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Country Information and Guidance

Algeria: Sexual Orientation and Gender Identity

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Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained within this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please email the [Country Policy and Information Team](#).

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The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. 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. IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,

5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspectorukba@icinspector.gsi.gov.uk

Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Guidance

1. Basis of Claim

1.1 Basis of Claim

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

1.2 Other points to note

- 1.2.1 This instruction refers to lesbian, gay, bisexual and transgender (LGBT) persons collectively, although the experiences of members of each group may differ.
- 1.2.2 Decision makers should also refer to the Asylum Instructions on [Sexual Identity Issues in the Asylum Claim](#); [Gender Identity Issues in Asylum Claims](#); and [Gender Recognition in Asylum Claims](#).

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2. Consideration of Issues

2.1 Credibility

- 2.1.1 For further guidance 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 Particular social group

- 2.2.1 People who are LGBT in Algeria form a particular social group within the meaning of the Refugee Convention because they share a common characteristic that cannot be changed and have a distinct identity which is perceived as being different by the surrounding society.
- 2.2.2 Although LGBT people form a PSG, this does not mean that establishing such membership will be sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their membership of such a group.
- 2.2.3 For further guidance on particular social groups, see section 7.6 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Assessment of risk

- 2.3.1 Decision makers must establish whether or not the person, if returned to their country of origin, will live freely and openly as an LGBT person. This involves a wide spectrum of conduct which goes beyond merely attracting partners and maintaining relationships with them. If it is found that the person will in fact conceal aspects of his or her sexual orientation/identity if returned, decision makers must consider why the person will do so. If this will simply be in response to social pressures or for cultural or religious reasons of their own choosing and not because of a fear of persecution, then they may not have a well-founded fear of persecution. But if the reason why the person will resort to concealment is that they genuinely fear that otherwise they will be persecuted, it will be necessary to consider whether that fear is well founded.

State treatment

- 2.3.2 The Algerian Penal Code criminalises same-sex sexual acts, applicable to both men and women. There are also laws against 'outrages of public decency' which according to some sources affects 'feminine' men and transgender people. However, the existence of such laws does not in itself constitute persecution. While there have been a few reports of LGBT people being detained for 'immoral behaviour' and of experiencing police harassment, prosecutions of same-sex sexual acts are extremely rare. The state generally did not close down pro-gay websites or underground movements, although such organisations were not officially recognised or allowed to register as legal associations (see [State treatment](#))
- 2.3.3 In the country guidance case of [OO \(Gay Men\) \(CG\) \[2016\] UKUT 65 \(IAC\) \(26 January 2016\)](#) the Upper Tribunal found:
- '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 ill-treatment.' (Paragraph 172)

Societal treatment

- 2.3.4 Algeria is a conservative society where behaviour is referenced by the strict Islamic values endorsed by the state. Male/female gender roles are considered distinct. Public displays of affection are not acceptable. However, there is no real risk of LGBT people being subjected to violence or other persecutory ill-treatment outside the family, either at the hands of the authorities or by members of the public with whom they engage. While there is limited information that there is an open LGBT 'community' or of people who are open about their sexuality or gender identity, in recent years LGBT people have become increasingly visible in an online, albeit generally anonymous, capacity. (See [Algerian societal norms](#) and [Societal treatment](#))

2.3.5 In the country guidance case of [OO](#) the Upper Tribunal found that very few gay men are open about their sexuality but this is because of a desire to avoid social disapproval, to avoid violating deep-rooted cultural norms, or because such norms mean that Algerian men who have a sexual 'preference' for other men do not view themselves as 'gay'. Their decision to be discreet is not because of a fear of persecution. The UT further explained that: 'Put another way, a gay man who did live openly as such in Algeria may well attract upsetting comments; find his relationships with friends or work colleagues damaged; or suffer other discriminatory repercussions such as experiencing difficulty in dealing with some suppliers or services. But none of that amounts to persecution.' (paragraphs 166 and 168)

2.3.6 Within their own family, an LGBT person who 'comes out' may face abuse, including physical violence and forced marriage although there is limited information on how prevalent this is (see [Family treatment](#)). In regard to gay men in particular, the UT in the case of [OO](#) found that:

'... gay men may well face an extremely hostile reaction from family members when their homosexuality is discovered that may escalate into violence. 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.' (paragraph 147)

2.3.7 The UT in [OO](#) went on to find that:

- '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)

2.3.8 The Tribunal went to find 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)

- 2.3.9 The UT in the CG case of [OO](#) only considered the position of gay men (and in effect bisexual men since it is their same-sex sexual conduct which may lead to difficulties), not lesbian (or bisexual women) or trans persons (LB and T person). As for gay men, LB and T persons are generally not at risk of state persecution. However, it is likely that such persons may experience societal intolerance and discrimination, including from members of their family where their sexual orientation or gender identity becomes known. In the case of women this may compound discrimination they face in law and through traditional social practices.
- 2.3.10 Similarly to gay (and bisexual) men, LB and T persons may also adapt their behaviour to be discreet about their sexual orientation or gender identity in order to comply with social norms and expectations, rather than to avoid persecution or serious harm. Decision makers will therefore need to consider claims of LB and T persons on their individual merits in light of available country information. (See [State treatment](#); [Algerian societal norms](#); and [Societal treatment](#))

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2.4 Protection

- 2.4.1 Where the person’s fear is of ill treatment/persecution at the hands of the state, they will not be able to avail themselves of the protection of the authorities.
- 2.4.2 If the person’s fear is of ill-treatment/persecution by non-state actors an LGBT person who faces a well-founded fear of persecution will not be able to avail themselves to the protection of the authorities. In the case of [OO](#), the UT held 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.’ (Paragraph 176)
- 2.4.3 For further guidance on assessing the availability or not of state protection, see section 8.1 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#)

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2.5 Internal relocation

- 2.5.1 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of a person’s individual circumstances.

- 2.5.2 Decision makers must also take into account that the Supreme Court in the case of [HJ \(Iran\)](#) made the point that internal relocation is not the answer if it depends on the person concealing their sexual orientation in the proposed new location for fear of persecution.
- 2.5.3 Where the person's fear is of ill treatment/persecution at the hands of the state, they will not be able to relocate to escape that risk. There is no evidence, in general, of state persecution of LGBT people.
- 2.5.4 With regard to non state actors, the UT in the case of [OO](#) held that:
'... 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)
- 2.5.5 The UT also held that:
'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 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 regard himself as a gay man, in any event.' (paragraph 186 (c))
- 2.5.6 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. See [Gender norms](#)
- 2.5.7 For further guidance on internal relocation, see section 8.2 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.6 Certification

- 2.6.1 Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

- 2.6.2 For further guidance on certification, see the [Appeals Instruction on 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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2.7 Policy summary

- 2.7.1 While same sex sexual acts are criminalised, LGBT people are not generally prosecuted.
- 2.7.2 The only risk of ill-treatment at a level to become persecution likely to be encountered by a gay man is at the hands of his own family, after they have discovered that he is gay. There is no reliable evidence that a person will face persecution from people outside his family.
- 2.7.3 The courts have also found that where a gay man remains living with his family to whom he has disclosed his sexual orientation, his decision to conceal his sexual orientation outside the family home is not taken to avoid persecution but to avoid shame or disrespect being brought upon his family. Alternatively, where a gay man has to flee his family home to avoid persecution from family members, he is unlikely to live as an openly gay man; this is because of a respect for social mores and a desire to avoid attracting disapproval of a type that falls well below the threshold of persecution.
- 2.7.4 Lesbians, bisexual women and trans people are likely to experience societal intolerance and discrimination, including from members of their family, where their sexual orientation or gender identity becomes known. In the case of women this may compound discrimination they face in law and through traditional social practices.
- 2.7.5 LGBT people may face societal discrimination and ill-treatment from non-state actors but not generally at a level that gives rise to a risk of persecution or serious harm. However, there may be circumstances where ill-treatment may be sufficiently serious by its nature and repetition to constitute persecution or serious harm. Each case needs to be decided on its merits.
- 2.7.6 The state is unable to provide protection for LGBT people facing a well-founded fear of persecution.
- 2.7.7 If a person faces a well-founded fear of persecution, they will generally be able to relocate elsewhere in Algeria, if it is not unduly harsh for them to do so.

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Country Information

Updated: 1 February 2016

3. Sources

- 3.1.1 The Upper Tribunal in the case of OO looked at a range of sources, including information provided by 4 expert witnesses, a list of which is in the Annex of the determination.¹

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4. Legal rights

4.1 Constitution

- 4.1.1 The Algerian Constitution (adopted in 1996, last modified in 2008) provides for the protection of a person's civil liberties. Specifically:
- security of persons and properties (Article 24)
 - equality before the law and no discrimination because of 'birth, race, sex, opinion or any other personal or social condition or circumstance' (Article 29)
 - equality of rights within institutions (Article 31)
 - guarantee of freedoms and rights (Article 32)
 - guarantee of human rights (Article 33)
 - guarantee of the inviolability of the person (Article 34)
 - freedom of creed and opinion (Article 36)
 - right to privacy (Article 39)
 - freedom of expression, assembly and association (Article 41)
 - right to create associations (Article 43)
 - equal access to functions and positions in the state (Article 51)²

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¹ Upper Tribunal, Immigration and Asylum Chamber, OO (Gay Men) Algeria CG [2016] UKUT 65 (IAC), promulgated 26 January 2016, [http://www.bailii.org/cgi-bin/markup.cgi?doc=/uk/cases/UKUT/IAC/2016/65.html&query=OO+and+\(gay+and+men\)&method=bolean](http://www.bailii.org/cgi-bin/markup.cgi?doc=/uk/cases/UKUT/IAC/2016/65.html&query=OO+and+(gay+and+men)&method=bolean), accessed 1 February 2016

² Embassy of Algeria, London, The Constitution, <http://www.algerianembassy.org.uk/index.php/constitution.html>, accessed 18 August 2015

4.2 Codified laws

4.2.1 The Algerian Penal Code (Ordinance 66-156 of 8 June 1966) states that:

- 'any outrage of public decency will be punished with two months to two years imprisonment and a fine of 500-2,000 dinars' (Article 333)
- 'if that outrage of public decency consists of an act against nature with an individual of the same sex, the punishment will be six months to three years imprisonment and a fine of 1,000-10,000 dinars' (Article 333)
- 'anyone who participates in the creation or the distribution of any material that are inconsistent with public decency will be punished to two months to two years imprisonment and a fine of 500-2,000 dinars' (Article 333)³
- 'any person guilty of a homosexual act shall be punished with a term of imprisonment of between two months and two years and a fine of between 500 and 2,000 Algerian dinars.' (Article 338)⁴
- 'if one of the perpetrators is a minor of less than 18 years of age, the penalty applicable to the adult may be increased to imprisonment for up to three years and a fine of up to 10,000 Algerian dinars.' (Article 338)⁵

4.2.2 Algeria was one of four countries in the world that criminalised the 'propaganda of homosexuality', along with Lithuania, Nigeria and Russia. The International Gay, Lesbian, Bisexual, Trans and Intersex Association in 2015 noted:

'In the 2014 and 1982 revisions of this penal code, Article 338 outlaws "d'homosexualité", while Article 333 regarding public decency, specifying same-sex, makes the publication of writings, images, etc, contrary to this standard punishable. This then goes beyond the scope of traditional behaviour-based regulation, and is more akin to the 'promotion' of non-heterosexual identity found in Russia, Nigeria and other States. These laws find root in the French colonial legal system in place prior to the adaptation of the first national penal code in 1966.'⁶

³ International Refugee Rights Initiative, Algeria LGBTI Resources <http://www.refugeelegalaidinformation.org/algeria-lgbti-resources-0>, accessed 18 August 2015

⁴ International Lesbian, Gay, Bisexual, Trans and Intersex Association, 'State-sponsored Homophobia: A world survey of laws prohibiting same-sex activity between consenting adults', May 2015, http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2015.pdf, p. 49, accessed 29 July 2015

⁵ United Nations Human Rights Council, Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(c) of the Annex to Human Rights Council Resolution 5/1 – Algeria 6 March 2008 (accessed through Refworld), <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4857a6eed&coDZA&querysi=homosexual7&searchin=fulltext&display=10&sort=date>, accessed 16 December 2009

⁶ International Lesbian, Gay, Bisexual, Trans and Intersex Association, 'State-sponsored Homophobia: A world survey of laws prohibiting same-sex activity between consenting adults', May 2015, http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2015.pdf, p. 49, accessed 29 July 2015

4.3 Sharia law

- 4.3.1 The website Legal Profiles, updated as of 2002, noted that ‘Article 222 of the Family Code specifies the sharia as residual source of law, thus allowing for selection of appropriate interpretations from any school of law or from original (Quran and sunnah) or secondary sources of law’.⁷ Similarly the US State Department’s 2013 International Religious Freedom Report for Algeria noted that ‘family law...draws on sharia (Islamic) law’.⁸

See [Religious treatment](#)

5. State treatment

5.1 Prosecution of same sex acts

- 5.1.1 Freedom House reported that there were no prosecutions of same sex sexual acts either in 2013⁹ or 2014.¹⁰ The US Department of State’s 2014 human rights report for Algeria (USSD 2014), noted that ‘LGBT activists reported that the vague wording of laws identifying “homosexual acts” and “acts against nature” permitted sweeping accusations that resulted during the year in multiple arrests for same-sex relations but no known prosecutions’.¹¹ See also: [Arrest of LGBT persons and prosecutions for other offences](#)
- 5.1.2 The Swedish Migration Board, following a joint fact-finding mission to Algeria between 11-16 June 2011, observed that the National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH) in Algeria stated that ‘LGBT issues is a subject considered taboo. However, in practice, it is not tightly restrained by the State, unless minors are involved. There are not many homosexuals that are condemned, and the minority is not sought after by the authorities.’¹²

⁷ Legal Profiles, Algeria, <http://aannaim.law.emory.edu/ifl/legal/Algeria.htm>, accessed 19 August 2015

⁸ US State Department, International Religious Freedom Report for 2013 – Algeria, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>, accessed 19 August 2015

⁹ Freedom House, Freedom in the World 2014 - Algeria, 25 July 2014, https://freedomhouse.org/report/freedom-world/2014/algeria#.VbjwO_mMPMo, accessed 29 July 2015

¹⁰ Freedom House, Freedom in the World 2015 – Algeria, https://freedomhouse.org/report/freedom-world/2015/algeria#.Vbjwt_mMPMo, accessed 29 July 2015

¹¹ US State Department, Country Reports on Human Rights Practices for 2014 – Algeria, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 10 July 2015

¹² Swedish Migration Board, http://www.migrationsverket.se/info/start_en.html, The Development in Algeria in the Shade of the Arabic Spring, and its Consequences on Migration (Public version), dated 20 January 2012, <http://www.ejpd.admin.ch/content/dam/data/migration/laenderinformationen/herkunftslaenderinformationen/afrika/a/DZA-ber-factfindingmission-e.pdf>, accessed 24 October 2015

- 5.1.3 The Immigration and Refugee Board of Canada, in a response dated 9 August 2013, reported that:

‘The Independent, a Ugandan newspaper based in Kampala, noted... that "in Algeria, anyone charged with a homosexual act is liable to up to two years in prison, but people are rarely prosecuted for such offences" (28 Feb. 2012). ‘The Algerian newspaper El Watan also reported that articles 333 and 338 of the Algerian Penal Code are [translation] "rarely applied" (12 Oct. 2012)...

‘In 2010, the Algerian newspaper L'Expression reported that an imam in the town of Tizi Ouzou who was caught having homosexual relations in a mosque was sentenced to two years in prison (15 Mar. 2010). L'Expression further reported that both the imam and his companion were sentenced to two years in prison and a fine of 20,000 dinars [approximately C\$258 (XE 24 July 2013)] (15 Mar. 2010).¹³

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5.2 Arrest of LGBT persons and prosecutions for other offences

- 5.2.1 Freedom House reported that in 2013 at least two individuals were detained for ‘immoral behaviour.’¹⁴ The USSD report for 2014 noted that ‘most [members of the LGBT community] feared harassment from authorities’.¹⁵ Landinfo opined in a September 2014 report: ‘We [Landinfo] still can not rule out that people are arrested and/or detained by the police due to their sexual orientation, for example in connection with raids and similar, without these necessarily involving formal indictments and subsequent court proceedings. Such detainments are not necessarily publicly known and it is therefore difficult to obtain information on them.’¹⁶
- 5.2.2 The same source, citing the activist group Abu Nawas, stated that ‘gay people are mainly convicted under the first paragraph of section 333, which covers matters such as dress and appearance, and not necessarily based on actions or behaviour of a sexual nature...the legislation therefore primarily affects "feminine" men, transgender people and prostitutes.’ Landinfo noted that ‘the organisation does not specify the extent of court proceedings under this section [i.e. under Article 333], and this is not found in other sources either.’¹⁷

¹³ Immigration and Refugee Board of Canada: Algeria: Situation of sexual minorities, including treatment by authorities and societal attitudes; availability of legal recourse, state protection and support services (2010-July 2013) [DZA104507.E], 09 August 2013 http://www.ecoi.net/local_link/256858/368812_en.html, accessed 29 July 2015

¹⁴ Freedom House, Freedom in the World 2014 - Algeria, 25 July 2014, https://freedomhouse.org/report/freedom-world/2014/algeria#.VbjwO_mMPMo, accessed 29 July 2015

¹⁵ US State Department, Country Reports on Human Rights Practices for 2014 – Algeria, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 9 July 2015

¹⁶ Landinfo, ‘Algeria: Conditions for gay men’, 4 September 2014 (translated, available on request)

¹⁷ Landinfo, ‘Algeria: Conditions for gay men’, 4 September 2014 (translated, available on request)

- 5.2.3 CNN, in an article dated 9 July 2010, referring to the case of an Algerian transgender woman, named as Randa (who set up a support group for gays and transsexuals in Algeria), noted that she was harassed by the authorities in Algeria: ‘...People were following me. Policemen came to my office twice asking where I was. It was a way to frighten me.’¹⁸ A blog post, dated April 2011, referring to same individual, Randa, noted that she had experienced threatening emails, phone calls and constant surveillance by the secret police. Citing Randa, the blog source, ‘Her blueprint’ noted:
- “‘I returned home to Algeria from my last trip and that’s when the threats to imprison me started ... [a]s a method of intimidating me, they [the secret police] started sending articles about me to my family and would show up at my workplace. Once, while being stopped at a checkpoint, one of the officers grabbed me in the car and told me that he could arrest and rape me and no one would know about it.’¹⁹
- 5.2.4 The source went onto observe that in Randa’s view, her adverse treatment by the Algerian authorities was because of her political activism in support of LGBT rights. As noted:
- “‘I dont regret speaking out because in the end I realized that the reason they were doing all of this was because they were scared. I managed to shake up their system and this is why they were lashing out at me ... [o]f course it was driving me crazy, and I knew that if I didn’t leave the country they would kill me. I decided to continue addressing the situation of LGBT in Algeria outside the country and accepted the offer to go to Lebanon.’”²⁰
- 5.2.5 The above-referenced Landinfo report, dated September 2014 further noted of ‘feminine men’ and transgender persons:
- ‘International HIV/AIDS Alliance (2005) goes a long way to imply that “feminine” men, trans people and male prostitutes are particularly affected, because they are most visible, because they notably challenge the prevailing norms of masculinity and are thus perceived as provocative. This is confirmed by the Algerian LGBT organisation Abu Nawas (s.a.), which states that this group is subjected to physical and verbal abuse and degrading treatment, including so-called “anal tests” at police stations and gendarmeries, when detained.’²¹
- 5.2.6 The Immigration and Refugee Board of Canada response (9 August 2013) reported that sources ‘cited a report dated 4 May 2013 by the Arabic news

¹⁸ CNN.com News, <http://edition.cnn.com/>, Algerian transsexual's memoirs reveal life of discrimination, 9 July 2010, http://articles.cnn.com/2010-07-09/world/randa.algeria.transsexual.lebanon_1_transsexuality-randa-deaththreats?_s=PM:WORLD, accessed 19 August 2015

¹⁹ Her blueprint, ‘Lebanon: Memoirs of an Algerian Transsexual’, 6 April 2011, <http://imowblog.blogspot.co.uk/2011/04/lebanon-memoirs-of-algerian-transsexual.html>, accessed 24 August 2015

²⁰ Her blueprint, ‘Lebanon: Memoirs of an Algerian Transsexual’, 6 April 2011, <http://imowblog.blogspot.co.uk/2011/04/lebanon-memoirs-of-algerian-transsexual.html>, accessed 24 August 2015

²¹ Landinfo, ‘Algeria: Conditions for gay men’, 4 September 2014 (translated, available on request)

website El-Khabar claiming that two young homosexual men from Oran were placed in pre-trial detention on charges of "indecent behaviour and incitement to immorality" after announcing their marital bond on Facebook (El-Khabar 4 May 2013; Prochoix 7 May 2013).²² No further information can be found on this case.

