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ALGERIA

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

17 January 2013

SECURING OUR BORDER CONTROLLING MIGRATION

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Preface

- i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 3 December 2012. The report was issued on 17 January 2013.
- ii The Report is compiled wholly from material produced by a wide range of external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links may be provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that for example, a particular event or action, did not occur.
- vi As noted above, the Report is a compilation of extracts produced by a number of information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents though COI Service will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because

they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

- viii This Report and the accompanying source material are public documents. All Reports are published on the UKBA website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix Reports are published regularly on the top 20 asylum intake countries. Reports on countries outside the top 20 countries may also be published if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this Report, COI Service has sought to provide an accurate, up to date, balanced and impartial compilation of extracts of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

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INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other COI material. Information about the IAGCI's work can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xii In the course of its work the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

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Background Information

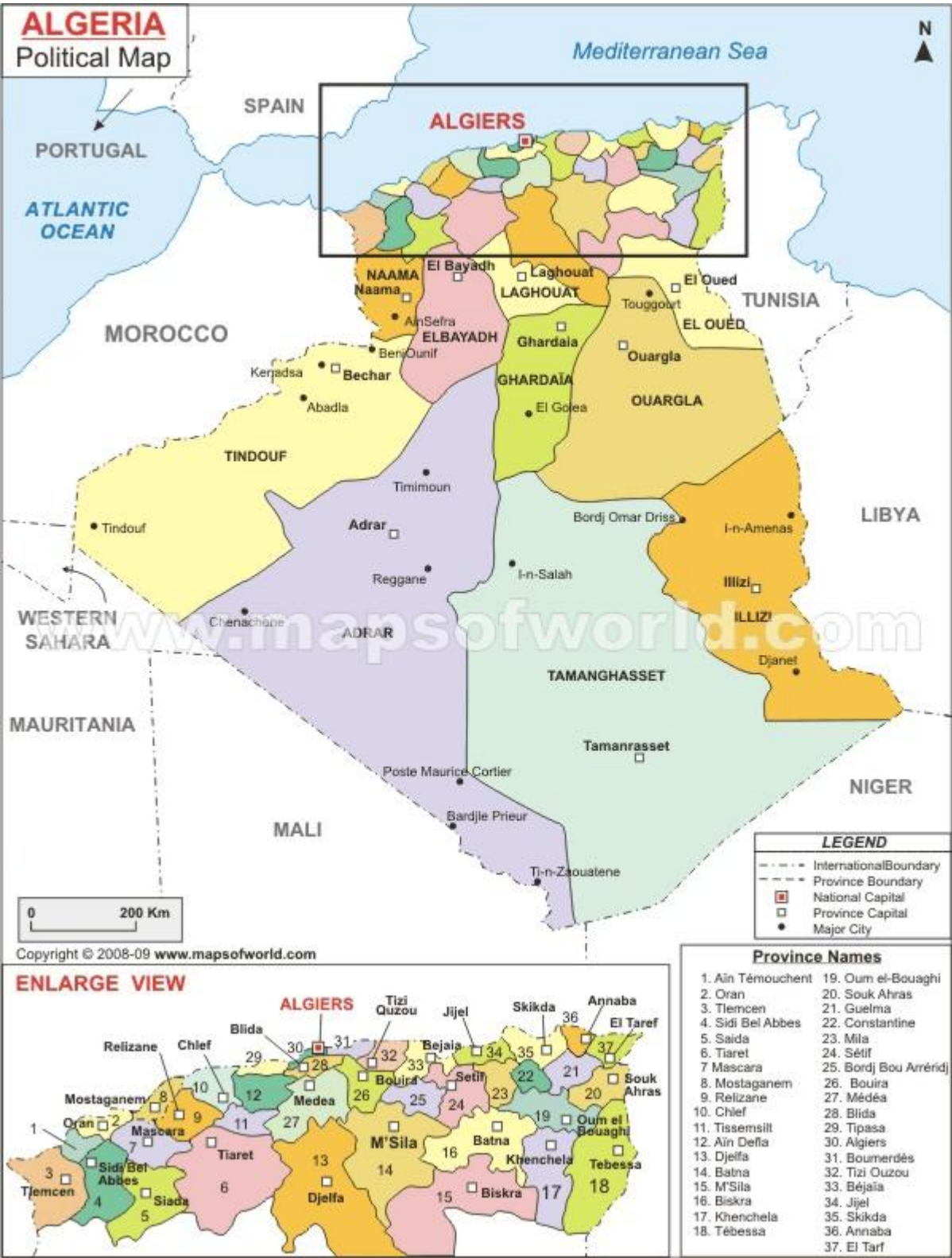
1. GEOGRAPHY

- 1.01 The Permanent Committee on Geographical Names for British Official Use (PCGN), 'Country names' as of 1 April 2012', recorded the official name as 'People's Democratic Republic of Algeria' **[98a]**
- 1.02 In its country profile for Algeria, accessed on 17 October 2012, Europa World noted:
 'The People's Democratic Republic of Algeria lies in northern Africa, with the Mediterranean Sea to the north, Mali and Niger to the south, Tunisia and Libya to the east, and Morocco and Mauritania to the west ... Arabic is the official language, but French is widely used. Tamazight, the principal language of Algeria's Berber community, was granted 'national' status in 2002. Islam is the state religion, and almost all Algerians are Muslims.' **[1a] (Location, Climate, Language, Religion, Flag, Capital)**
- 1.03 The Central Intelligence Agency (CIA) 'World Factbook, Algeria', last updated on 19 November 2012, stated that Algeria is the 'largest country in Africa' **[2a] (Geography)** The same source (using information from the US Bureau of the Census) estimated that the population in July 2012 was 37,367,226. It also stated the median age was 28.1 years **[2a] (People)**
- 1.04 As noted in the British Broadcasting Corporation (BBC) News Algeria profile, last updated on 4 September 2012, 'The Sahara desert covers more than four-fifths of the land.' **[60i]**
- 1.05 With regards to ethnic groups, the CIA 'World Factbook, Algeria', last updated on 19 November 2012, observed: 'Arab-Berbers 99%, European less than 1%.' **[2a] (People)** With regards to religion, the same source stated: 'Sunni Muslim (state religion) 99%, Christian and Jewish 1%.' **[2a] (People)**
- 1.06 Europa World, in its country profile for Algeria, accessed on 17 October 2012, stated: 'The country is divided into 48 departments (wilayat), which are, in turn, sub-divided into communes. Each wilaya and commune has an elected assembly.' **[1a] (Constitution and Government)**
- 1.07 The same source listed the public holidays in 2013:
 '1 January (New Year); 23 January^{*} (Mouloud, Birth of Muhammad); 1 May (Labour Day); 5 June^{*} (Leilat al-Meiraj, Ascension of Muhammad); 19 June (Ben Bella's Overthrow); 5 July (Independence Day); 8 July^{*} (Ramadan begins); 7 August^{*} (Id al-Fitr, end of Ramadan); 14 October^{*} (Id al-Adha, Feast of the Sacrifice); 1 November (Anniversary of the Revolution); 4 November^{*} (Muharram, Islamic New Year); 13 November^{*} (Ashoura). * These holidays are dependent on the Islamic lunar calendar and may differ by one or two days from the dates given.' **[1a] (Country profile: Public Holidays)**

For more information see sections on [Ethnic groups](#) and [Freedom of religion](#)

MAP

1.08



(Maps of World – Algeria Political Map) [11a]

1.09 [Perry Castaneda](#) library map collection contains a series of Algerian maps.

2. ECONOMY

- 2.01 The Congressional Research Service (CRS), 'Algeria: Current Issues', published 18 January 2012, stated:

'Hydrocarbons (oil and gas) are the engine of the Algerian economy, providing about 65% of public revenues, 26% of the gross domestic product (GDP), and 98% of export earnings. Algeria has several pipelines supplying gas to Europe and plans for more, and also is expanding its exploration and drilling. In the past decade, high oil prices boosted foreign monetary reserves and economic growth, fuelled a construction boom, eased unemployment somewhat, and enabled early repayment of foreign debt. However, chronic socioeconomic problems include high unemployment, particularly among college graduates; inadequate housing, health services, and infrastructure; inequality; and corruption. These conditions have sparked protests and labor unrest, and motivate a continuing tide of illegal Algerian immigrants to Europe. Labor productivity has been stagnant over the past decade, and many of those who have found employment have done so in the informal sector.' **[56b] (p18)**

- 2.02 The Central Intelligence Agency (CIA) 'World Factbook, Algeria', updated on 19 November 2012, summarised the economy as follows:

'Algeria's economy remains dominated by the state, a legacy of the country's socialist post-independence development model. In recent years the Algerian Government has halted the privatization of state-owned industries and imposed restrictions on imports and foreign involvement in its economy. ...Algeria has the 10th-largest reserves of natural gas in the world and is the sixth-largest gas exporter. It ranks 16th in oil reserves. Thanks to strong hydrocarbon revenues, Algeria has a cushion of \$173 billion in foreign currency reserves and a large hydrocarbon stabilization fund. In addition, Algeria's external debt is extremely low at about 2% of GDP. Algeria has struggled to develop industries outside of hydrocarbons in part because of high costs and an inert state bureaucracy. The government's efforts to diversify the economy by attracting foreign and domestic investment outside the energy sector have done little to reduce high youth unemployment rates or to address housing shortages. A wave of economic protests in February and March 2011 prompted the Algerian Government to offer more than \$23 billion in public grants and retroactive salary and benefit increases. Public spending has increased by 27% annually during the past five years. Long-term economic challenges include diversification from hydrocarbons, relaxing state control of the economy, and providing adequate jobs for younger Algerians.' **[2a] (Economy)**

- 2.03 The same source listed the estimated unemployment rate for 2011 at 10 per cent and also noted the GDP per capita in 2011 to be estimated at US\$7,400 **[2a] (Economy)**
- 2.04 'The national minimum wage of 15,000 dinars (approximately [US]\$203) per month was established in 2009...This did not provide a decent standard of living for a worker and family...The standard work week was 40 hours, including one hour for lunch per day' (USSD Country Report on Human Rights Practices 2011, Algeria, 24 May 2012) **[6h] (Section 6d)**

See also [Employment Rights](#)

2.05 The Foreign and Commonwealth Office (FCO) Country Profile, Algeria, last reviewed by the FCO on 27 February 2012, described the country's major industries as, 'Petroleum, natural gas, light industries, mining, electrical, petrochemical, food processing, security, construction, pharmaceuticals and agribusiness.' **[5a] (Economy)**

2.06 The CRS, 'Algeria: Current Issues', published 18 January 2012, stated:

'The International Monetary Fund (IMF) has praised Algeria's strides in achieving macroeconomic stability, while expressing concern about the economy's dependency on hydrocarbon prices and on public expenditures. Public spending increased in 2011 with an expansion of subsidies, public sector wage increases, and other efforts to respond to popular unrest. ...

'Algeria has maintained a guarded stance toward the international financial system. It has sharply reduced its national debt, relied increasingly on domestic financing to fund development, and rejected total convertibility of the dinar (the national currency). Critics point out as weaknesses the absence of a modern financial market, an underdeveloped stock exchange and banking system, and a failure to integrate in the world economy. Algeria has applied to join the World Trade Organization, but stumbling blocks include ongoing strong government intervention in the economy, with only a very selective privatization program. Officials argue that conditions on foreign investment are needed to encourage domestic companies.' **[56b] (p19)**

CURRENCY

2.07 The Oanda.com FX Converter recorded the following exchange rates, as at 2 December 2012:

1 British Pound (GBP) = 126.105 Algerian Dinar (DZD)	1 DZD = 0.00785 (GBP)
1 US Dollar (USD) = 78.5454 DZD	1 DZD = 0.01261 USD

[99a]

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3. HISTORY

EARLY HISTORY TO 1989

3.01 The Foreign and Commonwealth Office (FCO), 'Country Profile, Algeria', last reviewed by the FCO on 27 February 2012, stated:

'The original inhabitants of Algeria were the Berbers. In the classical period the country was colonised by the Phoenicians and by the Romans. The Arabs arrived in the 8th and 11th Centuries introducing Islam. Moors and Jews settled in Algeria following their expulsion from Spain in 1492. In 1518 the country became an integral part of the Ottoman Empire. In 1830 Algeria was annexed and colonised by the French and ruled

as part of metropolitan France from 1848 to 1962. A bitter war of independence was fought between 1954 and 1962, which claimed the lives of up to 1.5 million people. From independence in 1963 until the late 1980s Algeria was a one-party socialist state run by the FLN (National Liberation Front). In 1989 the constitution was amended to introduce a multi-party system' [5a] (History)

EVENTS BETWEEN 1988 AND 1998: ELECTIONS, MILITARY TAKEOVER AND CIVIL CONFLICT

3.02 The Library of Congress 'Country Profile: Algeria', dated May 2008, stated:

'[During 1980s the Government's]...reform efforts failed to end high unemployment and other economic hardships, all of which fuelled Islamist activism. The alienation and anger of the population were fanned by the widespread perception that the government had become corrupt and aloof. The waves of discontent crested in October 1988, when a series of strikes and walkouts by students and workers in Algiers degenerated into rioting. In response, the government declared a state of emergency and used force to quell the unrest.

