



Home Office

# **Country Policy and Information Note**

## **Algeria: Sexual orientation and gender identity**

**Version 3.0**

**May 2020**

# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- A person is reasonably likely to face a real risk of persecution or serious harm
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive)/Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- A claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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# Assessment

Updated: 1 April 2020

## 1. Introduction

### 1.1 Basis of claim

1.1.1 Fear of persecution and/or serious harm by the state and/or non-state actors because of the person's actual or perceived sexual orientation and/or gender identity and/or expression.

### 1.2 Points to note

1.2.1 This note provides an assessment of the general situation for gay men, lesbians, bisexuals, transgender and intersex (LGBTI) persons, as well as those perceived as such. Even though they are referred hereafter collectively as 'LGBTI persons', the experiences of each group may differ.

1.2.2 For general guidance on considering claims LGBTI persons, decision makers should refer to the Asylum Instructions on [Sexual orientation in asylum claims](#) and [Gender identity issues in the asylum claim](#).

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## 2. Consideration of issues

### 2.1 Credibility

2.1.1 For information on assessing credibility, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Exclusion

2.2.1 Decision makers must consider applying one (or more) of the exclusion clauses.

2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection.

2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

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### 2.3 Convention reason(s)

2.3.1 Actual or imputed membership of a particular social group.

- 2.3.2 LGBTI persons form a particular social group (PSG) in Algeria within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it **and** have a distinct identity in Algeria because LGBTI persons are perceived as being different by the surrounding society.
- 2.3.3 Although LGBTI persons from Algeria form a PSG, establishing a convention reason is not sufficient to be recognised as a refugee. The question is whether the particular person has a well-founded fear of persecution on account of their actual or imputed membership of such a group.
- 2.3.4 For further guidance on Convention reasons see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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## 2.4 Risk

### a. General points

- 2.4.1 Paragraphs 35 and 82 of the determination of the Supreme Court's ruling in [HJ \(Iran\) and HT \(Cameroon\) v Secretary of State for the Home Department \[2010\] UKSC 31](#), heard 10,11,12 May and promulgated 7 July 2010, has set out the approach to take and established the test that should be applied when assessing a claim based on a person's sexual orientation, which can also be applied to claims based on a person's gender identity/expression.
- 2.4.2 For further information, see the Asylum Instructions on [Sexual orientation in asylum claims](#) and [Gender identity and expression, including intersex issues in asylum claims](#).

### b. State treatment

- 2.4.3 Information about the treatment of LGBTI persons by the state is limited and sources do not generally differentiate between lesbians, gay men, bi-sexual men and women, transgender and intersex persons.
- 2.4.4 Although the Constitution protects basic human rights it does not include provisions to prevent discrimination based on gender identity or sexual orientation. The Penal Code criminalises 'public indecency' and same-sex sexual relations, with imprisonment of up to 3 years and a fine of 10,000 dinars (roughly 65.00 GBP) which applies to both men and women. The Code, however, does not make direct reference to transgender or intersex persons. The US State Department (USSD) observed that while a person's sexual orientation or gender identity is not criminalised, LGBTI persons may face prosecution under laws regulating prostitution, public indecency and associating with 'bad' characters (see [Legal context](#)).
- 2.4.5 The USSD reported 'multiple' arrests of LGBTI persons in 2018 and 2019 but no figures are available of the number, frequency or reasons for the arrests. However, no other sources consulted reported this. Sources are, however, consistent that prosecutions for same-sex acts are rare, with none reported in 2017, 2018 or 2019, and, according to Freedom House, declining. Only the USSD observed that judges gave harsher sentences to

LGBTI persons than non-LGBTI persons for crimes related to prostitution, public indecency and associating with bad characters, although it did not provide details of the numbers of cases or reasons for the arrests and sentencing. Freedom House reported LGBTI persons face mistreatment at hands of the police but provided no details about the circumstances, nature, frequency or scale of this (see [Arrests, harassment and prosecutions](#)).

- 2.4.6 In the country guidance case [OO \(Gay Men\) \(CG\) \[2016\] UKUT 65 \(IAC\)](#), heard on 23-24 September 2015 and promulgated on 26 January 2016, which only considered the situation for gay men, the Upper Tribunal held:
- ‘Although the Algerian Criminal Code makes homosexual behaviour unlawful, the authorities do not seek to prosecute gay men and there is no real risk of prosecution, even when the authorities become aware of such behaviour. In the very few cases where there has been a prosecution for homosexual behaviour, there has been some other feature that has given rise to the prosecution. The state does not actively seek out gay men in order to take any form of action against them, either by means of prosecution or by subjecting gay men to other forms of persecutory illtreatment.’ (paragraph 172)
- 2.4.7 The UT in [OO](#) also found that ‘Sharia law is not applied against gay men in Algeria. The criminal law is entirely secular and discloses no manifestation, at all, of Sharia law in its application.’ (para 173)
- 2.4.8 The available evidence does not show that there are very strong grounds supported by cogent evidence to depart from the findings of the UT since [OO \[2016\]](#) was promulgated. While same-sex relations remain criminalised and there is evidence that some gay or bisexual men may be arrested because of sexual identities there is no indication that these are frequent or widespread, and prosecutions for same-sex relations almost never occur (see [Legal context](#) and [State attitudes and treatment](#)).
- 2.4.9 Specific information about the treatment of lesbian, bisexual, transgender and intersex persons by the state is not available in the sources consulted. However, there is no indication that the state’s treatment of LGBTI persons is in general different from that experienced by gay or bisexual men (see [State attitudes and treatment](#)).
- 2.4.10 Although LGBT persons in Algeria are generally not open about their sexual orientation due to shame ([OO](#)), in general, LGBTI persons who are open about their sexual orientation or gender identity are not subject to treatment by the state which by its nature and/or repetition amounts to persecution. However, decision makers must consider whether there are particular factors specific to the person which would place them at risk. The onus is on the person to demonstrate this.
- 2.4.11 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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c. Societal treatment

