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Algeria

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Algeria is a multiparty republic of approximately 33 million inhabitants whose head of state (president) is elected by popular vote to a five-year term. The president has the constitutional authority to appoint and dismiss cabinet members and the prime minister, who serves as the head of government. The president also serves as commander-in-chief of the armed forces. President Bouteflika was re-elected in 2004 after competing against five other candidates in a generally transparent election in which the military remained neutral. While civilian authorities generally maintained effective control of the security forces, there were a few instances in which elements of the security forces acted independently of government authority.

The government continued to fail to account for thousands of persons who disappeared in detention during the 1990s. Other significant human rights problems included reports of abuse and torture; official impunity; prolonged pretrial detention; limited judicial independence; denial of fair, public trials; restrictions on civil liberties, including freedom of speech, press, assembly, and association; security-based restrictions on movement; limitations on religious freedom, including increased regulation of non-Muslim worship; corruption and lack of government transparency; discrimination against women; and restrictions on workers' rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

During the year, according to the Ministry of the Interior (MOI) and press releases, the total number of terrorist, civilian, and security force deaths declined to 323 (compared to 488 in 2005, 429 in 2004, and 1,162 in 2003). Of these, the government stated that terrorists killed 54 civilians (76 in 2005) and 90 security force members (177 in 2005); security forces killed an estimated 179 suspected terrorists (235 in 2005).

Terrorists targeted civilians, security forces, and infrastructure. Press reports estimated that 135 civilians and 174 members of the security forces were killed in terrorist attacks, most of which were attributed to the Salafist Group for Preaching and Combat (GSPC).

Revenge, banditry, and land ownership disputes--not terrorism--prompted some killings. In February Ali Tounsi, head of the national police, stated that terrorism in the country had been nearly eliminated and that some violence was the result of organized crime, not terrorism. Most of the violence occurred in mountainous and rural areas. For the first time in more than two years, there were terrorist attacks in the capital. On October 19, an improvised explosive device (IED) exploded outside a military barracks in the Algiers suburb of El-Harrach, wounding six, and on October 30 two bombs killed two persons approximately 20 kilometers (12.4 miles) from downtown Algiers. On December 10, a shuttle bus carrying 20 expatriate workers of a Western oil services company was attacked in a suburban area of Algiers near residences of senior government officials and a major hotel. Two men on the bus were killed.

In a March press conference, former Prime Minister Ouyahia officially stated that the total death toll of the 1998 Ramka massacre committed by terrorists in the province of Relizane had been 1,000, not 150, as previously stated by the government.

b. Disappearance

In June, according to local and international NGOs, three individuals disappeared but later reappeared in

court on October 9 and were charged with belonging to a terrorist group (see section 1.d.). It was not known when the individuals were formally placed in pretrial detention. In November, according to the Algerian League for the Defense of Human Rights (LADDH), an individual disappeared and remained missing at year's end.

For courts to hear charges of disappearance, the law requires at least two eyewitnesses. Most of the thousands of disappearances in the mid-1990s, many of which have been attributed to the security forces, remain unresolved. The government has not prosecuted any security force personnel, and there is no evidence that the government investigated any of the 5,200 cases that it acknowledged were caused by security forces. According to some local NGOs, the government has refused to investigate cases to avoid the possibility of criminal charges against security forces or other government officials. Courts have therefore refused to consider cases where a family member, as a single eyewitness to an abduction, identified specific policemen as the abductors.

Press reports indicated that the GSPC kidnapped approximately 55 civilians during the year.

The total number of disappeared during the 1990s continued to be debated. During the year, the government estimated that 6,546 persons were missing or disappeared as a result of government actions between 1992 and 1999, with some 10,000 additional persons missing or disappeared from terrorist kidnappings and murders. Local NGOs reported that security forces played a role in the disappearances of approximately 8,000 persons.

In September 2005 voters approved by referendum President Bouteflika's proposed Charter for Peace and National Reconciliation, which ended the Ad Hoc Mechanism that was established in 2003 to account for the disappeared. According to official results, 80 percent of registered voters participated, and 97 percent of the participating voters approved the charter. The charter went into effect on March 8, granting amnesty to units of the National Popular Army, the security forces, and persons who helped fight against extremists, as well as to certain persons involved in terrorist activities. To qualify for amnesty, individuals engaged in terrorism had to cease their armed activities and surrender themselves and their weapons to the authorities. Persons implicated in mass killings, rapes, or bomb attacks in public places were not eligible for amnesty. NGOs criticized the amnesty as a blanket for the security services. Many imprisoned terrorists were also given amnesty.

Families of the disappeared experienced complications and delays in receiving compensation from the government. At year's end, it remained unclear how many families had applied for or received compensation.

Local and international NGOs complained that the charter's blanket amnesty for security forces did not hold state agents sufficiently responsible for acts of violence they may have committed. Some local NGOs criticized the charter for enabling terrorists to escape justice for crimes they committed against civilians.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Both the constitution and Legal Code prohibit torture and other cruel, inhuman, or degrading treatment or punishment; however, there were reports from Algeria Watch in March and Amnesty International (AI) in April that government officials employed such practices. According to the Algerian League for the Defense of Human Rights, security forces frequently used torture, including to obtain confessions.

The Penal Code criminalizes torture; government agents can face prison sentences for up to three years for committing such acts. However, impunity remained a problem (see section 1.d.).

Human rights lawyers maintained that torture continued to occur in military prisons, more often against those arrested on "security grounds." However, they believed that the frequency and severity of torture declined during the year, due in part to better training of the security forces and alternative intelligence-gathering techniques. In July AI published a report on torture by the secret military police, concluding that the security forces were still benefiting from impunity. In May 2005 AI reported that the "chiffon" method--stuffing a rag into a person's mouth while forcing contaminated liquids into the stomach until the person vomited--was the preferred method of torture because it left no physical traces of assault.

In April police detained Mourad M'hamed, a journalist at the daily newspaper *El-Khabar*. Police shoved and, according to the newspaper, subjected him to "heavy psychological pressure" for several hours because he had published a document concerning the terrorist group GSPC, an act viewed as a threat to national security. In July he was tried for releasing information on national security to the public and acquitted (see section 2.a.).

In 2004, seven gendarmes were imprisoned in a military detention facility in Blida awaiting trial on charges of torture and maltreatment. At year's end, there was no information on their status.

Prison and Detention Center Conditions

According to the UN Development Program (UNDP), prison conditions were difficult but improving. The government permitted the International Committee of the Red Cross (ICRC), the UNDP and the Red Crescent Society to visit regular, non-military prisons. The ICRC declined to report its findings. The government denied independent human rights observers visits to military and high-security prisons and detention centers.

