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2021 Trafficking in Persons Report: Algeria

ALGERIA: Tier 3

The Government of Algeria does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Algeria remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including convicting five traffickers, partnering with international organizations to organize virtual training workshops for officials, and drafting a 2022-2024 national anti-trafficking action plan. However, the government did not report any new trafficking investigations or prosecutions and did not proactively identify any trafficking victims. Due to the government's ineffective screening measures for trafficking victims among vulnerable populations, such as African migrants, refugees, asylum-seekers, and individuals in commercial sex, authorities continued to punish some potential unidentified victims for unlawful acts traffickers compelled them to commit. The government's ongoing measures to deport undocumented migrants deterred some victims among this population from reporting trafficking crimes to the police or seeking much-needed assistance.

PRIORITIZED RECOMMENDATIONS:

Finalize and implement standardized procedures for victim identification and screening for use by border, security, and law enforcement officials who come in contact with vulnerable populations, such as undocumented foreign migrants, asylum-seekers, refugees, and persons in commercial sex. • Increase investigations, prosecutions, and convictions of sex and labor trafficking offenders and punish them with adequate penalties, which should involve significant prison terms. • Amend the trafficking provision of the penal code to remove the requirement of a demonstration of force, fraud, or coercion for child sex trafficking offenses. • Finalize and implement a formal national victim referral mechanism to refer victims to appropriate care. • Train law enforcement, judiciary, labor inspectorate, health care officials, and social workers on victim identification and referral procedures. • Create a mechanism to identify trafficking victims among vulnerable populations for unlawful acts traffickers compelled them to commit before arresting, prosecuting, deporting, or otherwise punishing them. • Ensure victims of all forms of trafficking are referred to and receive protection services, including appropriate shelter, adequate medical and psycho-social care, and legal assistance. • Ensure the safe and voluntary repatriation of foreign victims, including through collaboration with relevant organizations and source country embassies, and provide foreign victims with legal alternatives to their removal to countries where they may face retribution or hardship. • Continue efforts to raise public awareness on the indicators and risks of trafficking. • Dedicate sufficient resources to and implement the national anti-trafficking action plan. • Given significant concerns about forced labor indicators in Cuban medical missions and Chinese nationals on Chinese government projects, screen Cuban medical professionals and Chinese nationals and refer them to appropriate services.

PROSECUTION

The government maintained uneven law enforcement efforts. Algeria criminalized most forms of sex trafficking and all forms of labor trafficking under Section 5 of its penal code and prescribed penalties of three to 10 years' imprisonment and fines of 300,000 to 1 million Algerian dinar (\$2,270-\$7,560). These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, Section 5 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. Article 143 of Law 12-15 stated that crimes committed against children, including those involving sexual exploitation, would be vigorously penalized; it generally referenced other penal code provisions that could potentially be applied to child sex trafficking offenses that did not involve force, fraud, or coercion. Article 319 bis of the penal code, which criminalized the buying and selling of children younger than the age of 18, prescribed penalties of five to 15 years' imprisonment and a fine for individuals convicted of committing or attempting to commit this crime; however, this law could be interpreted to include such non-trafficking crimes as migrant smuggling or illegal adoption. Since 2018 and throughout the reporting period, the government coordinated with an international organization to draft a standalone anti-trafficking law that would remove the requirement of a demonstration of force, fraud, or coercion for child sex trafficking offenses and institutionalize victim protection measures; at the end of the reporting period the Prime Minister's Office was reviewing the legislation before referring it to the Council of Ministers and legislature for consideration. During the reporting period, the government revised Algeria's constitution and added a provision condemning trafficking, with the goal of focusing government attention on trafficking cases.

The General Directorate of National Security (DGSN) maintained seven police brigades to combat human trafficking and illegal immigration based in Bechar, Tamanrasset, Illizi, Souk-Ahras, Tlemcen, Adrar, and Annaba; five additional brigades in Algiers, Oran, Constantine, Ouargla, and Ghardaia supported the brigades as necessary. The Gendarmerie maintained 50 special brigades dedicated to managing children’s issues, including child trafficking. In 2020, the Gendarmerie and the DGSN dismantled 190 human smuggling groups and networks, but the ministries reported there were no incidents of human trafficking crimes allegedly committed by these groups. The government did not report investigating any trafficking cases for the second consecutive year. In 2020, the government did not report prosecuting any forced labor or sex trafficking cases; in 2019, the government prosecuted 13 alleged traffickers. The government convicted five traffickers – four for forced begging and one for sex trafficking – during the reporting period in two cases started in 2016 and 2019; this was an increase compared to the previous reporting period when the government did not convict any traffickers. Two of the convicted traffickers were Algerian and three were Nigerien. Sentences ranged from three years imprisonment and a 300,000 dinar (\$2,270) fine to 20 years imprisonment and a 1 million dinar (\$7,560) fine. In addition, the government convicted three Algerians for failing to report the sex trafficking case; the government sentenced one to four years’ imprisonment and a 500,000 dinar (\$3,780) fine and the other two Algerians to a one-year suspended sentence and a 100,000 dinar (\$756) fine. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses during this reporting period. The government maintained four courts—based in Algiers, Constantine, Oran, and Ouargla—dedicated to cases involving transnational organized crime, under which it classified trafficking within the Algerian judicial system; these courts adjusted to the pandemic by limiting in-person participation in court processes and allowing video testimony. Government officials acknowledged one of the biggest obstacles to prosecuting cases is identifying trafficking crimes, which remains difficult because of a lack of well-trained investigators and judicial officials as well as limited public awareness.

