

AFGHANISTAN 2022

# NO SAFE WAY OUT:

HUMAN RIGHTS VIOLATIONS AGAINST  
LGBTQI+ PEOPLE UNDER THE TALIBAN



RAINBOW  
RAILROAD

## EXECUTIVE SUMMARY

Since the fall of Kabul to the Taliban on August 15, 2021, LGBTQI+ people in Afghanistan have faced severe persecution, including physical assaults, sexual violence, and reported unlawful killings. Rainbow Railroad, an organization that works globally to help LGBTQI+ people who face persecution based on their sexual orientation, gender identity, or sex characteristics, has received a deluge of requests from people in Afghanistan facing severe repression.

This research report is based on 1,739 requests for help submitted to Rainbow Railroad from August 2021 to August 2022 by Afghans who were in Afghanistan at the time they made their request. Rainbow Railroad case workers take a trauma-informed, queer-sensitive approach to case verification, following standard procedures to review each

case to assess the person's LGBTQI+ identity, the persecution they have experienced, and their protection needs. Individuals featured in this report supported their stories by submitting official documentation, medical records, photos of injuries, identity documents, personal photographs, and support letters.

It is clear from the requests for help that the Taliban are targeting LGBTQI+ people due to their sexual orientation, gender identity, expression, or sex characteristics. Individuals reported multiple tactics used by the Taliban to identify and find LGBTQI+ people, including identifying them from social media photos or videos, during searches at checkpoints, and through emboldening local people to surveil and report on LGBTQI+ people. They described door-to-door searches for LGBTQI+ people by members of the Taliban, followed



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by beatings, detention, and even reports of killings. A number of LGBTQI+ people reported being beaten and subject to physical violence by the Taliban outside of detention settings, either in their homes during a search, or in public places. Rape and sexual violence were mentioned in many requests for help, including sexual assault by family and community members in an environment of impunity. Focusing on abuse by the Taliban specifically, some case individuals reported sexual violence and harassment by Taliban members. Rainbow Railroad also reviewed four documents, reportedly issued by Taliban officials, which indicate that these violent incidents may be coordinated actions based on official Taliban policies.

Many requests for help report severe food insecurity, not having enough to eat and running out of money since they can no longer work or move around freely in public as LGBTQI+ people. Others reported a

culture of fear maintained by the Taliban regime through written and verbal threats and destruction of property. These threats from the Taliban were often supported by families, neighbors, acquaintances, and sexual partners, bringing about an erasure of LGBTQI+ people from every day and public life. Many LGBTQI+ people also have other identities which put them at risk of persecution from the Taliban. Among the requests for help are those who report being targeted for being LGBTQI+ and also for being Hazara and Shia, or for their professions as journalists, activists, government employees, or sex workers.

The United Nations High Commissioner for Refugees (UNHCR) estimates that 3.5 million people are internally displaced due to conflict, along with 2.3 million refugees and asylum seekers who crossed an international border.<sup>1</sup> A significant gap remains between the commitments that governments made

to resettle Afghan refugees and the refugees who have been relocated. Governments with ambitious refugee commitments have yet to fulfill them, while others pledged to admit only small numbers of refugees and emphasized the importance of migration control.

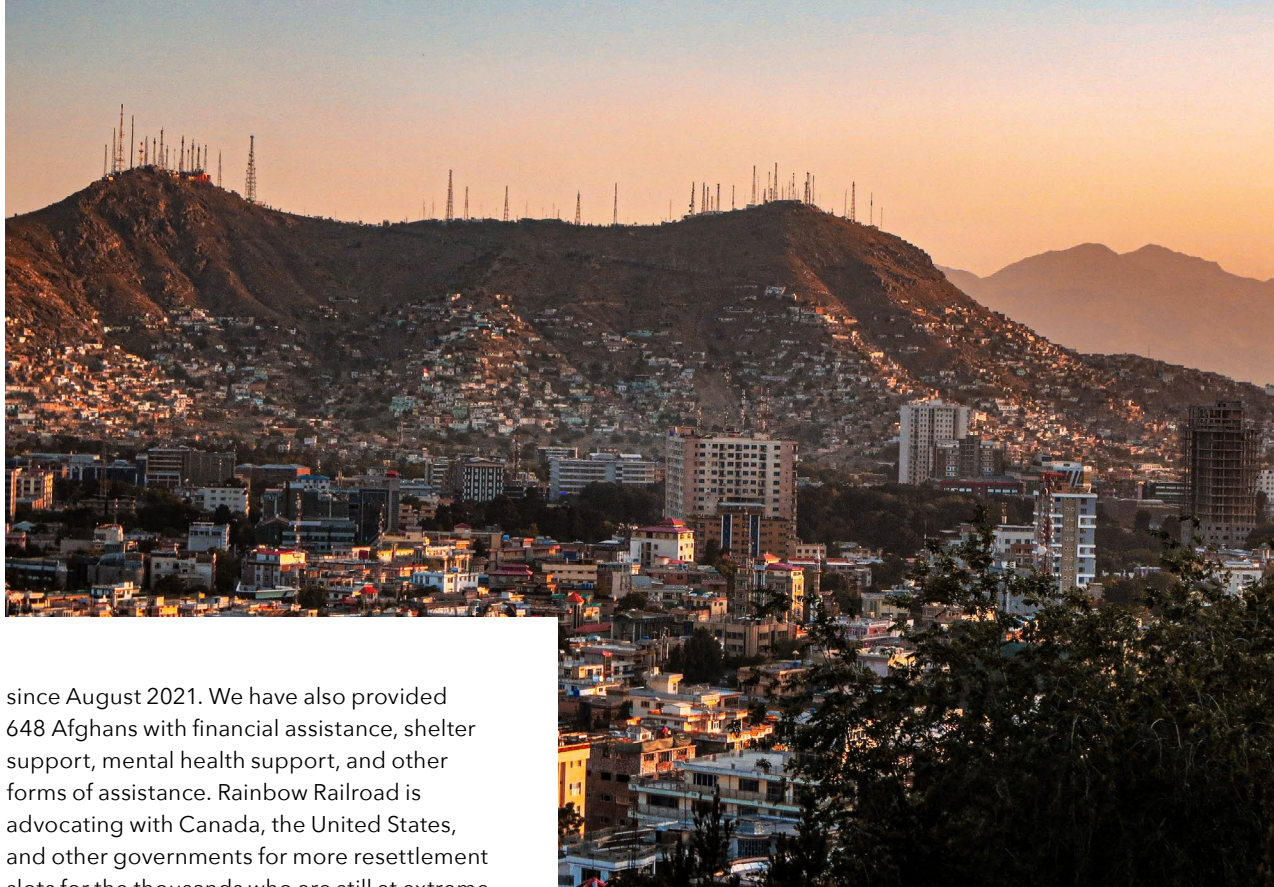
LGBTQI+ people in Afghanistan are being threatened, beaten, raped, and detained by the Taliban. Governments and humanitarian agencies should take all measures to protect LGBTQI+ Afghans through ensuring safe access to humanitarian assistance, creating pressure and incentives for the Taliban authorities, and creating new resettlement pathways for LGBTQI+ Afghans to find safety, protection, and durable solutions.

*No one should be persecuted for saying: I am Afghan, and I am LGBTQI+.*

## INTRODUCTION

Since the fall of Kabul to the Taliban on August 15th, 2021, consolidating their control over Afghanistan, LGBTQI+ people have faced severe persecution, including physical assaults, sexual violence, and reported unlawful killings. Rainbow Railroad, an organization that works globally to help LGBTQI+ people who face persecution based on their sexual orientation, gender identity, or sex characteristics, has received a deluge of requests from people in Afghanistan facing severe repression. In the first year of Taliban rule, from August 15, 2021 until August 22, 2022, we received 3,797 requests for help from LGBTQI+ Afghans, from 1,739 people still living in Afghanistan at the time when the data was analyzed, and the rest who had relocated, mainly to nearby countries such as Pakistan, Iran, and Turkey. Rainbow Railroad has facilitated the relocation of 247 Afghans for resettlement to safer countries

since August 2021. We have also provided 648 Afghans with financial assistance, shelter support, mental health support, and other forms of assistance. Rainbow Railroad is advocating with Canada, the United States, and other governments for more resettlement slots for the thousands who are still at extreme risk, including the people whose information is presented in this report.