There were approximately 51,000 inmates in 127 prisons. Overcrowding was a problem in some prisons. The quality of medical care was uneven, according to international observers, and depended upon the prison. In 2005 there were hunger strikes in several prisons to protest conditions and the length of pretrial detentions, but reports of such strikes diminished sharply during the year. Independent human rights observers reported that conditions in prisons generally improved during the year. According to press reports, the justice minister ordered an investigation into prison conditions as a result of prisoner complaints. Also according to press reports, the government fired prison guards at two prisons and reshuffled administrations at 18 prisons.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention. As in previous years, the security forces arbitrarily arrested and detained citizens; however, LADDH and the Algerian Human Rights League (LADH) reported that such abuses occurred with decreasing frequency. In 2005, the head of the National Consultative Commission for the Protection and Promotion of Human Rights (CNCPPDH) said that pretrial detention, although defined as an exceptional measure by Article 123 of the Penal Procedure Code, was overused.

Role of the Police and Security Apparatus

The General Directorate for National Security (DGSN), or the national police force, falls under the control of the Ministry of Interior and has national jurisdiction. The Gendarmerie, under the Ministry of Defense, also perform police-like functions outside urban areas. Police were generally effective at maintaining order throughout the country. Low levels of corruption existed, especially in the customs police.

Impunity remained a problem. The government did not provide disaggregated public information on the numbers, infractions, or punishments of police, military, or other security force personnel. According to human rights attorneys, police officials, and local NGOs, the most frequent abuse of police authority occurred as a result of officers not following established guidelines for arrests. In January 2005, all security forces were provided a copy of a code of conduct establishing regulations for conduct and sanctions for abuses.

In March the DGSN director stated that as part of a national police internal crackdown on malfeasance, several DGSN officials had been arrested for embezzlement, use of public money for personal gain, and cronyism. In April the Judicial Police (the main body of the DGSN) brought official legal action against 10 police officers. Results had not been made public by year's end.

In March the Gendarmerie officially announced that 4,200 gendarmes had been dismissed between 2000 and 2005 for lack of discipline and abuse of power.

Arrest and Detention

Police must obtain a summons from the prosecutor's office to require a suspect to appear in a police station for preliminary questioning. Summonses are also used to notify and require the accused and/or the victim(s) to attend a court proceeding or hearing.

The government issues warrants under three different circumstances: to bring an individual from work or home to a court; to execute a prosecutor's approved request to place a person into custody pending trial; or to arrest a suspect considered to be a flight risk. Police may make arrests without a warrant if they witness an offense taking place. Lawyers reported that procedures for warrants and summonses were usually carried out properly.

The constitution specifies that a suspect may be held in detention for up to 48 hours without charge. If more time is required for gathering additional evidence, the police may request that the prosecutor extend the

suspect's detention to 72 hours. In practice, the security forces generally adhered to the 48-hour limit in non-terrorism cases. However, defense lawyers asserted that detainees in prolonged pretrial detention were sometimes not promptly charged.

Prolonged pretrial detention remained a problem. The law does not provide a person in detention with the right to a prompt judicial determination of the legality of the detention. Persons accused of acts against the security of the state, including terrorism, may be held in pretrial detention as long as 20 months, according to the Code of Penal Procedure; the prosecutor must show cause every four months for continuing pretrial detention.

Judges rarely refused prosecutor requests for extending preventive detention. Detention can be appealed to a higher court but is rarely overturned. If the detention is overturned, the defendant can request compensation. In December 2005, the minister of justice acknowledged publicly that prosecutors sometimes abused investigative detention. Detainees generally had prompt access to a lawyer of their choice and, if indigent, were provided a lawyer by the government.

There is no system of bail, but in non-felony cases suspects are usually released on "provisional liberty" while waiting for trial. Under provisional liberty, suspects are required to report weekly to the police station in their district and are forbidden from leaving the country.

Article 23 of the penal code requires detainees in pretrial detention to be immediately informed of their right to communicate with family members, receive visitors, and be examined by a doctor of their choice at the end of detention. In addition, any suspect can request a medical examination once on police premises or before facing the judge. In practice, however, detainees were typically examined only at the end of their detention. There continued to be frequent reports during the year that these rights were not extended to detainees.

In June, according to local and international NGOs, Mohammed Rabah Ajine, Zeineddine Belacel, and Habib Boukhatemi, all from Tiaret, disappeared and were later placed in pretrial detention in Algiers. On October 9, the three appeared before a judge and were charged with belonging to a terrorist group operating in Algeria and abroad. According to NGO SOS Disparus, at year's end the three were in detention and their trials were pending (see section 1.b.).

Local prosecutors are required to grade the performance of police captains operating in their jurisdiction to ensure that they comply with the law in their treatment of suspects. Police captains subsequently grade their officers.

Amnesty

In May and July, President Bouteflika pardoned 200 journalists who had been convicted of defamation, including those serving sentences. However, journalists involved in ongoing prosecutions for defamation were ineligible for pardons.

e. Denial of Fair Public Trial

Although the constitution provides for an independent judiciary, executive branch decrees and influence limited judicial independence. The constitution provides for the right to a fair trial; however, in practice, authorities sometimes did not respect legal provisions regarding defendants' rights, and denied due process. Defendants and their attorneys were sometimes denied access to government-held evidence relevant to their cases.

In February 2005, the Superior Council of Judges permanently dismissed and disbarred Judge Mohamed Ras El Ain at a disciplinary hearing that did not afford full due process. Human rights lawyers and local and international press reported that he was accused of criticizing the politicization of the judiciary. Ras El Ain maintained that the judicial system had been abused to serve the interests of a political party.

The judiciary is composed of civil courts, which hear cases involving civilians facing charges not related to security or terrorism; and the military courts, which can also hear cases involving civilians facing security and terrorism charges. Regular criminal courts can try cases involving security-related offenses at the local level.

Military courts in Oran, Blida, Constantine, and Bechar try cases involving state security, espionage, and other security-related offenses involving military personnel and civilians. Each tribunal consists of three civilian judges and two military judges. Although the president of each court is a civilian, the chief judge is a

military officer. Defense lawyers must be accredited by the military tribunal to appear. Public attendance at the trial is at the discretion of the tribunal. Appeals are made directly to the Supreme Court. The military tribunals tried cases in 2005 and during the year, but the tribunals did not disclose information on proceedings.

The nine-member Constitutional Council reviews the constitutionality of treaties, laws, and regulations. Although the council is not part of the judiciary, it has the authority to nullify laws found unconstitutional, to confirm the results of any type of election, and to serve as the final arbiter of amendments that pass both chambers of the parliament before becoming law.

Most trials are public and non-jury. Defendants are presumed innocent and have the right to be present and to consult with an attorney, provided at public expense if necessary. Defendants can confront or question witnesses against them or present witnesses and evidence on their behalf. Defendants also have the right to appeal. A woman's testimony is equal to that of a man's.

In August 2005, the government began a program designed to eliminate judicial corruption. A National Council of Magistrates met twice (and twice in 2005) to take disciplinary measures, resulting in the investigation of more than 40 magistrates. In December, 12 judges went before the council for abuse of power, lack of reserve, and unethical relationships. The results of the investigations had not been made public at year's end.

In September 2005, Justice Minister Tayeb Belaiz publicly announced that 60 magistrates had been fired because of "reprehensible acts." In the same month, 21 magistrates appeared before the High Council of Magistrates for disciplinary sanctions, which ranged from expulsion to transfers. Eight were fired and 23 were demoted.

