹⁹

Threats from Families

In the months before the Taliban takeover, Brushna Y. was living with her uncle’s family in a small village. One day in July 2021, about six weeks before the fall of Kabul, her cousin discovered Brushna with her female partner and reported them to Brushna’s uncle. Her uncle wanted to kill her, Brushna said, to “get rid of this shame” from the family.

Brushna managed to escape and returned to her parents’ house in the city. Her uncle and male cousins demanded that she be killed. Brushna could overhear the threats they made in phone calls to her father, and when they visited and shouted so loudly that she could

¹⁸ Interview with Ramiz S., location withheld, late 2021.

¹⁹ Interview with Baran B., location withheld, late 2021.

hear them through the walls. Her parents refused their demands, and instead quickly engaged her to a man who didn't know she was a lesbian. But her uncle and cousins weren't satisfied. "Why did you engage this daughter of yours? She needs to be killed," she overheard one of her relatives say.

As long as the previous government was in power, she wasn't too worried about these threats. "At that time there was no Taliban — there were police," Brushna said. "No one could kill me easily." But when the government fell in August, her uncle and male cousins joined the Taliban. Now, they insisted, they had the power to kill Brushna if her father would not take action. "If you're not going to do this, we will do it," she recalled a relative saying. "We have the authority."

Her parents arranged for a speedy wedding, beating Brushna when she tried to refuse to go through with it. Then her parents paid her husband to take her to a nearby country, telling the husband they wished for them to go abroad because he'd have more luck finding work. But one of her uncle's sons also emigrated to the same country, and he got word to her husband that she is a lesbian. Now, Brushna said, her husband beats her nearly every day and will not allow her to leave the house. "I'm afraid he will kill me, or my uncle's son will kill me," Brushna said in a brief phone call while her husband was out of the house, the only time she was able to make calls.²⁰

Mason C., a 21-year-old gay man from an outlying city long under Taliban control, first fled his family in 2020. His family had held him prisoner in his room for a month after discovering his sexual orientation, and his uncle and cousins wanted him dead. An uncle had placed a bounty on his head, Mason said, and his brother was killed defending him from their relatives.

He tried to leave Afghanistan by bus, but he was spotted in a border city by a relative who worked as a bus driver. His uncle intercepted the bus and locked him in a dog cage for a week before his aunt helped him to escape in the middle of the night. Since then, he's lived in another Afghan city, which was captured by the Taliban as US forces withdrew in August. Once the city was under Taliban control, Mason received word from his mother

²⁰ Interview with Brushna Y., location withheld, late 2021.

that his uncles had come to his new city to hunt him down. “I don't know anyone, don't trust anyone,” Mason said. “I don't know what to do.”²¹

Naqib H. had already faced threats from his in-laws before his city fell to the Taliban, but with the Taliban's return the threats seemed much more serious. Naqib was one of many Afghans we interviewed who had been forced or strongly pressured into marriage. He had been engaged at birth to his cousin, and his efforts to resist the marriage were futile, “I called her repeatedly and said, ‘I don't want to get married. I am gay.’ But she lived in a village and didn't understand what is gay. She insisted we have to get married.” After 15 years of marriage Naqib divorced his wife. She went back to her family, but her brothers pledged to kill Naqib as revenge for what they perceived as his mistreatment of their sister. Before the Taliban regained power, Naqib was not very frightened of the threat. “They were poor simple people without many resources,” he said. “I told them, ‘Do it. It's no problem for me. I just don't want her in my life.’...But then, as soon as the Taliban came, and they became Taliban, I fled immediately.”²²

Threats from Neighbors

When Taliban forces took their city in August, Aimal W. and Aryan D. took shelter with two other trans women in a hostel that had been abandoned by its owner and other residents. The neighbors would often insult them when they left their rooms. Their friend Riza was the most masculine of the group, so Riza was the one who would go buy food for the others. The rest didn't feel safe. “Every moment we receive threats and calls,” Aimal said. “Even children on the street say, ‘You're still here? Why hasn't the Taliban taken you yet?’”

Six weeks passed under Taliban rule, and no one had come for them yet. So, the neighbors decided to take matters into their own hands. One morning in October, someone started pounding on Riza's door at about 6 a.m. When she opened it, a group of more than 20 neighbors pounced on her, Aryan and Aimal said, beating her viciously and tearing off her clothes.

²¹ Interview with Mason C., location withheld, late 2021.

²² Interview with Naqib H., location withheld, late 2021.

Aryan tried to intervene, approaching one woman in the mob to ask, “Why are you doing this?” Aryan said the woman replied, “You are *izak*. You're making our community filthy. You're not supposed to be here. ... We are going to call the [Taliban] police and they're going to clean you from this place.”

Riza’s friends fled, leaving behind all their belongings. Aimal saw a police car drive up as she ran away and saw men tying Riza up with a rope. Aimal later sneaked back to the neighborhood to see if she could find out what happened to Riza. A friendly shopkeeper told her he’d last seen Riza being loaded naked into the police car.

More than 10 days passed before Aryan or Aimal heard from Riza again. Riza found Aryan by chance, running into a mutual acquaintance after her captors had dumped her on the street in men’s clothes and without a cellphone. When Aryan met up with her, Aryan saw Riza’s body was covered with purple and green bruises, and it looked like Riza’s nose had been broken. Her head was patchily shaved and covered in cuts. Taliban members had also shaved her eyebrows with a razor, which Riza said was meant as a warning.

“You will be a sign to the public and to your trans community,” Riza recalled her captors saying. “It is a lesson, and you should stop dancing and sex work.” Riza told Aryan she’d been held naked at the police station and beaten every day. Taliban members at the station mocked her body and demanded she reveal the locations of other trans women. Riza said she revealed three addresses, though the trans women had already fled by the time Taliban officers went looking for them. When they released Riza, Aryan said, a Taliban commander ordered Riza to return to her hometown, even though her family had disowned her, and she had no place to stay there.

Aryan said Riza recalled a Taliban commander telling her that if he ever saw her in the city again, he would kill her. “You should leave the capital and go back to your family,” he allegedly said. Aryan bought Riza a meal and a bus ticket home. She has not heard from Riza since.²³

²³ Interviews with Aimal W. and Aryan D, locations withheld, late 2021.

Threats from Acquaintances and Sexual Partners

About 10 days after Rahmatullah D.'s city fell to the Taliban, he got a message from a man he'd been seeing, asking to meet up. They had known each other for about six months after meeting online and Rahmatullah felt they shared a strong attraction, but he was cautious given the insecure environment and decided not to meet. He was relieved to have done so. "He sent me photos of him with guns and wrote to me and said, 'You're a fucking gay,'" Rahmatullah said. "I said, 'I am not gay.' He said, 'You're lying. I know you're a gay. ...I will kill you. I know your house.'" Along with the threats, the man sent Rahmatullah multiple photos of himself, posing with a gun, and with a group of Taliban fighters, in his home.²⁴

Farid Q., a man in his early 20s, said that he had confessed to a neighbor in August that he had a crush on him. The neighbor hadn't rejected the overture, so Farid was hopeful they might strike up a relationship. Then the Taliban took control of their city. "After the Taliban took over, I was texting him and I saw that he had [pictures of] Taliban members as his display picture," Farid said. "I texted and asked him, 'Why did you join the Taliban? They are not good people.' He said, 'Are you a good person? You are gay.' Then he started threatening me. ...He said, 'Even if you go to the skies, we'll find you. We will arrest you—because I shared all of your info with Taliban groups.'" Farid said the man and other Taliban members came to look for him at his home several times a day for a week, but family members hid him until he was able to flee.²⁵

Zia H. met up with a man he had been having a sexual relationship with soon after the Taliban takeover. "He called me and said meet me right now and I went. He was so different," Zia said. The man used to wear jeans and stylish Western clothing. Now he was wearing a traditional loose-fitting tunic and pants, a traditional hat, and a camouflage jacket. While many people started dressing more traditionally after the Taliban takeover to avoid problems with the new authorities, Zia said the changes went deeper.