'The stringent measures used to put down the riots of 'Black October' engendered a groundswell of outrage. In response, [President] Benjedid conducted a house cleaning of senior officials and drew up a program of political reform. A new constitution, approved overwhelmingly in February 1989, dropped the word socialist from the official description of the country; guaranteed freedoms of expression, association, and meeting; but withdrew the guarantees of women's rights that had appeared in the 1976 constitution. The FLN was not mentioned in the document at all, and the army was discussed only in the context of national defence. The new laws reinvigorated politics.

'Newspapers became the liveliest and freest in the Arab world, while political parties of nearly every stripe vied for members and a voice. In February 1989, the Islamic Salvation Front (Front Islamique du Salut—FIS) was founded.

'Algeria's leaders were stunned in December 1991 when FIS candidates won absolute majorities in 188 of 430 electoral districts, far ahead of the FLN's 15 seats, in the first round of legislative elections. Faced with the possibility of a complete FIS takeover and under pressure from the military leadership, Benjadid dissolved parliament and then resigned in January 1992. He was succeeded by the five-member High Council of State, which cancelled the second round of elections. The FIS, as well as the FLN, clamoured for a return of the electoral process, but police and troops countered with massive arrests. In February 1992, violent demonstrations erupted in many cities. The government declared a one-year state of emergency and banned the FIS. The voiding of the 1991 election results led to a period of civil conflict that cost the lives of as many as 150,000 people. Periodic negotiations between the military government and Islamist rebels failed to produce a settlement.

'In 1996 a referendum passed that introduced changes to the constitution enhancing presidential powers and banning Islamist parties.' [24a]

3.03 The United States (US) Department of State, Country Report on Human Rights Practices 2009, Algeria, published on 11 March 2010, noted, with regard to the state of emergency, 'The state of emergency decree, introduced in 1992 ... gives the government broad authority to restrict civil liberties and take legal action against what it considers to be threats to the state or public order. In recent years the portion of the

decree most enforced has been the provision requiring prior government approval for public gatherings.’ **[6aa] (Section 2a)**

- 3.04 Please note the state of emergency was lifted on 23 February 2011. For information on this please refer to the following sections: [‘The Arab Spring’ 2011](#) , Recent developments - [Political developments](#), Judiciary – [Independence and fair trial](#), [Arrest and detention](#), and [Political affiliation](#).

- 3.05 The Central Intelligence Agency (CIA) ‘World Factbook, Algeria’, updated on 19 November 2012 noted:

‘The Government of Algeria in 1988 instituted a multi-party system in response to public unrest, but the surprising first round success of the Islamic Salvation Front (FIS) in the December 1991 balloting spurred the Algerian army to intervene and postpone the second round of elections to prevent what the secular elite feared would be an extremist-led government from assuming power. The army began a crackdown on the FIS that spurred FIS supporters to begin attacking government targets, and fighting escalated into an insurgency, which saw intense violence between 1992-98 resulting in over 100,000 deaths - many attributed to indiscriminate massacres of villagers by extremists. The government gained the upper hand by the late-1990s, and FIS’s armed wing, the Islamic Salvation Army, disbanded in January 2000.’ **[2a](Background)**

- 3.06 The Human Rights Watch ‘World Report 2000 – Algeria’, published on 1 December 1999, gave an account of the latter years of the decade:

‘Dramatic political developments, coupled with a decline in violent incidents, fuelled optimism among Algerians that the country had turned the corner on the worst years of civil strife. The new president, Abdelaziz Bouteflika, won popular support for his blunt talk about government corruption and for offering a partial amnesty to Islamist rebels as a step toward achieving peace and reconciliation. However, he devoted little energy to establishing safeguards against future human rights violations or accountability for past abuses.

‘If the numbers of arrests, killings, and ‘disappearances’ were down, Algeria remained the most violent country in the Middle East and North Africa. While the Islamic Salvation Army (Armée Islamique du Salut, AIS) generally respected a cease-fire it declared in 1997, others, particularly the groups known under the Armed Islamic Group rubric (Groupe islamique armé, GIA), continued to target civilians indiscriminately. Hundreds of unarmed men, women, and children were slaughtered in brutal fashion in attacks, particularly in rural areas, that were officially blamed on ‘terrorists.’ Scores of teenage and adult women were abducted in these attacks. According to the testimony of women who had survived captivity, some abducted women were enslaved, raped, and later executed.

‘The GIA generally did not claim responsibility or explain motives for particular attacks on civilians, although communiqués issued in its name were occasionally received by foreign media. There was speculation that in many instances families or villages were selected for indiscriminate slaughter because members were suspected of opposing or withdrawing assistance from the armed groups.

‘Within the framework of fighting ‘terrorism’ and ‘subversion,’ the security forces continued to employ brutal methods. Accounts of army and police operations carried by the Algerian press, which was constrained to rely heavily on security sources, continued

to depict raids that resulted in the deaths of unnamed 'terrorists' but almost never their capture. But reports of torture, which had become systematic since 1992 in the interrogation of security suspects, declined along with the number of confirmed new arrests.

'Algeria's conflict continued to be characterized by an extreme lack of accountability for abuses. Tens of thousands of persons were killed, 'disappeared,' or abducted since 1992, without, in the vast majority of cases, law enforcement authorities formally investigating and elucidating what happened. Nor did trials serve often as a venue for carefully weighing evidence that linked deeds to particular individuals.

'In August and September 1997, large massacres, officially attributed to 'terrorists,' claimed a total of more than 600 civilian lives in Bentalha, Rais, and Beni Messous, on the outskirts of the capital. Yet authorities never produced a complete list of victims, named suspects in the attacks, or issued the results of any inquiry into how assailants could commit such carnage close to military bases without being challenged by the security forces.' [27c]

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EVENTS BETWEEN 1999 AND 2010

3.07 The Library of Congress 'Country Profile: Algeria', dated May 2008, noted:

'Presidential elections were held in April 1999. Although seven candidates qualified for election, all but Abdelaziz Bouteflika, who appeared to have the support of the military as well as the FLN, withdrew on the eve of the election amid charges of electoral fraud. Bouteflika went on to win 70 percent of the votes. Following his election to a five-year term, Bouteflika concentrated on restoring security and stability to the strife-ridden country. As part of his endeavour, he successfully campaigned to grant amnesty to thousands of members of the banned FIS. The so-called Civil Concord was approved in a nationwide referendum in September 2000. The reconciliation by no means ended all violence, but it reduced violence to manageable levels. An estimated 80 percent of those fighting the regime accepted the amnesty offer. The president also formed national commissions to study reforms of the education system, judiciary, and state bureaucracy. President Bouteflika was rewarded for his efforts at stabilizing the country when he was elected to another five-year term in April 2004, in an election contested by six candidates without military interference. In September 2005, another referendum – this one to consider a proposed Charter for Peace and National Reconciliation – passed by an overwhelming margin. The charter coupled another amnesty offer to all but the most violent participants in the Islamist uprising with an implicit pardon for security forces accused of abuses in fighting the rebels.' [24a]

3.08 The Freedom House, 'Freedom in the World 2009, Country Report on Algeria', published 14 January 2009, covering events in 2008, summarised the period following this referendum:

'The [Charter for Peace and National Reconciliation]... essentially offered a general amnesty to most militants and government agents for crimes committed during the civil war. It also called for victims to receive compensation. Although it received 97 percent support in the referendum, victims' groups criticized the charter for not addressing the issue of the disappeared and international human rights groups denounced it for not

allowing perpetrators to be brought to justice. Critics also maintained that the vague criteria for determining which militants could benefit from the amnesty were subject to political considerations. While many FIS leaders have been released from prison, they have not been integrated into the political structure in any meaningful way.

‘Elections for Parliament’s lower house in May 2007 drew a turnout of just 35 percent, the lowest in Algerian history. Many opposition groups, both Islamist and leftist, asked supporters not to participate, arguing that the results would be rigged. AQIM [Al-Qaeda in the Islamic Maghreb] also called for a boycott, but the group’s popular support was minimal. The FLN lost 63 seats in the voting, though it remained the largest party with 136. The RND [National Democratic Rally] took 61 seats, the Rally for Culture and Democracy (RCD) won 19, and the MSP [Movement for a Peaceful Society] captured 52. Islah retained just 3 seats.’ **[29e]**

For further information on the amnesty offered to government agents and militants, please refer to the section which follows below entitled, [‘The Charter for Peace and National Reconciliation’](#)

3.09 The US Department of State, ‘Country Report on Human Rights Practices 2011: Algeria’ (USSD Report 2011), published on 24 May 2012, stated: ‘The constitution mandates presidential elections every five years. In 2008 President Abdelaziz Bouteflika announced his intention to seek parliamentary approval for a set of constitutional amendments that included removal of presidential term limits. One month later the parliament approved the proposed amendments by a wide margin with minimal debate.’ **[6h] (Section 3)**

3.10 The FCO Country Profile, Algeria, last reviewed by the FCO on 27 February 2012, stated: ‘In November 2008 the Algerian constitution was amended following a vote in parliament, which removed the two-term limit on Presidential incumbents. This change enabled President Bouteflika to stand for re-election in the 2009 Presidential elections...’ **[5a] (Politics)**

3.11 Europa World online, accessed on 18 October 2012, summarised the re-election of President Bouteflika in April 2009 as follows:

‘The candidates standing against Bouteflika in the presidential election of 9 April 2009 were: Hanoune; Rebaïne; Moussa Touati, President of the FNA; Muhammad Djahid Younsi, Secretary-General of El Islah; and Mohand Oussaïd Belaïd, a moderate Islamist independent. The incumbent President invited representatives from international organizations, including the League of Arab States (the Arab League), to observe the electoral process in an effort to appease demands by opposition parties for greater impartiality and transparency in the ballot. However, as in the previous presidential election, in the weeks leading up to the poll opposition parties claimed that Bouteflika wielded excessive control over state media and had allocated state funds in favour of his re-election campaign. The President consistently dismissed these allegations.

