



Home Office

Country Policy and Information Note

Algeria: Sexual orientation and gender identity or expression

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Executive summary

Algeria is a conservative society. The Constitution states that all citizens are equal under the law but does not explicitly protect individuals from discrimination on the basis of sexual orientation or gender identity and expression. There is no legal recognition of a trans person's changed gender identity on official documents and there is no explicit law on the status of intersex people.

Article 338 of the penal code states that anyone – man or woman - convicted of 'an act of homosexuality' is subject to a term of imprisonment of between 2 months and 2 years, and a fine of 500 to 2,000 Algerian dinars.

LGBTI people form a particular social group (PSG) in Algeria within the meaning of the Refugee Convention.

LGBTI people are unlikely to face persecution or serious harm from non-state actors (outside of their families).

Evidence regarding the treatment of LGBTI people by state and non-state actors is scarce. There is evidence that some gay men have been arrested and 3 have been prosecuted since 2020, however there is no indication that these are frequent or widespread, or that the state actively seeks to target gay men or other LGBTI people. Available information indicates that LGBTI individuals can face societal harassment, intimidation, abuse, and hostility, which can sometimes escalate to physical violence, however, there are very limited examples of this occurring within the sources consulted.

A person who fears the state is unlikely to obtain protection. A person who fears a rogue state actor and/or non-state actor is unlikely to obtain protection from the state. This is because in general, the state is able but not willing to offer effective protection.

Where the person has a well-founded fear of persecution or serious harm from the state, they are unlikely to be able to relocate to escape that risk. Where the threat is from a non-state actor, internal relocation is likely to be viable for gay males, however lesbians and transgender females may face difficulties due to societal attitudes to their gender rather than sexuality.

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

All cases must be considered on their individual facts, with the onus on the person to demonstrate they face persecution or serious harm.

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Assessment

Section updated: 8 October 2024

About the assessment

This section considers the evidence relevant to this note – that is the [country information](#), refugee/human rights laws and policies, and applicable caselaw – and provides an assessment of whether, **in general**:

- a person faces a real risk of persecution/serious harm by state or non-state actors because of the person's actual or perceived sexual orientation and/or gender identity or expression
- the state (or quasi state bodies) can provide effective protection
- internal relocation is possible to avoid persecution/serious harm
- if a claim is refused, it is likely to be certifiable as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

This note provides an assessment of the situation for gay men, lesbians, bisexuals, trans and intersex (LGBTI) people, as well as those perceived as such. Sources often refer to LGBTI people collectively, but the experiences of each group may differ. Where information is available, the note will refer to and consider the treatment of each group discretely.

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

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1. Material facts, credibility, and other checks/referrals

1.1 Credibility

- 1.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#), the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).
- 1.1.2 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](#)).
- 1.1.3 Decision makers must also consider making an international biometric data-sharing check (see [Biometric data-sharing process \(Migration 5 biometric data-sharing process\)](#)).
- 1.1.4 In cases where there are doubts surrounding a person's claimed place of origin, decision makers should also consider language analysis testing, where available (see the [Asylum Instruction on Language Analysis](#)).

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internal Home Office use only.

Official – sensitive: Not for disclosure – End of section

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1.2 Exclusion

- 1.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts.
- 1.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 1.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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2. Convention reason(s)

- 2.1.1 Actual or imputed membership of a particular social group (PSG).
- 2.1.2 Although LGBTI people form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question to be addressed is whether the person has a well-founded fear of persecution on account of their membership of such a group.
- 2.1.3 LGBTI people form a PSG in Algeria within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it **and** have a distinct identity in Algeria because the group is perceived as being different by the surrounding society.
- 2.1.4 For further guidance on the 5 Refugee Convention grounds, see the Asylum Instruction, [Assessing Credibility and Refugee Status](#).

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3. Risk

3.1 Risk from the state

- 3.1.1 LGBTI people are unlikely to face persecution or serious harm from the state. The onus is on the person to demonstrate otherwise.

- 3.1.2 Sources do not generally differentiate between lesbians, gay men, bi-sexual men and women, transgender and intersex people, making it difficult to ascertain the treatment of individual groups.
- 3.1.3 Specific information about the treatment of lesbian, bisexual, transgender and intersex people by the state is not available in the sources consulted. However, there is no indication that the state's treatment of LGBTI people is in general different from that experienced by gay men (see [State attitudes and treatment](#)). As such, the risk to all LGBTI people has been considered collectively.
- 3.1.4 The Constitution states that all citizens are equal under the law but does not explicitly protect individuals from discrimination on the basis of sexual orientation, or gender identity and expression (see [Laws/Constitution](#)).
- 3.1.5 Article 338 of the penal code states that anyone – man or woman - convicted of 'an act of homosexuality' is subject to a term of imprisonment of between 2 months and 2 years, and a fine of 500 to 2,000 Algerian dinars (£2.94 to £11.76 GBP at the time of writing). Article 333 penalises 'public indecency' with up to 3 years imprisonment and a fine of 10,000 Algerian dinars (£58.78 GBP at the time of writing) if it involves 'acts against nature with a member of the same sex' and one of the parties is under 18. The law does not explicitly define public indecency, but sources understood it to mean an 'immoral' intimate act performed in public, judged by cultural or religious standards (see [Penal Code](#)). It should be noted that intimate acts performed in public could also lead to a prosecution in the UK.
- 3.1.6 There is no legal recognition of a trans person's changed gender identity on official documents and there is no explicit law on the status of intersex people (see [Laws/Constitution](#)).
- 3.1.7 Article 2 of the Law of Associations (Law 12-06) restricts LGBTI groups from registering or gathering publicly, with fines and criminal penalties for members or leaders of informal associations. There are no LGBTI organisations or support groups legally registered in Algeria. Any organisation in operation do so illegally and are unlikely to publish their existence on the internet. CPIT could not find any incidents of LGBTI activists being arrested or detained in the sources consulted (see [LGBTI groups](#) and [Bibliography](#)).
- 3.1.8 Evidence regarding the treatment of LGBTI people by the state is scarce, with sources providing few examples, and limited information regarding definitions and thresholds of discrimination, violence, or mistreatment. There is a lack of data on the number, frequency, and extent of incidents. However, under-reporting is likely: sources indicate that most journalists, whilst aware of the LGBTI community's situation, would not report on discrimination and believe state censorship would not permit the reports to be published regardless (see [Media attitudes](#)).
- 3.1.9 Available evidence indicates that between July 2020 and September 2023 there were 6 incidents of LGBTI people being arrested, with 2 of these taking place in September 2020. Precise details on the number of people arrested during these incidents and their punishments are not available, but according to sources, the largest numbers of arrests took place at 2 same-sex

weddings (44 and 27 arrests respectively), with 2 attendees being sentenced to 3 years in prison in September 2020 and 42 being given one year suspended sentences. In September 2023, a man was arrested for 'promoting homosexuality via Facebook' and sentenced to 18 months in prison and a fine of 10,000 dinars (£58.78 GBP at the time of writing). There are no more recent documented examples of arrests or prosecutions in the sources consulted. The US State Department, however, noted in its report for 2023 that local LGBTI activists stated there were multiple arrests, but the report provides no further detail to support this. The USSD also observed there were no reported prosecutions in 2023 (see [Arrests, detention and prosecution](#)).

- 3.1.10 There is also limited information on state attitudes and rhetoric towards LGBTI people. In January 2023, the government launched a campaign against the LGBTI rainbow symbol, with the Algerian Minister of Trade deeming them detrimental to the 'religious faith and moral values of Algerian society'. According to one source, over 38,000 items bearing rainbow colours, including school items, children's toys and 4,561 copies of the Quran were seized (see [Attitudes of state officials](#)).
- 3.1.11 In the country guidance case [OO \(Gay Men\) \(CG\) \[2016\] UKUT 65 \(IAC\)](#), heard on 23 and 24 September 2015 and promulgated on 26 January 2016, which considered the situation for gay men, the Upper Tribunal (UT) held: 'Although the Algerian Criminal Code makes homosexual behaviour unlawful, the authorities do not seek to prosecute gay men and there is no real risk of prosecution, even when the authorities become aware of such behaviour. In the very few cases where there has been a prosecution for homosexual behaviour, there has been some other feature that has given rise to the prosecution. The state does not actively seek out gay men in order to take any form of action against them, either by means of prosecution or by subjecting gay men to other forms of persecutory ill-treatment.' (Paragraph 172)
- 3.1.12 The UT in [OO](#) also held that 'Sharia law is not applied against gay men in Algeria. The criminal law is entirely secular and discloses no manifestation, at all, of Sharia law in its application.' (Paragraph 173)
- 3.1.13 The UT also held that 'There is no real risk of gay men being subjected to violence or other persecutory ill-treatment outside the family home ... at the hands of the authorities ... There is an absence of reliable evidence of that occurring.' (Paragraph 182)
- 3.1.14 While same-sex relations remain criminalised and there is evidence that some gay men have been arrested and 3 prosecuted since 2020, there is no indication that these are frequent or widespread, or that the state actively seeks to target LGBT people because of their sexual orientation alone. However, it should be noted that there have been some incidents of LGBT people being arrested under vague legal provisions such as public indecency and "associating with bad actors". Also the government does not currently intend on decriminalising same-sex activities. Whilst the evidence considered in [OO](#) is dated, the available evidence does not indicate that there are 'very strong grounds supported by cogent evidence' to depart from

the UT's findings in [OO](#).

