ALO
AFGHANISTAN LGBTIQ+ ORGANIZATION

Punished in Public

Taliban Floggings, Imprisonment and Gender Persecution in Afghanistan

An Analysis of Official Court Announcements Involving Alleged Same-Sex Conduct, December 2022–April 2026

A human rights documentation report

October 2026

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The dataset covers announcements published between December 2022 and April 2026. Legal and policy developments are current to October 2026.

Content note. This report describes torture, corporal punishment, imprisonment and other serious human rights violations. Some readers, particularly those with personal experience of such abuse, may find it distressing.

A note on terms. Taliban legal terms such as *lawatat*, *liwat*, *sahaq*, "sodomy," "illicit relations" and "moral corruption" are used only to report what the Taliban said. People referred to in Taliban announcements are described as "accused by the Taliban." ALO does not treat these accusations as established facts and draws no conclusion from them about the sexual orientation or gender identity of anyone accused.

Afghanistan LGBTIQ+ Organization (ALO) | https://afghanlgbt.com | Info@AfghanLGBT.com

Incident map: https://afghanlgbt.com/incidents-map/

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About the Afghanistan LGBTIQ+ Organization (ALO)

The Afghanistan LGBTIQ+ Organization (ALO) is the first organization founded by and for LGBTIQ+ Afghans. It was established in 2021 by Afghan LGBTIQ+ refugees and is headquartered in the Czech Republic, where it is registered.[1] Because it is led by people from the community it serves, ALO is trusted by LGBTIQ+ Afghans inside the country and along the routes they travel to reach safety.

ALO's work rests on four pillars. Its **humanitarian programme** provides emergency cash assistance, safety guidance and crisis support to LGBTIQ+ people at risk inside Afghanistan and in Pakistan, Iran and Türkiye, many of whom cannot approach mainstream aid providers without exposing themselves to danger. Its **justice and accountability** work documents violations against LGBTIQ+ Afghans and feeds that evidence into international processes; ALO maintains a public incident map of documented cases.[2] Its **UN advocacy** has brought the situation of LGBTIQ+ Afghans before the UN Human Rights Council, the UN Security Council, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) and UN Special Procedures, as well as the European Parliament and the International Criminal Court (ICC). Its **refugee programme** supports LGBTIQ+ Afghans throughout displacement, from crisis response in Türkiye, Pakistan and Iran to integration support, training for service providers and EU-level advocacy in Europe.

ALO has published research on violence and pushbacks against Afghan LGBTIQ+ refugees, on LGBTIQ+ forcibly displaced persons in the Czech Republic, and on the situation of lesbian, bisexual, trans and queer (LBTQ) women inside Afghanistan, the last of these submitted to the CEDAW Committee.[3] In January 2025, ALO welcomed the ICC Prosecutor's recognition of LGBTIQ+ victims in the Afghanistan gender persecution case, the outcome of sustained advocacy by Afghan LGBTIQ+ and international organizations.[4]

[1] ALO, "About Us," https://afghanlgbt.com/about-us/ (accessed 29 October 2026).

[2] ALO, "Incidents Map," https://afghanlgbt.com/incidents-map/.

[3] See ALO, *No Way Out: Violence, Pushbacks, and the Failure of Protection for Afghan LGBTIQ+ Refugees* (2026); ALO, *Unheard, Unseen, Unsafe: LGBTIQ+ Forcibly Displaced Persons in the Czech Republic*; and ALO and The Advocates for Human Rights, shadow report to the CEDAW Committee on LBTQ women in Afghanistan, based on interviews with 22 LBTQ women living in Afghanistan conducted between January and March 2024. Reports are available at https://afghanlgbt.com/reports/.

[4] Outright International and ALO, "In a First, ICC Recognizes LGBTIQ Victims in Afghanistan Gender Persecution Case," press release, 23 January 2025, https://outrightinternational.org/press-release/first-icc-recognizes-lgbtiq-victims-afghanistan-gender-persecution-case.

Summary

Between December 2022 and April 2026, the Taliban Supreme Court announced 102 public floggings in which the charges included same-sex relations or "sodomy." The announcements, published on the court's website and its official account on X, reported the punishment of 595 people, at least 42 of them women, in 28 of Afghanistan's 34 provinces. In 38 of these incidents, the courts added prison terms to the lashes.

This report is built entirely on those announcements. It does not use survivor testimony or the wider body of cases ALO has documented since 2021, which ALO keeps separately. The reason is evidentiary. Each record used here is a public statement by the authority that inflicted the punishment, issued by a court system that the ICC now alleges is central to a policy of gender persecution. The Taliban cannot credibly dispute what they themselves chose to publish.

The record shows a practice that grew and became harsher. The Supreme Court announced three such floggings in December 2022 and five in the whole of 2023. It announced 36 in 2024, 38 in 2025 and 20 in the first four months of 2026, an average of five a month. In 2024, the monthly rate nearly tripled after the Taliban published the Law on the Propagation of Virtue and Prevention of Vice (PVPV law) at the end of July: 15 incidents were announced in the eight months to August and 21 in the four months that followed.

No announcement before October 2024 mentioned imprisonment. From October 2024, courts began combining lashes with prison terms, and by January to April 2026, 16 of 20 announcements included imprisonment. In the 20 cases in which the same-sex conduct charge was the only charge announced and a prison term was imposed, sentences ranged from one month to seven years. At least 36 people were imprisoned in those cases alone.

In January 2026, the Taliban leader endorsed a Penal Code for Courts that sets two years' imprisonment for a "homosexual act" and allows the death penalty, with the leader's permission, for anyone deemed a "habitual" offender. The Code also names homosexuals among the "spreaders of disorder" for whom, it states, the only remedy is death. The Code's wording would allow people already convicted on these charges to be treated as habitual offenders if they are accused again. ALO has found no evidence that it has yet been applied in this way, but the risk of execution is now written into law.

The Supreme Court stopped publicly announcing corporal punishment on 22 April 2026. ALO identified no announcement involving same-sex conduct charges after 18 April 2026. The floggings themselves have not stopped: UNAMA documented judicial corporal punishment against 28 people between July and September 2026. What has stopped is publication. In August 2026, a new Taliban police law prohibited

photographing or filming the implementation of punishments. As a result, the main public source of evidence on these punishments has closed just as international accountability efforts are advancing.

On 5 October 2026, Pre-Trial Chamber II of the ICC unsealed arrest warrants for four senior Taliban figures, including the Taliban leader, Haibatullah Akhundzada, and the Taliban Chief Justice, Abdul Hakim Haqqani, for persecution on gender and political grounds as a crime against humanity. The judges found reasonable grounds to believe that the persecution targeted not only women and girls but also people whose gender identity, gender expression or expressions of sexuality were considered contrary to Taliban policy. The floggings documented here were announced by the court system that Haqqani heads.

ALO's analysis is that these floggings and prison sentences are part of the same attack. People accused under these provisions, whatever their actual sexual orientation or gender identity, are punished by the same courts, under the same laws and for the same underlying reason as women and girls: because their conduct is seen to depart from the gender order the Taliban impose on everyone. For LGBTIQ+ Afghans, that order criminalizes their intimate lives and now threatens them with death. Forty-five of the 102 incidents fall within the period covered by the ICC warrants. The other 57 show that the conduct continued after it.

The 102 incidents are a minimum. Taliban courts do not publish every verdict, morality police punish people without trial, and violence by families and communities is rarely recorded at all. ALO believes that the true number of LGBTIQ+ people, and people perceived to be LGBTIQ+, punished in Afghanistan since August 2021 is substantially higher.

ALO calls on the following actors to treat the pattern documented in this report as evidence of gender persecution, to pursue accountability for those responsible, and to protect LGBTIQ+ Afghans who seek safety:

- the ICC Office of the Prosecutor, which should investigate the persecution of LGBTIQ+ people as an integral part of the Afghanistan gender persecution case, including conduct after 20 January 2025, and the ICC's States Parties, which should cooperate in executing the arrest warrants;
- the Independent Investigative Mechanism for Afghanistan, which should collect and preserve Taliban court announcements and related evidence, including material withdrawn from public view since April 2026;
- the UN Special Rapporteur on the situation of human rights in Afghanistan, the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, the Special Rapporteur on torture, the Working Group on Arbitrary Detention, the Working Group on discrimination against women and girls, and the Special Rapporteur on violence against women and girls;

- the UN Human Rights Council and the UN High Commissioner for Human Rights, the UN Assistance Mission in Afghanistan (UNAMA), the UN Security Council and its 1988 Sanctions Committee, and the UN Secretary-General;
- the Human Rights Committee, the Committee against Torture and the CEDAW Committee, and the states pursuing proceedings against Afghanistan under the CEDAW Convention;
- UN member states, including those negotiating a convention on crimes against humanity; the European Union, its institutions and member states; members of the Organization of Islamic Cooperation; and states hosting Afghan refugees, including Pakistan, Iran and Türkiye;
- UNHCR, national asylum authorities and courts, and the European Union Agency for Asylum;
- donors, national human rights institutions, international human rights organizations, and technology companies that host Taliban content.

Methodology

Scope and sources

This report covers every public flogging announced by the Taliban Supreme Court between 1 December 2022 and 30 April 2026 in which the charges included same-sex relations or "sodomy." The Supreme Court publishes selected verdicts and punishment notices on its website and on its official X account, in Pashto, Dari and, at times, English.[5]

The incident record draws on two bodies of documentation, both based on these official Taliban announcements. The first is ALO's own monitoring of the Supreme Court's channels throughout the period and the records ALO has maintained of relevant announcements, including the date, province and district, the number and gender of people reported punished, the charges cited, the punishment, any prison term, and any court level or venue mentioned. The second is a database developed independently by Belquis Ahmadi, an Afghan human rights defender and international human rights lawyer, who has separately documented Taliban public punishment announcements using the Taliban's official published information. ALO is grateful to her for this contribution. Annex A draws on both sources.

Both sources record what the Taliban announced. Neither involved independent eyewitness verification that each punishment took place as described, and this report should be read on that basis.

An announcement was included where the charges cited *lawatat* or *liwat* (usually rendered in English as "sodomy"), *sahaq*, or conduct recorded as same-sex relations. The limits of these terms are explained below. Announcements citing only "adultery," "illicit relations" or "moral corruption" were excluded, even though those charges are sometimes brought against LGBTIQ+ people. The first qualifying announcement is dated 8 December 2022 and the last 18 April 2026.

Why this report relies only on the Taliban's own announcements

Since 2021, ALO has documented a far wider range of abuses against LGBTIQ+ Afghans, including arbitrary detention, torture, sexual violence and killings, through its contacts with survivors, families and community members, and through the review of court documents and verdicts. ALO has deliberately kept that material out of this report, for four reasons.

First, the Taliban's announcements are admissions. They are published by the authority responsible for the punishments, they identify the courts involved, and they show how verdicts move through the Taliban judiciary to its highest level. For investigators and courts, statements of this kind carry particular weight in establishing that the conduct occurred and that it reflects institutional policy rather than local

[5]The Supreme Court's website is supremecourt.gov.af and its X account is @SupremeCourt_af. ALO's records of the announcements used in this report are on file with ALO.

excess. Second, they can be checked. Any investigator, journalist or asylum decision-maker can compare the record in Annex A with the original publications, where they remain accessible. Third, separating the two bodies of evidence protects survivors. Testimony held by ALO is shared only with the informed consent of the people concerned, and publishing it alongside public data would increase the risk of identification. Fourth, using a single type of source makes the dataset internally consistent: it avoids double counting between announcements and testimony, and it allows trends over time to be measured on a like-for-like basis.

The result is a deliberately narrow picture: what the Taliban themselves chose to make public. It is not a measure of the full scale of persecution.

Counting rules

Incidents. An incident is one punishment event as announced. Where one announcement reported punishments in two provinces, ALO recorded two incidents; where two announcements described the same event, ALO recorded one.

People. The number of people is the number given in the announcement. Where an announcement gave the number of women, ALO recorded it. Where gender was not stated, no assumption was made.

Attribution of charges. Taliban announcements often list several charges for a group of people without saying who was accused of what. An announcement reporting that seven men were flogged for "theft and sodomy" does not establish that all seven faced the charge of "sodomy"; it may concern one man charged with "sodomy" and six charged with theft. ALO therefore sorted every incident into one of three categories:

- **Same-sex conduct charge only** (53 incidents, 108 people): the same-sex conduct charge is the only charge announced, so every person reported punished faced it.
- **Separable** (5 incidents, 29 people): the announcement assigns charges to sub-groups, for example "three men accused of sodomy and one woman accused of running away from home."
- **Mixed** (44 incidents, 458 people): several charges are listed for the whole group without attribution.

Prison sentences. A prison term is attributed to the same-sex conduct charge only where that was the only charge announced. In mixed incidents, the sentence may relate wholly or partly to another offence, and ALO reports it as announced, with that caution.

