



RAINBOW  
RAILROAD

# STRATEGIC CONVENING ON AFGHANISTAN

LGBTQI+ HUMAN RIGHTS  
& HUMANITARIAN RESPONSES

WHY BE RACIST,  
SEXIST, HOMOPHOBIC,  
OR TRANSPHOBIC  
WHEN YOU COULD  
JUST BE QUIET?

ILGA  
ASIA

# PARTICIPATING ORGANIZATIONS

Afghan LGBT Organization (ALO)

All Out

APCOM

Equal Asia Foundation

ILGA Asia

Immigration Equality

Immigration Refugees and Citizenship Canada

Independent Afghan activists

LSVD

Micro Rainbow

Outright International

Rainbow Railroad

Stonewall

Rainbow Afghanistan

## AT A GLANCE

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## SUMMARY OF CONCLUSIONS & RECOMMENDATIONS

- Sustained, medium and long term funding is needed to respond to the continuing humanitarian crisis in Afghanistan. In particular, Afghan-led LGBTQI+ organizations are under-resourced despite the impressive work that they are doing to provide humanitarian assistance and facilitate resettlement to safer countries.
- Participating organizations are committed to establishing an Afghanistan LGBTQI+ Forum which can continue to jointly advocate, educate and inform governments and donors regarding the evolving nature of the Afghanistan crisis and the unique needs of LGBTQI+ Afghans.
- At the time of the convening, the number of current and future available slots from governments who had supported Afghan resettlement were extremely limited. However, the German government referral pathway (described in the background section) has been identified as the most immediate window of opportunity for the next two years and partners are committed to ensuring the pathway is a success and that as many LGBTQI+ Afghans at risk can resettle safely in Germany.
- Participating organizations will continue to collaborate on casework, including cross referencing to prevent duplication, ensure queer-sensitive verification and provision of direct assistance in Afghanistan, with due consideration of data protection and compliance and security risks.
- The participating organizations have issued a joint statement.

## BACKGROUND

Afghanistan was a dangerous place for LGBTQI+ people well before the Taliban recaptured Kabul in 2021. <sup>1</sup> In 2018, the government of President Ashraf Ghani passed a law that explicitly criminalized same-sex sexual relations, and the previous penal code included vague language interpreted as making same-sex relations a crime. Prior to the Taliban's return to power, many LGBTQI+ Afghans reported experienced abuses because of their sexual orientation or gender identity, including sexual violence, forced marriage, physical violence from their families and others, and blackmail. <sup>1</sup> However, when the Taliban, which had been in power from 1996 to late 2001, regained control of the country in August 2021, the situation dramatically worsened, with the LGBTQI+ community completely driven

underground due to constant threats and incidents of physical violence, including sexual violence. <sup>2</sup> The Taliban have continued the previous government's support for the criminalization of same-sex relations, taking a hard line against LGBTQI+ rights. Reports including Rainbow Railroad's "No Safe Way Out" and the joint Outright International and Human Rights Watch's report "Even If You Go to the Skies, We'll Find You" have documented and disseminated the experiences of LGBTQI+ Afghans to increase awareness of the conditions and formulate a best-practices response. As reported in these publications, the Taliban have engaged in widespread abuses since retaking control of the country, including reports of detaining and torturing LGBTQI+ people to renounce their orientation or to provide names of



**"Mainstream pathways to safety... create gaps as they do not address unique vulnerabilities and needs of LGBTQI+ Afghan refugees."**

other LGBTQI+ people, issuing arrest warrants for the "crime" of promoting the rights of sexual minorities, surveillance and targeting of LGBTQI+ people at checkpoints and threatening family members, friends and partners to reveal the whereabouts of queer people, revenge killings, systematic discrimination against women and girls, severe restrictions on freedom of expression and the media, and land grabbing.<sup>3</sup> Many of the LGBTQI+ Afghans interviewed reported being attacked, sexually assaulted, or directly threatened by members of the Taliban because of their sexual orientation or gender identity. Others reported abuse from family members, neighbors, and romantic partners now supporting the Taliban or believed they had to take action against LGBT people close to them to ensure their own safety.