- 3.1.15 If a person does not openly express their sexual orientation or gender identity, consideration must be given to the reasons why they do not. Each case must be considered on its facts with the onus on the person to demonstrate that they would be at real risk on return.
- 3.1.16 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status and the Asylum Instructions on Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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3.2 Risk from non-state actors

- 3.2.1 LGBTI people are unlikely to face persecution or serious harm from non-state actors (outside of their families). The onus is on the person to demonstrate otherwise.
- 3.2.2 Sources do not generally differentiate between lesbians, gay men, bi-sexual men and women, transgender and intersex people, making it difficult to ascertain the treatment of individual groups.
- 3.2.3 Specific information about the treatment of lesbian, bisexual, transgender and intersex people by non-state actors is not available in the sources consulted. However, there is no indication that treatment of LGBTI people by non-state actors is in general different from that experienced by gay men (see [Societal treatment](#)). As such, the risk to all LGBTI people has been considered collectively.
- 3.2.4 Available information indicates that LGBTI persons can face societal harassment, intimidation, abuse, and hostility, which can sometimes escalate to physical violence. LGBTI activists reported that social and family pressures can be oppressive and LGBTI identity is rarely acknowledged in society. Lesbian women are reported to be at risk of forced marriage and 'corrective rape'. In February 2019, a 20-year old male was murdered in an alleged homophobic attack and in November 2022, a video circulated on social media of men assaulting an individual they perceived to be gay based on videos he uploaded in which he was dressed as a woman. There is a lack of evidence but the sources do not document either widespread or consistent mistreatment (see [Societal attitudes and treatment](#) and [Bibliography](#)).
- 3.2.5 Available information indicates that LGBTI people are sometimes negatively portrayed in Algerian media. For example, in August 2023 programming on the Salam TV channel was suspended for 20 days after it broadcasted a movie scene of a same-sex marriage. One source stated that negative portrayals of homosexuality in the media contributed to hostility targeted at LGBTI people on social media and caused fear and panic among activists, but provided no further detail or examples of this (see [Media attitudes](#)).
- 3.2.6 LGBTI people may experience discrimination in the workplace and in accessing healthcare, such as longer waiting times, refusal of treatment or 'shaming'. There are no legally registered organisations that advocate and support LGBTI people in Algeria (see [Access to services and civic rights](#) and

[LGBTI groups](#)).

3.2.7 The UT in [OO](#), which considered the situation for gay men, held:

‘Algeria is an extremely conservative society where behaviour is regulated by reference to the strict Islamic values endorsed by the state. It is not just open displays of affection by gay men that are not tolerated but such behaviour by heterosexual couples also, particularly between unmarried heterosexual couples. Because there is general adherence to strict Islamic doctrine, which includes a similar intolerance to extra-marital sexual relations, young unmarried men do not have access to women and so may have resort to same-sex liaisons. This is not seen as homosexual conduct but pragmatism in achieving sexual gratification. Indeed, there is some evidence that where one of the same sex partners is perceived to be "dominant" he will be admired as virile and masculine.’ (Paragraph 174)

3.2.8 The UT further held ‘There are, undoubtedly, gay men in Algeria and there is no reason to suppose that they do not represent a similar proportion of the population as in other countries. Therefore, it is remarkable that there is little evidence of gay men living openly as such anywhere in Algeria.’ (Para 175).

3.2.9 The UT went on to explain this absence of evidence: ‘Very few gay men live openly as such in Algeria. Gay Algerian men, as a consequence of cultural, religious and societal views, do not generally identify themselves as gay, even if their sexual preferences lead them to prefer same sex relationships. Even Algerian men with settled sexual preferences for same sex relationships may well continue to entertain doubt about their sexuality...’ (Paragraph 183)

3.2.10 On whether societal actors posed a risk of persecution, the UT held:

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

3.2.11 However, the UT held that this risk did not generally extend to other societal actors (or the state):

‘... the expert and other country evidence does not establish that, in fact, there is any real risk outside the family context of ... persecutory ill-treatment being meted out to persons suspected as being gay. The expert evidence indicates that a gay man recognised as such is very likely to attract an adverse response from those by whom he is encountered as he goes about his daily business. But that adverse reaction is not reasonably likely to be such as to amount to persecution, being on a range of responses from a simple expression of disapproval, mockery or name calling up to the possibility of physical attack. But there is simply no reliable evidence of the expression of disapproval being expressed in such circumstances generally being otherwise than at the lower end of that range of responses.’ (paragraph 184)

- 3.2.12 Since this case was reported 8 years ago there has been some limited further evidence of harm outside the family. However, each case should be considered on its own facts.
- 3.2.13 The UT in [OO \[2016\]](#) went on to find:
- ‘The only risk of ill-treatment at a level to become persecution likely to be encountered by a gay man in Algeria is at the hands of his own family, after they have discovered that he is gay. There is no reliable evidence such as to establish that a gay man, identified as such, faces a real risk of persecutory ill-treatment from persons outside his own family.
 - ‘Where a gay man remains living with his family to whom he has disclosed his sexual orientation in circumstances where they are prepared to tolerate that, his decision to live discreetly and to conceal his homosexuality outside the family home is not taken to avoid persecution but to avoid shame or disrespect being brought upon his family. That means that he has chosen to live discreetly, not to avoid persecution but for reasons that do not give rise to a right to international protection. (Paragraph 186 (a) and (b)).
- 3.2.14 Again, the country guidance is over 8 years old and there has been no recent evidence of familial persecution. This however may be due to self-censorship and limited reporting due to people not being able to openly express their sexual identity.
- 3.2.15 And the UT held in conclusion 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).
- 3.2.16 The country information in this note does not indicate that there are ‘very strong grounds supported by cogent evidence’ to depart from the UT’s findings in [OO](#).
- 3.2.17 If a person does not openly express their sexual orientation or gender identity, consideration must be given to the reasons why they do not. Each case must be considered on its facts with the onus on the person to demonstrate that they would be at real risk on return.
- 3.2.18 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#), and the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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4. Protection

- 4.1.1 A person who has a well-founded fear of persecution or real risk of serious harm by the state is unlikely to obtain protection.

- 4.1.2 A person who has a well-founded fear of persecution or real risk of serious harm by a rogue state actor and/or non-state actor is unlikely to obtain protection from the state. This is because in general, the state is able but not willing to offer effective protection.
- 4.1.3 As same-sex sexual acts are criminalised in Algeria, it would be unreasonable to expect a person identifying as LGBTI, who has a well-founded fear of persecution or real risk of serious harm by non-state actors, to seek protection from the authorities.
- 4.1.4 Information about the protection of LGBTI people is limited and sources do not generally differentiate between lesbians, gay men, bi-sexual men and women, transgender and intersex people, making it difficult to ascertain the treatment of individual groups. There is no indication that the protection of LGBTI people is in general different from that experienced by gay men.
- 4.1.5 The Algerian constitution states that all citizens were equal before law, the law does not extend explicit protection from discrimination of LGBTI people (see [Laws/ Constitution](#)). The available information indicates that there are no protection mechanisms or channels provided by the state to individuals based on their sexual orientation and/or gender identity (see [Protection](#)).
- 4.1.6 In the case of [OO \[2016\]](#), the Upper Tribunal 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)
- 4.1.7 The country information in this note does not indicate that there are ‘very strong grounds supported by cogent evidence’ to depart from the UT’s findings in [OO](#).
- 4.1.8 For more information see the CPIN [Algeria: Actors of Protection](#).
- 4.1.9 For further guidance on assessing protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#), and the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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5. Internal relocation

- 5.1.1 A person who has a well-founded fear of persecution or real risk of serious harm from the state is unlikely to be able to relocate to escape that risk.
- 5.1.2 Where the risk is from a non-state actor, internal relocation is likely to be viable for gay and bisexual males, however lesbian and bisexual women and transgender people may face difficulties. Consideration should be given to the individual circumstances of the person.
- 5.1.3 The constitution provides for freedom of internal movement and the right to freely choose a place of residence (see [Freedom of movement](#)).
- 5.1.4 In regard to gay men, in the case of [OO \[2016\]](#) the Upper Tribunal held: ‘... 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 [and]... [t]here is no real risk of gay men being subjected to violence or other persecutory ill-treatment outside the family home [in a place of relocation], 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.’ (paragraph 181-182)