Access, verification and limitations

ALO is not based inside Afghanistan, but it maintains regular contact with LGBTIQ+ Afghans in the country through secure channels and has reviewed verdicts, court documents and survivor accounts over several years. Working from outside the country does limit direct observation. For this report in particular, ALO cannot independently verify the facts contained in each announcement: who the people punished were, whether the accusations reflect any real conduct, or whether sentences were carried out as announced. Figures taken from announcements are therefore presented as the Taliban's own claims. The announcements are also selective: the Supreme Court decides which verdicts to publish, and many punishments are never announced. All figures in this report are minimums.

Ethics and terminology

The announcements rarely name the people punished, and ALO has not tried to identify them. No images of punishments are reproduced. ALO uses Taliban legal terms (*lawatat*, *liwat*, *sahaq*, "sodomy," "illicit relations," "moral corruption") only to report what the Taliban said. People referred to in announcements are described as "accused by the Taliban." A Taliban accusation of same-sex relations says nothing reliable about the sexual orientation or gender identity of the person accused, and this report draws no conclusion about either. In the Hanafi tradition the Taliban follow, *liwat* refers to anal intercourse, principally between men. The PVPV law, however, prohibits *lawatat* "even if it is with one's own wife," and lists the sexual abuse of children separately. A charge of *lawatat* or "sodomy" therefore does not by itself establish that the conduct alleged was between men, that it was consensual, or that it took place at all, and the announcements almost never describe the conduct. In every announcement that attributed the charge to identified people and stated their gender, those accused were men. In this report, the "same-sex conduct charge" means an accusation recorded in a Taliban announcement under the terms *liwat*, *lawatat* ("sodomy"), *sahaq* or same-sex relations. The report keeps four things apart: the Taliban's accusation under these provisions; the conduct actually alleged, which the announcements rarely describe; the sexual orientation or gender identity of the person accused, which cannot be assumed from the accusation; and consensual same-sex conduct, which is only one of the forms of conduct the Taliban's terms may cover. ALO includes these cases because they show how Taliban courts apply the criminalization of same-sex conduct, which directly endangers LGBTIQ+ Afghans, not because each accusation is assumed to describe consensual same-sex relations.

I. The Legal and Institutional Framework

Afghanistan's international obligations

Afghanistan is a State Party to the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture (CAT), the CEDAW Convention and the Convention on the Rights of the Child, and has been a State Party to the Rome Statute of the ICC since 1 May 2003. These obligations did not lapse when the Taliban took power in August 2021. The rights protected by the ICCPR belong to the people living in a state's territory and continue regardless of changes in government.[6] As the de facto authorities exercising control over the country, the Taliban are bound to respect them.

Judicial corporal punishment is incompatible with these obligations. The Human Rights Committee has held that the prohibition of torture and cruel, inhuman or degrading treatment or punishment in article 7 of the ICCPR extends to corporal punishment, including chastisement ordered as punishment for a crime.[7] The UN Special Rapporteur on torture has concluded that any form of corporal punishment is contrary to the prohibition of torture and ill-treatment, and that domestic law, including religious law, cannot justify it.[8] UNAMA has repeatedly called on the Taliban to end the practice.[9] In March 2026, UN experts including the Special Rapporteur on Afghanistan described corporal punishment for so-called moral crimes as a manifestation of a wider system of institutionalized gender-based discrimination and control.[10]

Criminalizing consensual same-sex relations between adults violates the rights to privacy and to non-discrimination under articles 17 and 26 of the ICCPR.[11] Detention on discriminatory grounds, including sexual orientation or gender identity, is in principle arbitrary.[12] The death penalty may never be imposed for conduct whose criminalization itself violates the Covenant, and the Human Rights Committee has named homosexuality expressly among such conduct.[13] Proceedings in Taliban courts also fail the basic

[6] UN Human Rights Committee, General Comment No. 26: Continuity of obligations, UN Doc. CCPR/C/21/Rev.1/Add.8/Rev.1 (1997), para. 4.

[7] UN Human Rights Committee, General Comment No. 20: Article 7 (1992), para. 5.

[8] Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, UN Doc. A/60/316 (2005).

[9] UNAMA, *Corporal Punishment and the Death Penalty in Afghanistan*, May 2023.

[10] OHCHR, "Afghanistan: UN experts condemn Taliban's surging use of corporal punishment," press release, 3 March 2026, https://www.ohchr.org/en/press-releases/2026/03/afghanistan-un-experts-condemn-talibans-surging-use-corporal-punishment; KabulNow, "UN Experts Condemn Taliban's Escalating Public Floggings as 1,100+ People Punished in 2025," March 2026, https://kabulnow.com/2026/03/un-experts-condemn-talibans-escalating-public-floggings-as-1100-people-punished-in-2025/.

[11] UN Human Rights Committee, *Toonen v. Australia*, Communication No. 488/1992, UN Doc. CCPR/C/50/D/488/1992, views adopted 31 March 1994. See also Yogyakarta Principles plus 10 (2017), Principle 33.

[12] UN Human Rights Committee, General Comment No. 35: Article 9 (Liberty and security of person), UN Doc. CCPR/C/GC/35 (2014), para. 17.

[13] UN Human Rights Committee, General Comment No. 36: Article 6 (Right to life), UN Doc. CCPR/C/GC/36 (2019), paras. 35-36.

guarantees of article 14 of the ICCPR: there is no independent judiciary, no right to counsel recognized in the Taliban's Penal Code for Courts, and no effective appeal.

Taliban courts, *ta'zir* and the practice of publication

The Taliban have retained a three-tier court structure of primary courts, appeal courts and a Supreme Court, while removing the judges who served under the former Republic and declaring prior laws inapplicable.[14] The announcements reviewed for this report come from all three tiers. Some state that the punishment followed an order of a primary court (Helmand, Kabul and Farah, March 2024) or an appeal court (Helmand, March 2024). Others name the venue as a court building, for example the courtyard of the Court of Appeals in Faryab (August 2023). All were published by the Supreme Court as the national judicial authority.

The punishments are imposed as *ta'zir*, discretionary punishments that, unlike the fixed *hadd* penalties, are set by the judge or ruler. The January 2023 announcement from Kandahar expressly described the flogging of nine men as *ta'zir*. This is consistent with the Hanafi tradition the Taliban follow, which treats *liwat* as a matter for discretionary punishment while allowing the ruler to order the execution of repeat offenders. The Penal Code for Courts adopted in January 2026, discussed below, now writes both elements into a single provision.

Publication is itself part of the practice. The Supreme Court does not publish every verdict. It selects punishments to announce, names the province, describes the offence in moral terms and, in many cases, notes that officials, religious scholars and local residents attended.[15] Each announcement extends the humiliation of the punishment from the crowd present to a national and international audience.

The PVPV law: *sahaq* and *lawatat*

The Law on the Propagation of Virtue and Prevention of Vice was endorsed by the Taliban leader, published in the Official Gazette dated 31 July 2024 and announced by the Ministry of Justice on 21 August 2024.[16] It consolidates earlier decrees into 35 articles and gives the Ministry for the Propagation of Virtue and Prevention of Vice and its enforcers (*muhtasibs*) broad powers over personal life.

[14]Amnesty International, "Afghanistan: The Taliban Must Immediately Revoke the Criminal Procedure Regulation of the Courts," public statement, ASA 11/0782/2026, 6 March 2026, https://www.amnesty.org/en/documents/asa11/0782/2026/en/, section 5 and note 53.

[15]See, for example, Afghanistan International, "Taliban Continue Public Punishments With Flogging In Balkh," 10 January 2026, https://www.afintl.com/en/202601101978.

[16]The Propagation of Virtue and Prevention of Vice Law, Official Gazette No. 1452, 31 July 2024, unofficial translation, Afghanistan Analysts Network, August 2024, https://www.afghanistan-analysts.org/en/wp-content/uploads/sites/2/2024/08/Law-on-Virtue-and-Vice-Basic.pdf; UN Human Rights Council, *Study on the so-called law on the promotion of virtue and the prevention of vice: Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett*, UN Doc. A/HRC/58/74, 12 March 2025, para. 1.

Article 22 lists "individual wrongful acts" that enforcers must prevent. Clause 3 is lesbianism (*sahaq*). Clause 4 is sodomy(*lawatat*). Clause 7 prohibits creating "a platform or circumstances conducive to" adultery, fornication, lesbianism, sodomy, paedophilia or gambling.[17] The same article requires enforcers to prevent women from failing to cover themselves properly, women's voices or music being heard from gatherings or homes, men shaving or shortening their beards, "un-Islamic" hairstyles, and disobedience to parents.[18] Same-sex relations between women and between men are thus regulated in the same provision, and through the same enforcement system, as women's dress, women's voices and men's appearance. The law treats them as parts of a single gender order.

The PVPV law does not itself prescribe flogging. Article 24 allows enforcers to impose a graduated series of sanctions, from admonition and threats to fines and detention of up to three days, and "any punishment that an enforcer considers appropriate" that is not reserved to the courts. Article 26 provides for referral to the courts. The law therefore creates the pipeline through which people suspected of same-sex relations reach the judges who order lashes and imprisonment. The UN Special Rapporteur recorded a significant escalation in corporal punishment for "sodomy" beginning in September 2024, after the law was enacted.[19] ALO's data, set out in Chapter II, show the same shift.

The Penal Code for Courts (Decree No. 12) and the death penalty

On 5 January 2026, according to Amnesty International, the Taliban leader endorsed a Penal Code for Courts (*Da Muhakimo Jaza'i Usulnama*), also referred to as the Criminal Procedure Regulation of the Courts or Decree No. 12. The Supreme Court's secretariat circulated it to the courts for implementation on 8 January.[20] The Code was not announced publicly. It became known when the Afghan human rights organization Rawadari published a leaked copy on 21 January 2026.[21] It has 119 articles, exists only in Pashto, and had not been published in the Official Gazette when this report was finalized. The Taliban Ministry of Justice responded to criticism by stating that objecting to Emirate laws is an objection to

[17] PVPV law (AAN translation, cited above), art. 22(3), (4) and (7). See also Human Dignity Trust, "Afghanistan," country profile, https://www.humandignitytrust.org/country-profile/afghanistan/; Outright International, "Afghanistan," https://outrightinternational.org/our-work/asia/afghanistan.

[18] Ibid., art. 22(10), (13), (18), (19) and (24).

[19] As summarized in European Union Agency for Asylum (EUAA), *Afghanistan: Country Focus*, section 4.5, "LGBTIQ+ persons," https://www.euaa.europa.eu/coi-report-afghanistan-country-focus/45-lgbtiq-persons (accessed 29 October 2026), citing A/HRC/58/74.

[20] Amnesty International, ASA 11/0782/2026 (cited above).

[21] Rawadari, "Press Release Regarding the Implications of the 'The Criminal Procedure Code for Courts' Issued by the Taliban," January 2026, https://rawadari.org/press_releases/press-release-regarding-the-implications-of-the-the-criminal-procedure-code-for-courts-issued-by-the-taliban/; Kate Clark, "Inside the Islamic Emirate's Penal Code: Crime, punishment and authority in Afghanistan," Afghanistan Analysts Network, 2 March 2026, https://www.afghanistan-analysts.org/en/reports/rights-freedom/inside-the-islamic-emirates-penal-code-crime-punishment-and-authority-in-afghanistan/.

sharia and itself a punishable crime.[22] In April 2026, UN human rights experts wrote to the Taliban urging that the Code be repealed.[23]

Four provisions bear directly on LGBTIQ+ Afghans:

- **Article 60** provides that anyone proved before a judge to have committed a "homosexual act" is to be sentenced to two years' imprisonment, and that a "habitual" offender may be put to death with the permission of the religious leader (the "Imam").[24]
- **Article 14(2)** allows the religious leader, "out of expediency," to impose the death penalty on a person "who repeatedly commits homosexual acts" or "who persistently has intercourse other than through the frontal channel."[25]
- **Article 2(11)** defines a "spreader of disorder" as a person who harms society as a whole, naming people who practise magic, homosexuals (*Liwat*), stranglers, rebels and highway robbers, and states that "the only remedy for such people is that they should be killed." Article 14(1) allows a judge, with the religious leader's permission, to order the execution of spreaders of disorder in the public interest.[26]
- **Article 15** applies discretionary punishment to every offence without a fixed penalty, whether the offender is male or female. The Code does not mention *sahaq*, but women accused of *sahaq*, which the PVPV law prohibits, remain exposed to discretionary punishment set by the judge.[27]

The Code's procedural rules compound these risks. A discretionary punishment may be imposed "even if there is doubt" (article 4(2)). Retracting a confession has no effect on a discretionary punishment (article 4(7)). A person becomes "accused" on the evidence of a single "just" witness, or of two witnesses "of unknown integrity" (article 2(12)), a low threshold that does not require witnesses whose reliability has been established.[28] In cases involving the "rights of man," testimony justifying discretionary punishment must come from men, or from men and women together (article 6(1)). Offences against the "rights of

[22]Clark, "Inside the Islamic Emirate's Penal Code," AAN, citing a Ministry of Justice statement of 27 January 2026.

