

Syria: The Legal Position
on LGBTQIA+ Individuals

**“ I Fear of Entering
the Police Station
and Not Exiting**



After more than a year since the fall of the Assad regime in Syria, and with it, the end of half of a century of tyranny and violence, the country has entered a transitional phase that, according to the new leadership, aims to “build a constitutional state.” Achieving this goal, however, appears extremely difficult amid major challenges, perhaps the most complex of which is the state of the current legal landscape. In that regard, a number of contested issues are emerging in Syria around gender inequality and the disenfranchisement of women, as well as the ongoing criminalization of LGBTQIA+ people. While the country is on the road to a political transition, the signs do not appear optimistic for gender and sexual minorities.

Importantly, Syria is a signatory of most international human rights charters, including the Universal Declaration of Human Rights (UDHR). Adopted by the United Nations General Assembly in 1948, the UDHR stipulates that it is the duty of states to protect the human rights and dignity of individuals without any discrimination based on race, gender, appearance, or national origin. Despite Syria’s formal signing of the UDHR, the reality of human rights abuses in the country has been far removed from the spirit of this declaration. The lack of the UDHR’s implementation is most acutely reflected in the oppressive social and legal conditions that members of the LGBTQIA+ community experience daily in the country.

Since the foundation of the Guardians for Equality Movement (GEMS) in 2021, the organization has received tens of cases LGBTQIA+ individuals in Syria that concern a variety of legal problems. These problems do not only pertain to Article 520 of the Syrian Penal Code nor other laws that invoke public ethics and morality. Rather, and in some cases, the problems facing the LGBTQIA+ community have exceeded the scope of these laws and have produced a general situation of homophobic and transphobic discrimination in which the victim, who should be protected, becomes the perpetrator who is criminalized and punished.

The following report highlights the most prominent legal challenges and violations faced by gender and sexual minorities in Syria today. Methodologically, the report uses open-ended and semi-structured interviews and testimonials of which two are featured in the report. Additionally, the report includes an extensive interview with a legal expert working in Damascus, as well as investigatory research undertaken by a contact inside the country.

Legal Background: Article 520 and Others

In the Syrian Penal Code, Article 520 criminalizes “intercourse against the order nature.” Despite its vague references to homosexual sex and sodomy, Article 520 is deployed by the judiciary and by security apparatuses to criminalize the gender and sexual identity of individuals, often in the absence of the “crime” of sex. This is most usually seen in cases of transgender individuals and/or intersex individuals. Given their non-normative gender appearance and presentation, the latter are most vulnerable to arrest.

In order to better understand how the law criminalizes sexual and gender minorities in Syria, we reached out to a Syrian lawyer in Damascus who works specifically on cases relating to Article 520. According to him, the problem with Article 520 is in its capacity to be loosely interpreted to criminalize LGBTQIA+ individuals. Because the meaning of

“against nature” is not clearly defined, criminalization, the lawyer explains, “goes beyond the occurrence of the act... given that individuals have been arrested on the basis of expressing intent to commit the act, rather than on the occurrence of the act alone.” In this situation, security officials often use evidence gathered from personal phones in order to build cases and to prosecute individuals.

Other provisions include Article 503 and other laws that aim to “protect” (ie: police) public ethics and morality. Like Article 520, this law employs vague terminology, such as “indecent” or “obscene acts” and often prosecutes LGBTQIA+ individuals with harsher penalties if the accused is or appears to be queer. Similarly, Article 517 criminalizes “acts against modesty” whose punishment is imprisonment from anywhere between one month to one year.

Additionally, security apparatuses deploy cybercrime laws to arrest and prosecute queer activists and ordinary members of the LGBTQIA+ community. For instance, the latter are usually accused of “corrupting morals.” Others are accused of “human trafficking.” And in some cases, individuals are arrested for merely accessing certain online platforms. Alongside these practices, our legal contact has also pointed to the use of forced examinations to determine sex/gender. This proves to be yet another method of institutional violence against LGBTQIA+ individuals. According to him,



The law has not changed. Legal thinking is not unified, as Syria is subject to different authorities with varying ideological references, which increases complexity. Social mentality often exerts pressure greater than the legal text itself.

