

**Flygtningenævnets baggrundsmateriale**

<b>Bilagsnr.:</b>	<b>1687</b>
Land:	Afghanistan
Kilde:	Afghan LGBT og The Advocates for Human Rights
Titel:	Shadow Report: LGBTQ Women in Afghanistan Under Taliban Rule (2021–2025)
Udgivet:	2025
Optaget på baggrundsmaterialet:	21. januar 2026



# Shadow Report: LGBTQ Women in Afghanistan Under Taliban Rule (2021–2025)

## Executive Summary

1. Since the Taliban’s takeover of Afghanistan in August 2021, lesbian, bisexual, transgender, and queer (LBTQ) women have faced an unprecedented human rights crisis. The Taliban has effectively erased women and girls from public life, banning them from secondary and higher education and most employment<sup>1</sup>. Within this **gender apartheid**, LBTQ women experience compounded persecution. They are targeted not only by the Taliban’s “morality law” but also by family and community members emboldened by the regime’s stance. This report – **submitted on behalf of the Afghanistan LGBTIQ+ Organization (ALO) and The Advocates for Human Rights** – documents the **lived experiences** of LBTQ women under Taliban rule. It draws on survivor testimony to highlight abuses including public floggings; torture; arbitrary detention; “honor” violence and killings; forced marriage; and the total denial of access to education, work, and justice. These abuses violate Afghanistan’s obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), notably Articles 1, 2, 5, and 12, as well as the CEDAW Committee’s General Recommendations No. 28 (on non-discrimination and intersectionality) and No. 33 (on women’s access to justice). The report concludes with urgent recommendations, calling on the CEDAW Committee and international community to address the **life-threatening situation** of LBTQ women in Afghanistan. The tone of this submission is intentionally urgent and grounded in the voices of Afghan LBTQ women themselves, whose resilience in the face of extreme human rights violations demands an equally resolute response.

## Methodology

2. This shadow report was prepared by the Afghanistan LGBTIQ+ Organization (ALO) and The Advocates for Human Rights to provide the CEDAW Committee with a detailed, survivor-centered account of the human rights situation facing lesbian, bisexual, transgender, and queer (LBTQ) women in Afghanistan since the Taliban’s return to power in August 2021.
3. The report draws upon:
  - **In-depth qualitative interviews** conducted by ALO with 22 LBTQ women residing in Afghanistan between January and March 2024.

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<sup>1</sup> Kelly, A., & Joya, Z. (2025, April 2). ‘Frightening’ Taliban law bans women from speaking in public. The Guardian. <https://www.theguardian.com/global-development/article/2024/aug/26/taliban-bar-on-afghan-women-speaking-in-public-un-afghanistan>

- **Desk research** of relevant reports by international human rights organizations, UN agencies, and credible media outlets documenting violations of women’s and LGBTIQ+ rights in Afghanistan.
  - **Legal analysis** referencing provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and relevant General Recommendations.
4. All interviews were conducted confidentially by ALO and included lesbian, bisexual, and transgender women from various provinces of Afghanistan. Participants were identified through trusted networks, and interviews were carried out remotely due to security concerns. Identifying details have been removed to protect participants’ safety and anonymity.
  5. Where survivor testimony is cited, the report uses consistent pseudonymous references (e.g., "Interview #7") to preserve confidentiality while ensuring traceability of key findings. The combination of firsthand accounts and secondary sources ensures that the report is grounded in lived realities while aligned with international human rights standards.

## Note on Terminology

6. In this report, we use the acronym LGBTIQ+ to refer to individuals who self-identify as lesbian, gay, bisexual, transgender, queer, and/or intersex. We acknowledge that these terms do not encompass everyone who may face human rights violations based on their actual or perceived sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC).
7. The inclusion of the “+” in LGBTIQ+ reflects this broader diversity and signals our intention to be inclusive of individuals who do not fit neatly within these specific categories. Where the report uses a modified acronym (such as LBTQ), it is done intentionally to reflect the focus on particular subgroups within the community, especially in relation to gendered or intersectional experiences being addressed.