Discrimination against LGBTQI+ people in Afghanistan is nothing new, but requests for help to Rainbow Railroad have grown exponentially under the Taliban, where LGBTQI+ people are systematically tracked down, threatened, abused, and even killed. While LGBTQI+ people were subjected to harm prior to the Taliban takeover, individuals reported that the intensity and severity of persecution increased markedly under the Taliban regime. LGBTQI+ people now live in hiding, while painfully few resettlement options are available, and the wait times required for those few spots can take months or years. Taliban persecution of LGBTQI+ people is reinforced by social, cultural, and familial norms, with family members, friends, and acquaintances increasingly emboldened to surveil and report LGBTQI+ people to the de facto authorities in order to protect or ingratiate themselves. Rainbow Railroad research indicates that violent acts perpetrated by the Taliban against LGBTQI+ people are not sporadic or random incidents

but are systematic and may indicate an official policy of Taliban authorities, including de facto ministries such as the Directorate of Intelligence, Ministry of Interior Affairs, police and military commissions, as well as the Ministry for the Enforcement of Virtue and Suppression of Vice.

A Taliban judge stated in a media interview that enforcing Sharia law under the Taliban will include executions of LGBTQI+ people,<sup>2</sup> but documentation of these abuses is scarce. Alarming, at the end of November 2022, a Taliban spokesperson confirmed that twelve women and men have been publicly flogged in a football stadium before thousands of onlookers for punishment of "crimes" including adultery and same sex intimacy; the media reports that in the previous week, another nineteen people were similarly punished after a judicial order by Taliban's supreme leader, Hibatullah Akhundzada, to enforce punishments under Sharia law.<sup>3</sup> Human rights reporting by United Nations

(UN) agencies and experts provides critical information about human rights abuses taking place in Afghanistan, but does not directly mention violations against LGBTQI+ people.<sup>4</sup> However, Human Rights Watch (HRW) and Outright Action International conducted 60 interviews with LGBTQI+ people between October and December 2021,<sup>5</sup> exposing harms suffered by LGBTQI+ people at the hands of family members, neighbors, acquaintances, and sexual partners, as well as by Taliban members.<sup>6</sup> Rainbow Railroad supported HRW and Outright Action International by connecting these groups to interviewees, while we conducted emergency response programs and advocacy for more resettlement slots. This report builds on this prior documentation by documenting violations perpetrated under the Taliban from August 2021 until August 2022, based on information gleaned from more than 1,700 LGBTQI+ people in Afghanistan.



LGBTQI+ Afghans have few options to escape persecution, which gives rise to deep feelings of despair. A young gay man spoke of his joy in his identity, but his hopelessness in a society that is seeking to erase his very existence:

The Taliban have taken over, they are abducting suspected gays, and you never see them again. Because of the way I talk and behave, it's not hard to spot me. It's hard for me to walk around now. Before the Taliban, I was just alone, and lonely, at least my life was not in danger. I have no hope. I have almost given up. Sometimes I get the urge to go public about it, with a pride flag in my hand, and scream as I walk through the streets of Kabul, "I am Gay!" If my family finds out they would be the ones to kill me, no need of Taliban.

*So... I am Afghan, I am Gay. I love to play chess. I love to paint and make drawings. I had dreams to bring a change in Afghanistan. I don't expect to be rescued. I just know it won't happen. I just want someone to know that I existed.*

## METHODOLOGY

This research is based on 1,739 requests for help submitted to Rainbow Railroad from August 2021 to August 2022 by Afghans who were in Afghanistan at the time they made their request, reporting in real time about threats to their lives and safety under Taliban rule. Prior to the Taliban takeover, from September 6, 2017 to July 31, 2021, Rainbow Railroad had received 144 requests for help from people in Afghanistan. These requests for help are a critical window on human rights violations and abuses against LGBTQI+ people in Afghanistan, as these crimes cannot be reported publicly for fear of reprisals. Other humanitarian actors are often unaware of specific protection concerns facing LGBTQI+ populations. Instead, research has found a

cycle of silence and invisibility.<sup>7</sup> One of the consequences of this is that many LGBTQI+ refugees perceive aid organizations as hostile or unwelcoming.<sup>8</sup> Rainbow Railroad receives these requests as a trusted source who ensures data privacy protections for case individuals.

There are limitations to this data. The data presented is self-reported data submitted by people who reach out to us. People may limit their narrative to what they feel they can safely disclose to us. Typically, our casework process uncovers more human rights violations as caseworkers speak with a person over time through a trauma-informed approach. Over time, people also tend to



disclose information about other LGBTQI+ family members who have also experienced persecution, who may not have been included in the original request. As such, each request for help does not represent the full range of international protection concerns that each person has experienced, and thus the harms are likely to be underreported. Another limitation in the data which we seek to address involves non-LGBTQI+-identified people submitting requests, either due to lack of understanding of what LGBTQI+ identity is or lack of understanding regarding Rainbow Railroad's mandate. Of the 1,739 requests, we closed 249 cases as being outside our mandate, because case workers confirmed that the individuals did not identify as LGBTQI+.

Requests for help arrive in Rainbow Railroad's secure, encrypted database through submission of online forms or emails. The form to request help is available in English, French, Russian, Spanish, and Arabic, and can receive submissions from many other languages, including Dari and Pashto, through built-in translation software in our database. Rainbow Railroad case workers are equipped to take a trauma-informed, queer-sensitive approach to case intake and verification, following standard procedures to review a person's case file to determine their eligibility for resettlement. Rainbow Railroad caseworkers verified 551 cases of individuals inside Afghanistan at the time that the data was analyzed and more continued to be verified on an on-going basis. This analysis

primarily draws on accounts from 125 of the submitted cases, which contained the most detailed written accounts of harms reported as inflicted by the Taliban. The other accounts described violence by family and community members, which are relevant for asylum and refugee claims, but which were left out of this analysis to focus specifically on actions of the Taliban towards LGBTQI+ people.

The verification process includes answering a standard series of questions about their LGBTQI+ identity, the persecution they have experienced, and their protection needs via email and WhatsApp calls with caseworkers. To answer the questions, individuals need to provide a clear and detailed account of the threats to their safety. Accounts are assessed



on consistency and plausibility. Individuals are asked to submit copies of their identification documents, official documentation such as police, court or medical records, media reports related to the case, social media profile links or screenshots if they include the person's real name or image, photographs, and letters of support. Individuals featured in this report supported their stories by submitting official documentation, medical records, photos of injuries, identity documents, personal photographs, and support letters. People whose documents are described in this report provided informed consent for translation and publication of the document contents and their de-identified stories, with the option to decide that their story not be featured.



The ages of the 1,739 individuals requesting help ranged from 16 years old to 62 years old. Family size included single individuals to those with as many as nine family members also needing assistance. At least 22 out of Afghanistan's 34 provinces were represented by those submitting requests for help, though not all individuals disclosed

their exact location. Provinces from which people submitted requests for help included Kabul, Kandahar, Herat, Balkh, Nangarhar, Kunduz, Takhar, Baghlan, Ghazni, Khost, Badakhshan, Bamyán, Daykundi, Faryab, Jowzjan, Kunar, Laghman, Logar, Nimruz, Paktia, Parwan, and Samangan.

The gender identities of those submitting requests for help were primarily cisgender men (1,062 individuals), with the next largest group being cisgender women (138 individuals), but we also received requests from people who identify as agender (20 individuals), aliagender (five individuals), gender non-conforming (13), gender fluid (12), intergender (3), intersex (21), transgender women (58), transgender men (67), and other (9). Gender identity was left blank in the remaining 67 forms. The Rainbow Railroad form provides these options as a dropdown menu in the request form, along with “child (dependent)” option.

The sexual orientation of those submitting requests for help were mainly from those identifying as gay (855 individuals) or bisexual (317 individuals), with the next

largest group of requests coming from lesbians (111 individuals). We also received requests for help from those identifying as asexual (28 individuals), queer (30), intersex (six), pansexual (10), and other (8). Fourteen (14) gender non-conforming individuals identified as heterosexual. Eighteen (18) individuals identified with more than one sexual orientation. The Rainbow Railroad form provides these options as a dropdown menu in the request form, along with options aliagender, genderfluid, and intergender, which were not selected by any case individuals in this group.