Syrian lawyer, Damascus

Intensified Suffering and the Homophobic Legal Vacuum

The legal gaps and practices described above have produced conditions that expose LGBTQIA+ individuals to arrest by security forces, as well as to social violence—and even murder—based on their gender and sexual identity. Indeed, these legal and homophobic practices constitute an institutionalized policy that incites and authorizes popular violence against queer individuals in Syria. In this regard, the story of Ghada, a transgender Syrian woman, emblemizes the formal and informal methods by which the law criminalizes sexual and gender non-conformity in the country.

Before the Fall of the Assad Regime:

Areas that were under regime control:

Because of the reality of institutional and societal violence against LGBTQIA+ individuals, Ghada lives in forced isolation in a crowded Damascus neighborhood. Before the fall of the Assad regime, security forces had arbitrarily arrested Ghada and detained her in the Adra Central Prison. Though security forces invoked Article 520, Ghada was arrested

not on the basis of “unnatural” sexual intercourse, but on the basis of her gender identity and presentation. In the interview, Ghada insists that she was targeted based upon her aesthetic appearance—her long hair and her gender-neutral clothing in particular.

During her detention, Ghada recounts how she was forcibly transferred between multiple security branches where she was subjected to severe verbal and psychological abuse, including insults and death threats. For example, one security official told her, “**You are a curse on this planet. You should be thrown from a high place.**” The humiliation Ghada experienced is but one example of the abuses—verbal, physical, and psychological—that LGBTQIA+ individuals face.



A report published by GEM in April 2024 has documented the various forms of violence deployed against gender and sexual minorities across Syria. This research analyzes the variegated legal frameworks, mechanisms, and practices in different regions, some of which impose punishments as severe as execution. In fact, Syria is considered to be one of the most dangerous countries for LGBTQIA+ individuals. In the last few years especially, the country has witnessed renewed waves of political homophobia and anti-queer incitement and mobilization. This includes a number of speeches by the former President Bashar al-Assad, the former First Lady Asma al-Assad, and by state media apparatuses.

Areas Previously Under the Control of the Opposition to the Assad Regime

“Beauty” is a queer individual who was living in the outskirts of Aleppo; her story serves as an example of how anti-queer criminalization has worked in areas under the control of anti-Assad oppositional forces in Syria. While Beauty was initially arrested on charges of “deviance and sodomy,” their arrest occurred neither on the basis of “unnatural” intercourse nor any given criminal act. Rather, they were arrested because of a separate investigation that was linked to an incident involving one of Beauty’s friends.

This incident began when Beauty’s friend was robbed and sexually assaulted by an unrelated individual. Subsequently, the friend had informed his father, leading the latter

to file a complaint with the local security officials. The investigation however concluded that Beauty’s friend had met with his assailant voluntarily (for sex). This led to the friend’s arrest. After intense physical and psychological torture during the interrogation, the friend confessed to his “crime” and revealed the names of other LGBTQIA+ individuals in his area, including “Beauty.”