Political Prisoners and Detainees

There were reports of political prisoners and political detainees. On January 21, Bachir Larabi, correspondent for the Arabic-language newspaper *El-Khabar* in the western region of El-Bayadh, was imprisoned for defamation for an article published on December 9, 2003, incriminating local authorities and a local association in the failed construction of a nursing home. On February 22, he was released. Salah Mokhtari, from the Arabic-language newspaper *Djazair News*, was arrested on December 18 and released on December 26. Four arrest warrants were issued for Mokhtari between 2004 and 2005 for articles published in the weekly newspaper *El-Kawalis*, where he worked. In previous years, journalists were detained without charge for lengthy periods before trial for defamation against government officials.

Civil Judicial Procedures and Remedies

The judiciary was not fully independent and impartial in civil matters. Favoritism can occur, depending on the family connections and status of the parties involved. Individuals may bring lawsuits seeking damages for human rights violations and be compensated for alleged wrongs.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The constitution prohibits such actions; in practice, however, government authorities infringed on citizens' privacy rights. The government actively monitored the communications of political opponents, journalists, human rights groups, and suspected terrorists (see section 4).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press; however, the government restricted these rights in practice.

Individuals generally were able to criticize the government privately without reprisal. However, citizens were less inclined to criticize the government in public. The government attempted to impede criticism by monitoring political meetings.

The law specifies that freedom of speech must respect "individual dignity, the imperatives of foreign policy, and the national defense." The state of emergency decree gives the government broad authority to restrict these freedoms and take legal action against what it considers to be threats to the state or public order. These regulations were heavily applied throughout the year, and in some instances the government targeted specific media organizations and their staff.

Radio and television are government-owned, with coverage favorable to government policy. During the year, opposition spokesmen were generally denied access to the public radio or television. Television access continued to be severely limited for some opposition parties. These limitations were less evident for radio. Presidential candidates received equal amounts of time on the state-owned radio and television channels during the three-week official campaign season prior to the 2004 elections.

The country's non-state-owned print media consisted of more than 43 daily, 60 weekly, and 17 monthly publications that supported or opposed the government to varying degrees; only six newspapers' circulation exceeded 10,000 copies. The government owned two French-language and two Arabic-language newspapers. Many political parties, including legal Islamic parties, had access to the independent press and made use of it to express their views. Opposition parties also disseminated information via the Internet and in communiqués.

The law permits the government to levy fines and to imprison members of the press in a manner that restricts press freedom. The government censored directly and indirectly and intimidated the media into practicing self-censorship. The government used defamation laws to harass and arrest journalists, and the press faced government retaliation for criticizing government officials.

Charges of defamation are based on the 1990 communication law which protects Islam from defamation, controls access to external information, and outlaws writing that threatens national unity. In 2001, the laws were amended to criminalize writing, cartoons, and speech that insult or offend the president, parliament, judiciary, or armed forces. The Penal Code imposes high fines and prison terms of up to 24 months for defamation or "the insult" of government figures, including the president, members of parliament, judges, members of the military, and "any other authority of public order." Those convicted face prison sentences that range from 3 to 24 months and fines of \$675 to \$6,750 (50,000 to 500,000 dinars).

In January the regional correspondent of the daily newspaper *El-Khabar*, Bachir El-Larabi, was sentenced to a month's imprisonment for defamation. In the same case, Ali Djerri, director of the newspaper, was fined \$700 (50,000 dinars). El-Larabi was released in February.

On December 25, a court in Jijel sentenced Omar Belhouchet, editor-in-chief of the French-language daily *El-Watan*, and columnist Chawki Amari to three months in prison and fined them \$14,088 (986,000 dinars) for an article published in June accusing the wali of Jijel of corruption. Amari told the international NGO Reporters Without Borders that he did not receive a summons to appear before the court of Jijel and only became aware of the trial after its verdict was rendered. In June, also for an article involving the alleged corruption of the wali of Jijel, Ali Fodil from the Arabic-language daily newspaper *Echourouk el-Youmi* was sentenced to three months in prison and fined \$703 (49,000 dinars). Belhouchet, Amari, and Fodil appealed their sentences and were not detained.

In February, Ali Dilem, the cartoonist for the French-language daily newspaper *Liberté*, was sentenced to a year in prison and a \$700 (50,000 dinars) fine for 12 cartoons dealing with President Bouteflika that were published in October and November 2003.

On February 20, Kamel Boussad, director of the weekly *Panorama*, and Berkane Bouderbala, editor of the weekly *Essafir* and its religious supplement *Errisala*, were imprisoned because both reprinted Danish caricatures of the Prophet Muhammed. The minister of communication lodged a complaint on the basis of Article 144 of the Penal Code, which provides for up to five years in prison for offenses against the Prophet or God's Messengers or which denigrate the doctrine of Islam. On March 15, Boussad and Bouderbala were released.

On February 10, after broadcasting the same caricatures, Lotfi Cheriet, general manager of the television channel Canal Algerie, was reassigned and demoted. The narrator of the piece was fired. Houria Khatir, director of television channel Thalita, was also fired for permitting images of the caricatures to be televised.

On April 1, police detained Mourad M'hamed, a journalist at the daily newspaper *El-Khabar*. He was shoved and, according to the newspaper, subjected to "heavy psychological pressure" for several hours in a police station because he had published a document concerning the terrorist group GSPC, an act viewed as a threat to national security. In July he was tried for releasing information on national security to the public and acquitted (see section 1.c.).

On October 31, an Algiers court convicted editor Ali Fodel and reporter Naila Berahal of the Arabic-language daily *Echourouk el-Youmi* on charges of defaming Libyan leader Muammar al-Qadhafi. The judge sentenced both defendants to six months in prison and ordered the newspaper closed for two

months. Fodel and Berahai appealed, and the case was pending at year's end.

During the year, 68 press-related cases were tried. In 2005, there were 114 recorded cases of press harassment.

In May and July, President Bouteflika pardoned all 200 journalists with pending defamation cases or defamation convictions, including 11 sentenced to jail terms in 2005.

In 2004, Mohamed Benchicou, the managing editor of the opposition paper *Le Matin* and author of a book critical of the president, *Bouteflika--An Algerian Imposter*, was convicted of violating foreign exchange controls in attempting to sell the book. He was sentenced to two years in prison and released in June. He challenged the continued confiscation of his passport, and in September a judge ordered it returned to him.

Government economic leverage on the media was considerable. Unlike in previous years, there were no closures of newspapers for debts to the state-owned printing house. All newspapers were printed at government-owned presses, and the government continued to influence the independent press through the state-owned advertising company, Agence Nationale d'Edition et de Publicite (ANEP), which decided which independent newspapers could benefit from advertisements placed by state-owned agencies and companies. ANEP, and therefore the government, controlled the largest source of income for newspapers.

Most independent newspapers continued to rely on the government's four publishers for printing presses and newsprint.

In March, the government banned Boualem Sensal's book "Algiers: Dead Letter Box" because it criticized the government and suggested fewer people were killed in the war for independence than officially claimed.

The government continued restrictions on both the local and the international media's coverage of issues relating to "national security and terrorism."