The gender and sexual orientation demographics are not generalizable regarding the distribution of humanitarian need across populations with diverse sexual orientation, gender identity, and sex

characteristics (SOGIESC), but rather reflect how individuals chose to describe their sexual orientation or gender identity based on information available to them. People of different SOGIESC have different levels of social and cultural access to mobile phones and the internet, privacy, and freedom of movement needed to submit a request online. In particular, women and gender non-confirming people have more limited access to phones and may not be able to go to an internet café as easily as people who pass as men in society.

# HUMAN RIGHTS VIOLATIONS AGAINST LGBTQI+ AFGHANS SINCE THE TALIBAN TAKEOVER

## TARGETED BY THE TALIBAN FOR BEING LGBTQI+

It is clear from the requests for help that the Taliban are targeting LGBTQI+ people due to their sexual orientation, gender identity, expression, or sex characteristics. Individuals reported multiple tactics used by the Taliban to identify and find LGBTQI+ people.





The most vulnerable people are those who are visible, either thorough mannerisms, voice, or self-presentation. Some people said they were unable to go outside because of their gender non-conforming mannerisms and way of speaking. “Because of the way I talk and behave, it’s not hard to spot me,” said one gay man. Individuals who are visibly gender non-conforming are left with few options – live in isolation or leave the country. Several gender non-conforming people living in hiding described being targeted and beaten as soon as they left their hiding place to run necessary errands because their appearance, voice, and mannerisms make them easily identifiable.

*A young gay man said that after the Taliban took over, he went shopping at the market when members of the Taliban noticed that he appeared different from others. They beat him in front of a crowd, injuring him. After that, he hid in a basement and friends brought him food so that he would not have to go out anymore.*

Due to their vulnerability, they rely on friends to bring them food and medicine and to complete essential errands. A young gay man said that after the Taliban took over, he went shopping at the market when members of the Taliban noticed that he appeared different from others. They beat him in front of a crowd, injuring him. After that, he hid in a basement and friends brought him food so that he would not have to go out anymore. A transgender woman similarly reported being beaten and threatened in a market at gunpoint by members of the Taliban, who called her an “infidel;” she escaped after the intervention of some local elders, who appealed to the Taliban fighters. To protect herself, she only left her room twice in the 10 months after this incident, which severely affected her physical and mental health. Since she presents as female, walking publicly alone is dangerous.

Some individuals are vulnerable because of their social media profiles or images that are publicly available. A young gay

man said he is recognizable from TikTok and other platforms where he has a large social media following. Prior to the Taliban takeover, some transgender women and gay men found a niche as dancers at weddings. The Taliban then uses publicly posted images or videos to identify them as LGBTQI+ people. Some individuals mentioned the images or videos on social media depicting them dancing or performing at weddings or other social events, which now put them at risk. A transgender woman said that she is easily identifiable because she was well known as a dancer for local weddings and her dance videos are available on Facebook and YouTube. In other cases, Taliban members obtain and circulate photographs of individuals who they suspect are LGBTQI+. A bisexual man said he heard that members of the Taliban were circulating photos of him and his family to other Taliban groups in Kabul and in his provincial hometown so that he could be recognized no matter where he went.

Others are vulnerable because their sexual orientation or gender identity is public knowledge or is inadvertently revealed. Some people are known in their neighborhood as having been in same-sex relationships. Under Taliban rule, neighbors may be emboldened to 'report' queer neighbors and community members, who are then directly targeted by the Taliban. A bisexual man said that his neighbors know about his sexuality and reported him to the Taliban. He received a threatening letter from the Taliban threatening to cut off his head and feed it to dogs if they find him. A gay man who belongs to the Hazara ethnic group said that a neighbor saw him kissing his boyfriend and told everyone in the village, so they had to flee.

Another gay man said that his father caught him in an intimate moment with a friend and took him for a forced anal examination to "check" if he had had anal sex before. Forced anal examinations are a form of sexual assault and represent cruel, degrading, and inhuman treatment which can rise to the level of

torture, as well as being medically inaccurate.<sup>9</sup> Through this "exam," the doctor allegedly "confirmed" that he previously had anal sex; after that, his sexual orientation was known in his village, and he had to leave for his own safety. He has heard that the provincial Taliban had already shared information about his identity with the Taliban in the neighboring province, where the nearest large city is, and worries that they will share that information with provincial authorities in the location where he is now hiding.

The Taliban operate systems of routine surveillance which also put LGBTQI+ people at risk. A gay man said that the Taliban stopped his car while he was speaking to his partner on the phone and made him hand over his phone. Because he had private pictures of his partner on his phone, the Taliban identified him as gay. They confiscated his phone, took his money, and began slapping and pistol-whipping him to coerce him to disclose his partner's address. He promised to find his partner and turn him in to the Taliban, but he went into hiding

instead. Since then, the Taliban have gone to his house a dozen times searching for him and harassed his mother to reveal his location. In order to submit a request for help to Rainbow Railroad, he had to ask a neighbor to use the internet, using the excuse that he needed to contact his parents.

The fear of being caught up in a random search has serious consequences both for the ability of LGBTQI+ people to access resources and for their mental health. A gay man said that he and his boyfriend are contemplating suicide due to the extreme stress and anxiety arising from a fear of being found and persecuted by the Taliban. Since members of the Taliban regularly search mobile phones when people leave their houses, they cannot take their mobile phones with them when they

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leave the house. Contacting Rainbow Railroad through the internet needs to be done secretly. Case individuals sometimes indicate that they prefer to be contacted via email rather than by phone to avoid any risk that contents on their phone may expose them to harm.

These risks are devastating because internet connections were a lifeline for LGBTQI+ people in creating community in a hostile culture prior to the takeover of the Taliban. A bisexual man said that he heard about the Grindr app for the very first time from a YouTube video about LGBTQI+ life in Pakistan; he said that seeing people around him through the app was the happiest day of his life. He met his partner online and fell in love, but all of that ended in the wake of the Taliban takeover. In the week after Kabul came under Taliban control, he and his boyfriend met in a park to discuss deleting their photos from his boyfriend's phone, agreeing to copy them to a laptop instead. As they left the park, they witnessed Taliban members inspecting

someone's phone and then beating them, berating them for the songs and videos on their phone. The Taliban saw them and told them to stop, but they managed to outrun them. His boyfriend deleted their data while running and they went into hiding separately. He hasn't heard from his boyfriend since that day; when he calls his phone, it is out of service. These stories are consistent with earlier reports that LGBTQI+ persons are often at risk because the Taliban monitors the behavior of its citizens through random inspections.<sup>10</sup>

Families and friendship networks do not always provide safety for many LGBTQI+ individuals. In fact, some LGBTQI+ people find themselves at risk of exposure by their own family members, friends, or acquaintances who may report them to the Taliban or leak their photos on social media. Family members, friends, or acquaintances may feel emboldened by the authorities, or feel coerced or threatened by Taliban

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violence to surveil or report on LGBTQI+ people. A lesbian woman, who was forced to marry a man and later left him to be with her female partner, was reported to the Taliban by her ex-husband and is currently under house arrest by a relative. Another lesbian woman, a social activist, said that her former fiancé knew about her sexual orientation and posted her private photos on social media so that the Taliban would be able to identify her. Her former fiancé is also blackmailing her family members to share the address of the location where she is hiding.

A gay man reported that he had a crush on a neighbor who was friendly with him. When the neighbor found out that he is gay, he became angry and reported him to the Taliban. The Taliban came to his house and knocked loudly knocking on his door, demanding to find the “gay man” in the apartment. He stood by an open window, prepared to throw himself out the window if they managed to break in. He could hear them talking through the door. They left only because they decided that he was not at home. He went into hiding but regularly receives threatening phone calls.

Another gay man was betrayed by someone that he considered to be his best friend; his former friend showed incriminating text messages to the Taliban about the type of men that he is attracted to. He is in hiding and no longer living at home, but since then, the Taliban have come to his house several times looking for him, once storming his house at night, and sent arrest warrants directing him to turn himself in to the police.



People who seek to protect their LGBTQI+ family members or colleagues or those who are not able to provide details about their location are also at risk. A bisexual man and his family were known to the Taliban for supporting LGBTQI+ people, including bringing victims of homophobic violence for medical care. In the first week of Taliban rule, members of the Taliban went looking for them at the house of their relatives, arresting

their relative’s son to force them to share the address of their hiding place. An agender person who was known for their HIV/AIDS work as a laboratory technician said that the Taliban came to shut down their office and arrested one of the security guards. They detained and beat the security guard during interrogation, trying to pressure him to disclose their location.