[23]Afghanistan International, "UN Experts Urge Taliban To Repeal Penal Code," 16 April 2026, https://www.afintl.com/en/202604163409.

[24]Penal Code for Courts [Da Muhakimo Jaza'i Usulnama], unofficial translation by John Butt, Afghanistan Analysts Network (AAN), February 2026, corrected version of 27 April 2026, https://www.afghanistan-analysts.org/en/wp-content/uploads/sites/2/2026/02/20260427-penal-code-Revised-FINAL.pdf, art. 60.

[25]Ibid., art. 14(2)(i) and (ii).

[26]Ibid., arts. 2(11) and 14(1)(ii).

[27]Ibid., art. 15.

[28]AAN, "AAN's unofficial translation of the Penal Code for Courts," correction notice of 27 April 2026, https://www.afghanistan-analysts.org/en/resources/taliban-and-related-documents/aans-unofficial-translation-of-the-penal-code-for-courts/. AAN's original translation had rendered this provision as referring to two female witnesses; the corrected text refers to witnesses whose condition (*mastur al-hala*) is unknown.

Allah" can be proven by a single "just statement" (articles 5 and 7). Article 4(6) entitles any Muslim who sees someone committing such a sin to administer a discretionary punishment on the spot. The Code makes no provision for defence counsel or appeal.[29] It also builds inequality into punishment: under article 9, lower-class offenders are to be punished by beating, up to 39 lashes, while religious scholars and those of high status receive a warning.[30]

The same Code sets 15 days' imprisonment for a husband who beats his wife so severely that bones break, imprisons a wife who repeatedly stays with her own family against her husband's wishes, and orders a woman who leaves Islam to be imprisoned indefinitely and lashed every three days.[31] Its treatment of same-sex relations belongs to the same design as its treatment of women.

What these legal developments mean for LGBTIQ+ Afghans

Taken together, the PVPV law and the Penal Code turn what was a discretionary practice into codified policy, and they open the way to the death penalty. ALO identifies six consequences.

Earlier convictions may be treated as evidence of habitual conduct. Article 60 does not define "habitual." The Code defines a "repeat offender" as someone who reoffends after serving a sentence (article 2(15)), but article 14(2) speaks more loosely of people who "repeatedly" commit homosexual acts. ALO found no transitional provision in the translated text addressing convictions imposed before the Code took effect, and has no evidence that earlier convictions have yet been used in this way. The risk is nonetheless real. At least 118 people were punished between December 2022 and April 2026 in cases where the Taliban's own announcements attributed the same-sex conduct charge to them, and possibly several hundred. If accused again, the Code's wording would allow a court to treat them as habitual offenders.

Execution is now a legal possibility. No announcement reviewed for this report reported a death sentence on these charges, and ALO is not aware of one since the Code was circulated. But the Code now provides for one, leaves the decision to the leader's discretion and, under article 2(11), states that killing is the only remedy for homosexual men. Because the Supreme Court no longer announces corporal punishment (see Chapter II), a death sentence might also go unreported.

Accusation is easy and defence is nearly impossible. Rules allowing punishment despite doubt, conviction on a single "just statement" and the irrelevance of retracted confessions make LGBTIQ+ people highly vulnerable to denunciation by relatives, neighbours or acquaintances, to blackmail, and to coerced confessions in custody.

[29]Penal Code for Courts (AAN translation), arts. 4(2), 4(6), 4(7), 5, 6(1) and 7; Clark, "Inside the Islamic Emirate's Penal Code," AAN.

[30]Penal Code for Courts (AAN translation), art. 9.

[31]Penal Code for Courts (AAN translation), arts. 32, 34 and 58; Amnesty International, ASA 11/0782/2026 (cited above), section 2.

Private violence is authorized. Article 4(6) allows any Muslim to punish a perceived sin on the spot, and article 4(5) allows husbands to administer discretionary punishment to their wives. For LGBTIQ+ people, whose families are often the first to suspect or discover them, these provisions give legal cover to violence at home and in the community.

Women are punished outside the record. The PVPV law prohibits *sahaq*, but the Penal Code sets no penalty for it and no announcement in this dataset cites it. Lesbian, bisexual and queer women and trans men are therefore exposed to punishment that depends on the discretion of judges, enforcers and husbands, and that is unlikely ever to appear in a published verdict.

Gender expression is policed directly. The PVPV law regulates beards, hairstyles, clothing and the "imitation" of non-Muslims. Trans and gender-diverse people can be punished for their appearance alone, without any accusation of sexual conduct.

II. Findings: Scale, Trend and the End of Publication

102 incidents in 40 months

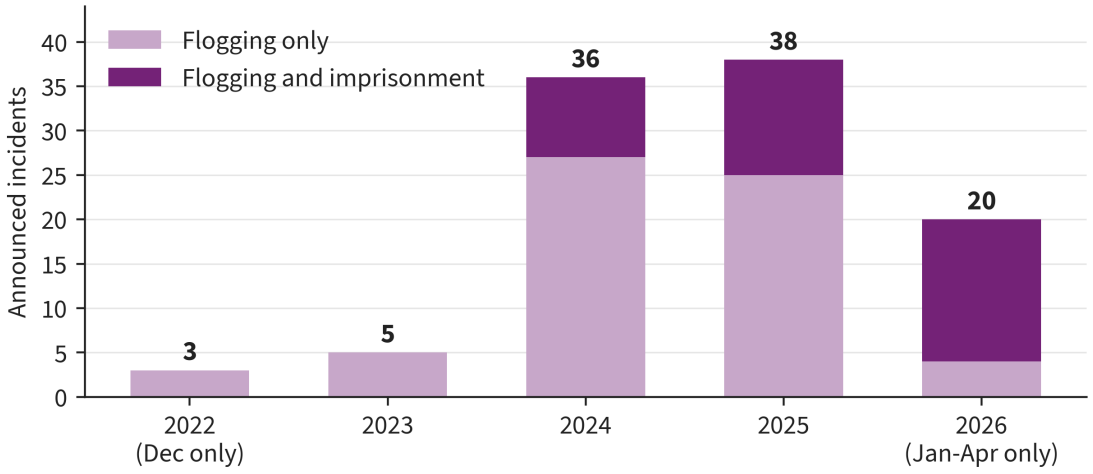
ALO identified 102 incidents announced by the Taliban Supreme Court between 8 December 2022 and 18 April 2026. Table 1 shows their distribution by year.

Table 1. Announced floggings involving same-sex conduct charges, by year

Year	Incidents	People reported punished	Incidents with prison	Women reported
2022 (December only)	3	67	0	5
2023	5	23	0	0
2024	36	183	9	22
2025	38	198	13	13
2026 (January to April)	20	124	16	2
Total	**102**	**595**	**38**	**42**

Source: Taliban Supreme Court announcements, compiled by ALO. "People reported punished" counts everyone reported punished in an announcement, whatever the charge (see Table 2). "Women reported" counts only women identified as such; some announcements did not state gender.

Figure 1. Announced incidents by year, showing those that included imprisonment



Source: Taliban Supreme Court announcements, compiled by ALO. 2022 covers December only and 2026 covers January to April only.

The increase between 2023 and 2024 was more than sevenfold, and the higher level was sustained in 2025. Within 2024, the rate changed sharply around the publication of the PVPV law. From January to August 2024, the Supreme Court announced 15 incidents, about two a month. From September to December 2024, it announced 21, more than five a month. The busiest months on record were May 2025 (nine incidents), November 2024 and January 2026 (seven each). In the first four months of 2026, announcements averaged five a month, a pace that would have produced about 60 incidents over the full year.

These figures fit the wider picture. UN experts reported that the Supreme Court announced the public flogging of at least 1,110 people in 2025, including 170 women, more than in all previous years since 2021 combined.[32] UNAMA documented judicial corporal punishment against at least 287 people between October and December 2025 and at least 312 between January and March 2026.[33] The Afghanistan Human Rights and Democracy Organization (AHRDO), drawing on documented cases and 23 testimonies from people who were flogged, recorded 634 public flogging incidents affecting 2,745 people between February 2022 and April 2026.[34] Same-sex charges thus account for a minority of all announced floggings, but a consistent and growing one.

[32] OHCHR press release, 3 March 2026, and KabulNow, March 2026 (both cited above).

[33] UNAMA, *Update on the human rights situation in Afghanistan: October-December 2025*, February 2026, https://unama.unmissions.org/sites/default/files/2026-02/ENGLISH%20-%20UNAMA%20HRS%20Update%20on%20human%20rights%20in%20Afghanistan%20Oct-Dec%202025_0.pdf; UNAMA, update covering January to March 2026, published 12 May 2026, as reported by Hasht-e Subh, "UNAMA Quarterly Report: Killings, Detentions, and Widespread Human Rights Violations Persist in Afghanistan," 13 May 2026, https://8am.media/eng/?p=54572.

[34] AHRDO, "Whips of Power, Spectacle of Control: AHRDO Documents Taliban's Public Floggings, 2022-2026," press release, 25 August 2026, https://ahrdo.org/press-release-ahrdo-documents-talibans-public-floggings-2022-2026/. The full report is *Whips of Power, Spectacle of Control: Documenting the Taliban's Public Floggings (2022-2026)*.

How many people faced the same-sex conduct charge?

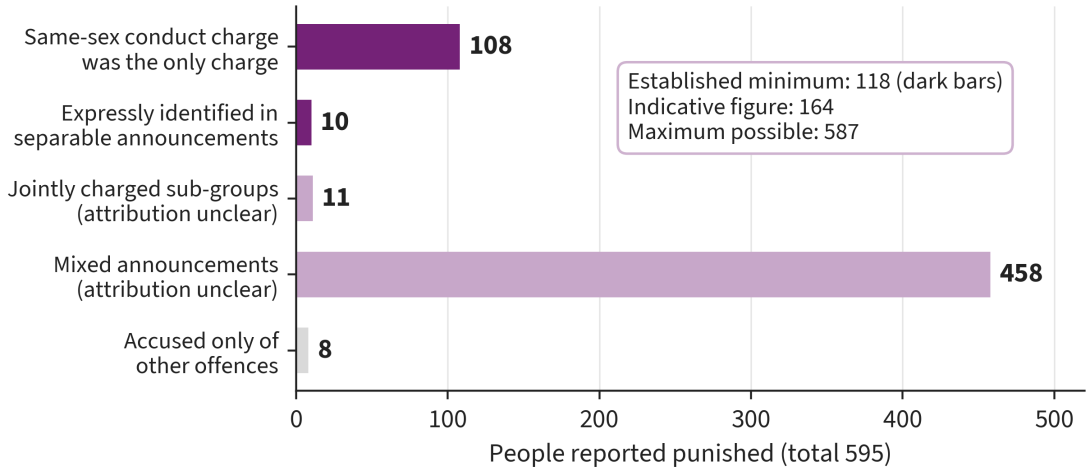
The 102 announcements reported the punishment of 595 people, who were generally not identified by name. That figure cannot be used as the number of people punished on the same-sex conduct charge, because most incidents involved several charges. Applying the counting rules described in the Methodology gives the following:

Table 2. People reported punished in the announcements, by attribution of the same-sex conduct charge

Category	Incidents	People
The same-sex conduct charge was the only charge announced	53	108
Separable announcements: people expressly identified as facing the same-sex conduct charge	5	10
Separable announcements: people in a sub-group facing the same-sex conduct charge and other charges jointly	(2)	11
Separable announcements: people accused only of other offences	(5)	8
Mixed announcements: several charges listed for the group without attribution	44	458
Total	**102**	**595**

Figures in brackets refer to incidents already counted in the separable category.

Figure 2. People reported punished, by how clearly the same-sex conduct charge is attributed to them



Source: Taliban Supreme Court announcements, compiled by ALO. Dark bars show the 118 people to whom the announcements attribute the charge specifically. The indicative figure of 164 adds one person for each of the 46 groups in which attribution is unclear.

On this basis, **at least 118 people** were punished in cases where the Taliban's announcements attributed the same-sex conduct charge to them specifically: 108 in announcements where it was the only charge, and 10 identified by sub-group in separable announcements. This is the only figure ALO treats as an established minimum. For the remaining 46 groups (the 44 mixed announcements and the two jointly charged sub-groups), the wording of each announcement, which lists the charge among those for which the group was punished, suggests that at least one person in each group faced it; on that reading the

figure would be 164. Because the announcements do not say so expressly, ALO presents 164 as an indicative figure, not an established minimum. At most 587 people could have faced the charge: everyone reported punished except the eight people expressly accused of other offences only. The true figure lies between 118 and 587, and ALO does not attempt a point estimate. The uncertainty is created by the Taliban's own announcements, which group people and charges together without distinction.