- 2.4.12 Information about the treatment of LGBTI persons by societal actors is limited and sources do not generally differentiate between lesbians, gay men, bi-sexual men and women, transgender and intersex persons
- 2.4.13 Algeria is a conservative, strongly heteronormative society. Male/female gender roles are considered distinct and public displays of affection are not common. The public are aware of 'homosexuality' but generally unaccepting of non-conforming gender roles, with around 26% of the population considering 'homosexuality' to be acceptable. While there is limited information that there is an LGBTI 'community' of people who are open about their sexuality or gender identity, evidence suggests that these communities can be mainly found online (see [Societal attitudes and treatment](#)).
- 2.4.14 Some LGBTI persons have reportedly faced violence from their families and other members of their communities, with Freedom House indicating that LGBTI activists have fled the country because of threats. Within their own family, an LGBTI person who 'comes out' may face forced marriage, which is particularly the case for lesbians and bi-sexual women.
- 2.4.15 LGBTI persons may also experience discrimination in accessing healthcare, such as longer waiting times, refusal of treatment or 'shaming', and in the workplace. There are few organisations that advocate and support LGBTI persons, which are mostly online (see [Societal attitudes and treatment](#)).
- 2.4.16 The UT in [OO \[2016\], which considered the situation for gay men](#), found 'Algeria is an extremely conservative society where behaviour is regulated by reference to the strict Islamic values endorsed by the state. It is not just open displays of affection by gay men that are not tolerated but such behaviour by heterosexual couples also, particularly between unmarried heterosexual couples. Because there is general adherence to strict Islamic doctrine, which includes a similar intolerance to extra-marital sexual relations, young unmarried men do not have access to women and so may have resort to same-sex liaisons. This is not seen as homosexual conduct but pragmatism in achieving sexual gratification. Indeed, there is some evidence that where one of the same sex partners is perceived to be "dominant" he will be admired as virile and masculine.' (para 174)
- 2.4.17 The UT further observed 'There are, undoubtedly, gay men in Algeria and there is no reason to suppose that they do not represent a similar proportion of the population as in other countries. Therefore, it is remarkable that there is little evidence of gay men living openly as such anywhere in Algeria.' (para 175). The UT went on to explain this absence of evidence:
- 'Very few gay men live openly as such in Algeria. Gay Algerian men, as a consequence of cultural, religious and societal views, do not generally identify themselves as gay, even if their sexual preferences lead them to prefer same sex relationships. Even Algerian men with settled sexual preferences for same sex relationships may well continue to entertain doubt about their sexuality. Second, gay men recognise the intense and deep rooted near universal disapproval of homosexuality that obtains in Algeria. Thus, Algerian gay men who have moved to France where, plainly, they face no obstacle to living openly as such, generally choose not to because they



refuse to categorise themselves as gay, even though there is no persecutory disincentive to doing so.’ (para 183)

2.4.18 On whether societal actors posed a risk of persecution, the UT found

‘There is a real risk of violent and persecutory ill-treatment of gay men from family members, motivated by the deep sense of shame and dishonour perceived to be brought upon the family as a consequence of it becoming known in the neighbourhood that there is within the household a gay son. There is a risk of that being the case throughout Algerian society but it is clear from the evidence that that is especially the case in the less affluent and densely populated neighbourhoods where, typically, values will be conservative and non-secular and households are under close scrutiny from neighbours...’ (para 177)

2.4.19 However, this risk did not generally extend to other societal actors (or the state): ‘There is no real risk of gay men being subjected to violence or other persecutory ill-treatment outside the family home, either at the hands of the authorities or by members of the public with whom gay men have to engage. There is an absence of reliable evidence of that occurring.’ (para 182).

2.4.20 The UT in [OO \[2016\]](#), with regard to gay men, went on to find

- ‘The only risk of ill-treatment at a level to become persecution likely to be encountered by a gay man in Algeria is at the hands of his own family, after they have discovered that he is gay. There is no reliable evidence such as to establish that a gay man, identified as such, faces a real risk of persecutory ill-treatment from persons outside his own family.
- ‘Where a gay man remains living with his family to whom he has disclosed his sexual orientation in circumstances where they are prepared to tolerate that, his decision to live discreetly and to conceal his homosexuality outside the family home is not taken to avoid persecution but to avoid shame or disrespect being brought upon his family. That means that he has chosen to live discreetly, not to avoid persecution but for reasons that do not give rise to a right to international protection.
- ‘Where a gay man has to flee his family home to avoid persecution from family members, in his place of relocation he will attract no real risk of persecution because, generally, he will not live openly as a gay man. As the evidence does not establish that he will face a real risk of persecution if subsequently suspected to be a gay man, his decision to live discreetly and to conceal his sexual orientation is driven by respect for social mores and a desire to avoid attracting disapproval of a type that falls well below the threshold of persecution. Quite apart from that, an Algerian man who has a settled preference for same sex relationships may well continue to entertain doubts as to his sexuality and not to regard himself as a gay man, in any event’ (paragraph 186 (a), (b) and (c)).

2.4.21 And the UT concluded that:

‘... a gay man from Algeria will be entitled to be recognised as a refugee only if he shows that, due to his personal circumstances, it would be unreasonable and unduly harsh to expect him to relocate within Algeria to avoid persecution from family members, or because he has a particular

characteristics that might, unusually and contrary to what is generally to be expected, give rise to a risk of attracting disapproval at the highest level of the possible range of adverse responses from those seeking to express their disapproval of the fact of his sexual orientation' (paragraph 190).

- 2.4.22 Information available since [OO](#) was heard does not indicate that there are very strong grounds supported by cogent evidence to depart from the UT's finding that a gay man may face treatment amounting to persecution from his family but he is not likely to do so from society more generally.
- 2.4.23 Specific information about the treatment of lesbians and bisexual women is limited, with one source observing that lesbians are more likely than men to be forced to marry. However, women face discrimination in law and social practices generally which may make them more vulnerable to abuses that amount to persecution than men (see Societal attitudes and treatment, and the [country policy and information note: Background information](#)).
- 2.4.24 Sources do not directly comment on the treatment of transgender and intersex persons. There is, however, no indication that they are treated differently by societal actors than gay and bi-sexual men and women (see Societal attitudes and treatment).
- 2.4.25 In general, LGBTI persons who are open about their sexual orientation or gender identity are not likely to face treatment that by its nature and/or repetition amounts to persecution by societal actors (outside of their families). However each case will need to be considered on its facts with the onus on the person to demonstrate a risk.
- 2.4.26 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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## 2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution or serious harm at the hands of the state, they will not be able to obtain protection of the authorities.
- 2.5.2 In the case of [OO \[2016\]](#), the Upper Tribunal found that  
'... where a gay man does face a real risk of persecution, which, when such occurs, is likely to be from his own family members, there is no sufficiency of protection available from the police or other state authorities' (para 176).
- 2.5.3 This applies equally to lesbian, bi-sexual and transgender persons.
- 2.5.4 The available information does not indicate that the situation has changed since [OO](#) was heard in September 2015.
- 2.5.5 For further guidance on assessing the availability of state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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## 2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution and/or serious harm from the state, they will not be able to relocate to escape that risk.

