



Jurisprudence related to LGBTIQ Applicants in International Protection

The jurisprudence presented in this fact sheet is extracted from the [EUAA Case Law Database](#) and complements the fact sheets published in [September 2025](#) and [September 2023](#). For more information on legislative, policy and practical developments related to asylum in 2025, please consult the [Asylum Report 2026](#) and the [National Asylum Developments Database](#).

Across the world, lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons continue to face criminalisation, discrimination and persecution on account of their sexual orientation, gender identity, gender expression or sex characteristics (SOGIESC). This is particularly prevalent in parts of North and sub-Saharan Africa, the Middle East and Central Asia, where aspects of LGBTIQ persons' identities remain criminalised, either explicitly by law or *de facto*, which may force members of these communities to flee their country of origin and seek international protection.

The [EU Pact on Migration and Asylum](#), adopted in June 2024 and applicable since June 2026, introduced or reinforced provisions relevant to the protection of applicants with SOGIESC claims across its legislative instruments. Common standards for asylum applicants with diverse SOGIESC are defined in the Qualification Regulation (QR), the Asylum Procedures Regulation (APR), the 2024 Reception Conditions Directive (RCD), the Screening Regulation (SR) and the Crisis and Force Majeure Regulation. In October 2025, the European Commission also adopted the [LGBTIQ+ Equality Strategy 2026-2030](#), recognising that LGBTIQ applicants for international protection may face intersectional and additional risks both *en route* and upon arrival in the EU, and may require protection and reception that differ from other applicants.

This factsheet highlights current trends and evolving jurisprudence identified between January 2025–August 2026. It covers case law from the Court of Justice of the European Union (CJEU), the European Court of Human Rights (ECtHR), and national courts from EU+ countries.





Background

Third countries

- Consensual same-sex relations are criminalised in 65 countries worldwide: 63 by law and 2 *de facto*.¹ Of these, 33 are in Africa, 21 in Asia, 6 in Oceania and 5 in the Americas.
- 12 countries have jurisdictions in which the death penalty is prescribed or possible for consensual same-sex activity, with the penalty reportedly being actively enforced in Iran, northern Nigeria, Saudi Arabia, Somalia and Yemen.²
- Most jurisdictions target sex between men, using terms like ‘sodomy’ or ‘unnatural offences’, while 42 countries also criminalise same-sex activity between women.³
- In 13 countries, transgender people face criminalisation through laws against ‘cross-dressing’ or ‘impersonation’, and many more use vague public order offences to target them.⁴
- In several countries, same-sex relations may not be explicitly criminalised, yet the state is either unwilling or unable to offer effective protection to LGBTIQ individuals. Legal safeguards and protective mechanisms are often inadequate or entirely lacking. As a result, LGBTIQ individuals may face rejection, discrimination or physical violence, whether from state or non-state actors, without access to meaningful protection. In such contexts, internal protection alternatives are effectively unavailable.
- As of July 2026, 63 countries maintain legal barriers to freedom of expression for LGBTIQ individuals, including 27 with specific restrictions in education and 34 with restrictions affecting the media. 62 countries have legal barriers to freedom of association, of which 33 have confirmed legal restrictions and 29 are considered likely to have such barriers in place.⁵

EU+ countries

As EU+ countries continue to amend national legal frameworks to implement the Pact on Migration and Asylum, the protection of LGBTIQ applicants is expected to become more harmonised. Nevertheless, significant differences currently remain among EU+ countries in the level of protection afforded to applicants with diverse SOGIESC:

- Spain ranks highest in the protection of LGBTIQ rights in Europe, followed by Malta and Iceland, while Romania, Bulgaria and Poland are among the lowest-ranked EU+ countries in this area.⁶
- Currently, 26 EU+ countriesⁱ expressly recognise sexual orientation as a criterion to qualify for international protection in their national legislation.⁷

ⁱ Austria, Belgium, Croatia, Cyprus, Czechia, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

- Only 11ⁱⁱ EU+ countries expressly address sexual orientation in asylum policies, administrative instructions or other measures targeting applicants and beneficiaries of international protection.⁸
- Gender identity is expressly recognised in legislation related to international protection as a qualification criterion in 22 EU+ countries.ⁱⁱⁱ
- 16^{iv} EU+ countries have adopted policies, administrative instructions or other measures that specifically address gender identity in the asylum context.⁹
- Protection related to sex characteristics remains considerably more limited. Only 6 EU+ countries^v expressly include intersex status or sex characteristics as a qualification criterion in legislation related to international protection. However, many Member States consider such characteristics under the ground of membership of a particular social group, ensuring protection through this indirect route following a case-by-case assessment.
- Spain is the only EU+ country that explicitly addresses sex characteristics in asylum policies, administrative instructions or other measures for applicants and beneficiaries.¹⁰

Most EU+ countries do not keep statistics on the number of applicants requesting international protection with SOGIESC-related claims. Collecting such data could raise data protection issues or violate the principle of confidentiality. Eurostat does not publish data specifically on LGBTIQ asylum applicants but rather on the number of asylum applicants overall. Therefore, centralised EU-level data does not exist on asylum claims based on SOGIESC. Reporting remains inconsistent and fragmented, often relying on NGO documentation, limited national statistics and legal cases.



Key trends in case law

For details on the cases cited, please see the Annex.

