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ALGERIA: Tier 3

Algeria is a transit and destination country and, to a lesser extent, a source country for men, women, and children subjected to forced labor and sex trafficking. Undocumented sub-Saharan migrants, primarily from Mali, Niger, Cameroon, Cote d'Ivoire, and Nigeria, are most vulnerable to labor and sex trafficking in Algeria, mainly due to their irregular migration status, poverty, and language barriers. Single women and women traveling with children are also particularly vulnerable to exploitation. Sub-Saharan African men and women, often *en route* to neighboring countries or Europe, enter Algeria voluntarily but illegally, frequently with the assistance of smugglers or criminal networks. Many migrants, impeded in their initial attempts to reach Europe, remain in Algeria until they can continue their journey. While facing limited opportunities in Algeria, many migrants illegally work in construction or engage in prostitution to earn money to pay for their onward journey to Europe, which puts them at high risk of exploitation. Some migrants become indebted to smugglers, who subsequently exploit them in forced labor and sex trafficking upon arrival in Algeria. For example, female migrants in the southern city of Tamanrasset – the main entry point into Algeria for migrants and for the majority of foreign trafficking victims – are subjected to debt bondage as they work to repay smuggling debts through domestic servitude, forced begging, and forced prostitution. Some migrants also fall into debt to fellow nationals who control segregated ethnic neighborhoods in Tamanrasset; these individuals pay migrants' debts to smugglers and then force the migrants into bonded labor or prostitution. An international organization reported in 2015 that Tuareg and Maure smugglers and traffickers in northern Mali and southern Algeria force or coerce men to work as masons or mechanics; women to wash dishes, clothes, and cars; and children to draw water from wells in southern Algeria. Victims also report experiencing physical abuse at the hands of smugglers and traffickers. Many sub-Saharan migrant women in southern Algeria willingly enter into relationships with migrant men to provide basic shelter, food, income, and safety. While many of these relationships are purportedly consensual, these women are at risk of trafficking, and migrants in Tamanrasset reported instances when women are prevented from leaving the home and raped by their "partner." Media and civil society organizations reported in 2015 that some sub-Saharan African migrant women working as domestic workers for Algerian families experience physical abuse, confiscation of passports, and withheld pay.

Foreign women and to a lesser extent children, primarily sub-Saharan African migrants, are exploited in sex trafficking in bars and informal brothels, typically by members of their own

communities, in Tamanrasset and Algiers. Nigerien female migrants begging in Algeria, who often carry children – sometimes rented from their mothers in Niger – may be forced labor victims. According to an international organization in 2015, some Nigerien children are also forced to beg in Algeria. In 2014, the media and an international NGO reported Vietnamese migrants were forced to work on construction sites for Chinese contractors in Algeria. Some Algerian women, and to a much lesser extent children, reportedly endure sex trafficking in Algeria. Civil society organizations in 2015 reported isolated instances of foreign and Algerian children in sex trafficking and in forced labor on construction sites.

The Government of Algeria does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government newly acknowledged the trafficking problem in Algeria and demonstrated new political will to address it. It formed an inter-ministerial anti-trafficking committee, which produced a national anti-trafficking action plan in December 2015; however, the government did not dedicate a budget to implement the plan during the reporting period. Despite these efforts, the government did not report prosecuting or convicting any sex trafficking or forced labor offenders. Though the government initiated two investigations of potential forced labor crimes during the reporting period, it conveyed that it could not report on the status of the cases due to domestic privacy laws. As in previous years, the government did not make efforts to identify victims among vulnerable groups, directly provide appropriate protection services for victims, nor refer victims to NGOs for such care. Authorities continued to arrest and detain potential foreign trafficking victims for acts committed as a direct result of being subjected to trafficking, such as immigration violations.

RECOMMENDATIONS FOR ALGERIA:

Investigate, prosecute, and convict sex and labor trafficking offenders and punish them with sufficiently stringent penalties; implement and designate a budget for the national anti-trafficking action plan; establish formal procedures for the identification and referral to care of trafficking victims, and ensure victims do not face arrest, deportation, or other punishment for acts committed as a direct result of being subjected to trafficking; train law enforcement, judicial and healthcare officials, and social workers on these identification procedures; develop formal mechanisms to provide appropriate protection services, either directly or through support and partnership with NGOs and international organizations, including shelter, medical and psychological care, legal aid, and repatriation assistance, to all trafficking victims; ensure the safe and voluntary repatriation of foreign victims, including through collaboration with relevant organizations and source-country embassies; and raise public awareness of the indicators and risks of trafficking, including on the difference between human trafficking and smuggling.

PROSECUTION

The government made limited anti-trafficking law enforcement efforts. Algeria prohibits all forms of trafficking under section 5 of its penal code. Prescribed penalties under this statute range from three to 20 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Law No.14-01, which criminalizes the buying and selling of children younger than the age of 18, provides for prison terms of three to 20 years' imprisonment for individuals and groups convicted of committing or attempting to commit this crime; however, this law could be interpreted to include non-trafficking crimes such as human smuggling or illegal adoption. In July 2015, the government adopted article 139 of the penal code, which criminalizes anyone who economically exploits a child with a penalty of one to three years' imprisonment and a fine; the punishment is doubled if the offender is a family member or guardian of the child. These penalties are neither sufficiently stringent nor commensurate with those prescribed for other serious crimes, such as rape.

