Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's Refworld website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the Knowledge and Information Management Unit.

DZA104507.E

Algeria: Situation of sexual minorities, including treatment by authorities and societal attitudes; availability of legal recourse, state protection and support services (2010-July 2013)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Legal Framework

Homosexuality is illegal for both males and females in Algeria (US 19 Apr. 2013, 27; ILGA May 2013, 43). According to Article 338 of Algeria's Penal Code, the penalty for those found guilty of participating in a homosexual act is two months to two years in prison and a fine of 500 to 2,000 Algerian dinars (DZA) [approximately $6 to $26 (XE 24 July 2013)] (Algeria 2010). If one participant is under 18 years of age, the sentence given to the older participant can be increased to three years imprisonment and a fine of 10,000 DZA [approximately $129 (XE 24 July 2013)] (ibid.). In addition, Article 333 of the Algerian Penal Code makes provision for a prison sentence of six months to three years and a fine of 1,000 DZA to 10,000 DZA [C$13 to C$129 (XE 24 July 2013)] for acts of [translation] "outrage to public decency" involving "an act against nature with an individual of the same sex" (ibid.).

The website of Kaos GL, a Turkish LGBT rights organization, stated that the Regional Network Against Homophobia, established in May 2011 by sexual minorities' rights groups in the Middle East, North Africa, the Balkans and Caucasus, "condemned" Algeria in its first Memorandum for a lack of legislation prohibiting "unfair discrimination or harassment" based on sexual or gender identity (Kaos GL 14 May 2013). Corroborating information could not be found among the sources consulted by the Research Directorate.

2. Treatment by Authorities

In their report based on a joint Sweden-Switzerland fact-finding mission conducted in June 2011, the Swedish Migration Board cited the National Consultative Commission on the Promotion and Protection of Human Rights (Commission nationale consultative de promotion et de protection des droits de l'homme - CNCPPDH), a national Algerian organization for the promotion and protection of human rights (CNPPDH n.d.), as stating that in Algeria,

[...] LGBTQ issues is a subject considered [t]aboo. 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. (Sweden and Switzerland 20 Jan. 2012, 20)

The Independent, a Ugandan newspaper based in Kampala, noted while reporting on the situation of sexual minorities in Africa 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).
Sources cited a report dated 4 May 2013 by the Arabic news 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).

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). Further information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The website of Abu Nawas Algeria (Abu Nawas), a group that describes themselves as Algerian "activists" fighting for LGBT rights (n.d.b), states that victims [translation] "never" report homophobic violence as they are afraid of Algerian authorities and the law (n.d.a). Similarly, the website of Alouen, an organization of young Algerian LGBTs working to improve the situation of sexual minorities in Algeria (n.d.b), states that acts of homophobic violence and rape against LGBT people are not reported for fear of Algerian laws (n.d.a). Further information on the treatment of LGBT people by authorities could not be found among the sources consulted by the Research Directorate.

3. Societal Attitudes

Without providing further details, Country Reports on Human Rights Practices for 2012 noted that sexual minorities faced societal discrimination:

Some LGBT individuals received violent threats and felt compelled to flee the country. While some LGBT persons lived openly, the vast majority did not, and most feared reprisal from their families or harassment from authorities. (US 19 Apr. 2013, 27)

An article reporting on the lives of three lesbian Algerians published in Algérie-Focus, an electronic Algerian newspaper founded in 2008 and based in Alger and Paris (Algérie-Focus n.d.), observed that homosexuality is still taboo in Algeria and that some Algerians think that there are no homosexuals in Algeria (ibid. 28 Aug. 2012). The article further noted that some lesbians hide their sexuality, fearing rejection by society and their families (ibid.).

The Sweden-Switzerland fact-finding mission report, citing representatives of the Algiers newspaper Liberté, stated that the subject of sexual minorities is very sensitive and is not discussed in the press. It is hard to live as a[n] homosexual in Algeria, and those who are, generally act very discreetly. Acceptance among families varies. Homosexuals who do not conceal their sexual orientation risk verbal harassment. There are no clubs for homosexuals. (Sweden and Switzerland 20 Jan. 2012, 20)

An article entitled "Being Gay in Algeria Today" dated 13 September 2010 noted that a Cappuccino bar in the Hydra neighbourhood is the "main unofficial ([o]fficially, Algeria has no gay places. Ed.) gay venue" (Gay Maroc 13 Sept. 2010). Corroborating and further information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The same article also observed that "the most affluent" gay people go to nightclubs such as the "Pacha nightclub" in Algiers (Gay Maroc 13 Sept. 2010). Similarly, the Algérie-Focus article noted that a number of gay men and lesbians frequent nightclubs in Algiers, including Pacha, the Star Studio and the Hilton (Algérie-Focus 28 Aug. 2012).

