



**Shadow Report for the 4th Periodic Review on  
CEDAW:  
The Human Rights Situation of LGBTI+ Women  
in Afghanistan: Before and After the Taliban's  
Takeover**

***Joint Report: Rainbow Afghanistan, ILGA World,  
and ILGA Asia***

***1. April 2025***

## **A. Introduction of the Organization**

1. Rainbow Afghanistan, founded in May 2022 in Germany after the Taliban takeover, advocates for legal and social equality for LGBTIQ individuals in Afghanistan and those who have fled. The organization raises awareness on sexual orientation and gender identity, combats violence and discrimination through legal support and international cooperation, and supports LGBTIQ refugees and migrants globally. A key focus is documenting human rights violations to expose the challenges faced by LGBTIQ individuals and advocate for their rights on international platforms.
2. **ILGA World** – the International Lesbian, Gay, Bisexual, Trans and Intersex Association – is a worldwide federation of more than 2000 organisations from over 160 countries and territories campaigning for lesbian, gay, bisexual, trans and intersex human rights.
3. ILGA Asia is the regional branch of ILGA World, representing over 100 member organizations across 36 countries and territories in Asia, including Afghanistan, India, Japan, Palestine, the Republic of Korea, Thailand, and many others. It works to advance LGBTIQ rights through advocacy, capacity-building, and regional collaboration.

## **B. Context**

4. Following the fall of Afghanistan in August 2021 and the return of the Taliban to power, the group initiated a widespread campaign of repression against LGBTIQ individuals, particularly LBTI+ women. The Taliban recognizes only two genders (male and female) and has defined specific social roles for each. However, they not only deny other gender identities and sexual orientations but also refuse to acknowledge the right to life for these individuals. Since their resurgence, the Taliban regime has enforced a gender-based apartheid in Afghanistan, using religious decrees, repressive policies, and systemic violence, turning life into an endless hell for LGBTIQ individuals, especially LBTI+ women.
5. According to documentation from Rainbow Afghanistan, ILGA World, ILGA Asia and other published reports, LBTI+ women under Taliban rule have faced severe violence, arbitrary detention, sexual abuse, and even targeted killings. The Taliban views these individuals as sexual slaves, subjecting them to humiliation, torture, and sexual assault without legal trial. Reports also indicate that transgender individuals in detention centers, prisons, and even private properties owned by Taliban forces have been subjected to verbal abuse, gang rape, torture with electric shocks, and severe physical beatings. Some of these individuals have been threatened with death for refusing the sexual demands of the Taliban, and several others have disappeared after being detained.
6. This shadow report, compiled as part of the ongoing work of Rainbow Afghanistan, ILGA World, and ILGA Asia, aims to provide a clear picture of the situation of LBTI+ women in Afghanistan. Based on the findings of the organization and credible international reports, this document presents clear evidence of the systematic human rights violations committed by the Taliban against the LGBTIQ community. On behalf of lesbian, bisexual, transgender, and intersex women in Afghanistan, we submit this report to the Committee on the Elimination of Discrimination against Women (CEDAW) to ensure that the status of the LGBTIQ community under Taliban rule is thoroughly examined.

## **C. Section 1: The Situation of LBTI+ Women During the Islamic Republic of Afghanistan**

### **i. Legal and Legislative Framework:**

7. After the U.S. invasion of Afghanistan and the fall of the Taliban regime in 2001, the Islamic Republic of Afghanistan was established. However, the 1976 Penal Code<sup>1</sup> remained in effect, and no specific laws were enacted to protect the rights of LGBTQ+ individuals throughout the republic era. The legal and social status of this community remained ambiguous and unfavorable.<sup>2</sup>
8. In 2017, a new Penal Code was adopted and came into force on February 14, 2018.<sup>3</sup> This law defined certain sexual activities and criminalized many of them. Since Sharia law was prioritized over all other laws, policies, and regulations, the government was granted the authority to prohibit any homosexual activity. The enforcement of this law disproportionately targeted LGBTIQ+ individuals, particularly lesbian women and transgender persons, subjecting them to severe repression.
9. Beyond legal restrictions, the cultural and social environment in Afghanistan was also hostile to gender and sexual diversity. A lack of public awareness regarding sexual and gender identities, coupled with organized negative propaganda and hate campaigns against LGBTIQ+ individuals, led to the continued deprivation of even basic rights for this community, even during the republic era. Lesbian women and transgender individuals, due to the visibility of their identities, were particularly vulnerable to violence and multiple forms of oppression.<sup>4</sup>
10. "After the adoption of the Constitution, Afghanistan ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on March 5, 2003, without any conditions.<sup>5</sup> This was considered a significant step towards advancing women's rights in the country. However, this important step was taken without considering the rights of LBTIQ+ women and their protection within Afghanistan. The Afghan government acted in accordance with the country's constitution, and there were no laws recognizing legal gender recognition (LGR) for transgender, intersex, non-binary individuals, and other diverse gender identities."