In February, the government blocked distribution of two editions of the French newspapers *France Soir* and *Le Monde* because they contained the Danish cartoons depicting the Prophet Muhammed.

Satellite dish antennas were widespread.

Access to print and broadcast media for Tamazight (Berber language) and Amazigh culture continued to grow. Tamazight programming also increased on the non-Berber language channels, as did advertisements in Tamazight on all television and radio channels. Beginning in the 2006-2007 scholastic year, the Tamazight language was officially taught in primary schools, starting in the fourth grade in 17 predominantly Berber provinces.

Restrictions remained in place on the international media, limiting its ability to report freely; however, the restrictions were not as stringently enforced as in previous years. Al-Jazeera's office remained closed. At year's end, neither Ahmed Megaache from Al-Arabia nor Ait Larbi from *Le Figaro* had received accreditation.

Internet Freedom

Access to the Internet was generally free; however, the government monitored email and Internet chatrooms, particularly those dealing with terrorism and security issues. Article 14 of the 1998 ministerial decree on telecommunications states that Internet service providers are legally liable for the material and Web sites they host.

Academic Freedom and Cultural Events

The government limited academic freedom. While a growing number of academic seminars and colloquiums occurred without governmental interference, there were extensive delays in issuing visas to international participants and instances where international experts were denied entrance (see section 4).

Scheduled performances of French humorist Djamel Debbouze in April were canceled. Local media speculated that the cancellation was due to his position on Western Sahara.

In October the Ministry of Culture prevented books and CD-ROMs in support of Salafist views of Islam from being exhibited and sold at the International Book Fair of Algiers.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association; however, the exercise of these rights was severely restricted in practice.

Freedom of Assembly

Article 41 of the constitution provides for the right of assembly; however, the emergency decree and government practice continued to sharply curtail this right. A 2000 decree continued to ban demonstrations in Algiers. Citizens and organizations were required to obtain permits from the appointed local governor before holding public meetings. The government frequently granted licenses to political parties, NGOs, and other groups to hold indoor rallies, although licenses were often granted on the eve of the event, thereby impeding publicity and outreach. After repeated difficulties in 2005 in obtaining permission to hold outdoor meetings, LADDH decided to hold indoor meetings. Groups opposing the Charter on Peace and Reconciliation also had difficulty securing permission to hold public gatherings. In September 2005, a gathering of the families of the disappeared in Constantine was violently disbanded by the police. In Algiers the same month, families of the victims of terrorism gathered in front of the prime minister's office for three consecutive weeks to protest.

During the year the government broke up numerous marches, protests, and demonstrations outside the capital. After a September 5 announcement, SOS Disparus resumed its weekly gathering in front of the CNCPDH headquarters to urge President Bouteflika to find a different solution to the problem of the disappeared.

On June 28, in the Tiaret province, more than 300 young men gathered in the streets and marched, blocking the main national highway in the province to protest the absence of water, gas, and secure and paved roads. Police attempted to break up the protest, but riots lasted for three days. One individual died as a result of tripping over a felled lamp pole, 67 persons were arrested for vandalism, and 34 persons were injured. On the third day of the conflict, the tension escalated when demonstrators asked local officials to release all of the incarcerated youths. Due to their status as minors, 57 youths were released after less than one week of detention, while the remaining 10 served prison sentences ranging from one to four months.

On July 22, the Movement for a Society of Peace (MSP), a party in the governing coalition, organized a march in Algiers in support of the Lebanese and Palestinian people. When security forces attempted to prevent the march, violence occurred. Fifteen demonstrators were arrested, but were released the same day following negotiations between police and MSP officials.

Freedom of Association

The constitution provides for the right of association; however, the emergency decree and government practice severely restricted this right. The MOI must approve all political parties before they may be legally established (see section 3). The government restricted the registration of certain NGOs, associations, and political parties on "security grounds," but declined to provide evidence or legal grounds for refusing to authorize other organizations that could not be disqualified on security grounds. The government frequently failed to grant official recognition to NGOs, associations, and political parties in an expeditious fashion. The MOI may deny a license to or dissolve any group regarded as a threat to the government's authority or to the security or public order.

The government issued licenses and subsidies to domestic associations, especially youth, medical, and neighborhood associations. The MOI regarded organizations unable to attain government licenses as illegal. Domestic NGOs encountered bureaucratic obstacles to receiving financial support from abroad. Although not illegal, financial support from abroad is conditioned on a series of authorizations from the ministries of Interior and National Solidarity. These authorizations are difficult to obtain.

Membership in the Islamic Salvation Front (FIS), a political party banned in 1992, remained illegal. SOS Disparus and two political parties, the Democratic Front of Sid-Ahmed Ghazali and the Wafa party of former prime minister Ahmed Taleb Ibrahimi (generally regarded as the political heir to the FIS), remained unrecognized but operated without interference.

In November the government prevented diplomatic representatives from visiting Algerian NGO Somoud, an advocacy group for victims of terrorism.

As in the previous year, the government issued visas to Freedom House, a foreign NGO, to meet with other NGOs and foreign diplomats in the country.

c. Freedom of Religion

Article 2 of the constitution provides for freedom of religion, while declaring Islam the state religion. In practice, the government restricted religious freedom.

On March 1, the parliament adopted Ordinance 06-03 dealing with the conditions and regulations of religions other than Islam. According to the Ministry of Religious Affairs, one objective of the ordinance is the maintenance of public order. The ordinance confines non-Muslim worship to specific buildings approved by the state, imposes penalties for proselytizing, and treats transgressions as criminal rather than civil offenses. There are restrictions on public assembly for purposes of practicing a faith other than Islam without a license, prohibitions on proselytizing of citizens by foreigners, and controls on the importation of religious materials. There were no reports that the ordinance was enforced during the year.

The government requires organized religions to obtain official recognition prior to conducting any religious activities. The Protestant, Roman Catholic, and Seventh-Day Adventist churches are the only non-Islamic faiths authorized to operate in the country. Members of other denominations, particularly Methodists, were forced to operate without government permission or register as a part of the Protestant Church.

Article 36 of the constitution provides citizens the right to choose their own religion; however, the government's interpretation of Shari'a (Islamic law) does not recognize conversion from Islam to any other religion. There are no specific laws against Muslim citizens proselytizing non-Muslims; however, the government considers the proselytizing of Muslim citizens by non-Muslims to be a subversive activity. The government restricted the importation of religious literature, including Islamic literature, intended for widespread distribution, although it did not restrict such materials for personal use. In recent years, non-Islamic religious texts and music and video selections have become easier to locate for purchase. The government-owned radio station provides broadcast time for Protestant and Catholic radio broadcasts. The government prohibits the dissemination of any literature portraying violence as a legitimate precept of Islam.

The education and religious affairs ministries strictly require, regulate, and fund the study of Islam in public schools. The government monitored activities in mosques for possible security-related offenses, barred their use as public meeting places outside of regular prayer hours, and convoked imams to the Ministry of Religious Affairs for "disciplinary action" when deemed appropriate. The Ministry of Religious Affairs provided financial support to mosques and paid the salaries of imams; the ministry also trained and regulated the appointment of imams, and the law allows it to pre-screen religious sermons before they are delivered publicly (see section 2.a.). However, officials from the ministry have stated that they rarely interfere with sermons beyond an advisory capacity. The government monitored all Koranic schools to prevent extremist teachings. The Ministry of Religious Affairs controlled Islamic sermons during the violence between Islamists and the government during the 1990s, and those restrictions largely remained in place.