2.6.2 Where the threat is from a non-state actor, decision makers should consider each case on its individual circumstances to ascertain if the threat is local and could be removed by internal relocation.

2.6.3 In regard to gay men, in the case of [OO \[2016\]](#) the Upper Tribunal found:

‘... whether there is a safe and reasonable internal relocation option, is a difficult and complex one in the Algerian context. Generally, there will be no real difficulty preventing relocation and there is no indication that disapproving family members have the means, inclination or reach to cause difficulties after relocation. But where such a person has established himself elsewhere in Algeria, as marriage is expected of Algerian men, in pursuance of what is seen as an "Islamic duty to procreate", it may well, sooner or later, become apparent that he has not adhered to the norms expected and that is likely to generate suspicion that he is a gay man.

[... However] [t]here is no real risk of gay men being subjected to violence or other persecutory ill-treatment outside the family home, either at the hands of the authorities or by members of the public with whom gay men have to engage. There is an absence of reliable evidence of that occurring’ (paragraphs 181-182).

2.6.4 The Upper Tribunal in [OO](#) only considered the position for gay men. Specific information about the treatment of LGBTI persons is limited. However, Algeria is a patriarchal society where women have an inferior status to men. Lesbians and bisexual women may face difficulties in internally relocating that do not exist for men as might transgender women face similar difficulties where they do not conform to cultural norms.

2.6.5 Internal relocation will not be an option if it depends on the person concealing their sexual orientation and/or gender identity in the proposed new location for fear of persecution.

2.6.6 For further guidance on internal relocation see the Asylum Instruction on [Assessing Credibility and Refugee Status](#), [Sexual orientation in asylum claims](#) and [Gender identity issues in the asylum claim](#).

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## 2.7 Certification

2.7.1 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

Section 3 updated: 1 April 2020

## 3. Legal context

### 3.1 Constitutional protections

- 3.1.1 The US State Department (USSD) report on human rights practices for 2019 stated that ‘the law does not extend antidiscrimination protections to LGBTI persons based on sexual orientation, gender identity or expression, or sex characteristics. Officials assert that the law covers LGBTI individuals through general civil and human rights legislation. Government officials did not take measures specifically to prevent discrimination against LGBTI persons.’<sup>1</sup>
- 3.1.2 Freedom House reported in its report covering events in 2019 noted that ‘LGBT+ people are politically marginalized in Algeria, and have little practical ability to fight for relevant anti-discrimination laws or the repeal of laws criminalizing same-sex relations.’<sup>2</sup>

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### 3.2 Sharia law

- 3.2.1 The US State Department (USSD) report on international religious freedom covering events in 2018/19 stated that ‘The constitution declares Islam to be the state religion and prohibits state institutions from engaging in behavior incompatible with Islamic values.’<sup>3</sup>
- 3.2.2 The undated article on the Refugeelegalaid.org website noted that ‘Algeria also practices Sharia law, which reportedly calls for the death of homosexuals.’<sup>4</sup> However, France Diplomatie, part of the French Ministry for Europe and Foreign Affairs<sup>5</sup>, stated on its website that Algeria has introduced a moratorium on executions ‘(de facto if no execution has been carried out for at least ten years or by law if the moratorium follows a decision of the authorities or a court decision)’<sup>6</sup>. Middle East Monitor reported in October 2018 that ‘no one has been executed [in Algeria] in the last ten years’.<sup>7</sup>
- 3.2.3 There is no information in the sources consulted that Sharia law has been used to prosecute same-sex sexual relationships (see [Bibliography](#)).

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### 3.3 Criminal/Penal Code

- 3.3.1 The USSD country report on human rights practices for 2019 stated:  
‘The law criminalizes public indecency and consensual same-sex sexual relations between adult men or women, with penalties that include

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<sup>1</sup> USSD, ‘County Reports on Human Rights Practices for 2019 – Algeria’ (s6), 12 March 2020, [url](#)

<sup>2</sup> Freedom House, ‘Freedom in the World 2020 – Algeria’ (section B4), 4 March 2020, [url](#)

<sup>3</sup> USSD, ‘2018 International Religious Freedom - Algeria’ ( section 2), 21 June 2019, [url](#)

<sup>4</sup> Refugeelegalaid.org. ‘Rights in Exile Programme’, undated, [url](#)

<sup>5</sup> France Diplomatie, ‘About – privacy policy’, undated, [url](#)

<sup>6</sup> France Diplomatie, ‘The Death Penalty around the World’, updated October 2019, [url](#)

<sup>7</sup> Middle East Monitor, ‘Amnesty: Algeria must end death penalty’, 10 October 2018, [url](#)

imprisonment of six months to three years and a fine of dinars 1,000 to dinars 10,000 (\$8.50 to \$85). The law also stipulates penalties that include imprisonment of two months to two years and fines of dinars 500 to dinars 2,000 (\$4.25 to \$17) for anyone convicted of having committed a “homosexual act.” If a minor is involved, the adult may face up to three years’ imprisonment and a fine of dinars 10,000 (\$85) [69.00 GBP] ...

‘LGBTI status is not, in itself, criminalized; however, LGBTI persons may face criminal prosecution under legal provisions concerning prostitution, public indecency, and associating with bad characters. NGOs reported that judges gave harsher sentences to LGBTI persons for the above crimes compared to non-LGBTI persons. An NGO reported that LGBTI men were targeted more often than women.