‘Bouteflika was re-elected for a third term of office, having received 90.2% of the valid votes cast. His closest challenger, Hanoune, secured 4.5%, Touati 2.0%, Younsi 1.5%, and Belaïd and Rebaïne both took 0.9%. The rate of participation by eligible voters was reported to be 74.6%, although opposition parties disputed this figure. Indeed, several of Bouteflika’s rivals questioned the legitimacy of the poll: both Hanoune (who intended to contest the results through the Constitutional Council) and Rebaïne boycotted the President’s inauguration ceremony on 19 April. However, the Minister of State and

Minister of the Interior and Local Authorities, Zerhouni, firmly denied any allegations of electoral malpractice. On 27 April Bouteflika reappointed Prime Minister Ouyahia and the entire Council of Ministers, with the exception of the Minister of State, Soltani Boudjerra, who left the Government at his own request.' **[1a] (Country Profile: Contemporary Political History)**

- 3.12 The USSD, Country Report on Human Rights Practices 2010: Algeria, published on 8 April 2011, noted:

'There were complaints during the three-week campaign period that public areas dedicated to election propaganda did not display each candidate's materials equally. Some candidates reported interference from local election committees when organizing meetings with voters and filed complaints with the National Election Commission. In March 2009, the Party of Liberty and Justice (PLJ) reported that one of its campaign buses was vandalized by a group of youths as PLJ's candidate left a meeting with supporters in the Algiers suburb of Bab El Oued. In the same month, authorities arrested an FFS [Socialist Forces Front] official in Tizi Ouzou for distributing pamphlets calling for a boycott of the election. In April 2009, police blocked a group of RCD party members who attempted to march in an Algiers suburb to encourage voters to boycott the election. In general all candidates received equal access to television and radio media as stipulated in the electoral code.' **[6a](Section3)**

- 3.13 The Ligue Algérienne pour la Defense des Droits de l'Homme (LADDH) produced a report, released in October 2009, on the context of media during the elections, called [Monitoring of Media in the Algerian Presidential Elections 2009](#). **[20c]**

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The charter for peace and national reconciliation

- 3.14 The Concerned Africa Scholars bulletin entitled 'From GSPC to AQIM: The Evolution of an Algerian Islamist Terrorist Group into an Al-Qa'ida Affiliate' by Stephen Harmon, dated 2010, reported: 'President Abdelaziz Bouteflika offered an amnesty to Islamist rebels in September 1999. Most groups accepted, and by the January 2000 deadline some 5,000 AIS [Islamic Salvation Army] militants had surrendered their weapons.' **[100a] (p15)**
- 3.15 The Center for Strategic & International Studies paper entitled, 'The Dynamics of North African Terrorism', published March 2010, noted:
- 'Algeria's national reconciliation process, which offered amnesty to fighters of the GSPC [Salafist Group for Call/Preaching and Combat] and other armed groups, is another important example of de-radicalization. An estimated 7,000 Algerians accepted government amnesty over the last decade. According to Craig Whitlock, staff writer for the Washington Post, the amnesties were fiercely debated in Algeria among average citizens, the military, and extremists. "The fact remains that although these reconciliation programs have brought people back into the fold," he said, "they have hit a wall, and the insurgency continues." Whitlock cautioned that some extremists are motivated solely by ideology and therefore unlikely to seriously consider amnesty programs.

'Porter [Geoff Porter, director for the Middle East and North Africa at Eurasia Group] offered another perspective on Algeria's amnesty program, claiming it is less about de-radicalization and more about de-criminalization. Amnesty, in the Algerian case, focuses on changing actions, not changing the ideology or beliefs driving violence. Militants that have accepted the government's amnesty see it as a way to avert the state's repression rather than a change of heart. Whitlock largely agreed and cited the case of Abdel-Haq el-Ayadia, a founder of one of Algeria's most violent terrorist organizations, the Armed Islamic Group (GIA), as an example of the limits of amnesty. El-Ayadia accepted the government's amnesty and was released from prison after serving nearly a decade, but he had few regrets about his past actions. He was still very much religiously and ideologically motivated to his previous extremist goals, although he no longer called for violence. Participants questioned whether changing actions rather than extremist beliefs was sufficient or whether under the current environment it was the best that could be hoped for.' [101a] (p5)

- 3.16 The US Department of State, 'Country Reports on Terrorism 2011 - Algeria', dated 31 July 2012, stated that, in an attempt to counter radicalisation and violent extremism the Algerian government:

'... enlisted religious scholars and former terrorists to appear on its Radio Quran radio station to appeal directly to terrorists active in the mountains. Programs featured Islamic scholars from Algeria and Gulf countries who argued against the doctrines used by AQIM (Al-Qaeda in the Islamic Maghreb) to justify terrorist operations. Former Algerian terrorists appealed to terrorists to stop fighting and surrender to Algerian authorities. Other radio programs instructed listeners in various aspects of Islamic law. Algerian newspapers reported that the radio appeals played a major role in convincing scores of terrorists to lay down their arms and take advantage of government amnesty. (Under the Charter for Peace and National Reconciliation, the Algerian government has offered amnesty to terrorists who surrender and who have not committed major terrorist acts.)'

[6i]

See also [Non-state armed groups](#)

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THE 'ARAB SPRING' 2011

- 3.17 The Congressional Research Service (CRS) paper entitled 'Algeria: Current Issues', published 18 January 2012, summarised the political unrest affecting Algeria in early January 2011:

'In early January 2011, riots broke out in several cities, provoked by a rise in food prices but also long-simmering discontent among younger urban residents. While the riots were quickly brought under control, public demonstrations escalated. A handful of small opposition parties, civil society groups, and independent trade unions formed the National Coordination for Change and Democracy (CNCD), which held several protests in Algiers in February and called for greater democracy, the lifting of the 1992 state of emergency, the freeing of individuals detained during previous protests, a loosening of controls over the state media, increased employment, and "social justice." Larger protests, some of which directly referenced the "Jasmine Revolution" in neighboring Tunisia, were curtailed by substantial deployments of security forces, and the coalition

fractured due to internal divisions. However, labor strikes in various sectors and localized protests continued through 2011.’ **[56b] (p7)**

- 3.18 Europa World, accessed 18 October 2012 gave the following details of the unrest across the country:

‘Following a series of strikes and protests during 2009–10, in early January 2011 significant demonstrations were held in protest against a sharp increase in the price of basic food items, high levels of unemployment among young Algerians, inadequate housing and generally poor living standards. Two protesters were reported to have died during a confrontation with security forces in the Tipaza and M’Sila provinces, other youths set fire to themselves, and an estimated 400 people were wounded in unrest across the country.’ **[1a] (Country Profile: Contemporary Political History)**

- 3.19 The Journal of International Affairs (which ‘is a leading foreign affairs periodical edited by the graduate students at the Columbia University School of International and Public Affairs’ **[97a]**) paper entitled, ‘The Algerian Regime: An Arab Spring Survivor’, by Narrimane Benakcha, published on 7 March 2012, observed:

‘Up to 3,000 Algerians marched in January and February 2011 in Algiers, led by the National Coordination for Change and Democracy—a fragile coalition gathering opposition parties and members of the civil society. Demonstrations were driven by the same social dissatisfactions plaguing neighboring countries—recovering dignity through better life conditions mainly and more political and human rights—and were the result of long-lasting strikes and clashes occurring in various parts of the country before regional turbulences began. Violence had already erupted regularly in the slums of Algiers and other big cities due to the government’s inability to meet the people’s need for decent housing and social services. Unemployment has reached 35 percent and the population struggles to make ends meet as prices—including food and convenience goods—reach record highs, provoking the wrath of the underprivileged while a fragile middle class is on the verge of disappearing.’ **[97b]**

- 3.20 The International Federation for Human Rights, ‘Steadfast in Protest – Annual Report 2011’, published 15 October 2011, stated:

‘On February 23, 2011, the state of emergency – in force in Algeria for nineteen years – was lifted by an order published in the Official Journal. The decision came following the intensification of social protests that started on January 5, 2011 and left hundreds of wounded people amongst protesters and security forces. Triggered by the announcement in early January of a drastic increase in the price of essential commodities, this grassroots movement echoed the uprisings for democracy and freedom that marked the Arab region in early 2011.’ **[12c] (p1)**

For further information on the state of emergency, please refer to the following sections: ‘Recent developments - [Political developments](#), Judiciary – [Independence and fair trial](#), [Arrest and detention](#), and [Political affiliation](#).

- 3.21 The BBC News on 27 July 2011, examined the influence of the Arab uprisings in Algeria’s neighbouring countries:

‘For months now, Algerian authorities have been busy pre-empting a potential threat of revolution. The success of popular movements in neighbouring Tunisia and Egypt sent

alarming signals to government circles that Algeria was next in line to experience revolutionary change.

'The effect has been so strong that local governments in the eastern part of Algeria have instructed police to relax street regulations, including allowing motorists to drive without a proper vehicle tax document. Police have also been told to ignore illegal street traders and refrain from collecting taxes from shopkeepers if they claim their business has been affected by the activities of such traders.

'So far the policy of appeasement and concession has worked well for the Algerian government. But for how long?

'There are severe housing shortages in Algeria, accompanied by high consumer prices and low salaries. According to the International Monetary Fund, unemployment rates have reached 25% among 24 year olds, widening gaps between social classes.

'Large revenues generated from favourably high prices of oil have enabled the government to divert people's anger and win their silence - at least for now.' [60c]

- 3.22 The CRS paper entitled 'Algeria: Current Issues', published 18 January 2012 highlighted the proactive steps taken by the government to contain the unrest:

'Authorities have attempted to address economic grievances [by] lowering key food commodity prices, raising wages, and initiating new programs to provide land, youth employment, and housing ... while seeking to preclude large protest gatherings through security deployments. Economic subsidies are a frequent tactic in Algeria, where oil and gas revenues provide resources for policies that some view as designed to buy off dissenters. The government has also taken steps toward a gradual, regime-led reform process. ...

'In a televised speech in April 2011, President Bouteflika promised unspecified changes to the constitution and the revision of laws governing political activity, the conduct of elections, and freedom of the press and of association; he stated that these reforms would "reinforce representative democracy" in Algeria. Senate president Abdelkader Bensalah then led "consultations" that culminated in a series of laws introduced in the parliament and before the cabinet in mid-2011. A constitutional revision is expected in 2012, following parliamentary elections scheduled for May. The Interior Minister has pledged that the elections will be "transparent" and that international observers will be permitted.' [56b] (p7)

- 3.23 Europa World online, accessed on 18 October 2012, stated: 'In mid-April 2011, amid ongoing unrest, Bouteflika made a televised address, in which he promised to introduce constitutional reforms, as well as amendments to the country's electoral law, prior to the legislative elections scheduled for May 2012.' [1a] **(Country Profile: Contemporary Political History)**

- 3.24 The Freedom House report entitled 'Countries at the Crossroads 2011, Algeria', published 10 November 2011, stated:

'As of mid-2011, the question of President Bouteflika's succession and rumors of his ailing health were at the core of speculation about Algeria's political future. In the context of the Arab spring revolutions and upcoming 2012 legislative elections, the Algerian bicephalous model of governance, with the army and the security services on

one side and the civilian presidential façade on the other, was collapsing. The army and security forces, fearing they would be held accountable for the crimes of the 1990s, pressured President Bouteflika to resign. In April 2011, President Bouteflika announced a revision of the constitution that would re-establish presidential term limits and improve regulations on political parties, elections, and associations. Members of the Algerian opposition and civil society criticized this proposal, arguing that Algeria's problems will not be resolved with new laws but rather with genuine enforcement of the existing ones.' [29f]

- 3.25 The Journal of International Affairs paper, 'The Algerian Regime: An Arab Spring Survivor', by Narrimane Benakcha, published on 7 March 2012, stated: 'Reforms for economic and social development are indeed urgently needed. The government has failed to use the Arab Spring as an impetus for enacting structural reforms. The measures announced in April 2011 by the government in response to the marches include the revision of electoral law, political parties law and information code, but are far from credible and will not appease social ire and deter riots in the medium-run.' [97b]

For information concerning the May 2012 elections, please refer to [Recent developments](#). See also [Political affiliation](#)

- 3.26 The same source noted the following obstacles to radical change in Algeria:

'Without a strong and organized opposition, popular discontent with the government cannot ... challenge the current regime. The opposition figures are old, have not changed for decades and are no longer representative of the population (70 percent of whom are younger than 30). Political opposition groups are thought to have compromised with the government, and none of them has been able to denounce Algeria's biggest problem—its military. Additionally, opposition to the regime is not cohesive, and many parties refuse to rally at marches and are unable to put their rivalries aside. Even the Islamists, who could represent a serious threat to established powers, are divided, lack organization and have not represented a substantial force of opposition since the dissolution of the Islamic Salvation Front in 1992.