## Reports of Unlawful Killings of LGBTQI+ People & Those Who Support Them

Individuals requesting help described door-to-door searches by members of the Taliban for LGBTQI+ people, followed by beatings, detention, and even reports of killings. Many people report the disappearance of LGBTQI+ people, but based on the information available, it is difficult to assess if these are enforced disappearances by the Taliban, or individuals seeking to protect themselves by hiding. People often reported that they had not heard from their LGBTQI+ friends or partners, and feared that they had been arrested, disappeared, or killed, but without knowing their fates. At the same time, people also told Rainbow Railroad that they themselves had chosen to “disappear” in the sense that they destroyed their phones or turned off their phone location, that they were in

hiding, and that they avoided all contact with anyone they knew to be LGBTQI+, isolating in order to protect themselves. According to their accounts, Taliban told people who had been detained or abused not to tell anyone what had happened to them, rather than publicizing detentions or executions.

A few cases of unlawful killings were alleged in requests for help. A young man said that he wanted to commit suicide due to the fear of being captured and killed by the Taliban after one of his friends was killed a few days before he submitted the request for help. He reports that Taliban members beat him and a Taliban commander and several of his soldiers raped him. An agender person reported that, after months of Taliban threats against them, telling them to give up their identity and

conform to religious gender norms, they and their sister were attacked by two people on a motorcycle; their sister was killed and they managed to escape, severely wounded. A gay man reported that the Taliban killed two of his queer friends, as well as his partner, so he stays in hiding and doesn't even go out to buy food. A lesbian was forced into marriage with a Talib many years ago by her family and had six children with him. Despite his affiliation with the Taliban, she reported that the Taliban shot her husband in front of her because he refused to hand their daughters over to them. She believes that her young son may be gay as well, because he likes to wear makeup and dresses in girls' clothes, and she fears that he will be killed if they do not escape.





### **Tortured to Admit That They are LGBTQI+: Inhumane Detention Under the Taliban**

People reported that the Taliban are arresting and detaining people who are suspected of being LGBTQI+; in some cases, the Taliban are torturing people in custody to force them to confess that they belong to the LGBTQI+ community.

A gay man reported that late at night on the same day that the Taliban took Kabul, Taliban gunmen stormed his house and detained him for 10 days. In detention, he was denied food, except for a small amount of dry bread, and was brutally beaten on his head and face. The Taliban told him to admit he was gay. He tried to convince them that they had the wrong person. He was beaten so severely that he fell unconscious. Finally, with his eyes swollen shut, he was released to his family and sentenced to house arrest, while all his possessions and assets were confiscated. He fled to another area to avoid further persecution.

Another gay man reported being arrested twice by the Taliban and tortured to sign a confession that he is gay, but he refused. When he was finally released, he was told that he would be killed if he told anyone about his arrest and detention. He was arrested in his hometown and then transferred to a detention center in a large city. He described being held incommunicado, in a cold, dark room without any food for several days, and was not allowed to contact his family. He said that the Taliban subjected him to waterboarding and burned him before releasing him.<sup>11</sup>

A bisexual man, whose relationship with a local man was known in his village, reported that, just days after the takeover, Taliban kicked in his door and detained him for more than a week. During that time, he overheard them discussing the possibility of stoning him.<sup>12</sup> He managed to escape while most of the guards were at religious services by pretending to be unconscious and then

jumping up suddenly and escaping when the limited remaining guard detail opened the door to check on him. He is now in hiding, but the Taliban has sent a letter to his home threatening to stone him; details of that letter are described in the next section.

A lesbian described being chased by the Taliban and then arrested and abused, including being stabbed twice. An intersex person reported that once when they were staying with friends, the Taliban raided their home and arrested their partner, calling their phone to threaten that they must report to the police station within 24 hours, or the Taliban will kill their partner for being LGBTQI+. They immediately destroyed their phone and went into hiding. A transgender woman said that her friends were arrested by the Taliban; she said that the Taliban shaved their heads and tortured them.

## Taliban Coordination in Targeting LGBTQI+ People for Detention & Punishment

Rainbow Railroad reviewed four documents, reportedly issued by Taliban officials, with consent from the individuals who shared the documents with us and whose names were mentioned in the documents themselves. All documents were printed as letterhead on white paper with logos, official headers and footers with the name and title of the Taliban member issuing the document. Two were pre-printed templates which were filled in with dates and signed. Two were handwritten letters tailored to the specific individual and marked with an official stamp. The contents of the documents reviewed by Rainbow Railroad are described below. Rainbow Railroad has not been able to independently verify that these are Taliban documents, but they seem plausible, and the individuals' cases have otherwise been verified through the Rainbow Railroad casework process.

In the case mentioned in the previous section, Taliban members detained and abused a gay man until he escaped from detention, then sent a threatening letter to his house. The letter was sent by a provincial police official, who also identified himself as a local district-level military commissioner. The letter declares that the man has committed sexual immorality, stating, "such acts are a matter of suspicion and dishonor for us and the Islam religion, and your elimination is better. We are allowed to kill and to stone you and people like you to death."

Another document reviewed for this report is a Taliban arrest warrant for a gay activist, sent from the General Directorate of Intelligence to a provincial Director of Intelligence, copying a particular Kabul security district, referring to a decree from the Taliban intelligence and the Ministry for the Enforcement of Virtue and Suppression of Vice. It directs that the activist should be "handed over to law enforcement agencies in order to be punished for all of

his acts." The letter accuses him of working "under the name of the so-called human rights and rights of sexual minorities... which has disgraced the Muslim community and promoted prostitution." The activist stated that this letter was sent to his family in his hometown.

In the final two documents, two gay men, a couple, stated that they were exposed as engaging in same-sex intimacy in their place of business in a large city. They were detained and severely beaten by Taliban members, managing to escape and flee to another province. According to the document they shared with us, the Ministry of Interior Affairs, Provincial Police, Directorate of Counter-Criminal Crimes, and Regional Control Unit of a particular district in the large city where they are living have issued individual orders for each of them to report to the police station at a certain time and date.

Although the letters refer to cooperation among different entities such as the Directorate of Intelligence, Ministry for the Enforcement

of Virtue, and Ministry of Interior Affairs, including across different governorates, the documents did not indicate grounding of enforcement actions in the rule of law. None of the letters mentioned a legal basis for judgment and enforcement and only one of them referenced Sharia law in a general way without reference to specific legal provisions. The only mention of rights in the document is the “right to complain;” the gay couple were instructed that if they do not report to the police as indicated in the document, they will lose the right to make a complaint.

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### **Extra-Custodial Torture, Ill Treatment, & Physical Violence Against LGBTQI+ People**

A number of LGBTQI+ people reported being beaten and subject to physical violence by the Taliban outside of detention settings, either in their homes during a search or in public places.

A bisexual man said that he was severely beaten by Taliban fighters while bystanders took photos of the attack, which were published by local media to shame him. He had to flee and, now in hiding, he does not have anything to eat or drink. A gay man described being beaten several times by the Taliban in his village and told that he will be killed if he comes to the city. Another gay man stated that the Taliban beat him and shaved his head. A queer transgender woman reported that her boyfriend was severely beaten by Taliban members, who also shaved her head with a razor and burned tattoos off her hand with hot metal to torture her. A bisexual man was raped by two men who recorded the

assault in order to blackmail him. A week later, the Taliban found him and beat him. A lesbian woman was outed by colleagues at work, who beat her and reported her to the Taliban. The Taliban arrested and beat her elderly father, seeking to force her to marry a Taliban police officer, but they managed to escape to stay with relatives.

After being attacked by the Taliban, self-isolation for protection can hinder access to medical care. A bisexual man reported that right after the Taliban captured Kabul, a group of Taliban attacked him and he escaped, but with wounds to his leg. Because he is in hiding, he has trouble getting food and medical supplies for his leg. His previous work was in providing HIV/AIDS care, but now he is in hiding and can no longer work. A gay teenager said that the Taliban also beat him, leaving painful wounds, but he is in hiding—and anyway, he cannot afford treatment.



*Those who are hunted by the Taliban are vulnerable to coercion, exploitation, and abuse by those they depend on to protect them in hiding.*

Sometimes the initial reason for the Taliban targeting the person may be another affiliation or identity, but then the Taliban search exposes their LGBTQI+ identity. A bisexual man said that the Taliban broke into his house because his father was in the Afghanistan special forces, but when they examined his phone, they saw his private photos which exposed him as having same-sex relations. They beat him and threatened to arrest him, but he managed to escape.