## Background and Legal Framework

8. Afghanistan acceded to CEDAW in 1980, committing to eliminate all forms of discrimination against women. However, since seizing power on 15 August 2021, the Taliban have instituted a system of **gender-based persecution**, systematically excluding women and girls from public life and stripping away legal protections<sup>2</sup>. The Taliban’s revival of the Ministry for the Propagation of Virtue and Prevention of Vice and issuance of new “morality” edicts have imposed extreme restrictions: women must cover their faces and bodies entirely, are forbidden from speaking loudly in public, and can be detained and punished at will for perceived infractions. By late 2022, the Taliban banned women from attending universities and by 2023 from nearly all forms of employment, including NGO

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<sup>2</sup> Kelly, A., & Joya, Z. (2025, April 2). ‘Frightening’ Taliban law bans women from speaking in public. The Guardian. <https://www.theguardian.com/global-development/article/2024/aug/26/taliban-bar-on-afghan-women-speaking-in-public-un-afghanistan>

and UN jobs. Effectively, Afghan women have been **erased from public spaces** and denied basic rights. This context creates particular peril for LGBTQ women, who are forced to hide both their identity as women and their sexual orientation, gender identity, and gender expression as LGBTQ people to survive.

9. Under the Taliban’s interpretation of Sharia, sexual and gender minorities are condemned as immoral. Same-sex sexual activity (referred to as “sodomy”) is punishable by corporal punishment and/or death. Indeed, Taliban officials and judges openly endorse corporal penalties: shortly after the takeover, one Taliban judge stated that gay men should be **stoned to death or crushed by a wall**<sup>3</sup>. In practice, Taliban enforcers have carried out public floggings of people accused of “moral crimes” – including at least several individuals punished for alleged same-sex sexual activities<sup>4</sup>. Within weeks of the takeover, there were already reports of Taliban fighters executing people suspected of being gay. For example, one young man’s boyfriend was **beheaded by the Taliban on the day they entered Kabul**, simply for being suspected of homosexuality<sup>5</sup>. The experiences of LGBTQ women are often less visible due to multiple overlapping layers of marginalization. Gender norms in Afghan society have long rendered women’s lives more private and policed, and LGBTQ women in particular are subjected to heightened surveillance by both family and community. Unlike gay or transgender men, whose presence in public spaces may be more visible and thus more frequently documented, LGBTQ women are often confined to the domestic sphere, where violence and coercion occur behind closed doors. Moreover, their oppressors are often family members—fathers, brothers, or husbands—which makes it far more dangerous for them to speak out or seek help. In some cases, LGBTQ women themselves remain undocumented in research or media because they are intentionally erased through forced marriage, “correctional” violence, or social isolation. The absence of rule of law under the Taliban means there are **no protections whatsoever** for women facing gender or sexuality-based persecution – rather, State actors *themselves* are often the perpetrators.
10. CEDAW’s provisions are directly relevant to this crisis. **Article 1** defines discrimination against women to encompass any exclusion or restriction that impairs women’s human rights – a definition that clearly includes violence and persecution of women based on sexual orientation or gender identity as intersecting factors. **Article 2** obliges States to condemn and eliminate discrimination in law and practice, yet Afghanistan’s *de facto* Government has instead codified discrimination, openly revoking women’s fundamental rights. **Article 5** requires modifying social and cultural practices that are based on stereotypes or the inferiority of either sex; the Taliban regime has done the opposite, enforcing patriarchal norms that relegate women to silence and subjugation. **Article 12** guarantees equality in access to healthcare, which is blatantly violated as LGBTQ women

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<sup>3</sup> Shelton, T. (2021, September 2). LGBT Afghans are on the run, afraid they could be stoned to death under Taliban law. ABC News. <https://www.abc.net.au/news/2021-09-02/afghans-lgbt-community-face-stoning-under-taliban-law/100412330>

<sup>4</sup> Zahidi, B. (2024, July 2). Taliban publicly flogs 25 people, including LGBT members, in several provinces. KabulNow. <https://kabulnow.com/2024/07/taliban-publicly-flogs-25-people-including-lgbt-members-across-several-provinces/>