Qualification assessment

- The criminalisation of same-sex relations remains a key indicator of for the risk of persecution, particularly when combined with broader societal hostility and a lack of protection. During 2025-2026, several courts recognised that applicants from countries such as [Algeria](#), [Burkina Faso](#), [Cameroon](#), [Guinea](#), [Lebanon](#), [Pakistan](#), [Togo](#) and [Uganda](#) faced heightened risks as their criminal laws targeting same-sex conduct were

ⁱⁱ Belgium, Germany, Iceland, Ireland, Latvia, Luxembourg, the Netherlands, Norway, Portugal, Spain and Switzerland.

ⁱⁱⁱ Austria, Belgium, Croatia, Cyprus, Czechia, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Malta, Netherlands, Norway, Portugal, Slovakia, Slovenia, Spain and Sweden.

^{iv} Austria, Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, Malta, Norway, Poland, Portugal, Spain and Switzerland.

^v Belgium, Denmark, Malta, Norway, Spain and Sweden.

accompanied by violence, discrimination, arbitrary enforcement or ineffective state protection. In these cases, the combination of a restrictive legal framework and hostile social environment was considered sufficient to establish a well-founded fear of persecution.

- However, the mere existence of laws criminalising same-sex relations does not, in itself, automatically establish a well-founded fear of persecution. In these cases, courts have generally assessed not only the legal framework in the country of origin, but also the enforcement of such laws, their severity, the individual risk, and whether the applicant could live openly or safely in a less repressive social environment within the country, such as the capital or other major cities. This was considered by courts in Belgium and Lithuania (see [Applicant v Commissioner General for Refugees and Stateless Persons \(CGRS\)](#), July 2025 and [Applicant v Migration Department of the Ministry of the Interior of the Republic of Lithuania](#), February 2025).
- Even when homosexuality is not explicitly criminalised, other legal provisions may be used to arrest or target members of the LGBTIQ community. In this regard, the French National Court of Asylum (CNDA) noted that, although same-sex sexual acts were not specifically criminalised in [Egypt](#), general criminal provisions were used to criminalise homosexual behaviour. The same court also held that the criminal law in [Zimbabwe](#) prohibiting homosexual relations did not specifically target women; nevertheless, it found that lesbian women could be arrested for acts characterised as 'indecent' and subjected to police arbitrariness.
- The absence of the criminalisation of same-sex relations does not preclude persecution, as LGBTIQ persons may still face widespread violence, discrimination and ineffective state protection. This was confirmed by the French CNDA in a case concerning an applicant from [Guatemala](#), where even though homosexuality was not criminalised, a high level of violence and discrimination existed within a climate of impunity. In contrast, in cases concerning applicants from [Brazil](#), [Colombia](#) and [Venezuela](#), courts acknowledged that violence and homophobia were a reality in the countries, but the general situation did not give rise to an assumption that all members of LGBTIQ communities are at risk. Thus, the courts emphasised the need for an individual assessment of the applicant's particular circumstances.
- While courts may accept an applicant's account of past abuse, violence and threats to be credible, they may conclude that such experiences do not establish a risk of persecution or serious harm, particularly when effective protection by national authorities is deemed available. This was established in cases concerning applicants from [Armenia](#), [Kenya](#) and [Russia](#).
- Persecution related to sexual orientation or gender identity can extend also to those perceived as belonging to the LGBTIQ community or those advocating for LGBTIQ rights, as considered by the Regional Administrative Court of Berlin in Germany (see [Applicant v Federal Office for Migration and Refugees \(BAMF\)](#), March 2025).
- Sexual orientation and gender identity should not be assessed in isolation, but in conjunction with other relevant factors, such as political opinion, health status and social and economic exclusion. The intersection of these elements may be decisive in determining whether an LGBTIQ applicant is in need of international protection. Several

national courts, including in Czechia and the Netherlands, have emphasised the importance of a cumulative assessment of the applicant's individual circumstances, particularly when multiple characteristics interact to increase the risk of harm (see [Ministry of the Interior v Applicant](#), July 2026 and [Applicant v The Minister for Asylum and Migration](#), December 2025).

- Transgender persons may face forms and levels of discrimination, violence and social exclusion that differ fundamentally from those experienced by homosexual individuals in their country of origin. Accordingly, national courts held that these applicants may belong to a particular social group in light of their transgender identity, rather than being part of a homogeneous group with homosexual applicants. This was established by courts in France and the Netherlands in cases concerning applicants from [Peru](#) and [Venezuela](#).
- Several national courts examined whether applicants could effectively access the necessary medical or psychological treatment in their country of origin, including in cases concerning nationals of [Guinea](#). The lack of access could, in certain circumstances, expose applicants to a risk of persecution and render their removal incompatible with the principle of *non-refoulement*. When assessing claims concerning the unavailability or restriction of medical treatment related to gender transition in [Kosovo](#) and the [USA](#), courts in Belgium and Bulgaria found that the unavailability of treatment did not amount to persecution or serious harm.
- Although the legal framework is harmonised at the EU level, the risk assessment and the use of country of origin (COI) reports may sometimes be applied inconsistently across EU+ countries. As a result, applicants with diverse SOGIESC from the same country of origin and presenting similar factual circumstances may receive different outcomes depending on the Member State or court assessing their asylum claim (see *applicants from Russia in the Annex*).