Those who are hunted by the Taliban are vulnerable to coercion, exploitation, and abuse by those they depend on to protect them in hiding. A bisexual man fled to a safe house after being beaten by a relative who was a Taliban member; this relative

had previously threatened him at family gatherings, but it was the Taliban takeover which emboldened him to take violent action. He first went to a safe house operated by a foreign group, where he experienced a series of harms: one of the guards was shot by the Taliban thinking it was him, two angry-seeming men approached the house searching for him, some of the guards attempted to kidnap him to sell him to the Taliban as an LGBTQI+ person, and a family member of his “guardian” attempted to rape him while others in the house were at a social event. He said that if the Taliban capture him, they will rape him and keep him as a sex slave. Now he has moved to another place where he doesn’t have money for food.

## Rape, Sexual Violence, & Harassment of LGBTQI+ People by the Taliban

Rape and sexual violence were mentioned in many requests for help, most often sexual assault by family and community members in an environment of impunity. Focusing on abuse by the Taliban specifically, several case individuals reported sexual violence and harassment by Taliban members.

A gay man reported that, right after the Taliban takeover, he was kidnapped by a group of six Taliban members who raped and tortured him for three days. They told him that if he spoke about what they did to him, they would kill him and his family. They had found him after searching his neighborhood and telling his neighbors to report if they had seen him. He said that his boyfriend was killed at

Hamid Karzai International Airport during the evacuation and now he is alone. Another gay man reported that the Taliban knew one of his friends was gay and told him to dance for them at a party, then raped him after he danced.

Other people reported credible threats of sexual assault. A transgender woman stated that Taliban have harassed her in the streets to have sex with them, called her “Lot’s people,”<sup>13</sup> which is a derogatory reference to LGBTQI+ people, and beat her. Before the Taliban took over, she had a boyfriend and could go outside; now, she has lost all contact with her boyfriend, dropped out of university, quit her job, and stays inside to protect herself.

A gay man said that a Taliban commander

is harassing him for sex; he changed his location and is in hiding, but he is afraid that the commander will find him and kill him if he refuses his sexual advances. Another gay man said that a Taliban commander has pressured him in the past for sex, but he refused because he was pressuring him to engage in violent group sex. He reported seeing the commander lurking around his house with Taliban members and spoke of his fear that the commander would break into his house to try to rape him, then arrest him for “homosexuality.” He didn’t go to the doctor when he was sick, because he was afraid of being arrested if he left his house.

### Living in Hiding & Fear, Faced with Extreme Poverty & Deprivation

Many of the requests for help report severe food insecurity, not having enough to eat, and running out of money since they can no longer work or move around freely in public as LGBTQI+ people. A lesbian woman said that she cannot go outside even to buy food, and she is afraid that she will die. A gay man said that he has no money for food and survives on a small amount of rice each day. Another gay man reported that he is afraid that he will die of hunger because he has no food to eat. A lesbian, forced to marry by her family, is now a widow with nine family members to support. She said that she is hiding with her children in a basement with no food and no one to support them.



A number of people report experiencing homelessness, often after having to leave their homes and go into hiding due to Taliban threats. Although leaving home may be necessary if the Taliban know the address, being homeless is also unsafe in many ways. A transgender woman, known widely in her community due to her dancing videos on social media, reported experiencing homelessness.



Others reported a culture of fear maintained by the Taliban regime through written and verbal threats and destruction of property. These threats from Taliban were often supported by families, neighbors, acquaintances, and sexual partners, bringing about an erasure of LGBTQI+ people from every day and public life.

A gay man reported that the Taliban sent threatening letters to his house, saying that if he did not stop having relationships with men, they would kill him, so he went into hiding. A gay man with nine family members said that he was in hiding with his family because the Taliban found out from a neighbor that he is gay; he said that the Taliban burned down his family's house and they had to flee. Another gay man said that the Taliban came to his house looking for him. Now they visit his family's home

on a daily basis to ask where he is, with the intention of killing him for being gay. They beat his brothers and warned that they will kill them if they do not turn their brother in. He moved to another province, and then another, staying in different places at night and during the day so that the Taliban would not find him. A gender non-conforming activist reported hiding in mountainous and desert areas for 10 months since the Taliban burned down their house.

### **Intersectional Identities of LGBTQI+ People Who Are Targeted**

Many LGBTQI+ people also have other identities which put them at risk of persecution from the Taliban. Among the requests for help are those who report being targeted for being LGBTQI+ and also for being Hazara and Shia, or for their professions as journalists, activists, government employees, or sex workers.

A gay sex worker said that as soon as the Taliban took over in August 2021, the brothel where he worked was immediately targeted and several LGBTQI+ sex workers were arrested and not heard from again; he remains in hiding.<sup>14</sup> A bisexual television journalist was beaten along with colleagues by the Taliban, who destroyed all of their equipment so that they would not be able to work anymore; he was a visible voice of the LGBTQI+ community in Afghanistan and is now in hiding. A non-binary person said that they are a Special Immigrant Visa holder, and that they had hoped to avoid applying for asylum so that they would not have to disclose their identity and put their family at risk. After failing to find a way to leave Afghanistan, they attempted suicide several times. They said that they feel hopeless but that friends are encouraging them not to give up and to try to seek asylum.

A bisexual man reported that as a Hazara, he is at risk of ethnic cleansing by the Taliban and can no longer go outside of his house. However, inside the house, his family is very religious, and they also beat him because of his sexual orientation. A lesbian woman spoke of facing multiple risks because of her gender, as a Hazara minority, and because she worked for the Ministry of Defense for the Afghan government. She claimed that she knew several other female soldiers who have been killed by the Taliban since the takeover.

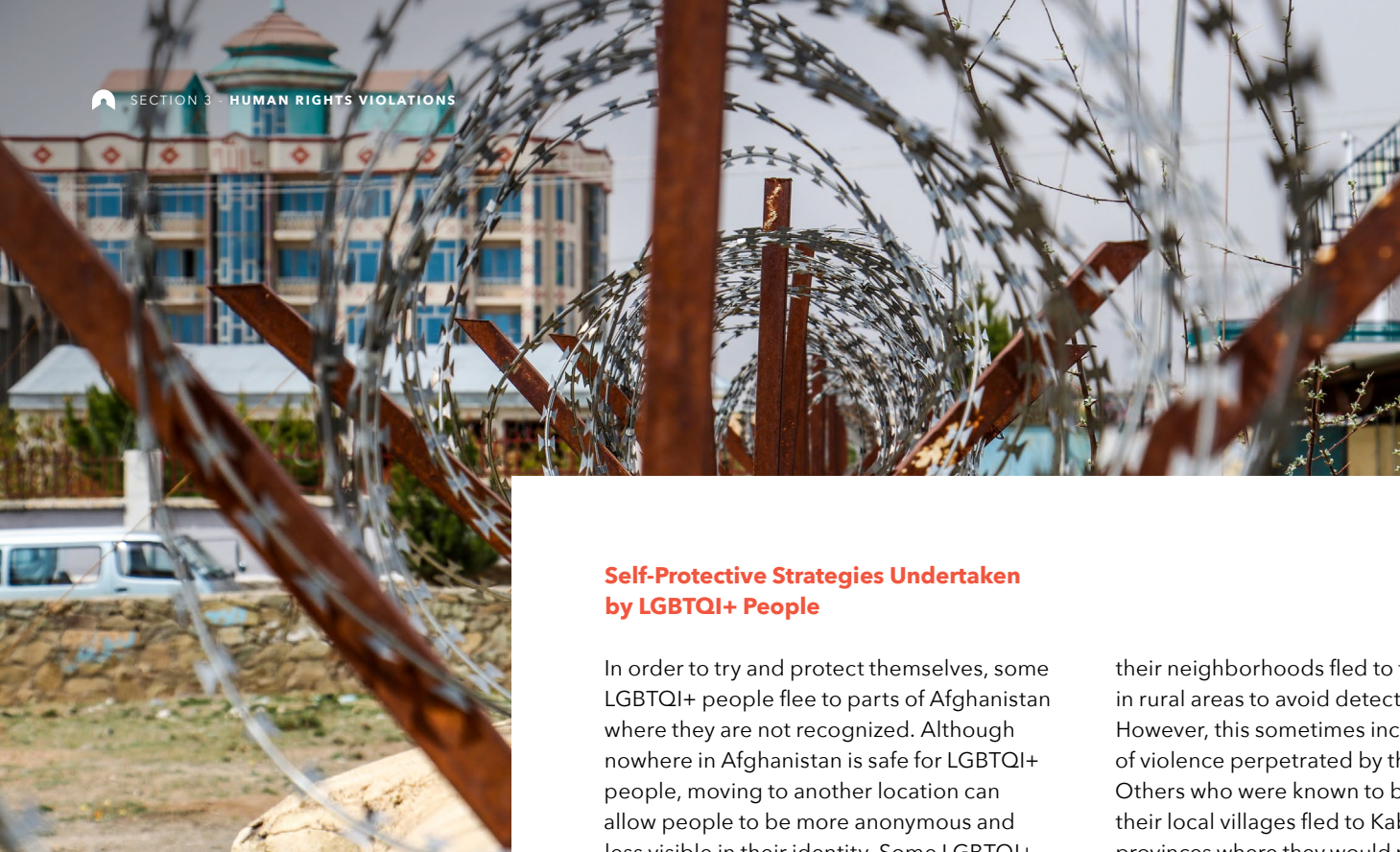
An intersex person said that they live alone because their family says that they put the family members at risk because they are intersex. The family believes that they would be killed by the Taliban for harboring an intersex person. They are also a former visa officer for the previous government.