The Penal Code provides for prison sentences and fines for preaching in a mosque by persons who have not been recognized by the government as imams. All persons, including imams recognized by the government are prohibited from speaking during prayers at the mosque in a manner that is "contrary to the noble nature of the mosque or likely to offend the cohesion of society or serve as an apology for such actions."

Societal Abuses and Discrimination

The country's 1992-2002 civil conflict pitted self-proclaimed radical Muslims belonging to the Armed Islamic Group (GIA) and its later offshoot, the GSPC, against moderate Muslims. During the year radical Islamic extremists issued public threats against all "infidels" in the country, both foreigners and citizens. The country's terrorist groups generally did not differentiate between religious and political killings.

In October 2005, following an announcement by the authorities warning against such behavior, the tribunal of Bejaia sentenced six young persons to three to six months in prison for having eaten in an "ostentatious way" during daylight hours during the Muslim fasting month of Ramadan. The youths were released after three months of detention.

Anti-Semitic political commentary and cartoons appeared periodically in the Arabic-language press without government response. Following the July-August conflict between Israel and the terrorist group Hizballah, anti-Semitic articles, political commentary, and cartoons regularly appeared in the press. The government did not promote tolerance or anti-bias education, and there is no hate crime legislation. The country's Jewish population numbered fewer than 100 persons. No synagogues in the country are functioning.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Article 44 of the constitution provides for these rights; however, the government restricted the exercise of them. The government did not permit young men eligible for the draft and who had not yet completed their military service to leave the country without special authorization; however, such authorization was granted to students and to those persons with special family circumstances.

Under the emergency decree, the interior minister and the provincial governors may deny residency in certain districts to persons regarded as threats to public order. The government also maintained restrictions for security reasons on travel into the four southern provinces of Ouargla, El-Oued, Laghouat, and Ain-Salah, where much of the hydrocarbon industry and many foreign workers were located.

Armed bandits and terrorists intercepted citizens at roadblocks, often using stolen police uniforms and equipment to rob them of their cash and vehicles. On occasion, armed groups killed groups of military and civilian passengers at these roadblocks (see section 1.a.).

The Family Code does not permit anyone under 18 to travel abroad without a guardian's permission (see section 5).

The law does not provide for forced exile, and it was not known to occur.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status and asylum and there were no reports of *refoulement* during the year. The government provided protection to as many as 100,000 refugee Sahrawis, who left the Western Sahara after Morocco took control of the territory in the 1970s. The Office of the UN High Commissioner for Refugees (UNHCR), the World Food Program, the Algerian Red Crescent, and other organizations also assisted Sahrawi refugees. The government generally cooperated with UNHCR and other humanitarian organizations in assisting refugees, but did not permit UNHCR to conduct a census of the Sahrawi refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Article 10 of the constitution provides citizens with the right to change their government freely. In 2004 citizens exercised this right through a multiparty presidential election held on the basis of universal suffrage. The constitution mandates presidential elections every five years and limits the incumbent to two terms. The election was generally transparent.

Elections and Political Participation

For the first time since the end of the one-party system and after more than a decade of civil strife and continuing acts of terrorism, in 2004 a sitting president not only completed his five-year term of office, but was re-elected in a contested election. However, the election and the electoral system were not without flaws. In the 2004 election, President Bouteflika won approximately 85 percent of the vote, according to official results. Voter participation was 58 percent, compared to 46 percent in the 2002 legislative elections.

Unlike previous elections, in 2004 there was marked progress towards a more free and transparent electoral process. An election observer from the Organization for Security and Cooperation in Europe stated in a press conference that the election was generally free and fair, although not without flaws.

Problems with the electoral system persisted. The Administrative Court of Algiers was criticized by the country's political class and independent media for having invalidated the National Liberation Front's Eighth Party Congress in 2003. The invalidation was viewed as politically motivated and a setback to the president's main opponent, former Prime Minister and FLN Secretary-General Ali Benflis, because the party representatives chosen during the Eighth Party Congress were Benflis supporters. The invalidation also froze the FLN's bank accounts, which became accessible in February 2004 only after the election of the new secretary-general Abdelaziz Belkhadem, who became prime minister during the year.

Opposition candidates also complained that the MOI regularly blocked registered parties from holding

meetings, denied them access to larger and better equipped government conference rooms, and pressured hotels into not making conference rooms available, while facilitating the activities of the pro-Bouteflika FLN. Opposition candidates had access to the state-controlled media during the official three-week election campaign period, but not before or after the campaign.

Opposition candidates, primarily the (Islamist) "Movement for National Reform," expressed concern over potential tampering with the voter lists. Candidates filed numerous complaints that the lists were disorganized, unusable, and inflated. The Electoral Commission made hundreds of corrections based on 191 complaints. During the year the government welcomed the recommendations of IFES to correct voting problems, but it only partially implemented the recommendations before the elections.

An accord between Prime Minister Ahmed Ouyahia and Arouch leader Belaid Abrika addressed economic and social concerns and permitted regional elections in November 2005. However, negotiations did not resume as planned. At a September 14 press conference, Abrika stated that 80 percent of the commitments of the accord had not been honored. According to Abrika, the emergency social economic plan that was to be devoted to the region never started.

The country has a bicameral parliament consisting of the 389-seat National People's Assembly (lower house) and the 144-seat Council of the Nation (upper house or Senate). All members of the Assembly are elected by popular vote to five-year terms. In the Council, two-thirds of the members are elected by the regional assemblies (the Popular Communal Assemblies and the Popular State Assemblies), and the remaining one-third is appointed by the president; all members serve six-year terms, and the constitution requires that half the elected members and one-third of the appointed members be replaced every three years. The constitution provides the president with the authority to rule by executive order in special circumstances. In cases when parliament is not in session, the president has the right to legislate by executive order. However, he must submit an executive order to parliament for approval upon its return, first to the Assembly then to the Council of the Nation. If the Assembly disapproves the executive order twice, the president must dissolve the Assembly. Assembly elections were held in 2002, and indirect elections for the Council of the Nation were held in 2003.

The law requires that potential political parties receive official approval from the MOI to be established. To obtain approval, a party must have 25 founders from across the country whose names must be registered with the MOI. The government refused to register Wafa because of its perceived ties to the banned FIS constituted a threat to national security, according to the minister of interior. The government also failed to provide an official response to the 1998 registration request of the Democratic Front. It was unclear why there was no response, but the party leadership claimed the government was not ready for "real democratic openness." No party may use religion or ethnic heritage as a basis to organize for political purposes. The law also bans political party ties to nonpolitical associations and regulates party financing and reporting requirements.

In indirect elections in 2003 for 48 seats of the Council of the Nation, members from Islamic parties were elected for the first time.