- 5.1.5 Since the promulgation of [OO](#), there has been some continuing evidence of LGBTI persons being subjected to societal harassment, intimidation, abuse, and hostility, which can sometimes escalate to physical violence. However, this (albeit limited) available information does not indicate that, in general, there is widespread or consistent mistreatment across Algeria which would amount to persecution. As such, there are not ‘very strong grounds supported by cogent evidence’ to depart from the UT’s findings in [OO](#).
- 5.1.6 The Upper Tribunal in [OO](#) only considered the position for gay men. Specific information about the treatment of LGBTI people is limited. However, Algeria is a conservative society and women face additional discrimination based on their gender and societal pressure to marry. Lesbians and bisexual women, as unmarried women, may face difficulties in internally relocating, particularly to rural more traditional areas and without the support of families. Transgender people may also face similar difficulties where they do not conform to cultural norms (see [Freedom of movement](#)).
- 5.1.7 For further guidance on considering internal relocation and factors to be taken into account see the Asylum Instruction on [Assessing Credibility and Refugee Status](#), and the Asylum Instructions on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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6. Certification

- 6.1.1 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 6.1.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

About the country information

This section contains publicly available or disclosable country of origin information (COI) which has been gathered, collated and analysed in line with the [research methodology](#). It provides the evidence base for the assessment.

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

This document is intended to be comprehensive but not exhaustive. If a particular event, person or organisation is not mentioned this does not mean that the event did or did not take place or that the person or organisation does or does not exist.

The COI included was published or made publicly available on or before 21 August 2024. Any event taking place or report published after this date will not be included.

Decision makers must use relevant COI as the evidential basis for decisions.

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7. Legal context

7.1 Laws/Constitution

7.1.1 The International Lesbian, Gay, Bisexual Trans and Intersex Association (ILGA), 'a worldwide federation of more than 1,600 organisations from over 150 countries and territories campaigning for lesbian, gay, bisexual, trans and intersex human rights'¹, stated on its undated database entry for Algeria: '[The Constitution of Algeria](#) does not explicitly include "sexual orientation", "gender identity", "gender expression" or "sex characteristics" as protected grounds of discrimination.'²

7.1.2 ILGA additionally stated:

'To the best of ILGA World's knowledge ... the laws in force in Algeria ...

- ... neither aggravate penalties for crimes committed on the basis of "sexual orientation", "gender identity", "gender expression" or "sex characteristics" nor do they explicitly consider such crimes as "hate crimes".
- ... do not prohibit incitement to hatred, violence or discrimination on the basis of "sexual orientation", "gender identity", "gender expression" or "sex characteristics".
- ... do not regulate or restrict sexual orientation, gender identity or gender expression change efforts (SOGIECE), regularly known as "conversion therapies".
- ... do not restrict medically unnecessary interventions aimed to modify the sex characteristics of intersex minors without their free, prior and full informed consent.

¹ ILGA, '[About us](#)', no date

² ILGA, '[Database - Algeria](#)', (Section 4), no date

- ... do not allow for gender marker change in identification documents.’³
- 7.1.3 The US State Department (USSD) report on human rights practices for 2023 (the USSD HRP report 2023), published 23 April 2024, stated (repeated from previous iterations) ‘Although the constitution stated that all citizens were equal before the law, the law did not extend explicit protection from discrimination to LGBTQI+ persons based on sexual orientation, gender identity or expression, or sex characteristics ... Legal gender recognition is not available in the country.’⁴

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7.2 Penal Code

- 7.2.1 Human Dignity Trust (HDT), who supports strategic litigation ‘to challenge laws that persecute people on the basis of their sexual orientation and/or gender identity’⁵, in an undated Algeria country profile, stated:
- ‘Same-sex sexual activity is prohibited under the Penal Code 1966, which criminalises “acts of homosexuality” and “public indecency”. These provisions carry a maximum penalty of three years’ imprisonment and a fine. Both men and women are criminalised under the law ...
- ‘Article 338 criminalises “acts of homosexuality” with a maximum penalty of two years and a fine of 2000 dinars [£11.76 GBP⁶]. The law applies to such acts both between men and between women.
- ‘Article 333 (modified) increases the penalty for “public indecency” if it involves people of the same sex, whether between men or between women. The maximum penalty is three years and a fine of up to 10,000 dinars [£58.78 GBP⁷].’⁸
- 7.2.2 ILGA stated in its December 2020 State-Sponsored Homophobia report, based on a range of sources:
- ‘Per the Penal Code (1966) Article 333, any person who commits “public indecency” can be charged with a prison sentence of between 2 months and 2 years, with a fine of 500 to 2000 Algerian Dinars [£2.94⁹ to £11.76 GBP¹⁰]. Under Article 338 this is expanded to note that any person found guilty of “an act of homosexuality” is liable to receive the same penalty.
- ‘[T]he second paragraph of Article 333 (Modified) explicitly includes the “indecent exposure of an act against the order of nature with an individual of the same sex” as an aggravated crime against good mores.’¹¹
- 7.2.3 Human Rights Watch (HRW) noted in its 2023 world report, published 11 January 2024, that ‘Same-sex relations remain punishable under article 338 of the penal code by up to two years in prison. Article 333 increases the

³ ILGA, ‘[Database-Algeria](#)’ (Section 4), no date

⁴ USSD, ‘[2023 Country Reports on Human Rights Practices: Algeria](#)’ (Section 6), 23 April 2024

⁵ HDT, ‘[What we do](#)’, no date

⁶ XE.com, ‘[2000 DZD to GBP](#)’, 22 March 2024

⁷ XE.com, ‘[10,000 DZD to GBP](#)’, 22 March 2024

⁸ HDT, ‘[Algeria](#)’, no date

⁹ XE.com, ‘[500 DZD to GBP](#)’, 22 March 2024

¹⁰ XE.com, ‘[2000 DZD to GBP](#)’, 22 March 2024

¹¹ ILGA, ‘[State-Sponsored Homophobia 2020](#)’ (page 114), December 2020

penalty to up to three years in prison and a fine for public indecency if it involves “acts against nature with a member of the same sex,” whether between men or women.’¹²

- 7.2.4 The Immigration and Refugee Board of Canada (IRB) in their publication ‘Algeria: Treatment of persons based on their sexual orientation, gender identity and expression’ (the May 2023 IRB report), published 19 May 2023, based on a range of sources, stated:

‘According to sources¹³, consensual sexual relations between individuals of the same sex are criminalized in Algeria, and punishable by up to two years imprisonment, as well as a fine... Order No.66-156 of 18 Safar 1386, corresponding to June 8, 1966, respecting the Penal Code, as amended and supplemented... provides the following:

‘Section 338. - Anyone convicted of a homosexual act is subject to a term of imprisonment of two (2) months to two (2) years and a fine of five hundred (500) to two thousand (2,000) Algerian dinars [£2.94¹⁴ to £11.76 GBP¹⁵].

‘If one of the perpetrators is under 18 years of age, the penalty for the other perpetrator, of majority age, may be increased up to a term of imprisonment of three (3) years and a fine of ten thousand (10,000) Algerian dinars [£58.78GBP¹⁶].

‘... The penal code includes the following provisions:

‘Section 333. (Amended) - Anyone who has committed public indecency is subject to a term of imprisonment of two (2) months to two (2) years and a fine of five hundred (500) to two thousand (2,000) Algerian dinars.

‘Where the public indecency consisted of an unnatural act with an individual of the same sex, the penalty is a term of imprisonment of six (6) months to three (3) years and a fine of one thousand (1,000) to ten thousand (10,000) Algerian dinars [£5.88¹⁷ to £58.78 GBP¹⁸].

‘Section 333 bis. (New) - Anyone who manufactures, possesses, imports or causes to be imported for purposes of trade, distribution, leasing, display or exhibition, exhibits or attempts to exhibit in public view, sells or attempts to sell, or distributes or attempts to distribute any printed document, written document, drawing, poster, engraving, painting, photograph, block, matrix or reproduction that is indecent is subject to a term of imprisonment of two (2) months to two (2) years and a fine of five hundred (500) to two thousand (2,000) Algerian dinars.’¹⁹

- 7.2.5 CPIT could not find information on laws or status around people who are intersex within the sources consulted (see [Bibliography](#)).