'The regime's clan-like system makes change unlikely. The president is not the system's master, so his resignation would not undermine the regime. The power structure is impersonal and is not in the hands of one strongman and his family, but rather several dignitaries who are themselves divided into rival cliques. There is no sacralized political figure to attack, like Ben Ali, Mubarak or Gaddafi. These inner rivalries are double-edged: while they maintain an opaque and hermetic system, they also lead to shifts between the factions. Algeria has shown in the past that the president can be sacrificed if the military feels it necessary. Hence, one possible scenario for transition would be an internally instigated regime change, especially at the end of Bouteflika's mandate in 2014. But if change comes from within the ruling circle, it will remain sealed; in fact the military junta benefits from the opacity and complexity of its clan-like structure to control the means of power and in particular oil revenues. Leaders have no incentive to renounce to their privileges. Furthermore, oil revenue allows the government to alleviate and quell the masses. The country reinjects ten billion dollars in social transfers—unemployment insurance, health care system, subsidies and food price reductions—every year, thanks to petroleum income.' [97b]

- 3.27 The Jamestown Foundation in an article entitled Al-Qaeda in the Islamic Maghreb's Operational Revival in Northern Algeria, published in the Terrorism Monitor Volume: 9 Issue: 36, on 22 September 2011, considered the unsettled situation and the possible rise of AQIM:

'Although Algeria's resilience to the Arab Spring has been greater than that of some other Arab countries, the protests in Algeria were still regarded as presenting a menace to the survival of the regime. Moreover, Algeria will likely experience an increase in political tension and divisions over the next few months. The major political personalities are already eyeing the 2014 presidential elections and many of them have begun creating alliances and strategies for this fundamental date. The major party, the Front de Libération Nationale (FNL), is facing increasing internal fragmentation. Most notable of the factions to spin off from the FNL is the Mouvement de Redressement et de l'Authenticité, which is harshly critical of FNL secretary general Abdelaziz Belkhadem, one of the closest politicians to President Abdelaziz Bouteflika. In narrow security terms, the protests mean a greater focus by the government on maintaining domestic political stability, hence a devotion of greater quantities of financial resources and security forces to control these protests. Subsequently, AQIM could have an interest in seizing the political momentum by exploiting this shift of focus in security on increasing its operational profile prior to destabilizing the state should the overall socio-political picture enter a precipitate decline.' [19a]

See also [Non government armed forces](#)

See also [Chronology of major events](#) and [Annex C: Prominent people](#)

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4. RECENT DEVELOPMENTS

POLITICAL DEVELOPMENTS

Run-up to the 2012 parliamentary elections

- 4.01 Following the political unrest in early 2011 and the lifting of the state of emergency in February 2011, the Congressional Research Service report, 'Algeria: Current Issues' dated 18 January 2012, stated:

'In a televised speech in April 2011, President Bouteflika promised unspecified changes to the constitution and the revision of laws governing political activity, the conduct of elections, and freedom of the press and of association; he stated that these reforms would "reinforce representative democracy" in Algeria. Senate president Abdelkader Bensalah then led "consultations" that culminated in a series of laws introduced in the parliament and before the cabinet in mid-2011. ...

'The Interior Minister has pledged that the elections will be "transparent" and that international observers will be permitted.' [56b] (p7-8)

- 4.02 Jane's Sentinel Country Risk Assessment Algeria, (JSCRA Algeria) last updated on 28 May 2012, stated:

'Following the outbreak of widespread but relatively short-lived social unrest in 2011, President Abdelaziz Bouteflika pledged to implement legislative and constitutional reforms to "strengthen democracy." A number of new laws were introduced in the latter half of the year that the government claimed strengthened the role of the media and private associations and opened up the electoral process to new political parties. Bouteflika has promised that all parties in the National People's Assembly after the May 2012 parliamentary elections will have a role in crafting further planned constitutional reforms.' **[7b] (Internal Affairs)**

See also [Political affiliation](#)

- 4.03 The Human Rights Watch article entitled, 'Algeria: Crackdown on Protests as Election Nears', dated 9 May 2012, following the speech by the president in April 2011 concerning amendments within the constitution and to 'laws on elections, political parties, and the media', observed: 'Parliament has since approved new laws on all of these issues. Nevertheless, the right to freedom of assembly remains severely compromised. Authorities have neither lifted the indefinite 2001 ban nor revised the 1991 law governing assembly, which requires prior authorization for public demonstrations.' **[27f]**

- 4.04 The same report further noted:

'Algerian authorities have used arrests and other tactics to keep people from demonstrating in the capital in the period leading up to the May 10, 2012 elections, Human Rights Watch said today. Security forces are detaining people who try to demonstrate peacefully in Algiers, including at least one candidate for election, and have prevented people from reaching the city if they suspect them of intending to demonstrate.' **[27f]**

See also [Political affiliation](#) and [Assembly](#) subsection

- 4.05 A Democracy Digest paper entitled, 'Algeria poll – 'something that looks like change?', dated 9 May 2012, stated: 'It remains illegal to exploit religion for political purposes and the National Legislative Election Monitoring Committee has warned Islamist groups not to invoke Islamic themes in election campaigns.' **[117a]**

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Parliamentary elections May 2012

- 4.06 The Arab Center for Research and Policy Studies website article, entitled, 'The May 2012 Legislative Elections in Algeria', dated 10 June 2012, provided detailed analysis of the elections held on 10 May 2012:

Number of registered votes	21,645,841
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Number of registered voters who cast their ballots	9,339,026
Rate of participation	43.14%
Number of tallied votes	7,634,979
Number of cancelled ballots	1,704,047
Proportion of counted votes/registered voters	35.27%
Proportion of counted votes/country population	20%

[106a]

- 4.07 The Open Democracy paper entitled, 'The 2012 National Elections: why Algeria remains the exception in North Africa', published on 11 July 2012, noted:

'On Thursday 10 May 2012 national elections took place in Algeria with 44 parties and 186 independent candidates. It was the first electoral test since the Arab Spring and in the run up to the ballot the authorities did everything to ensure a high turnout. Through regular television adverts on state television backed up by a huge poster campaign and even mass texting, the message to ordinary Algerians was simple: voting was a citizen's duty. ...

'Only 42.9 per cent out of 21 million electors voted. Admittedly this is an improvement on the 2007 elections when the turnout was just 35 per cent, the lowest in Algeria's history. But such an abstention rate is still a damning verdict. It is a measure of the popular hostility to the political system. Large numbers did not vote because they saw the election as a charade. This sentiment was clear in countless blogs and posts on the internet. Again and again Algerians underlined their disgust with the political class. In their eyes the national assembly is a facade because the real power lies in the higher echelons of the military, known popularly by the French term 'le pouvoir' (the power). On this basis they could not see the point of voting.' **[103a]**

- 4.08 The same source continued:

'The two winners were the parties of the ruling coalition, the Front de Libération Nationale (FLN) led by President Bouteflika and the Rassemblement National Démocratique (RND) led by the Prime Minister, Ahmed Ouyahia. Out of 462 seats they secured 208 and 68 respectively. Behind them the Green Alliance, uniting three Islamist parties, made little headway, only getting 49 seats when it had been expecting 65. While the oldest opposition party the Front des Forces Socialistes (FFS) won 27 and the Trotskyist Parti des Travailleurs (PT) gained 24.' **[103a]**

- 4.09 A Carnegie Endowment For International Peace article entitled, 'Algeria: Political and Security Challenges', dated 20 June 2012, stated: 'The victory of the long-ruling National Liberation Front in May's general elections has been met with public apathy and alienation, and is viewed as illegitimate by both Islamist and socialist opposition movements.' **[104a]**

- 4.10 However, on 14 May 2012, the United Nations (UN) News Centre, reported:

'Secretary-General Ban Ki-moon today congratulated the people and the Government of Algeria for the peaceful conduct of legislative elections last week, and welcomed the increased representation of women in the new parliament, according to his spokesperson.

"The Secretary-General encourages the Government of Algeria and all political parties in the country to cooperate and work in an inclusive and peaceful manner to implement political and constitutional reforms and strengthen the democratic process in Algeria," Mr. Ban's spokesperson added in a statement.

'The Secretary-General had, at the request of the Algerian Government, sent a High-Level Panel to the North African country to observe the electoral process involved in choosing members of its People's National Assembly and keep him abreast of developments.

'According to media reports, Algeria's main ruling party, the National Liberation Front, won almost half of the seats in the 462-seat legislative body, with the National Democratic Rally reportedly finishing second.

'The spokesperson said Mr. Ban reiterated the continued commitment of the United Nations to support Algeria's efforts to achieve socio-economic development and democratic reforms.' [79b]

- 4.11 An Economist Intelligence Unit (EIU) article entitled, 'Disappointment for moderate Islamists', dated 13 June 2012, stated: 'The results of the May 10th parliamentary election were a huge disappointment for the moderate Islamist parties, which many believed were poised to do well in the poll after the rise to prominence in recent months of their counterparts in Egypt, Tunisia and Morocco.' [108c]
- 4.12 A Chatham House paper entitled, 'Algeria's 2012 Elections: the Numbers Game', dated 16 May 2012, explained the outcome of the results:

'Why the Islamists did badly has less to do with political majorities than numbers, and the credibility of the numbers at stake. First in line is the frequently disputed percentage of voter participation, or, as is more usually discussed in Algeria, the level of voter abstention. In the last general elections of 2007, 65% of the eligible electorate failed to vote according to the official tally, a figure widely contested as being an underestimate, even before considering the high numbers of spoilt ballots in this and previous elections. Despite fears of widespread abstention this year, the opening up of the political establishment to new parties and a new political clientele might well account for the rise from 35% to an acceptable 42% participation on 10 May. It is still less than might have been hoped for to validate a process of genuine political reform that these elections were supposed to represent.

'In the event, it was the national electoral commission (CNSEL) that expressed its surprise when the Minister of Interior announced the turn-out to be 42.9% as early as the afternoon of 11 May, when a number of regions – including the capital Algiers – had still to return their results. Local media commentary has also highlighted regional and local variations that appear not to correspond to the level of voting observed in polling stations. As for previous ballots, the post-electoral analysis and objections are likely to continue, but redress is unlikely, not least since international approval has now been gained for the conduct of the election.

'In this respect, a second set of figures has caused consternation to the European Union observer mission, invited as part of a total of 500 international observers to witness Algeria's elections for the first time. Since 2007, the electoral roll has been updated and revised to include nearly 4 million new names out of a total electoral of 21 million. The EU delegation's request to see the consolidated list was denied, amidst rumours that the figures had been artificially inflated. This was deemed by the EU as a negative in an otherwise well-conducted electoral process.

'Third in line are persistent accusations of the government's fraudulent manipulation of the votes received by each party, whether engineered before or after the ballot. In advance of this year's elections, the Algerian authorities made a number of assurances that the vote would be free and fair and devoid of the kind of gerrymandering of figures that - without openly admitting as much - they have engaged in in the past. Yet, Abdallah Djaballah, the leader of one of the more credible Islamist parties in the 'Green Alliance' which anticipated receiving 65 seats, has already cried foul at his party's critically low showing at the polls. With only 7 seats, he has subsequently been calling on others to join him in a boycott of the newly elected National Popular Assembly (APN).

'A fourth figure that has attracted external attention is the 30% (145 members) of parliamentary seats that will now be filled by women, who, under new quota requirements, were promoted in party lists. If the Islamists have been kept at bay and women promoted, the logic implied for external consumption is that this year's elections constitute political progress. What has been less noticed, however, is the final and most revealing of officially-sanctioned figures, namely, that these elections took place in a country that in 2011 alone saw 11,000 separate incidents of worker's and professional strikes, rural and urban protests, and most alarmingly of all, a continuing series of copy-cat self-immolations amongst the young, and largely unemployed.

'The numbers game apart, most Algerians know that the reforms instigated last year did not include according the APN any larger a role than it already enjoys, which is to rubber-stamp decisions already taken by Algeria's presidency and associated power-brokers. With notable exceptions, those who do enter the APN are co-opted, well-paid and powerless to instigate change that represents the will of the electorate or responds to the needs of the wider Algerian population.' **[105a]**

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Cabinet reform

4.13 France 24, reported on 3 September 2012, that: 'Algerian President Abdelaziz Bouteflika appointed Abdelmalek Sellal the country's new prime minister Monday as part of a cabinet reshuffle. Viewed as a man of consensus, Sellal is expected to ease laws that have discouraged foreign investment.' **[107a]**

4.14 The EIU, 'Country Report Algeria', published on 22 October 2012, stated:

'Mr Sellal is not a member of either establishment party, the Front de liberation nationale (FLN) or the Rassemblement national démocratique, but is perceived to be a close ally of the president, having managed his 2004 and 2009 presidential campaigns.