At the same time, a number of local, regional, and international governmental, intergovernmental, and non-governmental actors have initiated refugee protection and humanitarian programs to support at-risk LGBTQI+ Afghans. These responses have included humanitarian assistance to at-risk LGBTQI+ persons in Afghanistan and in regional countries, support for second and third country relocation of at-risk LGBTQI+ Afghans and documentation of human rights violations against LGBTQI+ Afghans, complemented by advocacy efforts with states, civil society organizations, United Nations bodies, and donors to resource LGBTQI+-focused interventions, target humanitarian assistance, and expand pathways to safety.

Mainstream pathways to safety, which have mainly focused on special visas for Afghans previously employed by coalition governments or through coalition government-funded programs, create gaps as they do not address unique vulnerabilities and needs of LGBTQI+ Afghan refugees. Thus far, the largest movement of LGBTQI+ Afghans to safety has taken place through a Canadian pathway initiated through a partnership between Immigration, Refugees and Citizenship Canada (IRCC) and Rainbow Railroad, which is currently resettling more than 600 LGBTQI+ Afghans and family members. Other significant pathways thus far have included a refugee-sharing agreement between the United States and Canada to resettle 247 Afghans to Canada, through a referral from the office of the US Special Envoy to Advance the Human Rights of Lesbian, Gay,

Bisexual, Transgender, Queer and Intersex Persons. <sup>4</sup> Rainbow Railroad and Stonewall initially evacuated 29 Afghans in collaboration with the UK Foreign Secretary and have thus far relocated a total of 70 Afghans to the United Kingdom. <sup>5</sup> Amnesty International, Irish activists and Rainbow Railroad also resettled 17 Afghans to Ireland. <sup>6</sup> In addition, one hundred LGBTQI+ Afghans have been resettled to Germany <sup>7</sup>, and LGBTQI+ people have been added as a category to the Federal Admission Program Afghanistan, after pressure from civil society. <sup>8</sup> Moving forward in the coming years, an emerging opportunity is a potential German government pathway for LGBTQI+ Afghans which could foresee up to one hundred resettlement slots for LGBTQI+ Afghans each month, through a dedicated quota within an Afghan refugee pathway of one thousand per month. <sup>9</sup> Due to security

concerns, the German pathway is facing significant delays, with first arrivals expected to take place in September 2023.

A convening was necessary to identify and address potential solutions to a lack of consistent funding, the closure of crisis pathways for Afghan resettlement, challenges coordinating on existing pathways, a lack of options for IDPs and local support networks within Afghanistan, and contending with 'competing' crises. LGBTQI+ people continue to live in hiding while painfully few resettlement options are available. The wait times required for the available spots for open pathways can take upwards of months or years. Moreover, the logistical, financial, and legal challenges of navigating and providing aid within a war zone made crisis response for LGBTQI+ individuals in Afghanistan particularly challenging.

## FRAMEWORK OF THE CONVENING

As the Afghanistan response enters its third year, research suggests that the risks to LGBTQI+ persons posed by the Taliban regime continue largely unabated while the availability of pathways to safety for LGBTQI+ Afghans is stagnating.<sup>10</sup> More broadly, the humanitarian situation facing LGBTQI+ Afghans is gradually shifting from a complex emergency to a protracted situation. At this stage, given the lack of a clear endgame for the crisis due to the seeming durability of Taliban governance, there is a pressing need to bring together intervening organizations to assess the humanitarian response to-date, the current state of play, and determine next steps from a coordinated perspective.

To that end, ILGA ASIA and Rainbow Railroad co-hosted a Strategic Convening on Afghanistan LGBTQI+ Human Rights and Humanitarian Response on 5-6 July



2023 in Bangkok, Thailand. This hybrid convening gathered stakeholders from Afghan-led organizations, LGBTQI+ organizations from the US, UK, Germany, Pakistan and Thailand, as well as a Canadian government representative. The agenda was organized around a set of thematic areas and structured through a set of focused discussion questions geared toward aligning on a strategic direction for the response.

Safety and security considerations, as well as movement restrictions due to visas, posed constraints for some invited to attend. The meeting was originally conceived as taking place in Pakistan to be more accessible to those in the region, but was moved to Bangkok for security reasons. Some of the Afghan activists who were planning to attend were not able to join because their visas were not issued in time.