The "Being Gay in Algeria Today" article also stated that "[m]any gays live with either their family or their wife" (Gay Maroc 13 Sept. 2010). Similarly, the online news source France24 reported that in Algeria, homosexual men and women marry to [translation] "keep up appearances" (10 Oct. 2012). The Algérie-Focus article reported that according to one of the women interviewed, homosexual girls are often forced into marriage in order to [translation] "keep up appearances" (Algérie-Focus 28 Aug. 2012). According to her, the girls agree to it so as to not be [translation] "the shame of their families" (ibid.).

4. State Protection and Support Services

Information on state protection available to sexual minorities in Algeria could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4.1 Access to Health Care
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).

**4.2 LGBT Groups and Events**

The LGBT group Alouen indicates on its website that one of their aims is to provide LGBT people in Algeria with a [translation] "supportive space for exchange and expression" (Alouen n.d.b). Alouen indicates that they try to provide psychological, medical and legal support, however, they only have one medical intern among their members (*El Watan* 12 Oct. 2012).

The Gays and Lesbians in Algeria online forum (Gays et lesbiennes en Algérie) provides a virtual discussion space for members (ibid.; Gay Maroc 13 Sept. 2010). Algeria also has a lesbian Internet magazine, *Lexo Fanzine* (*El Watan* 12 Oct. 2012; Erasing 76 Crimes 19 Nov. 2012; *Lexo Fanzine* n.d.), whose aim is to inform Algerian lesbians and unite them as a community (ibid.).

According to the African news source Afrol News, in 2005, LGBT groups in Algeria have designated the 10 October as a "day of protest" against the criminalization of same-sex relations (Afrol News 13 Oct. 2012). The same source indicates that "each year, the event becomes larger and more visible," while noting that the event was "completely ignored" by the Algerian press (ibid.). On 10 October 2012, the LGBT day was marked by an event during which Algerians were invited to light a candle to demonstrate the existence of the Algerian LGBT community (*El Watan* 12 Oct. 2012; Erasing 76 Crimes 19 Nov. 2012; France24 10 Oct. 2012). The event is referred to as "TenTen2012" (ibid.; France24 10 Oct. 2012). According to France24, the event was organized by the Alouen association (ibid.). Afrol News reports that celebrating the LGBT day by "[p]ublicly marching in the streets of Alg[i]ers is still out of question for the homosexual minority" (13 Oct. 2012). Cited in a France24 article, a representative of Alouen also said that they "cannot organize a gay pride nor distribute pamphlets" to celebrate the LGBT day (10 Oct. 2012).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

**References**


El-Khabar. 4 May 2013. "Two Gays Face Trial Over Marriage on Facebook in Algeria." Translated by BBC Monitoring Middle East. (Factiva)


Additional Sources Consulted

Oral sources: Attempts to contact the following organizations and individuals were unsuccessful: Abu Nawas Algérie; Alouen; Comission nationale consultative de promotion et de protection des droits de l'homme; Ligue algérienne des droits de l'homme; Observatoire algérien des droits de l'homme, professor, University of Calgary. Representatives of the Ligue algérienne pour la défense des droits de l'homme did not respond within the time constraints of this Response.

Internet sites, including: Algeriegay; Amnesty International; ARC International; Commission nationale consultative de promotion et de protection des droits de l'homme; eci.net; Factiva; Fahamu Refugee Programme; Freedom House; Gay Law Net; Gays et lesbiennes algériens; Global Gay; Human Rights First; Human Rights Watch; International Day Against Homophobia and Transphobia; International Gay and Lesbian Human Rights Commission; Lexofanzine; Pink News; Le Portail gay d'Algérie; United Kingdom – Border Agency; United Nations – Integrated Regional Information Networks, Office of the High Commissioner for Human Rights, Refworld.

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