

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	106
Land:	Algeriet
Kilde:	U.S. Department of State
Titel:	Country Report on Human Rights Practices – 2008.
Udgivet:	25. februar 2009
Optaget på baggrundsmaterialet:	24. marts 2009

Title	2008 Country Reports on Human Rights Practices - Algeria
Publisher	United States Department of State
Country	Algeria
Publication Date	25 February 2009
Cite as	United States Department of State, <i>2008 Country Reports on Human Rights Practices - Algeria</i> , 25 February 2009. Online. UNHCR Refworld, available at: http://www.unhcr.org/refworld/docid/49a8f1afb.html [accessed 24 March 2009]

2008 Country Reports on Human Rights Practices - Algeria

Bureau of Democracy, Human Rights, and Labor
February 25, 2009

Algeria is a multiparty republic of approximately 36 million inhabitants whose head of state and government (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. President Abdelaziz Bouteflika was reelected in 2004 in a generally transparent, contested election. On November 12, the parliament adopted a constitutional amendment eliminating the two-term limit for the president. Multiparty parliamentary elections in May 2007 were conducted in a generally transparent manner, but authorities did not allow all political parties full access to the electoral process. The government held multiparty local elections in November 2007, but irregularities and charges of fraud marred the electoral process. A state of emergency implemented in 1992 remained in effect during the year. Civilian authorities generally maintained effective control of the security forces.

While the law provided for the right to change the government through elections, restrictions on freedom of association significantly limited citizens' ability to do so. Other human rights problems included failure to account for persons who disappeared in detention during the 1990s, reports of abuse and torture, official impunity, abuse of pretrial detention, poor prison conditions, limited judicial independence, and restrictions on freedom of speech, press, and assembly. There were also increased limitations on religious freedom and problems with security-based restrictions on movement, corruption and lack of government transparency, discrimination and violence against women, and restrictions on workers' rights.

Armed groups committed a significant number of abuses against civilians, government officials, and members of security forces.

RESPECT FOR HUMAN RIGHTS

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.

The Ministry of the Interior (MOI) infrequently released information concerning the total number of terrorist, civilian, and security force deaths. During the year security forces killed, injured, or arrested approximately 1,000 terrorists. According to press reports of

official estimates, the total number of deaths was 321. Of these, terrorists killed 90 civilians and 69 security force members; security forces killed an estimated 162 suspected terrorists. These numbers decreased from the 670 reported in 2007.

Most of the terrorist attacks during the year were attributed to terrorist group al-Qa'ida in the Islamic Maghreb (AQIM), which emerged in January 2007 after the Salafist Group for Preaching and Combat (GSPC) allied itself with al-Qa'ida in 2006.

The year was marked by significant violence. On June 8, a double bomb attack killed 14 persons in Lakhdaria. On August 9, a man detonated a car bomb near a police surveillance post in Zemmouri, killing eight persons and injuring 19. On August 17, terrorists detonated an improvised explosive device and shot and killed eight police officers, three soldiers, and two civilians. On August 19, a suicide bomber detonated himself outside a police training academy in Issers, killing at least 44 and injuring 45. AQIM claimed responsibility for all of these attacks. Minister of the Interior Nouredine Zerhouni stated at mid-year that 200 to 300 terrorists operated in the country.

b. Disappearance

Enforced disappearances, reportedly numbering in the thousands, were a significant problem during the 1990s and continued to be an issue covered in the media and raised by local and international nongovernmental organizations (NGOs). The government stated that 6,546 persons were missing or disappeared as a result of government actions between 1992 and 1999, with approximately 10,000 additional persons missing or disappeared from terrorist kidnappings and murders. NGOs reported that security forces had played a role in the disappearances of approximately 8,000 persons.

In February 2007 the government signed the International Convention for the Protection of All Persons from Enforced Disappearances. Law 06-01 of 2006 provides measures for compensating victims of disappearances. For courts to hear charges of disappearance, the law requires at least two eyewitnesses. Many of the disappearances in the 1990s were later attributed to the security forces; however, the government did not prosecute security force personnel, and there was no evidence that the government investigated cases it acknowledged were caused by security forces.

In 2005 voters approved by referendum President Bouteflika's proposed Charter for Peace and National Reconciliation, which ended the Ad Hoc Mechanism established in 2003 to account for the disappeared. The charter went into effect in 2006, granting amnesty to and preventing investigation into the conduct of the National Popular Army, the security forces, state-sponsored armed groups, and persons who fought on behalf of the government.

The amnesty also covered certain persons involved in Islamist militant and terrorist activities. To qualify for amnesty, individuals engaged in terrorism had to cease 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. Many imprisoned terrorists were given amnesty. Some local NGOs, including SOS Disparus, Djazairouna, and the Algerian League for the Defense of Human Rights (LADDH), criticized the charter for enabling terrorists to escape justice.

On May 26, the UN Committee Against Torture (UNCAT) reported its concerns that Law 06-01 provides impunity for members of armed groups and state officials and that the government had not yet initiated proceedings to investigate the fate of the disappeared. UNCAT also expressed concern that the government had not publicized the criteria for compensating family members and required those compensated to waive their right to seek civil damages against the state.

Families of the disappeared experienced complications and delays in receiving compensation from the government. According to the Ministry of National Solidarity (MNS), the government in 2006 created a special fund valued at approximately 22 billion dinars (\$300 million) to compensate individuals eligible under the Charter for Peace and

National Reconciliation. In October, National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH) president Farouk Ksentini, the government's human rights ombudsman, said that 97 percent of families of the disappeared had accepted compensation under the charter. As of the end of 2007 at least 17,000 requests for compensation had been submitted, of which approximately 5,300 requests were honored. Another 2,700 requests were under consideration. The remaining 9,000 requests would not benefit directly from the charter, but the individuals were scheduled to receive MNS financial assistance.

On May 16, Interior Minister Zerhouni reported that 115 of 375 kidnapping cases in the previous two years were related to terrorism.

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

The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, NGO and local human rights activists reported that government officials employed such practices to obtain confessions. Government agents can face prison sentences of up to 10 to 20 years for committing such acts. Nonetheless, impunity remained a problem.

