

Afghanistan Briefing Paper

Too Many to be Given Safe Passage,
Too Few to be Part of Humanitarian Response

ILGA Asia
Stonewall



“In doing this work daily for almost two years now, it strikes me that the international community is of the view that there are too many LGBTIQ people in Afghanistan to provide safe passage to, but too few to create a tailored humanitarian response.”

(SAFAR Caseworker, July 2023)

Introduction

This briefing paper provides an overview of the violence and discrimination faced by LGBTIQ persons in Afghanistan and highlights the urgent, continuing need for protection, safe passage, and humanitarian support for those facing SOGIESC based violence and persecution. It sets out the particular needs of LGBTIQ people in Afghanistan based on evidence of ongoing human rights violations, destitution, displacement, and distress LGBTIQ people in Afghanistan face and highlights the urgent need to bring their situation to the forefront of international humanitarian response. Finally, recommendations are made to ensure that LGBTIQ people in Afghanistan are able to access protections and assistance that are guaranteed to individuals in situations of crisis and conflict under international human rights and humanitarian standards.



Background

The plight of the LGBTIQ community in Afghanistan has been well documented, even before the Taliban took control in 2021¹ with reports of numerous acts of violence, discrimination, and other forms of abuse they endured based on their sexual orientation and gender identity. This provides context to the ongoing violence, discrimination and other forms of gender based violence including forced marriages, honor-crimes, exploitation and discrimination in accessing employment and health services.

Since adult consensual same-sex sexual relations are criminalised in Afghanistan², LGBTIQ communities have been forced to remain underground due to fear of persecution and violence³. The situation has been exacerbated since the Taliban took over in 2021⁴. There have been alarming reports of grave human rights violations against LGBTIQ persons in Afghanistan, including death threats, harassment, extortion, arbitrary arrests, illegal detention and sexual violence⁵.

Based on evidence gathered under the SAFAR programme the condition of LGBTIQ persons has worsened dramatically under current Taliban leadership. Since coming into power, the Taliban have imposed a harsh interpretation of Islamic law, despite their pledges to respect the rights of women and minority communities⁶. By reestablishing the Ministry for the Promotion of Virtue and Prevention of Vice, prohibitions are enforced on behaviors deemed un-Islamic, including prohibiting access to school and work,

severe limits on access to other basic services, such as healthcare⁷. Further, the Taliban have also instituted mobility restrictions for women by not permitting them in public spaces unless necessary, and without a male (*mahram*) companion. Reports have also indicated that several individuals have been arrested for resisting and violating these outrageous policies that deny basic autonomy and obliterate the human rights of women and LGBTIQ persons in Afghanistan⁸. LBT women are experiencing compound discrimination and isolation, making it extremely difficult for them to access support.

*“When the Taliban came to power, I was renting an apartment with my girlfriend. Suddenly, the landlord decided to kick us out and he threw me and my girlfriend on the streets because the Taliban declared that girls are not allowed to live without a man in the house. [The landlord] just threw us out without prior notice and threatened us to leave or he would report us. We had no choice even though we did not have any place to go... **we were even in more danger because we were lesbians and had no man with us.** If the Taliban had found out about us, they were going to kill us; it was the biggest fear of my life.” (Afghan Lesbian woman, 23, May 2023)*

The constant fear of persecution⁹, loss of livelihood, and lack of safe spaces has forced many LGBTIQ individuals to flee Afghanistan, despite the lack of established safe passages, the perils associated with crossing international borders to countries that may be hostile to LGBTIQ people and the lack of humanitarian protection and resettlement programmes. Individuals are also likely to face human rights violations by border,

state policing and security forces in neighbouring and transit states. There are reports of violence, torture, and other cruel, inhuman, or degrading treatment or punishment¹⁰ and risks of sexual violence, abuse, trafficking, exploitation and disappearances.