### **ii. The Situation of Lesbian Women Under the Islamic Republic of Afghanistan**

11. Despite Afghanistan's ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 2003, no specific laws or

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<sup>1</sup> [Sharia and national law in Afghanistan, Jura Gentium, 2010](#)

<sup>2</sup> [The ILGA World Report on Afghanistan.](#)

<sup>3</sup> [22 Feb 2018 UNAMA WELCOMES AFGHANISTAN'S NEW PENAL CODE - CALLS FOR ROBUST FRAMEWORK TO PROTECT WOMEN AGAINST VIOLENCE](#)

<sup>4</sup> [Afghanistan LGBT community living under threat of death, BBC](#)

<sup>5</sup> [Afghanistan ratified the Convention on the Elimination of all Forms of Discrimination against Women \(CEDAW\) on 05 March 2003 without reservations](#)

protective mechanisms were established to safeguard LBTI+ women. The absence of official records and published data on the status of this group during the Islamic Republic of Afghanistan highlights a significant informational and research gap, indicating systematic state neglect of their rights.<sup>6</sup>

12. In the absence of legal protections, lesbian women were particularly vulnerable to forced marriages. Although no official reports were published on this issue, scattered evidence and testimonies suggest that those who resisted forced marriages faced severe domestic violence. The lack of documented information in this regard stems from the climate of oppression and the inability of LBTI+ women to openly express their identities in Afghanistan.
13. This situation constitutes a clear violation of Articles 1, 2, 5, and 16 of CEDAW, which obligate the Afghan government to protect all women, without discrimination based on sexual orientation or gender identity, and to ensure their right to freely choose a spouse and be protected from domestic violence. However, the lack of transparency and the absence of research data on LBTI+ women during the Islamic Republic of Afghanistan itself represents a systematic violation of CEDAW and the exclusion of this group from state protection policies.<sup>7</sup>

### iii. The Situation of Trans Women Under the Islamic republic of Afghanistan

14. Trans individuals in Afghanistan, particularly after revealing their gender identity, have faced systemic discrimination, violence, and exploitation. This situation constitutes a blatant violation of the CEDAW.
15. The Afghan government has not only failed to implement legal and executive measures to protect the rights of women, including trans women, but its own structures have actively engaged in their persecution and exploitation. Trans individuals are frequently disowned by their families and, due to the lack of social support, are often forced into high-risk occupations, including sex work or performing in *bacha bazi* gatherings. These circumstances violate Article 5 of CEDAW, which obligates states to eliminate harmful gender stereotypes.
16. Furthermore, the denial of access to education, healthcare, and appropriate employment opportunities for trans individuals violates Articles 10, 11, and 12 of CEDAW, which require states to ensure equal access to education, employment, and healthcare for women. The absence of legal protections for trans individuals and the lack of accountability for perpetrators of violence against them also constitute a violation of Article 2, which mandates states to adopt legal measures to combat discrimination against women.
17. During the era of the Islamic Republic of Afghanistan, no official reports were published regarding the situation of trans individuals. However, after the fall of the Republic, Rainbow Afghanistan conducted interviews in 2023 with several trans women, who recounted their experiences of being harassed by classmates and teachers in schools, and later, upon being abandoned by their families, being subjected to sexual exploitation in *bacha bazi* circles. They also recounted being

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<sup>6</sup> [Violence Against LGBT Women](#) Created November 2011

<sup>7</sup> [women continued to be victims of forced marriages ,UN](#)

victims of violence and sexual assault at the hands of police officers, military commanders, and government officials. These accounts illustrate clear violations of Article 6 of CEDAW, which obligates states to take necessary measures to combat sexual exploitation and trafficking of women.<sup>8</sup>

## **D. Testimonies from Trans Women During the Islamic Republic of Afghanistan**

### **Amir: "We were alive in the Republic, but we weren't truly living"**

Amir, an Afghan trans woman, shares her story:

"For as long as I can remember, I knew I was a girl. My parents noticed my differences, but it was society that imposed the worst humiliation on me. I never had peace at school; classmates and even teachers harassed me. I had to change schools multiple times, but it felt like everyone had a problem with me."

After leaving home, Amir lived with other trans friends in Kabul, but they were never safe: "Every day was worse than the one before. Powerful men connected to the government would threaten us. We were constantly forced to change our residence. To survive, we had to perform at dance gatherings, but making it out alive was considered a victory. Usually, after the performances, we were subjected to gang rape. Sometimes, people would abduct us, torture us, and even kill some of my friends. No one mourned our deaths because the government itself had punitive laws against us. If we resisted the police's sexual violence, we would end up in Pul-e-Charkhi prison."