‘The law does not extend antidiscrimination protections to LGBTI persons based on of sexual orientation, gender identity or expression, or sex characteristics. Officials assert that the law covers LGBTI individuals through general civil and human rights legislation...’<sup>8</sup>

- 3.3.2 The International Lesbian, Gay, Bisexual Trans and Intersex Association (ILGA) ‘a worldwide federation of more than 1,600 organisations from over 150 countries and territories campaigning for lesbian, gay, bisexual, trans and intersex human rights’<sup>9</sup> stated in its December 2019 State-Sponsored Homophobia report that Algeria criminalises same-sex sexual activity for both men and women<sup>10</sup>.
- 3.3.3 ILGA reported that in relation to same-sex sexual acts other than intercourse, Article 333 states, ‘any person who commits an act of homosexuality against a person of the same sex shall be punished by imprisonment from two months to two years and a fine of 500 to 2,000 dinars’. With regards to same-sex sexual intercourse, Article 338 states... ‘The punishment for those convicted of “abnormal sexual acts” is six months to three years in prison and a fine of 1,000 to 10,000 Algerian dinars.’<sup>11</sup>
- 3.3.4 Amnesty International (AI) stated in its 2019 report, ‘The Penal Code continued to criminalize same-sex sexual relations, prescribing a prison sentence of two months to two years, or in certain cases of six months to three years.’<sup>12</sup> Human Rights Watch noted in its 2019 world report that ‘same-sex relations are punishable under article 338 of the penal code by up to two years in prison.’<sup>13</sup>
- 3.3.5 Human Dignity Trust, an organisation that supports strategic litigation ‘to challenge laws that persecute people on the basis of their sexual orientation and/or gender identity’<sup>14</sup>, stated that ‘Article 338 criminalises “acts of homosexuality” with a maximum penalty of two years and a fine of 2000

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<sup>8</sup> USSD, ‘County Reports on Human Rights Practices for 2019 – Algeria’ (s6), 12 March 2020, [url](#)

<sup>9</sup> ILGA, ‘About us’, undated, [url](#)

<sup>10</sup> ILGA, ‘State-Sponsored Homophobia 2019’, Algeria, page 37, 10 December 2019, [url](#)

<sup>11</sup> ILGA, ‘State-Sponsored Homophobia 2019’, Algeria, page 305, 10 December 2019, [url](#)

<sup>12</sup> AI, ‘Human Rights in the Middle East and North Africa... (p 14), 27 February 2020, [url](#)

<sup>13</sup> HRW, ‘World Report 2019 events of 2018’, Algeria (p27), 17 January 2019, [url](#)

<sup>14</sup> Human Dignity Trust, ‘Algeria’ undated, [url](#)

dinars [13.00 GBP]. The law applied to such acts both between men and between women.<sup>15</sup>

- 3.3.6 The source further stated that ‘Article 333 (modified) of the Penal Code 1966 increases the penalty for public indecency if it involves people of the same sex, whether between men or between women. The maximum penalty is three years and a fine of up to 10,000 dinars [65.00 GBP].<sup>16</sup>
- 3.3.7 Freedom House reported in its 2020 world report that ‘[same-sex relations] remain prohibited by Article 338 of the penal code, and those convicted face a two-year prison term.’<sup>17</sup>
- 3.3.8 The sociologist Rose Schembri, stated in an article written for Le Monde Diplomatique in August 2019, an international newspaper<sup>18</sup>, that ‘Though Algeria does not have repression on a scale comparable to some Sub-Saharan countries, those convicted of homosexual acts are subject to a fine of 500 to 2,000 dinars (\$4 to \$17) and between two and 24 months in prison (the penalties are heavier if one partner is a minor).<sup>19</sup>
- 3.3.9 The USSD report for 2019 also observed ‘There were no legal protections for LGBTI persons in prison, but authorities stated civil protections extend to all prisoners regardless of gender orientation.’<sup>20</sup>
- 3.3.10 Sources consulted do not indicate that there are specific laws relating to trans or intersex persons (see [Bibliography](#)).

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Section 4 updated: 31 March 2020

## 4. State attitudes and treatment

### 4.1 Statements/attitude of government officials

- 4.1.1 The USSD report stated that ‘Government officials did not take measures specifically to prevent discrimination against LGBTI persons...’<sup>21</sup>
- 4.1.2 HRW’s annual report for events in 2017 noted ‘Activists state that during and after the 2014 presidential election, anti-LGBT rhetoric from politicians and media led to increased harassment and violence, leading many lesbian, gay, bisexual, and transgender community leaders to flee the country.’<sup>22</sup> While the same source’s annual report on events in 2018 noted ‘At a press conference in September [2018] during a visit by German Chancellor Angela Merkel, a journalist asked Prime Minister Ahmed Ouyahia about the rights of homosexuals. Ouyahia replied that “Algerian society has its own traditions, which will continue to evolve according to its values.”’<sup>23</sup>

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<sup>15</sup> Human Dignity Trust, ‘Algeria’ undated, [url](#)

<sup>16</sup> Human Dignity Trust, ‘Algeria’ undated, [url](#)

<sup>17</sup> Freedom House, ‘Freedom in the World 2020 – Algeria’ section B4, 4 March 2020, [url](#)

<sup>18</sup> Le Monde Diplomatique, ‘About LMD’, undated, [url](#)

<sup>19</sup> Le Monde Diplomatique, ‘Being Gay in Algeria’, August 2019, [url](#)

<sup>20</sup> USSD, ‘Country Reports on Human Rights Practices for 2019 – Algeria’ (s1b), 12 March 2020, [url](#)

<sup>21</sup> USSD, ‘Country Reports on Human Rights Practices for 2019 – Algeria’, s6, 12 March 2020, [url](#)

<sup>22</sup> HRW, ‘World Report 2018’ (Algeria), January 2018, [url](#)

<sup>23</sup> HRW, ‘World Report 2018’ (Algeria), January 2019, [url](#)

- 4.1.3 HRW's also reported in 'Audacity in Adversity' of 2018, based on interviews with LGBTI activists across North Africa and the Middle East including 2 from Algeria, that:

'In Algeria's 2016 [UN Human Rights Council Universal Periodic] review, LGBT activists from Association Alouen and MantiQitna made a submission calling for a series of reforms, including the passage of a comprehensive anti-discrimination law and hate crimes legislation, the decriminalization of same-sex conduct, police training on sexual orientation and gender identity, and the right to form LGBT associations.[...] In response, in May 2017, the Minister of Foreign Affairs Mr Ramtane Lamamra told the Human Rights Council:

"A number of recommendations also have to do with practices which are not consistent with universally recognized rights. Algeria does not specifically request a given individual what his sexual practices or private practices are. We consider him as a full-fledged citizen and we do not try to enter into the way these persons conduct their private lives.[...]"<sup>24</sup>

- 4.1.4 Amnesty International stated in its review of 2019 that 'In December, then Minister of Interior Salahedine Dahmoune called protesters opposed to the holding of presidential elections "traitors, mercenaries and homosexuals".<sup>25</sup> Commenting on the same incident, on 4 December 2019, The New Arab, a news and current affairs website<sup>26</sup>, stated:

'Algeria's Interior Minister Salahedine Dahmoune called protestors opposed to the holding of presidential elections "traitors, mercenaries, homosexuals, perverts, and remnants of imperialism" on Tuesday, causing outrage in the North African country.

'The sarcastic hashtag

"We\_are\_all\_mercenaries\_perverts\_and\_homosexuals" began trending in Algeria after his egregious remarks... The Algerian presidency called Dahmoune to its offices to clarify his statements on Tuesday evening.

'Following the public outcry, he tried to qualify his statement, saying, "...My statement was only directed at a small group of fake Algerians made up of foreign agents, traitors, and people who commit shameful acts," he added, appearing to double down on his statements rather than apologise.'<sup>27</sup>

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## 4.2 Arrests, harassment and prosecutions

- 4.2.1 Freedom house reported in its report covering events in 2019 noted that 'LGBT+ Algerians face mistreatment at the hands of police'<sup>28</sup>

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<sup>24</sup> HRW, 'Audacity in Adversity' (p60), 2018, [url](#)

<sup>25</sup> AI, 'Human Rights in the Middle East and North Africa... ', Algeria, p14, 27 February 2020, [url](#)

<sup>26</sup> The New Arab, 'About us', undated, [url](#)

<sup>27</sup> The New Arab, 'Algerians troll interior minister with 'gay' hashtag after...', 4 December 2019, [url](#)

<sup>28</sup> Freedom House, 'Freedom in the World 2020 – Algeria' section F4, 4 March 2020, [url](#)

- 4.2.2 Furthermore, Freedom House report noted that ‘Same-sex relations are punishable with prison sentences as long as two years, though prosecutions for such acts have declined in recent years.’<sup>29</sup>
- 4.2.3 The report added that ‘LGBT+ people face discrimination and violence for expressing their sexual orientation, and many LGBT+ activists have fled the country.’<sup>30</sup>
- 4.2.4 Amnesty International (AI) stated in its review of 2019 that ‘An activist in an Algerian LGBTI group ... [stated] that, while [the Penal Code was] rarely used, they made LGBTI people feel vulnerable and were used to pressure LGBTI victims of crime to withdraw their complaints.’<sup>31</sup>
- 4.2.5 The USSD report for 2019 noted that ‘LGBTI activists reported that the vague wording of laws criminalizing “homosexual acts” and “acts against nature” permitted sweeping accusations that resulted in multiple arrests for consensual same-sex sexual relations, but no known prosecutions during the year.’<sup>32</sup>
- 4.2.6 The HRW’s report on events in 2017 noted ‘[i]n 2015, several people were arrested for same-sex relations but none were prosecuted’ but did not indicate there were arrests in 2016 or 2017<sup>33</sup>. HRW’s annual reports on events in 2018 and 2019 also did not report any arrests or prosecutions of LGBTI persons<sup>34 35</sup>.
- 4.2.7 Sources consulted, however, did not provide details of the nature, scale or frequency of mistreatment or the number, reasons and outcome of arrests (see [Bibliography](#)).

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## 5. Societal attitudes and treatment

### 5.1 Societal norms and public opinion

- 5.1.1 Based on a range of sources, ILGA stated in its December 2019 State-Sponsored Homophobia report ‘it has been claimed that sexual minorities in Algeria have been historically ridiculed, perceived and treated as a group of “second class citizens” who are constantly subjected to violence...’<sup>36</sup>
- 5.1.2 France24 observed in its 2017 report that ‘in a country where homosexuality is a crime...marrying a person of another gender has become the alternative to coming out, when the latter leads to ostracisation from society.’<sup>37</sup>
- 5.1.3 Rose Schembri stated in Le Monde Diplomatique in August 2019 that:  
 ‘Algerians know homosexuality exists, but tend to avoid the subject and feel gay people should keep to themselves. Algerian society is strongly

<sup>29</sup> Freedom House, ‘Freedom in the World 2020 – Algeria’ section F4, 4 March 2020, [url](#)

<sup>30</sup> Freedom House, ‘Freedom in the World 2020 – Algeria’ section F4, 4 March 2020, [url](#)

<sup>31</sup> Amnesty International, ‘Human Rights in the MENA’, Algeria, page 14, 27 February 2020, [url](#)

<sup>32</sup> USSD, ‘Country Reports on Human Rights Practices for 2019 – Algeria’, s6, 12 March 2020, [url](#)

<sup>33</sup> HRW, ‘World Report 2018’ (Algeria), January 2018, [url](#)

<sup>34</sup> HRW, ‘World Report 2019’ (Algeria), January 2019, [url](#)

<sup>35</sup> HRW, ‘World Report 2020’ (Algeria), January 2020, [url](#)

<sup>36</sup> ILGA, ‘State-Sponsored Homophobia 2019’, Algeria, page 305, 10 December 2019, [url](#)

<sup>37</sup> France24, ‘Gay Algerians seek ‘rainbow marriages’ to elude rigid society’, 11 October 2017, [url](#)



heteronormative: every institution — family, school, religion, the law — teaches children that they must conform, and marriage and procreation are seen as the key achievements of adult life. Homosexuality, when mentioned at all, is presented as an illness that requires treatment by a psychiatrist, or the intervention of an imam. Some accuse the West of seeking to export a ‘gay identity’ that doesn’t exist in Algeria; this may encourage homophobic behaviour by the authorities and conservative elements of society...’<sup>38</sup>

#### 5.1.4 Rose Schembri also observed in the same article that:

‘Demographer Zahia Ouadah-Bedidi writes, in a 2005 article on celibacy, “Marriage, in Islamic tradition and under Algerian law, is the foundation of the family and a platform for the organisation of all relationships between individuals and society. It is considered a religious duty, a social and legal contract, and a personal commitment to give love and affection. In Algerian society, marriage has always been regarded as an essential step in life, especially for women” [...].