“When someone decides to [cross borders] you basically give up on your life because you have no idea what’s going to happen. Are you going to reach your destination or not? - You never know. There are numerous challenges that can happen to you, to name a few are rape, murder, or being robbed - and in 90 percent of the cases it’s either transgender persons or lesbian women who are the victims of these violations, as they often embark on this treacherous journey either alone or accompanied by friends of the same gender. Tragically, many of them vanish without a trace along the way, as the arduous travel involves walking from Afghanistan to Iran and then from Iran to Turkey, a journey that typically takes a month or more. A transgender woman [friend on her journey more than a year ago] disappeared leaving her fate unknown to this day. There are many other cases of [LBTQ women] being injured and left to die, with each person trying desperately to save their own life.” (Afghan Trans woman, HRD/Activist, July 2023)

Even when finding a “safe” haven there is evidence that LGBTIQ people from Afghanistan do not always benefit from the existing protections under international refugee law. They often face new risks and challenges, many needing to hide their identity, which hinders their access to specific protection measures. Placed in refugee camps without security measures to guarantee the

particular safety and protection needs of LGBTIQ people, evidence gathered under the SAFAR programme indicates that they face violence and discrimination. The fear of violence and discrimination persists even after resettlement in host countries, as they may encounter hostile attitudes towards refugees and immigrants that perpetuate the cycle of violence and discrimination.

“There is a very little chance for people [like me] to succeed here. The government does not support immigrants in any way. But I will continue my struggle here, they should accept it here because [the resettlement country] has always been the country that defends human rights. We took refuge here out of fear of being killed, because of who we love. At the end of the day - no one likes to leave their homeland.” (Afghan Gay Man, 26, July 2023)

¹ US State Department (2017), Country Reports on Human Rights Practices - Afghanistan, <https://www.state.gov/reports/2017-country-reports-on-human-rights-practices/>

² ILGA World Database (2023), Afghanistan Country Report, <https://database.ilga.org/afghanistan-lgbti>

³ Freedom House (2019), Afghanistan, <https://freedomhouse.org/country/afghanistan/freedom-world/2019>

⁴ The Guardian (2022), Lives of LGBTQ+ Afghans 'dramatically worse' under Taliban rule, finds survey, <https://www.theguardian.com/global-development/2022/jan/26/lives-of-lgbtq-afghans-dramatically-worse-under-taliban-rule-finds-survey>

⁵ Human Rights Watch (2022), Even if you go Skies, We'll Find You, <https://www.hrw.org/report/2022/01/26/even-if-you-go-skies-well-find-you/lgbt-people-afghanistan-after-taliban-takeover>

⁶ Human Rights Watch (2021), Should Anyone Believe Taliban Pledges to Respect Women's Rights?, <https://www.hrw.org/news/2021/08/19/should-anyone-believe-taliban-pledges-respect-womens-rights>

⁷ Human Rights Watch (2021), For Afghan Women, the Frightening Return of 'Vice and Virtue', <https://www.hrw.org/news/2021/09/29/afghan-women-frightening-return-vice-and-virtue>

⁸ Amnesty International (2022), One Year of the Taliban's Broken Promises, Draconian Restrictions and Violence, <https://www.amnesty.org/en/latest/news/2022/08/afghanistan-on-e-year-of-the-talibans-broken-promises-draconian-restrictions-and-violence/>

⁹ The Guardian (2021), The Taliban will have no mercy': LGBTQ+ Afghans go into hiding, <https://www.theguardian.com/global-development/2021/sep/20/taliban-lgbtq-afghans-go-into-hiding>

¹⁰ International Organization for Migration (2023), Undocumented Migrants Face Danger, Violations on Journey Between Afghanistan and Pakistan <https://storyteller.iom.int/stories/undocumented-migrants-face-danger-violations-journey-between-afghanistan-and-pakistan>



Humanitarian Response: ILGA Asia and Stonewall launches SAFAR

As the country grapples with ongoing political, legal and economic instability, vulnerable groups, such as the LGBTIQ community have faced intensified persecution and grave human rights abuses. In response to the crisis unfolding, ILGA Asia launched a humanitarian response program¹¹ to assist members of the LGBTIQ community facing life-threatening situations and those seeking refuge in other countries.

Stonewall also responded immediately to the crises faced by the LGBTIQ persons in Afghanistan who had no other option but to flee their country. In cooperation with the Government of UK, and other stakeholders, the first evacuation of 29 LGBTIQ refugees took place on October 2021¹². It was clear that there was a need for a secure case management system to support the needs of this community, which was taking risks in attempts to flee the country and was already vulnerable to violence and persecution based on their SOGIESC.