A modest reshuffle kept critical ministers in the important portfolios of energy, finance and the interior, but sidelined the former prime minister, Ahmed Ouyahia, and leader of the FLN, Abdelaziz Belkhadem. We expect the new government to continue with the president's agenda of modest political liberalisation. Prior to the May election there were some reforms, including new laws governing political parties and the media, but the executive retains control over policymaking. Mr Sellal has said his focus will be on improving services, creating jobs and expanding the housing stock; these have been hallmarks of previous Algerian governments but have met with limited success due to bureaucratic inefficiencies.' [108a] (p3)

- 4.15 Another EIU paper entitled, 'New cabinet will disappoint reformers', dated 12 September 2012, remarked:

'The removal of the previous prime minister, Ahmed Ouyahia, seems to be nothing more than a token step to take the much-criticised cabinet leader out of the limelight. For much of his tenure as prime minister, Mr Ouyahia has been an unpopular figure among Algerians. There has been a general sense of apathy and disenfranchisement from the political process for many years, but Mr Ouyahia bore the brunt of much of the frustration with a government infrastructure investment programme that has promised much but delivered little. In the months leading up to the parliamentary election there were concerted calls for his removal and the replacement of his cabinet with an interim, technocratic government tasked with overseeing the implementation of the government's political reform programme and the introduction of a new constitution. Mr Ouyahia also faced opposition within his own party, the Rassemblement national démocratique (RND), in the months leading up to the election, culminating in the resignation of some 30 RND members ahead of the polls.

'The reshuffle also completes the marginalisation from the government of Abdelaziz Belkhadem. When Mr Belkhadem, a former prime minister, was replaced by Mr Ouyahia in the last major cabinet reshuffle, rather than being given another ministerial portfolio he was instead given the job of personal representative to the president. This was a significant demotion for Mr Belkhadem, but nevertheless enabled Mr Bouteflika to keep his ally close. Mr Belkhadem's party, the Front de libération nationale (FLN), increased its share of parliamentary seats in the recent election, but the leader has been embattled for several months. Prior to the election, a substantial opposition movement within the FLN called for the removal of the leader, claiming that he was not sufficiently competent for the role and was using his position to promote his own presidential ambitions.' [108b]

For a detailed list of the key ministers in Algeria, please view [Annex C](#)

Local elections November 2012

- 4.16 The Algeria Press Service reported on 17 October 2012, that:

'The National Commission for Monitoring Local Elections planned for next 29 November [2012] was officially installed Wednesday [17 October 2012] in Algiers by Interior Minister Daho Ould Kablia. This commission is composed of representatives of 52 political parties, in addition to a representative of independent rolls participating in this vote.

'Five parties will not take part in this commission, namely the Algerian Rally (RA), Party for Justice and Development (PJD), Front of Change (FC), Tadjamoue Amal El-jazair (Rally of Algeria Hope, TAJ) and the Political Mediator (MP).

'Ould Kablia said that the commission will be endowed with all the necessary tools, technical and logistic so it accomplishes its mission in the best possible conditions.

'It will be assisted by a permanent secretariat composed of competent executives of the administration.

'As soon as installed, the commission started works in camera to elect the members of the National Bureau and the president.' [102a]

4.17 The Al Monitor website reported on 27 July 2012, that:

'After overcoming the shock of the last legislative elections, most political parties have begun to look seriously at tackling local elections set to take place by year's end. The political parties fear that they will be unable to find enough candidates.

'Most political parties are looking forward to the upcoming local elections. But they will be facing many difficulties because each party will be required to nominate at least 18,000 candidates for the 1,541 municipalities and the 48 provinces. With the exception of major parties, most parties will be unable to find that number of candidates. Another problem facing the parties is satisfying the requirement that 30% of candidates on the municipal and provincial electoral lists be women. That would be especially difficult in the conservative provinces and in the interior areas where women generally do not participate in politics and elections. The political parties have discussed that problem during the parliamentary debate on the electoral law. The biggest difficulty facing the political parties is that a party list is required to obtain at least 7% of the votes in order to be represented in a municipal or provincial council.

'Election laws says that municipal and provincial elections "should take place during the last three months of the current parliamentary term," which ends Nov. 29. This means that the political parties have until the end of August to complete all electoral arrangements including forming and submitting their electoral lists and getting their lists accepted by the administration. The parties will then conduct an electoral campaign for two and half months, starting at the end of August, which coincides with the end of the month of Ramadan. But Ramadan is expected to be followed by strikes and protests over social issues. These problems have prompted the political parties to start preparing early for the upcoming local elections.' [21a]

4.18 Reuters reported on 28 November that: 'Algeria is hoping that a fair turnout in municipal elections on Thursday [29 November 2012] will strengthen the credibility of a political system that has survived the Arab Spring without major protests but failed to meet hopes for reform.' [23a]

4.19 An article published by Xinhuanet News Agency on 30 November 2012, stated:

'Algerian citizens wrapped up Thursday [29 November 2012] in calm the elections for People's Communal Assemblies (APC) and Provincial Assemblies (APW), two deliberative bodies in Algeria's local parliamentary system.

'For this double voting, as many as 21,445,621 people were registered to vote in some 48,000 polling stations throughout the country, which counts 1,541 APC and 48 APW. Minister of Interior and Local Authorities Daho Ould Kablia said the voting process took place in "a serene" political environment and that people "did their electoral duty in peace and calm." ...

'After the polling, head of the National Commission for Monitoring Local Elections (CNESEL), Mohamed Seddiki, told a press conference that several "abuses" have been reported, including the lack of voting bills of some candidates in a couple of polling stations in Msila, Biskra and Batna provinces, in addition to the participation of element of security services in the voting operation in the areas where they work, a practice banned by the law.

'As for the accusations, Interior Minister Kablia said he admitted the charges reported by the CNESEL, specifying that "the cases have been dealt with and everything is all right."

'A total of 8,383 lists were filed by 52 parties and 197 lists by independent candidates for the APC election, while the APW election includes 607 lists of political parties and nine independent lists.' [116c]

4.20 A Reuters article dated 30 November 2012, following the results of the elections, noted:

'Algeria ...declared a 44 percent turnout in municipal elections where the ruling party was victorious, keen to show people remain engaged with the political process despite a lack of the reforms achieved in Arab uprisings elsewhere.

'Interior Minister Daho Ould Kablia, reading the results of the vote at a news conference, said the outcome was in line with expectations. "The results were foreseeable," he said.

'Kablia said the National Liberation Front (FLN), ruling since independence from France in 1962, was the biggest winner, followed by the National Rally for Democracy (RND), a government coalition partner led by former prime minister Ahmed Ouyahia.

'The Green Algeria Alliance, a grouping of Islamist parties, were left far behind, a poor result for official Islamist groups which was similar to their showing in legislative elections last May.

'Analysts say Islamist voters are now divided after the authorities allowed many new parties to be created as part of political reforms. "The increased number of parties with Islamist orientation have weakened their share on the political scene," said Mouloudi Mohamed, an analyst on Islamic issues. "A lot of Islamists have joined the newly-created moderate Islamist TAJ," he said, referring to a party led by Amar Ghoul, a former senior member of the Green Algeria Alliance.

'Despite Kablia's remarks, many Algerians did not seem enthused about the vote for members of more than 1,500 councils, including their mayors, believing significant change could only come through the next presidential election, due in 2014. Real local power lies not with the elected municipal councils but with appointed provincial officials, despite government promises to democratize the system.' [23b]

5. CONSTITUTION

5.01 Europa World online, accessed on 18 October 2012, stated:

‘A new Constitution for the People’s Democratic Republic of Algeria, approved by popular referendum, was promulgated on 22 November 1976. The Constitution was amended by the National People’s Assembly on 30 June 1979 and, by referendum, on 3 November 1988, 23 February 1989 and 28 November 1996. On 8 April 2002 the Assembly approved an amendment that granted Tamazight, the principal language spoken by Algeria’s Berber population, the status of a national language. On 12 November 2008 the Assembly endorsed an amendment to abolish the limit on the number of terms a President may serve.’ **[1a] (Government and Politics: The Constitution)**

5.02 The Human Rights Watch, ‘World Report 2012’, covering events of 2011, released on 22 January 2012, (HRW World Report 2012) observed: ‘Algeria’s constitution defines the state religion as Islam and requires that the president to be Muslim’ **[27e]**

5.03 The full English-language text of the 1996-amended constitution is available via the website of the [Algerian permanent mission to the United Nations](#). **[44a]**

6. POLITICAL SYSTEM

6.01 Jane’s Sentinel Country Risk Assessment Algeria, (JSCRA Algeria) last updated on 28 May 2012, gave the following overview of Algeria’s political system:

‘Political system:	Presidential Republic
‘...Head of State:	President Abdelaziz Bouteflika
‘Next Election:	Presidential - April 2014
	Parliamentary – 2017’ [7g] (Political Overview)

6.02 The Freedom House Report entitled Freedom in the World 2012, Algeria, covering events in 2011, published 4 June 2012 (Freedom House Report 2012), reported:

‘Algeria is not an electoral democracy. The military and intelligence services still play an important role in politics despite their ongoing rivalries with the political establishment. The People’s National Assembly, the lower house of Parliament, has 389 members directly elected for five-year terms. The upper house, the National Council, has 144 members serving six-year terms; 96 members are chosen by local assemblies, and the president appoints the remaining 48. The president is directly elected for five-year

terms, and constitutional amendments passed in 2008 abolished the two-term limit, allowing President Abdelaziz Bouteflika to run for a third term in 2009. The amendments also increased the president's powers relative to the premiership and other entities, drawing criticism from segments of the press and opposition parties.' [29g]

EXECUTIVE

- 6.03 JSCRA Algeria, last updated on 21 May 2012, reported that: 'The Algerian president, who is also head of the armed forces, is nominated by the party with the majority in parliament and elected by popular vote through universal adult suffrage for a five-year term that may be renewed once. The president appoints the prime minister who in turn appoints the cabinet or Council of Ministers. The president rather than the prime minister presides over the Council.' [7b] (Internal Affairs)

LEGISLATURE

- 6.04 JSCRA Algeria, last updated on 21 May 2012, stated:

'Algeria has a bicameral legislature. The 462 members of the National People's Assembly (Assemblée Populaire Nationale or al-Majlis Ech-Chaabi al-Watani) are elected by popular vote in multi-seat constituencies every five years through a system of proportional representation with eight seats reserved for Algerians living abroad. As of May 2012, the number of seats in the assembly is to increase to 462 to reflect population growth. Sessions of the Assembly are televised.

'The upper chamber, the National Council (Conseil de la Nation or al-Majlis al-Umma), was established in 1996 and consists of 144 members, one-third appointed by the president and the rest elected by regional and municipal authorities. National Council representatives serve for six years; half the Council is renewed every three years.

'Legislation may be initiated by the president or by either chamber of parliament. If passed by the National People's Assembly, bills are debated by the National Council and become law if a three-quarters majority is in favour.

'Administratively the country is divided into 48 wilayas (provinces) which are further divided into communes. A governor who reports to the Minister of Interior heads each province and both provinces and communes are governed by elected assemblies.' [7b] (Internal Affairs)

POLITICAL PARTIES

- 6.05 The Central Intelligence Agency (CIA) 'The World Factbook, Algeria', updated on 9 October 2012, noted the following political parties in Algeria, with the leaders in square brackets:

'Algerian Popular Movement or MPA; Change Front or FC; Front for Justice and Development or Addala; Green Algeria Alliance or AAV (includes Movement for National Reform, Islamic Renaissance Movement, and Movement for Society and Peace or Hamas); AAV organized for purpose of May 2012 election only; Movement of the Society of Peace or MSP [Boudjerra SOLTANI]; National Democratic Rally (Rassemblement National Democratique) or RND [Ahmed Ouyahia]; National Liberation Front or FLN [Abdelaziz BELKHADEM, secretary general]; National Party for

Solidarity and Development or PNSD; National Reform Movement or Islah [Ahmed ABDESLAM] (formerly MRN); New Dawn Party or PFJ; Oath of 54 or Ahd 54 [Ali Fauzi REBAINE]; Rally for Culture and Democracy or RCD [Said SADI]; Renaissance Movement or EnNahda Movement [Fatah RABEI]; Socialist Forces Front or FFS [Hocine AIT AHMED]; Workers Party or PT [Louisa HANOUNE]

‘note: a law banning political parties based on religion was enacted in March 1997’ **[2a] (Government)**

See also [Section 3: Events between 1999 and 2010: Presidential Elections and the 2005 Charter for Peace and Reconciliation](#), [Political affiliation](#), subsection [Opposition groups and political activists](#) and [Annex B – Political organisations](#)

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Human Rights

7. INTRODUCTION

- 7.01 The International Federation for Human Rights, 'Steadfast in Protest – Annual Report 2011', published 15 October 2011, stated:

'While the authorities tried in 2010 to further restrict the freedoms of the civil society, including by intensifying the repression of peaceful assemblies and obstructing meetings, in 2011 they lifted the state of emergency that had been in force for nineteen years for fear of an increase in social protest movements. Despite this progress, many laws that violate freedoms of association and peaceful assembly, as well as administrative practices and harassment by the police and the judiciary, continued to hamper the activities of human rights defenders.' **[12c]**

- 7.02 The United States Department of State, Country Report on Human Rights Practices 2011, Algeria (USSD Report 2011), released 24 May 2012, observed that:

'The three most significant continuing human rights problems were restrictions on freedom of assembly and association; the inability of citizens to change their government, notably in light of the 2008 constitutional revisions that allow the president to run for unlimited terms of office; and the failure to account for disappearances, especially those cases from the 1990s. On February 9 [2011], the government repealed the state of emergency, in force for 19 years, and subsequently adopted two ordinances that replaced provisions related to the state of emergency that allow the army to intervene in terrorist offenses and subversive acts.