‘Many straight men confirm this. Karim, an engineer nearing 30 with plans to marry, said, “A whole lot of things are based on marriage — in terms of having a family, and religion. Marriage in the sight of God is supposed to be good for relationships and love, and good psychologically and socially, too.” Apart from being a religious duty — half of what they owe to God — straight men see marriage as a path to social stability, success and self-fulfilment. They imagine gay men’s lives as consisting of debauchery, shame and loneliness. Society perceives these two ways of life as totally antagonistic, and few gay couples live together in Algeria.

‘This perception of homosexuality, and an unquestioning respect for parental authority, lead many men to conform to the social norm. The weight of parental authority, often coupled with financial dependence, is one of the main obstacles to the fulfilment of individual desires.’<sup>39</sup>

#### 5.1.5 The article also noted the experience of one gay man:

‘[Who found]... one solution: “For me, leaving Mostaganem and moving to Algiers was like going into exile. It put a distance between me and my family and friends. Whether you move to another city or another country, it’s the same. In Algeria today, if you want a life, you have to get out of the ‘arsh [village, extended family or clan] [CPIT comment: source added preceding explanation in square brackets]. You really need to get out of the family, otherwise it swallows you up.”’<sup>40</sup>

#### 5.1.6 In the UN Human Rights Council document, ‘Summary of other stakeholders’ submissions on Algeria\*, Report of the Office of the United Nations High Commissioner for Human Rights’, from the working group on the Universal period Review, 27th session, in May 2017, JS4 (Association Alouen, Algeria, and Mantiqitna, Brussels, Belgium) stated that:

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<sup>38</sup> Le Monde Diplomatique, ‘Being gay in Algeria’, August 2019, [url](#)

<sup>39</sup> Le Monde Diplomatique, ‘Being gay in Algeria’, August 2019, [url](#)

<sup>40</sup> Le Monde Diplomatique, ‘Being gay in Algeria’, August 2019, [url](#)

'JS4 indicated that hate speech and incitement to hatred targeting the LGBT community had become common even in the media. Prominent religious figures took to television studio sets and encouraged violence against homosexuals.'<sup>41</sup>

- 5.1.7 A BBC commissioned survey conducted in 2019 by researchers at Princeton University for the research network Arab Barometer, found that Algeria is the most tolerant country towards gay people in North Africa and the Middle East.<sup>42</sup>
- 5.1.8 Rose Schembri stated in her article for Le Monde Diplomatique that 'Algerians know homosexuality exists, but tend to avoid the subject and feel gay people should keep to themselves...'<sup>43</sup>

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## 5.2 Societal treatment

- 5.2.1 In the UN Human Rights Council document, 'Summary of other stakeholders' submissions on Algeria\*', Report of the Office of the United Nations High Commissioner for Human Rights', from the working group on the Universal period Review, 27th session, in May 2017, JS4 (Association Alouen, Algeria, and Mantiqitna, Brussels, Belgium) stated that:

'JS4 regretted that article 336 of the Criminal Code, under which rape was considered to be a crime, did not address the different circumstances of rape in the case of lesbian, bisexual, transgender and queer women, who were often victims of corrective rape perpetrated by persons in their social ... circles.'<sup>44</sup>

- 5.2.2 HRW noted in its report on events in 2018 'Activists have documented recent cases of violence on the grounds of sexual orientation and gender identity within families, at universities, in the streets, and in prisons.'<sup>45</sup> However, the same source does not mention similar incidents of harassment against LGBTI persons in its reports covering events in 2019<sup>46</sup>.
- 5.2.3 Rose Schembri described in an article based on other published articles, academic paper and interviews with gay men in Algeria noted:
- 'Until the 1990s, Algerians rarely mentioned homosexuality, especially in the presence of adolescents... What words can North African men use to talk about their attraction to other men? According to Mariem Guellouz, a doctor of linguistics, "every word for homosexuality in Arabic has negative connotations, in other words the language itself is systemically hurtful and discriminatory. The language is not just a sign of homophobia; it's homophobic in itself" [...]. A homosexual may be given a girl's name as a nickname, or insulted as "a man who gives" ('attay). When the only words teens have to describe themselves are pejorative, they can find it hard to

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<sup>41</sup> UN Human Rights Council, Summary of other stakeholders' submissions on Algeria,

A/HRC/WG.6/27/DZA/3, Section C – Equality and non-discrimination, 20 February 2017, [url](#)

<sup>42</sup> BBC, 'The Arab world in seven charts: are arabs turning their backs on religion?', 24 June 2019, [url](#)

<sup>43</sup> Le Monde Diplomatique, 'Being Gay in Algeria', August 2019, [url](#)

<sup>44</sup> UN Human Rights Council, Summary of other stakeholders' submissions on Algeria, A/HRC/WG.6/27/DZA/3, Section C – Equality and non-discrimination, 20 February 2017, [url](#)

<sup>45</sup> HRW, World Report 2019' (Algeria), January 2019, [url](#)

<sup>46</sup> HRW, World Report 2020' (Algeria), January 2020, [url](#)

understand who they are. It's very different for those born after the civil war (1992-2000); they are on new media all the time, and these offer a view of homosexuality that is not guilt-inducing, and positive role models. Amin, a university student, joked, "The character Marco, in Degrassi [a Canadian drama series that deals with the teenage problems and issues in a realistic way], changed my life: I realised that being gay was a thing."

'Cafés, hammams, cinemas, bars, cabarets, discos, the street are all places where men can meet other men, but it's more difficult to find a place to have sex [...]. It's easy if you have an apartment, but wages are low and rents are high; lack of economic autonomy has a direct impact on sexual and emotional lives. The poorest are the most vulnerable, because when public spaces are the only place where you can have sex, there are many dangers: the police, homophobic attacks, theft, and health risks if you don't have a condom.