Local human rights lawyers maintained that torture continued to occur in detention facilities, most often against those arrested on "security grounds."

In February human rights NGO Alkarama reported that after a protest by inmates related to prayer room space, prison guards handcuffed, stripped, and beat approximately 80 prisoners with iron bars and sticks.

On May 19, a court in Blida placed four police officers, accused of torturing five suspects at the police station in Cheraga, under judicial control and ordered their temporary detention. On December 15, the prosecutor in Blida asked for prison sentences of 12 years for each officer and sought a seven-year prison sentence for the former police chief of the station. The victims said that the officers used a taser after their arrest to give electric shocks and force their confession in a case involving a stolen car. The trial was pending at the end of the year.

Prison and Detention Center Conditions

During the year the government permitted the International Committee of the Red Cross (ICRC), the UN Development Program (UNDP), and the Red Crescent Society to visit regular, nonmilitary prisons. ICRC visits to persons held in places of detention run by the Ministry of Justice (MOJ) and to those detained in police stations and gendarmeries were carried out in accordance with ICRC standard practices. The government denied other human rights observers visits to military and high-security prisons and detention centers.

In February an ICRC delegation visited the El Harrach prison after reports that security guards used violence against prisoners. According to press reports, prisoners complained about the closure of the prayer room.

On June 9, Mokhtar Felioune, the director general of the Prisons Administration, announced that 7,547 prisoners benefited from temporary release as part of a government effort to reduce overcrowding in the country's prisons. Felioune also noted that 1,390 prisoners benefited from work/study release programs while 8,268 received parole for good conduct. During a December 22 press conference, Felioune stated there were 65,000 prisoners in the country's penal system. In 2007 Felioune stated there were 54,000 persons held in 127 prisons.

Overcrowding was a problem in many prisons. According to human rights lawyers, the problem of overpopulation was partially explained by the abusive recourse to pretrial detention. Pretrial detainees were held separately from convicted prisoners. In his October 2 statement, Felioune expressed concern about overcrowding in prisons. In

some cases overcrowding meant that juveniles were held with adults; however, the country, in general, maintained separate juvenile detention centers. On December 15, a local newspaper reported that the CNCPPDH conducted 34 prison visits during the year and highlighted concerns with overcrowding, insufficient bed space, as well as poor lighting, ventilation, nutrition, and hygiene.

In its May report, UNCAT expressed concern over reports that the Department of Information and Security (DRS), the military intelligence agency tasked with internal security, ran secret detention centers inside military barracks in Algiers that operated outside judicial authority.

The government reported that 14,000 prisoners participated in various vocational training, while 1,551 prisoners participated in the middle school equivalency exam (BEF), and 1,357 prisoners took part in the university entrance exam (BAC). On July 23, the president pardoned 260 prisoners who passed the BEF exam and 36 who passed the BAC exam.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention. On September 9, the head of the government-appointed CNCPPDH said the abuse of pretrial detention tarnished the image of the country's justice system.

Role of the Police and Security Apparatus

The national police force, consisting of more than 108,000 members, falls under the control of the MOI and has national jurisdiction. The National Gendarmerie, under the Ministry of Defense, also performs police-like functions outside urban areas. The DRS reports to the Defense Ministry and exercises internal security functions but also performs police-like functions in terrorism cases. Police and gendarmes were generally effective at maintaining order. All security forces are provided a copy of a code of conduct establishing regulations for conduct and sanctions for abuses. Corruption existed, especially in the customs police. According to press reports, 960 customs officials faced disciplinary commissions for official negligence or corruption charges in the past three years. On July 27, customs officials reported 215 disciplinary cases during the first quarter of the year; 118 cases resulted in official reprimands, and nine cases resulted in suspensions.

Impunity remained a significant 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.

Arrest and Detention

According to the law, the 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 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. Those suspected of terrorism or subversion may be held legally for 12 days without charge or access to counsel. In practice the security forces generally adhered to the 48-hour limit in non-terrorism cases.

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

Judges rarely refused prosecutorial requests for extending preventive detention, which can be appealed to a higher court but was rarely overturned. Should the detention be overturned, the defendant can request compensation. Most detainees have prompt access to a lawyer of their choice, and if the detainee is indigent, the government provides a lawyer. In November 2007, according to the prison administration, pretrial detainees represented 6,100 individuals, or 11 percent, of the individuals held by prison authorities.

There is no system of bail, but in nonfelony 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.

The penal code requires detainees in pretrial detention to be informed immediately 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. Reports that these rights were not extended to detainees continued during the year.

According to human rights lawyers, in July authorities charged Kamal Akkache with belonging to a terrorist organization, and he remained in detention at year's end. Amnesty International (AI) reported that DRS agents detained Akkache in September 2007 and held him without charge for 10 months. At year's end Mohamed Fatmia remained detained in Serkadji prison on terrorism charges after DRS agents arrested him and held him incommunicado throughout 2007. Human rights advocates reported that authorities continued to hold Mohamed Rahmouni at the military tribunal in Blida without access to a lawyer.

Authorities released Fethi Hamaddouche in October 2007; Hamaddouche had been held without charge in DRS custody since March 2007. NGOs reported that authorities also released Youcef Belmouaz and Brahim Abed in 2007 after seven months of incommunicado detention. The two men were tried and acquitted on charges of belonging to a terrorist organization active abroad.

In 2006 according to local and international NGOs, Mohammed Rabah Ajine, Zeineddine Belacel, and Habib Boukhatemi disappeared and were later placed in pretrial detention in Algiers. Four months later, they appeared before a judge and were charged with belonging to a terrorist group operating in Algeria and abroad. A court acquitted Belacel; Ajine and Boukhatemi were sentenced to three years in prison.

e. Denial of Fair Public Trial

Although the constitution provides for an independent judiciary, the president exercises supreme judicial authority, and executive branch decrees and influence limited judicial independence. The constitution provides for the right to a fair trial; however, in practice authorities did not completely respect legal provisions regarding defendants' rights and denied due process.