"When I saw him, I was shocked for a minute. I said, 'You really joined the Taliban?'" Zia recalled. The man said he had, and he wanted Zia to work with him. "He said, 'It's fun to

²⁴ Interview with Rahmatullah D., location withheld, late 2021.

²⁵ Interview with Farid Q., location withheld, late 2021.

have power over people and use it.” Zia said no and blocked his number, but he worried the man might retaliate by outing him to other Taliban members.²⁶

Days before the Taliban took power, Yama H. was robbed in his home by a man right after they had sex. Shortly after that, he saw on Facebook that the man had joined the Taliban. “I knew I had to hide somewhere else,” Yama said.²⁷

Nasrullah B.’s close friend, who was gay and knew that Nasrullah was gay, joined the Taliban. “He posted on his Facebook [profile] the day after August 15, saying, ‘I’m in the Taliban—if you need anything contact me,’” Nasrullah said. The two ran into each other at a social gathering a few weeks later, and the Taliban member asked loudly in front of the other attendees whether Nasrullah was still with his boyfriend. “I was afraid of him,” Nasrullah said.²⁸

“Many of my sexual partners have joined the Taliban, so that’s why I’m afraid,” said Zabi R. He said that he and his family had been involved in past conflicts in their village. He feared that people who knew he was gay would now find it easy to retaliate by reporting him to the Taliban. “They would also tell [on him] to get some promotion within the Taliban,” he added. Zabi explained that potential informants were also doing what they had to, to survive. “No mistake is forgiven,” he said. “They had no choice—they had to join.”²⁹

Amir H. owned a restaurant where LGBT people gathered. A restaurant staff member called Amir to tell him that a former customer—who also had sex with men—had joined the Taliban. “He used to come to the restaurant with his boyfriend,” Amir explained. “He told the Taliban about me and about the restaurant.” The former customer joined the Taliban “to have more power,” Amir said, and, after the Taliban takeover, had come several times to the restaurant asking about Amir’s whereabouts. “The Taliban doesn’t have any issue with [men who have sex with men] if they have joined the Taliban,” Amir said.³⁰

²⁶ Interview with Zia H., location withheld, late 2021.

²⁷ Interview with Yama H., location withheld, late 2021.

²⁸ Interview with Nasrullah B., location withheld, late 2021.

²⁹ Interview with Zabi R., location withheld, late 2021.

³⁰ Interview with Amir H., location withheld, late 2021.

Gender and Barriers to Movement

Women and gender nonconforming individuals face great danger even going about their daily lives. Qurban B., a trans man, said: “I was living with my family when the Taliban came. My father said you have to wear girls’ clothes now and marry a man. So, I had to escape.”³¹ Fleeing their home cities or trying to leave the country can be all but impossible. Several interviewees reported being beaten on the street or at checkpoints for wearing clothes that did not conform to gender norms, or simply clothes that looked too “modern” or “Western.”

Aimal, one of the trans women who witnessed the mob attack on Riza, said she had been whipped at a Taliban checkpoint because of her appearance. “They asked, ‘Why have you made up your eyebrows? Why don't you have a beard? Why do you wear pants and a shirt? These are Western, white people's clothing,’” Aimal said.³²

A 25-year-old bisexual man said he was stopped when he was driving his scooter. “One day I got attacked by a group of Taliban because I shaved my beard and I wore some good clothes,” he said. “Why do you shave your face like a girl? Why are you acting like a girl?” one of his assailants told him. “They warned me, ‘Don't wear these kinds of clothes, don't shave your beard. Just live the way we say.’”³³

Samyar V., a 20-year-old trans man, said he had mostly been hiding in his room for 30 days since the Taliban won control of his city. A group of Taliban members once beat him on the street after the takeover, he said, because “some of my friends told them I’m a woman wearing men’s clothing.” Samyar wanted to flee the country, but he had no passport. Getting a passport would require traveling to Kabul and passing through Taliban checkpoints. Even trans people who pass as cisgender could be outed by their ID cards, which would list the gender they were assigned at birth.³⁴

The danger of journeys to Kabul is illustrated by the experience of a small group of trans women and gay men who decided to travel to the capital from their home city in early

³¹ Interview with Qurban B., location withheld, late 2021.

³² Interview with Aimal W., location withheld, late 2021.

³³ Interview with Zelgai E., location withheld, late 2021.

³⁴ Interview with Samyar V., location withheld, late 2021.

November. This required an overnight bus trip during which they passed through at least nine checkpoints, said Nihan U., a 25-year-old trans woman who joined them. All of them wore the style of dress and hats traditionally worn by Afghan men. At each stop, Nihan said, guards would interrogate passengers about why they were traveling, their ethnicity, and to which tribe they belonged.³⁵

A project manager at a nongovernmental organization that worked with LGBT people before the Taliban takeover said that some gender nonconforming people feared their voice or style of speech would give them away at checkpoints. “If they are stopped by Taliban at some checkpoint, they are afraid to speak,” he said. “Their voices are a little different. They cannot talk if they face a situation.”³⁶

One trans woman who made it to a government office to apply for official documents after a long ordeal said a worker tried to extort sex in exchange for processing her documents. “Maybe you can come over and dance for us and have a lot of fun — then maybe we can do your work,” she said the government official told her.³⁷

Women face specific hurdles if they decide to flee their homes. The Taliban often restrict women’s ability to travel or live without a male relative, and from traveling abroad or even applying for passports and visas without permission from a husband, son, brother, or father.

Marwa T., a lesbian and women’s rights activist, said she found a way to escape her home city by herself in mid-2021 after her cousins joined the Taliban and the Taliban ransacked her home. But she knew she would not be safe on her own when she made it to another city. She wanted to stay with a gay male friend, but that was also dangerous. So the two decided to get married. “I was alone. If I continued to stay alone or stay with my friend (my husband now) Taliban might arrest us that is why I asked him to prepare a marriage document,” she texted.³⁸

³⁵ Interview with Nihan U., location withheld, late 2021.

³⁶ Interview with project manager, location withheld, late 2021.

³⁷ Interview with Masi F., location withheld, late 2021.

³⁸ Text message exchange with Marwa T., location withheld, late 2021.