This testimony highlights blatant violations of Articles 1, 2, and 6 of CEDAW, which mandate states to guarantee equal rights, protect women from violence, and combat sexual exploitation.<sup>9</sup>

### **Hasrat: "Every night was a nightmare"**

Hasrat, a trans woman born into a religious family in Afghanistan, shares her experience: "My father was a mosque cleric. Since childhood, I knew I was a girl, but I lived in fear that my family would find out. When I was 14, they did—and my life turned into hell. I was tortured every day. My father wanted me dead. In the end, I had to flee from Baghlan to Kabul."

But even in Kabul, she found no safety: "I rented a small room near Lycée Mariam in Kabul, but I had no peace. To survive, I was forced into sex work and bacha bazi gatherings. The people who exploited me were in the government—police officers, military officials, and commanders. There was no one to protect us."

She describes the horrors of nights when the police raided her home: "Every night was a nightmare. The police would storm into my room under the pretext of a search, destroy everything, then beat and rape me. Some officials recorded videos and later used them to threaten me, saying that if I refused to comply with their demands, they would send me to prison and ruin my life. I saw many of my friends die from similar abuses. It was a miracle that I survived."

These conditions reflect violations of Articles 2, 6, and 15 of CEDAW, which emphasize equal legal protection and the elimination of discrimination against women, including trans women.<sup>10</sup>

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<sup>8</sup> "The situation of trans women was assessed by Rainbow Afghanistan, and the organization also received testimonies from trans women."

<sup>9</sup> In 2023, the Rainbow Afghanistan Organization conducted an interview with a trans woman named Amir in Germany.

<sup>10</sup> In 2023, the Rainbow Afghanistan Organization conducted an interview with a trans woman named Hasrat in Germany."

**Samir: "The police were not there to protect us; they were there to rape us"**

In a report published by Rainbow Afghanistan in September 2024, 12 LGBTQ+ individuals were interviewed, including nine trans women. One of them, Samir, an 18-year-old, recounted: "During the Republic, we had no peace. One day, while sitting with my friends at a café in Khair Khana, Kabul, the police attacked us. They took me away by force without any justification. At the police station, the commander of District 4 and then seven other officers raped me. They stole my money and phone and released me after 24 hours."

A few days later, the same officers spotted him at a checkpoint: "They dragged me into their car and raped me again."<sup>11</sup>

This experience highlights blatant violations of Articles 2, 6, and 12 of CEDAW, which mandate protection against violence, sexual exploitation, and equal access to medical and psychological care.

**A. The practice of "bacha bazi" Under the Islamic republic of Afghanistan**

**18. Violation of Article 6 of CEDAW (Combating Exploitation and Trafficking of Women) :** Sexual exploitation of children has been one of the most prevalent forms of exploitation in Afghanistan. This involves the sale of children and adolescents to influential or wealthy individuals for sexual abuse and entertainment purposes. Due to their heightened vulnerability, trans women have been among the primary victims of this devastating phenomenon. The practice of "bacha bazi"<sup>12</sup> — the sexual abuse of boys under the legal age — was criminalized in Chapter 5 of the new Afghan Penal Code (Book 4), but the Islamic Republic of Afghanistan government has failed to enforce this law and combat this phenomenon. In many instances, government officials, including military commanders and security personnel, have been complicit in these crimes and the main perpetrators of these gross human rights violations. According to a shadow report submitted to the UN Committee Against Torture in 2017, young boys have been kept in conditions akin to slavery and used for sexual exploitation by powerful individuals.<sup>13</sup>

**B. The Situation of Intersex Under the Islamic republic of Afghanistan**

**19.** During the government of the Islamic Republic of Afghanistan, no specific reports were published on the status of intersex individuals, highlighting a significant gap in human rights documentation, especially given Afghanistan's obligations under CEDAW. The convention mandates gender equality and the elimination of all forms of gender-based discrimination, explicitly protecting individuals with diverse gender identities, including intersex persons. However, the failure to recognize the gender identities of transgender, intersex, non-binary, and other

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<sup>11</sup> [Hidden Atrocities, The Situation of Afghanistan's LGBTQ+ Community Under Taliban Rule from 2022 to 2024](#)

<sup>12</sup> [Afghanistan: Bacha Bazi, Auskunft der SFH-Länderanalyse, Alexandra Geiser Bern, 11. März 2013](#)

<sup>13</sup> [Civil Society and Human Rights Network, Shadow Report to the Committee against Torture on the Occasion of the Examination of the Second Periodic Report of Afghanistan at its 60th Session \(2017\), p.6](#)

gender-diverse individuals constitutes a violation of multiple CEDAW provisions, including Articles 1, 2, 5, 10, 12, 15, and 16, which ensure equal rights in various aspects of life, such as marriage and family relations, directly impacting the legal status of intersex individuals.