The High Judicial Council is responsible for judicial discipline and the appointment of all judges. President Bouteflika serves as the president of the council.

The judiciary is composed of civil courts, which hear cases involving civilians facing charges not related to security or terrorism, and military courts, which can hear cases involving civilians facing security and terrorism charges. Regular criminal courts can try cases involving security-related offenses at the local level. Legal decisions regarding family matters are based on Shari'a (Islamic law) as well as civil law.

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 in order to appear. Public attendance at the trial is at the discretion of the tribunal. Appeals are made directly to the Supreme Court. Military tribunals try cases but only occasionally disclose information on proceedings. There was no public information available on any cases before them during the year.

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, confirm the results of any type of election, and serve as the final arbiter of amendments that pass both chambers of the parliament before becoming law.

Trial Procedures

Defendants are presumed innocent and have the right to be present and consult with an attorney, provided at public expense if necessary. Most trials are public and nonjury. Defendants can confront or question witnesses against them or present witnesses and evidence on their behalf. Defendants and their attorneys occasionally were denied access to government-held evidence relevant to their cases. Defendants have the right to appeal. The testimony of men and women is considered of equal weight under the law.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees during the year.

Civil Judicial Procedures and Remedies

The judiciary was not fully independent and impartial in civil matters and lacked independence in human rights cases. Family connections and status of the parties involved reportedly influenced decisions. Individuals may bring lawsuits, and there are administrative processes related to amnesty, which may provide damages for human rights violations and compensation 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. According to rights activists, the government monitored the communications of political opponents, journalists, human rights groups, and suspected terrorists. Security officials reportedly searched homes without a warrant.

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 through accusations of defamation and informal pressure on publishers, editors, and journalists.

Individuals generally were able to criticize the government privately without reprisal. However, citizens generally self-censored public criticism. 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, introduced in 1992 and still in effect during the year, 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. A 2006 presidential decree criminalizes free speech about the conduct of the security forces during the internal conflict of the 1990s.

Radio and television were government-owned and broadcast coverage favorable to the government. During nonelection periods, opposition spokesmen generally were denied access to public radio or television. Some opposition parties had severely limited access to television. These limitations, however, were less evident for radio. Political parties and independent candidates received the same amount of radio access time during the three-week campaign period prior to the May 2007 legislative elections and prior to the November 2007 local elections. Several opposition parties said that their daily media allotment during the three-week period was the first time they had been allowed media access since the last election cycle.

The country's print media consisted of numerous publications that supported or opposed the government to varying degrees. According to Ministry of Communication statistics, 29 newspapers circulated in excess of 10,000 copies each. The government owned two French-language and three 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 imprison members of the press in a manner that restricts press freedom. The government directly and indirectly censored 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 a 1990 law that protects Islam from defamation, controls access to external information, and outlaws writing that threatens national unity. In 2001 the government amended laws to criminalize writing, cartoons, and speech that insult or offend the president, the parliament, the judiciary, or the 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 three to 24 months and fines of 50,000 to 500,000 dinars (\$737 to \$7,370).

The government used these defamation laws regularly in an attempt to pressure editors, journalists, and the owners of printing houses. In December, Reporters without Borders (RSF) criticized the defamation laws as "repressive legislation." In October 2007 the International Federation of Journalists condemned actions taken by the government against journalists.

Omar Belhouchet, editor of the French-language newspaper El-Watan, faced government pressure throughout the year for articles published in his newspaper. On March 4, a Jijel appeals court upheld defamation convictions against Belhouchet and columnist Chawki Amari. Belhouchet and Amari each received a sentence of two months in prison and fines of one million dinars (\$15,000) for comments published in a 2006 El-Watan article.

On December 23, an Algiers court sentenced Belhouchet and reporter Salima Tlemcani to three months in prison and a fine of 50,000 dinars (\$737) for allegedly libeling a faith healer in a 2004 article. Belhouchet and Tlemcani remained free at year's end pending an appeal.

According to RSF, a court summoned Belhouchet on December 28 in connection with three libel cases relating to articles Belhouchet published several years ago about airfare increases and police killings of demonstrators. The court adjourned the cases until January 2009.

On March 15, Yasser Abdelhai, a journalist at the Arabic-language daily newspaper Echourouk el-Youmi, received a court order to pay fines of four million dinars (\$60,000) in connection with four separate defamation cases against him. Abdelhai faced legal sanction for allegedly criticizing mismanagement within the Jijel local government.

On June 10, the government revoked the Agence France-Presse (AFP) and Reuters bureau chiefs' press accreditations in response to reports the agencies filed on terrorist attacks in the country. Authorities alleged that the reports exaggerated or provided false information regarding a June 9 terrorist attack in Beni Amrane.

On October 26, a court sentenced journalist Nouredine Boukraa to a three-month suspended sentence and a fine of 30,000 dinars (\$440) after a police chief complained about a 2007 article by Boukraa accusing local police of corruption. Authorities originally requested a one-year jail sentence on charges of "disclosing secrets from an investigation through the use of confidential documents," "attacking the honor of a state body," and defamation.

On October 28, an appeals court in Saida issued an additional two-month prison sentence to journalist Hassan Bourras' original sentence of a 40,000 dinar (\$590) fine. On March 24, a local court convicted Bourras of "attacking state institutions" for an article published in 2006 criticizing the municipal administration of El-Bayadh.

On December 12, authorities arrested and then later released journalist Faycal Benmedjahed, the editor of newspaper Alger Republicain, for an outstanding defamation charge from the 1990s as he tried to board a plane in Algiers.

The Algiers court of appeals upheld the original suspended sentences of six months' imprisonment in the April 2007 case against editor Ali Fodel and reporter Naila Berahal. The court reduced the original fine of 500,000 dinars (\$7,370) to 50,000 dinars (\$737). In 2006 an Algiers court convicted both men on charges of defaming Libyan leader Muammar al-Qadhafi and endangering the security of the Algerian and Libyan states.