Threats through Technology and Social Media

Many interviewees reported their greatest threats came through their cellphones. Some received threats by SMS or direct messages from people they didn't know. Taliban members or informants infiltrated messaging groups for LGBT people, and at least one safe house was compromised as a result, according to Dina Haynes, an attorney in the United States working with clients in Afghanistan.³⁹ At least four gay men and trans women said they were contacted over Facebook or the gay dating app Grindr by people offering to help them get out of the country with the goal of extracting personal information or tricking them into meeting. Several worried that videos and pictures they had uploaded to social media in the past would out them and attract the Taliban's attention.

Taliban forces sometimes search cellphones at checkpoints, where at least five interviewees said they were worried about being exposed by the presence of certain applications on their phones, their messages, or their photos. Many interviewees wiped all their social media profiles and deleted any evidence on their phone that could indicate their sexual orientation or gender identity. "I destroyed my SIM cards because I was afraid they could track my location," Mirwais K. said.

Facebook and Instagram were the most popular apps among our interviewees, used for staying in touch with friends and finding dates. WhatsApp was the preferred platform for one-to-one and group messaging, and it was targeted by imposters seeking to entrap LGBT people.

Interviewees also mentioned material on several other platforms that rendered them vulnerable. Some who worked in media, entertainment, or sex work had uploaded videos to YouTube and TikTok to build their business, and worried their videos were still circulating online even after they had deleted their personal accounts. A few said they'd been contacted by individuals on Grindr trying to entrap them soon after the Taliban's return to power. One interviewee alleged that there was a large-scale campaign of entrapment on Grindr immediately following the Taliban takeover, though Grindr said they had detected no evidence of unusual activity on their network at that time.⁴⁰

³⁹ Phone interview with Dina Haynes, United States, October 8, 2021.

⁴⁰ Phone interview with Jack Harrison-Quintana, Director, Grindr for Equality, October 29, 2021.

One 25-year-old bisexual man said he began getting threats after someone he was in a relationship with shared their private messages with his friends. “He transferred some of the chats to some of his friends.... He was mocking me, [saying], ‘If they know you are into boys, they are going to kill you,’” the man said. “I have received different warnings through the phones, [newly] created different Facebook accounts, different accounts for targeting me.... [T]hey were like, they want to have sex with me ..., [or] give us money or they will disclose [my] identity.” He also said he struck up a conversation with someone on Grindr after the Taliban retook Kabul, and after they had chatted for some time, the person said, “This is a crime. The government has changed and there is Sharia [Islamic law].”⁴¹

Sajjad G., a 21-year-old gay man in one of Afghanistan’s major cities, posted videos of himself dancing on TikTok; he also worked as a model and appeared in music videos online. About a week before the fall of the Afghan government, he said, a man messaged him from a Facebook account with pictures of the Taliban flag and guns and demanded he have sex with him, threatening to kill Sajjad if he refused.⁴²

He deleted his Facebook and TikTok accounts but didn’t remove the videos from his phone. Two months later, he was on his way to university when he was stopped by three Taliban who interrogated him about his clothing and his short beard. They found his videos when they searched his phone and excoriated him for doing “anti-Islamic” things. They called him a *dokhtar chap* (“sissy”), and proceeded to beat him, punching, kicking him, and hitting him in the face with the butts of their guns. “If you dare make more TikToks, we will know, and we will come back and do much worse to you,” he recalled them saying as they left him.⁴³

Nihan, the trans woman who traveled by bus to Kabul with a group of friends, said the Taliban would search passengers’ phones when they passed through checkpoints. The group prepared for the journey by purging their phones of apps, messages, and photos that might reveal their identities. Their avoidance measures worked, she said, in part because the men doing the searches did not seem familiar with English or with how

⁴¹ Interview with Zelgai E., location withheld, late 2021.

⁴² Interview with Sajjad G., location withheld, late 2021.

⁴³ Written testimony of Sajjad G. shared with OutRight Action International, late 2021.

cellphones worked. They would say things like, “Make your phone more Islamic. This is not how a phone should be,” Nihan said.⁴⁴

Access to Jobs and Commerce

For many LGBT people still in Afghanistan, the most pressing threat is not from direct violence, but rather from the inability to earn a living or go out to purchase food or other essentials. Many economic challenges stemming from the Taliban takeover affect Afghans of all identities. LGBT interviewees with savings found, like other Afghans, that they have been unable to access their bank accounts.

“I want to emphasize that a lot of queer people have lost their jobs,” said Nihan, the trans woman who traveled to Kabul with her friends. Nihan used to work in a print shop in her home city, and the friends she traveled with did community health work. “Even if they hide themselves, the problem is they need to feed themselves. They will not go back to the jobs that they had, and there is no other job that they can do.”⁴⁵

Ria, a 39-year-old woman who is unmarried and identifies as asexual, spent decades building a business of fitness studios in two of Afghanistan’s major cities. After the Taliban returned to power, she said, armed men entered her studios and “destroyed everything that I owned.”

She thinks she is being targeted in part because rumors circulated that she is a lesbian. She has been unable to access her bank account, she said, and is now in hiding in another city. She has found a place to stay that has no door to the street, so there is less risk the Taliban will discover someone living there, and she asks a neighbor to bring her the things she needs.⁴⁶

Other economic challenges are directly related to sexual orientation or gender identity. Najib, a 21-year-old trans woman in a major city, said she has not left her home since Taliban members beat her at a checkpoint while on her way to the bakery to buy bread with a friend. “They saw us and said, ‘You don’t have a beard, why is that?’ They looked at my

⁴⁴ Interview with Nihan U, location withheld, late 2021.

⁴⁵ Interview with Nihan U., location withheld, late 2021.

⁴⁶ Interview with Ria S., location withheld, late 2021.

chest — I have enlarged breasts.... They said, ‘We are going to stone you to death,’” Najib recalled. Now, she said, “I don't leave the room. They always tell us, ‘You dance, you're filthy.’ They don't accept us.”⁴⁷

Dancing is a common profession for trans women in Afghanistan, entertaining at parties and, sometimes, engaging in sex work. This work has not entirely stopped under the Taliban; researchers spoke with someone who managed trans sex workers, who confirmed that his business was still operating. But the size and frequency of parties where professional dancing takes place has fallen dramatically, and it has become far more dangerous. Many have been unable to find work or decided it was too risky to continue.⁴⁸

Impacts on LGBT Civil Society

Even under the previous government, efforts by civil society groups to assist LGBT people were very limited. One large Afghan nongovernmental organization provided services to LGBT people under the previous government with international support, though it had to do so secretly. According to the organization's director, its international funders did not prepare the organization for the US withdrawal and have provided no assistance since.

Several interviewees said they had run smaller, sometimes informal efforts to support LGBT people. One gay man made LGBT-related health information available online in local languages.⁴⁹ Another gay man raised awareness about LGBT people's rights on a radio show.⁵⁰ A trans man held regular support workshops for LGBT people.⁵¹ A lesbian helped run a Facebook group for LGBT people providing information on physical and mental health.⁵²

Several LGBT business owners said they had hired other LGBT people and supported LGBT people in need financially and in other ways. One gay man ran a restaurant that was a gathering place for other gay men. Ria, the fitness center owner, used her businesses as a

⁴⁷ Interview with Najib H., location withheld, late 2021.

⁴⁸ Interview with Zahir K., location withheld, late 2021

⁴⁹ Name withheld.

⁵⁰ Name withheld.

⁵¹ Name withheld.