20. Recent reports from ILGA Asia and ILGA World, published on April 15, 2022, shed light on the alarming situation of intersex individuals in Afghanistan. According to these reports: Some families, upon the birth of intersex infants, resort to infanticide and falsely claim that the baby was stillborn in order to avoid social stigma and the lifelong burden of secrecy.<sup>14</sup>
21. The practice of “infanticide of intersex infants” is a severe human rights violation, infringing on the right to life and the rights of the child while directly contradicting Afghanistan’s obligations under CEDAW. This includes violations of **Article 6**, which prohibits exploitation and mistreatment, **Article 12**, which guarantees access to medical care often denied to intersex infants, and **Article 16**, which ensures equal rights in family life and legal recognition. The Afghan government’s failure to establish protective legal frameworks and its systemic neglect of intersex rights constitute a clear breach of these CEDAW provisions.

### **C. Access to Healthcare Services Under the Islamic republic of Afghanistan**

#### **22. Violation of Article 12 of CEDAW (Equal Access to Healthcare Services):**

In Afghanistan, trans and intersex women lacked legal recognition and protection, leading to severe barriers in accessing healthcare. The absence of inclusive policies and criminalization of diverse SOGIE under Sharia-based laws denied LBTI+ women essential services like psychological counseling and hormone therapy. This constitutes a clear violation of Article 12 of CEDAW.<sup>15</sup>

### **D. Education and Awareness-Raising on the Rights of LBTI+ Women Under the Islamic republic of Afghanistan**

23. During the era of the Islamic Republic of Afghanistan (2001–2021), the government systematically failed to provide education and awareness-raising on the rights of LBTI+ women. Topics related to gender identity and sexual orientation were completely censored within the national education system and considered taboo. As a result, no educational programs or policies were in place to inform students about the rights and realities of LBTI+ individuals. Even teachers and university professors avoided addressing these issues due to fear of political and social consequences.<sup>16</sup> This situation constitutes clear violations of Articles 5(a), 10(c), and 13(a) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

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<sup>14</sup> [15 April 2022 Report submitted by: ILGA World and ILGA-Asia](#)

<sup>15</sup> [The Rights of LGBTI persons in Afghanistan, November 2014](#)

<sup>16</sup> [Ministry of Education of the Islamic Republic of Afghanistan](#)



## **E. Deprivation of Economic and Social Rights of LBTI+ Women Under the Islamic republic of Afghanistan**

**24.** During the rule of the Islamic Republic of Afghanistan, LBTI+ women faced widespread economic and social discrimination. Many were denied access to employment opportunities due to their gender identity or sexual orientation, preventing them from earning an independent income. Trans women, in particular, were highly vulnerable, especially after being rejected by their families. As a result, many became victims of exploitation, both economically and sexually, by powerful individuals, depriving them of their fundamental rights. These forms of discrimination represent a clear violation of Articles 11 and 13(a) of CEDAW. The absence of social and legal protections for LBTI+ women led to their exploitation, violence, and homelessness.<sup>17</sup>

## **A. Section 2 : The Status of LBTI+ Women After the Taliban's Takeover of Afghanistan**

**25.** After the Taliban regained power in Afghanistan on August 15, 2021, the group implemented strict policies against gender diversity, specifically targeting the LGBTQ community, with a particular focus on LBTI+ women. The Taliban have systematically subjected LGBTQ individuals to harassment, repression, and discrimination, depriving them of their fundamental human rights and effectively denying them the right to life. In this context, as during their first regime (1996–2001), the Taliban have criminalized extramarital sexual relations and homosexuality, imposing the death penalty as punishment for these acts.<sup>18</sup>

### **B. Historical Background of LGBTQ Suppression During the Taliban's First Regime**

**26.** State-Sanctioned Violence Against LGBTIQ Persons During Taliban Rule (1996–2001): Under Taliban rule in the 1990s, same-sex relations were criminalized and harshly punished. Mullah Omar declared Liwat (same-sex relations) a serious crime, leading to public executions and brutal punishments. Documented cases include individuals buried alive in Kandahar and executions announced in Herat. LGBTIQ persons lived under the constant threat of death, facing systemic, state-sanctioned violence.<sup>19</sup>

**Under Islamic Sharia law, the term "Liwat" refers to same-sex sexual relations.<sup>20</sup>**

### **C. Taliban and the Extremist Approach to Homosexuality in the New Regime**

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<sup>17</sup>Reviewed and analyzed by the Rainbow Afghanistan Organization

<sup>18</sup> [Report from Human Rights Watch Afghanistan on the situation of the LGBTQ community in Afghanistan.](#)

<sup>19</sup> [Kandahar Comes Out of the Closet, \*The Times of London\*, 12th January, 2002](#)