There were no developments in the April 2007 appeal of Saad Lounes, who was given a one-year sentence for tax fraud on the basis of a complaint by the Ministry of Commerce dating back to 1995. Lounes faced legal pressure for more than 10 years while he operated the only private printing press in the country.

An appeals court reduced the October 2007 sentence of journalist Dhil Talal, convicted of defamation for an article exposing monetary losses of a government ministry, to a fine of 5,000 dinars (\$75) and a six-month suspended prison sentence. Talal appealed this decision in September.

Government economic leverage on the media was considerable. Most newspapers were printed at government-owned presses, except El-Watan, El Khabar, Quotidien d'Oran, and Echourouk el-Youmi.

The government continued to influence the independent press through the state-owned advertising company, Agence Nationale d'Edition et de Publicite (ANEP), which decided whether 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 most newspapers. As has been the case in recent years, independent advertisers played a considerably smaller, but increasingly visible, role in advertising revenue.

At the annual October Algiers Book Fair, the Ministry of Religious Affairs (MRA) banned the sale of 1,471 religious titles. Shortly before the book fair, the government banned the printing of author and vocal government critic Mohamed Benchicou's latest book, *The Diary of a Free Man*. During the 2007 book fair, government officials confiscated and banned a previous book by Benchicou, *The Jailhouses of Algiers*.

Satellite dish antennas were widespread and provided an estimated 60 percent of households with access to European and Arab channels.

Access to print and broadcast media for Amazigh culture continued to grow. As in recent years, Tamazight (the Amazigh or Berber language) programming also increased on the non-Berber language channels, as did advertisements in Tamazight on all television and radio channels. Beginning in the 2006-07 scholastic year, the Tamazight language was taught officially in primary schools, starting in the fourth grade, in 17 predominantly Berber provinces. In 2007 the government created an Academy and a Superior Council of the Tamazight language, pursuant to Article 3 of the constitution announcing that Tamazight is a national language. Both institutions are under the authority of the presidency.

The government continued restrictions on both the local and the international media's coverage of issues relating to "national security and terrorism." Al-Jazeera's office remained closed since the government banned it from operating in the country in 2004 for broadcasting a program featuring opposition figures criticizing the government. Several international journalists continued to have their accreditations either withdrawn or denied.

Internet Freedom

Access to the Internet was generally unimpeded by the government; however, the government monitored e-mail and Internet chatrooms and in some cases prosecuted persons for content published on personal Web sites. In June 2007 a court fined blogger Abdulsalam Baroudi 10,000 dinars (\$167) for posting defamatory material on a personal blog. Internet service providers can face criminal penalties for the material and Web sites they host, with the objective to prevent access to material "incompatible with morality or public opinion." No cases were brought during the year.

According to 2007 International Telecommunications Union data, there were approximately 190,000 subscribers and 3.5 million users of the Internet.

Academic Freedom and Cultural Events

Academic freedom generally was restricted in the same manner as freedom of expression. Academic seminars and colloquiums occurred without governmental interference, but there were delays in issuing visas to international participants and instances where international experts were denied entrance.

A ban remained in effect during the year on the broadcast of songs by Reda Taliani following the 2007 National Radio of Algeria restriction of his material due to references to the Western Sahara being part of Morocco.

b. Freedom of Peaceful Assembly and Association

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

Freedom of Assembly

The constitution provides for the right of assembly; however, the emergency decree and government practice continued to curtail this right. A 2000 decree banning demonstrations in Algiers remained in effect during the year. Authorities required citizens and organizations to obtain permits from the government-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.

During July and August, police prevented a series of weekly sit-ins organized by trade unions and contract teachers who attempted to demonstrate near the presidential offices. The police blocked walking routes to prevent persons from gathering. Eyewitnesses reported the police pushing and shoving participants but no beatings.

The LADDH reported continuing difficulties in obtaining permission to hold outdoor meetings and seminars. Groups opposing the Charter on Peace and Reconciliation had difficulty securing permission to hold public gatherings.

In 2007 security forces banned an international seminar on forced disappearances organized by several NGOs, and the government denied visas for Roberto Garretón, a UN expert on human rights, and Anne Laurence Lacroix, deputy director of the World Organization Against Torture, to attend.

On July 5, the NGO SOS Disparus marked the tenth anniversary of its weekly sit-in in front of the CNCPDH headquarters to urge President Bouteflika to take further action on the problem of the disappeared. In 2007 the government broke up at least four marches, protests, and demonstrations outside the capital in El Oued, Ain Talout, Oran, and Boussaada.

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. 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, religious groups, 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 public order. Political activities by anyone responsible for having used religion leading to the "national tragedy" are prohibited by the law implementing the amnesty.

The government issues 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 have been difficult to obtain. According to the MOI, there were 81,000 registered associations, 5,000 of which were active during the year.

SOS Disparus remained unrecognized but operated without interference.

As in 2007, AI officials did not attempt to visit the country after having been denied visas in 2006. The government issued visas to officials from Freedom House, a foreign NGO.

The government continued to make it difficult for international NGO representatives to obtain visas to visit the country. The government maintained that legislation did not allow branches of foreign NGOs to operate legally in the country.

c. Freedom of Religion

The constitution provides for freedom of belief and opinion, but in practice the government restricted religious freedom. The constitution declares Islam to be the state religion and prohibits institutions from engaging in behavior incompatible with Islamic morality. More than 99 percent of the population is Sunni Muslim. The constitution prohibits non-Muslims from running for the presidency. Non-Muslims may hold other public offices and work within the government; however, human rights observers reported that such workers were not promoted and that some hid their religious affiliation.

In February the government began enforcing Ordinance 06-03, which increased restrictions on non-Muslim worship. The law limits the practice of non-Muslim religions and restricts public assembly for the purpose of worship. The law requires organized religious groups to register with the government, controls the importation of religious texts, increases punishments for individuals who proselytize Muslims, and treats transgressions as criminal rather than civil offenses.

According to reports from church leaders and human rights organizations, the government ordered the closure of 27 churches for alleged noncompliance with the ordinance during the year. The government also pressured domestic pastors, religious converts, and one foreign Catholic priest, accusing some of breaking the law's provisions banning proselytism.