Supported by funding from the FCDO, UK, ILGA Asia and Stonewall developed SAFAR - a new case management to securely register sensitive and confidential information, as well as to document crucial evidence to support those LGBTIQ people in need of humanitarian support and safe passage. Most importantly the team at ILGA Asia and Stonewall has been able to advocate for appropriate and urgent humanitarian responses to be mobilized and made accessible to reach the LGBTIQ community in Afghanistan. The team has also been able to mobilize resources for access to psychosocial support, as well as financial support for legal documentation and resettlement process.

¹¹ ILGA Asia (2021), ILGA Asia launches Special Project to Assist LGBTI Afghans at Risk, <https://www.ilgaasia.org/news/afghanistan-special-project-launch>

¹² The Guardian (2021), First group of LGBTQ+ Afghans arrive in UK as charity warns of 'escalating' threat, <https://www.theguardian.com/uk-news/2021/oct/30/level-of-threat-against-lgbtq-afghans-escalating-and-escalating>

Conclusion

Despite several challenges, ILGA Asia and Stonewall daily continue to provide support for those facing human rights violations with the necessary humanitarian aid, including emergency evacuation and resettlement support. We are trusted by the LGBTIQ community and urgently want to collaborate with international partners to advocate for the protection of LGBTIQ individuals in Afghanistan and contribute to the development and adoption of SOGIESC-specific laws, policies, and resolutions at the international, regional, and national levels. It is our hope that the international community takes bold and concrete steps to protect and support LGBTIQ persons who are currently in Afghanistan and also to those attempting to seek refuge elsewhere.

Recommendations

The recommendations are aimed at key actors urging them to work with us in response to the ongoing crisis.

To Governments:

1. Provide emergency evacuation and safe resettlement options for LGBTIQ Afghans facing imminent danger; ensuring their protection and well-being in the process.
2. Adhere to well established international human rights law standards of non-discrimination to protect the rights of LGBTIQ individuals, ensuring equal access to humanitarian assistance and protection when displaced.
3. Offer diplomatic support to advocate for the rights and safety of LGBTIQ individuals in Afghanistan, engaging with regional and international forums to raise awareness about their plight.
4. Work with international partners and organizations to coordinate efforts in providing aid and support to the LGBTIQ community in Afghanistan.
5. Fund and support organizations that work directly with LGBTIQ communities in Afghanistan, providing resources for vital services such as mental health support, legal aid, and safe shelters.

To UN Agencies:

1. Establish and implement programs specifically tailored to the needs of LGBTIQ individuals in Afghanistan, considering their unique vulnerabilities and protection concerns in keeping with international human rights and humanitarian standards of non-discrimination.
2. Ensure and advocate for the inclusion of LGBTIQ communities in all humanitarian and protection efforts and take into account the intersectional character of the human rights abuses they face.
3. Put in place measures, including sensitization and accountability, to build the capacity of humanitarian, refugee and protection actors from all agencies to carry out their work in an LGBTIQ inclusive way. This includes regular vetting of in-country staff and implementing partners to ensure they are aware of the specific needs and situations of LGBTIQ people in need of protection and to deliver their work without discrimination.
4. Collaborate with local and regional NGOs, including those within Afghanistan, to strengthen their capacity to provide support and assistance to LGBTIQ individuals.
5. Conduct research and data collection on the situation of LGBTIQ individuals in Afghanistan, to inform evidence-based policies, interventions, and accountability.

To Civil Society Organisations and Humanitarian Actors:

1. Urgently develop programmes to provide protection, assistance and support to LGBTIQ people in Afghanistan that are in keeping with human rights and humanitarian standards of do-no-harm and leave-no-one-behind.
2. Offer capacity-building support to local organizations, empowering them to lead and implement initiatives that directly benefit LGBTIQ communities.
3. Advocate for increased visibility and recognition of the rights and needs of LGBTIQ individuals in Afghanistan, amplifying their voices and stories to garner international support and solidarity.
4. Develop safeguarding principles and practices to work securely with any data or information about the sexual orientation or gender identity of LGBTIQ people and their families in Afghanistan in light of the violence and discrimination they face by both State and non-State actors.
5. Develop culturally sensitive and context specific programmes that cater to the unique challenges faced by LGBTIQ in Afghanistan and coordinate with other humanitarian actors to ensure a comprehensive and integrated approach.

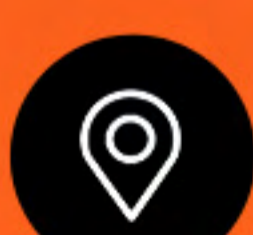
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