5.2.7 The Algerian LGBT-rights website Alouen reported that simple gatherings are repressed by the authorities and that the organisation could only publicise photos which did not reveal the identity of activists.²³ An article by journalist Pierre Daum, published originally in *Le Monde Diplomatique*, dated August 2014, noted that any social or political activism presents a huge danger. The LGBT organisation, the Abu Nawas Association, which claims 1500 members via the Internet, is considered by the state as an organization advocating crime.²⁴

5.2.8 However in an interview dated 3 December 2014 with France 24, the founder of the magazine El-Shad said:

'We know that we're taking big risks, but, for now, most of our hate mail comes from average citizens. We haven't received any messages from the Algerian authorities...We want LGBTs to be treated equally under the law. But we aren't campaigning for a specific change in legislation. We are apolitical, which is one reason that we are more or less tolerated by the authorities.'²⁵

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5.3 State protection

5.3.1 There are protections for individual civil liberties in the Algerian Constitution. See [3.1.1](#)

5.3.2 Limited information could be found on protection to LGBT persons. Landinfo in a report dated September 2014, noted that anti-homosexuality laws 'do have an impact on the conditions of sexual minorities, because the laws can prevent them [the gay community] from reporting violence, abuse and rape motivated by homophobia, out of fear of being prosecuted.'²⁶ The US State Department (USSD) reporting on events in 2014 similarly noted that activists

²² Immigration and Refugee Board of Canada: Algeria: Situation of sexual minorities, including treatment by authorities and societal attitudes; availability of legal recourse, state protection and support services (2010-July 2013) [DZA104507.E], 09 August 2013
http://www.ecoi.net/local_link/256858/368812_en.html, accessed 29 July 2014

²³ Alouen, 'May 17, 2013: The Shapes and Colours of', 17 May 2013, translation available on request, original source accessible via: <http://alouen.org/17-mai-2013-des-formes-et-des-couleurs/>, accessed 19 August 2015

²⁴ Erasing 76 Crimes, 'Sex, youth and politics in Algeria', 24 October 2014, <http://76crimes.com/2014/10/24/sex-youth-and-politics-in-algeria/>, accessed 10 July 2015

²⁵ France 24, 'Behind the scenes with Algeria's first LGBT magazine', 3 December 2014, <http://observers.france24.com/content/20141203-algeria-first-lgbt-magazine-gay>, accessed 9 July 2015

²⁶ Landinfo, 'Algeria: Conditions for gay men', 4 September 2014 (translated, available on request)

reported that members of the LGBT community declined to report cases of homophobic abuse and rape due to fear of reprisal by authorities.²⁷

- 5.3.3 The Immigration and Refugee Board of Canada response, dated 9 August 2013, reported that the website of Abu Nawas 'states that [LGBT] victims [translation] "never" report homophobic violence as they are afraid of Algerian authorities and the law'...Similarly, the website of Alouen, an organization of young Algerian LGBTs...states that acts of homophobic violence and rape against LGBT people are not reported for fear of Algerian laws...²⁸
- 5.3.4 The Algerian LGBT-rights website Alouen, in a blog post dated 17 May 2013, noted that homophobic murders were being closed [by the police] without any further action being taken, demonstrating an unwillingness by the state to investigate these "honour killings".²⁹ The source also observed: 'The great majority of victims of homophobia are buried in a silence which can be devastating because very few of them dare to react and face up to it. And even when they do so, they cannot turn to any support structure.'³⁰
- 5.3.5 The USSD report 2014 stated that impunity generally remained a problem in the police and other security forces and that '[t]he judiciary was not impartial and was often subject to influence and corruption.' The source further noted: 'The constitution provides for the right to a fair trial, but authorities did not always respect legal provisions regarding defendants' rights.'³¹

See also [Annex A](#) and [Annex B](#)

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²⁷ US State Department, Country Reports on Human Rights Practices for 2014 – Algeria, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 9 July 2015

²⁸ Immigration and Refugee Board of Canada: Algeria: Situation of sexual minorities, including treatment by authorities and societal attitudes; availability of legal recourse, state protection and support services (2010-July 2013) [DZA104507.E], 09 August 2013 http://www.ecoi.net/local_link/256858/368812_en.html, accessed 29 July 2014

²⁹ Alouen, 'May 17, 2013: The Shapes and Colours of', 17 May 2013, translation available on request, original source accessible via: <http://alouen.org/17-mai-2013-des-formes-et-des-couleurs/>, accessed 19 August 2015

³⁰ Alouen, 'May 17, 2013: The Shapes and Colours of', 17 May 2013, translation available on request, original source accessible via: <http://alouen.org/17-mai-2013-des-formes-et-des-couleurs/>, accessed 19 August 2015

³¹ US State Department, Country Reports on Human Rights Practices for 2014 – Algeria, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 9 July 2015

6. Algerian societal norms

6.1 Civil liberties

- 6.1.1 Freedom House categorised Algeria as 'not free', with a score against civil liberties of 5 out of 7 (7 being the lowest score possible).³² Human Rights Watch observed in a report dated 6 April 2011 that there were a range of repressive laws in Algeria which undermined civil rights, notably in regard to political freedoms, including freedom of assembly.³³ The International Center for Not-For-Profit Law, similarly noted that there were multiple restrictions on the ability of associations to publicly express themselves.³⁴

6.2 Religion

- 6.2.1 Algeria is a religiously conservative country and its population is almost entirely Sunni Muslim (99 per cent of its 38.1 million population)³⁵. Islam is the state religion.³⁶
- 6.2.2 The 2013 US State Department's Freedom of Religion report noted that the 'constitution provides for the inviolable right to creed and opinion but declares Islam the state religion and prohibits state institutions from engaging in behaviour incompatible with Islamic morality. Other laws and regulations provide Muslims and non-Muslims the freedom to practice their religion as long as they respect public order, morality, and the rights and basic freedoms of others.'³⁷
- 6.2.3 Freedom House noted that 'a 2006 ordinance tightened restrictions on non-Muslims, while Muslims were sometimes harassed for a 'perceived lack of piety'.³⁸ However, the publication, 'Algeria (Major Muslim Nations)', by James Morrow, published in 2010, observed:
- '[Morocco, Libya, Tunisia and Algeria], while proclaiming support for Islam to one degree or another, tend to take a fairly hands-off attitude towards the actual practice of the religion...[Minority] communities are reportedly allowed to practice their religions without interference from the government or any religious authority...This approach to Islam is far different from that advocated by Algeria's Islamic fundamentalists...'³⁹

³² Freedom House, Algeria, <https://freedomhouse.org/country/algeria>, accessed 1 February 2016

³³ Human Rights Watch, 'Algeria: Restore Civil Liberties' 6 April 2011, <https://www.hrw.org/news/2011/04/06/algeria-restore-civil-liberties>, accessed 15 September 2015

³⁴ International Center for Not-For-Profit Law, 'NGO Law Monitor: Algeria', last updated 26 April 2015, <http://www.icnl.org/research/monitor/algeria.html>, accessed 15 September 2015

³⁵ US State Department, 2013 International Religious Freedom Report, <http://www.state.gov/documents/organization/222495.pdf>, accessed 5 August 2015

³⁶ CIA World fact book, Algeria, last updated 18 August 2015, <https://www.cia.gov/library/publications/the-world-factbook/geos/ag.html>, accessed 24 August 2015

³⁷ US State Department, 2013 International Religious Freedom Report, <http://www.state.gov/documents/organization/222495.pdf>, accessed 5 August 2015

³⁸ Freedom House, Freedom in the World 2015 - Algeria, <https://freedomhouse.org/report/freedomworld/2015/algeria>, accessed 24 August 2015

³⁹ Algeria (Major Muslim Nations) by James Morrow, 2010, <https://books.google.co.uk/books?id=ue8dBQAAQBAJ&pg=PT83&lpg=PT83&dq>, accessed 16

See also: [Religious attitudes](#)

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6.3 Gender norms

- 6.3.1 Commenting on gender equality in Algeria, the US State Department, reporting on events in 2014 noted:

‘Although the constitution provides for gender equality, many aspects of the law and traditional social practices discriminated against women. In addition, religious extremists advocated practices that led to restrictions on women’s behavior, including freedom of movement. In some rural regions, women faced extreme social pressure to veil as a precondition for freedom of movement and employment. The law contains traditional elements of Islamic law.’⁴⁰

- 6.3.2 The publication, ‘Algeria (Major Muslim Nations)’, by James Morrow, published in 2010, noted: ‘One aspect of Sharia law that is applied in Algeria concerns the treatment of women. In 1984, in response to demands from fundamentalists, the government passed what is known as the Family Code. Although this set of laws was reformed in 2005 to give women more rights, the reforms are not always enforced...’⁴¹

See also: [Marriage and the ‘Family Code’](#)

- 6.3.3 A Freedom House report, ‘Women’s Rights in the Middle East and North Africa 2010 – Algeria’ similarly commented on the patriarchal nature of society and divisions between secularist and Islamist views:

‘Except in a few cities such as Algiers and Oran, divisions between secularists and advocates of a more religiously oriented way of life remain important. While these divisions do not prevent the hybridization of practices, they are a significant barrier to the emergence of productive public debates. Most discussions on gender and women adhere to this antagonistic structure. Conditions for women are also greatly affected by the clientelist dimension of social relations. Algerian society is organized around competing networks of influence (clienteles), and each may take up or drop the defense of women’s rights to suit their interests at any given time.’⁴²

- 6.3.4 A Landinfo report dated 4 September 2015 similarly observed:

‘Algeria is a conservative society in terms of gender, where male and female gender roles are clearly distinct and where breaking away from gender roles is not commonly accepted. In these societies, according to gender

September 2015

⁴⁰ US State Department, Country Reports on Human Rights Practices for 2014 – Algeria, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 9 July 2015

⁴¹ Algeria (Major Muslim Nations) by James Morrow, 2010, <https://books.google.co.uk/books?id=ue8dBQAAQBAJ&pg=PT83&lpg=PT83&dq>, accessed 16 September 2015

⁴² Freedom House, ‘Women’s Rights in the Middle East and North Africa 2010 – Algeria’, 2010, <https://freedomhouse.org/report/women039s-rights-middle-east-and-north-africa/womens-rightsmiddle-east-and-north-africa-2010>, accessed 20 August 2015

stereotypes, "masculine" characteristics in men are emphasised and assigned positive value, whereas "feminine" characteristics in men are considered inappropriate and abnormal, which is reflected in the terms used to refer to this group. This means that "feminine" men in particular are subjected to patronising comments and ridicule in the public sphere.⁴³

See also: [Public opinion and the threat of societal violence](#)

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6.4 Marriage and the 'Family Code'

6.4.1 Sharia law is applied under the Family Code, which was passed into law in 1984, although later reformed in 2005 (removing some clauses that directly discriminated against women).⁴⁴ According to the 2014 Social Institutions and Gender Index report on Algeria, under the Family Code women cannot marry without the consent of their guardians (who are always male), however guardians cannot force a woman to marry against her will or oppose a marriage. A marriage is only recognised as valid when both spouses have given their consent. Although the minimum legal age for marriage is 19 years for both men and women, a judge can give permission for marriage to take place before the age of 19 if it is in the best interests of the person concerned, or in 'cases of necessity', in such cases, no minimum age is specified in the Family Code.⁴⁵

6.4.2 A Freedom House report, 'Women's Rights in the Middle East and North Africa 2010 – Algeria' observed on the institutionalisation of marriage under the Family Code:

'The 1984 family code established the concept of an agnatic family structure characterized by patriarchal authority. Under this code, which was designed to appeal to Islamic fundamentalists by meeting a few of their basic priorities, women were primarily recognized as guardians of kin and tradition rather than as autonomous individuals. In 2005, partly under the pressure of women's organizations, the family code was finally amended by the government of President Abdelaziz Bouteflika...'⁴⁶

6.4.3 A Landinfo report dated 4 September 2015 commented on the importance of marriage in Algerian culture:

⁴³ Landinfo, 'Algeria: Conditions for gay men', 4 September 2014 (translated, available on request)

⁴⁴ Algeria (Major Muslim Nations) by James Morrow, 2010, <https://books.google.co.uk/books?id=ue8dBQAAQBAJ&pg=PT83&lpg=PT83&dq>, accessed 16 September 2015

⁴⁵ OECD, Social Institutions and Gender Index, Algeria, 2014 'Discriminatory Family Code', <http://genderindex.org/country/algeria>, accessed 15 September 2015

⁴⁶ Freedom House, 'Women's Rights in the Middle East and North Africa 2010 – Algeria', 2010, <https://freedomhouse.org/report/women039s-rights-middle-east-and-north-africa/womens-rightsmiddle-east-and-north-africa-2010>, accessed 20 August 2015

'Marriage is an obligation in Islam and a fundamental part of Arab-Islamic culture. All Muslims are expected to marry and celibacy is considered unwanted and abnormal. Marriage is regarded as a rite of passage that marks the transition from being a child to becoming an autonomous and independent adult, and an unmarried (and childless) person will never be fully perceived as a responsible adult, regardless of age. Marriage is considered to be so fundamental in Arab-Islamic culture that anything that could affect its stability is considered threatening...'⁴⁷

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7. Societal treatment

7.1 Algeria's 'gay scene'

7.1.1 The Swedish Migration Board report from 2011 cited representatives of the newspaper *Liberté* who stated 'there are no clubs for homosexuals' in Algeria'.⁴⁸ An LGBT Asylum News article from 2010, 'Being gay in Algeria today', referred to 'the Cappuccino bar', located in the 'wealthy' area of Hydra, near Algiers, as the 'main unofficial gay venue' and that 'officially Algeria has no gay venues'.⁴⁹ The same article also observed that 'the most affluent' gay people go to nightclubs such as the 'Pacha nightclub' in Algiers.⁵⁰

7.1.2 An earlier article posted on the website LGBT Asylum News, dated 2010, referring to an interview with Farouk, 30, a communications consultant, explained that the internet was used to organise secret meetings between gay men:

"On the Web, it's about setting up rendezvous. In order not to be had, the best thing is to have a webcam, and to meet the person at a neutral place," ... Many gays live with either their family or their wife. As a result, precious few gays permit themselves to receive at home. Hotels are the sole alternative. "If we show up together at some hotels, the receptionist may find the situation fishy and prevent us from renting a room..."