⁵² Interview with Wahida L., location withheld, late 2021.

safe space for LGBT people and trained LGBT people to be instructors. These initiatives have now been shut down, and the people involved in them have fled their homes.

Ihsan, a 40-year-old gay man, worked with an organization that did HIV testing. Twenty days after the Taliban took power, Ihsan said, a group of armed men in traditional clothing came to his family's home. Ihsan hid in the back of the house while his brother answered the door. "We know Ihsan works for an organization that works with homosexuals. He is the person who takes homosexuals places. He is involved in homosexuality," he heard one of the armed men say. "They knew my name and where I worked."

Ihsan put on a blue *chadar* (shawl) and snuck out the back dressed as a woman, and then fled the city with his wife, who he said did not know he was gay nor about his work. The armed men took his brother to a police station, where Ihsan said he was beaten and interrogated about Ihsan's location for three days.⁵³

Desperate Journeys

Interviewees now outside of Afghanistan related harrowing accounts of their journeys. Some sought help from smugglers. A man shared photos of an injury he incurred when Taliban members beat people trying to get out of the country.⁵⁴ A trans man hid in the storeroom of a friend's shop for 45 days without going outside. A man who had been trying to get a visa before the country fell to the Taliban had left his passport with an embassy; he said embassy officials told him he could not get his passport back. A couple hid in a village until they said Taliban members came to the house they were in; they were shot at and narrowly escaped, fleeing to another village before escaping the country.

A trans woman hid under a hijab and face mask for a journey by bus but felt it was impossible to travel alone, as the Taliban often demand that a woman be escorted by a male family member. A friend of hers, a trans woman but able to pass for male, dressed as a man and accompanied her, pretending to be her brother.⁵⁵ Several interviewees, like many other Afghans who fled after the Taliban takeover, were forced to pay smugglers to help them escape.

⁵³ Interview with Ihsan, location withheld, late 2021.

⁵⁴ Interview with Asad B., location withheld, late 2021.

⁵⁵ Name withheld.

“My boyfriend said, ‘Go! I’ll come after you,’” said Hayatullah L., who had a passport and a visa to another country; his boyfriend had neither. His boyfriend has since sold all their belongings to try to raise the money needed to get a passport but has not yet been able to obtain one. “There’s a lot of rush in the passport office. I can’t say when he’ll get it,” said Hayatullah. “We want to be together.”⁵⁶

Danger in Exile

Interviewees who have reached countries in the region near Afghanistan face continued difficulty: they do not have a legal right to remain in the countries hosting them, and because those countries also make same-sex relations a criminal offense. “I have no documents,” said a trans woman who fled Afghanistan with the help of a smuggler. “People are saying I will have to go back to Afghanistan, but if I go back they [the Taliban] will kill me.”⁵⁷

“My life is like a boat stuck in the sea—either it will move ahead or not. I’ll see,” said Zabi R., who fled Afghanistan to a country that outlaws same-sex relations.⁵⁸ Habib B., in a similar situation, said: “I have freedom here, but it is not my final destination. Here I am 50 percent free, there [in any country where LGBT people’s rights are protected] I can be 100 percent free.”⁵⁹

Interviewees said they often worried about the safety of friends and family members, including spouses, children, and partners, whom they had left behind in Afghanistan. “I need my wife and kids to come with me because without me they won’t have any shelter,” said Hamid N., a married father of three.⁶⁰ “I am worried about my mother and two brothers in Afghanistan—they are all in danger,” said Mustafa M., who had had several family members killed in the past by the Taliban.⁶¹ Many were still concealing their sexual orientation or gender identity from their families and had found other explanations to give for why they had fled or were in hiding.

⁵⁶ Interview with Hayatullah L., location withheld, late 2021.

⁵⁷ Name withheld.

⁵⁸ Interview with Zabi R., location withheld, late 2021.

⁵⁹ Interview with Habib B., location withheld, late 2021.

⁶⁰ Interview with Hamid N., location withheld, late 2021.

⁶¹ Interview with Mustafa M., location withheld, late 2021.

A trans man who had fled Afghanistan worried about his chosen family, composed of close friends. “There are 16 people—they are my family now,” he said. “I can’t leave them behind.”⁶²

Afghans in countries where they do not have legal status are at risk of deportation back to Afghanistan. “We have to leave [this place] because I am so depressed. I am taking anti-psychotic drugs every night,” one interviewee explained. “If we are returned to Afghanistan, we will be killed.”⁶³ Several interviewees had sought mental health support as they dealt with the stress of waiting and hoping for safe passage from their current location to a country where they could resettle permanently and safely. “When I got here, I felt newly born,” said Atiq S., who is awaiting resettlement. “I felt I had lost everything, and I will start a new life not in Afghanistan. I did not feel good.”⁶⁴

“Help us leave,” said Hakim S. “Everyone knows our lives are in danger. Give us a life. The only option is to leave...If they find us, they will not give us time to speak. Please help everyone.”⁶⁵

⁶² Name withheld.

⁶³ Name, location, and date withheld.

⁶⁴ Interview with Atiq S., location withheld, late 2021.

⁶⁵ Interview with Hakim S., location withheld, late 2021.

II. The Bigger Picture: Entrenched Violence and Discrimination Against LGBT People in Afghanistan

To address attacks on the rights of LGBT people under the Taliban, it is crucial to recognize the broader historical context of violence and discrimination against them. Various Afghan governments over decades have reinforced stigma against LGBT people and allowed abuses on the basis of sexual orientation and gender identity to occur with impunity, while maintaining laws that relegate LGBT people to second-class citizenship.

Afghanistan's 1976 penal code—in force until 2018—punished both adultery and pederasty. Pederasty was an undefined crime, understood by some observers to include not only sex with children, but also sex between consenting adult males, incurring “long imprisonment” of 5 to 15 years.⁶⁶ During its 2014 Universal Periodic Review before the UN Human Rights Council, Afghanistan rejected recommendations from other governments to decriminalize same-sex relations and to prohibit discrimination based on sexual orientation and gender identity.⁶⁷ The UN and others lauded the 2018 penal code for bringing Afghanistan in line with some international standards, however, the code may have worsened the situation for LGBT people: it explicitly penalized *liwat* (anal sex), *musahaqah* (sex between women), and *tafkhiz* (“thigh sex” between men).⁶⁸ When LGBT Afghan asylum seekers were deported back to Afghanistan, they were instructed to hide their orientation to avoid discrimination back home.⁶⁹

Human rights abuses against LGBT people under previous Afghan governments included sexual and physical violence, discrimination at school and in the workplace, forced marriage, and blackmail. While the situation for LGBT people in Afghanistan dramatically worsened after August 15, all those interviewed for this report said that they had lived in

⁶⁶ Official Publication of the Government of the Republic of Afghanistan, “Penal Code,” 1976, articles 100 and 427, [https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/o/cca31567c689b4aec12571140033a15e/\\$FILE/Penal%20Code%201976.pdf](https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/o/cca31567c689b4aec12571140033a15e/$FILE/Penal%20Code%201976.pdf) (accessed December 13, 2021).

⁶⁷ UN General Assembly, Human Rights Council, “Report of the Working Group on the Universal Periodic Review, Afghanistan,” A/HRC/26/4, April 4, 2014, <https://undocs.org/A/HRC/26/4>, para 138.11 (accessed December 16, 2021).