Government officials reported difficulty in distinguishing trafficking victims from regular migrants, smuggled persons, and asylum-seekers, and the government remained without an effective system to collect and report anti-trafficking law enforcement data. The government reported an ongoing investigation of two suspected forced labor cases, but it did not provide details due to domestic laws that prevent the disclosure of information related to ongoing investigations. The government did not report prosecuting or convicting trafficking offenders in this reporting period, which represents a slight decrease from its one sex trafficking conviction in 2014. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses. Various civil society organizations in Oran, Algiers, and Tamanrasset alleged that police officers were aware of illegal brothels, where women could be vulnerable to sex trafficking, and permitted these establishments to remain in business; however, there was no evidence to suggest officials actively facilitated trafficking in these locations. The General Directorate for National Security maintained six active brigades of police officers specialized in illegal immigration and human trafficking, which received 15 days of specialized training; however, it was unclear whether they received adequate training on anti-trafficking measures. Throughout the reporting period, the government partnered with an international organization to provide human trafficking training to law enforcement officials, prosecutors, and judges. For example, in June 2015, officials from the police participated in a training on human smuggling and trafficking for which the government provided the venue, transportation, and accommodation costs for participants. In March 2016, prosecutors and judges participated in a similar training in which the government provided comparable support. The Ministry of Labor (MOL), in cooperation with an international organization, implemented a train-the-trainers course in November 2015 to train labor inspectors on international laws on forced labor.

PROTECTION

The government demonstrated negligible efforts to identify and protect trafficking victims. The government did not proactively screen for, develop procedures for the identification of, or report any identified trafficking victims during the reporting period. For example, a civil society organization reported a case involving a Cameroonian forced labor victim to the police, yet authorities did not take measures to remove the victim from the workplace or provide her with protection services. Government officials admitted difficulty distinguishing trafficking victims from irregular migrants, smuggled persons, and asylum-seekers, as well as identifying trafficking victims among ethnically cohesive migrant communities. Government officials continued to rely on victims to self-report abuses to authorities; however, trafficking victims among the migrant populations typically did not report potential trafficking crimes to the police for fear of arrest and deportation or the likelihood they would face difficulty in reporting crimes, seeking protective services at government facilities, and filing charges against their perpetrators. The government continued to punish victims for crimes committed as a direct result of being subjected to human trafficking. For example, although the government mostly ceased deporting illegal migrants since 2012, migrants and a civil society organization reported authorities regularly arrested, detained, and sometimes convicted migrants for their illegal immigration status without identifying potential trafficking victims among this population.

Although the Algerian anti-trafficking law allows for the provision of services to trafficking victims, the government did not implement any mechanisms to directly provide services to trafficking victims, nor did it have a formal mechanism to refer potential victims to protection services operated by civil society groups or NGOs. Civil society organizations continued to be the primary providers of protection services, such as temporary shelter and medical, legal, and counseling services. A 2012 amendment to the anti-trafficking law encourages trafficking victims to participate in investigations or prosecutions of trafficking offenders through the provision of financial assistance, housing, and medical care. Similarly, in July 2015, article 65 of the criminal

procedural code introduced provisions that provide physical protection to witnesses and victims, including their family members, who participate in criminal judicial proceedings; however, no trafficking victims received any of these legal benefits in the reporting period. Trafficking victims were legally entitled to file civil suits against trafficking offenders, but the government did not report cases in which victims took this action during the reporting period. The government did not report if it provided foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship.

PREVENTION

The government made significant efforts to prevent human trafficking. The government newly acknowledged human trafficking as a problem in Algeria, in comparison to previous years when some government officials denied the crime existed in the country. In September 2015, the prime minister ordered the formation of an inter-ministerial committee composed of 14 government ministries and institutions to coordinate the government's anti-trafficking activities; this committee met six times during the reporting period. In December 2015, the committee produced a national action plan, which detailed actions to improve the government's response to trafficking, including: prevention and awareness efforts; strengthening national legislation; improving victim identification and protection measures; strengthening judicial and police officials' capacity to combat trafficking; and fostering cooperation and partnerships with national and international NGOs to protect victims. The government, however, did not dedicate a budget to implement its action plan but committed to do so through a presidential decree. During the reporting period, the government did not conduct anti-trafficking public awareness or educational campaigns. The government took actions to reduce the demand for commercial sex acts, but it did not report taking measures to reduce the demand for child sex tourism among Algerians traveling abroad. The government took limited measures to reduce the demand for forced labor. MOL conducted a child labor investigation of more than 15,000 businesses in the trade, agriculture, construction, and service industries, in which it identified 122 businesses that illegally employed 97 children. The ministry issued labor violation reports against these businesses, but it was unclear if the government penalized them for such violations. The government provided anti-trafficking training as a part of its broader human rights training for its diplomatic personnel.

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