'If you can't find a place, going to cruising areas is a last resort. And that's where it gets complicated, even to the point of homosexuals being picked up

⁴⁷ Landinfo, 'Algeria: Conditions for gay men', 4 September 2014 (translated, available on request)

⁴⁸ Swedish Migration Board, *The Development in Algeria in the Shade of the Arabic Spring, and its Consequences on Migration* (Public version), Swedish-Swiss fact-finding mission to Algeria June 11-16, 2011, 20 January 2012, <http://www.ejpd.admin.ch/content/dam/data/migration/laenderinformationen/herkunftslaenderinformanonen/afrika/dza/DZA-ber-factfindingmission-e.pdf>, accessed 29 July 2015

⁴⁹ LGBT Asylum News <http://madikazemi.blogspot.com/>, Being gay in Algeria today, 13 September 2010, <http://madikazemi.blogspot.com/2010/09/being-gay-in-algeria-today.html>, accessed 5 August 2015

⁵⁰ LGBT Asylum News <http://madikazemi.blogspot.com/>, Being gay in Algeria today, 13 September 2010, <http://madikazemi.blogspot.com/2010/09/being-gay-in-algeria-today.html>, accessed 5 August 2015

by the police...By nightfall, numerous gays run into each other there. Apart from the fact of playing cat and mouse with the police, they fear being the target of homophobic attacks....'...⁵¹

- 7.1.3 An article by Pierre Daum, a journalist, published originally in *Le Monde Diplomatique*, dated August 2014, noted 'Nonetheless, not only is it possible to live a homosexual life, with its meeting places, bars and cabarets in Algiers, Oran and Bejaia, but many Algerian heterosexuals practice homosexuality; at school, during military service and in the dorm, etc.'⁵²
- 7.1.4 The same source, citing a lesbian the author met in Oran explained how at first glance "the lives of homosexuals are much more simple and joyful in Algeria.' The source continued:
- '...[I]n this society where everyone lives partitioned between same sexes from an early age, dating opportunities and homosexuals pleasures are far more numerous. ... At 15 or 25, a boy can bring his boyfriend home, shut himself up in his room with him, and even propose to spend the night, without the parents seeing any wickedness. Same thing for girls. At 30, 40 years of age, two men or two women can go away for a weekend, rent a double room at any hotel, and no one will say anything.'⁵³
- 7.1.5 A Landinfo report dated 4 September 2015 observed:
- 'In Algeria, sexual relations between men are not uncommon (though impossible to quantify), both before or during marriage...The reason for this is partly the family-orientated culture's control over women and their sexuality, and therefore women are not available to unmarried (heterosexual) men. In such cases, sexual relations between men are not necessarily an expression of preference, but are contextually sensitive sexual practices to which society turns a blind eye, as it does not threaten the established gender roles and the institution of marriage.... A common feature throughout literature on homosexuality and being gay in North Africa, is the so-called "silence law". It implies that while homosexual relationships are not accepted, they are actively ignored, as long as they take place in a discreet way that does not challenge gender roles and social morality.'⁵⁴
- 7.1.6 The same source, citing Courtray⁵⁵ also noted that in Algeria heterosexual couples were marrying later (the average age being 29 for women and 33 for

⁵¹ LGBT Asylum News <http://madikazemi.blogspot.com/>, Being gay in Algeria today, 13 September 2010, <http://madikazemi.blogspot.com/2010/09/being-gay-in-algeria-today.html>, accessed 5 August 2015

⁵² Pierre Daum, *Le Monde Diplomatique*, dated August 2014, republished on Erasing 76 Crimes, 'Sex, youth and politics in Algeria', 24 October 2014, <http://76crimes.com/2014/10/24/sex-youth-andpolitics-in-algeria/>, accessed 10 July 2015

⁵³ Pierre Daum, *Le Monde Diplomatique*, dated August 2014, republished on Erasing 76 Crimes, 'Sex, youth and politics in Algeria', 24 October 2014, <http://76crimes.com/2014/10/24/sex-youth-and-politics-in-algeria/>, accessed 10 July 2015

⁵⁴ Landinfo, 'Algeria: Conditions for gay men', 4 September 2014 (translated, available on request)

⁵⁵ F Courtray, *La Loi du silence, De l'homosexualite en milieu urbain au Maroc*, *Gradhiva – Revue d'Anthropologie et d'Histoire des Arts*, 23, 109 – 119. According to Landinfo Courtray's study primarily concerns Morocco, but the cultural context and the sexual minorities' scope for action more or less coincide in both countries.

men), in part due to rising unemployment levels among men. This meant it was possible for homosexuals to remain single without raising suspicions 'at least for a while'. However, the source continued to observe that 'a single man over a certain age will sooner or later still raise suspicion among those around him', both within family and social networks and at their place of employment.⁵⁶

- 7.1.7 The Landinfo report further considered that while it was not possible for persons of the same sex to cohabit as a 'couple', some gay couples may be able to live 'covertly' under the pretext of convenience. Usually this would apply to those from a middle class background and who had the financial means to own or rent accommodation. However the source again concluded that while this may present a 'real solution in the short term'; it was likely that 'same-sex couples living together over time' would eventually raise suspicions that they were gay.⁵⁷

- 7.1.8 A blogpost in 'Huffpost Gay Voices', dated 15 December 2015, described the gay scene in Algiers:

'In the various Arab cities I've visited over the years, the saying, "We don't have a problem with men who have sex with men, but we don't accept the gay life," is common...young men do not identify with an organized or vocal gay community, simply for the fact that such a faction does not exist...Though persecution occurs, it is generally understood to be a familial and not legal matter. Moreover, the importance of family, marriage, and children remain the largest obstacle to openness in the African city. These foundational elements reinforce the marginalization of the queer community by casting them as outsiders bent on disrupting and destroying society. Algeria's queer scene is certainly alive, but is muted and suppressed. There are no civil rights or legal protections and little-to-no safe private space for meeting. Therefore, gay men occupy the only place where they can find other like-minded men: the street...

'Start at Place Audin where the Universite d'Alger is located, and walk along Ave Didouche Mourad past the Grande Post, the heart of the city, all the way to the Kasbah; this two mile long stretch is the most prime section for finding a sampling of everything the city has to offer. It is here that the art of cruising is alive and booming...

'Interestingly, straight men do enjoy an intimacy with one another that resemble gay relationships, holding hands on the street, affectionate bodily contact, cheek kissing. There is, however, a distinction between close male friendship and the actual intimacy of a gay relationship, due in part to men and women being segregated from one another until marriage. Men in Algiers play vital roles in the lives of other men, business, personal, sexual,

⁵⁶ Landinfo, 'Algeria: Conditions for gay men', 4 September 2014 (translated, available on request)

⁵⁷ Landinfo, 'Algeria: Conditions for gay men', 4 September 2014 (translated, available on request)

emotional; all intersections of one's self is informed by the actions and influence of other men...'⁵⁸

See also: [Family treatment](#)

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7.2 LGBT websites and activist groups movement

- 7.2.1 There are no officially registered organisations working for the rights of sexual minorities in Algeria, however there were several unregistered groups which were primarily active online, via social media.⁵⁹
- 7.2.2 Freedom House, reporting on events in 2014, noted that in recent years Algeria had seen the establishment of 'underground organisations for LGBT persons' and a 'proliferation of websites' dedicated to the LGBT community.⁶⁰ Similarly a Human Rights First report, 'The State of Human Rights for LGBT People in Africa', published 29 July 2014, noted that despite 'the societal and legal sanctions, there is a small but active LGBT community in Algeria with organizations, publications and an online presence.'⁶¹
- 7.2.3 Although a 2009 cyber crime law gave the authorities powers to block websites 'contrary to public order or decency'⁶², an earlier article posted on LGBT Asylum News, dated 2010, noted that '[u]nlike some Arab-Muslim countries, in Algeria, gay sites are hardly ever blocked by the government'.⁶³
- 7.2.4 A blog post, dated April 2011, featuring an interview with an Algerian transgender woman called Randa, who fled to Lebanon because of threats against her in Algeria, noted that at the age of 15 Randa began a blog in Algeria writing about her experiences in the country. As noted: "When the Internet arrived to Algeria it gave me an outlet to speak, so I started a personal blog writing about different issues I was facing. Then it started to take on a life of it's own," says Randa. "People around the world started coming to my blog and it became a reference for individuals to learn about issues concerning the LGBT community in Algeria."⁶⁴

⁵⁸ Huffpost Gay Voices, 'Cruising the Kashbash', 15 December 2015, http://www.huffingtonpost.com/austin-blake-mullins/cruising-the-kashbah_b_8805412.html?utm_hp_ref=gay-voices&ir=Gay+Voices§ion=us_gay-voices, accessed 1 February 2016

⁵⁹ Landinfo, 'Algeria: Conditions for gay men', 4 September 2014 (translated, available on request)

⁶⁰ Freedom House, Freedom in the World 2015 - Algeria, <https://freedomhouse.org/report/freedom-world/2015/algeria>, accessed 24 August 2015

⁶¹ Human Rights First, 'Report: The State of Human Rights for LGBT People in Africa', 29 July 2014, <http://www.humanrightsfirst.org/sites/default/files/HRF-HRC-Africa-Report.pdf>, p. 6, accessed 9 July 2015

⁶² Freedom House, Freedom in the World 2015 - Algeria, <https://freedomhouse.org/report/freedom-world/2015/algeria>, accessed 24 August 2015

⁶³ LGBT Asylum News <http://madikazemi.blogspot.com/>, Being gay in Algeria today, 13 September 2010, <http://madikazemi.blogspot.com/2010/09/being-gay-in-algeria-today.html>, accessed 5 August 2015