On January 30, a court in Maghnia issued a one-year suspended prison sentence to a foreign Catholic priest for praying with Cameroonian migrants in an unauthorized place of worship. Upon appeal he received a reduced suspended prison sentence of two months and a fine of 20,150 dinars (\$297). He filed a new appeal, which was pending at the end of the year.

In February authorities informed Reverend Hugh Johnson, a retired Methodist minister who resided in the country for 45 years, that his residence permit would not be renewed and advised him to leave the country. He was not provided an official reason for the nonrenewal and departed in March. According to press reports, a government official said Johnson was ordered to leave for reasons relevant to the "security of the state."

The law requires religious groups to register their organizations with the government prior to conducting any religious activity. The Catholic Church was the only non-Islamic religious group officially registered to operate in the country. The Protestant, Anglican, and Seventh-day Adventist churches had pending registration requests with the government and reported no government interference in their holding services. Other churches operated without registration, some openly, while others secretly practiced their faith in homes. Some churches, including Methodist and Presbyterian, affiliated their organizations with the Protestant Church of Algeria.

Between February and April, members of a church in Ouadhia said they attempted to apply for registration 12 times. In each case local authorities refused to accept the documents.

Conversion is not illegal under civil law, and apostasy is not a criminal offense; however, the government interprets Shari'a as banning conversion from Islam to another religion. On March 30, authorities charged Habiba Kouider with "practicing a non-Muslim religion without a permit." The prosecutor asked that Kouider be sentenced to three years in prison. Kouider was traveling by bus when police questioned her and found her to be carrying Bibles and other religious materials. At year's end the case remained ongoing.

During the year authorities arrested Christian converts Yousef Ourahmane, Rachid Seghir, Hamid Ramdani, Djammal Dahmani, Jillali Saidi, Abdelhak Rabhi, and Chaaban Baikel for various combinations of proselytizing, blasphemy, and illegally practicing a non-Muslim faith. Courts sentenced each to prison terms and fines. A court acquitted Ourahmane, Seghir, and Ramdani of their charges on October 29. The other cases were

pending at the end of the year.

Authorities arrested six residents of the town of Biskra for eating and playing cards during daylight hours of Ramadan. On October 5, a judge found all six guilty and fined them 120,000 dinars each (\$1,770). Six days later an appeals court judge overruled the decision, saying that the original sentence violated the constitution, which provides for freedom of belief. In a separate incident, the Algiers appeals court on November 18 reduced the sentence of three years' imprisonment to two months of time served for three men convicted of smoking during Ramadan. Authorities arrested the men September 21 and detained them for the duration of their trial.

The government restricted the importation of religious literature, including Islamic literature, intended for widespread distribution and infrequently arrested persons carrying such materials for personal use. In recent years non-Islamic religious texts, music, and videos were available for purchase in some stores in larger cities. The government-owned radio station provided 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 ministries of national education and religious affairs strictly required, regulated, and funded the study of Islam in public schools and monitored all Koranic schools to prevent extremist teachings. In September local press reported that the MRA dismissed 53 imams and closed 42 locations used for unauthorized Islamic worship.

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 MRA for "disciplinary action" when deemed appropriate. The MRA provided financial support to mosques and trained, paid, and regulated the appointments and sermons of imams. However, officials stated that they rarely interfered with sermons beyond an advisory capacity. The penal code provides for prison sentences and fines for preaching in a place of worship without the authorization of both religious and national authorities. 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 a pretext for such actions." The government required imams to obtain permits to hold night prayers during Ramadan.

In November local press reported that some imams filed censorship complaints with the MRA after they faced penalties for failing to address the November 1 anniversary of the revolution in their sermons. The ministry denied these claims.

Societal Abuses and Discrimination

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

The country's Jewish population numbered fewer than 100 persons, and there were no functioning synagogues. Anti-Semitic articles, political commentary, and cartoons appeared regularly in the Arabic-language press. A member of the Jewish community reported receiving two anonymous death threats, and police responded by placing the individual's home and office under surveillance. The government did not promote antibias education, and there is no hate crime legislation.

For a more detailed discussion, see the [2008 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and

Stateless Persons

The constitution provides for freedom of movement; however, the government restricted the exercise of this right.

The government did not permit young men eligible for the draft, who had not yet completed their military service, to leave the country without special authorization; however, such authorization was granted to students and to persons with special family circumstances.

Under the 1992 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. The same decree permits the minister of the interior to place individuals under house arrest. AI reported that the measure was used to assign a residence to individuals already detained in DRS barracks, thus concealing prolonged arbitrary detention.

The family code does not permit anyone under 18 to travel abroad without a guardian's permission.

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. However, there were no reports that the government granted refugee status and asylum to new refugee applicants during the year. According to the Office of the UN High Commissioner for Refugees (UNHCR), the government did not accept UNHCR-determined refugee status for individuals from sub-Saharan Africa fleeing conflict. The government provided informal assistance to an estimated 1,000 Tuaregs in the south fleeing conflict in Mali and Niger. However, authorities did not extend legal protections to an estimated 1,400 asylum seekers from sub-Saharan Africa residing in Algiers, many of whom were deported after trials without legal counsel.

The government provided protection to an estimated 90,000 Sahrawi refugees who left the Western Sahara after Morocco took control of the territory in the 1970s. The UNHCR, the World Food Program, the Algerian Red Crescent, and other organizations also assisted Sahrawi refugees. Neither the government nor refugee leadership allowed the UNHCR to conduct a registration of the Sahrawi refugees.

In practice the government provided some protection against the expulsion or return of refugees to countries where their freedom would be threatened, as was the case with the Sahrawi refugees. However, the government did not provide protection to those fleeing conflict in west and central Africa.

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

The constitution provides citizens with the right to change their government peacefully through periodic elections based on universal suffrage. Although elections have been generally transparent, there are restrictions on political party activities which limit this right.

Elections and Political Participation

Multiparty parliamentary elections were held in May 2007 for the lower house on the basis of universal suffrage, but not all political parties were allowed full access to the

electoral process. The MOI disqualified the Islamist party Islah on the grounds that its leader had not been elected in a recent party congress.