⁶⁸ Human Dignity Trust, Country Profile, “Afghanistan,” <https://www.humandignitytrust.org/country-profile/afghanistan/> (accessed December 16, 2021).

⁶⁹ Emma Graham-Harrison, “Deported gay Afghans told to ‘pretend to be straight,’” *the Guardian*, February 26, 2017, <https://www.theguardian.com/uk-news/2017/feb/25/afghanistan-gay-asylum-seekers-home-office-illegal-homosexuality> (accessed December 8, 2021).

fear of violence or discrimination based on their sexual orientation and gender identity before the Taliban takeover.

Male homosexuality has a well-documented history in Afghanistan, and love between men has been celebrated in Afghan literature going back hundreds of years. While acknowledging or discussing sex between men is highly taboo in modern times, and same-sex relations are illegal, sex between men is an open secret. Attitudes towards homosexuality—as well as sexual violence against men and boys—are heavily shaped by *bacha bazi* (“boy play”), a longstanding abusive practice—distinct from consensual same-sex relations—in which feminized, pre-pubescent boys are held in a form of sexual slavery by warlords, police commanders, and other powerful men.⁷⁰ This phenomenon was widely tolerated by the previous government and its US allies; the previous Taliban government took steps to end the practice in some settings, although it tolerated the practice among powerful figures.⁷¹ Outside of this practice, teenagers and vulnerable adult men are frequently targeted for sexual violence, and authorities often further harm victims and make little effort to punish abusers. Activists who have denounced such violence have sometimes been subjected to reprisals.⁷²

Sexual violence by powerful perpetrators also impacts adult men and trans women. A 20-year-old gay man reported being raped by a high-ranking politician in 2020 after meeting with him for work. The politician then continued to contact the young man for months following the assault, allegedly telling him “either you will come and be with me or I will kill you.” Reporting the assault to the police did not seem like an option, and the young man also could not share the assault with his family who did not know about his sexual orientation.⁷³

⁷⁰ Anuj Chopra, “Bacha bazi: Afghan subculture of child sex slaves,” *AFP*, December 19, 2016, https://news.yahoo.com/bacha-bazi-afghan-subculture-child-sex-slaves-065341302.html?guccounter=1&guce_referrer=aHRocHM6Ly93d3cuYmluZy5jb2ov&guce_referrer_sig=AQAAALgeINvtBxd8zejFmy9oHbAQ64fwDsVg2uAB4AD9Z3K8NsCE2YDD5iwYO3Eq3THHnLJHQjHEPnby56kY4Kt8MOUF45iN69AcEcovlo3JczFk14DiVO N1oyeNw_jlzuFRjUgLLg8V5nnkdcJsh2xCpPQ9_55vDJNlezyQYe1na (accessed December 16, 2021).

⁷¹ Joseph Goldstein, “U.S. Soldiers Told to Ignore Sexual Abuse of Boys by Afghan Allies,” *New York Times*, September 20, 2015, <https://www.nytimes.com/2015/09/21/world/asia/us-soldiers-told-to-ignore-afghan-allies-abuse-of-boys.html> (accessed December 16, 2021).

⁷² David Zucchino and Taimoor Shah, “An Afghan Boy’s Rape and Death Prompt a Rare Response: Arrests,” *New York Times*, October 9, 2020, <https://www.nytimes.com/2020/10/09/world/asia/afghanistan-rape-bacha-bazi.html> (accessed December 17, 2021).

⁷³ Name and location withheld, late 2021.

Same-sex relationships between women are less visible. Some trans men and lesbians have found the opportunity for greater freedom in terms of how they express their gender, and more opportunities and independence, through a practice in Afghanistan known as *bacha posh* (“dressed like a boy”), by which some families, often those who have fewer sons than they would prefer, raise daughters as sons.⁷⁴ Generally, there is less information available about the experiences of lesbian and bisexual women and trans men, but they, like cis men and trans woman, often face intense pressure to marry and have children, and are at high risk of sexual violence within marriage.

LGBT Afghans’ struggles often begin while they are still children: at home, in school, and in simply trying to make sense of who they are. No Afghan government has introduced comprehensive sexuality education or otherwise made available information about LGBT issues. Interviewees said they had often struggled to make sense of their sexual orientation or gender identity. For some, *bacha bazi* is the only model for gender nonconforming boys or trans girls, and dancing and sex work seem the only professions available.⁷⁵

Hamid N. said when he began to feel attracted to boys, he felt shame. “I was in class eight, and I liked my classmate. I didn’t do anything, but I felt I like boys. I felt I am like *bacha bazi*.”⁷⁶

“In childhood my face was very feminine,” Habib B., a man in his 40s, said. “Later, at 16 years old, I started realizing I was different. I felt I was the only person in the world who was like this...I didn’t see anyone else like this and I felt alone. I had never heard of LGBT.” Habib was in his 30s before he met someone who identified as gay.⁷⁷

Foreign governments and other stakeholders that engage with the Taliban and future Afghan governments should fully understand that achieving recognition of the basic rights

⁷⁴ Julienne Corboz, Andrew Gibbs & Rachel Jewkes, “Bacha posh in Afghanistan: factors associated with raising a girl as a boy,” *Culture, Health & Sexuality*, June 17, 2019, <https://www.tandfonline.com/doi/full/10.1080/13691058.2019.1616113> (accessed December 17, 2021).

⁷⁵ Emily Prey & Kinsey Spears “What About the Boys: A Gendered Analysis of the U.S. Withdrawal and Bacha Bazi in Afghanistan,” *New Lines Institute*, June 24, 2021, <https://newlinesinstitute.org/afghanistan/what-about-the-boys-a-gendered-analysis-of-the-u-s-withdrawal-and-bacha-bazi-in-afghanistan/> (accessed December 7, 2021).

⁷⁶ Interview with Hamid N., location withheld, late 2021.

⁷⁷ Interview with Habib B., location withheld, late 2021.

of LGBT people in Afghanistan will be neither easy nor quick. To achieve change in Afghanistan, they will need to commit to long-term support for LGBT inclusion.

Afghanistan will not quickly become safe for LGBT people, given the entrenched violence, discrimination and impunity in Afghan society. That means governments of countries where LGBT Afghans seek refugee status should recognize that returning such Afghans home will not be safe for the foreseeable future.

Family and School as Sources of Discrimination and Violence

Several LGBT Afghans said that after coming to understand their sexuality as adolescents, they feared for their lives, and that their fathers and other male family members became a primary source of insecurity. Bashir K., a man in his late 20s, has been with the same boyfriend since age 14 or 15; their fathers are friends. “We had a very secret partnership—we were not open about our relationship. No one in our family knows. If they knew we would have been dead by now,” he said.⁷⁸

“My father caught us kissing,” Zabi R. said, describing being caught at about age 17 with his first boyfriend. “My father kicked me in the back and started beating me and stabbed me with scissors.” He said that his father viewed the situation as so shameful that he hid his reason for attacking Zabi, even from Zabi’s mother, making up other excuses for why he had assaulted him. Three or four days later, Zabi fled the family home and never went back except for rare brief visits to see his mother. “My father never spoke to me again,” he said.⁷⁹

“I had lots of problems with my dad,” Qurban B., a trans man, explained. “He beat me many times. He said, ‘Why are you like this?’...He would look for any mistake and beat me. I left home many times.” Qurban’s mother was supportive but could not protect him.⁸⁰

Rahmatullah D. said he fell in love when he was 15 with a man in his village and went often to the shop where his boyfriend worked. “My brother followed me and reported me to my father and said he wanted to kill my boyfriend. My father said no [to my brother killing my

⁷⁸ Interview with Bashir K., location withheld, late 2021.