<sup>20</sup> [Zan Times, Between Fear and Hope: A Copy of the Dire Situation of LGBTQ+ Individuals in Afghanistan"](#)

27. Following the Taliban's return to power in August 2021, the then-United Nations High Commissioner for Human Rights stated that although the Taliban have not yet been officially recognized at the international level, they remain obligated to fulfill their commitments under CEDAW. Moreover, they cannot reject or withdraw from CEDAW, nor can they ratify or accede to new treaties on behalf of Afghanistan.<sup>21</sup>
28. The Taliban, however, escalated the violence against LGBTIQ women that existed under the previous government of the Islamic Republic of Afghanistan,<sup>22</sup> further dehumanizing them. These actions clearly violate Afghanistan's commitments under CEDAW, particularly those related to eliminating discrimination and ensuring equal rights for women.
29. Mullah Nooruddin Turabi, one of the founding members of the Taliban and head of prisons, stated in an interview following the fall of Afghanistan on September 22, 2021: "No one can tell us how our laws should be. We follow Islam, and our laws will be based on the Qur'an." He also emphasized that the strict laws the Taliban enforced between 1996 and 2001 would be reinstated. Such statements directly contravene various provisions of CEDAW, particularly Articles 2 and 5, which mandate the adoption of anti-discrimination policies and the elimination of cultural practices that lead to discrimination.<sup>23</sup>
30. Additionally, one of the Taliban judges stated in a July 2021 interview with Bild newspaper in Germany that the Taliban would execute homosexuals under Islamic Sharia law. He further specified: 'There are only two punishments for homosexuals: either stoning, or they must stand against a wall which will then collapse on them. The wall should be 2.5 to 3 meters high.'<sup>24</sup> These threats directly violate Afghanistan's obligations under CEDAW, particularly Articles 2 and 5, which emphasize the need to enact laws against discrimination and abuse.

#### **D. Issuance of the Promotion of Virtue and Prevention of Vice Law and Escalating Violence Against the LGBTQ+ Community, Especially LGBTIQ Women**

31. The Promotion of Virtue and Prevention of Vice Law, issued by Taliban leader Mullah Hibatullah on August 22, 2024,<sup>25</sup> includes a section in Chapter 2, Article 22, specifically addressing the LGBTQ+ community. This decree categorizes sexual relations between women as 'sahaq' and sexual relations between men as 'Lawatat,' classifying both as 'specific immoral acts.' Following the issuance of this law, violence against LGBTQ+ individuals, especially LBTI women, has significantly increased. This decree grants the Taliban full authority to enforce severe and inhumane punishments, including execution, stoning, collapsing a wall on the individual, and public punishments. The Taliban have repeatedly

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<sup>21</sup> [Crisis Group; Geneva Academy of International Humanitarian Law and Human Rights.](#)

<sup>22</sup> [Custom Report Excerpts: Afghanistan, US.](#)

<sup>23</sup> [Taliban official: Strict punishment, executions will return, Published 6:07 PM CEST, September 23, 2021](#)

<sup>24</sup> [After 20 years of Bundeswehr deployment: This Taliban judge orders stoning, hanging, and hand amputations .BILD met Gul Rahim \(38\) in Afghanistan.](#)

<sup>25</sup> [The Promotion of Virtue and Prevention of Vice Law, issued by Taliban leader Mullah Hibatullah on August 22, 2024](#)

emphasized that any act contrary to Islamic law (Sharia) will be subject to punishment.<sup>26</sup> These actions directly conflict with Afghanistan's obligations under CEDAW. These unjust laws not only promote open discrimination against LBTIQ+ individuals but also result in the violation of fundamental human rights. These violations are in clear contradiction to Articles 2, 3 and Article 5 of CEDAW.

## **I. The situation of trans women under Taliban rule**

- 32.** The Rainbow Afghanistan Organization report, published in September 2024, documents the status of Afghanistan's LGBTQ community before and after the Taliban's takeover. In this report, individuals from the LGBTQ community, particularly trans women, have been subjected to brutal tortures such as beatings, electric shocks, and genital mutilation by the Taliban due to their sexual orientation or gender identity. Despite the Taliban referring to LGBTQ individuals, particularly trans women, as "filthy," "impure," and "cursed by God," they engage in group sexual assault of these individuals in prisons. Several of these individuals have reported experiences of group sexual assault, as well as verbal and sexual harassment by the Taliban.
- 33.** One of these individuals, Janet Gul, a transgender woman from Herat, spent eight months in Taliban custody and was rejected by her family upon her release. She recounts that she was attending a gathering in the Nowabad neighborhood of Herat when the Taliban suddenly raided the event and arrested her. The Taliban severely beat her, and after she lost consciousness, she was taken to the hospital. While still recovering, members of the Taliban's Ministry for the Promotion of Virtue and Prevention of Vice interrogated her, accusing her of sodomy and prostitution.
- 34.** Janet Gul was then transferred to a detention facility where she endured severe physical and psychological torture, including having her nails pulled out, electric shocks, and whipping. The Taliban aimed to make an example of her, parading her through the streets as a public lesson. In prison, she was also subjected to threats and sexual violence.
- 35.** Nights were more terrifying for Jannat Gul than the days, as the Taliban prison guards would summon her and her friend to their cells, offering money and protection in exchange for their sexual demands. Jannat Gul says, "They forcibly raped me. I remember that one night, four of them took turns raping me. During my time in prison, I was gang-raped several times a week and several times a month."<sup>27</sup>