Although some sessions allowed for virtual participation, due to the time zone differences, it was challenging for those in Europe, the Middle East and North America to participate fully online. In order to address these limitations, subsequent to this report we will have further meetings with people with lived experience to consult on effective implementation of these goals. The conclusions and recommendations emerging from this convening were translated into Dari, and will be shared with Afghan activists in an online session for their further feedback and recommendations.

## OUR SIX PRIMARY OBJECTIVES WERE:

1. Map the scope of existing responses across actors;
2. Identify gaps and duplication in available support as well as the needs of LGBTQI+ people in Afghanistan;
3. Assess the current state of play;
4. Discuss resource mobilization;
5. Strategize on opportunities for interagency coordination across pathways, documentation, advocacy and case management; and,
6. Plan the next phase of the response.





## RESPONSE MAPPING

The organizations present identified that it is currently unsafe to openly offer LGBTQI+-focused and inclusive programming in Afghanistan. One of the ways to get around this is to provide assistance targeting LGBTQI+ people under the guise of general support or humanitarian aid, without exposing LGBTQI+ specific services. Regional partners with knowledge of the cultural context are a good option for pursuing this approach. Providing direct financial support to individuals in Afghanistan, whether through formal or informal channels, remains challenging due to concerns around security and transaction cost.

LGBTQI+-focused/inclusive programming is available in some neighboring countries, however, the demand far outstrips the capacity to respond. Although Pakistan remains a popular transit country, movement to Pakistan without a clear resettlement pathway can result in individuals becoming stuck without livelihood support, while



timely visa renewal for secure tenure of stay can also be a challenge. In addition, SOGIESC violence and environmental challenges such as recent flooding and earthquakes have made living conditions while in transit extremely difficult for Afghans that have fled to Pakistan. One way to tackle transit country vulnerabilities is to direct resources behind faster processing for resettlement through available pathways. However, this does not close the gap experienced by Afghans in neighboring countries who lack pathways to protection. Therefore, some organizations advised closer coordination by international and Afghan-led

organizations to increase humanitarian assistance programming in both Afghanistan and neighboring transit countries, while continuing to advocate for additional safe pathways. In the interim, ILGA Asia and Stonewall have co-launched Safar, a highly-secure case management tool providing rights information and resettlement or in-country support options to LGBTIQ+ persons in high-risk contexts, including LGBTIQ+ Afghans.

Participants also mapped the supports available for LGBTIQ+-focused/inclusive second-country and third-country relocation. It was noted that there are fewer refugee-receiving countries that accept LGBTIQ+ refugees and not many countries that accept and have programs for LGBTIQ+ focused Afghan resettlement. In addition, many LGBTIQ+ Afghans who have fled may not

have the proper documentation to access necessary services in second-countries. Moreover, not all UN partner organizations in Pakistan are LGBTIQ+ friendly or open to engaging with Afghan LGBTIQ+ individuals, restricting available support. As a result, some organizations commented that many LGBTIQ+ folks have been pushed into less secure and high risk jobs in the informal economy (e.g., sex work in Pakistan). In addition, participants noted safe passage as a key issue for Afghan LGBTIQ+ people partially because there are not enough resettlement slots for durable solutions in third countries. Therefore, organizations recommend continuing to fund safe houses in Pakistan. Rainbow Railroad has funded safe houses in Islamabad and worked with UNHCR to make referrals, for which there are already 300 cases in progress, and an additional 338

additional individuals who will move from Afghanistan to Pakistan for processing. Some of the organizations noted that the advocacy for the German government LGBTIQ+ Afghan refugee quota is a significant opportunity for LGBTIQ+ focused and inclusive relocation through a novel pathway. In addition to this German opportunity further relocation efforts were detailed at the convening. These responses included the refugee-sharing agreement between the United States and Canada to resettle 247 Afghans to Canada, Rainbow Railroad and Stonewall's in collaboration with the UK Foreign Secretary to relocate a total of 70 Afghans to the United Kingdom thus far, and the joint resettlement of 17 Afghans to Ireland in collaboration between Amnesty International, Irish activists and Rainbow Railroad.