⁶⁴ Her Blueprint, 'Lebanon: Memoirs of an Algerian transsexual', 6 April 2011,

- 7.2.5 The International Gay and Lesbian Human Rights Commission, in an article dated 18 January 2011, interviewed the 'pioneering Algerian blogger Zizou', who runs ZIZOU's Magazine, described as 'one of the most prominent and popular Arabic-language blogs for the LGBT community'; the source noted: 'The LGBT rights blogging phenomenon has grown extensively and impressively in recent years... This has allowed these media channels to develop quickly and to compete with traditional channels of intellectual and cultural information... It is also possible to create a blog under a pseudonym allowing one to discuss issues frankly and without external threat or the pressure that comes just from talking about some issues... Some may end up facing restrictions such as having their blogs blocked and may end up being persecuted and even imprisoned for their work. For this reason this work cannot happen individually - support and collective action is required.'⁶⁵
- 7.2.6 The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), reported on 5 October 2012 that the LGBT community in Algeria celebrates a national day known as "TEN TEN", on 10 October every year, where 'a great number of activists in the world of civil society who have joined us [LGBT community] in their own name or the name of their organizations to say that our battle has now become theirs too.'⁶⁶
- 7.2.7 The news and commentary website Muftah, which focuses on North Africa and the Middle East, produced an article, dated 15 December 2014, entitled 'Gay and Lesbian Mobilization in Algeria: the Emergence of a Movement'. It described "Ten Ten" as 'one of the most important successes for Algeria's gay and lesbian community... The eighth anniversary, TenTen2014, was celebrated on October 10, 2014. Algeria's gay and lesbian organizations have also participated in international events in support of LGBTQ rights', although the nature of this involvement is not clear.⁶⁷
- 7.2.8 Muftah continued: 'for several years now, the country's gay and lesbian community has organized to claim its rights through a network of associations. This mobilization has been efficient and innovative, and relied, in part, on the Internet and digital social networks.'⁶⁸

<http://imowblog.blogspot.co.uk/2011/04/lebanon-memoirs-of-algerian-transsexual.html>, accessed 19 August 2015

⁶⁵ International Gay and Lesbian Human Rights Commission, <http://www.iglhrc.org/cgi-bin/iowa/home/index.html>, Outspoken, Winter/Spring, 18 January 2011, <http://www.iglhrc.org/cgi-bin/iowa/article/publications/newsletters/1312.html>, accessed 9 August 2011

⁶⁶ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), Ten Ten: The 6th Algerian National Day Against Homophobia and Transphobia, 5 October 2012, <http://ilga.org/ilga/en/article/nLOKviz1Jn>, accessed 19 November 2012

⁶⁷ Muftah, 'Gay and Lesbian Mobilization in Algeria: the Emergence of a Movement', 15 December 2012, http://muftah.org/gay-and-lesbian-mobilization-in-algeria/#.VZ6Zj_mMPMo, accessed 9 July 2015

⁶⁸ Muftah, 'Gay and Lesbian Mobilization in Algeria: the Emergence of a Movement', 15 December 2012, http://muftah.org/gay-and-lesbian-mobilization-in-algeria/#.VZ6Zj_mMPMo, accessed 9 July 2015

- 7.2.9 The Algerian LGBT-rights website Alouen reported that 'simple gatherings are repressed by the authorities'.⁶⁹
- 7.2.10 A Landinfo report dated 4 September 2014 reported that LGBT organisations 'are allowed to work in peace, without interference from the authorities, but it is unlikely that these organisations would receive permission to register as NGOs via the authorities if they applied'.⁷⁰ The same source noted that 'in 2012 the journalist and LGBT activist Zak Ostmane published a manifesto for the decriminalisation of homosexuality on Facebook. The manifesto was a "hot topic" in Algeria and led to a debate about the law. Many Algerian and North African intellectuals and cultural figures supported Ostmane, but the post also received many critical comments'.⁷¹
- 7.2.11 Sources describe a number of LGBT organisations in Algeria:

Alouen

- is associated with the 10 October event⁷²
- was created in Algiers on October 11 2011
- campaigns for the abolition of Articles 333 and 338 of the Penal Code
- has a four-part mission:
 1. fighting against any forms of discrimination against homosexuals;
 2. fighting against any forms of violence (especially through awareness-raising campaigns against physical, psychological, and moral violence);
 3. facilitating acceptance and integration of gays and lesbians; and
 4. fighting against HIV/Aids and other sexually transmitted infections through support group'^{73 74}

Abu Nawas

- is associated with the 10 October event
- is named after an eight-century gay Arabic poet⁷⁵
- was founded on 10 October 2007
- is composed of activists from Algeria and around the world.
- campaigns to abolish Articles 333 and 338
- supports gays and lesbians at a national and international level

⁶⁹ Alouen, 'May 17, 2013: The Shapes and Colours of', 17 May 2013, translation available on request, original source accessible via: <http://alouen.org/17-mai-2013-des-formes-et-des-couleurs/>, accessed 19 August 2015

⁷⁰ Landinfo, 'Algeria: Conditions for gay men', 4 September 2014 (translated, available on request)

⁷¹ Landinfo, 'Algeria: Conditions for gay men', 4 September 2014 (translated, available on request)

⁷² Erasing 76 crimes, 'Lively gay community in Algeria gains credibility', 19 November 2012, <http://76crimes.com/2012/11/19/lively-gay-community-in-algeria-gains-visibility/>, accessed 9 July 2015

⁷³ Muftah, 'Gay and Lesbian Mobilization in Algeria: the Emergence of a Movement', 15 December 2012, http://muftah.org/gay-and-lesbian-mobilization-in-algeria/#.VZ6Zj_mMPMo, accessed 9 July 2015

⁷⁴ <http://alouen.org/textes-de-loi/>

⁷⁵ Erasing 76 crimes, 'Lively gay community in Algeria gains credibility', 19 November 2012, <http://76crimes.com/2012/11/19/lively-gay-community-in-algeria-gains-visibility/>, accessed 9 July 2015

- is a member of the first North African LGBT network, 'Khomsa'⁷⁶

Gays et lesbiennes Algériens

- is associated with the 10 October event⁷⁷
- was founded in 2007 by lesbian activist El Djazaira⁷⁸

Lexofanzine

- is an online lesbian magazine^{79 80}
- was created by a member of Alouen⁸¹

Kelmaghreb

- is a small online magazine for gays⁸²

GayAlgerie

- is described as the 'online Gay and Lesbian Portal of Algeria'⁸³

El-Shad

- means 'abnormal' in Arabic
- is described as 'Algeria's first LGBT magazine'.
- was founded by former members of Alouen
- was first published online in French, and later French and Arabic.
- describe themselves as 'apolitical'
- target a primary audience of the LGBT community in North Africa⁸⁴

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⁷⁶ Muftah, 'Gay and Lesbian Mobilization in Algeria: the Emergence of a Movement', 15 December 2012, http://muftah.org/gay-and-lesbian-mobilization-in-algeria/#.VZ6Zj_mMPMo, accessed 9 July 2015

⁷⁷ Erasing 76 crimes, 'Lively gay community in Algeria gains credibility', 19 November 2012, <http://76crimes.com/2012/11/19/lively-gay-community-in-algeria-gains-visibility/>, accessed 9 July 2015

⁷⁸ Muftah, 'Gay and Lesbian Mobilization in Algeria: the Emergence of a Movement', 15 December 2012, http://muftah.org/gay-and-lesbian-mobilization-in-algeria/#.VZ6Zj_mMPMo, accessed 9 July 2015

⁷⁹ Erasing 76 crimes, 'Lively gay community in Algeria gains credibility', 19 November 2012, <http://76crimes.com/2012/11/19/lively-gay-community-in-algeria-gains-visibility/>, accessed 9 July 2015

⁸⁰ <http://lexofanzine.jimdo.com/>

⁸¹ France 24, 'Behind the scenes with Algeria's first LGBT magazine', 3 December 2014, <http://observers.france24.com/content/20141203-algeria-first-lgbt-magazine-gay>, accessed 9 July 2015

⁸² Muftah, 'Gay and Lesbian Mobilization in Algeria: the Emergence of a Movement', 15 December 2012, http://muftah.org/gay-and-lesbian-mobilization-in-algeria/#.VZ6Zj_mMPMo, accessed 9 July 2015

⁸³ Erasing 76 crimes, 'Lively gay community in Algeria gains credibility', 19 November 2012, <http://76crimes.com/2012/11/19/lively-gay-community-in-algeria-gains-visibility/>, accessed 9 July 2015

⁸⁴ France 24, 'Behind the scenes with Algeria's first LGBT magazine', 3 December 2014, <http://observers.france24.com/content/20141203-algeria-first-lgbt-magazine-gay>, accessed 9 July 2015

7.3 Religious attitudes

- 7.3.1 Landinfo in a report on the conditions for gay men in Algeria, dated September 2014, noted that: '[A]ttitudes towards homosexuality and being gay are consistently negative in Algeria, and linked to notions of perversion (shudhudh), sin (haram) and shame (hshuma). The same source also commented that all extra-marital sexual relations fall under the term 'zina', which is prohibited under Islam.⁸⁵ A paper by Sarah Jean-Jacques, dated 15 December 2014, commenting on the emergence of a gay and lesbian movement in Algeria noted that Liwät (male homosexuality) '... is mentioned in approximately thirty Qur'anic verses distributed in seven suras. It is treated less as a matter of sin or fault than a question of purity and blemish.'⁸⁶
- 7.3.2 The article further commented:
- 'On a literal reading of the Qu'ran (which not all Muslims share), homosexuality is judged as against God's wish because it denies the experience of otherness. The academic Abdelwahab Bouhdiba has observed that the Islamic tradition "considers that four categories of people suffer from the anger of God: men who dress as women, women who dress as men, those who have sex with animals and the ones who have sex with men."
- 'Imam Yussuf Al-Qaradawi, a Muslim Brotherhood ideologue and author of the book entitled The Lawful and the Prohibited (1997) declared that murder of homosexual people "is just a means to purify the Muslim society of those noxious human beings (homosexuals) who bring (cause) to the loss of humanity."⁸⁷
- 7.3.3 A response from the Refugee Board of Canada from 2007 stated that 'an article appearing in 365Gay.com, a Web site based in the United States (US) which reports on gay issues, stated that "Algeria practices Sharia law, which calls for death for homosexuals" (20 Apr. 2005).'⁸⁸ In 2007 a member of the Algerian Ministry of Religious Affairs, Mufti Yahia said: "'homosexuality is an inversion against nature that has to be cured and, literally, in the Holy Koran, punished by death. How, therefore, could this practice not be perceived as an aberration?"⁸⁹

⁸⁵ Landinfo, 'Algeria: Conditions for gay men', 4 September 2014 (translated, available on request)

⁸⁶ Muftah, 'Gay and Lesbian Mobilization in Algeria: the Emergence of a Movement', 15 December 2014, http://muftah.org/gay-and-lesbian-mobilization-in-algeria/#.VZ6Zj_mMPMo, accessed 9 July 2015

⁸⁷ Muftah, 'Gay and Lesbian Mobilization in Algeria: the Emergence of a Movement', 15 December 2014, http://muftah.org/gay-and-lesbian-mobilization-in-algeria/#.VZ6Zj_mMPMo, accessed 9 July 2015

