

Flygtningenævnets baggrundsmateriale

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RESEARCHED AND COMPILED BY THE REFUGEE DOCUMENTATION CENTRE OF IRELAND ON THE 22 AUGUST 2024

DISCLAIMER

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. All COI Query Responses are compiled in line with the Common EU Guidelines (2008) and the EUAA Methodology (2023). This response is not and does not purport to be conclusive as to the merit of any particular claim to international protection. Please refer to all documents cited.

COI QUERY RESPONSE

ALGERIA - LAW AND TREATMENT OF MEMBERS OF THE LGBTQI COMMUNITY.

The *US Overseas Security Advisory Council* in June 2024 stated: “The Equaldex Equality Index measures the status of LGBTI+ rights, laws, and freedoms, as well as public attitudes towards LGBTI+ people around the world. As of this report's publication date, Algeria has a score of 13/100, ranking 171 out of 198 countries on the index.”¹

The *International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)* reports: “Algeria continued to criminalise consensual same-sex sexual acts through 2023, per Articles 333 and 338 of the Penal Code (1966), which outlines a prison sentence of between two months and two years, with a fine of 500 to 2000 Algerian Dinars.”²

The document also states: “In January 2023, the Algerian Minister of Trade and Export Promotion, Kamel Rezig, initiated a national campaign to confiscate and destroy products featuring rainbow colours in physical stores and electronic sales platforms alongside an awareness-raising component.”³

The *US Department of State* in its annual report stated: “LGBTQI+ status was not criminalized, but LGBTQI+ persons could face criminal prosecution under superficially neutral legal provisions that were disproportionately applied against LGBTQI+ persons, such as laws concerning commercial sex, public indecency, and “associating with bad characters.” NGOs reported that judges gave harsher sentences to LGBTQI+ persons for such crimes compared to non-LGBTQI+ persons. An NGO reported that within the LGBTQI+ community, men were targeted more often than women, but LGBTQI+

¹ US Overseas Security Advisory Council (25 June 2024) Algeria Country Security Report 2024, p.8

² International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) (30 May 2024) Laws on Us: A Global Overview of Legal Progress and Backtracking on Sexual Orientation, Gender Identity, Gender Expression, and Sex Characteristics [Algeria excerpt]

³ Ibid



activists noted that lesbian, bisexual, and trans women faced additional discrimination based on their gender.”⁴

It also stated:

“LGBTQI+ persons faced discrimination in accessing health services, such as longer wait times, refusal of treatment, and shaming. Some organizations maintained a list of “LGBTQI+ friendly” hospitals, and several NGOs operated mobile clinics specifically for vulnerable communities. NGOs reported that employers refused jobs to persons perceived to be LGBTQI+. LGBTQI+ activists also noted police and government harassment while obtaining services, such as at airports.”⁵

Freedom House states: “LGBT+ people face discrimination and violence, and many LGBT+ activists have fled the country. Same-sex sexual activity is punishable with prison sentences as long as two years. LGBT+ Algerians face mistreatment at the hands of police and discrimination by health care providers and employers.”⁶

Outright International states: “LGBTIQ people, activists, and organizations are severely marginalized in Algeria, due to the laws and institutionalized homophobia sustained by politics, culture, and religion, and officials are hostile to any attempts to legitimize sexual and gender diversity in Algeria.”⁷

The *Immigration and Refugee Board of Canada* noted in a response to information request that: “Sources report that the law does not extend protections against discrimination to individuals based on sexual orientation, gender identity (HRW 2020-10-15; US 2023-03-20, 40), gender expression or sex characteristics (US 2023-03-20, 40). US Country Reports 2022 adds that “[l]egal gender recognition is not available” in Algeria (US 2023-03-20, 41). Furthermore, ILGA World indicates, as of 2020, that same-sex marriage, civil unions, joint adoption, and second-parent adoption are not legally recognized (2020-12, 325).”⁸

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<https://ilga.org/resources/laws-on-us-global-overview-2024/>

⁴ US Department of State (22 April 2024) 2023 Country Reports on Human Rights Practices: Algeria, p.23

⁵ Ibid, p.23

⁶ Freedom House (29 February 2024) *Freedom in the World 2024: Algeria*, p.10

⁷ Outright International (14 September 2023) *The Global State of LGBTIQ Organizing: The Right to Register and the Freedom to Operate, 2023 [Algeria excerpt]*

⁸ Immigration and Refugee Board of Canada (19 May 2023) *Algeria: Treatment of persons based on their sexual orientation, gender identity and expression (SOGIESC) (2021–May 2023)*, p.2

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