<sup>5</sup> Shelton, T. (2021, September 2). LGBT Afghans are on the run, afraid they could be stoned to death under Taliban law. ABC News. <https://www.abc.net.au/news/2021-09-02/afghans-lgbt-community-face-stoning-under-taliban-law/100412330>

are denied safe access to all services – from basic medical care to mental health support – due to both their gender and sexual orientation. The CEDAW Committee’s **General Recommendation No. 28** explicitly notes that discrimination against women is “**inextricably linked**” with factors such as sexual orientation and gender identity, and it calls on States parties to recognize and prohibit these intersecting forms of discrimination. Likewise, **General Recommendation No. 33** on women’s access to justice underscores that all women, *including lesbian, bisexual and transgender women*, are entitled to the rights and protections of the Convention. The Taliban’s actions disregard these standards, creating a context in which LGBTQ women have virtually **no recourse or safety** within their own country.

## Situation Analysis

### Gender-Based Violence and Discrimination

11. LGBTQ women in Afghanistan live under the constant threat of violence from both the Taliban and their own families. Decades of patriarchal tradition, now amplified by the Taliban’s rigid rules, have fostered an environment in which extreme human rights violations are carried out with impunity. Many LGBTQ women report that violations of their human rights began at home: families, fearful of “shame,” often respond with severe violence upon discovering a daughter’s sexual orientation or gender identity. “*My family discovered I was in a relationship with another woman. My brothers and father beat me severely and confined me to the house... eventually, they forced me into a marriage with an older man,*”<sup>6</sup> recounted one lesbian survivor. Forced marriage is frequently used as a so-called “cure” for lesbian or bisexual women, aimed at coercively realigning them with heteronormative expectations. “*My family forced me into marriage to ‘correct’ my behavior and save the family from shame. I had no choice but to obey,*” another Lesbian woman testified, illustrating how marriage is weaponized to erase LBQ women’s identities<sup>7</sup>.
12. Abuses within the family are compounded by the **sanctioning of violence by Taliban authorities**. Several survivors describe how relatives, unable to “reform” them, instead turned them over to the Taliban. “*After the Taliban returned, my family handed me over to the Taliban, but my mother helped me escape. She knew I would be killed,*” one individual reported<sup>8</sup>. This account shows how those family members who wish to protect their female relatives often must put their own safety at risk to help. LGBTQ women have been searched after and persecuted by Taliban fighters and informants who operate with zeal under the new moral order. Those suspected of being lesbian, bisexual, transgender, or queer face violence both on the streets and in hiding. “*I fear walking on the streets because the Taliban might stop me. If they suspect me, they will kill me without hesitation. My life is no longer mine; it is theirs to take,*” said one queer woman, noting that any advertent or

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<sup>6</sup> Anonymous Interview #1, Lesbian woman, Afghanistan, 2024 (conducted by ALO). \* All interviews were conducted confidentially by the Afghanistan LGBTIQ+ Organization (ALO) in 2024 with LGBTQ women residing in Afghanistan. Identifying details have been removed to protect participants’ safety

<sup>7</sup> Anonymous Interview #2, Lesbian woman, Afghanistan, 2024 (conducted by ALO).

<sup>8</sup> Anonymous Interview #3, Queer woman, Afghanistan, 2024 (conducted by ALO).

inadvertent outing could be a death sentence<sup>9</sup>. Public floggings and executions for “moral crimes” create an atmosphere of terror. According to Human Rights Watch and UN monitors, the Taliban have already subjected LGBTQ individuals to **lashings** and other forms of corporal punishment simply for being who they are<sup>10</sup>. In one incident in 2023, Taliban authorities publicly flogged a group of 25 people – among them four individuals identified as LGBT – in a football stadium, underscoring the very real danger of public corporal punishment.