Due to the pandemic, the government canceled most trainings for officials planned during the reporting period. However, the government, at times in coordination with international organizations, conducted eight virtual anti-trafficking trainings for law enforcement, judicial officials, and labor inspectors during the reporting period. Algerian officials also participated in virtual workshops hosted by international organizations, multilateral organizations, and foreign governments during the reporting period. The government continued to contribute to INTERPOL’s databases on organized crime and human trafficking. The government also reportedly prioritized building police-to-police cooperation with other countries in Africa, including through AFRIPOL, to combat all crimes, including human trafficking.

PROTECTION

The government made negligible efforts to identify and provide services to trafficking victims. Authorities continued to penalize unidentified victims. Government officials and civil society partners acknowledged that authorities’ lack of understanding about the crime of trafficking continued to be a challenge for victim identification efforts throughout the reporting period. While NGOs and international organizations reported identifying and assisting at least 26 trafficking victims and 19 potential trafficking victims during the reporting period, the government did not report proactively identifying any victims. In 2019, the government identified 14 victims. The government did not report systematically screening for trafficking among vulnerable migrants, including those that it deported throughout the year, nor among individuals in commercial sex, refugees, or asylum-seekers—populations highly vulnerable to trafficking. The government did not have comprehensive standard operating procedures (SOPs) or a formal mechanism to identify and refer victims to protection services. The government reported that individual agencies used their own victim identification SOPs and an informal referral system to ensure victims received access to medical and psychological services and shelter; however, the government did not report how often relevant authorities used this system during the reporting period. Recognizing this deficiency, the government continued cooperating with an international organization to develop a formal national victim referral mechanism. The government did not finalize the referral mechanism or the SOPs by the end of the reporting period.

Unidentified victims continued to face punishment—such as arrest, detention, prosecution, and deportation—for illegal migration, prostitution, and other unlawful acts traffickers compelled them to commit. For example, border and other security authorities continued to regularly deport African migrants—a population highly vulnerable to trafficking—and they lacked the manpower and capability to systematically screen each migrant for trafficking indicators. In October 2020, an NGO reported that authorities deported some refugees and asylum-seekers, some of whom were potential trafficking victims, due to a lack of effective screening measures. In addition, an NGO reported that authorities expelled migrants outside of official deportation procedures, at times leaving migrants in the desert at the Mali and Niger borders. Officials continued to rely on victims to report abuses to authorities, yet civil society groups observed that most trafficking victims in Algeria were undocumented migrants who typically did not report trafficking crimes to the police or file lawsuits against their traffickers. Although public services, such as healthcare and education, were available and free for foreigners in Algeria, many undocumented migrants avoided seeking public services, including out of fear of deportation. The government’s deportation operations further discouraged foreign trafficking victims from making their presence known to authorities.

Victim protection services remained inadequate. The government did not provide shelter or other protection services specifically tailored to the needs of trafficking victims, nor did it track the specific resources it allocated to protection services during the reporting period. However, the government continued to report the Ministries of Health and National Solidarity, as well as other ministries, could provide foreign and domestic trafficking victims with free services as needed, to include shelter, food, medical services, interpretation services, legal consultations, psychological counseling, and repatriation assistance. The government reported five victims received these services

during the reporting period but did not provide specific details. The government reported it allowed relief from deportation for identified trafficking victims for an indefinite period of time and allowed all foreign victims to stay in Algeria temporarily; however, it did not grant work permits to trafficking victims while under temporary residency status. The government did not report encouraging victims to participate in the investigation and prosecution of traffickers; however, it reported it could provide victims with access to a lawyer, police protection, and video testimony during trial. 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 reported it would provide restitution to victims if the courts found the perpetrator guilty, but it did not provide an instance in which this occurred during the reporting period. The government did not report providing foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship during the reporting period.