⁷⁹ Interview with Zabi R., location withheld, late 2021.

⁸⁰ Interview with Qurban B., location withheld, late 2021.

boyfriend]. And then he put his hands on my neck to kill me and my mom saved my life. She said, ‘It’s my son—don’t.’ Then I told my father I would never do this [be with a man] again.” He said his brother had been suspicious of him and had been checking his phone for telltale messages.⁸¹

Some interviewees described their families’ monitoring or controlling them due to suspicions or knowledge of their sexual orientation or gender identity. “My father started controlling me and beating me and cutting off money. He would pay for taxis in advance, so I didn’t have money,” Atiq S. said, describing his late teens.⁸² “No one talked to me,” Naqib H. said, describing life with his family after he was expelled from school for kissing a boy. “Anyone could hit me. I was locked in a room and only allowed out [to go to school and work].”⁸³

School and university were another source of discrimination and violence. Sarah R., a trans woman, said: “From when I was very young, people used to tease me, used to call me names. ...When I was in university, people teased me because I was very feminine. So, after I had the [gender affirming] operation I went and hid.”⁸⁴

Teachers sometimes perpetrated or were complicit in abuse. Naqib H. was harassed from a young age by classmates for being feminine. One day students saw him kissing a classmate and told teachers. “The teachers beat me too much,” Naqib said. Both boys were expelled. “After I went home my family also beat me, especially my brother.... [They] said, ‘You are a sign of shame for this house, and you should be killed.’” After his family beat him, Naqib attempted suicide and woke up in a hospital.⁸⁵

Marouf P. said his boyfriend, a university classmate, accidentally shared romantic selfies they had taken. “The whole school came to know,” he said. “The teachers complained to my parents.” Marouf’s father and brothers beat him repeatedly, and he was thrown out of

⁸¹ Interview with Rahmatullah D., location withheld, late 2021.

⁸² Interview with Atiq S., location withheld, late 2021.

⁸³ Interview with Naqib H., location withheld, late 2021.

⁸⁴ Interview with Sarah R., location withheld, late 2021. Sarah R. underwent surgery outside of Afghanistan.

⁸⁵ Interview with Naqib H., location withheld, late 2021.

the family home. He went to live with his sister, but his father cut off all financial support forcing him to drop out of university.⁸⁶

Two interviewees said they had attempted suicide because of abuses related to their sexual orientation or gender identity prior to the Taliban takeover. Atiq S.’s former boyfriend died by suicide. “His family found out—his family beat him very badly. He stayed with me for two or three nights then said he wanted to go home. Then another friend called me and said he had committed suicide.”⁸⁷

Sexual and Other Violence, and Extortion

In 2017, Hayatullah L. agreed to a second date with a man who was a friend of his brother’s. The date showed up in a taxi driven by another man and the two convinced Hayatullah to go to the outskirts of the city. Once there, they raped him. “They threatened me and said, ‘If you scream, we’re going to kill you,’” he said. Hayatullah also had a second experience where a blind date picked him up with two other men in the car. At first, he wasn’t worried but then he heard the two men discussing, in a language they thought he did not understand, plans to rape him. He managed to escape after the driver was blocked by a police checkpoint.⁸⁸

Sarah R., a trans woman, was kidnapped in 2018 in the middle of a city in the daytime by a gang of men she said were known for kidnapping trans women. “They have already raped many *hijras*,” she said, using a term used to refer to trans women in South Asia. “I was raped in the same room as my friend,” Sarah said. “They put a gun to my head and just took me. They said, ‘You are a boy, and you dress up and wear makeup. We are going to show you how it is to be a woman.’...When I had been brutally raped for three days an old man said, ‘She is a Muslim, let her go,’ and they said, ‘Okay but if she tells anyone we will kill her.’” The old man was the gardener in the house where Sarah was held. One of Sarah’s attackers gave her clothing to leave in, as her clothing had been destroyed. She required medical care and a long recovery from her injuries.⁸⁹

⁸⁶ Interview with Marouf P., location withheld, late 2021.

⁸⁷ Interview with Atiq S., location withheld, late 2021.

⁸⁸ Interview with Hayatullah L., location withheld, late 2021.

⁸⁹ Interview with Sarah R., location withheld, late 2021.

Naqib H. was on a blind date in 2018 when a man raped him using objects. His injuries required hospitalization. While he was in the hospital his brothers visited him. “They said, ‘You should have died,’” Naqib said. “I don’t care what the world thinks, but this is my own family.” Soon after leaving the hospital, Naqib attempted suicide.⁹⁰

Several interviewees said they had faced extortion for sex. “In school, if someone knows [you are gay] they would say, ‘If you don’t do this with me [a sexual act] I will tell people that you’re gay,’” Hakim S. explained.⁹¹ “I was blackmailed many times, and also at gunpoint was forced to have sex,” said Amir H. “Even at school people blackmailed me for sex.” He also described an incident in which a male relative held a gun to his head and raped him.⁹²

“It was his hobby to pick up gay men and beat them,” Nasrullah B. said of a man he met for a date after they connected online. The man wore military fatigues and a bullet holder, and said he belonged to a militia. He said he would not beat Nasrullah because Nasrullah had been polite and talked about being friends rather than asking for sex. “He showed me so many pictures of gay men he had beaten up,” Nasrullah said, describing himself as terrified and desperate to escape. “I acted friendly and talked with him for two hours. I acted like I thought what he is doing was good.” The man also showed Nasrullah photos of boys, about 13, involved in *bacha bazi* whom he said he had sex with.⁹³

Once before the Taliban takeover, said an interviewee, speaking out about LGBT rights put him at risk. Marouf P. described a narrow escape—that left him with visible scars—after a cleric ordered his abduction because Marouf had mentioned the rights of LGBT people in a public speech.⁹⁴

None of the interviewees who described experiences of violence had sought help from police. “The police never protect us,” Sarah R. said.⁹⁵ They also often had not felt able to tell—or seek help from—family or friends. Habib B. said he did not tell anyone after he was

⁹⁰ Interview with Naqib H., location withheld, late 2021.

⁹¹ Interview with Hakim S., location withheld, late 2021.

⁹² Interview with Amir H., location withheld, late 2021.

⁹³ Interview with Nasrullah B., location withheld, late 2021.

⁹⁴ Interview with Marouf P., location withheld, late 2021.

⁹⁵ Interview with Sarah R., location withheld, late 2021.

raped at 12 by an older classmate. “I thought it was something bad and if I told my parents they would scold me.”⁹⁶

Forced and Child Marriage, and Coerced Sex with Spouse

Several interviewees emphasized that Afghan culture insists on compulsory heterosexuality, which plays out in monumental pressure from family members and the broader society to marry and have children. For some LGBT people, the imperative to marry means no possibility of life with a partner of their choice and no chance to live in accordance with their sexuality or gender identity, a painful burden to carry throughout their lives.