13. Within this climate, **sexual violence** has also been deployed as a weapon. Reports have emerged of Taliban fighters and their supporters committing rape and other sexual assaults against those they perceive as LGBT, with complete impunity<sup>11</sup>. Human Rights Watch documented cases of gang-rape and mob attacks against LGBT Afghans, often perpetrated by Taliban members or by non-State actors who feel authorized by the Taliban’s attitudes toward sexual minorities<sup>12</sup>. Even outside the Taliban, non-State actors have felt emboldened to inflict violence on LBTQ women. The **cumulative impact** of these threats is that LBTQ women live in constant fear, often self-isolating to avoid drawing any attention. Many LBTQ women feel that even their own homes are not safe havens due to hostile relatives and intrusive Taliban patrols.
14. Notably, the Taliban’s restrictive gender norms exacerbate the violence LBTQ women face. Women in Afghanistan are now required to adhere to strictly prescribed behavior: wearing the burqa or similar full covering, not speaking above a whisper, and never meeting unrelated men in private<sup>13</sup>. For LBTQ women, failing to conform to these rules can trigger suspicion. A woman who resists marriage or does not exhibit the expected interest in men may be quickly labeled as deviant. Transgender women (assigned male at birth but living as women) are in an even more impossible position: the Taliban refuse to recognize their gender, viewing them as “effeminate” men deserving punishment, while also punishing them for wearing women’s clothing. Conversely, transgender men (assigned female at birth but living as men) and masculine-presenting queer women face violent enforcement of “femininity.” LBTQ women describe how they must erase any sign of their identity. *“I am now required to cover myself completely in public and avoid all eye contact with men. Even in private, my family monitors me constantly to ensure I am acting ‘appropriately.’ I feel like a prisoner in my own home,”* said one lesbian woman<sup>14</sup>, highlighting the complete control over every aspect of her life. This forced performance of a false identity is itself a form of psychological violence – an everyday assault on dignity and personhood. It also isolates LBTQ women from one another, destroying community

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<sup>9</sup> Anonymous Interview #4, Queer woman, Afghanistan, 2024 (conducted by ALO).

<sup>10</sup> Corporal punishment on the rise in Afghanistan. (2023, May 8). Human Rights Watch. <https://www.hrw.org/news/2023/05/08/corporal-punishment-rise-afghanistan>

<sup>11</sup> Hart, R. (2022, January 27). LGBTQ+ people in Afghanistan in ‘Grave’ danger under Taliban, report finds. Forbes. <https://www.forbes.com/sites/roberthart/2022/01/26/lgbtq-people-in-afghanistan-in-grave-danger-under-taliban-report-finds/>

<sup>12</sup> Afghanistan: Taliban target LGBT Afghans. (2022, January 26). Human Rights Watch. <https://www.hrw.org/news/2022/01/26/afghanistan-taliban-target-lgbt-afghans>

<sup>13</sup> Kelly, A., & Joya, Z. (2025, April 2). ‘Frightening’ Taliban law bans women from speaking in public. The Guardian. <https://www.theguardian.com/global-development/article/2024/aug/26/taliban-bar-on-afghan-women-speaking-in-public-un-afghanistan>

<sup>14</sup> Anonymous Interview #1, Lesbian woman, Afghanistan, 2024 (conducted by ALO)

support networks. Simply put, under Taliban rule, to live openly as an LBTQ woman is a risk to one's life. Thus, most LBTQ women have been driven underground, concealing who they are in the desperate hope of survival.