Credibility and evidence assessment

- The assessment of a fear of persecution based on sexual orientation or gender identity must take into account the applicant's lived experience and the individual manner in which they understand and express their SOGIESC. Courts have rejected the notion that an applicant's inability to articulate concepts related to homosexuality or to conform to a 'universal' standard of LGBTIQ self-identification can, in itself, undermine the credibility of an asylum claim (see [Applicant v Migration Department of the Ministry of the Interior of the Republic of Lithuania](#), January 2025). At the same time, credibility may be undermined when an applicant is unable to provide consistent information about their sexual orientation or gender identity, the evidence submitted contains contradictions or the account is perceived as lacking emotional depth (see [M.M.M. v Sweden](#), July 2025 and [Applicant v BAMF](#), August 2025).
- National courts stated that late disclosure should not undermine the applicant's credibility, as such a delay is understandable and justified considering that fear, shame or ignorance may prevent an applicant from timely disclosing their sexual orientation (see [X v Federal Office for Immigration and Asylum \(Bundesamt für Fremdenwesen und Asyl, \(BFA\)](#), January 2025 and [Applicant v BFA](#), June 2025).

- National courts have considered applicants' social media activities as evidence of sexual orientation, gender identity, gender expression or activism. Online interactions may support claims of belonging to the LGBTIQ community, and threats or hate speech directed to the applicant on social media can serve as evidence (see [Applicant v Danish Immigration Service \(DIS\)](#), May 2025).
- The value of COI was highlighted in national jurisprudence when assessing the legal, political and societal conditions in the country of origin to determine if persons belonging to the LGBTIQ community risk persecution solely because of their sexual orientation (see [Migration Department of the Ministry of the Interior of the Republic of Lithuania v Applicant](#), March 2026 and [G.B. v Migration Department of the Ministry of the Interior of the Republic of Lithuania](#), July 2025).
- In assessing COI and individual circumstances, courts may reach different outcomes for applicants from the same country, as illustrated by two LGBTIQ cases concerning applicants from [Morocco](#) before the Council for Alien Law Litigation (CALL) in Belgium. Relying on the CGRS report COI Focus Morocco – Sexual Minorities (January 2024), the court acknowledged that same-sex relations were punishable by up to 3 years' imprisonment and state protection could vary in its availability and effectiveness. In the more recent case, the court granted refugee status, finding that the applicant's conservative, authoritarian and practising Muslim family did not tolerate homosexuality. In contrast, in the earlier case, it upheld the rejection of international protection, finding that the applicant's autonomy, freedom of movement and lack of dependence on his family reduced his individual risk.
- Courts held that when competent authorities are unable to gather sufficient evidence to challenge the credibility of an LGBTIQ applicant's account, they must apply the benefit of the doubt, accept the account as reasonably plausible and consequently consider it credible (see [Ministry of the Interior \(Ministerstvo vnitra České republiky\) v Applicant](#), March 2026).
- Failing to hear key witness evidence relevant to the applicant's sexual orientation may undermine the credibility assessment involving personal characteristics and thus render decisions unlawful. In [Applicant v BFA](#) (February 2025), the Austrian Supreme Administrative Court emphasised that witness evidence was particularly crucial in credibility assessments involving personal characteristics such as sexual orientation. It ruled that the lower court made a grossly erroneous assessment by failing to hear a specific witness requested by the applicant to testify about his homosexuality and by refusing to hear the applicant's partner.

Procedural guarantees and vulnerability considerations

- Besides considerations related to substantive assessments, there is also a need to ensure gender-sensitive procedures when an asylum applicant's claim involves violations of sexual self-determination. Article 13(9) of the APR states that, when requested by an applicant and if possible, the interviewers and interpreters should be of the sex that the applicant prefers. For appeal procedures, the Constitutional Court in Austria held that failure to assign a female judge and a female interpreter at the request of an LGBTIQ applicant who was assigned male at birth violated the constitutional right to a trial before a lawful judge (see [Applicant v BFA](#), June 2025).

-  Courts emphasised that procedural safeguards require asylum authorities to meaningfully consider LGBTIQ applicants' medical and psychological conditions when assessing their credibility and to adapt the procedure accordingly. This was illustrated by the Court of Appeal in Cyprus in [Applicant v Republic of Cyprus through the Asylum Service](#) (May 2025).
-  The Supreme Court in Spain confirmed in March 2026 that vulnerable applicants, including LGBTIQ individuals, are not required to expressly request a residence permit on humanitarian grounds within the international protection procedure (see [L. v Ministry of the Interior](#), March 2026). The court stated that the administration is obliged to act *ex officio* and adopt the necessary measures to ensure, when appropriate, differentiated treatment of their applications for international protection.
-  The obligation to identify and assess applicants' vulnerabilities, including those related to SOGIESC, also applies to procedures for determining responsibility under the Dublin III Regulation. In this context, authorities must assess whether a transfer would expose an applicant to inhuman or degrading treatment in the receiving Member State. This issue was examined by the Regional Court in Brno in Czechia in a case concerning a transgender applicant undergoing gender transition who had previously applied for international protection in the Netherlands (see [Applicant v Ministry of the Interior](#), April 2025). The court found that the ministry's assessment of whether the Dutch asylum and reception system suffered from systemic deficiencies failed to consider the specific situation of LGBTIQ applicants, particularly persons undergoing gender transition, including their access to appropriate medical and psychological assistance. The court further held that the ministry must assess this information in light of Article 17 of the Dublin III Regulation, which allows a Member State to examine an application for international protection even when it would not otherwise be responsible under the regulation.

