

4.5. LGBTIQ+ persons

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Already before the Taliban's return to power in 2021, individuals identifying as LGBTIQ+ reportedly faced a precarious situation, with no specific legal protections1487 – a situation that has not changed under the de facto government, where no laws protect against discrimination based on sexual orientation, gender identity, gender expression, or sex characteristics.1488 Instead, the ‘Morality Law’, enacted on 31 July 2024, contains specific prohibitions against ‘lesbianism’ and anal intercourse1489 and the enabling of ‘opportunities and means’ for same-sex relationships, according to UN OHCHR.1490 A spokesperson of the de facto Ministry of Foreign Affairs, cited by CNN, declared ‘acts such as sodomy, bestiality and other perversions that contravene Islamic law are illegal and perpetrators are dealt with within the legal framework’.1491According to Amnesty International, same-sex relations are punishable by death.1492 There are no registered interest groups inside Afghanistan advocating for the rights of LGBTIQ+ persons.1493

The de facto authorities have been enforcing judicially ordered corporal punishment in public, 1494 including for homosexuality,1495 ‘immoral relationships’,1496 ‘sodomy’ and ‘adultery’. 1497 As noted by AW, it is difficult to discern how many of these cases involve LGBTIQ+ persons.1498 According to data published by Rainbow Afghanistan,1499 at least 98 LGBTIQ+ persons were subjected to public punishment that included stoning, wall crushing, flogging ranging from 25 to 39 lashes, and imprisonment, in 14 Afghan provinces between 2022 and 2024. Additional cases involving LGBTIQ+ individuals were reported in the provinces of Wardak, Faryab, Laghman, Ghor, Parwan, Helmand, Nangarhar, Kunduz, Zabul, and Farah.1500 The UN Special Rapporteur on human rights in Afghanistan noted an increase in corporal punishments for ‘sodomy’ in 2024, ‘with a significant escalation beginning in September’ after the enaction of the ‘Morality law’. The UN Special Rapporteur also reported on corporal punishments of people in same-sex relationships often being combined with prison sentences, and noted some individuals being sentenced to ‘burial under a wall’.1501 However, as noted by Rahimi, only corporal punishments in the form of lashings have been enforced.1502

Since the Taliban takeover in August 2021, the situation for LGBTIQ+ persons has ‘significantly worsened’, according to Human Dignity Trust.1503 According to the UN Special Rapporteur on human rights in Afghanistan, LGBTIQ+ persons continue to face entrenched and systematic discrimination under Taliban rule.1504 The ICC’s arrest warrants for the de facto Supreme Leader and the de facto Chief of Justice, included the crime of persecution on gender grounds of ‘persons non-conforming with the Taliban’s policy on gender, gender identity, or expression’.

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Amnesty International reported on LGBTIQ+ persons facing arbitrary arrests,1506 and LGBTIQ+ rights advocates have reported on sexual violence against, and extrajudicial killings of LGBTIQ+ persons, including in detention facilities. The Afghan LGBT Organization has documented more than 50 cases of LGBTIQ+ persons being detained since August 2021, although the actual number is difficult to estimate in the absence of reliable reporting channels.1507

The UN Special Rapporteur on human rights in Afghanistan reported on LGBTIQ+ persons having been accused of, or punished for, homosexuality often being 'at greater risk of violence and discrimination, especially if these "offences" become known to their families and communities.' The same source reported on male survivors of sexual violence sometimes facing punishment and revictimisation.1508

Many LGBTIQ+ persons conceal their gender identity or sexual orientation1509 and some live in hiding.1510 Having a norm-breaking sexual orientation or gender identity entails taboos and social stigma in the general Afghan society,1511 which restrict them from 'openly expressing their identity or appearing in public'.1512 Already before the Taliban takeover, LGBTIQ+ persons were reported to have faced threats and harassment from the general population.1513 Social norms do not recognise '[t]he idea that an individual may have a particular orientation or that a community could exist around a common orientation or gender identity', as reported by the Dutch Ministry for Foreign Affairs in June 2023, and it is not acceptable to '[o]penly identifying as gay and putting into practice the desire to share your life with a person of the same sex', as it 'goes against traditional gender norms, societal codes and tribal and other codes of honour'. 1514

Due to the often-visible nature of their gender expression, transgender individuals are particularly vulnerable,1515 and there have reportedly been cases of the Taliban beating such individuals and subjecting them to other forms of ill-treatment.1516 Under the former government transgender persons experienced 'widespread discrimination, exploitation, and violence', and since the Taliban takeover, the German-based organisation Rainbow Afghanistan have noted reports of genital mutilation, electric shock therapy, and gang rape of transgender persons while imprisoned.1517

The UN Special Rapporteur on human rights in Afghanistan reported in February 2025 that relatives of LGBTIQ+ persons, including those of individuals who have left the country, have faced reprisals such as detention, threats, and physical violence. According to a transgender woman, her family members were 'detained, beaten, and harassed by Taliban-affiliated individuals' after she fled, reportedly due to her gender identity.1518