“Afghan culture is that parents get their kids married no matter what. They force you,” said Asad B., whose parents engaged him to his cousin as soon as he was born. In Afghanistan it is common in some families to marry within your own family. “I knew my whole life I would marry her,” Asad said. “When I realized I was gay I told my parents I am not going to get married to a girl. But there was intense societal pressure, so I bowed down to it.” Asad managed to delay the marriage until his late 20s. “My father hit me many times. He attacked me physically to get me married...They never suspected it was because I was gay. You cannot tell anyone you are gay—it’s very dangerous.”⁹⁷

“When I was 14 and a half, my father and brother got me married forcibly,” Hamid N. said. “My brother’s wife was 38 or 39. She couldn’t do all the housework, so they wanted me to marry to have a second girl to do the housework.” His wife was 13 when they married.⁹⁸

Sarah R., a trans woman, described heartbreak when she broke up with her partner of seven or eight years because she felt he needed to marry. “I made him get married,” she said. “In Afghanistan every Muslim man has to get married, and you can’t marry a trans woman. I had no choice—I had to think of what was good for him, so I had to let him go.”⁹⁹

⁹⁶ Interview with Habib B., location withheld, late 2021.

⁹⁷ Interview with Asad B., location withheld, late 2021.

⁹⁸ Interview with Hamid N., location withheld, late 2021.

⁹⁹ Interview with Sarah R., location withheld, late 2021.

Qurban B., a trans man, said that he and his girlfriend tried to flee to another country but were stopped by her brothers and forbidden from seeing each other. The couple then decided Qurban should go to his girlfriend's father and ask to marry her. "We thought they might get angry, but then over time they would settle down and then we would tell my family, too," Qurban said. "I didn't expect that they would try to kill me." The girlfriend's father and brothers beat Qurban so severely that he fell into a coma for several weeks and had bleeding in his skull. "When I came out of the coma, she had been married to a boy," he said. "I still love her."¹⁰⁰

When individuals marry in Afghanistan, they are often under pressure from their parents to have children quickly, and hence under pressure to have sex. Amir H. described his parents repeatedly asking in the morning whether he and his wife should perform ablutions, as expected after sex, which he found intrusive. "I tried very hard to have sex with my wife," he said. "Four or five days after the wedding I realized I can't have sex with my wife. I told a doctor I'm gay and he gave me some medicine."¹⁰¹

Nasrullah B., married at 16, tried to escape married life by going to another city to study. "My wife was with my mom and dad, but my mom and dad were bringing my wife to visit me every two weeks and pressuring us to have sex and have kids," Nasrullah said. "All my life I was forced to have sex with her." The couple has four children.¹⁰²

Married interviewees often described living a double life. For men, this often meant leaving wives and children with their parents, while they found reasons to be away from home for studies or work in a place where they could escape the pressures of marriage and have friends and relationships with other LGBT people. "I didn't have sex with men for a long time after I married," said Hamid N. Forced into marriage at 14, he was one of millions of Afghans who have suffered child marriage.¹⁰³ "But later I went to Kabul and then I felt I need a man in my life. I can't hide from this anymore."¹⁰⁴

¹⁰⁰ Interview with Qurban B., location withheld, late 2021.

¹⁰¹ Interview with Amir H., location withheld, late 2021.

¹⁰² Interview with Nasrullah B., location withheld, late 2021.

¹⁰³ Heather Barr, "Will Afghanistan Follow Through on Promise to End Child Marriage?" Commentary, Human Rights Watch Dispatch, April 20, 2017, <https://www.hrw.org/news/2017/04/20/will-afghanistan-follow-through-promise-end-child-marriage>.

¹⁰⁴ Interview with Hamid N., location withheld, late 2021.

Blackmail, Outing, and Employment Discrimination

“I dated a guy who always made problems for me,” said Zia H, who broke off what he said was a casual relationship. “He posted my picture and wrote about it: ‘He is a gay man,’ on Facebook.” Zia said that the man had posted it on a fake Facebook account he used for meeting men. “The post had my photo and name. I asked him a lot to remove it. He refused. He said, ‘You left me. This your punishment.’”¹⁰⁵

Nasrullah B. said an ex-partner tried to blackmail him:

He said, “Don’t break up with me. I love you too much.” He was coming to my house every day where I lived with my wife. He would pretend to be one of my friends. My family was asking why he’s coming—who is this? He said he would tell my dad that I’m gay. Then he called my wife and said I was gay. He came to the house for two months before he called my wife. I told her it was a lie, and he was just trying to get money, but then he sent all the photos of us kissing...and told her everything about our relationship....Then my wife wouldn’t believe me anymore when I denied it, and she accused me and threatened to tell my family. I begged her not to for our kids.

Nasrullah’s wife told his father who essentially put him under house arrest in the family home where they all lived together.¹⁰⁶

Asad B. had a well-paid job when a younger man he was seeing secretly filmed the two of them having sex. The younger man threatened to post the footage online and identify Asad if Asad did not pay for his silence. Asad dealt with the situation by blocking the man and erasing his own social media presence.¹⁰⁷

Amir H. was forced out of a senior position in a company by blackmail. “I received messages from colleagues on WhatsApp saying, ‘We know you are LGBT,’” he said. “I have a fake ID on Facebook with LGBT friends. Someone discovered this was me...They said you

¹⁰⁵ Interview with Zia H., location withheld, late 2021.

¹⁰⁶ Interview with Nasrullah B., location withheld, late 2021.

¹⁰⁷ Interview with Asad B., location withheld, late 2021.

can't work here anymore. They didn't ask for money. There is a homophobic culture; they were just threatening me to leave and saying I would be punished under Sharia."¹⁰⁸

Several interviewees said they had started their own businesses to protect themselves from discrimination by employers and be able to offer employment to other LGBT people.

While LGBT people faced serious rights violations in Afghanistan prior to the return of the Taliban, some had found satisfying work and social networks with long-term partners and friends. Some had actively worked to improve the situation of other LGBT people in Afghanistan.

"I had a great life," said Mirwais K., who owned a company with his partner where they employed other LGBT people and set aside a portion of their profits to assist LGBT people in need.¹⁰⁹ Sarah R., a trans woman, had a job she loved in a beauty salon and planned to open her own salon.¹¹⁰ Mustafa M. said he and his boyfriend, who lived together, had moved neighborhoods in Jalalabad to find an area that would be safer for them. In their new neighborhood, they had sometimes felt safe enough to hold hands in public.¹¹¹

The Taliban takeover has removed even the pockets of happiness and hope that people like Mirwais, Sarah, and Mustafa experienced under the previous government in Afghanistan. Having taken power, the Taliban are ultimately responsible for ensuring the safety and well-being of the Afghan population. But international organizations and governments participating in Afghanistan's conflict should adopt measures that could help provide some safety to LGBT Afghans, both those who have fled abroad to unstable, unsafe locations and need resettlement and those who remain in Afghanistan. They should also commit to long-term support for LGBT Afghans' safety and the protection of their fundamental human rights, recognizing that even in the event of reforms, LGBT people in Afghanistan will continue to face marginalization and abuse. It's critical that the international community stands by LGBT Afghans for the long haul.