# ASSESSING THE CURRENT STATE OF PLAY IN AFGHANISTAN

To assess the current state of play in Afghanistan, the participating organizations discussed their capacity for provision of direct services, Taliban persecution of LGBTQI+ people, resettlement as a durable solution and regional developments.

Many of the organizations noted that the direct provision of LGBTQI+-focused services in Afghanistan is hindered by limited options or channels for transferring funds to provide direct financial support, though many Afghans are dependent on the economic aid from the international community. Therefore, the current response focuses on in-country assistance for visa and resettlement financing and providing aid through informal channels, prioritizing those with an onward resettlement pathway. One of the focus groups described seven primary service delivery methods which are relevant in the Afghanistan context: SIM cards, temporary

shelter, clothing, food, health services, cash, and online data. It was also noted that service providers need training in order to have a deeper understanding of both SOGIESC lived experience and humanitarian programming that is sensitive to SOGIESC needs.

The participants also commented on the extent to which the Taliban is actively targeting LGBTQI+ persons and Taliban impact on humanitarian and relocation efforts. The Taliban have set up checkpoints to check people, search through phones, and take away travel documents, actively targeting LGBTQI+ people. Taliban are also targeting LGBTQI+ people by taking screenshots from social media. Taliban interception of communication channels and at checkpoints impacts relocation and humanitarian support as key humanitarian personnel could also be compromised. As a result, the organizations identified limited

ability for data collection due to security concerns that data may be intercepted by the Taliban.

Both Taliban and local community members are targeting and abusing LGBTQI+ people in Afghanistan. Because the Taliban imposes a strict religious dress code, it is easy for local people to pretend to be Taliban as a way to avoid accountability for abuses. There is no entity to report violations or to ask for protection. What is happening in Afghanistan is much worse than is being reported in the media, because the media and civil society space has disappeared and it is not possible to speak openly about what is happening. In particular, LBQ women are facing dual persecution, as queer people and as women, particularly in the context of forced marriage, while trans people in Afghanistan have had to detransition for their own safety both in Afghanistan and while crossing borders.

Whether or not relocation is the only viable solution for LGBTQI+ Afghans was also discussed. The organizations advised that relocation is an important, but reactive, solution to a direct threat and needs to be understood as one of the multiple options for protection. One recommendation from this discussion was to prioritize emergency assistance to LGBTQI+ people in Afghanistan, as relocation options are limited and slow. Participants were very concerned about the state of grassroots organizations in Afghanistan and the overall erasure of the civil society space, which is even more severe for civil society groups representing sexual and gender minorities. It would be good to explore whether lessons could be drawn from other protracted crises such as Syria where civil society is under threat. There are very few existing underground networks in Afghanistan which can channel aid, but it is difficult to mobilize adequate resources for them. An important step is to keep these networks safe, build their capacity in campaigning and organizing online effectively, and connect them to others. However, the organizations noted that technological tools to widen reach to target

groups should be used cautiously as they create additional surveillance concerns. Afghans organizing from the diaspora are best suited to support individuals in the country, but they require funding from international sources to do so effectively.

The focus groups also discussed the latest developments for LGBTQI+ Afghans in neighboring countries. Some of the organizations noted that organizations in these countries have secure communication strategies to prevent Taliban from accessing confidential data. Moreover, some organizations have seen success in providing some form of financial assistance to LGBTQI+ Afghans in neighboring countries. In order to find solutions to provide support to LGBTQI+ persons in Afghanistan, participants suggested learning from LGBTQI+ Afghan elders with lived in-country experience to co-develop strategies to improve assistance. The organizations also mentioned that additional protection programming is required in neighboring countries such as Pakistan where refugees still face issues with authorities and LGBTQI+ people are not accepted.

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## RESOURCING THE AFGHANISTAN RESPONSE

Participating organizations reported a mix of private funding (through major gifts, crowdfunding, and individual donations), as well as limited government, multilateral and foundation grants. To a lesser extent, corporate funding was a source of support. Participants expressed a need to keep track of and share information regarding funding sources, as well as to form humanitarian consortia to apply jointly for funding. It is important to note that participants expressed there was a limited amount of available government funding.