Among the 595 people reported punished were at least 42 women, in 20 announcements. None of them was charged with *sahaq* in any announcement. Where charges were attributed, women were accused of other offences, most often "running away from home," "illicit relations" or "adultery" (see Chapter VI).

The end of publication

The last incident in ALO's dataset was announced on 18 April 2026, when the Supreme Court reported that 14 men had been flogged in Bala Buluk district, Farah province, on the single charge of "sodomy." It was the largest group in the dataset punished on that charge alone. UNAMA has confirmed that the Supreme Court stopped publicly announcing corporal punishment on its website and social media account on 22 April 2026.[35]

The end of publication does not mean the end of flogging. UNAMA documented judicial corporal punishment against at least 137 people between April and June 2026 and against 28 people, 22 men and six women, between July and September 2026. On 4 August 2026, for example, a primary court in Jaghuri district, Ghazni, had four men and one woman lashed in front of officials, judges and residents, and observers were prohibited from photographing or filming.[36] The UN Secretary-General reported that none of the 21 corporal punishments UNAMA documented between May and July 2026 had been announced by the Supreme Court.[37] The lower quarterly figures since April may reflect the loss of the main public source rather than a fall in punishments, and they cannot be compared directly with earlier periods. The Police Law published in the Official Gazette on 22 August 2026 prohibits photographing or filming the implementation of punishments.[38] The Penal Code itself has still not been published in the Official Gazette. ALO is not aware of any Taliban explanation for why the Supreme Court stopped

[35]UNAMA, *Update on the human rights situation in Afghanistan: July-September 2026*, October 2026, https://unama.unmissions.org/sites/default/files/2026-10/english_-_update_on_human_rights_in_afghanistan_-_july-september_2026__0.pdf, p. 5. See also Afghanistan International, "Nearly 3,000 People Publicly Flogged Under Taliban Rule, Says Rights Group," 25 August 2026, https://www.afintl.com/en/202608256990.

[36]UNAMA, July-September 2026 update (cited above), p. 5; UNAMA, *Update on the human rights situation in Afghanistan: April-June 2026*, 28 July 2026, https://unama.unmissions.org/sites/default/files/2026-07/ENGLISH%20-%20Update%20on%20human%20rights%20in%20Afghanistan%20-%20April-June%202026.pdf, as reported by KabulNow, "UNAMA Reports Worsening Human Rights Situation in Afghanistan Amid Expanding Restrictions," 28 July 2026.

[37]*The situation in Afghanistan and its implications for international peace and security: Report of the Secretary-General*, UN Doc. A/81/363-S/2026/724, September 2026.

[38]UNAMA, July-September 2026 update (cited above), pp. 7-8; Afghanistan International, "New Taliban Police Law Allows Death Threats & Punishment Of Suspects," 22 August 2026, https://www.afintl.com/en/202608228307.

publishing. Whatever the reason, the effect is that punishments continue while the public record of them has largely disappeared.

The timing matters. The Supreme Court stopped publishing six months before the ICC unsealed its warrants and while the Independent Investigative Mechanism for Afghanistan was being established. The 102 announcements analysed here, and the many others published since 2021, may now be among the most important public evidence of the Taliban judiciary's role in persecution. They should be preserved before they are lost.

III. Geographic Distribution

Floggings on same-sex conduct charges were announced in 28 of Afghanistan's 34 provinces, in every region except the Central Highlands. Table 3 gives the provincial breakdown.

Khost, in the south-east, recorded the most incidents (11) and the most people reported punished (90), including the largest single incident in which every person received both lashes and prison: 36 men flogged and sentenced to one to two years on 26 January 2026 for "illicit relationships," "sodomy" and possession of narcotics. Kabul province followed with 10 incidents, eight of which involved one to three people facing only the same-sex conduct charge, which suggests prosecution of individual cases rather than mass trials. Uruzgan (6 incidents) appears in the record from December 2022 to January 2026, the longest continuous presence of any province.

Grouped by region, the incidents were concentrated in the Central region (23 incidents: Kabul, Kapisa, Parwan, Maidan Wardak and Logar), the South-eastern region (22: Khost, Ghazni, Paktika and Paktia) and the Southern region (18: Uruzgan, Kandahar, Zabul, Helmand and Nimroz). The Eastern region recorded 14 (Kunar, Laghman and Nangarhar), the Northern region 12 (Balkh, Faryab, Jawzjan and Sar-e-Pul), the North-eastern region 8 (Kunduz, Badakhshan, Takhar and Baghlan) and the Western region 5 (Farah, Ghor and Herat).[39] Enforcement is not confined to the Taliban's southern heartland. Northern and north-eastern provinces with large non-Pashtun populations, including Balkh, Kunduz and Takhar, appear throughout 2024 to 2026.

[39]Regional grouping follows the regional divisions commonly used by UN agencies in Afghanistan.

Table 3. Incidents by province, December 2022 to April 2026

Province	Incidents	People reported punished	Incidents with prison	First incident
Khost	11	90	6	Apr 2024
Kabul	10	23	2	Mar 2024
Kunar	6	46	4	Oct 2024
Uruzgan	6	66	1	Dec 2022
Balkh	5	7	3	Sep 2024
Ghazni	5	11	4	Nov 2024
Kandahar	5	21	0	Jan 2023
Laghman	5	19	2	Sep 2024
Kapisa	4	20	3	Dec 2024
Maidan Wardak	4	8	2	Sep 2024
Paktika	4	7	1	Jul 2024
Parwan	4	8	0	Jun 2024
Zabul	4	37	1	Aug 2023
Faryab	3	10	0	Aug 2023
Kunduz	3	9	3	Dec 2024
Nangarhar	3	28	0	Aug 2023
Badakhshan	2	2	0	May 2025
Farah	2	15	0	Mar 2024
Ghor	2	8	2	Nov 2024
Helmand	2	7	0	Mar 2024
Jawzjan	2	44	0	Dec 2022
Paktia	2	5	1	Apr 2025
Sar-e-Pul	2	65	0	Jun 2024
Takhar	2	9	0	Nov 2024
Baghlan	1	2	1	Mar 2026
Herat	1	7	1	Jan 2026
Logar	1	4	0	May 2025
Nimroz	1	17	1	Apr 2026

Source: Taliban Supreme Court announcements, compiled by ALO. "People reported punished" includes people accused of other offences in the same announcement.

No incident was announced in Badghis, Bamyan, Daykundi, Nuristan, Panjshir or Samangan. This should not be read as a sign that LGBTIQ+ people are safer there. Taliban courts in at least one of these provinces, Bamyan, have announced floggings on other charges,[40] and the absence of same-sex cases may reflect publication choices, smaller court caseloads, or enforcement through channels that do not

[40]Afghanistan International, "Taliban Administers Public Flogging To 8 In Balkh & Bamiyan," 12 March 2026.

produce published verdicts. No province of Afghanistan offers LGBTIQ+ people a safe alternative, a point of direct relevance to asylum decisions that consider internal relocation.

IV. Lashes and Prison: The Shift to Combined Punishment

Until September 2024, every announced punishment on same-sex conduct charges consisted of flogging alone. In October 2024, prison terms appeared for the first time, in Kunar (13 October), Khost (15 October) and Kabul (24 October), and within three months they had been imposed in eight provinces. The near-simultaneous change across distant provinces is consistent with guidance issued centrally rather than with independent decisions by local judges.

Table 4. Share of incidents including a prison sentence, by period

Period	Incidents	With prison	Share
December 2022 to September 2024	28	0	0%
October to December 2024	16	9	56%
January to June 2025	23	8	35%
July to December 2025	15	5	33%
January to April 2026	20	16	80%
Total	**102**	**38**	**37%**

The proportion fell during 2025 before rising sharply in early 2026, the period in which the Penal Code for Courts was circulated. The 38 incidents with prison terms reported the punishment of 179 people in total.

Sentences that can be attributed to same-sex conduct charges

In 20 of the 38 incidents, the same-sex conduct charge was the only charge announced, so the prison term can be attributed to it with confidence. These 20 incidents involved 36 people. Eight received terms of less than one year, the shortest being one month (Baghlan, March 2026). Six received between one year and 18 months. Eight received two years. Fourteen received three years or more, including two men in Koh-e-Alborz district, Balkh, sentenced to four years each in November 2024, and three men in Kunduz sentenced to between three and seven years in December 2024. Seven years is the longest sentence in the dataset that can be attributed to the same-sex conduct charge alone. In two further incidents (Khost, December 2024, and Kapisa, March 2025), the announcement identified the men accused of “sodomy” but gave a single sentence range for the whole group; those seven men appear to have been imprisoned for terms within the announced range.

Article 60 of the Penal Code prescribes two years. Yet in the eight incidents after the Code was circulated in which the same-sex conduct charge was the only charge, only three of 14 people received exactly two years. Seven received three years, and four received shorter terms of one month, one year or 18 months. The Code has not produced uniform sentencing. Courts appear to be using it as a baseline rather than a ceiling, which is consistent with the discretionary nature of *ta'zir* and with the Code's instruction to vary punishment according to the offender's "class."

Sentences that cannot be attributed

In the other 18 incidents with prison terms, the sentence was announced for a group facing several charges. These include the longest sentences in the dataset. On 31 May 2025, seven men in Tani and Sabri districts, Khost, received three to ten years on charges of "sodomy," theft and attempted murder. On 2 April 2026, 17 men in Nimroz received five months to eight years for physically abusing their fathers, "illicit relationships," "sodomy" and theft; the five-month minimum is exactly the term the Penal Code sets for laying hands on one's parents.[41] On 15 September 2025, six men in Khost received five years each for "immoral conduct" and "sodomy." None of these terms can be attributed to the same-sex conduct charge, and ALO does not do so. Annex B lists all 38 incidents and states whether each sentence is attributable.

Imprisonment as a second punishment

Imprisonment adds months or years of arbitrary detention to the torture of flogging. For people publicly identified as accused of "sodomy," detention carries specific dangers. Media reporting and accounts collected by human rights organizations describe LGBTIQ+ detainees in Taliban custody being subjected to beatings, sexual violence and humiliation.[42] When they are released, their conviction follows them, and under the Penal Code it could be used to treat any later accusation as habitual conduct, for which the Code allows the death penalty.

V. Punishment as Public Spectacle

The Taliban flog people in public deliberately. Several announcements name the venue: a sports stadium in Jawzjan (December 2022), the Ahmad Shahi sports stadium in Kandahar city (January 2023), the courtyard of the Court of Appeals in Faryab (August 2023), the Primary Court in Zabul (August 2023) and a sports stadium in Ghor (November 2024). Most announcements do not specify the venue but describe the

[41] Penal Code for Courts (AAN translation), art. 31.

[42] See CNN, reporting on abuse of LGBTQ detainees in Taliban custody, 19 November 2024, https://edition.cnn.com/2024/11/19/asia/afghanistan-taliban-lgbtq-detention-intl; Human Rights Watch and OutRight Action International, *"Even If You Go to the Skies, We'll Find You": LGBT People in Afghanistan After the Taliban Takeover*, January 2022.

punishment as public, and Taliban officials, religious scholars and residents are commonly reported to attend.

Fourteen incidents involved 14 or more people. The largest, in Sar-e-Pul on 4 June 2024, reported 63 people punished, 48 men and 15 women, on charges including running away from home, armed robbery, "illicit relationships," same-sex relations and "insult." Others included 36 men in Khost (January 2026), 23 people in Uruzgan and two groups of 22 in Jawzjan (all December 2022), 19 in Zabul (November 2025), 18 each in Uruzgan (July 2024) and Khost (February 2025), and 17 each in Kunar (December 2025) and Nimroz (April 2026). Because these were mixed announcements, the number of people in them who faced the same-sex conduct charge is unknown. The exception is Farah on 18 April 2026, where all 14 men were punished for "sodomy" alone.

For LGBTIQ+ Afghans, the purpose of this spectacle is unmistakable. Every announcement tells people who have never been arrested that the state is looking for them, that their neighbours are expected to report them, and that discovery will be punished in front of a crowd and then broadcast online.

VI. Charges, Attribution and Language

The terms used

The PVPV law uses *Lawatat* for same-sex relations between men, and *Sahaq* for same-sex relations between women; the Penal Code uses *Liwatat* (homosexuality) and refers to homosexual acts. ALO's English records render the charge in the announcements as "same-sex relations" for 2022 to 2024 and as "sodomy" from 2025, following the English wording that became standard in reporting of the announcements. ALO treats both as the same category of charge, subject to the limits explained in the Methodology: the label shows what the Taliban alleged, not what conduct, if any, took place, or whether it was consensual. Neither term is a neutral description. Where the charge concerns intimacy between consenting adults, it turns that intimacy into a crime defined by the authorities' moral vocabulary, and ALO reproduces the terms only in order to report them.