They stated that they are at extreme risk from the Taliban both as an intersex person and as a former government employee.

People with disabilities did not submit many requests for help, likely due to barriers such as lack of access to privacy and independent use of technology while under watch of parents or guardians, depending on the severity of their disability. Nevertheless, a few people were able to access our form and write about their experiences. A gay man reported that he is disabled after being injured in an explosion; he is afraid of being targeted by the Taliban and wants to leave the country but says that his disability makes travelling across the border impossible. A bisexual man requesting help is deaf, which presents challenges for moving to safety.

*A bisexual man reported that as a Hazara, he is at risk of ethnic cleansing by the Taliban and can no longer go outside of his house. However, inside the house, his family is very religious, and they also beat him because of his sexual orientation.*





### **Self-Protective Strategies Undertaken by LGBTQI+ People**

In order to try and protect themselves, some LGBTQI+ people flee to parts of Afghanistan where they are not recognized. Although nowhere in Afghanistan is safe for LGBTQI+ people, moving to another location can allow people to be more anonymous and less visible in their identity. Some LGBTQI+ people who had been living in large cities like Kabul and were known to be LGBTQI+ in

their neighborhoods fled to their hometowns in rural areas to avoid detection by the Taliban. However, this sometimes increased their risk of violence perpetrated by their relatives.<sup>15</sup> Others who were known to be LGBTQI+ in their local villages fled to Kabul or to other provinces where they would not be known and identified as LGBTQI+. A bisexual teenager who was known by his local community to

engage in survival sex in his hometown said that he fled to Kabul when the Taliban threatened to punish him. He said that he is homeless in Kabul.<sup>16</sup>

Other LGBTQI+ people reported that they are unable to move for their own safety. Isolating and living in hiding exacerbates the stress and mental health consequences they face, with many reporting suicidal thoughts or suicide attempts. A gay man was advised by friends to try to go to Iran with a smuggler, but despite trying on four different occasions, he was not successful in crossing the border, so he is in hiding with family members. A Taliban member is threatening him via text message, saying that wherever he is, they will find him, causing him great anxiety and stress. Another gay man was exposed to the Taliban by a friend and has already received several arrest warrants. He tried to flee to Pakistan multiple times through different routes, but he did not succeed. He said that he is not able to escape to other cities in Afghanistan.

People described risking their safety to obtain valid passports and visas for Pakistan and Iran, although lack of funding and security risks often hinder this process. A gender-fluid person and their partner were arrested and beaten by the Taliban; they fled Kabul to go into hiding in another province. To verify their case with Rainbow Railroad, they came back secretly to Kabul to collect medical letters and letters from friends who are aware of their relationship, but the journey used up their savings. Their passports have expired, they cannot renew them without exposing themselves to authorities, and also cannot afford the expense.

*LGBTQI+ people reported that they are unable to move for their own safety. Isolating and living in hiding exacerbates the stress and mental health consequences they face, with many reporting suicidal thoughts or suicide attempts.*

Others described destroying their identity documents in order to protect themselves. A gay man said that he burned all his identity documents and the documents from the foreign organizations he worked for and the LGBTQI+ organization that he belonged to so that the Taliban would not be able to find the documents. To avoid persecution, he has stopped meeting with anyone who knows about his sexual orientation, though his isolation has left him deeply depressed. He also turned off his cell phone location so that the Taliban will not be able to track him through his phone.

It was evident from the requests for help that wider social networks can and do provide essential support, although family members and friends put themselves at risk of Taliban persecution for supporting their LGBTQI+ loved ones. People described how friends and relatives hid them in their homes or brought them food and other necessities to locations where they are in hiding.



## INTERNATIONAL LEGAL FRAMEWORK APPLICABLE TO LGBTQI+ RIGHTS IN AFGHANISTAN

**AFGHANISTAN** has ratified core international human rights treaties which obligate its authorities to uphold fundamental rights to life, liberty, and personal security and to protect every person from discrimination, torture, and ill treatment. As the de facto authorities in Afghanistan, with control of the population and territory, the Taliban are obligated to respect and protect human rights of all people without discrimination,<sup>17</sup> including those who are LGBTQI+.<sup>18</sup> The UN Human Rights Committee has affirmed that the rights set out in the

International Covenant on Civil and Political Rights (ICCPR) belong to the people and not to the state, announcing, “once the people are accorded the protection of the rights under the Covenant, such protection devolves with territory and continues to belong to them.”<sup>19</sup>

Treaties to which Afghanistan is a party include the ICCPR; the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture and other Cruel, Inhuman or Degrading

Treatment or Punishment; and the Convention on the Rights of the Child.<sup>20</sup> The UN treaty monitoring bodies, with the mandate to authoritatively interpret the provisions of their respective treaties, have clearly outlined that states have the obligation to protect people from discrimination and ill treatment based on their sexual orientation and gender identity.<sup>21</sup>

The Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity,<sup>22</sup> which were published by human rights experts in 2006 and updated in 2017, have been cited by numerous national governments and domestic and regional courts as a relevant source of guidance on the application of existing human rights law to LGBTQI+ people.<sup>23</sup>



In addition to treaty law, as a United Nations member state, Afghanistan is bound to respect the UN Charter, which repeatedly affirms the obligation to respect human rights and for fundamental freedoms, for all, without distinction.<sup>24</sup> The UN General Assembly adopted the UN Declaration on Human Rights, whose provisions are generally

accepted to represent norms of customary international law. The Declaration states that all human beings are entitled to all of the rights and freedoms in the Declaration, “without distinction of any kind,” including the right to life, liberty and security of person, and protection from torture, ill treatment, arbitrary detention, and from discrimination.<sup>25</sup>

Although Afghanistan's 2018 penal code improved in regard to human rights commitments on anti-corruption and criminal justice standards, it explicitly criminalized same-sex intimacy, in contravention of international human rights norms.<sup>26</sup> LGBTQI+ people are not safe in Afghanistan while abusive and discriminatory legislation prevails and while they do not have recourse to laws which protect their fundamental rights to non-discrimination, equality under the law, privacy and home life, and personal safety and security.

Regional countries and refugee resettlement countries are also bound to respect the rights of forcibly displaced LGBTQI+ Afghans.

*Refoulement*, or returning refugees to places where their life or freedom would be threatened, is prohibited under the 1951 Refugee Convention and customary international law.<sup>27</sup> The prohibition on *refoulement* also implies that states have an obligation to temporarily admit asylum seekers to provide a meaningful assessment of their asylum claims, including an assessment of the harm they will face if they are removed to another country.<sup>28</sup> The UN High Commissioner for Refugees has clearly stated that LGBTQI+ people who face persecution based on their sexual orientation, gender identity, and sex characteristics are eligible for refugee status as members of a particular social group, which has been

recognized by numerous domestic court decisions on asylum cases.<sup>29</sup> Refugee resettlement countries have developed a number of policy mechanisms for supporting persecuted, at-risk, and displaced people, including dedicated resettlement streams for human rights defenders; however, there are limited resettlement slots, limited cooperation with LGBTQI+ civil society organizations, and significant administrative barriers to accessing these mechanisms for effective protection of LGBTQI+ people.