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¹² HRW, ‘[World Report 2024- Algeria](#)’, 11 January 2024

¹³ IRB, ‘[Algeria: Treatment of persons based on their sexual orientation...](#)’, (Reference), 19 May 2023

¹⁴ XE.com, ‘[500 DZD to GBP](#)’, 22 March 2024

¹⁵ XE.com, ‘[2000 DZD to GBP](#)’, 22 March 2024

¹⁶ XE.com, ‘[10,000 DZD to GBP](#)’, 22 March 2024

¹⁷ XE.com, ‘[1000 DZD to GBP](#)’, 22 March 2024

¹⁸ XE.com, ‘[10,000 DZD to GBP](#)’, 22 March 2024

¹⁹ IRB, ‘[Algeria: Treatment of persons based on their sexual orientation...](#)’, (Section 1), 19 May 2023

8. State attitudes and treatment

8.1 Attitudes of state officials

8.1.1 ILGA in their undated database entry for Algeria stated:

'In June 2022, a joint raid in Biskra province by members of the Economic and Financial Division of the Judicial Police and the Directorate of Trade saw 81 copies of the Qur'an seized after a tip-off that the books had rainbow-coloured pages. Authorities brought the books to the Scientific Committee of the Directorate of Religious Affairs and Endowments of Biskra, which ruled that they should be destroyed as they "promote homosexuality". In March 2023, more copies of the Quran were seized for the same reason.

'In January 2023, the Algerian Minister of Trade launched a nationwide campaign against rainbow-coloured products, deeming them detrimental to "the religious faith and moral values of Algerian society".'²⁰

8.1.2 The USSD Human Rights report for 2022 stated (not included in the current 2023 report):

'On December 30 [2022], the government launched a campaign against LGBTQI+ symbols which it stated would run for a week in January 2023. The government reported its aim was to warn the public about the dangers of products carrying rainbow images, including the "harmful consequences of marketing these products on the national market ... especially as it concerns toys for children, school items, etc." Civil society expressed concern about the campaign stigmatizing the LGBTQI+ community.'²¹

8.1.3 In the Summary of stakeholders' submissions report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) from 19 August 2022, a joint submission (referred to as JS12 in the report) and put forward by – The Danish Institute Against Torture (DIGNITY)²², Cairo Institute for Human Rights Studies (CIHRS)²³, The Collective of the Families of the Disappeared in Algeria (CFDA)²⁴, The Justitia Center for Legal Protection of Human Rights in Algeria²⁵ and Tharwa N'Fadhma N'Soumer²⁶ stated that 'JS12 emphasised the existing discrimination against the LGBTQ+ individuals, including house raids and arbitrary prosecutions for actions protected by the right to privacy, bodily autonomy, and non-discrimination in the ICCPR [International Covenant on Civil and Political Rights]. JS12 also indicated at the heightened risk of torture and ill-treatment by the authorities as well as by other inmates.'

The submission does not provide any details or examples of house raids, prosecutions, torture, or ill-treatment.²⁷

8.1.4 The New Arab, an English language news website focussing on the Middle

²⁰ ILGA, '[Database - Algeria](#)' (1.2), no date

²¹ USSD, '[2022 Country Reports on Human Rights Practices: Algeria](#)' (section 1b,6), 20 March 2023

²² DIGNITY, '[About](#)', no date

²³ CIHRS, '[About us](#)', no date

²⁴ CFDA, '[The state must respect the freedoms of those calling for truth...](#)' 21 December 2023

²⁵ Justitias Center, '[About us](#)', no date

²⁶ Dhayen, '[Tharwa N'fadhma N'soumer](#)', 14 March 2022

²⁷ OHCHR, '[Summary of stakeholders submissions report](#)', (Page 8), 19 August 2022

East and North Africa region²⁸, in their report 'What will they do on a nice sunny rainy day?': Algeria vows to ban rainbows from Algerian market' from 5 January 2023 stated:

'Algeria's ministry of commerce vowed to ban all products with rainbow colours, including Qurans editions, from the country's market to "protect" the Algerian society from "the danger of homosexuality".

"We seized 38,542 items bearing these [rainbow] colours, including school items, children's toys, as well as 4,561 copies of the Koran [in rainbow colours]," said Kamel Rezig, the Algerian minister of commerce said during a speech at the ministry's headquarters in Algiers.

'Tuesday marked the start of the Algerian authorities' crusade against "the rainbow", which will be accompanied by a week-long campaign to raise awareness among Algerian merchants about "the dangers of selling products in rainbow colours."

'The ministry has mobilised nine regional directorates and the fifty-eight wilayas [provinces] for this "cause."

"We must stop the spread of products containing these colours and symbols carrying the same connotations and aiming to instil the same ideas in the younger generations," said Kamel Rezig, the Algerian minister of commerce, Monday in a speech at the ministry's headquarters in Algiers...

Over social media, the decision to ban the rainbow triggered criticism and mockery against the Algerian minister of commerce, who is known for his populist statements...

Meanwhile, the Algerian LGBTQAI+ community considered the authorities' decision as a dangerous legitimisation of violence and discrimination against the queer community in a country where homophobia plagues society...

Queers of North Africa argue that nationalising and Islamising "the fight against homosexuality" will further worsen the situation of the Algerian queer community, who are forced to pretend to be heterosexual to preserve their jobs and their lives.'²⁹

8.1.5 The USSD HRP report 2023 stated (repeated from previous iterations):

'LGBTQAI+ status was not criminalized, but LGBTQAI+ persons could face criminal prosecution under superficially neutral legal provisions that were disproportionately applied against LGBTQAI+ persons, such as laws concerning commercial sex, public indecency, and "associating with bad characters." NGOs reported that judges gave harsher sentences to LGBTQAI+ persons for such crimes compared to non-LGBTQAI+ persons. An NGO reported that within the LGBTQAI+ community, men were targeted more often than women, but LGBTQAI+ activists noted that lesbian, bisexual, and trans women faced additional discrimination based on their gender.'³⁰

The source is not clear on whether the NGO report was referring to state or societal treatment when referring to men being targeted more than women

²⁸ The New Arab, '[About](#)', no date

²⁹ New Arab, '[What will they do on a nice sunny rainy day?...](#)', 5 January 2023

³⁰ USSD, '[2023 Country Reports on Human Rights Practices: Algeria](#)', (Section 6), 23 April 2024

within the LGBTBI community.

8.1.6 IRB, in their May 2023 article stated:

'The same source [a lawyer] noted that in a legal case they worked on, a transgender client residing in Algiers had called the police due to being "harassed" by the son of their landlord, and that although the police reacted "confusedly" upon checking the client's ID card, which identified them as male, they ultimately continued to treat the case as harassment, using the client's ID to prepare the necessary paperwork for a complaint, and following up with the defendant afterwards...'³¹

8.1.7 Reuters, in their article 'Algeria bans "Barbie" movie, media and official source say' from 14 August 2023 stated that 'Algeria has banned the movie "Barbie," which had been showing at some cinemas in the country for several weeks, an official source and the local 24H Algeria news site said on Monday [14 August 2023] ... The official source said the film "promotes homosexuality and other Western deviances" and that it "does not comply with Algeria's religious and cultural beliefs."³²

8.1.8 HDT on their country profile for Algeria, last updated 5 October 2023 stated:

'In August [2023], the Audiovisual Regulatory Authority³³ suspended all programmes on Salam TV channel for a period of 20 days after broadcasting a movie scene of same-sex marriage. The channel's Director General publicly apologised for his misjudgment [sic].

'Still in August [2023], the Ministry of Culture and Arts ordered all cinemas in the country to stop showing the film Barbie one month after it began screening, calling it a threat to morality.'³⁴

8.1.9 The German Federal Office for Migration and Refugees (BAMF) in their report 'Country brief Algeria SOGI (Sexual orientation and gender identity): Situation of LGBTIQ persons' published 1 February 2024 (BAMF February 2024 report) stated (citing various sources and translated using Google translate - translation available upon request):³⁵

'In several cases, arrests were made during peaceful demonstrations on the subject of LGBTIQ. People from the LGBTIQ community were victims of a large-scale media campaign that made their private lives and their homosexuality public. There were also reports of unofficial home visits by the police for the purpose of intimidation, which in some cases led to LGBTIQ people being forced to come out to their families. This put them at risk in their family and professional environments.'³⁶

8.1.10 Freedom House stated in its report covering events in 2023 and published 24 April 2024 (Freedom House 2024 report), that (repeated from previous reports): 'LGBT+ people are politically marginalized and have little practical

³¹ IRB, '[Algeria: Treatment of persons based on their sexual orientation...](#)', 19 May 2023

³² Reuters, '[Algeria bans "Barbie" movie, media and official source say](#)', 14 August 2023

³³ Algeria Press Service, '[Audiovisual Regulatory Authority](#)', no date

³⁴ Human Dignity Trust, '[Algeria](#)', last updated 5 October 2023

³⁵ BAMF, '[Country brief Algeria SOGI...: Situation of LGBTIQ persons](#)', (Page 2), 1 February 2024

³⁶ BAMF, '[Country brief Algeria SOGI...: Situation of LGBTIQ persons](#)', (Page 2), 1 February 2024

ability to advocate for their political interests.³⁷

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8.2 Arrests, detention, and prosecution

8.2.1 There was no mention of any arrests or prosecutions taking place in the annual Human Rights Watch (HRW) World Reports that have covered events between 2018 and 2023^{38 39 40 41 42 43 44} (see [Bibliography](#)).