Co-charges and the problem of attribution

In 49 of the 102 incidents, the same-sex conduct charge appeared alongside other charges. Across those incidents, the most frequent co-charges were theft or robbery (22 incidents), "illicit relations" (18), "adultery" (11), narcotics or alcohol offences (7), "running away from home" (6) and "moral corruption" or "immoral conduct" (5). Less frequent were gambling (2), murder or attempted murder (2), and single instances of "insult," "insulting sacred institutions," illegal entry into a home and physically abusing one's father.

These combinations must be read with care. The Supreme Court typically reports a batch of punishments carried out on the same day, in the same place, under one notice. The listing of "sodomy" and theft in the same announcement does not mean that the same people were accused of both. ALO therefore draws no conclusion about any individual from the co-charges, does not treat co-charges as evidence that those facing the same-sex conduct charge had committed other crimes, and does not attribute sentences in mixed announcements to same-sex conduct charges (see Chapter IV). What the co-charges do show is that accusations of same-sex conduct are punished by the same courts, through the same procedures and in the same public ceremonies as theft, drug offences and violent crime. The Taliban present consensual intimacy as a threat to public order of the same kind.

"Running away from home"

"Running away from home" (*farar az manzil*) appears in six announcements. In Afghanistan, the charge is used almost exclusively against women and girls who leave the family or marital home without permission, often to escape forced marriage or domestic violence, or to marry a partner their family has refused.[43] It is not an indication of same-sex relations, and ALO does not treat it as one. In the announcements that attribute charges, it was brought against women separately from the same-sex conduct charges brought against men (Kunar, October 2024, and Faryab, February 2025).

Its relevance to this report lies elsewhere. The same courts that flog men on same-sex conduct charges flog women for deciding where to live and whom to marry, often on the same day and in the same place. The Penal Code now criminalizes a wife who repeatedly stays with her own relatives against her husband's wishes. Both forms of punishment enforce the same rules about who may control a person's body, movement and relationships.

Women, *sahaq* and invisibility

No announcement in the dataset charges any woman with *sahaq*. This absence does not indicate that lesbian, bisexual and queer women or trans men are safe. The PVPV law names *sahaq* expressly. Women's exclusion from public life, mahram requirements and restrictions on movement mean that suspected same-sex relations between women are more likely to be dealt with inside families, through forced marriage, confinement and violence, or by morality enforcers acting without trial, than in a court that publishes its verdicts. The Penal Code's grant of disciplinary authority to husbands reinforces this. ALO's separate research with LBTQ women inside Afghanistan, submitted to the CEDAW Committee, addresses these forms of control. The silence of the Supreme Court's announcements is a measure of how completely women's lives have been removed from public view, not of lower risk.

[43] Human Rights Watch, *"I Had to Run Away": The Imprisonment of Women and Girls for "Moral Crimes" in Afghanistan*, March 2012.

Trans and gender-diverse people are also invisible in the announcements, which do not distinguish gender identity from sexual conduct. They are exposed both to accusations of same-sex relations and to the PVPV law's rules on appearance and dress.

VII. Gender Persecution: A Crime against Humanity

This chapter sets out ALO's assessment that the floggings and prison sentences documented in this report form part of the crime against humanity of persecution on gender grounds that the ICC is pursuing in Afghanistan. Throughout, it distinguishes four things: findings made by ICC judges at the arrest-warrant stage; allegations made by the ICC Prosecutor; ALO's own assessment of the 102 incidents; and questions that require further investigation or a judicial decision.

The legal framework

Under article 7(1)(h) of the Rome Statute, persecution against an identifiable group or collectivity on political, racial, national, ethnic, cultural, religious or gender grounds, or on other grounds universally recognized as impermissible under international law, is a crime against humanity when it is committed in connection with another act referred to in article 7(1) or any crime within the Court's jurisdiction. Persecution means "the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity" (article 7(2)(g)).

The Elements of Crimes divide the offence into six elements. The perpetrator must have severely deprived one or more persons of fundamental rights, contrary to international law; targeted them by reason of the identity of a group or collectivity, or targeted the group as such; done so on a prohibited ground, including gender; acted in connection with another act under article 7(1) or another crime within the Court's jurisdiction; acted as part of a widespread or systematic attack directed against a civilian population; and known that the conduct was part of that attack.[44] An attack is a course of conduct involving the multiple commission of such acts pursuant to or in furtherance of a State or organizational policy (article 7(2)(a)). The policy requirement is met where the State or organization actively promotes or encourages the attack, which need not be military.[45] The severity of a deprivation of rights is assessed cumulatively: discriminatory acts are considered together and in context, not one by one.[46]

Two bodies of law are relevant and should not be confused. Under international human rights law, the floggings, the criminalization of consensual same-sex conduct and the resulting detention are violations attributable to the de facto authorities, as set out in Chapter I. Establishing them requires no proof of a

[44] International Criminal Court, *Elements of Crimes*, article 7(1)(h), elements 1 to 6.

[45] Ibid., Introduction to article 7, para. 3.

[46] *Prosecutor v. Kupreškić et al.*, ICTY, Trial Judgement, IT-95-16-T, 14 January 2000, paras. 621-622.

wider attack or of any individual's state of mind. A crime against humanity is narrower and more demanding. It requires an underlying act of sufficient gravity, a widespread or systematic attack directed against a civilian population, an underlying policy, and a perpetrator who acted with the required intent and knowledge. A human rights violation does not become a crime against humanity because it is serious or repeated. The analysis below therefore asks whether the documented punishments meet the specific requirements of article 7, not only whether they breach human rights law.

The ICC proceedings: what has been decided

On 23 January 2025, the ICC Prosecutor applied for arrest warrants against the Taliban leader, Haibatullah Akhundzada, and the Taliban Chief Justice, Abdul Hakim Haqqani, for persecution on gender grounds. The application was the first in which the Prosecutor expressly recognized LGBTIQ+ people among the victims of gender persecution.[47] Pre-Trial Chamber II issued the two warrants on 8 July 2025 and issued two more, against the Minister of Education, Habibullah Agha, and the Minister of Higher Education, Neda Mohammad Nadim, in September 2025. All four were initially sealed. On 5 October 2026, the Chamber made them public.[48]

The judges found reasonable grounds to believe that all four men are criminally responsible for ordering, inducing or soliciting persecution, on gender grounds against girls, women and other people who did not conform to the Taliban's policy on gender, gender identity or expression, and on political grounds against people perceived as "allies of girls and women." They found that other Afghans were targeted because certain expressions of sexuality or gender identity were considered at odds with Taliban policy. The crimes were found to have been committed from 15 August 2021 until at least 20 January 2025, through a policy linked to murder, imprisonment, torture, rape and enforced disappearance. The judges held that the Rome Statute's definition of gender goes beyond a purely biological idea of sex and must take account of socially constructed roles, behaviours and expectations, and that gender persecution covers systemic and institutionalized harm, including the imposition of discriminatory social norms, as well as direct violence.[49]

Judicial findings. Judges, and not only the Prosecutor, have found reasonable grounds to believe that a Taliban policy of gender persecution exists and is directed by the Taliban leadership, that people targeted because of their gender identity, gender expression or sexuality belong to the persecuted group,

[47] Outright International and ALO, press release, 23 January 2025 (cited above).

[48] UN News, "ICC unseals four arrest warrants over Taliban persecution of women and girls," 5 October 2026, https://news.un.org/en/story/2026/10/1168521; International Criminal Court, "ICC Pre-Trial Chamber II unseals four arrest warrants in Situation in Afghanistan," press release, 5 October 2026, https://www.icc-cpi.int/news/icc-pre-trial-chamber-ii-unseals-four-arrest-warrants-situation-afghanistan; JURIST, "ICC unseals warrants for senior Taliban officials accused of persecuting women in Afghanistan," 6 October 2026, https://www.jurist.org/news/2026/10/icc-unseals-warrants-of-senior-taliban-officials-accused-of-persecuting-women-in-afghanistan/.

[49] UN News, 5 October 2026 (cited above).

and that the persecution is linked to imprisonment and torture, the same kinds of acts documented here. The court system whose announcements form the basis of this report is headed by one of the four suspects.

The Prosecutor's allegations. The Prosecutor's applications of January 2025 identified LGBTIQ+ people among the victims of the alleged persecution.[50] The applications set out the Prosecutor's case; they have been tested only to the reasonable-grounds standard, and only in relation to the four suspects.

Gender grounds and discriminatory intent

Article 7(3) defines gender as "the two sexes, male and female, within the context of society." The words "within the context of society" have always been understood to bring in the social roles attached to sex. The ICC Office of the Prosecutor reads them as covering the social constructs that define masculinity and femininity, and has stated that persecution may target people because of their sexual orientation or gender identity, or because they are perceived to transgress gender norms.[51] In the Afghanistan warrants, the judges took the same approach: gender goes beyond a purely biological notion of sex and includes socially constructed roles, behaviours, expectations and hierarchies, and gender persecution includes the imposition of discriminatory gender norms.[52] Were the gender ground read more narrowly, the targeting of people for their sexual orientation could still fall under "other grounds that are universally recognized as impermissible," since UN treaty bodies treat sexual orientation as a prohibited ground of discrimination.[53]

The Taliban's laws prescribe what it means to be a man or a woman. Men must keep beards of a set length, avoid "un-Islamic" hairstyles and exercise authority over the women of their household. Women must cover their bodies and faces, keep their voices from being heard in public, travel with a mahram and obey their husbands; official religious guidance distributed in 2026 describes the husband as "the ruler of the wife." Sexuality is permitted only within marriage between a man and a woman.[54] Same-sex intimacy contradicts this model at its core, because the model organizes sexual and family life around a man's authority over a woman. Sexual orientation, gender identity and gender expression are therefore not separate from gender for the purpose of article 7(3). They concern the very norms of masculinity and femininity that the Taliban enforce. A man accused of sex with another man is punished for failing to be the man the Taliban require; a woman accused of *sahaq* for failing to be the woman they require; a

[50] Outright International and ALO, press release, 23 January 2025 (cited above).

[51] International Criminal Court, Office of the Prosecutor, *Policy on the Crime of Gender Persecution*, December 2022.

[52] UN News, "ICC unseals four arrest warrants over Taliban persecution of women and girls," 5 October 2026, https://news.un.org/en/story/2026/10/1168521.

[53] See *Toonen v. Australia* (cited above), para. 8.7; Human Rights Committee, General Comment No. 35 (cited above), para. 17.

[54] The Propagation of Virtue and Prevention of Vice Law, Official Gazette No. 1452, 31 July 2024, unofficial translation, Afghanistan Analysts Network, August 2024, https://www.afghanistan-analysts.org/en/wp-content/uploads/sites/2/2024/08/Law-on-Virtue-and-Vice-Basic.pdf, arts. 13, 20(5), 22(13), (18) and (19); Penal Code for Courts (AAN translation), arts. 4(5) and 34; UNAMA, July-September 2026 update (cited above), p. 3.

person whose appearance does not match the sex assigned to them for breaching the rules on dress and appearance.

Persecution is defined by the perpetrator's targeting. The question is whether the victim was targeted by reason of membership of a group defined on a prohibited ground, as the perpetrator understood that group. It is therefore not necessary to show that a person accused of *liwat* is gay, bisexual or trans. What matters is that the Taliban targeted the person because they were seen to transgress the norms of sexuality and gender that define the group. Perceived non-conformity is enough, even where a person's actual sexual orientation or gender identity is unknown. The same principle guards against the opposite error. ALO does not assume that every person accused of *liwat* or "sodomy" is LGBTIQ+, or that every accusation concerns consensual conduct, and the argument does not depend on either assumption.

The evidence of discriminatory intent comes mainly from the Taliban's own texts and practice. First, the laws single out the group. The PVPV law places lesbianism and male same-sex acts in the same list as women's dress and men's beards. The Penal Code names homosexual men (*liwat*) as a category of person, not only an act, and declares them "spreaders of disorder" for whom killing is "the only remedy"; it reserves the death penalty for "habitual" homosexual conduct to the leader's discretion. Second, the penalties reveal what is being protected. The Code sets two years' imprisonment for a homosexual act, with no requirement that anyone was harmed, but 15 days for a husband who beats his wife until her bones break.[55] The value defended is the gender hierarchy, not the bodily integrity of the person harmed. Third, the pattern of enforcement changed with the law. Announcements rose sharply after the PVPV law was published and prison terms were added from October 2024 (Chapter II and Chapter IV). Fourth, the Taliban leader publicly announced in March 2024 that women would be flogged and stoned, presenting corporal punishment as an instrument of gender discipline.[56]

The strength of the inference varies across the dataset. It is strongest for the provisions of the Code that name homosexual men, and for the 53 incidents in which the same-sex conduct charge was the only charge. It is weaker where announcements combine charges, where the conduct alleged is unknown, or where an accusation may concern coercive or abusive acts, which the Taliban prohibit separately but which may also be recorded as *liwat*. Prosecuting genuine sexual violence is not persecution. Even then, flogging remains a prohibited punishment, and the discriminatory design of the law applies to everyone punished under it. Separating these cases requires access to individual case files, which the announcements alone cannot provide.