Detention

-  Vulnerable applicants, including LGBTIQ individuals, may be placed in detention when it is a necessary and proportionate measure and their safety and dignity are adequately safeguarded. Article 13 of the 2024 RCD reiterates the guarantees contained in the 2013 RCD, while introducing a general prohibition on detention when it would pose a serious risk to the detainee's mental or physical health, such as in cases where transgender applicants are undergoing hormone therapy. In [G.U. v PBGB](#) (July 2025), the Tallinn Circuit Court in Estonia recognised that the interruption or indefinite suspension of the applicant's long-term gender transition while in detention could have a serious impact on the applicant's mental health. While the detention authority is responsible for ensuring detainees' access to medical examinations and necessary healthcare, the court stressed that decisions on the necessity and content of medical treatment fall within the competence of healthcare professionals. As the healthcare provider had refused to prescribe the hormone medication requested by the applicant, the court found no basis for concluding that the detention authority denied access to medical care. Nevertheless, it criticised the detention authority for failing to give adequate consideration to the applicant's medical and psychological issues. It further stressed that detainees should not be prevented from seeking a second medical opinion without strong justification.

Safe country concepts

- Exceptions to the application of the safe country concepts have frequently been applied for LGBTIQ applicants. In the landmark ruling [LC \[Alace\] and CP \[Campelli\] v Territorial Commission of Rome](#) (August 2025), the CJEU ruled that under the recast QD a Member State may not designate a third country as a safe country of origin if the third country is not safe for certain categories of persons. Nevertheless, while this ruling concerns cases regulated by the recast QD, both territorial exceptions and exceptions for categories of persons are permitted under the APR, which entered into application on 12 June 2026. On the same date, the first EU list of safe countries of origin also became applicable. The list includes Bangladesh, Colombia, Egypt, India, Kosovo, Morocco, Tunisia and EU accession candidate countries with the exception of Ukraine. These countries have all been designated without any exceptions applied.
- Out of 20 EU+ countries which have adopted a national list of safe countries of origin, six countries apply exceptions for specific profiles or vulnerable people, including LGBTIQ applicants.¹¹ In particular, Norway applies an exception to LGBTIQ applicants from Botswana, Ghana, Namibia and Tanzania, while Denmark applies an exception to LGBTIQ applicants from Georgia. Although not codified in its national list of safe countries of origin, Malta applies an exception to applicants with SOGIESC from countries designated as safe.
- Previously, the Netherlands also applied an exception to LGBTIQ applicants from Armenia, Brazil, Georgia, Jamaica, Morocco, Senegal and Serbia. However, following the CJEU judgment [Alace and Campelli](#), the application of the national list of safe countries of origin was suspended in September 2025, and following the entry into application of the Pact, it only applies the safe country of origin concept to countries designated as safe at the EU level. The suspension of the Netherlands' national list of safe countries of origin was central to a judgment concerning a transgender woman from the USA. Although the District Court of the Hague, seated in Amsterdam, found that transgender persons were not systematically exposed to persecution or violations of Article 3 of the ECHR in the USA, it ruled that the minister had incorrectly applied the safe country of origin concept, rendering the procedure unlawful (see [Applicant v The Minister for Asylum and Migration](#), November 2025).
- In [NP v Predsedatel na Darzhavna agentsia za bezhantsite, \[Aleb\]](#) (February 2026), the CJEU, interpreting the recast APD, confirmed that applying the safe third country concept requires an individualised assessment. The CJEU held that national legislation must establish a methodology which provides for a case-by-case examination of the safety of the third country for a particular applicant and ensure the possibility of the applicant to challenge the application of the concept in light of their particular circumstances. While the CJEU does not explicitly refer to applicants with SOGIESC, this judgment ensures that such applicants are entitled to have their personal circumstances taken into account when applying the safe third country concept and to have access to an effective remedy to challenge the decision.

Right to family life of same-sex couples

- Requiring proof of marriage or a registered partnership for family reunification applications by LGBTIQ persons is unlawful when such documentation cannot be

obtained in the country of origin, as held by the Supreme Court of Estonia in a case concerning a transgender applicant from Russia (see [XX v PBGB](#), March 2026).

Data protection

- The intersection between data protection rights under Article 16 of the GDPR and fundamental rights of transgender individuals in the asylum context was recently brought to the CJEU. The CJEU ruled in [VP v NDGAP](#) (March 2025) that Member States cannot require a proof of gender reassignment surgery to rectify gender-related personal data and the authorities must ensure data accuracy from the beginning of the asylum process, thus recognising that misregistration of gender identity can perpetuate systemic discrimination.

Annex. Case law on qualification for international protection in SOGIESC-related claims

The table summarises approximately 30 national court decisions issued between January 2025-August 2026 concerning qualification for international protection of SOGIESC applicants, covering 23 countries of origin. For more detailed information on each case in the table, the link under 'Case' directs to an English summary registered in the [EUAA Case Law Database](#), including a link to the original judgment.