8.2.2 HDT in their undated country profile for Algeria, but with references to incidences in 2023, stated that ‘There is some evidence of the law [against same-sex sexual activity] being enforced in recent years.’⁴⁵ The source however only lists one incident since 2021.

8.2.3 On 25 September 2023, Djazairiess, an Algerian news website⁴⁶, published an article entitled ‘The overthrow of a person promoting homosexuality’. The article, originally published in Arabic, has been translated using Google translate - translation available upon request. The article stated:

‘Members of the Anti-Cybercrime Squad of the State Department of the Judicial Police in the security of the state of Ain Temouchent arrested the so-called “M.H.”, who was promoting homosexuality via the “Facebook” website, within the framework of combating crimes of all kinds through cyberspace, especially those related to immorality.

‘... The person concerned was presented before the Public Prosecutor at the Ain Temouchent Court. He was referred to the immediate appearance hearing, and a ruling was issued against him convicting him of 18 months in prison with detention, and an effective fine of 10,000 DZD [£58 GBP⁴⁷], on charges of committing homosexuality, making and distributing sexual content to the public, and temptation and incitement to immorality.’⁴⁸

8.2.4 ILGA in their report ‘Our identities Under Arrest’ (ILGA November 2023 report) published 30 November 2023, described a number of incidents that took place between May 2005 and March 2023 in which individuals were arrested, sentenced or imprisoned on the basis of same-sex activity. The events in the previous 4 year are described below:

‘In July 2020, 44 people (35 men and nine women) were arrested and charged for allegedly organising and participating in a “same-sex wedding” between two men in the city of El Khroub, Constantine province. Media outlets reported that neighbours alerted the National Gendarmerie about the “possible presence of a group of homosexuals in an apartment”. Security

³⁷ Freedom House, ‘[Freedom in the World 2024- Algeria](#)’ (section B4), 24 April 2024

³⁸ HRW, ‘[World Report 2018- Algeria](#)’ 18 January 2018

³⁹ HRW, ‘[World Report 2019- Algeria](#)’, 17 January 2019

⁴⁰ HRW, ‘[World Report 2020- Algeria](#)’, 14 January 2020

⁴¹ HRW, ‘[World Report 2021- Algeria](#)’, 13 January 2021

⁴² HRW, ‘[World Report 2022- Algeria](#)’, 13 January 2022

⁴³ HRW, ‘[World Report 2023- Algeria](#)’, 12 January 2023

⁴⁴ HRW, ‘[World Report 2024- Algeria](#)’, 11 January 2024

⁴⁵ HDT, ‘[Algeria](#)’, no date

⁴⁶ Djazairiess, ‘[About](#)’, no date

⁴⁷ XE, ‘[10,000 DZD to GBP](#)’, 30 May 2024

⁴⁸ Djazairiess, ‘[The overthrow of a person promoting homosexuality](#)’, 25 September 2023

forces arrived at the premises and arrested all attendees, many of whom had reportedly come from several parts of the country. At least two men were immediately placed in pre-trial detention and the rest remained under judicial supervision awaiting trial.

'In September 2020 two individuals from this group were sentenced to three years in prison, and 42 others to one year suspended prison sentences. A lawyer involved in the case told Human Rights Watch that the court used police reports describing the decorations, flowers, and sweets "indicative of a wedding celebration", and the men's supposedly "gay appearance", as evidence of guilt.

'In September 2020 a similar case took place in the wilaya of Annaba in eastern Algeria. According to local sources, elements of the Urban Security Force of the 11th district of Annaba arrested around 27 individuals for "having organised a wedding between two men" in an apartment. The band performing at the event was also arrested.

'Also in September 2020, a brief news report surfaced stating that a "health director" in the city of Khenchela had been imprisoned on charges of "homosexuality". No further details could be verified at the time of publication, however.

'In April 2021, the Misdemeanours Chamber of the Ahras Market Court ordered that seven people, including a woman, be placed in temporary pre-trial detention after being involved in a scandal related to a video circulating on social media. The video allegedly showed two men engaged in same-sex sexual activity. Other sources stated that 13 people in total were being investigated, including three women and a member of the military. The investigation determined that the video had been filmed in 2018 inside a classroom. Defendants were charged with homosexuality and the production of "pictures [of an] indecent nature", with a hearing being scheduled for 13 April 2021. All defendants were placed in temporary detention. [The source provided no further information regarding the outcome of this case, and CPIT was unable to find any further information on this incident in the sources consulted (see [Bibliography](#)).]

'It was reported in March 2023 that an undisclosed number of people were arrested in northern Algeria for practicing "magic, sorcery and homosexuality" in an apartment. Authorities raided the location after complaints from community members, with media citing condoms and ritual talismans as evidence. The group were later released under unclear circumstances. It is unknown whether any formal charges were filed or investigations initiated.'⁴⁹

The same source stated that 'While in the past several sources have indicated that criminalising provisions were only "rarely enforced" in Algeria, a growing trend in recent years serves as a key reminder that local authorities can at any time resort to the enforcement of these provisions.'⁵⁰. However the source does not quantify what it means by 'a growing trend' and only reports one incident in the past two years (March 2023).

⁴⁹ ILGA, '[Our Identities Under Arrest](#)' (page 36-37), 30 November 2023

⁵⁰ ILGA, '[Our Identities Under Arrest](#)' (page 35), 30 November 2023

- 8.2.5 The USSD HRP 2023 stated (repeated from previous reports) that ‘Local LGBTQI+ activists reported that the vague wording of laws criminalizing “homosexual acts” and “acts against nature” permitted sweeping accusations that resulted in multiple arrests for consensual same-sex sexual acts, although there were no reported prosecutions during the year.’⁵¹ The source did not provide detail or examples of the application of laws, sentencing or discrimination against LGBTQI+ people.
- 8.2.6 The same source stated ‘Prison authorities separated vulnerable persons but provided no specific legal protections for lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons in prison.’⁵²
- 8.2.7 CPIT could not find any other cases of LGBTI persons being arrested in the past two years, nor any examples of LGBTQI+ people being arbitrarily detained or mistreated within the sources consulted (see [Bibliography](#)).

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9. Societal treatment

- 9.1.1 HRW noted in its report covering events in 2018 that ‘Activists have documented recent cases of violence on the grounds of sexual orientation and gender identity within families, at universities, in the streets, and in prisons.’⁵³ However, the same source does not mention similar incidents of harassment against LGBTI persons in its subsequent reports covering events from 2019-2023⁵⁴.
- 9.1.2 HDT in their country profile for Algeria, last updated 5 October 2023, stated that ‘There have been consistent reports of discrimination and violence being committed against LGBT people in recent years, including assaults, the denial of basic rights and services, and even murder.’⁵⁵ HDT does not provide further information on these incidents, who they are committed by, nor clarify what ‘some evidence’ consists of, how many and when these incidents occurred.
- 9.1.3 In November 2021, the Williams Institute, a think tank at the University of California, Los Angeles (UCLA) school of law⁵⁶, published results of a study which analysed data from surveys measuring attitudes toward LGBTI people and rights from 175 different countries and locations, to produce a single score called the Global Acceptance Index. These surveys include: the AfroBarometer (2014-2018)⁵⁷, the Gallup World Poll (2006-2020)⁵⁸, the International Social Survey Programme (1988-2018)⁵⁹, Ipsos International (2013-2017)⁶⁰, the Pew Global surveys (2002-2019)⁶¹, and the World Values

⁵¹ USSD, ‘[2023 Country Reports on Human Rights Practices: Algeria](#)’, (Section 6), 23 April 2024

⁵² USSD, ‘[2023 Country Reports on Human Rights Practices: Algeria](#)’, (Section 1), 23 April 2024

⁵³ HRW, ‘[World Report 2019](#)’ (Algeria), 17 January 2019,

⁵⁴ HRW, ‘[World Report 2019-2023](#) (Algeria), January 2020- 2024

⁵⁵ HDT, ‘[Algeria](#)’, last updated 5 October 2023

⁵⁶ Williams Institute, ‘[About](#)’, no date

⁵⁷ AfroBarometer, ‘[Data](#)’, no date

⁵⁸ Gallup, ‘[Global research](#)’, no date

⁵⁹ GESIS Leibniz Institute for the Social Sciences, ‘[International Social Survey Programme](#)’, no date

⁶⁰ IPSOS, ‘[About us](#)’, no date

⁶¹ Pew Research Centre, ‘[International surveys](#)’, no date

Surveys (1981-2020)⁶². The study defines acceptance as ‘the extent to which LGBTI people are seen in ways that are positive and inclusive, both with respect to an individual’s opinions about LGBTI people and with regard to an individual’s position on LGBTI policies.’⁶³ The study ranked Algeria as 81st out of 175 for average LGBT acceptance (1st being the highest level of acceptance and 175th the lowest) based on survey data gathered between 2017 and 2020⁶⁴.