The systematic and inhumane abuse suffered by Jannet Gul and other LBTIQ+ individuals at the hands of the Taliban is a grave violation of human rights, including Afghanistan's obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This report underscores the urgent need for international intervention and protection for LBTIQ+ Afghans, who

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<sup>26</sup> [Country policy and information note: fear of the Taliban, Afghanistan, August 2024 \(accessible\) Updated 11 November 2024](#)

<sup>27</sup> [Hidden Atrocities, The Situation of Afghanistan's LGBTQ+ Community Under Taliban Rule from 2022 to 2024](#)

face severe persecution under Taliban rule.<sup>28</sup> **The systematic and inhumane abuse inflicted on Jannat Gul and other LGBTI women in Taliban prisons is a severe violation of Article 2 (a) and (b) ,6 and Article 5 of the CEDAW Convention. The Taliban have directly violated the fundamental rights of LGBTI women, which are protected under international human rights conventions and CEDAW.**

## **II. The Situation of Lesbian Women under Taliban Rule**

- 36.** The situation for lesbian women in Afghanistan has drastically worsened following the Taliban's takeover, becoming far more dire than during the era of the Islamic Republic. Lesbian women are not only deprived of their right to education and employment, but they are also identified, subjected to harassment and violence, and even forcibly married off to Taliban fighters."<sup>29</sup>
- 37.** Through their actions of repression, abuse, and the imposition of forced marriages on lesbian women in Afghanistan,<sup>30</sup> the Taliban have violated numerous provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). These violations include Article 1 , 2, 5,10 ,11,12 , 15 and Article 16 .
- 38.** In a report published by Outright International on the situation of the LGBTIQ+ community in Afghanistan on February 14, 2023, Outright International conducted an interview in late 2022 with Fatima, a 26-year-old lesbian woman, via a secure voice application. Fatima shared a heartbreaking and shocking account of her experiences.<sup>31</sup>
- 39.** Fatima states that her uncle is a prominent religious leader and an ally of the Taliban. In August 2021, after the Taliban regained power, her uncle, along with eight Taliban fighters, raided their home. Fatima was able to hide behind sacks of wheat while the Taliban searched the house. When they could not find her, they severely beat her father and broke his arm. As they were leaving, one of them warned:  
"Marry your lesbian daughter to one of the Taliban soldiers as soon as possible."Article 16 ,  
Fatima's father tried to deny the claim, stating that his daughter had been engaged to a boy since childhood. However, the Taliban returned multiple times and questioned him and his neighbors about Fatima's whereabouts. Not only did they beat her father again, but they also subjected her to abuse. Additionally, Fatima was dismissed from her job at a local university, and her position was filled by a man loyal to the Taliban. Article 11,
- 40.** In her interview, she says:  
"With the arrival of the Taliban, the world became a black hole for me, attempting to swallow all my dreams, joy, peace, education, and work."

<sup>28</sup> [My whole body was praying for my death': LGBTQ Afghans say they face abuse in detention as Taliban crackdown intensifies.CNN](#)

<sup>29</sup> [January 26, 2022"Even If You Go to the Skies, We'll Find You" LGBT People in Afghanistan After the Taliban Takeover](#)

<sup>30</sup> [Lesbian risks life and flees Afghanistan to escape forced marriage to cruel Taliban brute, Dec 27 2021](#)

<sup>31</sup> [Outright International's Report on the Interview with Fatima, a Lesbian Woman](#)

She spoke of several suicide attempts and continued: "To survive, I became a prisoner in my own home... I am completely isolated. Every day, I feel like I am getting closer to death."

41. Furthermore, the Taliban have also blocked escape routes for LGBTIQ women, as their directives prohibit women from traveling without a male guardian. This policy is a direct violation of Article 15(4) of CEDAW, which guarantees women's freedom of movement.
42. One of the victims of these repressive policies is Marwa, a lesbian woman and women's rights activist in Afghanistan. Due to the lack of a male companion, she was unable to leave the country. However, in 2021, she was forced to marry her best friend, a gay man, in order to obtain marriage documents and cross the border to save her life.
43. **In an interview with Human Rights Watch (HRW), she stated:** "I was alone. If I remained alone or stayed with my friend (who is now my husband), the Taliban might have arrested us. That is why I asked him to prepare a marriage document."<sup>32</sup> These severe Taliban restrictions on LGBTIQ women constitute a blatant violation of Article 16 of CEDAW, which guarantees women the right to choose their spouse, marry freely, and make decisions about their personal lives. The Taliban have not only stripped them of these rights but have also forced many women into unwanted marriages.