## INTERNATIONAL EFFORTS TO RESETTLE & TO PROVIDE HUMANITARIAN ASSISTANCE TO LGBTQI+ AFGHANS

**AS A RESULT** of increased security risks from the active conflict, followed by the human rights violations by the Taliban as documented in this report, 2021 saw a striking rise in displacement both inside Afghanistan and spilling over into the region. The UNHCR estimates that the 777,000 people internally displaced in 2021 brought the total figure for conflict-related internal displacement in Afghanistan to 3.5 million people by the end of the year, along with 2.3 million refugees and asylum seekers who crossed an international border.<sup>30</sup> Response by governments to the displacement crisis was chaotic and left out many vulnerable groups, including LGBTQI+ asylum seekers, from newly created crisis response pathways, which often focused on those who had worked for foreign governments or foreign-government funded projects, such as the U.S. Special Immigrant Visa program.<sup>31</sup>

Some governments did take concrete action to resettle at-risk LGBTQI+ people. Rainbow Railroad initially evacuated 29 Afghans in collaboration with the UK Foreign Secretary and support from the UK organization Stonewall,<sup>32</sup> and at the time of writing had relocated a total of 70 Afghans to the United Kingdom. We relocated 247 Afghans to Canada through a refugee-sharing agreement between Canada and the United States.<sup>33</sup> We also provided funding support to resettle 17 Afghans to Ireland with the efforts of activists and Amnesty International.<sup>34</sup> More commitments are still being considered. The U.S. Department of State Bureau of Population, Refugees, and Migration has stated that they aim to establish new referral and sponsorship pathways for LGBTQI+ refugees, including through increased NGO referrals and private sponsorship programs, although LGBTQI+ people are not recognized formally

as a Priority 2 designated group.<sup>35</sup> The UK Home Office created a new pathway, the Afghan Citizens Resettlement Scheme, with the third pathway of the program dedicated to vulnerable people, specifically mentioning LGBTQI+ people as priority category for resettlement, although they were not prioritized for the first year of the scheme, which focused on groups with employment or education ties to the United Kingdom.<sup>36</sup> In 2021, Canada introduced a refugee resettlement stream dedicated to human rights defenders, taking in 250 people per year, with a focus on at-risk LGBTQI+ HRDs.<sup>37</sup> Rainbow Railroad has called on the Government of Canada to create a dedicated pathway for LGBTQI+ people fleeing persecution around the world.<sup>38</sup>

However, a significant gap remains between the commitments that governments made to resettle Afghan refugees and the refugees who have been relocated, especially in light of the 3.5 million internally displaced Afghans



and 2.3 million Afghans displaced across international borders. The Government of Canada committed to welcome at least 40,000 refugees and vulnerable Afghans to Canada, however, as of the time of writing, just over 22,000 had been admitted to Canada.<sup>39</sup> Canadian programs admitting Afghans include government-supported refugees, privately sponsored refugees, and refugees sponsored by family in Canada; however, these options exclude people who are

internally displaced inside Afghanistan, such as the people in this report.<sup>40</sup> The U.S. government pledged to admit 125,000 refugees globally, but have admitted just over 25,000 so far.<sup>41</sup> The Biden administration evacuated 76,000 Afghans to U.S. marine bases for processing for humanitarian parole, but this is a temporary status with limited benefits, far short of what refugee status offers.<sup>42</sup> A piecemeal response to the Afghan displacement crisis, including Special Immigrant Visas, sponsorship from U.S.



organizations, and temporary protected status for Afghans already in the United States, is not sufficient to address the backlog of deserving and urgent cases which await processing.<sup>43</sup> The UK government has pledged to resettle 20,000 Afghans over the coming years,<sup>44</sup> with 11,300 Afghans granted permanent residence thus far.<sup>45</sup> Germany has pledged to admit 38,000 at-risk Afghans, around 26,000 of which have arrived in Germany.<sup>46</sup>

The hardship caused by the lack of onward resettlement opportunities is exacerbated by the barriers to humanitarian assistance that LGBTQI+ Afghans face at home. Our findings

document how LGBTQI+ Afghans live in hiding to protect themselves, feeling fearful to access social services. Advocates have raised concerns about how LGBTQI+ people will be able to access humanitarian assistance in Afghanistan,<sup>47</sup> but there is little data to suggest that efforts have been undertaken to ensure LGBTQI+ Afghans can safely access humanitarian assistance. Interviews by advocates have identified cases of LGBTQI+ people who cannot wait in queues for food assistance and are scared to access healthcare as they will run the risk of being spotted and attacked as an LGBTQI+ person.<sup>48</sup>



## CONCLUSION

UN representatives and experts remain hesitant to raise the issue of LGBTQI+ rights in Afghanistan directly. The UN Special Rapporteur on the Situation of Human Rights in Afghanistan, following his country visit from May 15-26, 2022, stated that the authorities have acknowledged that the “vast majority of international human rights norms are compatible with their understanding of Sharia,” and urged them to “fully implement the human rights standards which Afghanistan has freely

*The current human rights and forced displacement crisis in Afghanistan, and the findings in this report, illustrate how this vicious spiral of abuse puts LGBTQI+ people in danger. At the same time, governments, especially those which were directly involved in the conflict in Afghanistan, have not fulfilled their commitments.*

accepted,” such as the rights of women and girls. However, the rights of LGBTQI+ persons are not mentioned directly, while the Special Rapporteur refers to unnamed “contentious issues where further dialogue is needed.” Given the grave harms that LGBTQI+ people face in Afghanistan at the hands of the Taliban, meaningful and substantive dialogue on LGBTQI+ persecution is critical and should be prioritized by all relevant UN bodies and experts, as well as by concerned governments.

LGBTQI+ people who are forcibly displaced or at risk of forced displacement are particularly vulnerable to abuse and exploitation at all stages of their journey, as the root causes of displacement are systemic violence and discrimination which gives rise to a “vicious spiral of abuse.”<sup>49</sup> The current human rights and forced displacement crisis in Afghanistan, and the findings in this report, illustrate how this vicious spiral of abuse puts

LGBTQI+ people in danger. At the same time, governments, especially those which were directly involved in the conflict in Afghanistan, have not fulfilled their commitments to leadership as refugee destination states for persecuted Afghans. Governments with ambitious refugee commitments have yet to fulfill them, while others pledged to admit only small numbers of refugees and emphasized the importance of migration control.<sup>50</sup>

LGBTQI+ people in Afghanistan are being threatened, beaten, raped, and detained by the Taliban. Governments and UN agencies should take all measures to protect LGBTQI+ Afghans, through creating pressure and incentives for the Taliban authorities and through creating new pathways for LGBTQI+ Afghans to find safety, protection, and durable solutions. No one should be persecuted for saying: I am Afghan, and I am LGBTQI+.



# OUR RECOMMENDATIONS

## To the Taliban

- Ensure humanitarian access and protected space for aid organizations in all parts of the country to provide services and support for the LGBTQI+ community, including public health services and services for survivors of sexual and gender-based violence.
- End violence by security officers, including at checkpoints and in door-to-door searches.
- Repeal all provisions in the 2018 penal code and Ministry of Vice and Virtue manual that criminalize consensual sexual relations, including same-sex relations, and recognize the rights of LGBTQI+ people.
- Prohibit discrimination and violence based on sexual orientation or gender identity, expression, or sex characteristics and ensure justice, compensation, and social services for people who experience discrimination or abuse.

### To the Government of Canada

- Create a formal partnership with Rainbow Railroad to support the identification, processing, referral, and resettlement of LGBTQI+ asylum seekers facing extreme persecution based on their sexual orientation, gender identity, and sex characteristics.
- Introduce a dedicated stream and a crisis response plan for LGBTQI+ asylum seekers, including those who have not undergone UNHCR refugee status determination, in partnership with Canadian LGBTQI+ civil society organizations.
- Expand pathways to permanent safety for internally displaced persons and human rights defenders, including through extending the Afghan human rights defender stream and increasing the number of slots.

- Prioritize resettlement of LGBTQI+ asylum seekers and expand existing policy mechanisms designed for those facing imminent danger to their lives. For instance, expand the Urgent Protection Program (UPP), which expedites resettlement of individuals who require immediate life-saving action, to apply to internally displaced persons.