[55]Penal Code for Courts (AAN translation), arts. 2(11), 14, 32 and 60; Clark, "Inside the Islamic Emirate's Penal Code," AAN.

[56]NPR, "Whatever happened to the Taliban threat: 'We will flog the women'?" 8 September 2026, https://www.npr.org/2026/09/08/g-s1-142038/taliban-afghanistan-public-flogging.

The contextual elements: attack, civilian population and policy

An attack is a course of conduct involving the multiple commission of acts listed in article 7(1), directed against a civilian population. “Widespread” refers to the large-scale nature of the attack and the number of victims; “systematic” to the organized nature of the acts and the improbability of their random occurrence. Only the attack, not each individual act, must be widespread or systematic; a single act can qualify if it forms part of the attack.[57] The people punished in the incidents documented here were civilians under the control of the de facto authorities.

The attack on which ALO’s analysis relies is not the 102 incidents alone. It is the wider course of conduct documented by UN mechanisms and found by the ICC judges: decrees excluding women and girls from education, employment and public life; restrictions on movement, dress and speech; arbitrary arrest and ill-treatment by morality enforcers, who carried out at least 443 arbitrary arrests and detentions between July and September 2026 alone; and the public flogging of more than 1,100 people in 2025.[58] The floggings documented in this report are one strand of that course of conduct.

Within that wider attack, the 102 incidents provide specific evidence of a systematic, institutional practice. Courts at all three levels took part: announcements refer to orders of primary courts and appeal courts, and every announcement was issued by the Supreme Court. Two legal instruments endorsed by the Taliban leader supplied the framework: the PVPV law, which directs enforcers to prevent lesbianism and same-sex acts and to refer cases to the courts, and the Penal Code, whose first article defines its rules as those approved by the leader and whose third article makes the courts responsible for applying them.[59] The punishments were announced in 28 provinces over 40 months, in a consistent format. Prison terms appeared in eight provinces within three months of October 2024 and in 80 percent of incidents in early 2026. The Supreme Court’s decision to publicize the punishments nationally indicates that they were endorsed, not merely tolerated, at the highest judicial level.

In ALO’s assessment, these features support an inference of institutional policy, because the involvement of several courts, the written legal framework, the official publication and the near-simultaneous changes across distant provinces are difficult to explain without central direction. They do not, on their own, establish every contextual element. The incidents are those the Supreme Court chose to publicize, and a court would need to assess them together with the wider evidence of the attack and with evidence on how decisions were made inside the judiciary. ALO’s conclusion is therefore narrower: the documented punishments bear the hallmarks of a systematic practice applied by state institutions, and they are consistent with the policy the ICC judges found reasonable grounds to believe exists.

[57] *Prosecutor v. Kunarac et al.*, ICTY, Appeals Judgement, IT-96-23 & IT-96-23/1-A, 12 June 2002, paras. 94-96.

[58] UN Doc. A/HRC/56/25 and UN Doc. A/HRC/58/74 (both cited above); UNAMA, July-September 2026 update (cited above), p. 7; OHCHR press release, 3 March 2026 (cited above).

[59] Penal Code for Courts (AAN translation), arts. 1 and 3; PVPV law (AAN translation, cited above), arts. 22 and 26.

Underlying acts and the connection requirement

Persecution must be committed in connection with another act listed in article 7(1) or another crime within the Court's jurisdiction. The persecutory conduct can supply that connection itself when it also qualifies as a listed act. It can also be connected to other crimes committed as part of the same attack, such as the imprisonment and torture that the ICC judges linked to the Taliban's persecution.

Torture, not a lawful sanction. Article 7(2)(e) excludes from torture pain or suffering arising only from "lawful sanctions." That exception cannot cover judicial flogging. A sanction that international law prohibits is not lawful, and the Human Rights Committee and the Special Rapporteur on torture treat corporal punishment as prohibited whatever domestic or religious law provides. The ICC has already treated floggings imposed by a tribunal enforcing an armed group's interpretation of sharia as international crimes: in June 2024, Trial Chamber X convicted Al Hassan Ag Abdoul Aziz, a senior member of the Islamic Police in Timbuktu, of torture, other inhumane acts and persecution as crimes against humanity in connection with punishments that included public floggings.[60]

Torture as a crime against humanity is the intentional infliction of severe pain or suffering, physical or mental, on a person in the perpetrator's custody or under their control (article 7(2)(e)). Unlike torture under the Convention against Torture, it requires no specific purpose.[61] The people flogged were in Taliban custody, and the punishment, up to 39 lashes delivered in public, combines physical pain with deliberate public humiliation. If a court were not satisfied that the severity threshold for torture was met in a particular case, the same conduct could constitute an "other inhumane act" under article 7(1)(k), which covers acts of a similar character that intentionally cause great suffering or serious injury to body or to mental or physical health.

Imprisonment under article 7(1)(e) requires a deprivation of liberty of such gravity that it violates fundamental rules of international law. Two routes lead there. Where the conduct alleged was consensual adult intimacy, detention for that conduct is arbitrary in itself. Where the conduct alleged is unknown, the sentences were still imposed by courts without independence, without defence counsel or effective appeal, and under rules that permit punishment despite doubt and disregard retracted confessions. In the 20 incidents in which the same-sex conduct charge was the only charge, at least 36 people received prison terms of one month to seven years.

Finally, the deprivation of fundamental rights under article 7(2)(g) must be severe, a threshold that international courts have described as a gross or blatant denial of a fundamental right, comparable in gravity to the other acts in article 7.[62] Those punished were deprived of the right not to be tortured, the

[60] International Criminal Court, "Al Hassan Case," https://www.icc-cpi.int/mali/al-hassan. In that case, the first at the ICC in which gender persecution was charged, the Chamber entered the persecution conviction on religious grounds only.

[61] International Criminal Court, *Elements of Crimes*, article 7(1)(f), note 14.

[62] *Kupreškić et al.* (cited above), para. 621.

right to liberty, the right to privacy, the right to equality before the law and the right to a fair trial, and under the Penal Code they now face a threat to the right to life. Assessed cumulatively, as the law requires, ALO considers the deprivation severe.

One system of gender persecution

ALO's central legal argument is that the persecution of people accused of same-sex conduct, and of LGBTIQ+ Afghans more broadly, is part of the persecution of women and girls, not a separate pattern beside it. The evidence is in the Taliban's own texts and practice. The PVPV law regulates same-sex conduct in the same article, and through the same enforcers, as women's dress, women's voices and men's appearance. The Penal Code that provides for the death penalty for habitual homosexual acts also permits husbands to beat their wives, imprisons women who stay with their own families against their husbands' wishes, and orders female apostates to be lashed every three days. The same courts, sometimes in the same announcements, flog men on same-sex conduct charges and women for leaving home or for relationships outside marriage. What links these punishments is a single rule: sexuality, movement, appearance and relationships must conform to a fixed model in which men and women occupy assigned roles under male authority.

This does not mean that these groups experience persecution in the same way. Women and girls are excluded from education, employment and public life on a scale that affects millions of people. LGBTIQ+ Afghans face the criminalization of their intimate lives, the threat of death under the Penal Code and the constant need for concealment, often from their own families. Trans and gender-diverse people are exposed through the rules on appearance and dress, and lesbian, bisexual and queer women face the restrictions imposed on women and the prohibition of *sahaq* together. Nor does every punishment in this dataset share the same motivation. The argument is structural: the same legal instruments, institutions and ideology define all these people as transgressors of one gender order. The ICC judges treated the persecution of women, girls and people who do not conform to Taliban policy on gender, gender identity or expression as a single crime. In legal terms, this means the floggings documented here can be connected to the attack the judges have described, and the people punished belong to the persecuted group the warrants identify.

Knowledge and individual criminal responsibility

For a crime against humanity, the perpetrator must know that the conduct was part of a widespread or systematic attack, but need not know all its characteristics or the precise details of the policy.[63] Several kinds of evidence are relevant to institutional knowledge here. The Taliban leader endorsed both the PVPV law and the Penal Code. The Code makes the death penalty for habitual homosexual acts subject to his personal permission. The Supreme Court, headed by the Chief Justice, communicated the

[63] International Criminal Court, *Elements of Crimes*, Introduction to article 7, para. 2.

punishments to the public in official announcements over 40 months. And the de facto authorities received direct notice of international concern: the Special Rapporteur wrote to them about the PVPV law in December 2024, and UN experts wrote urging repeal of the Penal Code in April 2026.[64]

Under article 25(3)(b), a person who orders, solicits or induces a crime is responsible if the crime is committed or attempted, if the person's conduct had a direct effect on its commission, and if the person acted with the required intent and knowledge (article 30). Under article 28(b), a civilian superior is responsible for crimes by subordinates under their effective authority and control only if the superior knew, or consciously disregarded information clearly indicating, that the crimes were being committed, the crimes concerned activities within the superior's effective responsibility and control, and the superior failed to take all necessary and reasonable measures to prevent or punish them.

Temporal scope and continuing crimes

Forty-five of the 102 incidents, reporting the punishment of 276 people, took place between December 2022 and 20 January 2025, within the period the warrants cover. The remaining 57 took place afterwards, including all 16 incidents in 2026 with prison terms and all incidents decided after the Penal Code was circulated. The warrants refer to conduct continuing until "at least" 20 January 2025. The record after that date, and the Penal Code itself, are relevant to any further applications by the Prosecutor, to any amendment of charges, and to the work of the Independent Investigative Mechanism for Afghanistan, which the UN Human Rights Council established on 6 October 2025 to collect, preserve and analyse evidence of international crimes.[65]

Conclusion

Table 5 brings together the elements of persecution, the evidence in the Taliban's own laws and announcements, ALO's assessment.

[64] UN Doc. A/HRC/58/74 (cited above), para. 7; Afghanistan International, "UN Experts Urge Taliban To Repeal Penal Code," 16 April 2026 (cited above).

[65] Human Rights Watch, "UN Rights Council Creates Afghanistan Accountability Body," 6 October 2025, https://www.hrw.org/news/2025/10/06/un-rights-council-creates-afghanistan-accountability-body.

Table 5. Gender persecution: evidence, ALO's assessment and outstanding questions

Requirement	Established by the Taliban's own laws and announcements	ALO's inference and assessment
Underlying acts (torture or other inhumane acts; imprisonment)	Public flogging in all 102 incidents; imprisonment in 38; at least 36 people imprisoned where the same-sex conduct charge was the only charge.	Flogging meets the definition of torture, or at least other inhumane acts. The imprisonment breaches fundamental rules of international law.
Severe deprivation of fundamental rights	Prison terms of up to seven years; no right to counsel or appeal in the Penal Code; punishment despite doubt (art. 4(2)); death penalty for "habitual" acts (art. 60).	Assessed cumulatively, the deprivation is severe.
Targeting on gender grounds	PVPV law art. 22 groups lesbianism and male same-sex acts with rules on women's dress and men's beards; Penal Code art. 2(11) names homosexual men as "spreaders of disorder"; women flogged for "running away from home" in six of the same announcements.	Targeting based on perceived transgression of Taliban gender norms, the ground identified by the ICC judges.
Widespread or systematic attack pursuant to policy	102 incidents in 28 provinces over 40 months; three tiers of courts; publication by the Supreme Court; laws endorsed by the religious leader; prison terms in eight provinces within three months of October 2024.	A systematic practice applied by state institutions, forming one strand of the wider attack and consistent with the policy found by the ICC judges.
Knowledge and individual responsibility	Laws endorsed by the leader; his permission required for the death penalty under art. 60; announcements published by the court the Chief Justice heads; UN communications to the de facto authorities.	Strong evidence of institutional knowledge of the practice. It does not in itself establish any individual's responsibility.

ALO draws four conclusions. **First**, the Taliban's own laws and announcements establish that between December 2022 and April 2026 the Taliban judiciary, through courts whose orders were published by the Supreme Court, imposed public flogging, and from October 2024 imprisonment, on people charged under provisions concerning *liwat* and *lawatat*, in 28 provinces, under legal instruments endorsed by the Taliban leader that name homosexual men as a group and now provide for their execution.

Second, in ALO's assessment, these punishments constitute torture or other inhumane acts and unlawful imprisonment; they severely deprive those punished of fundamental rights; they target people for perceived transgression of Taliban-imposed norms of gender and sexuality, a gender ground under

article 7(1)(h) as the ICC judges have interpreted it; and they form one strand of a wider attack on women, girls and others who do not conform, carried out under a policy of the de facto authorities.

Third, the dataset adds to the existing evidence of gender persecution in Afghanistan. It documents an institutional, officially self-reported strand of the persecution identified in the warrants, extends the record beyond 20 January 2025, and shows the codification of the death penalty in 2026.

Fourth, important questions remain for investigators: the conduct alleged in individual case files; decision-making within the courts and the role of specific officials; punishments that were never announced, particularly of women accused of *sahaq* and of trans and gender-diverse people; the period after April 2026; and the experiences of survivors, which must be documented safely and with their consent. ALO urges the ICC Office of the Prosecutor and the Independent Investigative Mechanism for Afghanistan to take up these questions.