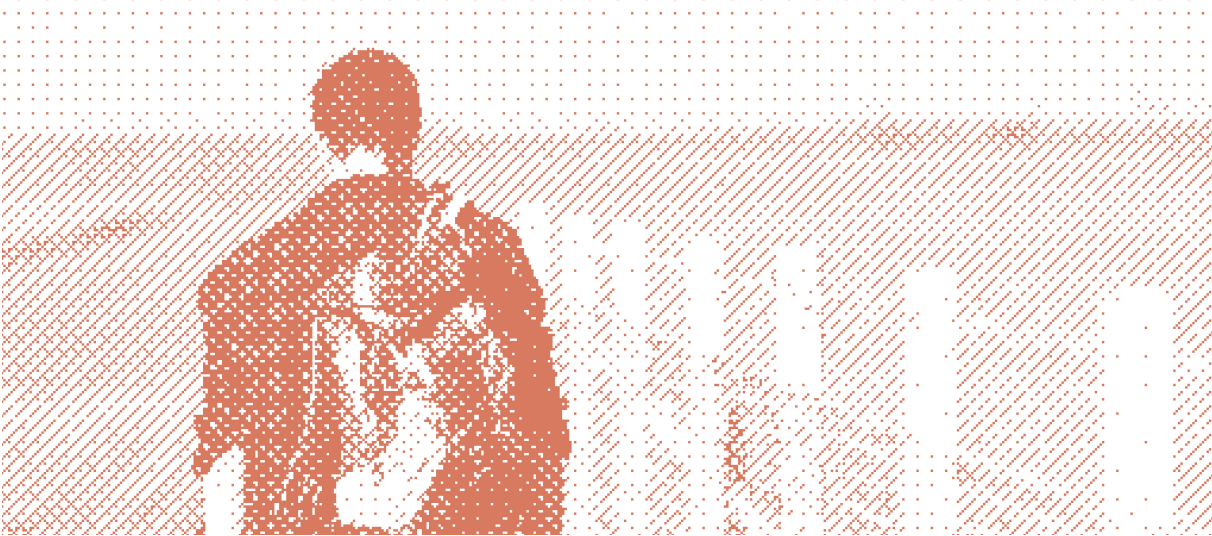
Immediately after, Beauty was arrested and detained for three days, wherein they were subjected to different forms of abuse and humiliation as a result of their gender and sexual identity. Beauty recounts how security officials struck them on the face and lamented: “you are deviants. You are destroying society.”

Despite the absence of any concrete evidence supporting the allegations of security officials, Beauty was subjected to intensified intimidation and threats. They were only released after signing a pledge of “behavioral compliance.”

What further complicated the situation for Beauty was that news of her arrest had leaked and circulated among her family, the effects of which they describe in the following terms:

“ There is a feeling of lack and rejection... this feeling is a thousand times uglier than getting hit.

According to our legal contact, pledges of “behavioral compliance” that LGBTQIA+ individuals are forced to sign before their release hold no legal value. This is because they are not backed by a judicial warrant or decision. Instead, they function as tools of blackmail, extortion, and surveillance. These pledges further transform the accused into a suspect and a site of extra-legal surveillance. The Damascus lawyer further explains that this situation pushes many members of the LGBTQIA+ community to emigrate and flee from this kind of persecution.



After the Fall of the Assad Regime

In the wake of the Assad regime's fall in December of 2024, violence against LGBTQIA+ individuals has escalated. Less than a month after the fall, new campaigns of homophobic incitement appeared on social media. Security forces affiliated with the government, as well as other armed and non-state groups, have also been responsible for campaigns of arrest and persecution that have targeted LGBTQIA+ individuals across Syria. Amidst escalating anti-queer violence, videos taken by the armed groups have themselves documented acts of violation. These acts range from severe beatings, bodily and genital mutilation, as well as public harassment and terror. One video, for instance, shows dozens of young men in Damascus surrounding, harassing, and chasing a young trans Syrian woman in the street.



The wars and conflicts that Syria has experienced have contributed to an intensification of violence, repressive legislation, and social stigma.

Last year, GEM published an extensive report titled "LGBTQIA+ People in Syria After the Fall of the Regime." This report documented the humanitarian response to LGBTQIA+ individuals and describes how the wars and conflicts that Syria has experienced have contributed to an intensification of violence, repressive legislation, and social stigma."

A "Life-Threatening" Legal and Social Environment

Oftentimes, LGBTQIA+ individuals do not contact the police or security forces when targeted by acts of violence such as theft or assault. They fear that if their gender identity or sexual orientation is exposed in the course of investigation, they will be framed as perpetrators and not as victims. This creates a situation in which queer individuals find themselves helpless when targeted with homophobic and/or transphobic violence.

Ghada's situation captures the precarious reality that LGBTQIA+ individuals suffer from in the country. Indeed, the neighborhood where Ghada lives is characterized by dynamics of social conservatism, religious morality, and heteronormative control. Given her gender non-normativity, living in the neighborhood compounds Ghada's sense of insecurity. This insecurity reached its peak after her appearance in a televised interview with a journalist. According to Ghada, this appearance had direct and negative effects on Ghada and transformed her from simply being a "different" person to a "target," as she puts it.

