

# **More Vulnerable Than Ever: Conflict Related Sexual Violence and Human Trafficking of LGBTQ+ Afghans Under The Taliban**



ReportOUT



**ReportOUT Response to the UN Special Rapporteur on Trafficking in Persons, Especially Women and Girls: Call for input for the report on trafficking in persons and gender peace and security (June 2024)**



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**ReportOUT is a global SOGIESC human rights organisation**  
For more information, please visit our website: [www.reportout.org](http://www.reportout.org)  
Registered Charity Number (England and Wales): 1185887

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# Who are ReportOUT?

Our guiding principles:

- Principle 1: No one should be left behind in delivering the articles set out in the Universal Declaration of Human Rights.
- Principle 2: Every person has a part to play in achieving the goals and targets set out in the United Nations Sustainable Development Goals.
- Principle 3: Positive change should be led by communities within a nation state and ReportOUT will support them to do this.

Who Are ReportOUT?

Since 2019, ReportOUT have been at the forefront of protecting the human rights of sexual and gender minorities in the United Kingdom and globally. As a registered charity in England and Wales (registered charity number 1185887) we are fearless, determined, and relentless in our belief that human rights are fundamental to advancing the lives of sexual and gender minorities, and their communities.

We recognise that we need to succeed in our aims and objectives by also using principles from international development alongside human rights frameworks, and we believe that both approaches should always include sexual and gender minorities as part of them. We align all our work with Agenda 2030, in that no one should be left behind.

ReportOUT's official aim and objectives are:

To promote human rights (as set out in the Universal Declaration of Human Rights and subsequent United Nations conventions and declarations) throughout the world for sexual and gender minorities by all or any of the following means:

- Eliminating infringements of human rights;
- Research into human rights issues;
- Raising awareness of human rights issues;
- Educating the public about human rights;
- Monitoring abuses of human rights;
- International advocacy of human rights;
- Providing technical advice to government and others on human rights matters.

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- Principle 3: Positive change should be led by communities within a nation state and ReportOUT will support them to do this.

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# Foreword from the Chair and Lead Trustee, Human Rights Research

Dear Ms Siobhán Mullally, UN Special Rapporteur on Trafficking in Persons, Especially Women and Girls.

It is a privilege to submit ReportOUT's response to your call for contributions to your report on trafficking in persons and gender peace and security.

Founded in 2019, ReportOUT is a human rights research organisation in the United Kingdom that documents the lived experiences of SOGIESC (Sexual Orientation, Gender Identity, Expression and Sexual Characteristics) people and communities in different nations across the globe.

We use our research to inform the public, educate others and to influence governments and organisations about SOGIESC human rights infringements.

By the end of 2024, ReportOUT will have published eight 'deep dive' projects into the lived experiences of SOGIESC communities in Uganda, Zimbabwe, Belize, Mexico, Morocco, Ethiopia, Nigeria and Mongolia.

We also are proud to be regular submitters to the UN of both our country-focused studies, which have been quoted in national VNRs and in response to calls for input.

We are proud to be an entirely volunteer-led charity, with volunteers and trustees originating from over thirty nation-states, three of whom contributed to this report.

*Continued overleaf*



## Drew Dalton Chair of Trustees ReportOUT

Drew Dalton is the founder and currently the Chair of ReportOUT. He has spent the last 20 years working within the NGO sector on both a national and international level in a range of varied roles. Drew brings key skills to ReportOUT, such as fundraising, charity operations and strategy, international development, human rights, and volunteer management. Alongside this, he also has a background in education, is a qualified teacher, and is currently working as an academic and social researcher. Drew has a degree in BSc (Hons) Sociology and Social Research, MSc Social Research, MA Gender Research, and a PhD in Sociology. Drew has featured on various media outlets, including the BBC, Channel 4 News, ITV, and the New Arab. He enjoys travel, culture, politics, and social issues. He describes himself as bisexual and as a cisgender male.



# Foreword from the Chair and Lead Trustee, Human Rights Research *continued*

Our submission to this study focuses on Afghanistan, with a specific focus of how human trafficking disproportionately impacts the already marginalized sexual and gender minorities. In particular, we have directed attention to female members of the LGBTQ+ community (lesbians and transgender women), whose vulnerability at the hands of the Taliban is exacerbated by both their gender and their LGBTQ+ status.

Whilst empirical data is lacking on the scale of human trafficking in Afghanistan more generally and its disproportionate impact upon sexual and gender minorities, it is clear that stigmatization and discrimination in every facet of society leaves these groups at increased vulnerability of trafficking. We trust that our research, compiled by our dedicated team of global volunteers will be a valuable contribution to your final report and we thank you and your team's work for specifically requesting input including sexual and gender minorities in the scope of your call for inputs.