## Arbitrary Detention, Torture, and Extrajudicial Killings

15. The Taliban's justice system has been a key instrument of persecution against LBTQ people. Because the *de facto* authorities view homosexuality and gender variance as crimes, LBTQ women have no protection from **arbitrary arrest** – instead, they are active targets of law enforcement. Taliban police and agents of the General Directorate of Intelligence (GDI) have conducted entrapment operations, raids, and sting operations to identify and detain people suspected of being LBTQ. Often, mere rumors or personal vendettas can lead to an arrest, since an accusation of same-sex sexual conduct or “moral transgression” is enough to justify indefinite detention without due process. Transgender women report being especially targeted; many had to destroy identity documents and go into hiding to avoid detection.
16. Survivor testimonies reveal the **extreme human rights violations** LBTQ individuals experience in Taliban custody. One transgender interviewee described being arrested twice since the takeover: *“After the Taliban took over, they arrested and imprisoned me twice, torturing and assaulting me due to my transgender identity.”*<sup>15</sup> In detention facilities, Taliban officials have beaten detainees with cables and pipes, subjected them to electric shocks, and inflicted other forms of torture aimed at extracting “confessions” or simply punishing them for who they are. Several gay and trans survivors recounted being sexually assaulted and humiliated by prison guards. *“They arrested me for being gay. In prison, they tortured me, beat me, and threatened to execute me. I was only released because my family paid a bribe,”* one gay man reported<sup>16</sup>, noting that even after release he remained under surveillance, fearing re-arrest. Such **extortion of families** in exchange for a captive's life is not uncommon; it reflects the absolute power Taliban authorities wield and their disregard for legal norms. It should be emphasized that none of these detainees have had any legal recourse. They cannot challenge their detention or seek redress for torture, as the courts are fully controlled by the Taliban's interpretation of Sharia, which condemns them. This stands in stark violation of CEDAW **Article 15** (equality before the law) and the most basic principles of human rights.
17. Extrajudicial executions of LBTQ people, while harder to document due to secrecy and fear, have been reported. In addition to the beheading in Kabul noted above, there are credible reports of Taliban fighters carrying out **summary executions** in various provinces of individuals suspected of same-sex sexual activity. Often these killings happen in secrecy – victims “disappear” after arrest, or their bodies are found days later. Because families often feel shame or fear retribution, such cases go unreported. One interviewee in a recent study observed: *“Yes, if the Taliban identify a member of the LGBTIQ+ community, they transfer them to prison, and after severe torture, announce severe punishment or execution.”*<sup>17</sup> This statement underscores that the *intended fate* of those caught is often

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<sup>15</sup> Anonymous Interview #5, Trans woman, Afghanistan, 2024 (conducted by ALO)

<sup>16</sup> Anonymous Interview #6, Gay Man, Afghanistan, 2024 (conducted by ALO)

<sup>17</sup> Anonymous Interview #7, Trans woman, Afghanistan, 2024 (conducted by ALO)

death, whether through formal executions or lethal abuse in custody. The Taliban's leader, Hibatullah Akhundzada, in late 2022 even ordered judges to fully implement Hadd (Sharia) punishments (such as stoning) for adultery and **Lawat** (**homosexual conduct**), signaling official sanction for the death penalty in such cases (as reflected by reports of planned stonings)<sup>18 19</sup>. In effect, State agents are perpetrators of **gender-based persecution** against LBTQ women – acts that likely amount to crimes against humanity under international law<sup>20</sup>.

18. LBTQ women in this situation have few options. Some have managed to go into deeper hiding or move frequently to avoid detection. A small number have been able to obtain shelter in safehouses run quietly by NGOs, though these are extremely limited and themselves at risk of Taliban crackdowns. Others take the dangerous route of fleeing the country by land. ALO has heard accounts of these kinds of journeys: *"I paid everything I had to a smuggler who promised to get me out. Instead, I was abandoned in the mountains without food or water. I barely survived,"* said one lesbian woman who attempted to escape Afghanistan<sup>21</sup>. Many who try to flee face extortion, human trafficking, or arrest at borders, and still have to navigate hostile asylum systems abroad. Those who remain in Afghanistan live under a terrifying shadow, knowing that at any moment a raid or betrayal could deliver them into Taliban hands. This climate of State-sanctioned terror not only violates CEDAW Articles 2 and 3 (obligation to ensure fundamental freedoms) but also the **rights to life and security of person** that underpins all human rights treaties.

## Exclusion from Education and Employment

19. One of the Taliban's first acts upon taking power was to curtail girls' and women's education, and by December 2022 they banned women from attending universities altogether<sup>22 23</sup>. Today, Afghanistan is the only country in the world where girls are barred from education beyond primary school. This policy has a devastating impact on LBTQ women. Before the Taliban's return, many lesbian and bisexual young women, as well as transgender students, saw education as a rare space for personal growth or a path to independence. Now that door is closed. *"The Taliban have made it impossible for me to continue my education. Not only am I discriminated against for my gender identity, but now I am also barred from attending school because of their policies against women and*

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<sup>18</sup> BBC News. (2022, November 14). Afghanistan: Taliban leader orders Sharia law punishments.