'Other human rights concerns were reports of unlawful killings, overuse of pretrial detention, poor prison conditions, abuse of prisoners, and lack of judicial independence. Additionally, widespread corruption accompanied reports of limited government transparency. Authorities used security grounds to constrain freedom of expression and movement. Women faced violence and discrimination, and the government maintained restrictions on workers' rights.

'Impunity remained a problem. The government did not always provide public information on actions taken against police and security service officials.' **[6h]**
(Executive Summary)

- 7.03 The Human Rights Watch, 'World Report 2012', covering events of 2011, released on 22 January 2012, (HRW World Report 2012) observed:

'President Abdelaziz Bouteflika lifted Algeria's 19-year state of emergency in February and announced legal and political reforms amidst increasing economic unrest, pro-reform street protests, and worker strikes. However, at this writing these measures had not given Algerians the freedom to exercise their rights of expression, assembly, and association.

'Security forces and armed groups continued to enjoy broad impunity for atrocities committed during the civil war of the 1990s. The state offered compensation to families of persons forcibly disappeared in the 1990s, but not answers about their fate. Armed groups continued to carry out deadly attacks, mostly targeting state security forces.' **[27e]**

- 7.04 The Amnesty International Report 2012, 'The State of the World's Human Rights, Algeria', covering events of 2011 (AI Report 2012), published 24 May 2012, stated:
- 'The government lifted the nationwide state of emergency in force since 1992, but maintained tight restrictions on freedom of expression, association and assembly, and on practising religious beliefs. The security forces used excessive force in dispersing some demonstrations and in response to instances of rioting; several people were killed. Detainees remained at risk of torture and other ill-treatment. Women continued to face discrimination in law and in practice and to be inadequately protected against gender-based violence, including within the family. No steps were taken to address the legacy of impunity for gross human rights abuses committed in the past. Death sentences continued to be handed down but there were no executions. Armed groups carried out attacks, killing some civilians.' [26h]
- 7.05 The Freedom House Report entitled Freedom in the World 2012, Algeria, covering events in 2011, published 4 June 2012 (Freedom House Report 2012), remarked:
- 'Fearing a popular uprising similar to the Arab Spring movements sweeping the region, the Algerian government made a number of political and economic concessions in early 2011 to calm discontent. While the government also promised reforms to the constitution, the electoral law, and laws governing the media, real progress was slow to materialize, due in part to concerns about increasing extremist violence.' [29g]
- 7.06 The Office of the United Nations High Commissioner for Human Rights (OHCHR) 'Opening remarks by UN High Commissioner for Human Rights Navi Pillay at a press conference during her mission to Algeria', dated 19 September 2012, stated:
- 'Algeria has much to be proud of in terms of the reforms initiated in recent years. The fixing of a minimum 30 percent quota for female Members of Parliament, resulting in the election of 146 women in May, is a courageous and highly commendable achievement. Similar advances have been made in several leading professions such as law and medicine, and Algeria is well on the way to becoming a major pioneer of women's rights in North Africa and the Middle East. The elections themselves were judged a major success by the large number of international observers who were present. Other important positives on the human rights front include the focus on improving social and economic rights by increasing the capacity of schools and universities, the huge projects designed to bring water and power to impoverished and under-resourced regions in the south of the country, and the plan to build 1.5 million new housing units over a period of five years.' [93c]
- 7.07 Navi Pillay further stated: 'If it succeeds in these endeavours, continues to advance women's rights, makes a serious effort to tackle the dispiriting and potentially very damaging phenomenon of youth unemployment, and rectifies some of the other problems outlined earlier, Algeria is well positioned to play an inspiring leadership role on human rights in the region and beyond.' [93c]

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8. SECURITY FORCES

OVERVIEW OF SECURITY SITUATION

- 8.01 A Carnegie Endowment for International Peace paper entitled, 'Algeria: Political and Security Challenges', dated 20 June 2012, stated:

'Algeria faces a number of security challenges both on its immediate borders and from its Mediterranean and Saharan neighbours.

'Morocco: In the longstanding conflict between Algeria and Morocco over Western Sahara, each country's government continues to blame the other and borders between the two countries remain closed. Benantar [Abdenmour Benantar, an Algerian political scholar] argued that despite this conflict's longevity, it does not present an overwhelming threat; both countries [sic] have experienced domestic discord that could have been alleviated by attacking the other, but neither succumbed to such action.

'Libya: Although Algeria underscored its policy of non-interference and opposed NATO's intervention in Libya, Benantar contended that Algeria has probably benefitted most from the fall of the Qaddafi regime, as it has eliminated tension along its eastern border.

'Europe: Illegal migration from Maghreb countries to Europe greatly troubles European leaders, leading many countries to criminalize migration and fight the problem at its source in North Africa. Following the EU's lead, Algeria has criminalized foreigners, primarily Chinese and African, who enter Algeria illegally and proclaimed that any Algerian caught attempting to emigrate illegally can be imprisoned.

'Sub-Saharan Africa: Algeria is home to a large number of migrants from other African countries, especially Mali and Sudan. Like many other Maghreb countries, Algeria has mostly turned away from its southern African neighbours and identified itself as an 'Arab' rather than an 'African' country, a policy Benantar argued is detrimental to Algeria's regional relations and their shared interest in combating Al-Qaeda and similar terrorist groups operating in the Sahel region.' [104a]

POLICE

- 8.02 The Library Of Congress, 'Country Profile: Algeria (LOC Profile 2008), dated May 2008 stated:

'Responsibility for maintaining law and order is shared by the 60,000-member Gendarmerie Nationale [National Gendermerie], under the Ministry of National Defence, and the 30,000-member Sûreté Nationale, or national police force, under the Ministry of Interior. The Gendarmerie Nationale is mainly active in rural and remote areas of the country, while the Sûreté Nationale is primarily an urban police force. Algeria's various security forces have been involved in counterterrorism operations and have been accused of excesses in the battle against Islamist groups. They also face complaints of harassing journalists.' [24a] (p22)

National police force

- 8.03 Estimates for the size of the national police force ranged from 30,000 (LOC Profile 2008) [24a], 140,000 (US State Department of State, Country Report on Human Rights

Practices 2011 (USSD Report 2011), published on 24 May 2012) **[6h] (Section 1d)** to 170,000. (Jane's Sentinel Country Risk Assessment (JSCRA) Algeria, Security and Foreign Forces, updated 21 May 2012) **[7c]** [The figures may vary depending on what is defined as the national police by the respective sources.] Jane's also stated that approximately 14,000 are female.

8.04 As noted on the Embassy of Algeria to the USA website, dated 4 March 2011: 'Police Division Commissioner Abdelkader Kara Bouhedba, who is Director of Schools and Studies at the General Directorate of National Law Enforcement (DGSN), declared that the Algerian police corps includes 14,000 women law enforcement officers of various ranks, among whom 4,500 civil servants treated as such [sic]'. **[90a]**

8.05 JSCRA Algeria, Security and Foreign Forces, last updated on 21 May 2012, gave the following overview of Algeria's national police force:

'The national police force (DGSN) comes under the control of the Ministry of the Interior. The force carries out routine policing duties, investigates serious crime, and is responsible for border controls. The force also has an important role in internal security and in countering subversion. During the civil war, police personnel were extensively deployed on anti-insurgent operations. ...

'The headquarters of the police force is located at Mohamed Ounouri Square in Algiers. From a territorial point of view, the force is organised in line with Algeria's administrative structure. There are police commands at the level of province, district and municipality. Every urban area has a police post and larger towns and villages have a police garrison.

'Due to the various roles and functions undertaken, the force is organised on the basis of a number of directorates:

- 'The Public Security Directorate includes the urban police and tourist police, and has roles that include the preservation of public order, the protection of public buildings and the maintenance of security at foreign embassies and consulates;
- 'The Judicial Police Directorate carries out criminal investigations in liaison with the state's prosecution service. There are a number of sub-directorates covering areas such as serious crime, petty crime, and liaison with Interpol. ...
- 'The General Intelligence Directorate is the police intelligence unit, with roles that include the gathering of intelligence regarding internal security and the prevention of crime. There are a number of sub-directorates each with a particular speciality, including political affairs; public opinion research; and the monitoring of economic and social activities; sometimes referred to as the secret police, the unit helps to bolster the Interior Ministry's role in the intelligence/security field, seen as dominated by the powerful Département de Renseignement et de Sécurité (DRS), which is associated with the military;
- The Frontier and Immigration Police Directorate has a border control mission. Roles include monitoring the movement of persons and goods across the borders of the state, whether by land, air or sea; enforcing the law in relation to the movement of arms, explosives and prohibited goods; and countering illegal immigration. There are a number of sub-directorates, each with a particular

speciality, including security of ports and airports; research and statistics; and illegal immigration;

- The Directorate of Republican Security Units is a police reserve force, whose roles include the protection of public buildings, assisting in the restoration of public order and taking part in major operations against organised crime;
- The DGSN Aviation Unit is based at Dar El Beida in Algiers province. It is equipped with Ecureuil AS-355 helicopters. Algeria has taken steps to acquire additional helicopters for the police, Gendarmerie and Protection Civile.' [7c]

National Gendarmerie (including the Republican Guard)

8.06 The USSD Report 2011 noted that 'The National Gendarmerie, under the Ministry of Defense, also performs police-like functions outside urban areas' [6h] (Section 1d)

8.07 JSCRA Algeria, Security and Foreign Forces, last updated on 21 May 2012, gave the following overview of the total strength of the security forces:

'National Gendarmerie - 100,000

Republican Guard - 1,200

Communal Guard; Legitimate Self-Defence Groups - 150,000+ (estimated)' [7c]

8.08 JSCRA Algeria, Security and Foreign Forces, last updated on 21 May 2012, noted:

'The National Gendarmerie is a paramilitary force largely responsible for policing in rural areas; it is also tasked with anti-terrorism and border protection duties. The director of the highly mobile force reports to the Minister of National Defence. The central command of the force is based in Algiers. There are six Regional Commands (RCs) which correspond to Algeria's six military districts - First RC at Blida; Second RC at Oran; Third RC at Bechar; Fourth RC at Ourgia; Fifth RC at Constantine, and Sixth RC at Tamanrasset. The current director, Major General Ahmed Bousteila was appointed in 2000. He has stated in an interview that the strength of the force rose to 100,000 in 2010. ...

'Currently, the Gendarmerie deploys an elite rapid reaction unit known as the Special Intervention Detachment (Détachement Spécial d'Intervention: DSI). Apart from its role of preserving public order, this commando unit has a number of other roles, including VIP protection, confronting terrorists and bandits, and escorting high-threat prisoners. In addition, there are special task forces in the provinces known as Security and Intervention Section units (Section de Sécurité et d'Intervention: SSI), whose roles include counter-terrorism operations and fighting organised crime. The Gendarmerie has a particular responsibility for highway patrol, deploying "road safety squadrons" (Escadrons de Sécurité Routière: ESR) for this purpose. ...

'The Gendarmerie has traditionally had an important role in guarding the borders of the state, through its Frontier Guards Group (Groupement des Gardes Frontières: GGF). The GGF has a number of roles, including operations against smuggling, drugs and arms trafficking, illegal immigration and terrorist infiltration. ...

