

4.13. LGBTIQ persons

Following the fall of the Assad regime in December 2024, this document has been reviewed and updated. Please consult '[Interim Country Guidance: Syria \(2025\)](#)'

COMMON ANALYSIS

Last update: February 2023

This profile refers to persons who are perceived as not conforming to social norms because of their sexual orientation and/or gender identity, including the treatment of lesbian, gay, bisexual, trans, non-binary, intersex and queer (LGBTIQ) individuals in Syria. However, it should be noted that specific information on some of those communities was not available in the COI reports used for the purpose of this guidance.

COI summary

The Syrian legislation makes same-sex activities punishable by law, as stipulated in the Penal Code of 1949. Article 520 states: 'any sexual intercourse against the order of nature can be punished with up to three years of imprisonment'. Article 517 of the Penal Code states that also violations of public decency as defined under Article 208 of the Syrian Penal Code are punishable with imprisonment from three months to three years. The law makes no explicit reference to same-sex marriage. [[Targeting 2022](#), 14, p. 121; [Targeting 2020](#), 13.1, pp. 98]

According to recent reliable information on the enforcement of laws, LGBTIQ persons are not prosecuted under the Penal Code, but rather charged with drug offences, prostitution or for violating social values. The Syrian law does not provide protection from discrimination based on sexual orientation or gender identity. Since only the sexes male and female are acknowledged by the Syrian law, there is no legal basis for transgender people to change their documents accordingly. Surgeries are legally allowed only for intersex people who are in possession of a medical diagnosis. In this context, it is also reported that LGBTIQ persons are likely to have difficulties in accessing regular or specialised medical care. [[Targeting 2022](#), 14, p. 122]

This lack of legal protection has led to an environment of impunity for rampant, targeted threats and violence against LGBTIQ individuals. Syrian authorities and others use one's sexual orientation to blackmail, harass and eventually abuse LGBTIQ persons. [[Targeting 2022](#), 14.2, p. 122]

Sources indicate that the ongoing conflict has only exacerbated the already existing problem of targeting LGBTIQ persons by the authorities. According to a recent report, the number of incidents is reportedly high in both government and opposition areas. The violence occurs in various settings, such as Syrian detention centres, checkpoints, central prisons or in the ranks of the Syrian army. [[Targeting 2022](#), 14.2, p. 123]

With regard to the conflict, documented serious human rights violations against LGBTIQ individuals at the hands of GoS security forces and non-State armed groups included cases of summary execution, arbitrary detention, torture, rape and other forms of sexual violence, as well as harassment, discrimination and

exploitation. Information on the frequency of such incidents is not available. It is also reported that ISIL and HTS regularly detained, tortured and killed LGBTIQ individuals in the territories they controlled. Abductions of persons assumed or perceived as gay have also been documented. [[Targeting 2022](#), 14.2, pp. 122-124]

In addition, LGBTIQ persons were targeted and subjected to physical or verbal violence at the hands of the community and family members. It is reported that the sexual orientation of LGBTIQ persons is even more of a problem in society than with the authorities. Incidents include threats, harassment, loss of inheritance rights, discrimination and abuse in the workplace or even 'honour' killings. Women who openly profess their LGBTIQ identity are reportedly more stigmatised because of the widespread belief that women endanger the collective honour of the family. Consequences include being banned from contact outside the family, conversion therapy, forced marriage or even being kept as a domestic slave. [[Targeting 2022](#), 14.3, pp. 125-126]

Conclusions and guidance

Do the acts qualify as persecution under Article 9 QD?

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. abduction, torture, arbitrary detention, (sexual) violence, killing).



What is the level of risk of persecution (well-founded fear)?

For individuals under this profile, well-founded fear of persecution would in general be substantiated.

It has to be noted that an applicant cannot be expected to conceal their sexual orientation or gender identity to avoid persecution.^{[15](#)}



Are the reasons for persecution falling within Article 10 QD (nexus)?

Available information indicates that the persecution of this profile is highly likely to be for reasons of membership of a particular social group based on a shared characteristic which is so fundamental to their identity that they should not be forced to renounce it, and based on a distinct identity of LGBTIQ persons in Syria, because they are perceived as being different by the surrounding society.^{[16](#)}

^{[15](#)} CJEU, *Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel*, joined cases C-199/12 to C201/12 judgment of 7 November 2013, paras. 70-76.

^{[16](#)} CJEU, *X,Y and Z*, paras. 45-49.