Country of origin	Court	Case	Outcome
Afghanistan ^{vi}	AT: Supreme Administrative Court	BFA v Applicant , March 2025	The court confirmed refugee status for an LGBTIQ applicant from Afghanistan despite previous criminal convictions. It did not find a threat to public security and recognised that he would be at risk upon a return to Afghanistan by belonging to the particular social group of homosexuals.
Algeria	DE: Regional Administrative Court of Gissen	Applicant v BAMF , January 2025	The court held that a bisexual applicant from Algeria belonged to a particular social group. It noted that same-sex relations are criminalised under Articles 333 and 338 of the Algerian Penal Code, which are reportedly used by authorities to prosecute, harass and obstruct organisations supporting sexual minorities. The court also noted the absence of effective anti-discrimination laws and state protection mechanisms. It thus concluded that openly lived bisexuality exposed the applicant to a real risk of state persecution through criminal prosecution and discriminatory enforcement of the law.
Armenia	DK: Refugee Appeals Board	Arme/2025/6 , October 2025	The court rejected the asylum claim based on sexual orientation of an Armenian man, finding that neither his past assault nor family threats established a continuing personal risk. It referred to COI, noting that Armenia decriminalised homosexuality in 2003, LGBTIQ persons formally have the same legal protections as other citizens, and civil society organisations operate openly. While homophobia and hate-motivated incidents persist, the court considered these to be isolated cases rather than indicative of a generalised persecution pattern.
Brazil	BE: Council for Alien Law Litigation	Applicant v Belgian State represented by the State Secretary for Asylum and Migration , January 2025	The court rejected the appeal of a former transgender Brazilian national, finding that he did not provide any objective country information indicating that former trans women who, after undergoing restorative

^{vi} For updated information on LGBTIQ applicants in Afghanistan, see Section 3.15 of the EUAA [Country Guidance: Afghanistan](#), June 2026 and Section 4.5 of the EUAA [COI Afghanistan – Country Focus](#), January 2026.

			surgery, lived again as men risked persecution or equivalent discrimination solely because they still possessed identity documents indicating them as female. The court first considered that individuals belonging to the LGBTIQ community in Brazil could face physical violence and discrimination in access to the labour market and healthcare, especially during the presidency of Bolsonaro. However, while Brazil had the highest number of murders of transgender people in the world, it also, for the first time in the country's history, elected two transgender women as federal representatives in 2022. The court then emphasised that in 2019 the Brazilian Supreme Court ruled that LGBTIQ individuals fall under the protection of a criminal law prohibiting discrimination based on race, religion, skin colour, ethnicity and national origin, and in April 2023, the National Council for the Rights of Lesbians, Gays, Bisexuals, Transvestites, Transgender Persons and Others was established. It then underlined that in January 2023, President Lula took office, signalling a break with the previous Bolsonaro presidency. Although discrimination and violence against LGBTIQ individuals remained a problem in Brazil, the court considered that relevant COI did not show that homophobic violence and discrimination in the country were systematic, nor that every person belonging to the LGBTIQ community risked persecution solely because of their sexual orientation.
Burkina Faso	BE: Council for Alien Law Litigation	Applicant v CGRS , August 2025	The court considered that the society in Burkina Faso remained fairly conservative and homophobic. It noted that romantic relationships and marriage between two persons of the same sex were regarded as acts against nature and were prohibited. In 2024, the country's military junta had announced a ban on homosexual acts, and although the legislation criminalising same-sex relations had not yet entered into force,^{vii} the proposed reform reflected and reinforced an already deeply homophobic social environment. Refugee status was granted to the applicant on account of her membership of a particular social group of homosexuals in Burkina Faso.

^{vii} According to the [ILGA World Database](#), Burkina Faso's Transitional Legislative Assembly adopted the new Family Code ([Decree No 1232](#)) on 1 September 2025. Article 210-3 of the Code criminalises 'homosexuality and similar practices', prescribing penalties of up to 5 years' imprisonment and a fine. In the event of a 'repeat offence', these penalties could be doubled.

Cameroon	BE: Council for Alien Law Litigation	Applicant v CGRS , July 2025	The court noted that homosexuality was criminalised in Cameroon and homophobic rhetoric was prevalent in society. In light of the hostile social and legal climate to the LGBTIQ community, it called for extreme caution when evaluating international protection claims from members of the homosexual community in Cameroon. It further noted that the effective protection from national authorities was illusory. It concluded that the applicant's sexual orientation alone was sufficient to consider that she risked persecution if returned to Cameroon as members of the LGBTIQ community constituted a particular social group.
	CY: International Protection Administrative Court	M.M.B.N. v Republic of Cyprus through the Asylum Service , February 2025	The court examined the legal framework and the treatment of the LGBTIQ community in Cameroon, finding that consensual sexual activities between adults of the same sex was prohibited and punishable by imprisonment. It noted that LGBTIQ individuals in Cameroon faced social stigma, harassment and discrimination, including threats of 'corrective' rape, and competent authorities were unwilling to provide effective protection against persecution or serious harm. The court found that LGBTIQ persons in Cameroon may constitute a particular social group.
Colombia ^{viii}	NL: Court of The Hague, seated in Arnhem	Applicant v The Minister for Asylum and Migration , October 2025	The court observed that, although Colombia formally guarantees the rights of LGBTIQ persons, such protection is not always effective in practice, particularly for transgender persons. However, it found that these shortcomings did not extend to the LGBTIQ community as a whole and the applicant, as a homosexual, did not belong to the affected group and must demonstrate the existence of individualised circumstances to substantiate a well-rounded fear of persecution. The court reviewed the letter from the Dutch Council for Refugees submitted by the applicant, which he argued demonstrated that legal protections for the LGBTIQ community in Colombia were often not upheld in practice, particularly in rural areas. The court noted that protection was generally well organised in urban areas and the applicant was from Neiva, the capital of the department of Huila. It concluded that despite the fact that the applicant was assaulted twice by unidentified men, he could freely express