⁸⁸ Refugee Board of Canada, 'Algeria: Treatment of homosexuals by society and government authorities, protection available including recourse to the law for homosexuals who have been subject to ill-treatment (2005-2007)', <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=country&category=&publisher=IRBC&type=&c=DZA&rid=&docid=474e895c1e&skip=0>, accessed 18 August 2015

⁸⁹ Muftah, 'Gay and Lesbian Mobilization in Algeria: the Emergence of a Movement', 15 December 2014, http://muftah.org/gay-and-lesbian-mobilization-in-algeria/#.VZ6Zj_mMPMo, accessed 9 July

- 7.3.4 CNN, in an article dated 9 July 2010, 'Algerian transsexual's memoirs reveal life of discrimination' reported that a transgender woman 'was eventually forced to flee the country after receiving written and verbal death threats from radical religious groups.'⁹⁰ A blog post on the Los Angeles Times website, dated March 2015, referring to the same transgender woman, Randa (described as 'one of the pioneers in the Arab world's gay and transsexual activist movement') noted that '...in mosques around the country, Randa's name was being circulated.'⁹¹
- 7.3.5 A 22 year old gay man, interviewed in the Algerian national paper, El Watan, in an article dated 12 October 2012⁹², noted that: 'We suffer from a lack of visibility. It is necessary to let people know we exist ... people mostly cite religious arguments against us, but nothing prevents two people of the same sex from loving each other.'⁹³

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7.4 Family treatment

- 7.4.1 A paper by Sarah Jean-Jacques, dated 15 December 2014, commenting on the emergence of a gay and lesbian movement in Algeria observed that the rejection of same-sex relationships was, together with religion, also found in: 'patriarchal societies where sexuality is only considered through the lens of procreation within marriage.'⁹⁴ The article further opined on the situation in Algeria: 'In states, like Algeria, which criminalize homosexuality, the law is used to enforce these religious and social norms.'⁹⁵
- 7.4.2 A Landinfo report dated 4 September 2014 reported:
'Given the significant degree of social stigma against homosexuality and being gay in Algerian society, there is little room to express one's gay identity

2015

⁹⁰ CNN.com News, <http://edition.cnn.com/>, Algerian transsexual's memoirs reveal life of discrimination, 9 July 2010, http://articles.cnn.com/2010-07-09/world/randa.algeria.transsexual.lebanon_1_transsexuality-randa-deaththreats?s=PM:WORLD, accessed 19 August 2015

⁹¹ Los Angeles Times, 'Observations from Iraq, Iran, Israel, the Arab World and Beyond', 30 March 2010, <http://latimesblogs.latimes.com/babylonbeyond/2010/03/algerialebanon-randa-the-trans-tells-life-of-an-arab-transsexual-in-new-memoir.html>, accessed 19 August 2015

⁹² The website MSMGF, 'Algeria homosexuals seeking recognition', records the date of the El Watan article as 12 October 2012 [source in France], <http://www.msmgf.org/index.cfm/id/11/aid/6886>, accessed 24 August 2015

⁹³ Referenced in Erasing 76 crimes, 'Lively gay community in Algeria gains credibility', 19 November 2012, <http://76crimes.com/2012/11/19/lively-gay-community-in-algeria-gains-visibility/>, accessed 9 July 2015

⁹⁴ Muftah, 'Gay and Lesbian Mobilization in Algeria: the Emergence of a Movement', 15 December 2014, http://muftah.org/gay-and-lesbian-mobilization-in-algeria/#.VZ6Zj_mMPMo, accessed 9 July 2015

⁹⁵ Muftah, 'Gay and Lesbian Mobilization in Algeria: the Emergence of a Movement', 15 December 2014, http://muftah.org/gay-and-lesbian-mobilization-in-algeria/#.VZ6Zj_mMPMo, accessed 9 July 2015

("coming out of the closet") to family members. A family member revealing themselves as homosexual will weaken the family's reputation and expose the family to slander, accusations and potential social marginalisation. Even though some (usually female) family members may have understanding attitudes towards the gay relative, most do not wish to inflict unwanted attention and shame upon their families by publicly coming out as gay'.⁹⁶

- 7.4.3 The source added that it is 'not possible to predict family members' reactions when a person comes out or is exposed as gay within their immediate family network'.⁹⁷
- 7.4.4 The Swedish Migration Board report from 2011 cited representatives of the newspaper *Liberté* who stated that: 'Acceptance among families varies. Homosexuals who do not conceal their sexual orientation risk verbal harassment'.⁹⁸ Similarly the USSD report 2014 noted that 'while some LGBT persons lived openly, the vast majority did not, and most feared reprisal from their families'.⁹⁹
- 7.4.5 Several sources observed that gay men and women often married each other in so-called 'Rainbow Marriages' in order to hide their sexual orientation. For example, the Immigration and Refugee Board of Canada citing the news source, France24, reported that in Algeria, homosexual men and women marry to [translation] "keep up appearances" (10 Oct. 2012).¹⁰⁰ A Human Rights First report dated 29 July 2014, similarly noted that: 'Some LGBT Algerians find themselves in "Rainbow Marriages" -- marriage between a gay man and a lesbian to bring an end to family pressure to marry and pursue same-sex relationships if they so choose'.¹⁰¹
- 7.4.6 The above-referenced paper by Sarah Jean-Jacques, published on Muftah, dated 15 December 2014, reported:
- 'In big cities, like Algiers, gay and lesbian visibility is growing. People reveal their sexual orientation among close friends, within their intimate spheres. More and more "rainbow weddings" (unions between lesbian and gay persons) are even being celebrated. But, while social acceptance and

⁹⁶ Landinfo, 'Algeria: Conditions for gay men', 4 September 2014 (translated, available on request)

⁹⁷ Landinfo, 'Algeria: Conditions for gay men', 4 September 2014 (translated, available on request)

⁹⁸ Swedish Migration Board, *The Development in Algeria in the Shade of the Arabic Spring, and its Consequences on Migration* (Public version), Swedish-Swiss fact-finding mission to Algeria June 11-16, 2011, 20 January 2012,

<http://www.ejpd.admin.ch/content/dam/data/migration/laenderinformationen/herkunftslanderinformationen/afrika/dza/DZA-ber-factfindingmission-e.pdf>, accessed 29 July 2014

⁹⁹ US State Department, *Country Reports on Human Rights Practices for 2014 – Algeria*, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 9 July 2015

¹⁰⁰ IRBC Immigration and Refugee Board of Canada: *Algeria: Situation of sexual minorities, including treatment by authorities and societal attitudes; availability of legal recourse, state protection and support services (2010-July 2013)* [DZA104507.E], 2. Treatment by Authorities, 09 August 2013, <http://www.irb.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454739>, accessed 8 August 2014

¹⁰¹ Human Rights First, 'Report: The State of Human Rights for LGBT People in Africa', 29 July 2014, <http://www.humanrightsfirst.org/sites/default/files/HRF-HRC-Africa-Report.pdf>, p. 6, accessed 9 July 2015

diversity are ongoing processes, the family remains an impenetrable and unforgiving realm. As a result, for many gay and lesbian persons, the secrecy of a double life is the only option...¹⁰²

- 7.4.7 An article by Pierre Daum, a journalist, published originally in *Le Monde Diplomatique*, dated August 2014, citing a French scholar working on homosexuality in Algiers explained: “Gay friends I met there eight years ago are all getting married [to women]! With marriage, they stop, more or less, their homosexual life.”¹⁰³
- 7.4.8 The above-referenced Landinfo report, dated September 2014, noted that given the prevailing religious view that marriage was seen as a ‘duty’ in Algeria, it was reasonable to assume gay men would marry in order to hide their true sexual orientation and avoid suspicions from their families and social networks. However, Landinfo also considered that when a man entered into a marriage and continued his family lineage by having a son, this weakened a family’s social control over the man, which made it made feasible for a man to remain homosexually active, providing he was discreet. Citing Murray¹⁰⁴, the source continued: ‘... “even frequent and recurrent homosexual behaviour does not matter in Islamic societies as long as a man continues his family line.” Given this social context, Landinfo considered that ‘... men’s sexual leeway is less limited than women’s, who are subjected to considerable degrees of social control and requirements of chastity, even after they are married.’¹⁰⁵
- 7.4.9 An article in France 24, ‘Being gay in Algeria: ‘I’ll never live with the one I love’, dated 11 October 2013, described the experiences of Amelle, ‘an Algerian lesbian who hides her sexual preference rather than risk prison time and familial shame’. The source continued:
- ‘Some, though not many, gay Algerians are lucky enough to have “open-minded family members”, Amelle explained. Her aunt, for example, “often asks me why I don’t have a girlfriend”, she said... Thanks to television, which offers Algerian society a window onto the world beyond its borders, mentalities in the country are starting to change. “Especially with what happened in France – gay marriage being legalised – that opened up a debate here,” Amelle said. “I have several colleagues who say they aren’t against it. Things are evolving, and it’s a relief.”¹⁰⁶

¹⁰² Muftah, ‘Gay and Lesbian Mobilization in Algeria: the Emergence of a Movement’, 15 December 2012, http://muftah.org/gay-and-lesbian-mobilization-in-algeria/#.VZ6Zj_mMPMo, accessed 9 July 2015

¹⁰³ Pierre Daum, *Le Monde Diplomatique*, dated August 2014, republished on Erasing 76 Crimes, ‘Sex, youth and politics in Algeria’, 24 October 2014, <http://76crimes.com/2014/10/24/sex-youth-and-politics-in-algeria/>, accessed 10 July 2015

¹⁰⁴ Murray, S.O ‘The will not to know: Islamic accommodations of male homosexuality’, *Islamic Homosexualities, Culture, History and Literature*, 14-54; cited in Landinfo, ‘Algeria: Conditions for gay men’, 4 September 2014 (translated, available on request)

¹⁰⁵ Landinfo, ‘Algeria: Conditions for gay men’, 4 September 2014 (translated, available on request)

¹⁰⁶ France 24, ‘Being gay in Algeria: ‘I’ll never live with the one I love’, 11 October 2013, <http://www.france24.com/en/20131011-gay-lesbian-algeria-lgbt-arab-muslim-homosexual-rainbow-marriage>, accessed 9 July 2015

- 7.4.10 An Immigration and Refugee Board of Canada response, dated 29 November 2013, provided information about forced marriage within the LGBT community, quoting the Director of Abu Nawas:

‘ [translation] "we often hear of forced marriage in the homosexual community in Algeria," and adds that some homosexual individuals who are not necessarily victims of forced marriage "end up getting married to satisfy their family and entourage" (14 Nov. 2013).