Thirty-two women served in senior positions in the executive and legislative branches. There were three women in the cabinet: the minister of culture and minister delegates for family and female condition and for scientific research. Women also held 24 of the 389 seats in the Assembly and 4 of the 144 seats in the Council of the Nation. A woman led the Workers Party, and all the major political parties, except the Islah Party, had women's divisions headed by women.

The ethnic Amazigh minority of about nine million centered in the Kabylie region participated freely and actively in the political process and represented one-third of the government. However, Amazigh protests and boycotts surrounding the 2003 and 2004 elections underscored the economic and social neglect felt by many in this community. In 2005 the government signed an agreement with ethnic Berber leaders that promised more economic aid for the region, but at year's end it had not been delivered (see section 2.b.).

Government Corruption and Transparency

During the year, Transparency International's composite index of the degree to which corruption is perceived to exist among a country's politicians and public officials indicated that the country had a serious corruption problem.

Anticorruption regulations in the Penal Code call for prison sentences from two to 10 years for high-ranking officials; however, the regulations were not widely implemented.

A 2004 presidential decree created a unit to investigate financial information at the Ministry of Finance. The independent unit has responsibility for analyzing and dealing with suspicious banking and financial operations that may constitute money-laundering or the financing of terrorism.

On February 1, a law establishing a national anticorruption program was passed, although it was amended to remove a provision that required elected and senior officials to declare their assets and, in certain cases, lifted parliamentary immunity. The amendment came at the insistence of parliamentarians who argued that the existing penal code was sufficient to punish corruption offenses and that the decision to lift parliamentary immunity should reside solely with parliament. On December 9, President Bouteflika issued three decrees to implement provisions of the February anti-corruption legislation. The first decree established the National Office for Prevention of and Struggle against Corruption (ONPLC), which is responsible for "periodically gathering statements of patrimony of state agents." At the beginning and end of their terms, all state agents (high-ranking civil servants) are required by the second decree to declare all "fixed and movable goods" belonging to them and their minor children, whether they live in the country or abroad. They must also declare all liquid assets, investments and liabilities. The third decree broadens the scope to public officers by requiring them to declare their assets to the state. The three presidential decrees and the penal code address the types of offenses that the removed provision was intended to punish.

The case of Ahmed Bouricha, wali of Blida, was still under investigation at year's end. In May 2005, he was forced to resign his position after being implicated in real estate corruption, use of public funds for personal purposes, and misuse of agricultural lands.

On January 21, the director of customs announced that 530 cases of customs officers breaking the law had been recorded since 2001. Of those, seven high-level customs officials were dismissed for corruption and embezzlement, while scores of the other charged customs officers received prison terms of unspecified length.

At year's end, the trial of Djillali Araar, the wali of El-Tarf Province was ongoing. President Bouteflika fired Araar on October 28. Araar was charged with corruption and misuse of public funds. A government investigation of transactions involving the El-Tarf provincial government reportedly uncovered bogus projects, overbilling, and contract awards that did not follow proper procedures. Araar was the third governor since 2005 (including the walis of Blida and Oran) to be dismissed for corruption.

Although permitted under the constitution, access to government information was often restricted. Despite pledges to eliminate corruption, there is no law facilitating access to information. Public procurement was often tainted with irregularities, including the excessive use of private agreements. According to the Ministry of Public Works, following President Bouteflika's April 2005 statement that the use of private agreements, including single source contracts, would be prohibited, government agencies began implementing a public tender policy for all infrastructure and large government projects. Some agencies, however, continued to use direct contracts for smaller and less publicized projects. For those public tenders, evaluations were not released to participating companies, and evaluation methods and techniques were not clearly defined.

Lack of government transparency remained a serious problem. Parliamentary debate in 2005 on the corruption law disclosed that 80 percent of government officials did not declare their wealth. Many government economic statistics were not released to the public. However, as of 2005 all ministries were required to establish Web sites and update them regularly. All ministries have Web sites, but not all are updated. The Ministry of Justice provides information on citizens' rights and legislation at two Web sites.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government continued to harass some local NGOs, and impeded the work of international NGOs. The government interfered with attempts by some domestic and international human rights groups to investigate and publish their findings. Although some human rights groups, including LADH and LADDH, were allowed to move about freely, the most active and visible organizations reported interference by government authorities, including surveillance and monitoring of telephone calls, difficulty in securing meeting spaces, and difficulty in obtaining approval for international speakers to speak on sensitive issues (see section 1.f.).

Domestic NGOs must be licensed by the government and are prohibited from receiving funding from abroad without approval from the minister of national solidarity. However, approximately 100 unlicensed NGOs operated openly, such as women's advocacy groups and charity organizations. Although international NGOs continued to experience delays in obtaining visas, outright refusals were rare. Delays in

processing visa applications nonetheless prevented a number of NGOs from conducting programming during the year. AI, for example, planned to organize a seminar on violence against women in March. Because it was unable to obtain visas for the presenters, AI moved the seminar to Morocco. On at least two occasions, programming by the National Democratic Institute (NDI) was cancelled or postponed due to visa problems. An NDI conference on electoral systems planned for June was cancelled because international experts could not obtain visas. NDI's "Young Political Leaders Forum," which was planned for September, was indefinitely postponed because of visa difficulties for international experts. NDI's local resident director was denied reentry into the country from September to December; she was finally allowed reentry, but only to retrieve her belongings and depart.

If an NGO is not legally recognized by the MOI, it is not allowed to conduct investigations. Sometimes, however, legally recognized NGOs were prevented from conducting investigations. For example, the LADDH, a legally recognized NGO, did not have access to prison camps or detention centers. Domestic NGO Djazairouna, also legally recognized, faced indirect government pressure to relocate.

The most active independent human rights group was the LADDH, an organization with members throughout the country. The LADDH was not permitted access to government officials for human rights advocacy or research purposes or to prisons, except for normal lawyer-client consultations.

The less active LADH is an independent organization based in Constantine. LADH has members throughout the country monitoring individual cases.

The ICRC has full access to civilian prisons and pre-trial detention centers; however, it has not been granted access to the country's military or high-security prisons (see section 1.c.).

International NGO Handicap International and local NGO FOREM, which both work on children's rights, did not report difficulty conducting investigations.

In 2005, the government invited the UN special rapporteur on freedom of expression and on violence against women to visit, although neither did. However, the government continued to deny requests for visits from the UN Working Group on Enforced or Involuntary Disappearances (pending since 1997), the UN special rapporteur on torture (pending since 1997), and the UN special rapporteur on extrajudicial executions (pending since 1998).

The Consultative Commission for the Protection and Promotion of Human Rights is the government-established ombudsman for human rights. Directed by Farouk Ksentini, the commission is composed of 22 members from governmental bodies and 23 from civil society and NGOs. The nongovernmental members included representatives of Islamic religious organizations, the Red Crescent Society, and women's rights advocacy groups. The president approves nominees, and the commission's budget and secretariat come from his office. The commission is mandated to report on human rights issues, coordinate with police and justice officials, advocate domestic and international human rights causes, mediate between the government and the population, and provide expertise on human rights issues to the government.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

Article 29 of the constitution prohibits discrimination based on birth, race, sex, language, and social status. In general, the government enforced the nationality and family codes, although women continued to face some legal and social discrimination.