^{viii} For updated information on LGBTIQ applicants in Colombia, see Section 4.3.11 of the EUAA [COI Colombia – Country Focus](#), December 2025.

			his sexual orientation in Colombia and was able to avail himself of existing state protection mechanisms.
	LU: Administrative Tribunal	A1 v Minister of Immigration and Asylum , June 2025	The court acknowledged that acts of violence and discrimination of the LGBTIQ community were a reality in Colombia, often committed by members of the security forces and with a high rate of impunity for homicides of LGBTIQ persons. However, it found that the general situation in the country did not give rise to a risk for all members of the LGBTIQ community regardless of their personal circumstances. The court found that the applicant's allegation of online and telephone threats related to his LGBTIQ activism did not present sufficient gravity, either individually or collectively, to be considered acts of persecution or serious harm. It highlighted the absence of any concrete evidence of a proven and current risk in relation to the threats, which were not followed by any concrete acts of violence.
Egypt	FR: National Court of Asylum	R. v OFPRA , December 2025	The court noted that although same-sex sexual acts were not specifically criminalised under Egyptian law, general laws were used to criminalise homosexual behaviour, including the 1961 law on combating prostitution and the 2018 law on cybercrime. It noted actual prosecutions of homosexual and transgender persons, as well as physical assault and blackmail perpetrated by Egyptian police and hostility from families, the media and religious leaders. It concluded that societal ostracism, coupled with the inadequate protection provided by the national authorities against the treatment they endure, established that homosexual and transgender persons constitute a particular social group.
Guatemala	FR: National Court of Asylum	M.C. v OFPRA , March 2025	The court recognised the existence of a particular social group of homosexual people suffering discrimination, serious violence and ill treatment in Guatemala. Although its criminal code did not include any provision against same-sex relations, the court held that LGBTIQ individuals faced serious violence, discrimination and ineffective state protection. Additionally, the court noted that although incidents of serious violence and discrimination were on the rise, no further action was taken in 95% of cases reported to the public prosecutor's office.
Guinea	CY: International Protection Administrative Court	Applicant v Republic of Cyprus through the Asylum Service , May 2025	The court granted refugee status to an HIV-positive homosexual man due to his membership of a particular social group. It found that homosexuality was criminalised in Guinea and stigmatisation was widespread, including within healthcare services. It also stressed that while the

			availability of HIV treatment may exist in theory, practical access was deeply limited by social discrimination, fear of exposure and systemic inadequacies.
Iran ^{ix}	DE: Regional Administrative Court of Berlin	Applicant v BAMF , March 2025	The court found that an Iranian cultural activist advocating for LGBTIQ rights belonged to the particular social group of 'Western-oriented, emancipated women', placing her at a real risk of gender-based persecution in Iran.
Kenya	CH: Federal Administrative Court	A. v SEM , August 2025	The court dismissed the appeal of a lesbian woman, finding that same-sex relations between women were neither criminalised nor actively prosecuted in Kenya. While the court recognised social stigma and institutional discrimination against homosexual persons in Kenya, it found no evidence of a systemic state campaign against them. It noted that criminal sanctions applied only to homosexual acts between men and considered it unlikely that the discovery of a person's homosexuality would result in prosecution, particularly in the case of women. Although the applicant claimed to fear harassment from non-state actors, the court held that Kenya had functioning institutions capable of protecting victims of violence, including members of the LGBTIQ community.
Kosovo	BE: Council of State	Applicant v CGRS , February 2025	The court dismissed the appeal of a transgender applicant who alleged persecution due to their gender identity. It observed that Kosovo has developed a high-level anti-discrimination legal framework, including constitutional protection against discrimination targeting LGBTIQ persons. It emphasised that since April 2019 the revised Criminal Code had classified crimes based on sexual orientation or gender identity as hate crimes. In addition, any criminal offense committed against a person because of their sexual orientation or gender identity is considered an aggravating circumstance in criminal proceedings. Although it recognised that a large part of the Kosovar population continued to stigmatise non-heteronormative sexual orientations, and that discrimination, verbal violence and physical violence against LGBTIQ persons did occur, it noted that the Kosovar authorities were able and willing to provide protection, and the police would generally intervene when a complaint was lodged. Additionally, the court found that the unavailability of transition-related

^{ix} For updated information on LGBTIQ applicants in Iran, see Section 3.8 of the EUAA [Country Guidance: Iran](#), January 2025.