[https://www.bbc.com/news/world-asia-63624400?utm\\_source=chatgpt.com](https://www.bbc.com/news/world-asia-63624400?utm_source=chatgpt.com)

<sup>19</sup> Kumar, R. (2024, May 8). Taliban affirms that stoning will be punishment for adulterers — especially women. NPR. [https://www.npr.org/sections/goatsandsoda/2024/05/08/1242306960/taliban-affirms-that-stoning-will-be-punishment-for-adulterers-especially-women?utm\\_source=chatgpt.com](https://www.npr.org/sections/goatsandsoda/2024/05/08/1242306960/taliban-affirms-that-stoning-will-be-punishment-for-adulterers-especially-women?utm_source=chatgpt.com)

<sup>20</sup> MADRE. (2024). Gender persecution in Afghanistan: a crime against humanity: PART TWO: severe deprivations of the fundamental right to work as acts of gender persecution. <https://www.madre.org/wp-content/uploads/2024/03/Afghanistan-Gender-Persecution-2024.pdf>

<sup>21</sup> Anonymous Interview #8, Lesbian woman, Afghanistan, 2024 (conducted by ALO)

<sup>22</sup> Greenfield, C., & Yawar, M. Y. (2022, December 20). Taliban-led Afghan administration suspends women from universities. Reuters. [https://www.reuters.com/world/asia-pacific/taliban-led-afghan-administration-says-female-students-suspended-universities-2022-12-20/?utm\\_source=chatgpt.com](https://www.reuters.com/world/asia-pacific/taliban-led-afghan-administration-says-female-students-suspended-universities-2022-12-20/?utm_source=chatgpt.com)

<sup>23</sup> FAQs: Afghan women three years after the Taliban takeover | UN Women – Headquarters. (2024, August 12). UN Women – Headquarters. [https://www.unwomen.org/en/articles/faqs/faqs-afghan-women-three-years-after-the-taliban-takeover?utm\\_source=chatgpt.com](https://www.unwomen.org/en/articles/faqs/faqs-afghan-women-three-years-after-the-taliban-takeover?utm_source=chatgpt.com)

*minorities like me,”* explained one transgender girl<sup>24</sup>. Educational institutions, which should be safe and empowering, have instead become sites of exclusion and danger. Even in the limited time that schools were open post-2021, LBTQ students faced **severe bullying and harassment**. Teachers and classmates often enforced conservative sexual and gender norms. One interviewee recalled being relentlessly mocked for appearing masculine until she dropped out for her own safety. Now, under official policy, LBTQ women simply have no access to schooling at all. This not only violates CEDAW **Article 10** (equal rights in education) but also cuts off a vital lifeline – education was one avenue through which some LBTQ women could gain knowledge, connect with peers, or plan for a life outside of Afghanistan. Its loss deepens their isolation and despair.

20. Likewise, the **banning of women from employment** and the broader collapse of women’s economic participation have hit LBTQ women especially hard. Under the previous government, a small number of LBTQ women managed to hold jobs in fields like healthcare, education, or civil society, even if they had to conceal their identity. Now, with women pushed out of most workplaces, those individuals have lost their income and any autonomy it afforded. Even before the official employment ban, bias against LGBTQ+ employees was rampant. One gay professional recounted, *“As soon as my employer found out I was gay, I was fired. They said I was bringing shame to the company, and I had no legal recourse.”*<sup>25</sup> Since the Taliban takeover, such discrimination has only been “reinforced by the regime,” as one observer noted. Employers know that the Taliban condone or even encourage the removal of anyone who doesn’t fit their strict norms, so LBTQ individuals have absolutely no protection from wrongful termination. Transgender women and gender-nonconforming people have been summarily dismissed. For LBTQ women, being shut out of employment has dire consequences beyond financial hardship. It often forces them to remain dependent on unsupportive or abusive family members, which in turn exposes them to greater pressure to marry or conform. The lack of any livelihood also pushes some into potentially **dangerous survival strategies**, such as transactional sex or sex work, which carry high risks of violence, HIV infection, and further stigma.
21. In sum, LBTQ women have lost their economic autonomy. This is a form of structural gender violence that contravenes CEDAW **Article 13** (equal right to family benefits, bank loans, etc.) and **Article 11** (non-discrimination in employment). It also deepens the mental health crisis among LBTQ women, as they see their careers and opportunities evaporate. Many described feeling a **crushing sense of hopelessness** as their professional aspirations and independence have been taken away overnight due to who they are.

