

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'.¹⁴⁹¹ According 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 enactment 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'.¹⁵⁰⁵

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 orientation[1509](#) 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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