			medical treatment in Kosovo did not amount to persecution or serious harm.
Lebanon ^x	AT: Federal Administrative Court	X v BFA , January 2025	The court recognised that a homosexual applicant faced a well-founded fear of persecution by state actors on the grounds of his membership of a particular social group of homosexual individuals. It found credible his previous criminal conviction for same-sex acts in his country under Articles 531,532 and 534 of the Lebanese Penal Code, which include acts deemed “against the laws of nature” or “causing public annoyance”, and offenses related to sexual intercourse. It held that this well-documented conviction for same-sex acts constituted compelling evidence of the applicant’s sexual orientation. While widespread prosecution was rare, the court held that LGBTIQ individuals faced occasional harassment and violence from security forces and religious groups, with no government action to prevent discrimination.
Morocco	BE: Council for Alien Law Litigation	Applicant v CGRS , July 2025	The court granted the applicant refugee status, recognising that homosexual persons in Morocco constitute a particular social group. It observed that the applicant had not previously encountered difficulties because he had concealed his sexual orientation and his social circle was unaware of it. The court noted that he came from a conservative, authoritarian and practising Muslim family that did not tolerate homosexuality and had been forced to marry a woman to comply with cultural and traditional expectations. In light of his profile and the situation of homosexual persons in Morocco, the court found that he had a well-founded fear of persecution and lacked effective state protection.
	BE: Council for Alien Law Litigation	Applicant v CGRS , March 2025	The court held that not every homosexual person in Morocco could <i>a priori</i> be considered to have a well-founded fear of persecution solely based on their sexual orientation. It considered that Morocco applied its anti-LGBTIQ legislation only ‘sporadically’ and that its application varied greatly between regions. The court also highlighted differences in treatment depending on the socio-economic situation of homosexual persons who were arrested. It further observed that, although conservative religious values remained dominant in Moroccan society, secular

^x For updated information on LGBTIQ applicants in Lebanon, see Section 7.5 of the EUAA [COI Lebanon – Country Focus](#), November 2025.

			values had gained influence in recent years. In assessing the applicant's individual circumstances, the court noted that he was autonomous, moved freely and did not have the profile of a person under the control of his family. It concluded that the applicant would not face a well-founded fear of persecution or a real risk of suffering serious harm if returned to Morocco and rejected his request for international protection.
Pakistan ^{xi}	CH: Federal Administrative Court	A. v SEM , March 2026	The court granted refugee status to a lesbian woman from Pakistan, finding that updated country of origin information, including the EUAA COI Pakistan - Country Focus (December 2024), stated that homosexuality constitutes a social taboo in Pakistan and homosexual individuals face exclusion by their families, forced marriage to heterosexual partners, discrimination and violence. The court further noted that under Article 377 of the Pakistani Penal Code, sexual intercourse "against the order of nature" is punishable by at least two years' imprisonment and a fine. The situation appeared particularly difficult for lesbian women, since women's freedoms are already restricted and lesbians are often forced into marriage or are victims of honour killings. In the absence of a legal framework protecting sexual minorities in Pakistan, victims do not report assaults to the police, and Pakistani authorities are unwilling to protect homosexual individuals. LGBTIQ individuals have no safe place to move or to live their lives freely, and they face a risk of discrimination or violence by their families and society in the event of outing, without being able to defend themselves in the absence of protective measures by authorities. The court further held that the applicant's health situation, characterised by severe episodes of depression and post-traumatic stress disorder (PTSD), demonstrated that she was terrified of further consequences upon a return, especially in a context where no help could be expected from the Pakistani authorities.
	DE: Regional Administrative Court of Berlin	Applicant v BAMF , February 2025	The court noted that Pakistan's Penal Code criminalises consensual same-sex sexual acts with penalties ranging from 2 years to life imprisonment. It noted that, although

^{xi} The updated version of the EUAA COI [Pakistan – Country Focus](#), May 2026 - Section 6.1.6 confirms that consensual same-sex sexual relations continue to be criminalised in Pakistan and societal taboos surrounding LGBTIQ persist in the country.

			actual prosecutions were rare, the existence of these laws and their arbitrary enforcement by police and courts created a persistent climate of fear. It further stressed the widespread societal homophobia in Pakistan, including threats, blackmail, physical assault, acid attacks and even killings, often carried out by families or non-state actors. The court emphasised that homosexuals faced systemic discrimination in housing, employment and had no access to state protection. It therefore granted refugee status to a homosexual applicant on the grounds of his membership of a particular social group.
Peru	FR: National Court of Asylum	B. v OFPRA , January 2026	The court assessed COI on Peru and found that transgender persons were subject to structural discrimination, social stigmatisation and violence, alongside heightened exposure to police abuse and impunity. It further noted that sexual and gender minorities faced widespread discrimination based on their sexual orientation and gender identity in employment, housing, education and health. The court observed that, although Article 323 of the new Peruvian Criminal Code condemned discrimination on grounds of sexual orientation or gender identity and provided that they are aggravating circumstances, homosexual or transgender persons did not enjoy effective protection in practice. In light of these findings, the court recognised transgender people in Peru as constituting a particular social group.
Russia ^{xii}	CZ: Supreme Administrative Court	Ministry of the Interior (Ministerstvo vnitra České republiky) v Applicant , July 2026	The Supreme Administrative Court upheld the judgment of the Regional Court in Brno, which annulled the refusal to grant international protection to a Russian applicant who feared persecution because of her sexual orientation and political opinion due to participating in demonstrations in support of Ukraine and providing aid to Ukrainian refugees. The Regional Court in Brno affirmed that the LGBTIQ community in Russia constituted a particular social group and the applicant had not been persecuted in Russia before because she was hiding her sexual orientation. Referring to the EUAA's The Russian Federation: Country Focus – Country of Origin Information Report (December 2025), it further noted that the LGBTIQ community in Russia faced systematic

^{xii} For updated information on LGBTIQ applicants in Russia, see Section 3.7 of the EUAA [COI The Russian Federation – Country Focus](#), December 2025.