VIII. Impact on LGBTIQ+ Afghans and Future Risk

Most LGBTIQ+ Afghans will never appear in a Supreme Court announcement. The announcements nonetheless shape their lives. Through its contact with LGBTIQ+ people inside Afghanistan, ALO hears consistently that each new announcement deepens fear and isolation. People delete messages, photographs and social media accounts, cut contact with friends and partners, avoid leaving home, and accept marriages arranged by their families to avoid suspicion. Many live in fear of relatives, who may report them or harm them to protect family honour, and of blackmail by anyone who knows or suspects their identity. The Penal Code's rules on evidence and its authorization of on-the-spot punishment by private individuals add to these dangers.

For many, leaving is the only option, and leaving is itself dangerous. LGBTIQ+ Afghans who reach Pakistan, Iran or Türkiye face discrimination, violence and the threat of deportation, and those who reach Europe face asylum systems that often struggle to assess claims based on sexual orientation or gender identity.[66] The evidence in this report is directly relevant to those claims. It shows state persecution that is codified, nationwide and carried out by courts, from which no internal relocation alternative exists.

ALO assesses that the risk to LGBTIQ+ Afghans will continue to rise, for six reasons. First, the Penal Code now provides for the death penalty for "habitual" same-sex conduct and declares homosexual men to be people for whom killing is the only remedy. Second, the Code's wording would allow people already convicted on these charges to be treated as habitual offenders if accused again, although ALO has found no evidence that this has yet happened. Third, the share of punishments involving prison rose to 80

[66] See ALO, *No Way Out* (cited above).

percent in early 2026, and sentences above the Code's two-year term have become common. Fourth, publication has stopped and recording punishments has been banned, removing scrutiny at the moment it is most needed. Fifth, the Taliban have declared criticism of their laws to be a crime. Sixth, reductions in humanitarian funding and the mass return of Afghans from neighbouring countries are pushing more people, including LGBTIQ+ people, back into the reach of Taliban enforcement.

IX. Recommendations

To the Taliban de facto authorities

- Immediately end all corporal punishment, including public flogging, and impose a moratorium on the death penalty with a view to its abolition.
- Repeal the Penal Code for Courts (Decree No. 12), in particular articles 2(11), 14 and 60, and the provisions of the PVPV law that criminalize *sahaq* and *lawatat* and regulate gender expression.
- Release everyone imprisoned for consensual same-sex relations, "running away from home" or other conduct protected under international law, and quash their convictions.
- Allow independent monitoring of places of detention by UNAMA and other independent bodies.

To the Office of the Prosecutor and States Parties of the International Criminal Court

- Investigate the persecution of LGBTIQ+ people, including judicial flogging and imprisonment, as an integral part of the Afghanistan gender persecution case, and consider conduct after 20 January 2025, including the adoption and application of the Penal Code for Courts, in any further applications for warrants or amendment of charges.
- Ensure that the Court's victims' participation and outreach processes reach LGBTIQ+ Afghans safely, including those in exile.
- States Parties should cooperate fully in arresting and surrendering the four suspects, refuse them entry, and avoid any contact with them that is not essential.

To the Independent Investigative Mechanism for Afghanistan

- Prioritize the collection and preservation of Taliban court announcements, verdicts and official social media content published since 2021, including material withdrawn since April 2026.
- Include persecution on grounds of sexual orientation, gender identity and gender expression expressly in the Mechanism's investigative strategy, and work with LGBTIQ+-led organizations to collect testimony safely.

To the UN Human Rights Council, its Special Procedures and OHCHR

- The Special Rapporteur on the situation of human rights in Afghanistan and the Independent Expert on sexual orientation and gender identity should prepare a joint report on the persecution of

LGBTIQ+ Afghans, including judicial corporal punishment and the Penal Code's death penalty provisions.

- The Special Rapporteur on torture, the Working Group on Arbitrary Detention, and the Working Group on discrimination against women and girls should address these punishments in communications and public statements, including the specific invisibility of LBQ women and trans men.
- The Council should ensure that the Independent Investigative Mechanism is fully funded and operational and keep the situation of LGBTIQ+ Afghans on its agenda.

To UN treaty bodies and the states pursuing proceedings under CEDAW

- The Human Rights Committee, the Committee against Torture and the CEDAW Committee should address judicial corporal punishment and the criminalization of same-sex relations in all reviews concerning Afghanistan, including through review in the absence of a report.
- Australia, Canada, Germany and the Netherlands, which initiated proceedings against Afghanistan under article 29 of the CEDAW Convention in September 2024, should move promptly towards the International Court of Justice, and should include in their case the punishment of women for *sahaq* and for other conduct that departs from imposed gender norms.[67]

To the UN Security Council, UNAMA and the UN Secretary-General

- The Security Council should renew UNAMA's human rights monitoring mandate with adequate resources, and its 1988 Sanctions Committee should consider listing Taliban officials responsible for torture and gender persecution, without travel exemptions.
- UNAMA should report regularly and separately on corporal punishment imposed on charges of *lawatat* and *sahaq* and related charges, and on the implementation of the Penal Code.
- UN engagement with the Taliban, including the Doha process, should make the end of corporal punishment and of gender persecution a precondition for any steps towards normalization.

[67] Amnesty International, ASA 11/0782/2026 (cited above), recommendations.

To UN member states, the European Union and the Organization of Islamic Cooperation

- Publicly condemn the Penal Code's death penalty provisions and the floggings documented in this report, and do not recognize or normalize relations with the Taliban while gender persecution continues.
- Support the ICC and the Independent Investigative Mechanism politically and financially, and use universal jurisdiction to investigate and prosecute Taliban officials present on their territory.
- Members of the Organization of Islamic Cooperation should make clear, as Amnesty International has urged, that corporal punishment and the death penalty for consensual relations are incompatible with Afghanistan's legal obligations.

To states hosting Afghan refugees, asylum authorities, UNHCR and the EUAA

- Pakistan, Iran and Türkiye should halt deportations of Afghans at risk of persecution, including LGBTIQ+ people, in line with the principle of non-refoulement.
- Asylum authorities and courts should recognize that LGBTIQ+ Afghans, and people perceived as LGBTIQ+, face a well-founded fear of persecution; should not require proof of previous targeting; should not apply internal relocation; and should not expect applicants to conceal their identity.
- UNHCR should update its eligibility guidance on Afghanistan to reflect the Penal Code for Courts and the evidence in this report, and the EUAA should do the same in its country guidance.
- States should expand resettlement and humanitarian admission places for LGBTIQ+ Afghans and work with LGBTIQ+-led organizations to identify those most at risk.

To donors, human rights organizations and technology companies

- Donors should provide flexible, long-term funding to LGBTIQ+-led Afghan organizations for documentation, humanitarian assistance and protection, including secure communications.
- Human rights organizations and media should report on punishments imposed on same-sex conduct charges as part of gender persecution, and should distinguish carefully between accusations and established facts.
- Technology companies hosting Taliban official accounts and websites should preserve content documenting punishments and make it available to accountability mechanisms in accordance with the law.

Annex A: Chronological Record of Announced Incidents

The table lists all 102 incidents in chronological order. Persons, charges and punishments are given as announced by the Taliban Supreme Court, as recorded by ALO and in the database developed by Belquis Ahmadi. The final column shows how the same-sex conduct charge is attributed: **S**, the same-sex conduct charge was the only charge announced; **P**, the announcement assigns charges to sub-groups; **M**, several charges are listed for the group without attribution, so it is not known how many people faced that charge.

#	Date	Province (district)	Persons as announced	Charges as announced	Punishment as announced	Attr.
1	8 Dec 2022	Jawzjan	22 (incl. 3 women)	Moral crimes, alcohol consumption, same-sex relations, sale of narcotics	Flogging	M
2	19 Dec 2022	Jawzjan	22 (men and women)	Adultery, running away from home, same-sex relations, theft, narcotics smuggling	Flogging (sports stadium)	M
3	22 Dec 2022	Uruzgan	23 (incl. 2 women)	Moral crimes, robbery, same-sex relations, theft	Flogging	M
4	4 Jan 2023	Kandahar	9 men	Same-sex relations, theft (Tazir)	Flogging (Ahmad Shahi Stadium)	M
5	7 Aug 2023	Faryab	4	Adultery, same-sex relations	Flogging (Court of Appeals courtyard)	M
6	10 Aug 2023	Nangarhar (La'lpur)	3	Same-sex relations	Flogging	S
7	17 Aug 2023	Zabul	4	Same-sex relations, theft	Flogging (Primary Court)	M
8	7 Oct 2023	Uruzgan (Gizab)	3	Same-sex relations, illegal entry into a home	Flogging	M
9	6 Jan 2024	Kandahar	4 men	Same-sex relations	Flogging	S
10	7 Mar 2024	Helmand (Nad Ali)	3 men	Same-sex relations	Flogging (Primary Court order)	S
11	7 Mar 2024	Helmand	4 men	Same-sex relations, illicit relationships	Flogging (Appeals Court order)	M
12	9 Mar 2024	Kabul	3 men	Same-sex relations	Flogging (Primary Court order)	S
13	26 Mar 2024	Farah (Khak Safed)	1 man	Same-sex relations	Flogging (Primary Court order)	S
14	2 Apr 2024	Khost	2 men	Same-sex relations	Flogging	S
15	14 May 2024	Kabul	1	Same-sex relations	Flogging	S
16	15 May 2024	Kabul	1	Same-sex relations	Flogging	S
17	3 Jun 2024	Parwan	1 man	Same-sex relations	Flogging	S

#	Date	Province (district)	Persons as announced	Charges as announced	Punishment as announced	Attr.
18	4 Jun 2024	Sar-e-Pul	63 (48 men, 15 women)	Running away from home, armed robbery, illicit relationships, same-sex relations, insult	Flogging	M
19	12 Jun 2024	Sar-e-Pul	2 men	Same-sex relations	Flogging	S
20	1 Jul 2024	Parwan	4 men	Same-sex relations	Flogging	S
21	2 Jul 2024	Uruzgan	18 men	Theft, same-sex relations, illicit activities	Flogging	M
22	3 Jul 2024	Paktika	1 man	Same-sex relations	Flogging	S
23	24 Aug 2024	Kabul	1	Same-sex relations	Flogging	S
24	2 Sep 2024	Parwan	2 men	Same-sex relations	Flogging	S
25	7 Sep 2024	Maidan Wardak	2 men	Same-sex relations	Flogging	S
26	16 Sep 2024	Balkh	1 man	Same-sex relations	Flogging	S
27	29 Sep 2024	Kandahar	2 men	Same-sex relations	Flogging	S
28	30 Sep 2024	Laghman	3	Moral corruption, same-sex relations	Flogging	M
29	9 Oct 2024	Kandahar	5 (gender not stated)	Adultery, theft, same-sex relations	Flogging	M
30	13 Oct 2024	Kunar (Shigal)	8 (7 men, 1 woman)	7 men: same-sex relations and theft; 1 woman: running away from home	Flogging + 15 days to 2 years (range for whole group)	P
31	15 Oct 2024	Khost	2 men	Same-sex relations	Flogging + 1 year and 2 years	S
32	16 Oct 2024	Khost	2	Same-sex relations	Flogging	S
33	17 Oct 2024	Kabul	6 (4 men, 2 women)	4 men: same-sex relations and illicit relations; 2 women: illicit relations	Flogging	P
34	24 Oct 2024	Kabul	1 man	Same-sex relations	Flogging + 2 years	S
35	5 Nov 2024	Maidan Wardak (Sayed Abad)	1 man	Same-sex relations	Flogging	S
36	5 Nov 2024	Paktika (Khoshamand)	2 men	Same-sex relations	Flogging	S
37	11 Nov 2024	Ghazni	3 men	Same-sex relations	Flogging + 2 years each	S
38	14 Nov 2024	Nangarhar (Sorkhrud)	11 (10 men, 1 woman)	Adultery, same-sex relations, illicit relations	Flogging	M
39	17 Nov 2024	Takhar (Darqad)	2 men	Same-sex relations, theft	Flogging	M
40	28 Nov 2024	Ghor	6 (5 men, 1 woman)	Illicit relations, same-sex relations, adultery	Flogging (sports stadium) + 4 and 5 months	M
41	28 Nov 2024	Balkh (Koh-e-Alborz)	2 men	Same-sex relations	Flogging + 4 years each	S
42	1 Dec 2024	Khost	5 (4 men, 1 woman)	3 men: same-sex relations; 1 man and 1 woman: illicit relations	Flogging + 12 to 18 months (range for whole group)	P