### To the U.S. Government

- Increase refugee admissions to the U.S. for LGBTQI+ populations, given their unique vulnerabilities, and direct U.S. embassies to provide referrals to U.S. refugee admissions for LGBTQI+ people who need protection but are unable to leave their country of origin.
- Grant LGBTQI+ refugee organizations like Rainbow Railroad formal referral partnership

status to support and refer LGBTQI+ cases as Priority 1 (P-1) referrals for consideration for U.S. refugee admissions and provide training for assessing LGBTQI+ refugee claims, including assessing credibility.

- Allocate additional funding to the U.S. Bureau of Population, Refugees, and Migration to provide training for LGBTQI+ organizations like Rainbow Railroad to provide P-1 referrals to U.S. embassies overseas, and provide training for U.S. consulate staff, caseworkers, and translators on non-discrimination and assessing the credibility of LGBTQI+ refugee cases.

## To Countries Bordering Afghanistan and Regional States Hosting Refugees

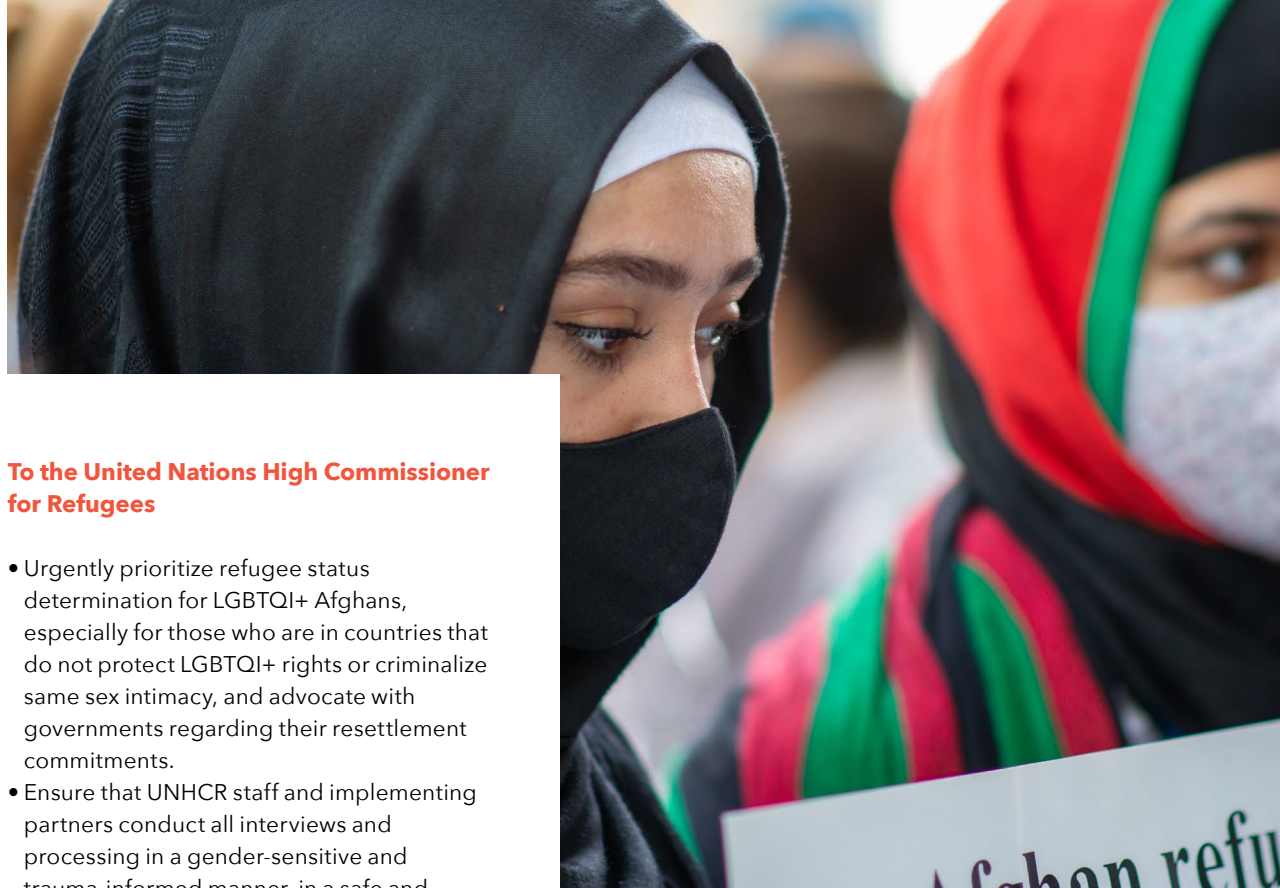
- Safeguard access to asylum and refugee status determination processes for Afghans who are fleeing persecution, including for those arriving at the border without documentation, and halt deportations of Afghans.
- Facilitate and ensure access to exit visas for Afghans with pathways to third countries.
- Support the work of civil society organizations to assist LGBTQI+ Afghan refugees, ensuring that they do not face interference with their work.
- Ensure protection and safety for LGBTQI+ Afghans and prohibit discrimination or violence based on sexual orientation or gender identity for all LGBTQI+ people.
- Repeal any laws criminalizing consensual same-sex intimacy.
- To Concerned Governments with Capacity to Receive Refugees and Provide Aid
- Recognize LGBTQI+ Afghans as prima facie refugees, considering the extreme risk of persecution in Afghanistan, and expedite their applications for evacuation and resettlement.
- Grant LGBTQI+ refugee organizations, like Rainbow Railroad, formal refugee referral partnership status to support and refer LGBTQI+ cases directly to the relevant government ministry for immigration and refugees due to their unique insights and experience in protecting LGBTQI+ persons globally.
- Follow UNHCR guidelines on adjudication of asylum claims for LGBTQI+ Afghans, including recognition that LGBTQI+ individuals may be forced to marry under duress or may have had to hide their sexual orientation and gender identity in order to survive, and work with LGBTQI+ organizations on training and standards for identifying and vetting LGBTQI+ refugee claims.
- Ensure that financial support for humanitarian organizations is conditioned on their commitment to queer-sensitive and gender-sensitive programming, nondiscrimination, and inclusion of LGBTQI+ beneficiaries.
- Engage with LGBTQI+ civil society organizations, informal groupings of LGBTQI+ people, and LGBTQI+ community leaders to hear their concerns and to raise them with the de facto authorities in Afghanistan.

### To Humanitarian and Human Rights Organizations Providing Assistance to Afghans

- Conduct LGBTQI+ sensitization training for frontline workers to ensure a welcoming and safe environment for people from gender minorities to access services, especially regarding anonymization measures.
- Ensure that delivery of humanitarian assistance is carried out in ways that LGBTQI+ people can safely access it, for example through mobile services so that LGBTQI+ people do not need to travel through checkpoints to reach point of service.
- Ensure that LGBTQI+-sensitive services are incorporated into referral pathways, including for survivors of sexual and gender-based violence.
- Include LGBTQI+ people in human rights and humanitarian assessments and field research.

### To the United Nations High Commissioner for Refugees

- Urgently prioritize refugee status determination for LGBTQI+ Afghans, especially for those who are in countries that do not protect LGBTQI+ rights or criminalize same sex intimacy, and advocate with governments regarding their resettlement commitments.
- Ensure that UNHCR staff and implementing partners conduct all interviews and processing in a gender-sensitive and trauma-informed manner, in a safe and confidential space, with respect for the rights of LGBTQI+ people.



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<sup>14</sup> Rainbow Railroad uses the words "sex work" and "survival sex" to specifically capture the nuance of each individual's words and to situate our characterization within their language and their stories. They do not reflect our position on sex work.

<sup>15</sup> See HRW report, footnote 5 above. HRW research noted the phenomenon of movement from cities to rural areas to find safety; Rainbow Railroad data confirmed this finding, adding the nuance that some move from rural areas to cities to find safety.

<sup>16</sup> Rainbow Railroad uses the words "sex work" and "survival sex" to specifically capture the nuance of each individual's words and to situate our characterization within their language and their stories. They do not reflect our position on sex work.

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RAINBOW  
RAILROAD

401 Richmond Street West  
Suite 360, Toronto,  
ON M5V 3A8

424 West 54th Street,  
New York, NY.  
10019

info@rainbowrailroad.org  
[www.rainbowrailroad.org](http://www.rainbowrailroad.org)