For further information on the survey questions see the [Appendix 1](#) of the report. It should be noted the survey uses data from 2014 to 2020 but CPIT was unable to find any more recent surveys within the sources consulted (see [Bibliography](#)).

- 9.1.4 A previous iteration of the USSD HRP, covering events in 2022, stated that ‘On November 16 [2022], a video circulated on social media of men in Batna assaulting an individual they perceived to be gay via his popular TikTok videos, in which he dresses as a woman. Commenters on the video were widely supportive of the men perpetrating the violence.’⁶⁵ The source did not provide any further detail on this incident or any additional specific examples of the treatment LGBTQI+ persons experienced
- 9.1.5 In March 2024 Bertelsmann Stiftung, a German non-profit think tank⁶⁶, published a country report on Algeria, covering the period from 1 February 2021 to 31 January 2023. The report stated that ‘Algeria’s LGBTQ+ community faces ... societal harassment because homosexuality is criminalized. Rights organizations have documented multiple instances of violence against LGBTQ+ individuals.’⁶⁷ The source did not provide any further detail on the instances of violence or the actor during the reporting period.
- 9.1.6 The USSD HRP 2023 stated (repeated from previous years):
- ‘Activists reported social and family pressures were so oppressive that LGBTQI+ identity was driven underground and rarely acknowledged. Activists reported authority figures in schools and religious institutions emphasized traditional gender roles and disciplined children perceived to be LGBTQI+.
- ‘... LGBTQI+ activists reported hostility towards the LGBTQI+ community was prevalent and typically emanated from the younger generation. Activists reported members of the LGBTQI+ community were often followed and intimidated, and sometimes the harassment escalated to physical violence.
- ‘... LGBTQI+ community members reported members were targeted by criminals via social messaging and dating apps. They were robbed, extorted, beaten, or preyed upon with impunity. Victims were often too fearful to report to police, believing they would be prosecuted rather than helped.’⁶⁸

⁶² World Values Surveys, ‘[What we do](#)’, no date

⁶³ Williams Institute, ‘[Social acceptance of LGBTI people...](#)’ (Page 11), November 2021

⁶⁴ Williams Institute, ‘[Social acceptance of LGBTI people...](#)’ (page 33), November 2021

⁶⁵ USSD, ‘[2022 Country Reports on Human Rights Practices: Algeria](#)’, (Section 6), 20 March 2023

⁶⁶ Ecoi.net, ‘[Source description – Bertelsmann Stiftung](#)’, no date

⁶⁷ Bertelsmann Stiftung, ‘[BTI 2024 Country Report Algeria](#)’ (Page 14), 19 March 2024

⁶⁸ USSD, ‘[2023 Country Reports on Human Rights Practices: Algeria](#)’, (Section 6), 23 April 2024

The source did not provide any further detail nor provide specific examples of incidents of violence.

- 9.1.7 The May 2023 IRB report, quoting an interview with an Algerian Lawyer conducted in May 2023, stated:

‘In an interview with the Research Directorate, a lawyer and advocate of women’s rights who also works on the rights of individuals based on their SOGIESC [sexual orientation, gender identity and expression, and sex characteristics] in Algeria, noted that people of diverse SOGIESC do not publicly “reveal” their SOGIESC due to the lack of legal protection and the negative perception from Algerian society (Lawyer 2023-05-02) ...

‘According to the lawyer, people “understand tacitly” that their SOGIESC has to be “kept under the radar” due to the cultural and religious perceptions of Algerian society, even though there are cases “nowadays” of individuals whose family are aware of their SOGIESC and who accept them, but who “would still be cautious about talking openly or revealing it publicly”... The same source added that while there are no clear regional differences in the acceptance of diverse SOGIESC, there are more cases of gay couples who are living together in Algiers, but these couples hide their romantic relationship and instead live publicly as roommates or friends...’⁶⁹

- 9.1.8 The BAMF February 2024 report stated (translated using Google translate - translation available upon request): ‘Lesbian women are at risk of forced marriages and “corrective” rape ... Lesbians are therefore affected by discrimination in several ways - both by the criminalization of the sexual act and the lack of definition of rape, as well as by social pressure from family and society, who see heterosexuality as the only correct norm. Furthermore, rape within marriage is not a criminal offense and it can be assumed that this is not a rare phenomenon.’⁷⁰
- 9.1.9 CPIT could not find further information on “corrective” rape or “conversion therapies” within the sources consulted (see [Bibliography](#))

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10. Media attitudes

- 10.1.1 Outright International is a US-based NGO which works ‘with partners around the globe to strengthen the capacity of the LGBTIQ human rights movement, document and amplify human rights violations, and advocate for inclusion and equality.’⁷¹ In their September 2023 report ‘The Global State of LGBTIQ Organizing’ (the Outright International report), an extract from a May 2023 interview with an Algerian LGBTIQ activist stated that ‘Negative portrayals of homosexuality in the media contributed to hostility targeted at LGBTIQ people on social media and caused fear and panic among activists.’⁷² The source however does not provide further detail or examples of hostility.
- 10.1.2 The online newspaper ObservAlgérie⁷³, based in Algeria and France, in the

⁶⁹ IRB, ‘[Algeria: Treatment of persons based on their sexual orientation...](#)’, 19 May 2023

⁷⁰ BAMF, ‘[Country brief Algeria SOGI...: Situation of LGBTIQ persons](#)’, (Page 3), 1 February 2024

⁷¹ Outright International, ‘[About](#)’, no date

⁷² Outright International, ‘[The Global State of LGBTIQ Organizing](#)’ (page 40-41), September 2023

⁷³ ObservAlgérie, ‘[About](#)’, no date

article “‘If it were up to me, I'd exterminate them all”: Anes Tina attacks homosexuals’ published 24 September 2023, originally in French and translated using Google translate (translation available upon request) stated:

‘In a new video, Algerian YouTuber Anes Tina has sparked heated controversy. Renowned for his humorous products, which mock the behaviour of a segment of Algerian society, Anes Tina this time addressed the issue of homosexuality in Algeria. In his video, the YouTuber openly displayed his aversion to homosexuals, going so far as to publicly call for their “extermination”.

‘The Algerian YouTuber, who has millions of followers, did not hide his desolation because, according to him, “the question of homosexuality which has always existed in Algeria in a discreet way has seen an evolution in the mentality of Algerians”. He says he regrets that nowadays “homosexuals in Algeria openly display their sexual orientation”. He explains that many Internet users, including journalists, criticise him for having criticised homosexuality in one of his stories by pointing out that it is “an individual freedom”.’⁷⁴

- 10.1.3 The USSD HRP 2023 stated (repeated from previous reports): ‘LGBTQI+ leaders said journalists were aware of the community’s situation, and although many were sympathetic, most would not report on LGBTQI+ discrimination, and believed state censorship would not permit the stories to be published regardless.’⁷⁵

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11. Access to services and civic rights

11.1 Overview

- 11.1.1 ILGA on their undated database entry for Algeria stated that ‘To the best of ILGA World’s knowledge, laws in force in Algeria do not offer protection against discrimination based on “sexual orientation”, “gender identity”, “gender expression” or “sex characteristics” in the provision of goods and services ... healthcare ... education ... employment ... [or] housing.’⁷⁶
- 11.1.2 The May 2023 IRB report stated ‘In an interview with the Research Directorate, a lawyer and advocate of women’s rights who also works on the rights of individuals based on their SOGIESC in Algeria, noted that ... “as long as (an individual is) not identified publicly” based on their SOGIESC, then they may “access the rights and services that all Algerians can access”...’⁷⁷
- 11.1.3 The USSD HRP 2023 stated ‘LGBTQI+ activists said the political and economic crises – particularly combined with LGBTQI+ discrimination in medical and legal services and in employment – were intensifying other psychological issues within their community, such as depression and anxiety ... LGBTQI+ activists also noted police and government harassment while

⁷⁴ ObservAlgérie, [“‘If it were up to me, I would exterminate them all...’](#), 24 September 2023

⁷⁵ USSD, [‘2023 Country Reports on Human Rights Practices: Algeria’](#) (Section 6), 23 April 2024

⁷⁶ ILGA, [‘Database-Algeria’](#), no date

⁷⁷ IRB, [‘Algeria: Treatment of persons based on their sexual orientation...’](#), 19 May 2023

obtaining services, such as at airports.’⁷⁸

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11.2 Healthcare

- 11.2.1 Fanack, a Dutch not-for-profit organisation focusing on the MENA region⁷⁹, in their article ‘Society of Algeria’ published 2 February 2021 stated:

‘In the last decade, prevention has also included measures against the spread of HIV/AIDS. Although Algeria and the North African region are not a major risk area for the spread of the disease, it appears that it may be on the rise there. One of the factors behind this may be prostitution in the main transit towns along the Saharan routes. A more general risk is the taboos surrounding sexuality that prevail in large parts of society, especially those concerning premarital sex and homosexuality, so the government has instituted information campaigns and has opened centres for testing (anonymous and free) in many towns and cities.’⁸⁰

- 11.2.2 The USSD HRP 2023 stated:

‘LGBTQI+ persons faced discrimination in accessing health services, such as longer wait times, refusal of treatment, and shaming. Some organizations maintained a list of “LGBTQI+-friendly” hospitals, and several NGOs operated mobile clinics specifically for vulnerable communities.