## Denial of Access to Justice

22. For LBTQ women in Afghanistan, *access to justice is virtually non-existent*. In fact, attempting to seek justice can put them in greater danger. If an LBTQ woman is a victim of assault, rape, or threats, there is **nowhere safe to report it**. LBTQ women who go to the Taliban-controlled police may be ignored, ridiculed, or arrested for confessing to what the Taliban perceive of as “moral crimes.” One gay survivor noted that when he was attacked,

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<sup>24</sup> Anonymous Interview #9, Trans Girl, Afghanistan, 2024 (conducted by ALO)

<sup>25</sup> Anonymous Interview #10, Gay Man, Afghanistan, 2024 (conducted by ALO)

“*I had no legal recourse*”<sup>26</sup>; this sentiment is universal among LGBTQ victims. The formal justice system, such as it is, actively enforces the very persecution these women need protection from. The Taliban courts operate on **extreme interpretations of Sharia** that consider homosexuality a capital offense and disallow women from most roles in legal proceedings. Women cannot even appear in court without a male guardian in many cases<sup>27</sup>, and the testimony of women is often given less weight. In essence, the judicial and law enforcement systems are not just failing to protect LGBTQ women – they are themselves a source of persecution.

23. The climate of fear silences victims and witnesses alike. This **absence of justice** exacerbates every other violation detailed in this report. LGBTQ women know that even if they survive an attack or escape a forced marriage, there is no authority they can turn to for help or protection. This has led many to conclude that their only hope lies outside Afghanistan. As one interviewee noted, “*They will imprison us. Then they will torture us. Eventually, they will execute us. We need international organisations to intervene before it’s too late.*”<sup>28</sup> The Taliban’s failure to ensure justice for women – and their active destruction of it – represents a grave breach of Articles 2(c) and 2(e) of CEDAW (obligations to protect women through competent tribunals and to eliminate discrimination by any person, organization or enterprise). It also violates General Recommendation 33, which affirms that “*the rights enshrined in the Convention belong to all women, including lesbian, bisexual, transgender and intersex women*”<sup>29</sup>, and that States must ensure these women can access justice without discrimination. At present, Afghanistan’s *de facto* authorities have created a justice vacuum for LGBTQ women. In this vacuum, **rule of law has been replaced by rule of men’s whims.**

## Recommendations

24. In light of the systematic violations documented above, the Afghanistan LGBTIQ+ Organization (ALO) and The Advocates for Human Rights urge the CEDAW Committee to press for the following actions to protect the rights and lives of LGBTQ women in Afghanistan:

- **Condemn Gender-Based Persecution:** Issue a strong concluding observation explicitly condemning the Taliban’s **gender persecution** and the persecution of LGBTQ women as egregious violations of CEDAW Articles 1, 2, 5, 12 and 15. Recognize that the intersections of gender with sexual orientation, gender identity, and gender expression places LGBTQ women at **extreme risk**, and affirm that “*the rights enshrined in the Convention belong to all women, including lesbian, bisexual, transgender and*

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<sup>26</sup> Anonymous Interview #11, Gay Man, Afghanistan, 2024 (conducted by ALO)

<sup>27</sup> France. (2024, May 10). Afghan women struggle under male guardian rules. France 24. [https://www.france24.com/en/live-news/20240510-afghan-women-struggle-under-male-guardian-rules?utm\\_source=chatgpt.com](https://www.france24.com/en/live-news/20240510-afghan-women-struggle-under-male-guardian-rules?utm_source=chatgpt.com)

<sup>28</sup> Anonymous Interview #12, Bisexual Woman, Afghanistan, 2024 (conducted by ALO)

<sup>29</sup> Impulsing a SOGIESC-inclusive approach to gender-based violence in Mauritius - Kaleidoscope Trust. (2023, October 24). Kaleidoscope Trust. <https://kaleidoscopetrust.com/impulsing-a-sogiesc-inclusive-approach-to-gender-based-violence-in-mauritius/>

*intersex women*<sup>30</sup>. ” This clear stance will reinforce international recognition that crimes against LBTQ women are unacceptable and within the mandate of CEDAW.