Ghada also mentions receiving numerous verbal and written threats of violence from residents of the neighborhood. For example, one message stated, "if you don't leave the country, we'll send you to your God." This, among other threats, has left Ghada feeling like a constant target. It has also led her to self-isolation; she leaves the house only when absolutely necessary. However, and despite the magnitude of the threats she receives, Ghada completely refrains from contacting the police and security bureaus and filing a

complaint. The reason, she explains, is that she fears being transformed from the “victim” to the “accused.” This fear is based on her personal knowledge of cases in which LGBTQIA+ individuals were immediately arrested upon their filing of a complaint against their assailants. “The situation is not safe,” Ghada recounts.

“

I am afraid that I will enter the police station and not return.



The fear of persecution also characterizes Beauty’s situation; according to them, they have suffered from a constant feeling of being targeted. This has been especially the case after Beauty’s release from prison more than two years ago. But today, she is cautiously optimistic. She is gradually regaining her life after having lived through intense phases of confidence-loss, near-constant fear, and self-isolation “to protect myself.”

According to Ghada, the momentous transformations in Syria since the fall of the Assad regime have not included a transformation in society’s securitarian mentality nor in its approach to queer sexuality. She describes the situation as “worse” for LGBTQIA+ individuals, given the increasing frequency and intensity of the threats that she receives —particularly on social media — as well as the harassment she experiences at security checkpoints. Those experiences figure as the most disturbing nightmares for Ghada and for the many who live in similar circumstances.

As a young trans woman, Ghada recounts to us the pattern of questions that soldiers manning checkpoints ask about her identity: “Are you a boy or a girl?” Do you think there are boys with long hair who dress like that? Unless you are one of the people of Lot!” These humiliating questions and comments are accompanied by religious commands and phrases, such as “grow your beard,” and “fear God.”

The Accused of Serious Violations Appointed Deputy to the President of the Highest Judicial Authority

Recently, activists on social media circulated a decision issued by Syrian Justice Minister Mazhar al-Waisi that appointed Shadi al-Waisi as a deputy to the President of the Court of Cassation in Syria. The Court of Cassation in Syria is the highest legal authority; one of its most important functions is to oversee the application of the law. A report published by the Syrian LGBTQIA+ rights organization Sin has revealed that Shadi al-Waisi had held several positions in the rescue government that was affiliated with Hayet Tahrir al-Sham (HTS), particularly when HTS had controlled Idlib province and parts of rural Aleppo. Al-Waisi has also served as the former Minister of Justice in the transitional government following the fall of the Assad regime and is the same figure known as Abu al-Abbas al-Suri who has served as a judge in areas controlled by HTS.

A video produced by the organization shows death and torture orders against individuals accused of “sodomy”—orders that bear the signature of Judge Abu al-Abbas al-Suri during his time with the Rescue Government. The video also shows other orders which bear the same handwriting but in the name of Judge Shadi al-Waisi. These orders were issued after al-Waisi’s appointment as a judge in the transitional government following the fall of the Assad regime.



On February 18, 2026, the head of Syria’s transitional government Ahmad al-Sharaa issued the first amnesty since the fall of the Assad regime on December 8, 2024. This amnesty covered certain crimes committed before its issuance and has sparked widespread criticism among the Syrian public, civil society, and human rights community. This is because Article 30, Paragraph C of the interim constitutional declaration stipulates that the power to issue a general amnesty rests exclusively with the People’s Assembly. According to Article 40 of the constitutional declaration, the President can only grant special pardons. But the amnesty issued by Sharaa had the most damaging effects on members of gender and sexual minorities; indeed, the amnesty explicitly excluded charges associated with Article 520, the Syrian Penal Code’s anti-sodomy law (see above).

Ongoing Violence in Security Centers

Physical and verbal violence remain a strategy that is employed by Syrian security forces in their dealings with Syrian citizens. In fact, dozens of complaints have been received from Syrian citizens that describe the torture and abuse they had experienced within security centers. The Syrian Interior Ministry has recently acknowledged that its personnel have committed physical violations against two Syrian citizens in the Ain Tarma area of rural Damascus. The Ministry has also promised to hold accountable those responsible for the violence. Based upon the findings of this report, however, it can be safely concluded that state-sponsored violence would be even more severe if those Syrian citizens had been members of the LGBTQIA+ community.