			repression, even if homosexuality as such is not criminalised, and the situation of the LGBTIQ community had significantly deteriorated after an amendment to the law in 2022 prohibited the promotion of LGBTIQ topics. The Supreme Administrative Court agreed that the risk of persecution should have been assessed prospectively, based on the interplay of sexual orientation and political opinion. In the applicant's case, it was established that there was a reasonable likelihood of persecution.
	CH: Federal Administrative Court	A. v SEM , August 2025	The court recognised that homophobia was widespread in Russia and acknowledged its intensification in recent years, but it emphasised that, while Russia's laws banned LGBTIQ 'propaganda', they did not criminalise homosexuality and no general persecution of homosexuals existed. It concluded that LGBTIQ people in Russia were not subject to nationwide, systematic, targeted state persecution and the Russian state was fundamentally capable and willing to provide protection.
	CZ: Municipal Court in Prague	Applicant v Ministry of the Interior (Ministerstvo vnitra České republiky) , July 2025	The court noted that Russia's legislation, which was amended in 2022, significantly broadened the scope of repression and criminalised public expression of sexual identity. It also considered that violence exercised by non-state actors against the SOGIESC community was increasing and the Russian state was unwilling or unable to offer effective protection, rejecting the Ministry of the Interior's dismissal of these concerns based on low numbers of prosecution. It further criticised the ministry for assessing the applicant's fears in isolation, rather than examining the cumulative impact and intersection of his political beliefs, sexual orientation and military conscription, particularly in light of the absence of specific COI on the treatment of LGBTIQ conscripts.
Togo	BE: Council for Alien Law Litigation	Applicant v Belgian State represented by the State Secretary for Asylum and Migration , January 2025	The court granted refugee status to a homosexual Togolese national on grounds of membership of a particular social group of LGBTIQ. It held that his sexual orientation alone created a real risk of persecution upon a return, in light of Togo's repressive legal framework which criminalises homosexuality, the hostile social environment as well as homophobic violence, irrespective of the credibility of aspects of his personal account of his experience as a homosexual in the country.
United States of America	BG: Administrative Court of Veliko Tarnovo	U.E.S. v SAR , July 2025	The court assessed the case of an applicant who underwent medical sex reassignment procedures in the USA and required continued medical therapy. The

			applicant claimed that human rights were being violated under the Republican administration, as measures had been announced that could affect or restrict such medical treatment. He also argued that there were negative attitudes from certain social groups and politicians. The court ruled that, even if these allegations were valid and verifiable, they do not constitute sufficient grounds for granting international protection. The court ruled that international protection cannot prevent negative effects arising from insults or slander from other people and public figures on account of a person belonging to a particular community. It considered that such protection would not be available in any country, especially in the EU where citizens and public organisations enjoy political rights and freedom of expression. It found no evidence that the applicant had been personally persecuted by the state. As regards the restriction of medical therapy, it held that even if his concerns are justified in relation to his health status, it found it inexplicable that the applicant applied for asylum in a country where such therapy is practically impossible.
Uganda	DK: Refugee Appeals Board	Ugan/2025/2/sahe , March 2025	The court provided international protection to a transgender national from Uganda considering the criminalisation and deteriorating conditions of LGBTIQ persons in the country. The court noted that in March 2023 the Parliament of Uganda adopted the Anti-Homosexuality Act, under which LGBTIQ people risk being sentenced to life imprisonment and death penalty for cases of aggravated homosexuality.
Venezuela ^{xiii}	NL: Court of The Hague, seated in Middelburg	Applicant v The Minister for Asylum and Migration (de Minister van Aziel en Migratie) , December 2025	The court annulled the rejection of a Venezuelan transgender woman's asylum claim, holding that the Minister for Asylum and Migration had wrongly separated the harm she experienced while engaging in prostitution from the applicant's gender identity. The court further held that the minister had failed to properly take into account relevant COI which was submitted by the applicant, according to which transgender people in Venezuela have very limited access to regular employment, are largely dependent on informal and poorly paid work, and often survive through prostitution.

^{xiii} For updated information on LGBTIQ applicants in Venezuela, see Section 3.5 of the EUAA [COI Venezuela – Country Focus](#), July 2026.

			The court found that the minister had wrongly limited the use of this information to the assessment of the seriousness of the harm, instead of integrating it into the credibility assessment. The court also noted that the minister had incorrectly relied on case law concerning homosexuals in Venezuela, which did not concern transgender people but related to a group in a fundamentally different position in the country.
	DK: Refugee Appeals Board	Vene/2025/4/Ink , November 2025	The court acknowledged that LGBTIQ persons in Venezuela faced discrimination and the country lacked effective legal protection against discrimination on grounds of sexual orientation or gender identity. It referred to background information indicating that homosexuality was not criminalised, but same-sex relationships were not legally recognised and hate-motivated violence was insufficiently investigated. Nevertheless, it refused to grant international protection to the homosexual applicant, as it found that the verbal insults and discrimination which he faced did not amount to persecution or serious harm.
Zimbabwe	FR: National Court of Asylum	M. v OFPRA , April 2026	The court held that, although the criminal law in Zimbabwe prohibiting homosexual relations did not specifically target women, lesbians constituted a particular social group due to their treatment by society and state institutions. The COI examined by the court further indicated that homosexual women could be arrested for acts characterised as 'indecent' and subjected to police arbitrariness. LGBTIQ persons were also disproportionately accused of disorderly conduct and remained exposed to homophobic attacks, conversion therapy and forced heterosexual marriage. The court concluded that homosexual persons in Zimbabwe faced widespread discrimination, hostility and violence, against which they could not expect effective state protection.

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