‘... Social stigmas associated with persons in commercial sex, men who have sexual relations with men, and drug users deterred testing of these HIV-vulnerable groups. The government reported it did not take measures to specifically prevent and treat HIV and AIDS in the LGBTQI+ community. Members of the country’s LGBTQI+ community reported pre-exposure prophylaxis was not available.’⁸¹ The source did not provide any further detail on which hospitals were deemed ‘LGBTQI+ friendly’ hospitals, nor about the organisations that produced the list the source refers to.

- 11.2.3 CPIT could not find further information on discrimination against LGBTQI+ people in healthcare within the sources consulted (see [Bibliography](#))

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11.3 Employment

- 11.3.1 The USSD HRP 2023 stated (repeated from previous iterations): ‘NGOs reported that employers refused jobs to persons perceived to be LGBTQI+... The law did not explicitly prohibit discrimination with respect to employment based on HIV-positive status’⁸²

- 11.3.2 CPIT could not find further information on discrimination against LGBTQI+ people in employment within the sources consulted (see [Bibliography](#))

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⁷⁸ USSD, ‘[2023 Country Reports on Human Rights Practices: Algeria](#)’, (Section 6), 23 April 2024

⁷⁹ Fanack, ‘[About](#)’, no date

⁸⁰ Fanack, ‘[Society of Algeria](#)’, 2 February 2021

⁸¹ USSD, ‘[2023 Country Reports on Human Rights Practices: Algeria](#)’, (Section 6), 23 April 2024

⁸² USSD, ‘[2023 Country Reports on Human Rights Practices: Algeria](#)’, (Section 6), 23 April 2024

11.4 Civic rights

- 11.4.1 ILGA on their database entry for Algeria stated that: '[C]ivil unions or marriage are not legally available for same-sex couples in Algeria ... neither joint adoption nor second parent adoption are legally available for same-sex couples in Algeria.'⁸³
- 11.4.2 CPIT could not find further information on discrimination against LGBTQI+ people in civic rights within the sources consulted (see [Bibliography](#))

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11.5 Legal services

- 11.5.1 The USSD HRP 2023 stated (repeated from previous reports): 'Lawyers versed in LGBTQI+ matters were not widely accessible, and other lawyers feared getting involved with the cases of LGBTQI+ persons.'⁸⁴
- 11.5.2 The Outright International report quoted a January 2023 interview with an Algerian LGBTI activist (known as Farid M) which stated:
'Farid M. explained to Outright that it is very difficult to find legal representation when people are arrested on issues relating to their LGBTQ identities or advocacy: lawyers are afraid of being connected with human rights groups due to the government clampdown and restrictions on the freedom of association, and with LGBTIQ groups due to criminalization of same-sex intimacy and ingrained negative social perception against homosexuality fueled by culture and religion.'⁸⁵
- 11.5.3 CPIT could not find further information on discrimination against LGBTQI+ people in legal services within the sources consulted (see [Bibliography](#))

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12. LGBTI groups

- 12.1.1 ILGA stated in its December 2020 report:
'Article 2 of the Law on Associations (Law 12-06) (2012) affords the government broad discretion to refuse to register an association with an object that is contrary to "good mores" ... The law also imposes heavy fines and criminal penalties for members or leaders of informal associations. Local LGBT groups have reported that gathering publicly or registering an organisation under this legal framework is impossible. Human rights activists have also expressed the fear that supporting or advocating LGBT rights will "result in the immediate withdrawal of accreditation".'⁸⁶
- 12.1.2 HRW world report 2023 stated:
'Restrictions on freedom of assembly, and association under Law 12-06 hinder the work of lesbian, gay, bisexual, and transgender (LGBT) groups. This law poses risks to those who want to form or become active in LGBT groups, as well as to human rights organizations that otherwise might

⁸³ ILGA, '[Database - Algeria](#)', no date

⁸⁴ USSD, '[2023 Country Reports on Human Rights Practices: Algeria](#)', (Section 6), 23 April 2024

⁸⁵ Outright International, '[The Global State of LGBTIQ Organizing](#)' (Page 44), September 2023

⁸⁶ ILGA, '[State-Sponsored Homophobia 2020](#)' (page 170), December 2020

support such activities.

‘According to a 2019 analysis by the International Lesbian, Gay, Bisexual, Transgender, and Intersex Association, laws regulating nongovernmental organizations in Algeria make it virtually impossible for organizations working on issues of sexual orientation and gender identity to register legally.’⁸⁷

12.1.3 The Organisation for Refuge, Asylum and Migration (ORAM), a US-based NGO that ‘protects and empowers LGBTIQ asylum seekers and refugees globally’⁸⁸, listed the following organisations that assisted LGBTI persons on undated webpages:

- Alouen [inactive since 2021]:

‘Services: Combat all forms of discrimination against LGBT, fight against all forms of violence against LGBT, contribute to the development of LGBT people in Algerian society by facilitating their acceptance and integration, and to contribute to the fight against AIDS and STI in the LGBT community.

‘Mission: "Alouen is an association of young Algerians LGBT. We have come together around a common vision because each of us has the will to act to improve our situation. This change must be made both from a legal point of view by abolishing discriminatory laws, and from a social point of view by working for the evolution of mentalities."’⁸⁹

- Ligue Algerienne pour la Defense des Droits de l’homme (LADDH) [Dissolved by the government in January 2023⁹⁰]:

‘Services: The ADDH defends individual and collective liberties, and assists individuals whose rights have been abused.

‘Mission: LADDH promotes human dignity, peace and national reconciliation. The organization denounces the crimes and massive human right violations committed by military and Islamic groups.’⁹¹

CPIT was unable to access the websites of both organisations and was therefore unable to verify if both organisations are still functioning within Algeria.

12.1.4 Amera International, an NGO which works ‘with refugee-led and community-based organisations, NGOs, legal aid clinics, and law firms around the world’⁹², stated on their undated Algeria LGBTQI+ Resources page that ‘There are no gay organizations or support groups in Algeria as they are prohibited by law. However, there are now two Algerian websites that tackle gay issues: “Kelmaghreb” and “Algerigay” which is a step in the right direction.’⁹³ CPIT could not find any additional information on ‘Kelmaghreb’ and ‘Algerigay’, including each organisations website, in the sources consulted (see [Bibliography](#)).

⁸⁷ HRW, [‘World Report 2023- Algeria’](#), 12 January 2023

⁸⁸ ORAM, [‘About’](#), no date

⁸⁹ ORAM, [‘Association Alouen’](#), no date

⁹⁰ AI, [‘Algeria: Reverse decision to dissolve leading human rights group’](#), 8 February 2023

⁹¹ ORAM, [‘Association LADDH’](#), no date

⁹² Amera International, [‘What we do’](#), no date

⁹³ Amera International, [‘Algeria LGBTQI+ Resources’](#), no date

12.1.5 The Outright International report quoted various interviews conducted between October 2022 and May 2023, stated:

‘[A]ccording to Farid M., an Algerian LGBTIQ activist who has worked in the movement for 15 years, LGBTIQ organizations “... have little practical ability to fight for relevant antidiscrimination laws or the repeal of laws criminalizing same-sex relations.” He explained that many organizations work within the community itself, rather than on advocacy with the government or other stakeholders. Some of their activities include trainings for the community on human rights, security, and health, and some organizations are directly involved in the provision of health services, all carried out with a low profile:

“When you’re working in Algeria (on LGBTIQ issues), everything is secret. We do the maximum to keep a low profile and do not want anything that can be termed provocation. You could be imprisoned for the littlest thing. LGBTQ organizations are secret organizations. They work underground. Many organizations do not even know each other as people are so afraid of disclosing who they are, because they don’t trust others or know (who is) working for the government. This means that most organizations work alone. It can lead to a fragmentation of the movement.”