PREVENTION

The government maintained weak efforts to prevent human trafficking. The pandemic and prolonged political paralysis stalled government progress on a range of governance initiatives, including anti-trafficking efforts. The government postponed most activities planned under the national anti-trafficking action plan for 2019-2021 for 2020 due to pandemic-related restrictions. However, the government began drafting a 2022-2024 national anti-trafficking action plan. The national inter-ministerial anti-trafficking committee had an annual budget of 12 million dinars (\$90,760) that it could use to implement the action plan, but it did not provide a breakdown of resource allocation for implementation. The presidential decree that formally institutionalized the anti-trafficking committee required it to submit a report to the president on the trafficking situation in Algeria and the 2019-2021 national action plan required the committee to submit quarterly factsheets on activities; however, it did not provide a report or factsheets in 2020. The government organized a public awareness event in collaboration with an international organization on World Day against Trafficking in Persons in July 2020; the government delayed other planned public awareness activities due to the pandemic. The National Council on Human Rights, which monitored and evaluated human rights issues in Algeria, continued to lead a sub-committee dedicated to human trafficking issues. The government continued to operate three hotlines, which were operational 24 hours a day, and a public website to report abuse and other crimes, including potential trafficking crimes; none of the hotlines reported receiving trafficking allegations in 2020. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Algeria, and traffickers exploit victims from Algeria abroad. 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 in some cases language barriers. Unaccompanied women and women traveling with children are particularly vulnerable to sex trafficking and forced domestic work. Refugees and asylum-seekers are also vulnerable to trafficking either before or during their migration to Algeria. In some instances, traffickers use false promises of work, such as in a beauty salon or restaurant, to recruit migrants to Algeria where they ultimately exploit them in sex trafficking or forced labor. More often, Sub-Saharan African adults, often en route to Europe or in search of employment, 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 and work in Algeria's informal job market until they can continue their journey. While facing limited opportunities in Algeria, many migrants illegally work in construction and some engage in commercial sex acts to earn money to pay for their onward journey to Europe, which puts them at high risk of sex trafficking and debt bondage. Traffickers often use restaurants, houses, or informal worksites to exploit victims, making it difficult for authorities to locate traffickers and their victims. Some migrants become indebted to smugglers, who subsequently exploit them in forced labor and sex trafficking upon arrival in Algeria. For example, some employers reportedly force adult male and child migrants to work in the construction sector to pay for smuggling fees for onward migration, where employers restrict migrants' movement and withhold their salaries; some migrants on these construction sites report being afraid to seek medical assistance for fear of arrest by Algerian authorities. Female migrants in the southern city of Tamanrasset—the main transit point into Algeria for migrants—are exploited in debt bondage as they work to repay smuggling debts through domestic servitude, forced begging, and sex trafficking. 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 commercial sex. 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. Civil society and international organizations reported in 2019 that migrant women pay smuggling networks to transport them internally within the country from Tamanrasset to Algiers and they sometimes experience sexual violence during the journey; in some cases, once arriving in Algiers, the networks force the women into domestic servitude or commercial sex in informal brothels in order to pay the smuggling fees.

Foreign women and girls, primarily Sub-Saharan African migrants, are exploited in sex trafficking in bars and informal brothels, typically by members of their own communities nationwide, including in cities such as Tamanrasset and Algiers. In 2019, civil society organizations reported anecdotally that criminal networks exploit young adult women from sub-Saharan Africa, aged 18-19, in sex trafficking in Algeria. 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.” In 2019, an NGO reported that Algerian women and girls are also vulnerable to sex trafficking rings, often as a result of financial difficulties or after running away from their homes; these incidents are reportedly clandestine in nature and therefore difficult for authorities and civil society actors to identify.

Criminal begging rings are common and were reportedly increasing in Algeria over the past several years. Media sources suggest leaders of begging networks coerce or force Sub-Saharan African migrant children to beg through the use of punishment. In 2020, a civil society organization estimated criminal begging networks exploit more than 6,000 unaccompanied migrant children in Algeria. Local leaders suggest migrant children may also be coerced into work by their parents as a result of extreme economic pressures. According to credible sources in 2017, Nigerien female migrants begging in Algeria, who often carry children—sometimes rented from their mothers in Niger—may be forced labor victims. Furthermore, according to observers in 2017, Nigerien children, ranging from four to eight 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. During the reporting period, media reported alleged traffickers fraudulently recruited 55 Bangladesh workers for work in Spain and instead exploited them in forced labor in the Algerian construction sector. Cuban medical professionals working in Algeria may have been forced to work by the Cuban government. Chinese nationals may have been forced to work by Chinese-owned enterprises.

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