Multiparty local elections were held in November 2007, but the election process was marred by irregularities and charges of fraud. No monitoring of the vote counting process was allowed at the local, district, or national level.

A contested, multiparty presidential election was held in 2004 on the basis of universal suffrage. The constitution mandates presidential elections every five years and limits the incumbent to two terms. An election observer from the Organization for Security and Cooperation in Europe stated in a press conference that the election was generally free, fair, and transparent, although not without flaws. According to the constitution, the next presidential election was scheduled to take place in 2009. On October 29, President Bouteflika announced his intention to seek parliamentary approval for a set of constitutional amendments that included a removal of presidential term limits. On November 12, the parliament approved the proposed amendments by a wide margin with minimal debate.

There were reports of restrictions placed on opposition political parties. Opposition candidates complained that the MOI regularly blocked registered parties from holding meetings and denied them access to larger and better equipped government conference rooms while facilitating the activities of the pro-Bouteflika National Liberation Front (FLN). 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. July 2007 amendments to the electoral law stated that a party must receive 4 percent of the vote or have received at least 2,000 votes in 25 wilayas (provinces) in one of the last three legislative elections in order to participate in national elections.

Membership in the Islamic Salvation Front (FIS), a political party banned in 1992, remained illegal. The government continued to refuse to register Wafa because its perceived ties to the banned FIS constituted a threat to national security, according to the interior minister. In July, Wafa leader Ahmed Taleb Ibrahimi announced that he was withdrawing from politics. The government did not provide an official response to the 1998 registration request of the Democratic Front, which was not active during the year. 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.

There were three women in the cabinet. Women also held 30 of the 389 seats in the Assembly and four of the 144 seats in the Council of the Nation. A woman led the Workers Party, and three major political parties – FLN, National Rally for Democracy, and Rally for Culture and Democracy – had women's divisions headed by women. The country did not have a quota system to require election of women to a certain percentage of seats in the parliament.

The ethnic Tamazight minority of approximately nine million centered in the Kabylie region participated freely and actively in the political process and represented one-third of the government.

Government Corruption and Transparency

The law provides criminal penalties of two to 10 years in prison for official corruption; however, the government did not implement the law effectively. In 2006 the government passed a law establishing a national anticorruption program, although parliamentarians removed a provision that required elected and senior officials to declare their assets and that lifted parliamentary immunity in certain cases. The parliamentarians argued that the existing penal code was sufficient to punish corruption offenses and that the decision to lift parliamentary immunity should reside solely with the parliament. In 2006 the president issued three decrees to implement provisions of the anticorruption legislation. The three presidential decrees and the penal code

address the types of offenses that the removed provision was intended to punish. The decree also stipulates the formation of an anticorruption agency, but it had not been established by year's end.

Public procurement was often tainted with irregularities, including the excessive use of private agreements. According to the Ministry of Public Works, following the president's 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.

The government took action on several high-profile cases of official corruption during the year. On April 6, President Bouteflika ordered the dismissal of Abdelkader Bousmail, director of religious affairs in Sidi bel Abbes, who was charged with mismanaging public funds.

On May 5, press sources reported that the directorate general of the customs service dismissed five customs officers and sanctioned another 30 for professional incompetence and violations of the customs code. There were 65 officials charged with corruption in the customs service between January and October 2007.

On May 11, press reports quoted MOI officials who stated that since 2007, 1,325 employees of municipal and provincial governments were subject to legal proceedings for wasting public funds, forgery, and bribery. According to the report, authorities convicted 324 employees, while the others remained under investigation or had trials pending.

In March a court found the former provincial governor, Djilalli Araar, guilty of corruption and embezzlement of public funds. At year's end Araar was serving a prison sentence. The Supreme Court lifted its order of judicial control and placed the former governor of Blida, Ahmed Bouricha, in parole status during the year. Bouricha resigned in 2005 after authorities charged him with several corruption-related crimes in the mid-1990s.

In July 2007 a court in Skikda sentenced two senior police officers to 10 years in prison and fined them 500,000 dinars (\$7,370) for corruption. Ten mayors involved in the same case received sentences ranging from six months to one year and were fined 6,000 dinars (\$90). In 2007, 24 police officers were convicted of corruption and received prison sentences; 192 police officers were sentenced in 2006.

Although permitted under the constitution, authorities restricted access to government information. There is no law facilitating access to information. Throughout the year the MOJ, in cooperation with the UNDP, improved access to information about the country's judicial system and developed a modern information management system for penitentiaries. Citizens may now request personal legal records from the courts and receive the documents the same day.

Lack of government transparency remained a serious problem. The government did not release many economic statistics. All ministries have Web sites, but not all were updated. The MOJ provides information on citizens' rights and legislation.

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

The government continued to restrict and 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 the Algerian League for Human Rights (LADH) and LADDH, were allowed to move about freely, the most active and visible organizations

reported interference by government authorities, including surveillance, monitoring of telephone calls, difficulty in securing meeting spaces, and difficulty in obtaining approval for international speakers to speak on sensitive issues.

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, such as women's advocacy groups and charity organizations, operated openly. Unlicensed NGOs did not receive government assistance, and citizens were at times hesitant to be associated with these organizations. The government was not publicly responsive to reports and recommendations from domestic human rights NGOs.

The most active independent human rights group was the LADDH, a legally recognized NGO 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 smaller LADH is an independent organization based in Constantine. LADH was licensed and members throughout the country monitored individual cases.

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

International NGOs continued to experience delays in obtaining visas, and outright refusals occurred. Delays in processing visa applications prevented NGOs from conducting programming during the year. A forum planned for 2006 was indefinitely postponed because of visa difficulties for international experts.

The authorities cancelled a civil society meeting sponsored by the German Friedrich Ebert Foundation and the LADDH planned for October 5 to discuss the 20th anniversary of the 1988 riots. According to the Ebert Foundation, officials gave no documented reason for the cancellation.