In terms of resources that participating organizations have at their disposal, partners highlighted their expertise and staff capacity in a number of core programmatic areas, including: relocation support, refugee



resettlement, data protection, case management, shelter, cash assistance, rapid response subgrants and support to human rights defenders. Others put forward skills in advocacy, research, policy analysis, evaluation and capacity building through roundtables, workshops and convenings. Participants discussed that it is easier to raise funds for direct case work than for core operational support funding.

Providing direct financial support to Afghans in Afghanistan is a persistent challenge for partners due to the logistical and compliance barriers to fund transfer under the sanctions regime. One specific barrier is the two year waiting period to establish a bank account in Afghanistan and blocked bank transfers to Afghanistan above a certain threshold, depending on the country where the transfer originates.



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There are also risks with transfers, as the recipient may have to present themselves in person and show identification, which can create significant risk exposure and is not an option for those without valid identification documents. Advocacy is needed with governments and multilateral institutions to enable safe transfer of funds to those who need it most. Safe houses continue to be a critically important service in the region given the risks and the slow pace of onward resettlement, though they are costly to establish and maintain.

A major focus needs to be getting funding to Afghan activists in the diaspora. Activists in the diaspora have been working with international organizations to identify, verify, and support persons still in Afghanistan and neighbouring countries as independent

activists, rather than salaried staff or as subgrantee organizations with support for logistics and operations. Afghan-led organizations noted that case management is time consuming and resources are needed to ensure that Afghan LGBTQI+ organizations have capacity to address the needs, because diaspora organizations are most closely connected with people still inside Afghanistan.

Donors must be updated regularly about the situation in Afghanistan, regarding both the urgent needs and the compliance challenges that must be navigated to engage effective use of funds. Although committed to the work, none of the participating organizations have long term dedicated funding to continue to respond to the on-going crisis in Afghanistan.

# COORDINATION ON DOCUMENTATION, CASE MANAGEMENT, PATHWAYS, & ADVOCACY

## DOCUMENTATION

There is a high demand for documentation of human rights violations against LGBTQI+ people in Afghanistan by funders and government stakeholders, including particular interest in documentation of sexual violence, persecution of ethnic minorities and violence in border regions which prevents LGBTQI+ people from leaving Afghanistan. Afghan-led organizations have expressed that they do not have financial resources to undertake documentation research and have mainly relied on existing reports by Outright International and Rainbow Railroad, although they have begun some volunteer documentation to

fill the gap. Afghan-led groups need more support on documentation efforts, including financial support to purchase equipment such as laptops and cameras. Organizations can seek to connect newcomers to resettlement countries to the community of established refugees to improve their integration and build their capacity, especially for human rights defenders, to continue their advocacy and documentation of violations. Participants emphasized that there are also security risks to publishing documentation, thus some organizations circulate research only via email. Protecting LGBTQI+ Afghans data remains a

top priority, as that data can be used to advocate via human rights mechanisms and to co-produce reports with INGOS, but can also be obtained by the Taliban and used to harm participants if robust data protection mechanisms are not in place. Some groups such as trans men are underrepresented within existing research. Organizations stressed that thematic research is important so that there is not a sense that the “same report” is published every year. A joint advocacy strategy is needed to ensure that existing documentation efforts are impactful.

## CASE MANAGEMENT

Participants emphasized that known and trusted organizations can play a key role in verification. Cross-referencing cases is an important best practice which is being used but could benefit from a stronger commitment to consistent and constant communication between organizations. In particular, it is critical for international and Afghan-led organizations to cross reference and coordinate on referrals to avoid duplication. Coordination between Afghan led and international organizations could take place in committees where a unified case selection process ensures that the most vulnerable are prioritized for limited resettlement slots. Afghan-led organizations also recommended that international organizations who are resettling Afghans partner with local case workers, Afghans and

people that speak Pashto or Dari/Farsi, to make the case management process more efficient and accurate. Afghan organizations are interested in developing referral and funding partnerships that will make coordination with international organizations involved in the Afghanistan response more timely and streamlined. Case coordination activities could also be facilitated through an Afghanistan LGBTQI+ Forum, a platform to continue to discuss all of the issues raised at the convening and to empower joint action. However, real time information sharing to prevent duplication of efforts also has implications for confidentiality and data security, which need to be addressed to prevent misuse of private information. One of the key areas for sharing best practices is queer-sensitive verification of LGBTQI+