'The elite Republican Guard (RG) brigade has the role of protecting the presidency and the buildings and installations associated with the presidency, as well as carrying out

ceremonial duties. The brigade is reported to have an operating strength of 1,200. It is equipped with light tanks and armoured vehicles.’ [7c]

The Communal Guard and Legitimate Defence Groups

8.09 The LOC Profile 2008 reported that there were an estimated 150,000 militia and guards. [24a] (p22)

8.10 JSCRA Algeria, Security and Foreign Forces, last updated on 21 May 2012, noted that:

‘Formal security forces have also been supplemented in rural areas by local forces, armed by the state. The Communal Guard was set up by the Ministry of the Interior in 1994 and was reported in 2010 to have a strength of about 100,000. Local militias known as Legitimate Defence Groups were also formed in towns and villages. It has been estimated that the strength of the Communal Guard and the other local forces may exceed 150,000. It was reported in December 2010 that the government was planning to assign 60 per cent of the Communal Guard to the army and 30 per cent to the municipal police, with the remainder being retired or put on disability status. During 2011, members of the Communal Guard staged demonstrations against moves by the Interior Ministry to disband the force.’ [7c]

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ARMED FORCES

8.11 JSCRA Algeria, Armed Forces, last updated on 1 June 2012, observed that the armed forces consisted of 110,000 active personnel in the army with a further 100,000 reservists, 7,500 in the Navy and 14, 000 in the air force. [7e] (Armed Forces)

8.12 The Central Intelligence Agency (CIA), ‘World Fact Book, Algeria’, last updated on 19 November 2012, stated that the military branches included: ‘People’s National Army (Armee Nationale Populaire, ANP), Land Forces (Forces Terrestres, FT), Navy of the Republic of Algeria (Marine de la Republique Algerienne, MRA), Air Force (Al-Quwwat al-Jawwiya al-Jaza’eriya, QJJ), Territorial Air Defense Force (2009)’ [2a] (Military)

8.13 The Report of the UN Special Rapporteur on Violence against Women, its Causes and Consequences, published 19 May 2011, included in a footnote in its section on the national context and its implications for the status of women. ‘Figures provided by the Government of Algeria showed that there is one female general in the National Popular Army (the only woman in the army with such a high grade in the Arab world).’ [35a](p6)

8.14 JSCRA Algeria, Armed Forces, last updated on 1 June 2012, stated: ‘Algeria is a leading military power in the region. However, despite a fleet of aircraft that is the envy of most African countries and well-equipped and well-trained armed forces, the country has been beset by a spate of car bombings and attacks outside military and police outposts that have killed dozens of civilians as well as soldiers.’ [7e] (Armed Forces)

8.15 In its Algeria Country Report dated December 2010, the Economist Intelligence Unit stated:

‘The military elite’s influence over the political process during the 1990s has largely been curbed by Mr Bouteflika, but the military retains the ability to challenge the president’s policies...The president has, however, played a key part in the gradual transformation of Algeria since he came to power in 1999, notably by using the authority

of his office to marginalise senior members of the military old guard – le pouvoir – who used to be the major powerbrokers in Algerian politics.’ **[108e]**

- 8.16 The Congressional Research Service paper entitled, ‘Algeria: Current Issues’, dated 18 January 2012, observed: ‘The military frequently conducts targeted counterterrorism operations and searches in areas surrounding Algiers, particularly in Kabylia, and has deployed troops to Algeria’s southern borders. In recent years, the government has recruited new police and gendarmes, augmented security at borders and airports, and increased the security presence in major cities.’ **[56b] (p10)**

For details on military service, conscription and desertion see [Military Service](#)

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OTHER GOVERNMENT FORCES

Intelligence agencies

- 8.17 The Department of Information and Security (DRS - Département de Renseignement et de Sécurité) ‘... reports to the Defence Ministry and exercises internal security functions, but it also performs functions comparable to the police in terrorism cases.’ (USSD Report 2011) **[6h] (Section 1d)**
- 8.18 The same source also noted, ‘In a 2008 report, the UN Committee Against Torture expressed concern over reports that the Department of Intelligence and Security (DRS), ... maintained secret detention centers inside military barracks that operated outside judicial authority. During the year [2011] AI [Amnesty International] reported significant concerns that torture and abuse occurred in DRS detention facilities.’ **[6h] (Section 1c)**
- 8.19 JSCRA Algeria, Security and Foreign Forces, last updated on 21 May 2012, stated that:
- ‘The DRS is Algeria's powerful security and intelligence service ... [It] is still sometimes referred to informally as “military security” or “military intelligence”. The DRS has three major directorates specialising respectively in internal security/counter-intelligence, foreign intelligence and army security. In addition, there is a directorate specialising in the protection of the president and government figures. The DRS deploys an elite special forces counter-insurgency unit.
- ‘The DRS has a prominent role in countering the activities of Islamist insurgents and of those considered a threat to state security. Under Algerian law, DRS agents are empowered to act as judicial police. In January 2010, the DRS launched an investigation into alleged corruption in Algeria's national oil company. According to Amnesty International and other human rights organisations the DRS has been alleged to be prominently involved in the “disappearance” or secret detention of Algerian citizens. The DRS also has an important external role in liaising with foreign security and intelligence services and the gathering of intelligence beyond Algeria's borders.

‘Major directorates under the DRS:

- Directorate of Internal Security (Direction de la Sécurité Interieure: DSI):
Formerly known as the Directorate of Counter-Intelligence (Direction du Contre-

Espionnage - DCE), this very important directorate has a particular focus on eliminating internal threats to state security, with counter-intelligence operations as part of its mission. ...

- Directorate of Documentation and External Security (Direction de la documentation et de la Sécurité extérieure: DDSE): This department liaises with foreign security/intelligence services and is responsible for gathering intelligence abroad in relation to threats to Algeria's security...
- Central Directorate of Army Security (Direction Centrale de la Sécurité de l'Armée: DCSA) This department is responsible for ensuring the loyalty of army personnel, and ensuring that Islamist militants do not infiltrate the military. ...
- Directorate of Security and Presidential Protection (Direction de Sécurité et de la Protection Présidentielle: DSPP): This unit has the role of protecting the president and key members of the government. ...
- Special Intervention Group (Groupe d'Intervention Spéciale: GIS): This commando unit, founded in 1988, played a prominent role in countering the Islamic insurgency during the civil war.' [7c]

HUMAN RIGHTS VIOLATIONS BY THE SECURITY FORCES

Arbitrary arrest and detention

8.20 The USSD Report 2011 stated:

'Although the constitution prohibits arbitrary arrest and detention, overuse of pretrial detention occurred in practice. On July 9 [2011], the government-appointed head of the CNCPPDH [National Consultative Commission for the Promotion and Protection of Human Rights], Farouk Ksentini, stated that pretrial detention was "a significant weakness of the Algerian legal system." He questioned the official rate given by the Ministry of Justice that only 11 percent of detainees were under pretrial detention, stating that the rate was certainly higher. Ksentini noted in August 2010 that judicial error resulted in cases of "unjustified" pretrial detention due to a lack of incriminating evidence. ...

'Judges rarely refused prosecutorial requests for extending preventive detention, which by law can be appealed. Should the detention be overturned, the defendant has the right to request compensation... Most detainees have prompt access to a lawyer of their choice, and the government provides legal counsel to indigent detainees.'" [6h] (Section 1d)

8.21 The same report added: 'There is no system of bail, but in nonfelony cases suspects often were released on provisional liberty referred to as "judicial control" while awaiting trial. Under provisional liberty status, suspects are required to report weekly to the police station in their district and are forbidden to leave the country. ...

'Prolonged pre-trial 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. Those 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, and the prosecutor must show cause every four months for continuing pretrial detention. Hundreds of rioters in January [2011] charged with looting or public disorder were held in pretrial detention, usually for 24 hours, but sometimes for several days. Rioters, protesters, and activists were normally released without being charged.' [6h] (Section 1d)

See also Political affiliation – [Assembly](#)

- 8.22 Amnesty International noted in its Annual Report 2011 - Algeria, published 28 May 2011 and covering events in 2010, that, 'Officers of the Department of Information and Security (DRS), military intelligence, continued to arrest security suspects and detain them incommunicado, in some cases for more than the 12 days permitted by law, at unrecognized detention centres where they were at risk of torture or other ill-treatment. Impunity for torturing or otherwise abusing security suspects remained entrenched.' **[26d] (Counter-terror and Security)**
- 8.23 The Human Rights Watch, 'World Report 2012', covering events of 2011, released on 22 January 2012, (HRW World Report 2012) observed: 'In one case dating to the 1990s, Malik Mejnoun and Abdelkader Chenoui were brought to trial on July 18 [2011] for the 1999 assassination of Kabyle (Berber) singer-activist Lounes Matoub after they had spent 12 years in pre-trial detention. Both men claimed they were innocent and said they were tortured while in incommunicado detention. The court convicted them and sentenced them to 12 years in prison.' **[27e]**
- 8.24 The Freedom House report entitled, 'Countries at the Crossroads 2011 – Algeria', published on 10 November 2011, stated: 'In February 2011, the minister of the interior recognized the existence of secret prisons that operate outside of the control of the judiciary, but the DRS officially maintains that these prisons have not been in operation since 1996. The UN Commission of Human Rights classifies Algeria as a country that practices secret detention.' **[29f]**
- 8.25 An article by Front Line Defenders, dated 29 August 2012, stated:
- 'On the morning of 28 August 2012, the trial of human rights defender Mr Kherba Abdelkader was adjourned until 4 September [2012]. The list of witnesses provided by the defence was accepted by the Ksar Bukhari Court, but the human rights defender was denied bail with no justification provided for keeping him in detention. ... **[109a]** Meanwhile the same source further reported on 12 September 2012, that: 'On 11 September 2012, human rights defender Mr Kherba Abdelkader was acquitted of the charges against him and released by the Ksar Bukhari Court. He had been in detention since 21 August.' **[109b]**

See also [Opposition groups and political activists](#)

- 8.26 The Amnesty International Report 2012, 'The State of the World's Human Rights, Algeria', covering events of 2011 (AI Report 2012), published 24 May 2012, stated: '... in February, a presidential decree amending the Code of Criminal Procedures gave judges the power to refer terrorism suspects to "secure establishments" in undisclosed locations for months at a time, in effect allowing for secret detentions for prolonged periods.' **[26h]** The same report observed that '...in some cases [terrorism suspects] were detained incommunicado in what may have amounted to enforced disappearances.' **[26h]**

For details of the law on arrest and detention, see [Arrest and detention – legal rights](#)

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Torture and extra-judicial killings

8.27 The USSD Report 2011 stated:

'The law prohibits such practices [torture and other cruel, inhuman, or degrading treatment or punishment], but NGO [Non-Government Organisations] and local human rights activists reported that government officials sometimes employed abusive treatment to obtain confessions. Government agents can face prison sentences of between 10 and 20 years for committing such acts, and some individuals were tried and convicted. Nonetheless, impunity remained a problem. Local human rights lawyers maintained that abusive treatment occurred in detention facilities, most often against those arrested on "security grounds".' **[6h] (Section 1c)**

8.28 The Human Rights Watch, World Report 2011 - Algeria, published on 24 January 2011 and covering events of 2010, noted: 'Algeria amended its penal code in 2004 to make torture an explicit crime.'**[27a]**

8.29 The AI Report 2012, noted: 'Those detained as terrorism-related suspects were allegedly tortured and ill-treated while being held by the Department of Information and Security (military intelligence)...' **[26h]**

8.30 The United States Congressional Research Service, in its report of 13 April 2011, called 'Algeria: Current Issues', noted, 'Reports of torture and 'arbitrary killings' occur, but are fewer than in previous years.' **[56a]**

8.31 A publication by the Swedish Migration Board, following a joint fact-finding mission to Algeria between 11-16 June 2011, entitled, 'The Development in Algeria in the Shade of the Arabic Spring, and its Consequences on Migration (Public version)' (Swedish FFM Report 2012), dated 20 January 2012, noted with regards to torture that:

'According to Amnesty International, DRS [Département du Renseignement et de la Sécurité] used torture against terrorist suspects in secret detention as late as 2006. The abuse supposedly was carried out with systematic impunity in accordance with the 2006 amnesty laws.