On March 3, the prime minister urged foreign diplomatic missions to respect diplomatic courtesy and warned civil society and political organizations about holding meetings (with foreign missions) that "undermine the country's internal affairs." On April 9, Interior Minister Zerhouni told an audience of parliamentarians that international NGOs in Algeria were not "helping or building" the country.

The ICRC had access to civilian prisons and pretrial detention centers.

International NGO Handicap International and local NGO the National Foundation for Health Promotion and Research Development (FOREM), both of which worked on children's rights, did not report difficulty conducting investigations.

In January 2007 Yakin Erturk, UN special rapporteur on violence against women, visited the country. 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 CNCPPDH is the government-established ombudsman for human rights. Directed by Farouk Ksentini, the CNCPPDH 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 CNCPPDH's budget and secretariat come from his office. The CNCPPDH 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. The public generally viewed CNCPPDH as progovernment. The group delivers its complete annual report only to the president and provides an abstract of the report for public viewing, thus rendering it difficult to measure the effectiveness of the organization's work.

5. Discrimination, Societal Abuses, and Trafficking in Persons

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 legal and social discrimination.

Women

Rape, spousal and nonspousal, occurred. Nonspousal rape is illegal; spousal rape is not. Prison sentences for nonspousal rape range from one to five years. Claims filed by women for rape and sexual abuse continued to face judicial obstacles; however, women's rights activists reported that law enforcement authorities have become more sensitized to the issue. During the year, women's rights activists reported a significant increase in reports of violence against women.

Spousal abuse occurred. The penal code 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, women frequently were reluctant to endure this process.

According to the CNCPPDH, approximately 4,500 women were victims of assault during the first half of the year. Police statistics for that time period reported 2,675 cases of physical assault, 1,359 cases of abuse, 144 cases of sexual assault, and four deaths. Approximately 20 percent of assailants were identified as male family members. A study researched in 2005 emphasized that the home was the "privileged place for spousal violence."

In 2007 the National Institute of Public Health (INSP) and the police reported 9,099 cases of domestic violence.

The police stated that violence against women was widespread in large cities. However, a March 2007 study published by the INSP showed that violence against women was more frequent in rural areas and among less-educated persons and was less likely to be reported in such cases because of societal pressures.

During the year local women's NGOs, including SOS Femmes en Detresse, the Wassila Network, and Bent Fatma N'Soumer, spoke out against violence in the family.

SOS Femmes en Detresse and the Wassila Network 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 call center did not operate during most of the year due to budget constraints. From January to June 2007, the center received 1,108 calls, compared with 1,524 in all of 2006. SOS Femmes en Detresse operated one call center in Algiers and a second call center in Batna. During the year the Algiers call center received 2,673 calls; the Batna call center received 1,869 calls.

According to the penal code, prostitution is illegal; however, the INSP and female advocacy groups reported that prostitution was a growing problem.

The punishment for sexual harassment is one to two years' imprisonment and a fine of 50,000 to 100,000 dinars (\$750 to \$1,500). The punishment is doubled for a second offense. The police stated that 107 sexual harassment cases were reported to the police. The INSP reported that 50 sexual harassment cases were brought to court in 2007. The majority of reported cases of harassment occurred in the workplace. SOS Femmes en Detresse provided legal advice and counseling to 610 women. During 2007 at least 500 women sought legal advice from the organization. However, the majority of women seeking assistance did not file formal complaints. According to the INSP, 10 persons were convicted in 2007 and received fines ranging from 2,000 to 50,000 dinars (\$30 to \$750).

During the year the minister delegate for the family and female condition, Nouara Djaffar, began implementation of the national strategy to combat violence against women, which has a focus on improving enforcement and providing assistance to victims. Local NGOs viewed this as a positive step toward improving the effectiveness of enforcement.

The constitution provides for gender equality; however, some aspects of the law and many traditional social practices discriminated against women. The family code 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. A woman may marry a foreigner and transmit citizenship and nationality in her own right to both her children and spouse. Muslim men may marry non-Muslim women. Under both Shari'a and civil law, children born to a Muslim father are Muslim, regardless of the mother's religion.

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 the children out of the country without the father's authorization. In practice more women retained the family's home when they had custody of the children.

The family code affirms the Islamic practice of allowing a man to marry up to four wives. In practice, however, this occurs in 1 to 2 percent of marriages, and polygamy is restricted.

The amendments to the family code, in practice, contradicted the Shari'a requirement for a male sponsor's role and consent to the marriage of a woman, although the requirement has been formally retained. The sponsor continues to contract the marriage, but the woman may choose any male that she wishes to be the sponsor.

Women suffered from discrimination in inheritance claims. In accordance with Shari'a, women are entitled to a smaller portion of an estate than 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 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, 9,500 women had their own businesses in 2006. According to a World Economic Forum report, the women's unemployment rate was 17.5 percent during the year.

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

In urban areas there was social encouragement for women to pursue a higher education or a career. Girls had a higher high school graduation rate than boys. According to 2006 official statistics, females represented 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 8.7 million workers, 1.5 million were female, representing only 18 percent of the workforce. Women may own businesses, enter into contracts, and pursue careers similar to those of men. In addition, 36 percent of judges were women. Women served at all levels in the judicial system, and female police officers were added to some precincts to assist women with abuse claims.

In 2006 the ministries of religious affairs and health initiated a series of training sessions for imams and 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.

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. Experts assumed that many cases went unreported because of familial reticence.

In 2006 there were press reports of incidents involving the kidnap and rape of girls by terrorists, as well as numerous child deaths generally attributed to the GSPC. 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 2007 statistics from the Ministry of National Education, 99 percent of children completed the ninth grade, compared with 98 percent in 2006. Boys and girls generally received the same education, although girls from rural areas were slightly more prone to leave school because of familial financial reasons, while sons were often given educational priority.

The government provided free medical care for all citizens, including children with disabilities, albeit in generally rudimentary facilities, and to both sexes equally.