¹⁰⁸ Interview with Amir H., location withheld, late 2021.

¹⁰⁹ Interview with Mirwais K., location withheld, late 2021.

¹¹⁰ Interview with Sarah R., location withheld, late 2021.

¹¹¹ Interview with Mustafa M., location withheld, late 2021.

III. Relevant International Law

As a United Nations member state, Afghanistan has affirmed acceptance of the Universal Declaration of Human Rights, the provisions of which are broadly accepted to reflect customary international law.¹¹² The Universal Declaration upholds the fundamental rights and freedoms that are due to every individual, including LGBT people, on the basis of their being human: “All human beings are born free and equal in dignity and rights,” have the rights to “life, liberty and security of person,” and are protected from discrimination and torture and ill-treatment.¹¹³

Afghanistan is party to core international human rights treaties that create legal obligations to respect and protect the rights of all people within its jurisdiction, including LGBT people. These include the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of the Child.¹¹⁴

The rights to life, liberty and security of the person, nondiscrimination, effective remedy, work, and an adequate standard of living, among others, are all undermined by discrimination and violence against LGBT people.¹¹⁵ The UN Human Rights Committee, which provides authoritative interpretation of the ICCPR, has determined that sexual orientation is a protected ground under the ICCPR¹¹⁶ and that the covenant prohibits

¹¹² Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948).

¹¹³ *Ibid.*, arts. 5, 7, 9, 12.

¹¹⁴ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976; International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976; UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/RES/39/4610; International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976.

¹¹⁵ ICCPR, arts. 2, 6, 9, 26; ICESCR, arts. 2, 6, 7, 11; UDHR, arts. 2, 3, 7, 8, 25.

¹¹⁶ UN Human Rights Committee (HRC), *Young v. Australia*, U.N. Doc. CCPR/C/78/D/941/2000 (2003), para. 10.4 (“The Committee recalls its earlier jurisprudence that the prohibition against discrimination under article 26 comprises also discrimination based on sexual orientation.”); HRC, *X v. Colombia*, U.N. Doc. CCPR/C/89/D/1361/2005 (2007), para. 7.2 (“The Committee recalls its earlier jurisprudence that the prohibition against discrimination under article 26 comprises also discrimination based on sexual orientation.”); HRC, *Fedotova v. Russian Federation*, para. 10.5 (“[T]he Committee recalls that the prohibition against discrimination under article 26 comprises also discrimination based on sexual orientation.”).

discrimination based on gender identity.¹¹⁷ Similarly, the UN Committee against Torture has noted that anti-discrimination is fundamental to the interpretation and application of the Convention against Torture.¹¹⁸

The Taliban, as Afghanistan's de facto authorities, are obligated to respect and protect the human rights of LGBT people under international human rights law. This requires the Taliban to address the conditions that give rise to discrimination and violence as well as incidence of abuse. They also are obligated to ensure that the victims of abuse have access to adequate support and redress, including appropriately punishing those responsible for abuses.

International human rights law protects the right to life and prohibits arrest and detention, torture and other cruel, inhuman or degrading treatment, including rape and other sexual violence, on the basis of sexual orientation.¹¹⁹ The ICESCR obligates governments to recognize the right of everyone to the enjoyment of "the highest attainable standard of physical and mental health," the right of everyone to an adequate standard of living, and the right to education.¹²⁰

The United Nations Human Rights Committee, which oversees the compliance of states with the ICCPR, has emphasized that a government's obligations under the covenant:

will only be fully discharged if individuals are protected by the State, not just against violations of ... rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of ... rights in so far as they are amenable to application between private persons or entities.¹²¹

¹¹⁷ HRC, *G v. Australia*, UN Doc. CCPR/C/119/D/2172/2012 (2017), para. 7.12.

¹¹⁸ UN Committee against Torture, General Comment No. 3, Implementation of Article 14 by States Parties, U.N. Doc. CAT/C/GC/3 (2012), paras. 8, 32, and 39; Committee against Torture, General Comment No. 2, Implementation of Article 2 by States Parties, U.N. Doc. CAT/C/GC/2 (2008), para. 21.

¹¹⁹ See, for example, ICCPR, arts. 6, 7 and 9.

¹²⁰ ICESCR, arts. 11, 12 and 13.

¹²¹ UN Human Rights Committee, General Comment No. 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 8, <https://www.refworld.org/docid/478b26ae2.html> (accessed January 18, 2022).

The UN Office of the High Commissioner for Human Rights has noted that although hate-motivated against LGBT people is typically perpetrated by non-state actors, “failure by State authorities to investigate and punish this kind of violence is a breach of States’ obligation to protect everyone’s right to life, liberty and security of person.”¹²²

Countries to which LGBT Afghans have fled also have obligations to respect their rights under international law. The 1951 Refugee Convention and customary international law prohibit refoulement, which is the return of refugees to places where their lives or freedom would be threatened, or to where they may be subjected to torture or other ill-treatment. The UN refugee agency, UNHCR, has said that refoulement occurs not only when a government directly rejects or expels a refugee, but also when indirect pressure is so intense that it leads people to believe they have no option but to return to a country where they face a serious risk of harm.¹²³

¹²² UN Office of the High Commissioner for Human Rights, “Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law,” October 2012, <http://www.ohchr.org/Documents/Publications/BornFreeAndEqualLowRes.pdf> (accessed September 11, 2020), p. 14.

¹²³ See UN High Commissioner for Refugees (UNHCR), Representations to the Social Security Advisory Committee on the “Social Security (Persons from Abroad) Miscellaneous Amendment Regulations 1995”, November 10, 1995, <https://www.refworld.org/docid/3ae6b31daf.html> (accessed January 14, 2022).

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“Even If You Go to the Skies, We’ll Find You”

LGBT People in Afghanistan After the Taliban Takeover

Lesbian, gay, bisexual, and transgender (LGBT) Afghans and people who do not conform to rigid gender norms in Afghanistan have faced an increasingly desperate situation and grave threats to their safety and lives since the Taliban took full control of the country on August 15, 2021. Human Rights Watch and OutRight Action International interviewed 60 LGBT Afghans in late 2021. Most interviewees were in Afghanistan, while others had fled to nearby countries where they remain in danger, including of being forcibly returned. Just a few have resettled in countries where they feel safe.

Many of those interviewed reported being attacked, sexually assaulted, or directly threatened by Taliban members because of their sexual orientation or gender identity. Others reported abuse from family members, neighbors, and romantic partners who now support the Taliban or believed they had to act against LGBT people close to them to ensure their own safety. Some fled their homes from attacks by Taliban members or supporters pursuing them. Others watched lives they had carefully built over the years disappear overnight and found themselves at risk of being targeted at any time because of their sexual orientation or gender identity.

Countries receiving asylum-seeking Afghans should recognize that LGBT Afghans face a special risk of persecution in Afghanistan and neighboring countries and expedite their applications for evacuation and resettlement. Taliban authorities have an obligation to protect the rights of all Afghans, including LGBT people, under international law. All countries, including those that sent troops to Afghanistan over the last 20 years, have a responsibility to press the Taliban to end their abuses against LGBT people.



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