Best wishes,

**Drew Dalton, Chair of Trustees & Founder of ReportOUT**  
**Phil Thomas, Lead Trustee, Human Rights Research**



## Phil Thomas Lead Trustee Human Rights Research

Phil Thomas became a Trustee of ReportOUT in November 2022 with responsibility for the Research portfolio. He is passionate about geopolitics and LGBTQI+ histories around the globe and has undertaken research for ReportOUT on a diverse range of countries including Mongolia, Afghanistan, and Ukraine. Phil holds a master's in international relations from University of Cambridge (UK), MBA from Duke University (USA) and a BA in Modern Languages from University of Durham (UK) alongside professional marketing and project management qualifications. He currently resides in Cambridge, England, having previously lived and worked on four different continents, with his passion for travel and discovering new cultures continuing to this day.



# Our Research Team at ReportOUT



**Joshua Hurn (UK)** Joshua Hurn currently works for the UK Civil Service. He graduated from Durham University in 2022, having completed English Studies with a Year Abroad at the Sorbonne in France, where he focused on international relations and politics. He is due to start an MSc in International Public Policy at UCL in September of 2024. In his current work, he focuses on charity funding and providing support to third sector organisations across the UK. He has held various charitable positions throughout his career so far, including as a branch president of Students for Sensible Drug Policy. He also works as a Human Rights Researcher with ReportOUT, joining the team in February 2024.



**Jessica Peck (USA)** Jessica holds an MA in Human Rights along with a BA in International Studies with a concentration in Global Health, Human Rights, and French. Although her primary focus is on global health and bioterrorism, she also conducts research on sexual and gender inequality as well. She aspires to work within the global health sector, specifically with communicable diseases, specifically on prevention and care within vulnerable communities. At ReportOUT, she currently works as a Human Rights Researcher while also campaigning and fundraising for the organization.



**Daniel Santos (Portugal)** holds a bachelor's degree in International Relations and is currently a Master's student in Peace, Security, and Development Studies at the University of Coimbra. Their areas of interest are critical studies, especially queer and feminist studies, on peace and violence, security, democracy, and human rights. As a ReportOUT Human Rights Researcher, they aim to promote, produce, and disseminate knowledge about LGBTQ+ communities and rights, as well as their increasing experiences of vulnerability and forms of resistance.

**Delaney Peck (USA)** is a recent graduate from University of South Florida, graduating with a BA in Criminology with a minor in Spanish. Up until recently, she has previously volunteered at a crisis center aimed at helping victims of sexual assault and domestic violence. She aims to work in either anti-human trafficking or domestic violence and hopes to pursue a Masters Degree in Criminal Justice with a focus on human rights in the future.

## **A note on terminology**

ReportOUT uses SOGIESC (Sexual Orientation, Gender Identity, Expression and Sexual Characteristics) and LGBTQI+ within our terminology in this response to refer to sexual and gender minorities.

# More Vulnerable Than Ever

## Introduction

Following the Women, Peace, and Security (WPS) Agenda, states should develop and implement National Action Plans (NAPs) and design gender-sensitive responses and programs aimed at preventing, protecting, and recovering victims of human trafficking from conflict-related sexual violence, with a specific focus on women, girls, and boys. For this paper, we have chosen to focus our response on the case of Afghanistan due to the increasing number of human trafficking since the rise of the Taliban in 2021. This paper will analyse the existence and/or lack of policies concerning conflict-related sexual violence and the trafficking of women, children, and LGBTQ+ individuals since the Taliban's return to the Afghan government. [1]

## Human Trafficking and Violence In Afghanistan

The persistent conflict that has taken place in Afghanistan for over 40 years has led to an increased amount of human trafficking, primarily amongst women and children. Following 23 years of rule under the Islamic Republic, the Taliban returned to power on August 15, 2021, after previously ruling Afghanistan from 1996-2001 (Walk Free, n.d.). Since 2021, there have been no noted reports of "any investigations, prosecutions, or convictions of trafficking crimes," due to the Taliban appointing individual government positions (Walk Free, n.d.). Much of this trafficking included sex trafficking, which was found to take place throughout the country.

Since 2021, the vulnerability to modern slavery in Afghanistan has increased due to human rights restrictions imposed by the Taliban. The Global Slavery Index estimates that about 505,000 people were living in modern slavery in Afghanistan in 2021, making Afghanistan "the most vulnerable country to modern slavery within Asia and the Pacific and has the second highest prevalence of modern slavery in the region" (Walk Free, n.d.). It has been noted that the Taliban's strict interpretations of Islamic law have increased overall violence and heavily restricted the rights of vulnerable populations such as women and children. For example, it was recorded that "the recruitment and use of children increased from two per cent in 2021 to 28.1 per cent in 2022" (U.S. Department of State, 2023). These high rates of displacement, poverty, and food insecurity have intensified, exposing more Afghans to modern slavery risks.