- **Demand Reversal of Bans on Women’s Education and Employment:** Urge the Taliban to immediately lift all bans preventing girls and women from accessing secondary and higher education and from working in all sectors. Emphasize that these bans have a **disproportionate impact** on LBTQ women by increasing their isolation and economic dependency, and that they violate CEDAW Articles 10 and 11. The Committee should call for the restoration of women’s right to learn and work, and for specific measures to reach marginalized groups (including tailoring any reopened educational or vocational programs to ensure LBTQ women can access them safely and without discrimination).
- **Abolish the “Morality” Laws and End Violence by the Vice and Virtue Forces:** Insist that the Taliban revoke the newly published “vice and virtue” regulations that mandate the covering of women’s faces, the silencing of women’s voices, and other oppressive practices. These laws institutionalize harmful gender stereotypes (contrary to Article 5) and provide cover for arbitrary arrests and abuse. The Committee should urge that all **public floggings, stonings, and executions** for so-called moral crimes be halted immediately, and that the regime cease targeting individuals for their actual or perceived sexual orientation. This includes dismantling any special units or informant networks tasked with hunting down LGBTIQ+ persons.
- **Release Detained LBTQ Individuals and Cease Arbitrary Arrests:** Call for the unconditional release of anyone detained solely on the basis of sexual orientation or gender identity. Stress that torture and mistreatment of detainees, as reported in numerous cases, violate fundamental prohibitions against ill-treatment (CEDAW General Recommendation 19 and 35 on gender-based violence). The Committee should demand accountability for those Taliban officials who have perpetrated or ordered torture, rape, or killings of LBTQ women. Even if domestic accountability is unlikely, documentation and condemnation are vital to lay groundwork for future justice.
- **Facilitate Access to Justice and Accountability:** Recognizing the *de facto* collapse of the rule of law in Afghanistan, the Committee should explore avenues for justice beyond the domestic system. This might include encouraging the UN Human Rights Council and international accountability mechanisms (such as the International Criminal Court) to investigate and prosecute **gender persecution** and violence against LBTQ women<sup>31</sup>. General Recommendation 33’s guidance on access to justice can be cited to underscore that Afghanistan’s failure to provide any form of justice to women—especially those most marginalized—warrants urgent international intervention.

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<sup>30</sup> Ibid.

<sup>31</sup> MADRE. (2024). Gender persecution in Afghanistan: a crime against humanity: PART TWO: severe deprivations of the fundamental right to work as acts of gender persecution. <https://www.madre.org/wp-content/uploads/2024/03/Afghanistan-Gender-Persecution-2024.pdf>

## Conclusion

25. The Afghanistan LGBTIQ+ Organization (ALO) and The Advocates for Human Rights appreciate the Committee's attention to the **situation of LBTQ women** in Afghanistan. The testimonies and evidence presented in this report paint a picture of a humanitarian situation for women who are doubly vulnerable due to their gender and sexual orientation, gender identity, and gender expression. The Taliban's actions represent some of the most severe violations of women's human rights in the world today<sup>32</sup>. We urge the Committee to use every mechanism at its disposal to protect Afghan LBTQ women – to remind the world that these women *exist*, that their lives matter, and that Afghanistan's legal obligations under CEDAW extend to them even now. This shadow report aims to ensure that the suffering – and courage – of these women in the shadows is recognized, and that concrete steps are taken to bring them into the light of safety, dignity, and equality.

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<sup>32</sup> Statement on Afghanistan by Sima Bahous, UN Under-Secretary-General and UN Women Executive Director | UN Women – Headquarters. (2022, December 21). UN Women – Headquarters. <https://www.unwomen.org/en/news-stories/statement/2022/12/statement-on-afghanistan-by-sima-bahous-un-under-secretary-general-and-un-women-executive-director>