Women

Spousal abuse occurred, and in practice was prosecuted under Article 264 of the Penal Code, which states that a person must be incapacitated for 15 days or more and present a doctor's note certifying the injuries before filing charges for battery. Because of societal pressures, however, women frequently were reluctant to endure this process. According to a joint study in 2004 by the justice ministry, women's associations, and the National Institute of Public Health (INSP), 70 percent of abused women refused to lodge a complaint or follow through with the complaint.

Spousal abuse was more frequent in rural areas and among less-educated persons. According to the government, from January to March there were 1,762 cases of violence against women. According to a March 2006 INSP study, 70 percent of abused women are jobless and 26 percent are illiterate. In 2005, according to the government there were 7,419 cases of violence against women, including 5,178 cases of physical violence, 277 cases of sexual violence, 1,753 cases of "ill treatment," 34 murders, and 176 cases

of sexual harassment. According to a September 2006 National Research Center for Anthropology study, 52 percent of a sample of 13,000 women indicated that they had suffered from physical abuse on at least one occasion.

Rape, spousal and nonspousal, occurred. Nonspousal rape is illegal; spousal rape is not. Prison sentences for nonspousal rape range from one to five years. There were strong societal pressures against a woman seeking legal redress against her spouse for rape, and there were few reports of the law being applied in such cases. However, women's groups have begun to speak out against violence in the family and held several seminars and conferences in 2005 and during the year. In January and May, SOS Femmes en Detresse, an local NGO advocating for women's rights, organized two seminars related to sexual violence against women. In July, Femmes en Communication, another NGO advocating for women's rights, organized a two-day seminar on violence against women. Throughout the year, the government's office of the minister delegate for the family and female condition held a series of seminars that articulated a national strategy to combat violence against women.

SOS Femmes en Detresse and Wassila Network, another local NGO, provided judicial and psychological counseling to abused women. Women's rights groups experienced difficulty in drawing attention to spousal abuse as an important social problem, largely due to societal attitudes. Several rape crisis centers run by women's groups operated, but they had few resources. The Working Women section of the General Union of Algerian Workers (UGTA) established a counseling center with a toll free number for women suffering from sexual harassment in the workplace. The center receives a growing number of calls. During the year, the center received 1,524 calls, compared to 1,010 calls in 2005.

According to the Penal Code, prostitution is illegal; however, the INSP and female advocacy groups reported that prostitution was a growing problem. The National Gendarmerie recorded 330 prostitution-related arrests from January to October.

The punishment for sexual harassment is one to two years' imprisonment and a fine of \$685 to \$1,370 (50,000 to 100,000 dinars). The punishment is doubled for a second offense. In the capital, there were at least a dozen cases reported in the press during the year. In 2005 several persons were convicted under the new law; no updated figures were available.

Article 29 of the constitution provides for gender equality; however, some aspects of the law and many traditional social practices discriminated against women. The Family Code, adopted in 1984 and amended in February 2005 by presidential decree, is based in large part on Shari'a. The Family Code prohibits Muslim women from marrying non-Muslims, although this regulation was not always enforced. Amendments in February 2005 to the Nationality Code allowed a woman to marry a foreigner and transmit citizenship and nationality in her own right to both her children and spouse. The Family Code does not restrict Muslim men from marrying non-Muslim women. Under both Shari'a and civil law, children born to a Muslim father are Muslim, regardless of the mother's religion.

Under the 2005 amendments, women can seek divorce for irreconcilable differences and violation of the prenuptial agreement, among other grounds. In a divorce, the amendments provide for the wife to retain the family's home until children reach 18 years of age. Custody of children normally is awarded to the mother, but she may not make decisions on education or take them out of the country without the father's authorization. In practice, more women retained the family's home when they have custody of the children.

The Family Code also affirms the Islamic practice of allowing a man to marry up to four wives. In practice, however, this rarely occurs (about 1 to 2 percent of marriages), and under the amended Family Code, restrictions on polygyny were tightened. Women can include a "no polygyny clause" in the prenuptial agreement, and the husband must obtain a court ruling, usually easy to secure, allowing him to take an additional wife. A wife may sue for divorce if her husband does not inform her of his intent to marry another woman prior to the marriage.

The amendments to the Family Code in practice vitiated the Shari'a requirement for a male sponsor's (wali's) role and consent to the marriage of a woman, although the requirement has been formally retained. The wali continues to contract the marriage, but the woman may choose any male that she wishes as the wali.

Women suffered from discrimination in inheritance claims. In accordance with Shari'a, women are entitled to a smaller portion of an estate than are male children or a deceased husband's brothers. According to Shari'a, such a distinction is justified because other provisions require that the husband's income and assets are to be used to support the family, while the wife's remain, in principle, her own. However, in

practice women do not always have exclusive control over assets that they bring to a marriage or that they earn themselves. Married women under 18 years of age may not travel abroad without permission of their husbands. Married women may take out business loans and use their own financial resources. According to the National Center of Trade Records, 93,328 women had their own business. There were an estimated two million unemployed women in Algeria.

Despite constitutional and legal provisions providing gender equality, in practice women still faced discrimination in employment. Leaders of women's organizations reported that discriminatory violations are common.

In urban areas, there was social encouragement for women to pursue a higher education or a career. Girls have a higher high school (baccalaureate) graduation rate than boys. According to statistics published on May 2 by the minister delegate in charge of family and female condition, females represent 60 percent of the medical profession, 55 percent of the media profession, 30 percent of the upper levels of the legal profession, and more than 60 percent of the education profession. Of the 7.7 million workers, 1.4 million are female, representing only 18 percent of the workforce. Women may own businesses, enter into contracts, and pursue careers similar to those of men. Two female magistrates, one appointed by President Bouteflika and one elected by peers, were among the 18-member High Council of Magistrates. In addition, 55 percent of magistrates were women; the 2005 class of new judges was 50 percent women; and women served at all levels in the judicial system. In 2005 the MOI began adding more women to the police force and placed at least one female officer in each precinct to assist women with their abuse claims. This policy continued during the year, as part of a ministry strategy that is currently scheduled to last until 2009.

In July the Ministry of Religious Affairs and the Ministry of Health initiated a series of training sessions for imams and *mourchidates* (female guides) in order to better address social and medical issues, including HIV/AIDS. As part of the program, 100 copies of a national guide on Islam and HIV/AIDS were distributed to the attendees.

According to a study by the Research Center in Applied Economics for Development, 17.5 percent of females are unemployed compared to 14.9 percent of males.

Children

The government was generally committed to protecting the welfare, rights, health, and education of children. Child abuse is illegal but continued to be a problem. NGOs that specialized in the care of children cited continued instances of domestic violence against children, which they attributed to the "culture of violence" developed since the civil conflict of the 1990s and the social dislocations caused by the movement of rural families to the cities to escape terrorist violence. In April 2005, the INPS reported that in 2004, 4,554 children younger than 16 were abused, of whom 2,306 were hospitalized for injuries stemming from abuse; 1,386 were victims of sexual abuse; and 53 were victims of incest. Experts assumed that many cases went unreported because of familial reticence.