'Sexual behaviour is closely linked to ascribed gender [of the gay man].... The hierarchy of the sexes and the dominance of men influence even homoerotic relationships; many men present themselves as active to preserve their dignity, and assert their virility by rejecting anything that might be perceived as feminine. Yet in private the roles are often inverted.

'In the street, men often pull without exchanging any words, sometimes just with a glance, so roles are determined according to appearance, but online dating seems to allow people to be more direct, freer, and more precise in their use of language because they are not talking face-to-face. With specialised websites and apps such as Grindr and PlanetRomeo, and social networks, making contact is less risky, and you can remain anonymous. Chance encounters are no longer the only way to get sex.'<sup>47</sup>

5.2.4 Freedom House noted in its report covering events in 2019 that 'in February, a medical student was killed in his dormitory by two unknown assailants, allegedly because of his perceived homosexuality.'<sup>48</sup>

5.2.5 The New Arab stated in a February 2019 report:

'An Algerian medicine student was murdered at a university in the North African country on Sunday, which LGBT activists are saying was a homophobic attack.

'Twenty-year-old Assil Belalta was found with his throat slit at his dormitory room with "he is gay" allegedly written in his own blood on a wall.

'Two men attacked Belalta in his room and then stole his car...

'Algerian LGBT group, Alouen ("Colours") alleged that homophobia had been stirred by local authorities and senior officials.

"Institutional and state homophobia is becoming commonplace," it said.

'Hundreds of students rallied at the faculty of Medicine Ziania in Algiers to protest against the murder....'<sup>49</sup>

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<sup>47</sup> Le Monde Diplomatique, 'Being gay in Algeria', August 2019, [url](#)

<sup>48</sup> Freedom House, 'Freedom in the World 2020 – Algeria' section F4, 4 March 2020, [url](#)

<sup>49</sup> The New Arab, 'Algerian student throat slit...', 13 February 2019, [url](#)

- 5.2.6 Deutsche Welle (DW), a German international media outlet<sup>50</sup>, also reported the death of Assil Bellata on 14 February 2019<sup>51</sup>.

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### 5.3 LGBTI community

- 5.3.1 France24, an international news channel<sup>52</sup>, reported in 2017 that Algeria's LGBT community celebrates TenTen every year – 'its national day of solidarity, on October 10.'<sup>53</sup>
- 5.3.2 Alouen, an Algerian LGBT youth organisation openly active on social media, which currently (early May 2020) has 9,400 followers on Facebook and uploads news and information on events such as TenTen in Algeria<sup>54</sup>. TransHomosDz is another Algerian online community which works to protect LGBT people, with 23,928 followers on Facebook as of early May 2020<sup>55</sup>.
- 5.3.3 Rose Schembri stated in her article for Le Monde Diplomatique that '...online dating seems to allow people to be more direct, freer, and more precise in their use of language because they are not talking face-to-face. With specialised websites and apps such as Grindr and PlanetRomeo, and social networks, making contact is less risky, and you can remain anonymous.'<sup>56</sup>
- 5.3.4 Furthermore, the article noted that '10 October has been LGBT Day in Algeria since 2007... but is only celebrated on social networks.'<sup>57</sup>

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### 5.4 Family treatment

- 5.4.1 In the UN Human Rights Council document, 'Summary of other stakeholders' submissions on Algeria\*, Report of the Office of the United Nations High Commissioner for Human Rights', from the working group on the Universal period Review, 27th session, in May 2017, JS4 (Association Alouen, Algeria, and Mantiqitna, Brussels, Belgium) stated that:
- 'JS4 regretted that article 336 of the Criminal Code, under which rape was considered to be a crime, did not address the different circumstances of rape in the case of lesbian, bisexual, transgender and queer women, who were often victims of corrective rape perpetrated by persons in their ... family circles.'<sup>58</sup>
- 5.4.2 The USSD report noted that 'Members of the LGBTI community reported that forced marriage was a problem, particularly for lesbian women.'<sup>59</sup>
- 5.4.3 ILGA stated in its December 2019 'State-Sponsored Homophobia' report 'that 'Social rejection of sexual diversity is reported to be so radical that

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<sup>50</sup> DW, 'Who we are', undated, [url](#)

<sup>51</sup> DW, 'North Africa seen as unsafe for LGBT people: rights groups', 14 February 2019, [url](#)

<sup>52</sup> France24, 'Who are we?', undated, [url](#)

<sup>53</sup> France24, 'Gay Algerians seek 'rainbow marriages' to elude rigid society', 11 October 2017, [url](#)

<sup>54</sup> Facebook, AAlouen, undated, [url](#)

<sup>55</sup> Facebook, TransHomosDz, undated, [url](#)

<sup>56</sup> Le Monde Diplomatique, 'Being Gay in Algeria', August 2019, [url](#)

<sup>57</sup> Le Monde Diplomatique, 'Being Gay in Algeria', August 2019, [url](#)

<sup>58</sup> UN Human Rights Council, Summary of other stakeholders' submissions...', 20 February 2017, [url](#)

<sup>59</sup> USSD, 'County Reports on Human Rights Practices for 2019', section 6, 12 March 2020, [url](#)

heterosexual marriage is often seen by gay and lesbian people as the only viable option to remain safe.<sup>60</sup>

- 5.4.4 Human Rights Watch noted in a report 'Rayan, a gay man from Algeria, describes being taken by his parents to a religious healer known as a raqi, who beat him, saying that there was a woman inside him that needed to get out. "He could beat me all night, but nothing would change," says Rayan.'<sup>61</sup>
- 5.4.5 France24 reported in 2017 that 'every year, hundreds or even thousands of gay people across Algeria get married in such "rainbow weddings", because of social and familial pressure.'<sup>62</sup>
- 5.4.6 See also [Societal norms](#) above.