‘An article from Algérie-Focus on the life of three Algerian lesbians states that [translation] "an increasing number of lesbians get married under the pressure of their parents" and that "since marriage is essential in Algeria, this family pressure is very strong" (Algérie-Focus 28 Aug. 2012). One of the women interviewed stated that [translation] "a good number of families who hear about their daughter's homosexuality will have her married by force, if they do not disown her" (ibid.). According to the Abu Nawas Algérie Director, forced marriages could be preceded by [translation] "corrective and collective rapes" when parents learn that their daughter is a lesbian (14 Nov. 2013).¹⁰⁷

- 7.4.11 CNN, in an article dated 9 July 2010, reported that a transgender woman had to stop her hormone therapy ‘for fear her family would completely disown her. Her family eventually did disown her, three years ago, when she first dressed as a woman.’¹⁰⁸ The blog ‘Her Blueprint’, in an article dated April 2011 about the same transgender woman, Randa, noted that growing up Randa was oppressed by her family and abused whenever she would tell her mother that she was a girl trapped in a male body.’¹⁰⁹ ‘Randa’ reported that while she received hormone therapy, it was not available in Algeria (see [Access to services](#))

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7.5 Public opinion and the threat of societal violence

- 7.5.1 Freedom House 2015 noted that ‘traditional social mores create an extremely hostile environment for LGBT (lesbian, gay, bisexual, and transgender) people.’¹¹⁰ A Landinfo report of 4 September 2014 noted that:

¹⁰⁷ Immigration and Refugee Board of Canada: Algeria: Forced marriages, including state protection and resources provided to woman who try to avoid a marriage imposed on them; amendments made to the Family Code in 2005, 2011-November 2013), 29 November 2013, available at ecoi.net at http://www.ecoi.net/local_link/285599/403189_en.html, accessed 9 July 2015

¹⁰⁸ CNN.com News, <http://edition.cnn.com/>, Algerian transsexual's memoirs reveal life of discrimination, 9 July 2010, http://articles.cnn.com/2010-07-09/world/randa.algeria.transsexual.lebanon_1_transsexuality-randa_deaththreats?_s=PM:WORLD, accessed 19 August 2015

¹⁰⁹ Her Blueprint, ‘Lebanon: Memoirs of an Algerian transsexual’, 6 April 2011, <http://imowblog.blogspot.co.uk/2011/04/lebanon-memoirs-of-algerian-transsexual.html>, accessed 19 August 2015

¹¹⁰ Freedom House, Freedom in the World 2015 – Algeria, https://freedomhouse.org/report/freedomworld/2015/algeria#.Vbjwt_mMPMo, accessed 5 August

'Arabic-language press usually refers to gay people as "deviants" and "sexual perverts" and the press consistently equates homosexuality with pedophilia and prostitution...In the French-language press, for example *Algerie-Focus* and *El Watan*, discussions on sexual minorities appear to be more neutral...Discussions on gay people in everyday speech are consistently negative, condescending and vulgar, such as "atay" (a condescending word for a (passive) homosexual, similar to the French word "enculé") and "noksh" (pederast - a condescending word for a homosexual with reference to pedophilia, similar to the French word "pédé"), as well as feminine (and thus ridiculing) nicknames such as "halwa" ("candy"), "mriwa" ("little girl") and "Atika" (a female first name).'¹¹¹

- 7.5.2 The same source observed that "'feminine" men in particular are subjected to patronising comments and ridicule in the public sphere'.¹¹² The report also cited an International HIV/AIDS Alliance report, dated 2005, which similarly remarked on societal perceptions around masculinity:

'... "Alongside the religious comments there are macho comments heard in the street – to show that they are real blokes, even if this sometimes also means showing off about their sexual exploits with other men. The victims of these comments are often the effeminate ones (whether they are sleeping with men or not), homosexuals, homos or transvestites. The media (newspapers, magazines) tend to perpetuate these stereotypes. At best, homosexuals are depicted as clowns who have strayed from the straight and narrow through the influence of so-called Western morals, at worst as monsters symbolizing a threat to the stability of society.'"¹¹³

- 7.5.3 The USSD report 2014 noted:

'LGBT persons faced societal discrimination...Some LGBT individuals received violent threats and believed themselves compelled to flee the country. In April a prominent member of the LGBT community was forced to quit his job and remained in Europe for several months before returning to the country. Another activist departed the country at the same time and as of October was awaiting approval of his asylum request in France.

'Members of the LGBT community reported an increase in offensive and derogatory media, specifically denouncing LGBT practices. Activists reported that members of the LGBT community declined to report cases of homophobic abuse and rape due to fear of reprisal by authorities.'¹¹⁴

- 7.5.4 A post of 13 September 2010, on the LGBT Asylum News blogsite, explored being gay in Algiers:

2015

¹¹¹ Landinfo, 'Algeria: Conditions for gay men', 4 September 2014 (translated, available on request)

¹¹² Landinfo, 'Algeria: Conditions for gay men', 4 September 2014 (translated, available on request)

¹¹³ International HIV/AIDS Alliance, 'Rapid situation analysis of men who have sex with men in the Magreb and Lebanon', cited in Landinfo, 'Algeria: Conditions for gay men', 4 September 2014 (translated, available on request)

¹¹⁴ US State Department, Country Reports on Human Rights Practices for 2014 – Algeria, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 9 July 2015

'Living their sexuality in hiding, the gays of Algeria are taking up more and more public space, but face a reactionary mentality. In this country, where the penal code severely condemns homosexuality, gays are faced with severe difficulties. Alongside this sexual battle, a social struggle also plays out that is crucial to their future. ... "Life is difficult. To escape the judgment of others, the only solution is discretion." [said a 25 year old hairdresser living in Algiers]... He says that men sometimes connect at the gym, while, on the Internet, you can't know who's hiding beneath.'¹¹⁵

7.5.5 The Swedish Migration Board report from 2011 cited representatives of the newspaper *Liberté* who stated: 'The topic is very sensitive and is not discussed in the press. It is hard to live as a homosexual in Algeria, and those who are, generally act very discreetly...Homosexuals who do not conceal their sexual orientation risk verbal harassment....'¹¹⁶

7.5.6 A paper by Sarah Jean-Jacques, published on the Muftah website, dated 15 December 2014, noted that in big cities such as Algiers, there was a growing visibility for the LGBT community, for example with people revealing their sexual orientation among close friends and "rainbow weddings" (unions between lesbian and gay persons) being celebrated more.¹¹⁷ However Daum, in an article dated August 2014, citing Zoheir Djazeiri (pseudonym) an activist with the organisation Abu Nawas, noted:

"Being gay, for a man, it's considered degrading yourself to the inferior rank of women." The law punishes very harshly the practices both as being "against nature" and prohibited by the state religion, Islam (Article 2 of the Constitution). "To be arrested for homosexuality means social death," continues Zoheir. "You are obliged to leave all: your city, your family, your work, everything!" ... 'An important detail: In Algeria, there is no lawyer willing to publicly defend homosexuals. "His career would be ruined," says Zoheir.'

¹¹⁸

7.5.7 CNN, in an article dated 9 July 2010, referring to the case of an Algerian transsexual, Randa, reported:

"It was horrible at school," she said. "The verbal and physical aggression just got worse and worse. ... My parents made me change school five or six

¹¹⁵ LGBT Asylum News <http://madikazemi.blogspot.com/>, Being gay in Algeria today, 13 September 2010, <http://madikazemi.blogspot.com/2010/09/being-gay-in-algeria-today.html>, date accessed 5 October 2011

¹¹⁶ Swedish Migration Board, The Development in Algeria in the Shade of the Arabic Spring, and its Consequences on Migration (Public version), Swedish-Swiss fact-finding mission to Algeria June 11-16, 2011, 20 January 2012, <http://www.ejpd.admin.ch/content/dam/data/migration/laenderinformationen/herkunftslanderinformationen/afrika/dza/DZA-ber-factfindingmission-e.pdf>, accessed 29 July 2014

¹¹⁷ Muftah, 'Gay and Lesbian Mobilization in Algeria: the Emergence of a Movement', 15 December 2012, http://muftah.org/gay-and-lesbian-mobilization-in-algeria/#.VZ6Zj_mMPMo, accessed 9 July 2015

¹¹⁸ Pierre Daum, *Le Monde Diplomatique*, dated August 2014, republished on Erasing 76 Crimes, 'Sex, youth and politics in Algeria', 24 October 2014, <http://76crimes.com/2014/10/24/sex-youth-and-politics-in-algeria/>, accessed 10 July 2015

times. I remember them cutting my hair really short to make sure I'd look like a boy"...It got to the point that Randa's parents, fearing for her safety, prohibited her from going home from school unaccompanied. ... But the despite the hardships and humiliation, Randa says she excelled in school and always got the best grades. She received a diploma in nursing and started working at a clinic.¹¹⁹

- 7.5.8 A France 24 article dated 3 December 2014 described the launch of Algeria's first LGBT magazine and carried an interview with one of the magazine's founders on the subject of transsexuality:

'Our first issue was written in French but our next issue will be published in French and Arabic. In this issue, we talk about the idea of transsexuality. We interviewed numerous Algerian transsexuals. All of them decided to stay anonymous, except for an Algerian who lives in Paris and now freely accepts her identity after years of loneliness and fear. I took photos of them that only show their bodies.'¹²⁰

- 7.5.9 No information could be found on well known public personalities in Algeria who were openly gay. Landinfo noted in their September 2014 report that there are few, if any, publicly known gay people in Algeria who come forward with their real names.¹²¹

See also: [LGBT websites and activist groups movement](#)

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7.6 Access to services

- 7.6.1 An Immigration and Refugee Board of Canada response, dated 9 August 2013, noted: 'Abu Nawas noted on their website that access to health care services can be difficult, since health care workers [translation] "do not always act in a professional manner" with homosexual patients (n.d.a). El Watan reported that a young male member of Alouen said it was "impossible" to see a medical professional without knowing their stance on homosexuality (12 Oct. 2012).'¹²²
- 7.6.2 USSD 2014 reported that members of the LGBT community 'reported that access to health services could be difficult because medical personnel often

¹¹⁹ LA Times blog, 'Observations from Iraq, Iran, Israel, the Arab world and beyond', 30 March 2010, <http://latimesblogs.latimes.com/babylonbeyond/2010/03/algerialebanon-randa-the-trans-tells-life-of-an-arab-transsexual-in-new-memoir.html>, date accessed: 25 August 2015

¹²⁰ France 24, 'Behind the scenes with Algeria's first LGBT magazine', 3 December 2014, <http://observers.france24.com/content/20141203-algeria-first-lgbt-magazine-gay>, accessed 9 July 2015

¹²¹ Landinfo, 'Algeria: Conditions for gay men', 4 September 2014 (translated, available on request)

¹²² IRBC Immigration and Refugee Board of Canada: Algeria: Situation of sexual minorities, including treatment by authorities and societal attitudes; availability of legal recourse, state protection and support services (2010-July 2013) [DZA104507.E], 2. Treatment by Authorities, 9 August 2013, <http://www.irb.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454739>, accessed 19 August 2015

treated LGBT patients “unprofessionally.” Community members added that obtaining legal assistance was also a challenge due to similar discrimination.¹²³

- 7.6.3 CNN, in an article dated 9 July 2010, ‘Algerian transsexual's memoirs reveal life of discrimination’ reported that a transgender woman ‘began hormone therapy [in Algeria] while she was at university’.¹²⁴ The Los Angeles Times, about the same transgender woman, reported that ‘she began taking medication that was shipped secretly to her from a doctor in Europe. The Algerian doctors she approached resisted, fearing they’d lose their licenses if they helped her’.¹²⁵
- 7.6.4 The Landinfo report dated 4 September 2014 noted that two sources (Daum¹²⁶ and Abu Nawas¹²⁷) ‘state that lawyers are reluctant to defend a person on trial for homosexual acts, out of fear for their own careers’.¹²⁸
- 7.6.5 The same source also reported that ‘gay people and men who have sex with men may also face different challenges when dealing with health services, which many do not consult, out of fear of judgmental attitudes. This is particularly challenging in matters related to sexual health and high-risk behaviour among men who have sex with men’.¹²⁹
- 7.6.6 Landinfo also added that ‘in Algeria, the organisation APC (Association de Protection Contre le Sida)...operates centres where one can receive free HIV-tests and further follow-up, including psychosocial support and legal advice for HIV-positive individuals. APCS dedicates much of its work to men who have sex with men, including self-help groups promoting self-esteem and self-acceptance for men who have sex with men. The organisation runs awareness-raising efforts, also aimed at religious leaders’.¹³⁰

