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Trafficking in Persons Report 2017 - Country Narratives - Algeria

ALGERIA: Tier 2 Watch List

The Government of Algeria does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made key achievements during the reporting period; therefore, Algeria was upgraded to Tier 2 Watch List. These achievements include the investigation and prosecution of 16 alleged traffickers and the identification of 65 potential forced labor victims, both significant increases from the previous reporting period. Despite the identified victims' illegal immigration status, the government provided them temporary housing, medical aid, and other basic services at a migrant transit center. The government's newly demonstrated political will to address trafficking included the issuance of a September 2016 presidential decree formally institutionalizing the inter-ministerial anti-trafficking committee and assigning it a dedicated budget to implement its mandate. Despite these achievements, the government did not systematically identify trafficking victims among vulnerable populations, nor did it provide adequate protection services for all trafficking victims. It did not have a standardized mechanism to refer potential victims to government- or NGO-run protection services. Furthermore, due to a lack of identification efforts, authorities continued to punish potential trafficking victims for acts committed as a direct result of being subjected to trafficking, such as immigration violations and prostitution.

RECOMMENDATIONS FOR ALGERIA

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

PROSECUTION

The government increased efforts to investigate and prosecute trafficking offenders. 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.

The government remained without an effective system to collect and report nationwide anti-trafficking law enforcement data. However, the government reported it investigated six individuals in September 2016—including three Nigeriens, two Algerians, and one Malian—allegedly involved in a trafficking network, who forced undocumented adult and child migrants from Niger to beg in cities in northern Algeria. The government arrested and charged these alleged offenders with human trafficking offenses, among other crimes. The case was transferred from a court in Tamanrasset to a specialized court in Ouargla and remained pending at the end of the reporting period. Police continued to search for four members of this alleged trafficking network who remained at large at the end of the reporting period. The government also investigated two other human trafficking cases involving a total of 10 alleged perpetrators and 33 victims. These 16 prosecutions represent an increase from zero prosecutions in the previous reporting period. However, for another consecutive year, the government did not report convicting any trafficking offenders. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses. The General Directorate for National Security maintained six police brigades to monitor illegal immigration and human trafficking and provided staff specialized training. It also maintained 50 brigades specializing in combating crimes against children, including trafficking crimes. The government partnered with an international organization to hold two anti-trafficking training workshops for law enforcement officers, members of the national anti-trafficking committee, and Algerian journalists in May and September 2016. In March 2017, the government provided in-kind support for an anti-trafficking workshop led by an international organization, which trained more than 25 judges and prosecutors from several regions of the country. The government also sent two representatives from its national anti-trafficking committee to an international workshop on human trafficking in Oman in December 2016. As of the end of the reporting period, the Ministry of Interior was in the process of planning training sessions on human trafficking for provincial and local government officials.

PROTECTION

The government increased efforts to identify and provide protection services to trafficking victims. In September 2016 as part of its investigation of an alleged forced begging ring in Tamanrasset, the government identified 32 potential trafficking victims, including 17 children. The government also identified 33 additional potential victims in two other investigations of alleged trafficking. This compares to zero victims identified in 2015. The government did not have a formal mechanism to refer potential victims to protection services, but officials referred potential victims to basic services on an ad hoc basis. After authorities broke up the trafficking ring, police, local officials, and a governmental aid organization in Tamanrasset partnered to provide the victims with temporary housing, food, clothing, and medical services at a migrant transit center. Authorities recognized that the victims—although undocumented migrants—were entitled to protection services and freedom of movement rather than criminal punishment, which represented a significant step towards providing victim-centered protection.

Despite the various protection services provided to trafficking victims, the government did not systematically identify victims and provide necessary services, such as appropriate shelter, rehabilitation, psycho-social care and legal assistance, or repatriation support for victims who chose to return to their home countries. The government did not have formal standardized identification procedures for officials to screen for and identify victims among vulnerable groups. Government officials admitted difficulty distinguishing trafficking victims from irregular migrants and identifying trafficking victims among ethnically cohesive migrant communities. Officials continued to rely on victims to 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. Police officers reportedly used a worksheet to identify potential victims among those detained at police stations, while *gendarmerie* brigades were under instructions to refer potential trafficking cases to a representative in the national anti-trafficking commission for review. However, it was unknown whether officials used these procedures regularly or throughout the country during the reporting period. Thus, potential trafficking victims among migrant populations continued to face punishment, such as arrest and deportation, for crimes committed as a direct result of being subjected to human trafficking, such as illegal migration. For example, authorities in the migrant transit center in Tamanrasset, where 5,000 migrants transited in 2016 before being repatriated, made no effort to identify potential trafficking victims proactively among those in the center, nor did officials distinguish or separate potential trafficking victims from alleged traffickers. Additionally, during a government operation to repatriate to Niger an estimated 1,000 undocumented sub-Saharan migrants from Mali, Guinea, and other West African countries in December 2016, authorities did not proactively screen for or identify trafficking victims among deportees.

The anti-trafficking law encourages victims to participate in investigations or prosecutions of offenders through the provision of financial assistance, housing, and medical care, but there were no reports that victims participated in investigations in 2016. Additionally, trafficking victims were legally entitled to file civil suits against their offenders, but the government did not report cases in which victims did so during the reporting

period. The government did not provide foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship.

PREVENTION

The government made some efforts to prevent human trafficking, which it increasingly acknowledged as a problem in Algeria, and developed institutional frameworks to respond to the crime. In September 2016, a presidential decree formally institutionalized the inter-ministerial anti-trafficking committee—placing it under the auspices of the prime minister's office—and provided it a dedicated budget. The committee was composed of 20 members from various government ministries and institutions to coordinate the government's anti-trafficking activities, including implementation of the government's 2015 national anti-trafficking action plan. This committee met nine times during the reporting period. Although the presidential decree instructed the national committee to organize awareness activities, the government did not do so during the reporting period. The government took actions to reduce the demand for commercial sex acts. The government took limited measures to reduce the demand for forced labor. The government provided anti-trafficking training as a part of its broader human rights training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Algeria is a transit and destination country and, in very isolated cases, a source country for children subjected to sex trafficking and men subjected to forced labor. Undocumented sub-Saharan migrants, primarily from Mali, Niger, Burkina Faso, Cameroon, Guinea, Liberia, and Nigeria, are most vulnerable to labor and sex trafficking in Algeria, mainly due to their irregular migration status, poverty, and language barriers. Unaccompanied 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. 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 and sexual 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, in return for sex, cooking, and cleaning. While many of these relationships are purportedly consensual, these women are at risk of trafficking, and migrants in Tamanrasset reported instances of women prevented from leaving the home and raped by their "partner." Foreign women and 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. Nigerien children, ranging from 4 to 8 years old, are brought to Algeria by trafficking networks with the consent of their parents and forced to beg for several months in Algeria before being returned to their families in Niger. Media and civil society organizations reported in 2015 that some sub-Saharan African migrant women working in domestic service for Algerian families experience physical abuse, confiscation of passports, and withheld pay. In 2014, the media and an international NGO reported Vietnamese migrants were forced to work on construction sites for Chinese contractors in Algeria. In 2015, civil society organizations reported isolated instances of foreign and Algerian children in sex trafficking and in forced labor on construction sites.