identity, however, there are no reports thus far of people falsely identifying as LGBTQI+ people to come to the third country. A key factor in case management is trust that individuals have with specific organizations for disclosing their identity and personal information, which could be expanded to trust across the coalition organizations. ILGA Asia and Stonewall have launched Safar, a highly-secure case management tool and framework, providing people knowledge about their rights and options for resettlement or in-country support to support LGBTIQ people in high-risk contexts, in Afghanistan and globally.<sup>11</sup> Rainbow Railroad and Immigration Equality have their own respective case management systems which deliver urgent protection case management services to at-risk LGBTQI+ asylum seekers.



## PATHWAYS

A major opportunity emerged for coalition coordination and cooperation to support Afghan resettlement through a German refugee pathway, a window of opportunity which will be open through the September 2025 parliamentary elections. 1000 slots are projected to be available each month and there is advocacy to make sure 10% of those slots are dedicated to LGBTQI+ individuals and family members.

The Canadian pathway-partnership of IRCC and Rainbow Railroad to resettle 600+ Afghans is still very much under way, as hundreds of Afghans complete their vetting and processing in Pakistan before traveling to Canada. Apart from the Canadian pathway underway and the upcoming German pathway, there are no other coordinated government resettlement programs from



any other country that specifically targets or supports LGBTQI+ Afghans. Given the limited resources among participating organizations, there was consensus that it would be most strategic to focus on the completion of the Canadian pathway and the building, execution and funding of the German pathway before pathways to other countries are pursued.



## ADVOCACY

The group envisions an Afghanistan LGBTQI+ Forum which can facilitate and foster joint advocacy initiatives to leverage documentation and advocate for financial resources and pathways to safety.

A forum would be useful to convince key policy stakeholders like the EU about the reality of the needs of LGBTQI+ people in Afghanistan. One key goal is making LGBTQI+ persecution a higher profile issue in UN and other multilateral fora and advancing common language shared by the coalition. The organizations noted that civil society coalitions need to approach policy makers and governments with protection initiatives and solutions (e.g., providing security through LGBTQI+ friendly safe-houses, or establishing new pathways) at the national and international levels. The

organizations noted the potential strategic advocacy opportunities for Afghan refugees through the Global Refugee Forum this upcoming December.

The participating organizations will send a signed statement to the UN Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity to ask him to mention LGBTQI+ refugee issues in his final report. The Afghan LGBT organization (ALO) can lead the convening of the Afghanistan LGBTQI+ advocacy forum, but it needs funding in order to do so. The forum will enable strategic resource mobilization and ensure that forum members are working collaboratively and breaking down silos across national and regional barriers.

## CONCLUSIONS & RECOMMENDATIONS

- Sustained, medium and long term funding is needed to respond to the continuing crisis in Afghanistan. In particular, Afghan-led LGBTQI+ organizations are under-resourced despite the impressive work that they are doing to provide humanitarian assistance and facilitate resettlement to safer countries. Ensuring robust and sustainable funding support for these organizations is integral to their continued operation and success.
- Participating organizations are committed to establishing an Afghanistan LGBTQI+ Forum which can continue to jointly advocate, educate and inform

governments and donors regarding the evolving nature of the Afghanistan crisis and the needs of LGBTQI+ Afghans. Such an initiative could advocate for additional financial resources and pathways to safety by engaging key policy stakeholders, raise LGBTQI+ persecution as a higher profile issue in UN and other multilateral fora, and advance common language shared by the coalition. The Germany referral pathway is the most immediate window of opportunity and partners are committed to ensuring that as many LGBTQI+ Afghans at risk can resettle safely in Germany. This pathway would require support for people who are currently in the system to be

relocated from Afghanistan to Pakistan for final processing, and secondly to increase casework capacity to process intake, verification and referrals.

- Participating organizations will continue to collaborate on casework, including cross referencing to prevent duplication, ensure queer-sensitive verification and provision of direct financial assistance in Afghanistan, with due consideration of data protection and compliance and security risks.
- The participating organizations have issued a joint statement.



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