‘According to Imani K. (pseudonym), an activist who works with an LGBTQ organization based in Algeria: “It is too dangerous to identify oneself as working to promote LGBTIQ and human rights because same-sex acts are prohibited and highly frowned upon, as also because the civic space is shrinking. We have to do everything in secret and informally.”

‘Maisah G. (pseudonym), an LGBTIQ activist working for an Algerian NGO, shared a similar experience: “We cannot say what we do, not even to family. It is frustrating and has a negative impact, psychologically speaking, because we’re quite proud of our work. But we have to keep it in secret so as not to endanger ourselves and our families.”’⁹⁴

12.1.6 The same source additionally stated: ‘... [I]n 2007, Algerian LGBTIQ organizations and persons created an online celebration known as “TenTen,” the National Day of Solidarity, which has been held online every year since on 10 October. TenTen celebrates LGBTIQ solidarity in the struggle for acceptance and recognition.’⁹⁵

12.1.7 The USSD HRP 2023 stated that ‘During the year, LGBTQI+ NGOs organized virtual and in-person meetings, despite reporting government harassment, including threats of imprisonment. No LGBTQI+ NGOs operating in the country were registered with the government, and therefore none had authorization to operate.’⁹⁶ The source did not provide further details on the reports of government harassment and threats of imprisonment.

12.1.8 SyriaUntold, an advocacy platform for feminism, LGBTIQ rights, gender and the environment in Syria and the wider MENA region⁹⁷, in the article ‘Feminism in Algeria: Struggles Against the Lack of Continuity in a History

⁹⁴ Outright International, ‘[The Global State of LGBTIQ Organizing](#)’ (Page 40), September 2023

⁹⁵ Outright International, ‘[The Global State of LGBTIQ Organizing](#)’ (Page 40), September 2023

⁹⁶ USSD, ‘[2023 Country Reports on Human Rights Practices: Algeria](#)’ (Section 6), 23 April 2024

⁹⁷ SyriaUntold, ‘[About](#)’, no date

Unknown to Most' published 11 July 2023, by Algerian feminist and human rights activist Amal Hadjadj, stated:

'Around 2006, the first Algerian online club for the LGBTIQ community was established, known as "GLA." Initially, it served as a platform for exchange and expression, leading to the first gatherings of the LGBTIQ community and the initiation of activist work. Notably, the community established the National Day of the LGBTIQ on October 10th each year, referred to as "Tenten." Subsequently, the group "Abu Nawas" was formed to advocate for the rights of sexual and gender minorities. However, due to various disagreements, several other groups emerged, including the prominent "Colors Association" [Alouen⁹⁸] for the LGBTIQ community. Most activities, even to this day, take place online through websites.'⁹⁹

- 12.1.9 CPIT has been unable to find information on the prosecution of LGBTQI+ groups in Algeria within the sources consulted (see [Bibliography](#)).

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13. Freedom of movement

- 13.1.1 The USSD HRP 2022 stated: 'The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government restricted the exercise of these rights [in relation to travel bans for individuals attempting to leave the country]... The constitution provides citizens "the right to freely choose their place of residence and to move throughout the national territory"...'¹⁰⁰
- 13.1.2 The Freedom House 2024 report stated '... [M]ost citizens are relatively free to travel to travel domestically and abroad.'¹⁰¹ It did not identify if there were particular groups, including LGBTI people, who could not move freely.
- 13.1.3 In August 2022, the IRB published a report entitled 'Algeria: Situation of single women', which cited correspondence with a lawyer and a senior analyst. Whilst not specifically covering LGBTI people, it provides the following information regarding the conditions and treatment a lone female may face when attempting to internally relocate:

'According to sources, Algeria is a "conservative" society or [is] becoming "more and more conservative". In correspondence with the Research Directorate, the lawyer stated that "marriage is of paramount importance" in Algeria, and added in a follow-up interview that marriage is "above everything" and is "at the heart of religion" and "therefore the country".

'... [U]nmarried women are "stigmatized" in "all" regions and social classes in Algerian society... [and] it is difficult for single women to live alone. The Senior Analyst further stated that living alone as a woman has yet to be accepted by society.

'... According to the Senior Analyst, women who relocate to a new city risk having ties cut by their families. The lawyer stated that support from family is "essential" for women to be single and to pursue employment and education

⁹⁸ Voice of Salam, '[The battle against secularists and homosexuals...](#)', 12 March 2019

⁹⁹ SyriaUntold, '[Feminism in Algeria: Struggles Against the Lack of Continuity...](#)', 11 July 2023

¹⁰⁰ USSD, '[2022 Country Reports on Human Rights Practices: Algeria](#)' (section 2b), 20 March 2023

¹⁰¹ Freedom House, '[Freedom in the World 2024- Algeria](#)' (section B4), 24 April 2024

opportunities. The Senior Analyst stated that women who relocate to other cities face a high risk of "physical or moral attacks" depending on the city they choose. The same source further states that it is "frowned upon" for a woman to live alone, especially in lower-income neighbourhoods, whether it be in Algiers, Oran, Annaba, El Tarf, or Algeria in general.

'... The Senior Analyst stated that traditions influence gender norms in that women "must" live with their family or guardian, such as a husband, brother, or son.'¹⁰²

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14. Protection

- 14.1.1 The Overseas Security Advisory Council (OSAC) country security report on Algeria, last updated on 25 June 2024, stated:

'The 130,000-member National Gendarmerie, which performs police functions outside urban areas under the auspices of the Ministry of National Defense, and the 200,000-member General Directorate of National Security or national police, under the Ministry of Interior, share responsibility for maintaining law and order. The army has some domestic security responsibilities. Civilian authorities generally maintained effective control over the security forces. Impunity for police and security officials remains a problem as members of the security forces have committed some abuses.'¹⁰³

- 14.1.2 The August 2022 OHCHR summary of stakeholders submissions stated:

'[T]he legal vacuum concerning the protection of LGBTQ+ individuals – including, criminalisation of consensual same sex relations (article 338 of the Penal Code), lack of awareness and training of relevant institutions – prevents them from accessing any remedy in case of gender-based violence (GBV) or other discriminatory treatment. This leads LGBTQ+ individuals not to report violations in almost all cases based on their fear of being outed or prosecuted, creating a situation of complete impunity.'¹⁰⁴

- 14.1.3 IRB, in their May 2023 article stated: 'According to the lawyer, there are no protection mechanisms or channels provided by the state to individuals based on their SOGIESC, or to their families, but such individuals may access state protection if they "do not publicly declare their SOGIESC"'¹⁰⁵

- 14.1.4 The USSD HRP report 2023 repeated previous iterations that 'Government officials did not act to prevent discrimination against LGBTQI+ persons.'¹⁰⁶

- 14.1.5 CPIT was unable to find any further evidence relating to the levels of state protection available to LGBTI people in the sources consulted (see [Bibliography](#)). For more information on state protection see the CPIN [Algeria: Actors of protection](#).

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¹⁰² IRB, '[Algeria: Situation of single women...](#)', 4 August 2022

¹⁰³ OSAC, '[Algeria Country Security Report](#)', (Page 4), last updated 25 June 2024

¹⁰⁴ OHCHR, '[Summary of stakeholders submissions report](#)', (Page 8), 19 August 2022

¹⁰⁵ IRB, '[Algeria: Treatment of persons based on their sexual orientation...](#)', 19 May 2023

¹⁰⁶ USSD, '[2023 Country Reports on Human Rights Practices: Algeria](#)', (Section 6), 23 April 2024

Research methodology

The country of origin information (COI) in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2024. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

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

Commentary may be provided on source(s) and information to help readers understand the meaning and limits of the COI.

Wherever possible, multiple sourcing is used and the COI compared to ensure that it is accurate and balanced, and provides a comprehensive and up-to-date picture of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote.

Full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

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Terms of Reference

The 'Terms of Reference' (ToR) provides a broad outline of the issues relevant to the scope of this note and forms the basis for the [country information](#).

The following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal Context
- State attitude and treatment
- Societal attitudes
- Media attitudes
- Access to services and civic rights
- LGBTQI+ groups and community

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Version control and feedback

Clearance

Below is information on when this note was cleared:

- version **4.1**
- valid from **9 May 2025**

Official – sensitive: Not for disclosure – Start of section

The information in this section has been removed as it is restricted for internal Home Office use only.

Official – sensitive: Not for disclosure – End of section

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Changes from last version of this note

Updated COI and assessment.

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Feedback to the Home Office

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the [Country Policy and Information Team](#).

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Independent Advisory Group on Country Information

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

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

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

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