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## 5.5 Employment

- 5.5.1 The USSD report stated that 'NGOs reported that employers refused jobs to LGBTI persons, particularly men perceived as effeminate.'<sup>63</sup>
- 5.5.2 Freedom House noted in its report on events in 2019 that 'LGBT+ Algerians face...discrimination in the workplace.'<sup>64</sup>

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## 6. Media attitudes

- 6.1.1 Rose Schembri stated in her article for Le Monde Diplomatique that 'Last July [2018], some Arabic media complained when the British embassy in Algiers raised an LGBT (lesbian, gay, bisexual and trans) flag in support of the Pride in London parade.'<sup>65</sup>
- 6.1.2 HRW's 2017 report stated that in the 2014 elections, anti-LGBT rhetoric from the media led to increased harassment and violence and leading many of the LGBT community to leave the country<sup>66</sup>.

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## 7. Access to healthcare and other services

- 7.1.1 The USSD report for 2019 noted that:

'LGBTI persons faced discrimination in accessing health services such as longer wait times, refusal of treatment, and shaming. Some organizations maintained a list of "LGBTI-friendly" hospitals, and several NGOs operated mobile clinics specifically for vulnerable communities. Community members said that obtaining legal assistance was also a challenge due to similar discrimination.'<sup>67</sup>

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<sup>60</sup> ILGA, 'State-Sponsored Homophobia 2019', Algeria, page 305, 10 December 2019, [url](#)

<sup>61</sup> HRW, 'No longer alone LGBT voices from the Middle East & North Africa', 2018, [url](#)

<sup>62</sup> France24, 'Gay Algerians seek 'rainbow marriages' to elude rigid society', 11 October 2017, [url](#)

<sup>63</sup> USSD, 'County Reports on Human Rights Practices for 2019', section 6, 12 March 2020, [url](#)

<sup>64</sup> Freedom House, 'Freedom in the World 2020 – Algeria' section F4, 4 March 2020, [url](#)

<sup>65</sup> Le Monde Diplomatique, 'Being gay in Algeria', August 2019, [url](#)

<sup>66</sup> HRW, 'World Report 2017' (Algeria), January 2018, [url](#)

<sup>67</sup> USSD, 'County Reports on Human Rights Practices for 2019', section 6, 12 March 2020, [url](#)

- 7.1.2 Furthermore, the report stated that ‘Strong social stigma towards the vulnerable groups in which HIV/AIDS was most concentrated... men who have sexual relations with men...deterred testing of these groups.’<sup>68</sup>
- 7.1.3 The USSD report stated that ‘The government said it did not take measures to specifically prevent and treat HIV/AIDS in the LGBTI community.’<sup>69</sup>
- 7.1.4 Freedom house noted in its report on events in 2019 that ‘LGBT+ Algerians face... discrimination at the hands of health providers...’<sup>70</sup>

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## 8. LGBT groups

- 8.1.1 The USSD report stated ‘During the year authorities blocked LGBTI NGOs from organizing meetings. The NGOs reported harassment and threats of imprisonment by government authorities.’<sup>71</sup>
- 8.1.2 Freedom House noted in its report on events in 2019 that ‘NGOs that address the needs of the LGBT+ population are rare, with the exception of advocacy group Alouen (Colors), due to the 2012 law on associations that curtails civil society generally.’<sup>72</sup>
- 8.1.3 Rose Schembri noted in her article for Le Monde Diplomatique that ‘The state is ... blocking the creation of human rights organisations, which are finding it hard to operate in secret.’<sup>73</sup>
- 8.1.4 In the UN Human Rights Council document, ‘Summary of other stakeholders’ submissions on Algeria\*, Report of the Office of the United Nations High Commissioner for Human Rights’, from the working group on the Universal period Review, 27th session, in May 2017, JS4 (Association Alouen, Algeria, and Mantiqitna, Brussels, Belgium) stated that:

‘...that limited opportunities to set up associations for the promotion of LGBT rights and that made greater awareness of their existence nearly impossible. FLD (Front Line Defenders, Dublin, Ireland) reported that accusations related to being anti-Islam are also used against human rights defenders addressing LGBTI rights, who face stigmatisation and persecution and are forced to work maintaining a very low profile.’<sup>74</sup>

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## 9. Freedom of movement

- 9.1.1 The 2019 USSD report stated ‘The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government restricted the exercise of these rights...The constitution provides

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<sup>68</sup> USSD, ‘County Reports on Human Rights Practices for 2018’, section 6, 13 March 2019, [url](#)

<sup>69</sup> USSD, ‘County Reports on Human Rights Practices for 2019’, s6, 12 March 2020, [url](#)

<sup>70</sup> Freedom House, ‘Freedom in the World 2020 – Algeria’ section F4, 4 March 2020, [url](#)

<sup>71</sup> USSD, ‘County Reports on Human Rights Practices for 2019’, s6, 12 March 2020, [url](#)

<sup>72</sup> Freedom House, ‘Freedom in the World 2020 – Algeria’ section F4, 4 March 2020, [url](#)

<sup>73</sup> Le Monde Diplomatique, ‘Being gay in Algeria’, August 2019, [url](#)

<sup>74</sup> UN Human Rights Council, Summary of other stakeholders’ submissions on Algeria, A/HRC/WG.6/27/DZA/3, Section C – Equality and non-discrimination, 20 February 2017, [url](#)

citizens “the right to freely choose their place of residence and to move throughout the national territory.”...<sup>75</sup>

9.1.2 Freedom House stated in its 2019 report that ‘most citizens are relatively free to travel domestically and abroad.’<sup>76</sup>

9.1.3 Specific information about restrictions for LGBTI individuals to move within Algeria is not available in the sources consulted.

9.1.4 For more information, see [CPIN: Algeria – Background Information](#).

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<sup>75</sup> USSD, ‘County Reports on Human Rights Practices for 2019 – Algeria’, s.2d, 12 March 2020, [url](#)

<sup>76</sup> Freedom House, ‘Freedom in the World 2020 – Algeria’, section G1, 4 March 2020, [url](#)

# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context
  - Constitutional protections
  - Sharia law
  - Criminal/Penal Code
  - Law in practice
- State attitudes and treatment
  - Arrests
  - Ill treatment by the authorities
- Societal attitudes and treatment
  - Societal norms
  - Public opinion
  - Gay 'scene' or 'community'
  - Family treatment
  - Employment
- Media attitudes
- Access to healthcare and other services
- LGBT groups

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from **18 May 2020**

## Changes from last version of this note

Update of country information.

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