#	Date	Province (district)	Persons as announced	Charges as announced	Punishment as announced	Attr.
43	7 Dec 2024	Kapisa	5 (4 men, 1 woman)	Adultery, same-sex relations	Flogging + 12 to 24 months	M
44	14 Dec 2024	Kunduz	3 men	Same-sex relations	Flogging + 3 to 7 years	S
45	6 Jan 2025	Khost	3 men	Same-sex relations	Flogging	S
46	22 Jan 2025	Parwan (Bagram)	1 man	Same-sex relations	Flogging	S
47	22 Jan 2025	Kandahar	1 man	Same-sex relations	Flogging	S
48	22 Jan 2025	Paktika (Jani Khel)	2 men	Same-sex relations, insulting sacred institutions	Flogging	M
49	28 Jan 2025	Uruzgan	1 man	Same-sex relations	Flogging + 6 months	S
50	18 Feb 2025	Khost	3 men	Sodomy, murder	Flogging	M
51	18 Feb 2025	Faryab	4 (3 men, 1 woman)	3 men: sodomy; 1 woman: running away from home	Flogging	P
52	24 Feb 2025	Khost	18 men	Illicit relations, sodomy	Flogging	M
53	11 Mar 2025	Kapisa	6 (5 men, 1 woman)	4 men: sodomy; 1 man and 1 woman: illicit relations	Flogging + 2 months to 2 years (range for whole group)	P
54	3 Apr 2025	Uruzgan	15 (gender not fully stated)	Adultery, theft, sodomy, illicit relations	Flogging	M
55	13 Apr 2025	Ghazni	2 men	Sodomy	Flogging + 6 months and 8 months	S
56	13 Apr 2025	Ghor	2 men	Sodomy	Flogging + 1 month and 2 days (as announced)	S
57	22 Apr 2025	Paktia	2 men	Sodomy	Flogging + 1 year each	S
58	1 May 2025	Ghazni	2 men	Sodomy	Flogging	S
59	13 May 2025	Logar	4 (2 men, 2 women)	Illicit relationships, sodomy	Flogging	M
60	13 May 2025	Badakhshan (Yaftal)	1 man	Sodomy	Flogging	S
61	13 May 2025	Kapisa	4 (2 men, 2 women)	Illicit relationships, running away from home, sodomy	Flogging	M
62	21 May 2025	Khost	6 (4 men, 2 women)	Adultery, sodomy	Flogging + 1 to 2 years	M
63	26 May 2025	Paktia	3 men	Sodomy, theft	Flogging	M
64	28 May 2025	Kabul	2 men	Sodomy	Flogging	S
65	29 May 2025	Kunar	16 men	Sodomy, immoral behaviour, drug possession	Flogging	M
66	31 May 2025	Khost (Tani and Sabri)	7 men	Sodomy, theft, attempted murder	Flogging + 3 to 10 years	M

#	Date	Province (district)	Persons as announced	Charges as announced	Punishment as announced	Attr.
67	18 Jun 2025	Maidan Wardak	1	Sodomy	Flogging + 1 year	S
68	23 Jul 2025	Kunar (Nurgul)	1 man	Sodomy	Flogging + 2 months	S
69	29 Jul 2025	Kabul (Charasiab)	2 men	Sodomy	Flogging	S
70	6 Aug 2025	Zabul (Shahjoy)	7 (6 men, 1 woman)	Theft, sodomy, illicit relationships	Flogging	M
71	20 Aug 2025	Badakhshan	1 man	Sodomy	Flogging	S
72	9 Sep 2025	Ghazni	2 men	Sodomy	Flogging + 3 years each	S
73	15 Sep 2025	Khost	6 men	Immoral conduct, sodomy	Flogging + 5 years each	M
74	8 Oct 2025	Kapisa (Hesa-e-Awal Kohistan)	5 (3 men, 2 women)	Sodomy, illicit relationships	Flogging + 6 to 18 months	M
75	12 Oct 2025	Laghman	6 men	Theft, sodomy	Flogging	M
76	10 Nov 2025	Laghman	2 men	Sodomy	Flogging	S
77	12 Nov 2025	Nangarhar	14 (13 men, 1 woman)	Selling alcohol, sodomy, theft, running away from home	Flogging	M
78	16 Nov 2025	Kabul	1 man	Sodomy	Flogging	S
79	17 Nov 2025	Zabul	19 (18 men, 1 woman)	Theft, sodomy, adultery, illicit relationships	Flogging	M
80	14 Dec 2025	Takhar	7 men	Sodomy, gambling, theft	Flogging	M
81	15 Dec 2025	Ghazni (Andar)	2 men	Sodomy, adultery	Flogging + 1 year each	M
82	21 Dec 2025	Kunar	17 men	Sodomy, narcotics use	Flogging	M
83	1 Jan 2026	Uruzgan	6 men	Theft, sodomy	Flogging	M
84	12 Jan 2026	Kunar	3 men	Sodomy	Flogging + 3 years each	S
85	15 Jan 2026	Herat (Pashtun Zarghun)	7 (6 men, 1 woman)	Sodomy, theft, illicit relationships	Flogging + 1 year each	M
86	15 Jan 2026	Kunduz	4 men	Sodomy, consumption and trafficking of alcohol	Flogging + 2 months to 2 years	M
87	15 Jan 2026	Kunar (Ghazi Abad)	1 man	Sodomy	Flogging + 1 year	S
88	26 Jan 2026	Khost	36 men	Illicit relationships, sodomy, possession of narcotics	Flogging + 1 to 2 years	M
89	28 Jan 2026	Paktika	2 men	Sodomy	Flogging + 3 years each	S
90	3 Feb 2026	Laghman	7 men	Sodomy, theft	Flogging + 2 years each	M
91	12 Feb 2026	Laghman	1 man	Sodomy	Flogging + 3 years	S
92	18 Feb 2026	Kabul (Charasiab)	5 men	Gambling, sodomy	Flogging + 6 months each	M

#	Date	Province (district)	Persons as announced	Charges as announced	Punishment as announced	Attr.
93	19 Feb 2026	Faryab (Garziwan)	2 men	Sodomy	Flogging	S
94	4 Mar 2026	Balkh	1 man	Sodomy	Flogging	S
95	5 Mar 2026	Baghlan	2 men	Sodomy	Flogging + 1 month each	S
96	16 Mar 2026	Zabul (Shahjoy)	7 men	Theft, sodomy	Flogging + 8 months to 3 years	M
97	31 Mar 2026	Balkh (Shortapa)	2 men	Sodomy	Flogging + 2 years each	S
98	2 Apr 2026	Nimroz	17 men	Physically abusing their fathers, illicit relationships, sodomy, theft	Flogging + 5 months to 8 years	M
99	2 Apr 2026	Balkh (Shortapa)	1 man	Sodomy	Flogging + 2 years	S
100	12 Apr 2026	Kunduz (Qala-i-Zaal)	2 men	Sodomy	Flogging + 3 years and 18 months	S
101	14 Apr 2026	Maidan Wardak (Sayed Abad)	4 (3 men, 1 woman)	Sodomy, adultery	Flogging + 2 years each	M
102	18 Apr 2026	Farah (Bala Buluk)	14 men	Sodomy	Flogging	S

Source: Taliban Supreme Court announcements published on the court's website and official X account, compiled from ALO's records and the database developed by Belquis Ahmadi.

Annex B: Incidents Including Prison Sentences

The table lists the 38 incidents in which a prison sentence was announced. A sentence is "Attributable" where the same-sex conduct charge was the only charge announced; "Partly attributable" where the people facing that charge were identified but one sentence range was given for the whole group; and "Not attributable" where several charges were listed for the group without attribution, so the sentence may relate wholly or partly to another offence.

Date	Province (district)	Persons	Charges as announced	Prison term as announced	Attribution
13 Oct 2024	Kunar (Shigal)	8 (7 men, 1 woman)	7 men: same-sex relations and theft; 1 woman: running away from home	15 days to 2 years (range for whole group)	Not attributable
15 Oct 2024	Khost	2 men	Same-sex relations	1 year and 2 years	Attributable
24 Oct 2024	Kabul	1 man	Same-sex relations	2 years	Attributable
11 Nov 2024	Ghazni	3 men	Same-sex relations	2 years each	Attributable
28 Nov 2024	Ghor	6 (5 men, 1 woman)	Illicit relations, same-sex relations, adultery	4 and 5 months	Not attributable
28 Nov 2024	Balkh (Koh-e-Alborz)	2 men	Same-sex relations	4 years each	Attributable
1 Dec 2024	Khost	5 (4 men, 1 woman)	3 men: same-sex relations; 1 man and 1 woman: illicit relations	12 to 18 months (range for whole group)	Partly attributable
7 Dec 2024	Kapisa	5 (4 men, 1 woman)	Adultery, same-sex relations	12 to 24 months	Not attributable
14 Dec 2024	Kunduz	3 men	Same-sex relations	3 to 7 years	Attributable
28 Jan 2025	Uruzgan	1 man	Same-sex relations	6 months	Attributable
11 Mar 2025	Kapisa	6 (5 men, 1 woman)	4 men: sodomy; 1 man and 1 woman: illicit relations	2 months to 2 years (range for whole group)	Partly attributable
13 Apr 2025	Ghazni	2 men	Sodomy	6 months and 8 months	Attributable
13 Apr 2025	Ghor	2 men	Sodomy	1 month and 2 days (as announced)	Attributable
22 Apr 2025	Paktia	2 men	Sodomy	1 year each	Attributable
21 May 2025	Khost	6 (4 men, 2 women)	Adultery, sodomy	1 to 2 years	Not attributable
31 May 2025	Khost (Tani and Sabri)	7 men	Sodomy, theft, attempted murder	3 to 10 years	Not attributable
18 Jun 2025	Maidan Wardak	1	Sodomy	1 year	Attributable
23 Jul 2025	Kunar (Nurgul)	1 man	Sodomy	2 months	Attributable
9 Sep 2025	Ghazni	2 men	Sodomy	3 years each	Attributable
15 Sep 2025	Khost	6 men	Immoral conduct, sodomy	5 years each	Not attributable

Date	Province (district)	Persons	Charges as announced	Prison term as announced	Attribution
8 Oct 2025	Kapisa (Hesa-e-Awal Kohistan)	5 (3 men, 2 women)	Sodomy, illicit relationships	6 to 18 months	Not attributable
15 Dec 2025	Ghazni (Andar)	2 men	Sodomy, adultery	1 year each	Not attributable
12 Jan 2026	Kunar	3 men	Sodomy	3 years each	Attributable
15 Jan 2026	Herat (Pashtun Zarghun)	7 (6 men, 1 woman)	Sodomy, theft, illicit relationships	1 year each	Not attributable
15 Jan 2026	Kunduz	4 men	Sodomy, consumption and trafficking of alcohol	2 months to 2 years	Not attributable
15 Jan 2026	Kunar (Ghazi Abad)	1 man	Sodomy	1 year	Attributable
26 Jan 2026	Khost	36 men	Illicit relationships, sodomy, possession of narcotics	1 to 2 years	Not attributable
28 Jan 2026	Paktika	2 men	Sodomy	3 years each	Attributable
3 Feb 2026	Laghman	7 men	Sodomy, theft	2 years each	Not attributable
12 Feb 2026	Laghman	1 man	Sodomy	3 years	Attributable
18 Feb 2026	Kabul (Charasiab)	5 men	Gambling, sodomy	6 months each	Not attributable
5 Mar 2026	Baghlan	2 men	Sodomy	1 month each	Attributable
16 Mar 2026	Zabul (Shahjoy)	7 men	Theft, sodomy	8 months to 3 years	Not attributable
31 Mar 2026	Balkh (Shortapa)	2 men	Sodomy	2 years each	Attributable
2 Apr 2026	Nimroz	17 men	Physically abusing their fathers, illicit relationships, sodomy, theft	5 months to 8 years	Not attributable
2 Apr 2026	Balkh (Shortapa)	1 man	Sodomy	2 years	Attributable
12 Apr 2026	Kunduz (Qala-i-Zaal)	2 men	Sodomy	3 years and 18 months	Attributable
14 Apr 2026	Maidan Wardak (Sayed Abad)	4 (3 men, 1 woman)	Sodomy, adultery	2 years each	Not attributable

Source: Taliban Supreme Court announcements, compiled by ALO.

Punished in Public

Taliban Floggings, Imprisonment and Gender Persecution in Afghanistan

Between December 2022 and April 2026, the Taliban Supreme Court announced 102 public floggings in which the charges included same-sex relations or “sodomy.” The announcements, published on the court’s website and its official account on X, reported the punishment of 595 people, at least 42 of them women, in 28 of Afghanistan’s 34 provinces. In 38 of these incidents, the courts added prison terms to the lashes.

ALO’s analysis is that these floggings and prison sentences form part of the Taliban’s broader system of gender persecution. People accused under these provisions, whatever their actual sexual orientation or gender identity, are punished by the same courts, under the same laws and for the same underlying reason as women and girls: because their conduct is seen to depart from the gender order the Taliban impose on everyone. For LGBTIQ+ Afghans, that order criminalizes their intimate lives and now threatens them with death.

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