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  JURISTnews, Hidden Atrocities: The Unseen Struggle of Afghanistan's LGBTQ+ Community Under Taliban Rule – report and interview, 8 November 2024, url

- 1488

ILGA World Database, Afghanistan, [2025], url

- 1489

  Afghanistan, de facto authorities, The Propagation of Virtue and Prevention of Vice Law [unofficial translation by

- 1490

  UN Human Rights Council, Study on the so-called law on the promotion of virtue and the prevention of vice, 12 March 2025, url, para. 59

- 1491

  CNN World, ‘My whole body was praying for my death’: LGBTQ Afghans say they face abuse in detention as Taliban crackdown intensifies, 19 November 2024, url

- 1492

  AI, The State of the World's Human Rights, Afghanistan 2024, 29 April 2025, url

- 1493

  Netherlands, Ministry of Foreign Affairs, General country of origin information report Afghanistan, June 2023, url, p. 100; Outright International, Country Overview, Afghanistan, [2025], url

- 1494

  UN Human Rights Council, The situation of human rights in Afghanistan, 5 September 2025, url, para. 35

- 1495

  UN Human Rights Council, The situation of human rights in Afghanistan, 5 September 2025, url, para. 10

- 1496

  Afghan LGBT, Flogging 63 people on charges of "Sodomy" and "Adultery" by the Taliban, 7 June 2024, url

- 1497

  VOA, Men, women experience near daily floggings in Afghanistan, 18 February 2025, url

- 1498

  CNN World, ‘My whole body was praying for my death’: LGBTQ Afghans say they face abuse in detention as Taliban crackdown intensifies, 19 November 2024, url

- 1499

a non-profit organization established to defend the rights, dignity, and lives of members of Afghanistan's LGBTIQ+ community.

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  JURISTnews, Hidden Atrocities: The Unseen Struggle of Afghanistan’s LGBTQ+ Community Under Taliban Rule – report and interview, 8 November 2024, url

- 1501

  UN Human Rights Council, Study on the so-called law on the promotion of virtue and the prevention of vice, 12 March 2025, url, para. 60

- 1502

  Rahimi, H., online interview, 29 October 2025

- 1503

  Human Dignity Trust, Afghanistan, summary, 3 April 2025, url; VOA, Taliban continues corporal punishment, flogging 20 Afghans over alleged adultery, 24 February 2025, url

- 1504

  UN General Assembly, Situation of human rights in Afghanistan, 8 October 2025, url, para. 69

- 1505

  ICC, Situation in Afghanistan: ICC Pre-Trial Chamber II issues arrest warrants for Haibatullah Akhundzada and Abdul Hakim Haqqani, 8 July 2025, url

- 1506

  AI, The State of the World's Human Rights, Afghanistan 2024, 29 April 2025, url

- 1507

  CNN, ‘My whole body was praying for my death’: LGBTQ Afghans say they face abuse in detention as Taliban crackdown intensifies, 19 November 2024, url

- 1508

  UN Human Rights Council, Study on the so-called law on the promotion of virtue and the prevention of vice, 12 March 2025, url, para. 60

- 1509

  HRW, “Even If You Go to the Skies, We’ll Find You”, 26 January 2022, url; UN General Assembly, Situation of human rights in Afghanistan, 8 October 2025, url, para. 70

- 1510

JURISTnews, Hidden Atrocities: The Unseen Struggle of Afghanistan’s LGBTQ+ Community Under Taliban Rule – report and interview, 8 November 2024, url; AI, Afghanistan 2023, 24 April 2024, url; HRW, World report 2024: Afghanistan, Events of 2023, 12 January 2024, url

- 1511

  UN Human Rights Council, Situation of human rights in Afghanistan, 29 February 2024, url, para. 66; UN General Assembly, Situation of human rights in Afghanistan, 8 October 2025, url, para. 69

- 1512

  ACCORD, Afghanistan: Report on the impact of the Taliban’s information practices and legal policies, particularly on women and girls, February 2025, url, pp. 81, 86

- 1513

  FP, What the Taliban Mean for Queer Afghans, 20 April 2022, url; Fuller Project (The), Queer Afghan lives are at risk under the Taliban, 20 April 2022, url

- 1514

  The Netherlands, Ministry of Foreign Affairs, General country of origin information report Afghanistan, June

- 1515

  JURISTnews, Hidden Atrocities: The Unseen Struggle of Afghanistan’s LGBTQ+ Community Under Taliban Rule – report and interview, 8 November 2024, url

- 1516

  ACCORD, Afghanistan: Report on the impact of the Taliban’s information practices and legal policies, particularly on women and girls, February 2025, url, p. 86

- 1517

  JURISTnews, Hidden Atrocities: The Unseen Struggle of Afghanistan’s LGBTQ+ Community Under Taliban Rule – report and interview, 8 November 2024, url

- 1518

  UN Human Rights Council, Situation of human rights in Afghanistan, 20 February 2025, url, para. 68

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