Victims and survivors of trafficking may suffer from multiple health issues due to inhumane living conditions, poor sanitation, lack of nutrition, poor access to health care, and emotional, physical, and sexual abuse. Some of these health issues include sexually transmitted diseases, pelvic trauma, infertility stemming from untreated STIs, severe malnourishment, or chronic pain. Additionally, victims may also suffer from psychological symptoms including substance abuse disorders, depression, anxiety, eating disorders, and feelings of shame, guilt, denial, helplessness, and humiliation (Department of Health and Human Services, n.d.). It would be reasonable to infer that for LGBTQ+ Afghans, these psychological symptoms would be multiplied given the known extrajudicial torture and killings the Taliban has carried out against sexual and gender minorities.

To prevent these forms of trafficking and health issues, it is crucial to develop gender-sensitive responses and programs aimed at preventing, protecting against, and recovering from conflict-related sexual violence. These initiatives should provide comprehensive psycho-social and medical support services, with an integrated focus on addressing the trafficking of persons. By mainstreaming anti-trafficking measures within these services, we can ensure a more holistic approach to supporting survivors and combating the broader issues of violence and exploitation. The reintroduction of Taliban rule has led to a drastic shift in rights for women and girls.

[1] For the purpose of this paper, we will be using the United Nations Peacekeeping's definition of "conflict-related sexual violence", which refers to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage, and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict (United Nations Peacekeeping, n.d.)

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The Taliban reinstated a strict patriarchal interpretation of sharia, which has led to the ban of women's access to education, employment, and travel without a male chaperone while also eliminating crucial governmental departments, such as the Ministry of Women Affairs (WalkFree, n.d.; Robinson, 2021). These changes have left women without support within the justice system, opening them to be more vulnerable to risks of forced marriage, domestic servitude, and gender-based violence (Walk Free, n.d.).

The re-establishment of the Taliban's power has had a detrimental impact on women in the LGBTQ+ community. The strife of lesbian and transgender women in the country is exacerbated by their LGBTQ+ status, which leads to a host of concurrent issues. They are subject to harsh punishments such as whipping and stoning, trapped in abusive relationships, and are often exposed to violence when they refuse to marry (Kawa, 2024). Many of these individuals experience sexual abuse, harassment, isolation, and are forced into hiding, and are often used as sexual slaves. Lesbians are often subject to torture and degradation, homelessness, poverty, and starvation. Some individuals have turned to begging and prostitution to be able to feed themselves. Some have also stressed that they have attempted to contact NGOs for assistance, but have not received any response. Transgender individuals commonly face torture and other physical harm; they have stated that before the Taliban's rule, they were able to live freely to a degree without prosecution (Friedrich Naumann Foundation, 2023). One individual recalled being sexually assaulted by the Taliban, including having their anus pepper-sprayed; others have stated that they had objects inserted into their anus. It has been reported that many individuals resort to suicide to escape the reality of being transgender in Afghanistan. In addition, those who remain in the country attempt to flee to safe havens in neighboring countries such as Pakistan and Iran, but are often killed if caught (Kawa, 2024).

The rise of the Taliban has also been linked to higher rates of forced and child marriage. Inadequate education access for girls, a lack of future opportunities, and the humanitarian crisis have led more parents to marry off their daughters to ease their economic hardships, as families living in poverty are more likely to sell their daughters to afford food (International Organization for Migration, 2003, p. 58). Forced and child marriages have also been used as a protective measure. Parents have also forced their daughters into early marriages to avoid having to marry them to Taliban members. Other families have purposely forced daughters to marry a Taliban member in exchange for protection or financial compensation. However, forced and child marriages can have detrimental impacts on the bride, as young brides are often treated like servants. Furthermore, forced sexual activity before a body reaches maturity can cause physical, sexual, and psychological damage (International Organization for Migration, 2003, p. 57-58). These early marriages are typically seen the most among vulnerable populations, such as people in areas severely affected by drought, displaced persons, and impoverished families (International Organization for Migration, 2003, p. 59).

With this, it was also found that young boys were also often affected by trafficking. One common practice, bacha bazi, has been especially prevalent throughout Afghanistan. This practice typically involves young boys, often from poor families, being sold to older men for entertainment and sexual exploitation (United Nations Office on Drugs and Crime, 2018). Bacha bazi is seen as a cultural practice and, therefore, has not been easy to eradicate due to being commonly practiced by wealthy and influential men (United Nations Office on Drugs and Crime, 2018).