Trafficking in Persons

The law does not prohibit trafficking in persons, and officials instead consider the issue covered by existing laws on illegal migration. The country is a transit point to Europe and a 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 but saw it as part of the larger issue of illegal immigration. According to the government, in the absence of specific antitrafficking laws, other laws against illegal immigration, prostitution, and forced labor are used to enforce antitrafficking 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, with the help of smugglers, seeking economic opportunity in Europe. The government does not compile official statistical estimates of the severity of trafficking. No government assistance programs existed for victims, nor were there any information campaigns about trafficking.

According to a June 2007 National Gendarmerie report, between 2001 and 2007, the number of illegal African and Arab migrants exceeded 30,000, most of them of African origin. Additionally, 14 percent of them came from Middle Eastern countries, including Egypt, Syria, Tunisia, and Iraq. Some migrants also came from Pakistan. Among the 30,000 illegal migrants, there were 1,683 women and 1,300 minors. Statistics did not exist detailing how many of these migrants faced conditions of trafficking before,

during, or after entering the country.

See also the State Department's [2008 Trafficking in Persons Report](#).

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, although the government did not effectively enforce these provisions in practice. The law provides protection, including free medical care, for persons with disabilities, especially children; however, there was widespread social discrimination against persons with disabilities. No government buildings were accessible to persons with disabilities. Public enterprises, in downsizing their work forces, generally ignored a requirement that they reserve 1 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 MNS provided financial support to NGOs; however, for many NGOs this financial support represented approximately 2 percent of their budgets. The MNS maintained that there were 1.5 million persons with disabilities in the country. However, according to the Algerian Federation of Wheelchair Associations, there were three million persons with disabilities living in the country.

Other Societal Abuses and Discrimination

The penal code criminalizes public homosexual behavior, and there is no specific legal protection to homosexuals in the country. There was societal discrimination against homosexuals, but there was no reported violence or official discrimination. While some homosexuals lived openly, the vast majority did not.

HIV/AIDS is considered a shameful disease in the country. According to March 2007 statistics released by the Ministry of Health, 2,100 citizens were HIV-positive, and 736 persons suffered from HIV/AIDS. There were 54 centers offering free services to detect HIV/AIDS. According to a 2007 survey of 30,000 families in the 48 provinces performed by the United Nations Children's Fund, only 15 percent were aware of means to protect themselves from contracting HIV/AIDS. During the year the Health Ministry and the NGO AIDS Algeria launched an HIV/AIDS prevention campaign, stressing the need to avoid discrimination, especially in the workplace, against those with HIV/AIDS.

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 Ministry of Labor (MOL) 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 are no legal restrictions on a worker's right to join a union. Approximately two-thirds of the labor force belonged to unions. The UGTA was the only legally recognized labor confederation. The UGTA includes national unions that are specialized by sector.

Unions have the right to form and join federations or confederations. Unions may also recruit members at the workplace. In practice attempts by new unions to form federations or confederations were obstructed by delaying administrative maneuvers. Since 1996 the Autonomous Unions Confederation, which functions without official status, has attempted unsuccessfully to organize the autonomous unions. 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.

The law provides for the right to strike, and workers exercised this right in practice, subject to some conditions. 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 receive prior government authorization. During the year strikes and labor meetings occurred in various sectors, including the construction, medical, port facility, and education sectors.

In January the autonomous unions mobilized thousands of middle and high school students throughout the country to protest a November 2007 salary package for education workers. The strike effectively shut down the education system for almost five days. In February the autonomous unions held two separate three-day strikes nationwide to demand better compensation for public-sector workers. During the summer contract teachers organized a 40-day hunger strike and attempted to stage a series of weekly sit-ins in front of the president's office. Unions continued to organize small-scale protests in October and November in the education, industrial, and maritime sectors.

The authorities generally tolerated strikes but continued to enforce a ban on marches and demonstrations in Algiers in effect since 2001.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining for all unions, and the government permitted the exercise of this right, in practice, for authorized unions. According to the UGTA, 8.7 million workers are covered by collective bargaining agreements. The UGTA signed a total of 218 collective bargaining agreements between 2000 and 2007, including sector-wide collective bargaining agreements and salary agreements covering industry, public works, and services. The UGTA is the only union authorized to negotiate collective bargaining agreements.

The law prohibits discrimination by employers against union members and organizers and provides mechanisms for resolving trade union complaints of antiunion practices by employers.

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 MOL that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

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. The minimum legal age for employment is 16, except for apprentice positions. In order to be an apprentice, minors must have the permission of a legal guardian. In 2006 the MOL stated that only 95 "young workers" were identified during site visits performed by labor inspectors at 5,847 companies. The MOL makes some surprise inspections of public sector enterprises, but it does not consistently enforce relevant statutes in the

agricultural or private sectors.

In 2005 the MOL reported a rate of child participation in the labor force of 0.56 percent. That figure was challenged in 2007 by the local NGO FOREM, a children's rights watchdog group financed by the European Union. According to FOREM, in the eight most populous provinces, 6 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 and street vending. In a November 2007 press conference, FOREM representatives said there were one million children working in the country, at least half of whom were under the age of 16.

The MOL is responsible for enforcing child labor laws, but enforcement was hindered by a lack of sufficient human resources. In 2006 and 2007 FOREM implemented a public awareness campaign aimed at encouraging children to remain in school until the age of 16, rather than participating in the workforce.

e. Acceptable Conditions of Work

The national minimum wage of 12,000 dinars (\$177) per month did not provide a decent standard of living for a worker and family. The minimum wage was established in 2006 by a tripartite social pact between business, government, and labor. MOL inspectors were responsible for ensuring compliance with the minimum wage regulation; however, enforcement was inconsistent.

The standard workweek was 37.5 hours, with one 10-minute break and one hour for lunch. Employees who worked beyond the standard workweek 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 workday, a weekend, or a holiday. In general the MOL effectively enforced labor standards, particularly in the civil service and in public sector companies; however, enforcement was less efficient in the private sector because of low union density.

The law contains well-developed occupational, health, and safety standards, but MOL 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. Economic migrants from sub-Saharan Africa working in the country without legal immigration status were not protected by the country's labor standards, making them vulnerable to exploitation.