### III. The Situation of Intersex Individuals Under Taliban Rule

44. The situation of intersex individuals in Afghanistan has significantly deteriorated since the Taliban's return to power. These individuals are facing serious threats, including forced marriages imposed with the intent to conceal their gender identity. Threats and acts of violence against intersex people by the Taliban and members of society have sharply increased. Through such actions, the Taliban have blatantly violated Articles 1, 2, and 5 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), thereby infringing upon the fundamental rights of women and intersex individuals alike.<sup>33</sup>
45. In this context, Outright International conducted confidential voice interviews via a secure application in late 2022 with two Afghan intersex women, Madina and Nabila.<sup>34</sup>
46. **Testimony of Madina, a 25-year-old intersex woman:** "Since the Taliban returned to power in 2021, I have received increasing threats from people who either knew me or suspected that I am intersex." (Article 1) She continued: "My mother arranged a marriage for me, hoping that it would protect me. But when my new husband found out I was intersex, he beat me daily and forced me to sleep in the cow shed instead of the house. He took my jewelry and withheld food from me, while spending our money on other women." (Article 2) Madina also stated:

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<sup>32</sup> [Even If You Go to the Skies, We'll Find You](#)"LGBT People in Afghanistan After the Taliban Takeover, January 26, 2022

<sup>33</sup> [AFGHANISTAN 2022, NO SAFE WAY OUT: HUMAN RIGHTS VIOLATIONS AGAINST LGBTIQ+ PEOPLE UNDER THE TALIBAN](#), Rainbow Railroad

<sup>34</sup> [Outright International interview with Madina by secure voice app, late 2022.](#)

“He threatened to tell the Taliban that I am not a complete human being and that I bear the mark of the devil.” (Article 5)

## **E. Access to Healthcare Services for LGBTI+ Women Under Taliban Rule**

**47.** The situation for LGBTI women in Afghanistan has become even more complicated, similar to the period of the Islamic Republic of Afghanistan, due to the lack of support and resources available to them. LGBTI women in Afghanistan are forced to conceal their identities in order to protect their lives and are deprived of any form of support or resources. This discrimination extends to transgender and intersex individuals who are also denied access to any medical or mental health services that meet their specific needs.<sup>35</sup> This situation constitutes a violation of Articles 2, 3, and 12 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

## **F. The Educational System for LGBTI Women Under Taliban Rule**

**48.** The educational system under Taliban control has transformed into a highly ideological one, with the education of girls beyond the primary level being banned.<sup>36</sup> These restrictions have further marginalized LGBTI+ women, depriving them of essential awareness and fundamental rights. As the Taliban do not recognize the rights of LGBTI individuals and impose punishments on LGBTI women, there are no educational or awareness programs regarding their rights. As a result, this group has not only been deprived of formal education but has also been denied any social awareness, living in an environment filled with fear, isolation, and lack of access to information.<sup>37</sup> **Violation of CEDAW Articles by the Taliban:** Article 10, 1, 2, 5, 12 and Article 16. These violations not only represent a severe infringement of the fundamental rights of women and LGBTI individuals in Afghanistan, but also reflect the Taliban's disregard for international human rights obligations.

## **G. The Situation of LGBTI Women Refugees After the Fall of Afghanistan**

After the Taliban's takeover of Afghanistan, many Afghan LGBTI+ women sought refuge in neighboring countries such as Iran, Pakistan, and Turkey, both legally and illegally, in order to escape danger and save their lives. However, their situation in these countries has become extremely difficult and critical.

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<sup>35</sup> [Dark Hollows which Swallow my Dreams: Socio-cultural norms against LBQ women in Afghanistan, Jul 15, 2023](#)

<sup>36</sup> [Taliban's Attack on Girls' Education Harming Afghanistan's Future Three Years Since Girls Have Been Out of School Beyond Grade 6, September 17, 2024 4:01PM EDT](#)

<sup>37</sup> [Situation of Lesbians, Bisexual women, & Queer individuals under the Taliban Regime in Afghanistan, 29.06.2023](#)



<sup>38</sup>In Iran and Pakistan, where homosexuality is criminalized and severe punishments are imposed, Afghan LBTI+ women not only face the threat of deportation back to Afghanistan but are also exposed to significant physical and psychological risks. These individuals are deprived of their basic human rights, and many experience sexual abuse, threats, and physical assaults. <sup>39</sup>Moreover, many Afghan LBTI+ refugees in these countries face significant barriers to accessing medical, social, and legal services and live in extremely distressing and precarious conditions.<sup>40</sup>

## **H. Section Four: Comparison of the Situation Before and After the Taliban**

### **Similarities:**

1. **Suppression of Rights:** In both the Islamic Republic of Afghanistan and under the Taliban, LBTI+ individuals faced severe suppression based on their sexual and gender identity. They were subjected to social violence and lacked support.
2. **Sexual and Physical Violence:** LBTI+ individuals, especially transgender women, experienced sexual assault and abuse in both periods. Under the Taliban, violence escalated into torture and public executions.