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## Policies Deployed

Regarding Afghan policies and programs, the last NAP was adopted in 2015 and ended in 2022. It designed specific gender-sensitive strategies for victim protection, namely the creation of shelters for women and girls, victims of human trafficking for sexual exploitation, and the prevention of human trafficking (Ministry of Foreign Affairs, 2015). The 2015 programme spoke of the NAP as a “mechanism for ensuring the realisation of the constitutional rights of Afghan women” (Ministry of Foreign Affairs, 2015). Under this program, several policies were adopted that aimed to combat the forced marriage of women and girls and the sexual exploitation of boys, primarily regarding bacha bazi. This included the 2019 Child Rights Protection Law and increasing the awareness of authority forces and civil society regarding human trafficking namely through the National Referral Mechanism (IOM Afghanistan, 2018; EEUA, 2024).

However, with the Taliban’s return to power, the possibility of developing a new NAP remains unlikely. Overall, the current applicability of WPS legal frameworks in Afghanistan is characterized by uncertainty, unpredictability, and ambivalence. On the one hand, the Taliban has not established a new NAP and has, since its return to power, eliminated the existing policies and programs concerning the prevention, protection, and recovery of human trafficking victims (OHCHR, 2022; WalkFree, n.d.; EEUA, 2024). On the other hand, in the face of international criticism, the Afghan government adopted some policies to combat certain forms of human trafficking. Nevertheless, even in these exceptional cases, Taliban policies fail due to the lack of law enforcement authorities (WalkFree, n.d.; EEUA, 2024). Moreover, of the existing policies that were discontinued and/or blocked by the Taliban, it is worth highlighting the 2009 Law on the Elimination of Violence Against Women (LEVAW) and the 2019 Child Rights Protection Law (CRPL). Firstly, the LEVAW sought to combat sexual exploitation and forced marriages of women and girls and establish women's shelters. However, since the Taliban takeover, the law has been discontinued and most shelters have been closed and appropriated by Taliban authorities. Additionally, staff members working within the system of support for human trafficking victims have been violently attacked (Amnesty International, 2022; OHCHR, 2022; U.S. Department of State, 2023). Secondly, the CRPL was adopted to reaffirm Afghanistan’s commitment to international conventions on child labour and trafficking. Nevertheless, due to the Taliban’s interpretation of Sharia law, there is no consensus on the definition of “child”, and therefore the law was blocked (EEUA, 2024). Furthermore, regarding the policies adopted by the Taliban in response to international condemnations of the “gender apartheid” in the country, the adopted policies are scarce and weak, as they are mostly symbolic and not substantive, nor have they done anything to address the multi-faceted risks faced by lesbians and transgender women (OHCHR, 2024). For instance, in 2021 the Taliban issued a decree banning the forced marriages of girls, a major form of human trafficking in the country. However, the decree did not establish any legal enforcement mechanism to ensure the rule and protect the victims (International Amnesty, 2022; Joya, 2023; EEUA, 2024). The degree of uncertainty grew further when a Taliban spokesperson later confirmed that girls can be married upon reaching puberty (WalkFree, n.d.).

Finally, under the new Taliban government, survivors of human trafficking, especially women and girls, face further challenges regarding the arbitrary application of customary and religious law that might lead to the criminalisation of human trafficking victims (WalkFree, n.d.). According to the U.S. Department of State, female Afghan victims of sex trafficking have been condemned and punished under morality laws for the sexual conduct they carried out while being trafficked and exploited (U.S. Department of State 2022; 2024). It has also been reported that some female victims of human trafficking, specifically for sexual exploitation, have been condemned to the death penalty. Overall, the Taliban government has not effectively put any law in place to protect victims of gender-based violence and human trafficking, namely women, girls, and boys while also dismissing existing laws. This situation represents a profound setback in Afghan policies aiming to respond to situations of human trafficking within the scope of the WPS agenda.

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## Recommendations

- With this information, we strongly suggest that the Afghan government reimplement the previous laws that have been dismissed by the Taliban while also ensuring that survivors and victims of trafficking are not punished for crimes committed while being trafficked. In addition, it is crucial to give women full access to their rights, including employment, the right to vote, and the right to an education to reduce poverty levels and increase education access.
- It is also important to enforce the ban on forced child marriages while also enforcing a minimum age to be married without exceptions. Following this, the Afghan government must seek to ban the practice of bacha bazi due to its unquestionably harmful short and long-term effects on young boys.
- Additionally, it would be beneficial to establish victim support services and crisis centers to provide aid for the victims of human trafficking. To further prevent trafficking from occurring, it is important to provide training for officials to identify victims or risk factors/characteristics of trafficking.

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