According to press reports, children continued to be victims of terrorist attacks. In January, February, and April, according to press reports, there were incidents involving the kidnap and rape of girls by terrorists. In May the bodies of 22 children were found in the province of Jijel. They were alleged to have been used as human shields by the GSPC. In July the body of a young girl, allegedly decapitated by terrorists, was found in Bouira. Terrorist groups did not claim responsibility for any of the incidents.

The government provides free education for children through high school. Education is compulsory until the age of 16. According to the ministry of national education, 98 percent of children completed the ninth grade. Boys and girls generally received the same education, although girls from rural areas were slightly more likely to leave school because of familial financial reasons, and sons were often given educational priority.

The government provided free medical care for all citizens--including children with disabilities--albeit in generally rudimentary facilities.

Economic necessity compelled many children to resort to informal employment, such as street vending (see section 6.d.).

Trafficking in Persons

The law does not prohibit trafficking in persons, and the country is a transit and destination country for men, women, and children from sub-Saharan Africa and Asia trafficked for forced labor and sexual exploitation. The government did not acknowledge trafficking to be a problem. According to the government, in the

absence of specific anti-trafficking laws, other laws against illegal immigration, prostitution, and forced labor are used to enforce anti-trafficking standards. There were no indications of official government involvement in trafficking.

Forced prostitution and domestic servitude of illegal immigrants from sub-Saharan Africa occurred as immigrants transited through the country seeking economic opportunity in Europe. Official statistical estimates of the severity of trafficking do not exist. No government assistance programs existed for victims, nor were there any information campaigns about trafficking.

In September 2005, 10 members of the Coast Guard received 4 days of training on smuggling and trafficking prevention.

Persons with Disabilities

The law provides free medical care for persons with disabilities, especially children; however, there is widespread societal discrimination against persons with disabilities. The law does not prohibit discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. The government did not mandate accessibility to buildings or government services for persons with disabilities. Public enterprises, in downsizing their work forces, generally ignored a 2002 law which requires them to reserve one percent of jobs for persons with disabilities. Social security provided payments for orthopedic equipment, and some healthcare-oriented NGOs received limited government financial support. The Ministry of National Solidarity provided financial support to NGOs; however, for many NGOs this financial support represented only a very small portion of their budgets--approximately 2 percent. The Ministry of National Solidarity maintained that there were 2.5 million persons with disabilities in the country. However, according to the Federation of Disabled Associations (FAHM), there are currently three million persons with disabilities in the country.

Other Societal Abuses and Discrimination

Because of societal and religious pressures, AIDS is considered a shameful disease in Algeria. According to December statistics released by the Ministry of Health, 2,092 citizens are HIV-positive. During the year, the health ministry launched an AIDS prevention campaign, stressing the need to avoid discrimination, especially in the workplace, against those with AIDS and those who are HIV-positive.

Section 6 Workers Rights

a. The Right of Association

The constitution allows workers to form and join unions of their choice but requires workers to obtain government approval to form a union. The law on labor unions requires the labor ministry to approve or disapprove a union application within 30 days and allows for the creation of autonomous unions. However, the government may invalidate a union's legal status if its objectives are determined to be contrary to the established institutional system, public order, good morals, or the laws or regulations in force. There were no legal restrictions on a worker's right to join a union. Approximately two-thirds of the labor force belonged to unions. There was only one labor confederation, the General Union of Algerian Workers (UGTA). The UGTA includes national unions that are specialized by sector.

The law prohibits discrimination by employers against union members and organizers and provides mechanisms for resolving trade union complaints of antiunion practices by employers. It also permits unions to recruit members at the workplace. Although unions may form and join federations or confederations, in practice, attempts by new unions to form federations or confederations have been obstructed by delaying administrative maneuvers. Since early 1996, the Autonomous Unions Confederation has attempted unsuccessfully to organize the autonomous unions, and it functioned without official status. The law permits unions to affiliate with international labor bodies and develop relations with foreign labor groups. For example, the UGTA is a member of the International Confederation of Free Trade Unions. However, the law prohibits unions from associating with political parties and also prohibits unions from receiving funds from foreign sources. The courts are empowered to dissolve unions that engaged in illegal activities.

b. The Right to Organize and Bargain Collectively

The law provides for the right to strike, and workers exercised this right in practice, subject to some conditions. The law provides for collective bargaining for all unions, and the government permitted the exercise of this right in practice for authorized unions. Under the state of emergency decree, the government can require public and private sector workers to remain at work in the event of an unauthorized

or illegal strike. According to the law on industrial relations, workers may strike only after 14 days of mandatory conciliation or mediation. On occasion, the government offered to mediate disputes. The law states that decisions reached in mediation are binding on both parties. If no agreement is reached in mediation, the workers may strike legally after they vote by secret ballot to do so. A minimum level of public services must be maintained during public-sector service strikes.

The law provides that all public demonstrations, protests, and strikes must receive prior government authorization. Strikes and labor gatherings occurred throughout the year in various sectors, including the construction, medical, port facility, education, and customs sectors. A 2001 ban on marches and demonstrations in Algiers remained in effect.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced or compulsory labor, including by children; however, there were reports from the labor ministry that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

Under the labor code, the minimum age for employment is 16, except for apprentice positions. In order to be an apprentice, minors must have the permission of a legal guardian. The law prohibits participation by minors in dangerous, unhealthy, or harmful work, or in work that is considered inappropriate because of social and religious considerations. On February 20, the Ministry of Labor stated that only 95 "young workers" were identified during site visits performed by labor inspectors at 5,847 companies. The Ministry of Labor enforces minimum age laws by means of surprise inspections of public sector enterprises, but it does not consistently enforce relevant statutes in the agricultural or private sectors.

In 2005 the Ministry of Labor reported a rate of child participation in the labor force of 0.56 percent. That figure was challenged, however, by the local NGO FOREM, which runs a children's rights watchdog group financed by the European Union. According to the watchdog group, in the eight most populous provinces six percent of children age 10 and younger participated in the labor force, while 63 percent of children age 13 to 16 participated. The survey found children working a variety of hours in small workshops, on family farms, and especially in informal trades, where children from impoverished families are employed for economic reasons.

e. Acceptable Conditions of Work

The national minimum wage of \$140 (10,000 dinars) per month did not provide a decent standard of living for a worker and family. Ministry of Labor inspectors were responsible for ensuring compliance with the minimum wage regulation; however, enforcement was inconsistent.

The standard work week was 37.5 hours, with one ten-minute break and one hour for lunch. Employees who worked beyond the standard work week received premium pay on a sliding scale from time-and-a-half to double-time, depending on whether the overtime was worked on a normal work day, a weekend, or a holiday.

The law contains well-developed occupational, health, and safety standards, but Ministry of Labor inspectors did not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions. Because employment was usually based on detailed contracts, workers rarely were subjected to unexpected conditions in the workplace. If workers were subjected to such conditions, they first could attempt to renegotiate the employment contract or, failing that, resort to the courts; however, the high demand for employment in the country gave an advantage to employers seeking to exploit employees.