### **Differences:**

1. **Punishments:** While violence and discrimination existed under the Islamic Republic, punishments were less severe compared to the Taliban era. The Taliban introduced extreme punishments like execution and stoning, while the Islamic Republic emphasized social suppression.
2. **Legal Environment:** The Islamic Republic had some legal provisions that impacted LBTI+ rights but were less stringent. Under the Taliban, harsh punishments have been enacted, especially targeting transgender women and lesbians.
3. **Social and Cultural Discrimination:** LBTI+ individuals faced social challenges under the Islamic Republic, but under the Taliban, discrimination has intensified, leading to their complete exclusion from both social and economic life.

## **Section 5: Requests to the CEDAW Committee Regarding the Situation of Afghan LBTI+ Women**

1. **Official and Immediate Condemnation of the Violations of LBTI+ Women's Rights in Afghanistan** The CEDAW Committee should issue an official statement condemning the repression, violence, and discrimination against Afghan LBTI+ women, recognizing it as a blatant violation of the CEDAW Convention and other international obligations. This statement should call for immediate actions to end gender-based and sexual violence.

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<sup>38</sup> [LIKE AN OBSTACLE COURSE: FEW ROUTES TO SAFETY FOR AFGHANS TRYING TO FLEE THEIR COUNTRY](#)

<sup>39</sup> [Trans individuals without Afghan documentation in Pakistan: "We are constantly at risk of sexual assault," BBC report.](#)

<sup>40</sup> [The Situation of LGBTQ Individuals and the LGBTQ Community in Afghanistan on the Third Anniversary of Taliban Rule1- August 22, 2024](#)

**2. Engage UN Mechanisms to Address Discrimination Against LGBTI+ Women**

The Committee should collaborate with relevant UN bodies, such as the Special Rapporteur on Violence Against Women and the Independent Expert on SOGI, to highlight the plight of Afghan LGBTI+ women. It should recommend urgent action, including diplomatic pressure, through General Recommendations and other advocacy tools, urging States to refrain from legitimizing regimes responsible for gender persecution.

**3. Call for Robust Monitoring and Reporting Mechanisms** The Committee should call on the UN Human Rights Council and OHCHR to establish or strengthen mechanisms for the independent documentation of gender-based crimes, including those targeting LGBTI+ women in Afghanistan. The Committee can use its concluding observations and communications procedures to ensure accountability and encourage submission of evidence to international accountability mechanisms.

**4. Special Support for Afghan LGBTI+ Women in Refugee and Resettlement Processes** The CEDAW committee should urge UN member states, UN agencies to create special legal pathways for the asylum and resettlement of Afghan LGBTI+ women. This includes providing humanitarian visas, emergency resettlement programs, and ensuring special protection in host countries.

**5. Funding and Support for Afghan LGBTI+ Women's Rights Organizations** CEDAW should encourage UN member states to allocate financial resources and technical support to organizations defending the rights of Afghan LGBTI+ women. This support should include the establishment of safe shelters, legal and psychological services, and economic empowerment programs for LGBTI+ women both inside and outside Afghanistan.

**6. Integration of the Situation of Afghan LGBTI+ Women in CEDAW's Official Reports** The CEDAW Committee should prioritize the situation of Afghan LGBTI+ women as a human rights crisis in its periodic reports and urge member states to take concrete actions to address this situation.

**7. Establishment of International Accountability Mechanisms Against the Taliban** CEDAW committee should support the establishment of an international tribunal to prosecute the Taliban for crimes against humanity, particularly concerning gender-based violence and the systematic repression of Afghan LGBTI+ women.

**8. Implementation of Awareness and Anti-Discrimination Programs in Afghan Refugee Host Countries** CEDAW committee should recommend educational and awareness programs aimed at reducing discrimination against Afghan LGBTI+ women in host communities, particularly in countries hosting Afghan refugees, to prevent discrimination and violence against them.

**9. Increasing International Community Engagement in Supporting Afghan LGBTI+ Women** CEDAW committee should raise the issue of Afghan LGBTI+ women in



international forums such as the UN Human Rights Council and the Commission on the Status of Women, calling for immediate actions to support them.