See also [Annex A](#) and [Annex B](#)

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¹²³ US State Department, Country Reports on Human Rights Practices for 2014 – Algeria, 26 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 9 July 2015

¹²⁴ CNN.com News <http://edition.cnn.com/>, ‘Algerian transsexual's memoirs reveal life of discrimination’, 9 July 2010, http://articles.cnn.com/2010-07-09/world/randa.algeria.transsexual.lebanon_1_transsexuality-randa_deaththreats?s=PM:WORLD, accessed 19 August 2015

¹²⁵ Los Angeles Times, ‘Observations from Iraq, Iran, Israel, the Arab World and Beyond’, 30 March 2010, <http://latimesblogs.latimes.com/babylonbeyond/2010/03/algerialebanon-randa-the-trans-tells-life-of-an-arab-transsexual-in-new-memoir.html>, accessed 19 August 2015

¹²⁶ Daum, P. (2014, August). Homosexualité, ou la «mort sociale». Le Monde Diplomatique. Available from , <http://www.monde-diplomatique.fr/2014/08/DAUM/5068>

¹²⁷ Abu Nawas (s.a.). Volet juridique. Alger: Abu Nawas. Available from <http://www.abunawasdz.org/volet-juridique/>

¹²⁸ Landinfo, ‘Algeria: Conditions for gay men’, 4 September 2014 (translated, available on request)

¹²⁹ Landinfo, ‘Algeria: Conditions for gay men’, 4 September 2014 (translated, available on request)

¹³⁰ Landinfo, ‘Algeria: Conditions for gay men’, 4 September 2014 (translated, available on request)

Annex A: Letter from the Foreign and Commonwealth Office, Desk Officer for Algeria, Morocco and Western Sahara, London, 23 September 2015



Foreign &
Commonwealth
Office

North Africa Department
2/90 Old Admiralty Building
Spring Gardens
SW1A 2PA
Tel: [REDACTED]
Email: [REDACTED]
www.fco.gov.uk

23 September 2015

Dear [REDACTED] [Home Office, Country Policy and Information Team],

You asked for some information on LGBT organisations in Algeria.

On 26 May 2015, officials from the British Embassy Algiers attended a meeting for members of the diplomatic community, at which a representative of Algerian LGBTI organisations said that life in Algeria was becoming more difficult for the gay community and that many feared for their safety, compelling them to leave the country. We have since emailed the Home Office's list of questions about the LGBTI community in Algeria to our contact and await a response.

Our Embassy also note that an article was published in the Echorouk newspaper on 12 May 2015 quoting the (highly influential) Algerian Minister of Religious Affairs, who expressed his concern over 'immoral behaviours' that threaten the unity of the family, including the promotion of homosexuality through social media by artists and intellectuals.

It is our informal and anecdotal assessment that, despite illegality, there is no extensive systematic persecution or prosecution of LGBTI individuals by the Algerian state. Rather, it is a social stigma in Algerian society that makes life difficult for LGBTI persons in Algeria and prompts them to leave.

The US State Department's annual human rights reports reflect our understanding of the situation in Algeria. The US Government dedicates significant time and resource to the compilation of their reports and has extensive and appropriate NGO and governmental contacts. On LGBTI, the 2015 report states:

'The law criminalizes public and consensual same-sex relations by men or women with penalties that include imprisonment of six months to three years and a fine of DZD 1,000 to DZD 10,000 (\$13 to \$125). If a minor is involved, the adult may face up to three years' imprisonment and a fine of DZD 10,000 (\$125). The law also stipulates penalties that include imprisonment of two months to two years and fines of DZD 500 to DZD 2,000 (\$6 to \$25) for anyone convicted of having committed a "homosexual act". LGBT activists reported that the vague wording of laws identifying "homosexual acts" and "acts against nature" permitted sweeping accusations that resulted during the year in multiple arrests for same-sex relations but no known prosecutions.

LGBT persons faced societal discrimination. While some LGBT persons lived openly, the vast majority did not, and most feared reprisal from their families or harassment from authorities. Some LGBT individuals received violent threats and believed themselves compelled to flee the country. In April a prominent member of the LGBT community was forced to quit his job and remained in Europe for several months before returning to the country. Another activist departed the country at the same time and as of October was awaiting approval of his asylum request in France.

Members of the LGBT community reported an increase in offensive and derogatory media, specifically denouncing LGBT practices. Activists reported that members of the LGBT community declined to report cases of homophobic abuse and rape due to fear of reprisal by authorities. They also reported that access to health services could be difficult because medical personnel often treated LGBT patients "unprofessionally". Community members added that obtaining legal assistance was also a challenge due to similar discrimination.'

Best,



Desk Officer Algeria, Morocco and Western Sahara

Annex B: Information provided by ‘a source from an Algerian LGBTI organisation’ to the British Embassy, Algiers, on 1 October 2015

LGBTI community

1. Are there any unofficial statistics on the size of the LGBTI community: i) nationwide ii) in Algiers?

There are no statistics about the size of LGBTI community in Algiers. We believe that the proportions of LGBTI people in Algiers is similar to those of other world cities such as London or Paris but the only difference is that these people have to hide in Algiers.

2. What proportion of the LGBTI community have ‘come out’/choose to live as an openly gay person?

A very small part. In [sic] 100 people I know, only two or three are out.

3. What factors may impact on someone deciding to ‘come out’ (e.g. family background; social class; financial circumstances; religious views?)

A person who came out can be beaten, imprisoned or expelled by the family. Can be insulted or assaulted in the street. Can also be forward through the police and harassed in polices offices. Can also be abused in their work or dismissed for various reasons.

Some religious leaders called believers to hit those homosexuals lock them and exclude them from society.

4. Are there known ‘gay communities’ in parts of Algiers, e.g. in Hydra; Shaht Souhada, Casabah and the seafront in Oran? Is it more likely someone who is gay will choose to live in these areas, be able to live openly and express their sexual orientation freely?

There is no completely safe place in Algeria. In some neighborhoods of Algiers and Oran, it may be that people are tolerant and accept gay people but at any time, aggression or violence may be present.

This makes the life of a gay man who came out subject to pressure and fear and constant stress

4.1. If not, what treatment would they experience / how would they need to act?

There is no better way to be for a gay. Either come out and live in constant fear and the absolute risk or hide and live in lies and fear of being unmasked. In both cases, it is hell.

State treatment

5. Is there any legal challenge being made by the LGBTI community to repeal Articles 333 and 338 of the Penal Code? If so, please give details on the status of this legal challenge.

[W]e worked in 2012 with some Western governments like Canada, the Netherlands and Germany for the annulment of Article 338. This was in the context of the UPR of the Human Rights Commission of the United Nations in Geneva

6. Have there been any recent amendments to the Penal Code or other Algerian laws which have impacted on the LGBTI community?

No

7. Are there any laws that allow for employment discrimination against LGBTI persons?

Being LGBTI is being a criminal: art 338. This article is enough for being discriminated [sic] or vired [sic] from your job.

8. Has the government made any statements/introduced any public awareness campaigns to promote LGBTI rights?

Of course no. The government is against our rights.

9. Has the government made any statements/introduced any public awareness campaigns opposing LGBTI rights?

[Y]es, through the media

10. How is the LGBTI community treated by the police? Is there any engagement by senior members of the police to better assist and protect the LGBTI community?

The relationship between the police and LGBTI people is very negative. When a homosexual or transgender complaint in the police office for homophobic or transphobic for assault, he is threatened of being arrested for homosexuality and eventually gave up his complaint. Sometimes the police are not saving homosexuals are attacked in the street in front of their eyes

10.1. If so, has this improved general relations between the police and LGBTI community?

The LGBT community was very afraid of the police.

11. Do the police maintain any record or register of LGBTI persons living within a local community?

We have no information about it.

Societal treatment

12. Have Algeria's religious leaders made any public statements in support of or against the LGBTI community recently?

Yes, here is the example of an imam very famous and very influential in Algeria which requires his believers [sic] beating and mistreating homosexuals. A very violent speech for us but unfortunately very respected by believers.

This is the video: <https://www.youtube.com/watch?v=8BNzl854ZHc>

13. Are there any Imams that are more tolerant towards gay rights in Algeria? If so, please give further details.

Not in Algeria.

14. Are there any signs of an increase in religious extremism in Algeria recently, both generally and more specifically against the LGBTI community? If so, please give further details.

The Islamist conservatism [sic] is increasingly important in our country. Some imams call believers to heal the Algerian society of what they consider the scourges and homosexuality is one. This speech often passes in mosques.

15. How commonplace is 'forced marriage' within the LGBTI community?

If I understand the question, Yes there are many forced marriage in the LGBTI community. It primarily affects lesbians but sometimes gay men.

16. Have LGBTI groups recorded any data on violence against the LGBTI community, both within the family and from 'mob' attacks?

[W]e do not have a lot of means and we work underground. this does not help us to make statistics on anti gay violence.

17. Are there any well known public figures, e.g. entertainers, politicians, business leaders who are gay?

[W]e do not know gay public personality but there are famous singers whose explicit conduct their homosexuality. They are highly protected.

The only person who claimed sexual orientation is Mr Zak Ostmane who fled the country for threats. He is now a refugee in France.

18. Is there any outreach support to provide assistance to the LGBTI community, e.g. with housing/counselling support etc

We have the support of an international NGO who prefers to keep anonymous [sic] to have no problem with the Algerian authorities.

19. Are there any trends in the treatment of the LGBTI persons in the workplace, e.g. discrimination, being sacked etc?

Generally a person suspected of being gay in his work, will suffer the taunts, insults and harassment without any protection.

19.1. Are some professions more accepting towards the LGBTI community

We see many homosexuals in the fields of art.

This environment is not negative but only if gay people remain discrete

20. What if any mainstream media coverage is there on LGBTI issues in Algeria?

I did not understand the question.

21. How would an LGBTI be treated when:

Going out shopping or to a restaurant with their gay partner

If it is not a restaurant or a luxury magazine, people can be refused, expelled or even verbally abused and in some cases assaulted physically. All this still depends on people and place.

Seeking to rent a property together

Again, if this is not luxury accommodation reserved for the rich people, the application may be refused with the negative reaction.

Seeking medical attention, including access to HIV treatment

The access to care is guaranteed for all cases but according to place strong stigma can be observed against LGBTI people.

Employing a lawyer for criminal matters, e.g. if arrested; or for civil matters, e.g. to buy a house, draw up a will, take legal action against an employer.

We have already received refusal by lawyers who have objections of conscience and legal defenses in the LGBTI

Version Control and Contacts

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

Clearance

Below is information on when this version of the guidance was cleared:

- version **1.0**
- valid from **19 February 2016**
- this version approved by **Sally Weston, Director, Legal Strategy Team**
- approved on: **10 February 2016**

Changes from last version of this guidance

[List key changes to this guidance from last version here]

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