Conclusion

Thus far, this report has examined the legal problems and challenges facing LGBTQIA+ individuals in Syria. Based upon the findings of this report, we conclude the following:

- Sexual and gender minorities are targeted and arrested based on their sexual and gender identity.
- The threat against members of sexual and gender minorities arises from their non-normative appearance, visibility, and public presence.
- Security agencies surveil LGBTQIA+ individuals and carry out arrests based on denunciations that are themselves coerced. Victims are transferred between security branches and some are imprisoned in central prisons. This further indicates the presence of a systemic and institutionalized mechanism for criminalizing queer and transgender individuals in particular.
- In the absence of conclusive evidence for arrest, officers at security checkpoints resort to arbitrary methods of evidence-collection, including verbal and physical abuse that coerce individuals in “pledging” their allegiance to heteronormative social codes.
- LGBTQIA+ individuals often live in unsafe residential environments, wherein local communities police them and impose religious discourses and ethics.
- Most transgender women self-isolate and remain confined to their homes, leaving only when absolutely necessary.
- Following encounters with security forces and due to their criminalization, LGBTQIA+ individuals experience intense psychological pressures and social problems, such as feelings of bodily insecurity, near-constant persecution, and targeting.
- The social consequences of anti-queer and anti-trans persecution can be more devastating than the legal ones. Indeed, LGBTQIA+ individuals refuse to go to the police if they are robbed or threatened given the fear of arbitrary arrest and suspicion.
- The Syrian transitional government continues to apply the same penal codes — Article 520, 517, 503, and cybercrime laws — that existed under the previous regime and that criminalize LGBTQIA+ individuals and identities. More generally, the transitional government in Syria relates negatively to LGBTQIA+ individuals and refrains from reforming articles that criminalize queer sexuality and queer individuals.

Recommendations

According to our legal contact, repealing Article 520 would be insufficient. “What’s needed,” he explains, “is a legislative package that includes repealing all articles that criminalize sexual orientation and gender identity, as well as the enactment of a comprehensive anti-discrimination law.” What is further required is the reform of educational curricula; the training of security and judicial personnel; and most importantly, the legal recognition and protection of gender identity such that transgender individuals have the capacity to change their information on official documents. The lawyer continues:



The legal status of the LGBTQIA+ community in Syria is a product of the conflict between ideological legal texts and repressive state security practices. Reform is not limited to dismantling the security apparatus; it must also extend to dismantling traditional societal mindsets.

From Ghada’s perspective, a radical solution to the problem of anti-queer and anti-trans violence and criminalization requires profound legislative and societal challenges. Nevertheless, she doubts that these changes are currently possible. Here, Ghada emphasizes the necessity of repealing Article 520 of the Penal Code and any articles that criminalize queer sexuality and gender transition. She also points to the need to enact laws that protect personal freedoms and that criminalize identity-based discrimination. Ghada believes that for change to happen, it must begin at the top; this change will then be reflected in society. “Society,” she tells us, “is governed by customs. But when the government’s discourse towards the LGBTQIA+ community changes, the popular ideology will automatically change.”

In line with these comments, this report highlights the urgent need to implement several recommendations in order to improve the legal status of LGBTQIA+ individuals in Syria:

- Repeal Article 520 and affirm that queer sexuality and queer sex are not legal crimes.
- Review and amend public morality and cybercrime laws and ensure that they are not used as legal pretexts to criminalize members of the LGBTQIA+ community.
- Enact anti-discrimination and anti-exclusion laws against LGBTQIA+ individuals.
- Immediately work to stop and criminalize torture methods practiced by security forces and enact safeguards that guarantee the dignity of detainees.
- Outlaw anti-queer hate speech by enacting legislation that criminalizes incitement to violence and discrimination against sexual and gender minorities in Syria.
- Provide safe reporting mechanisms and secure legal protocols that allow LGBTQIA+ individuals to access legal protection without the fear of repercussions or discrimination based upon their sexual orientation and/or gender identity.
- Expunge criminal records associated with charges related to Articles 520, 503, 517, cybercrime laws and other laws used to criminalize LGBTQIA+ individuals in Syria.



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