'Representatives of CAERT [Centre Africain d'Etudes et de Recherche sur le Terrorisme] stated that terrorist suspects no longer are at risk of being tortured. CAERT also asserted that, in order to ensure that no abuses are committed, legal experts from the Gendarmerie are incorporated in the military units fighting terrorists in the mountains.

'A representative of the independent human rights organisation LADDH [Algerian League of Human Rights] stated that authorities previously acted in panic and used torture during a period marked by the absence of control. Nowadays, however, the situation has changed. The representative did not believe that torture existed in Algeria anymore.

'A representative of an international organisation stated that torture is no longer present in the country's prisons. The Police have been known to use violence to obtain confessions, and the leadership within the authority has indicated that improvements are needed. The representative believes that the Police authority actually is trying to bring about an improvement. On the other hand, the representative stated that it was not likely that the situation had changed fundamentally from what was reported in the Amnesty International document from 2006 regarding DRS' use of torture during interrogations of suspected.

'A representative of an independent newspaper stated that torture was used systematically during the war, but now only occurred in isolated cases to obtain confessions during interrogation. The representative was of the view that the press and the NGOs' efforts against torture had brought results.' [110a] (p25)

- 8.32 The Freedom House Report entitled 'Freedom in the World 2012, Algeria', covering events in 2011, published 4 June 2012 (Freedom House Report 2012), remarked, 'International human rights activists have accused the security forces of practicing torture.' [29g]
- 8.33 Another report by Freedom House entitled, 'Countries at the Crossroads 2011 – Algeria', published on 10 November 2011, remarked that 'Numerous abuses have been reported with regards to kidnapping by security forces; furthermore, there are reports that disappearances and torture have been committed under the guise of preventative detention.' [29f]
- 8.34 The Alkarama website reported on 15 October 2012 that:
- 'A thirty-three year old Algerian man is dead due to police brutality...This incident would have gone unnoticed had it been committed inside police station walls, in a prison, and out of the public eye. However, this thirty-three year old Algerian man died in front of his parents and neighbors, and even strangers in the district who were moved by the screams and tears. According to the police and the authorities, he was a drug dealer and simply died from an overdose. ...
- 'On October 9, Ahmed Sahnoun was arrested without cause by six police officers outside his home in the neighborhood of the Ben Fetta brothers in Mascara, some 350 km from Algiers. Very soon after arresting him, the police officers handcuffed him and began to beat him with batons and kick his head. They continued to beat him, everywhere on his body while Ahmed pleaded, "Stop, you're going to kill me! "... In response, one of the said told him: "You can die" ... Local residents and Ahmed's friends and family, who witnessed the scene, reported that the police continued to beat him. Some also argue that the agents brought a bottle to his throat. Others even say that the police made him drink a liquid in order to induce vomiting. Ahmed Sahnoun was transported to the nearest hospital around 6pm, and he was pronounced dead a few minutes later.
- 'The Wilaya Security Services were then rushed to contact the local media on the evening of Ahmed's death, claiming Ahmed Sahnoun was, "a fugitive involved in cases of detention and drug trafficking." The statements were repeated in Ennahar – a newspaper close to the Algerian authorities - in its October 11 issue.
- 'The authorities claimed to have ordered an autopsy in order to determine the cause of death and said the coroner's report, which was prepared at Meslem Tayeb hospital, "does not indicate any traces related to beatings by police. Ahmed's death was due to suffocation after ingesting a large quantity of psychotropic pills. '" [119b]

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Impunity

- 8.35 The USSD Report 2011 observed that: ‘Impunity remained a problem. The government did not provide public information on the numbers, infractions, or punishments of police, military, or other security force personnel.’ **[6h] (Section 1d)**
- 8.36 Commenting on impunity of the security forces (and members of insurgent armed groups) for human rights violations in 1990s, the HRW World Report 2012, observed:
- ‘Over 100,000 Algerians died during the political strife of the 1990s. Thousands more were subjected to enforced disappearances by security forces or abducted by armed groups fighting the government and never found. The 2006 Law on Peace and National Reconciliation provides a legal framework for the continued impunity enjoyed by perpetrators of atrocities during this era. The law also makes it a crime to denigrate state institutions or security forces for the way they conducted themselves during the political strife, thus potentially penalizing those who allege that the security forces perpetrated human rights violations.
- ‘The law promises compensation to families of “disappeared” persons. But organizations representing families of the “disappeared” criticized the state for its failure to provide a detailed account of the fate of their missing relatives, and for the pressure they said is applied to the families to accept compensation and abandon demands to learn the truth.’ **[27e]**
- 8.37 The AI Report 2012, stated:
- ‘The authorities again took no steps to investigate the thousands of enforced disappearances and other serious abuses that took place during the internal conflict in the 1990s or to ensure that perpetrators were held accountable. They continued to implement the Charter for Peace and National Reconciliation (Law 06-01), which gave impunity to the security forces, criminalized public criticism of their conduct and granted amnesties to members of armed groups responsible for gross human rights abuses. Families of people who disappeared faced pressure to accept generic certificates, which stated that their relatives were dead but did not specify the date or cause of death, as a precondition for claiming compensation.’ **[26h]**
- 8.38 The International Committee of the Red Cross (ICRC), ‘Annual Report 2011, Algeria’, published on 21 June 2012, noted: ‘Within the framework of the 2005 Charter of National Reconciliation, the Algerian authorities proceeded with the financial compensation of the families of people unaccounted for from the internal strife of the 1990s. In this respect, they were reminded of the ICRC’s readiness to share its experience to help them respond to the needs of such families. Their response had yet to be received.’ **[85b]**

See also [Judiciary](#)

AVENUES OF COMPLAINT

- 8.39 The USSD Report 2011 noted, ‘The criminal code provides mechanisms to investigate abuses.’ **[6h](Section 1d)**
- 8.40 The Office of the United Nations High Commissioner for Human Rights (OHCHR) ‘Opening remarks by UN High Commission for Human Rights Navi Pillay at a press conference during her mission to Algeria’, dated 19 September 2012, stated:

'I welcome the fact that Algeria has ratified almost all the main international human rights treaties, and during my visit the Government has shown some interest in ratifying two of the main treaties which it has not yet ratified, namely the Optional Protocol to the Convention against Torture (OPCAT), and the International Convention for the Protection of All Persons from Enforced Disappearance. ...

'The issue of the disappeared is still highly sensitive in Algeria. I congratulate the Government on its system of reparations to relatives of victims, based on the National Charter for Reconciliation, and urge it to also take further steps to provide them with more information about what happened to their family members and if possible where they, or their remains, are located. ...

'In this respect, I have been encouraged to hear that the Government has decided to accept the long-standing request of the independent UN body of experts, known as the Working Group on Enforced or Involuntary Disappearances, to visit the country to provide advice on how to deal with this difficult and deeply tragic issue. I hope this visit takes place soon and without any pre-conditions on the part of the Government. ...

'Over the past few years, Algeria has opened its doors to several Special Procedures (the generic term for the Rapporteurs and Working Groups), and I believe that this – along with the invitation to myself – is a clear indication that the country genuinely wishes to draw on the available international expertise designed to support States in their efforts to improve the human rights situation of their inhabitants.' [93c]

See also [International NGOs](#) for further information concerning visas to enter Algeria

National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH)

- 8.41 The USSD Report 2011, stated: 'Farouk Ksentini, president of the CNCPPDH [National Consultative Commission for the Promotion and Protection of Human Rights], was appointed by the president and paid by the government. The CNCPPDH publishes an annual report that provides measured criticism of the government. Ksentini routinely criticized human rights-related reports from domestic and international NGOs and foreign governments.' [6h] (Section 5)

See also section on [Human rights institutions](#)

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9. MILITARY SERVICE

- 9.01 The Child Soldiers International, 'Global Report 2008, on Algeria', released May 2008, covering the period between April 2004 and October 2007, reported that:

'The legal basis for conscription into the regular armed forces remained the National Service Code. Algerian men were liable for 18 months compulsory conscription between the ages of 19 and 30, and an additional six months service as a reservist up to the age

of 50. Some 375,000 young men were estimated as reaching military service age annually....' [39a] A more recent Child Soldiers International report entitled, 'Louder than words – An agenda for action to end state use of child soldiers', published in 2012, observed: 'According to the information available to Child Soldiers International, 17 year olds can enlist in the armed forces of Algeria...' [39b] (p53) The same report further noted in their report that the minimum age for voluntary recruitment into the armed forces was 17, and the legal minimum conscription age was 19 [According to its declaration under the Optional Protocol] [39b] (p142)

See also [Children's](#) section

- 9.02 Jane's Sentinel Country Risk Assessment Algeria (JSCRA Algeria), last updated on 1 June 2012, stated: 'Once compulsory service has been completed, soldiers must remain available to the Ministry of Defence for five years and may be recalled at any time, after which they become part of the reserve forces for a further 20 years. The number of reserves is thought to be around 100,000, but their mobilisation would be difficult as they would first need retraining.' [7e] (Armed Forces)
- 9.03 The Consulate of Algeria stated on its national service page of its website, last updated on 7 March 2012, and accessed 25 October 2012, that 'National Service registration (Recensement) is compulsory and takes place at the age of 18. This procedure is automatically carried out by the Consulate for all Algerian nationals born in the UK... as well as those who are registered at the consulate. However National Service can be deferred for the entire period of your studies.' [42a]
- 9.04 The Consulate website also noted that deferment can be sought whilst studying in the United Kingdom and exemption sought for medical reasons and for presidential exemptions: 'In 1999, His Excellency President Abdelaziz Bouteflika took important decisions to enable Algerian Nationals to regularise their National Service situation. People entitled to this scheme must be over the age of 22 and have finished their studies.' [42a]
- 9.05 The United States Department of State, Country Report on Human Rights Practices 2011, Algeria (USSD Report 2011), published on 24 May 2012, noted, 'The government did not permit young men eligible for the draft but who had not yet completed their military service to leave the country without special authorization, although the government granted such authorization to students and persons with special family circumstances.' [6h] (section 2d)
- 9.06 The Country of Return Information Project, 'Country Sheet for Algeria', dated May 2009, stated:
- 'Algerian citizens must perform their military duties. The Algerian army has evolved towards a professional army, meaning traditional conscription is progressively being reduced to the recruitment of professionals who will make a career in the army. However, military service is still maintained due to the existence of terrorism. A new presidential decree issued in July 2008 aims at implementing new and more rigorous measures concerning exemptions of military obligations for health reasons. New appeal and consultative commissions have to guarantee that the law be respected and an equal approach as for medical abilities, imputability and discharge.

'The regularisation applications regarding national service are always granted and examined in accordance with the calendar of the ad-hoc commission which travels

abroad each semester. Therefore there is no deadline for making a regularisation application.

'The regularization which started in the framework of presidential measures affects citizens born between January 2nd 1959 and December 1st 1980. Young Algerians born before December 31st 1981 do not have to justify their position on military service when leaving the national territory.

'According to the website of the Algerian embassy in Ottawa, Algerians can request to be exempted from national service for medical reasons or if they are 'the sole supporter of an ascendant or of a collateral relative who is disabled or a minor', or if they are older than 27 years and have paid work ... The regularisation of the national service is granted to draft evaders of the class of 2002 (i.e. people born in 1982), and to 'citizens of previous classes who have [completed] or left their studies on 31 December 2001' ... According to the consular section of the same embassy, this regularisation is granted to persons born in or before 1983 (24 May 2005).

'... The consular section of the Algerian embassy in Ottawa, in its written communiqué of 24 May 2005, has confirmed that the regularisation procedure regarding national service is the same in Algeria and abroad. The consular section has stated that an Algerian citizen who does not comply with the timetable for the regularisation may be considered to be absent without leave by the Algerian authorities (Algerian embassy 24 May 2005).

'Moreover according to the consular section, 'It is possible that persons who are in an irregular situation with regard to the national service may not obtain a passport. But these are rare occasions since the implementation of regularisation measures.'

'According to the consular section of the Algerian embassy in Ottawa, two types of documents are issued to persons who have regularised their situation: the provisional deferment card (for persons who continue their studies and who have provided proof thereof) or the exemption card (for persons who have requested regularisation).' **[10a]**
(Military Service)

- 9.07 Zawya.com, in an article dated 8 March 2011, explained that President Bouteflika has announced that men who are now over 30 will no longer be required to have completed military service:

'Algerian men over age 30 are no longer required to perform military service.

'The measure is the latest in a series of steps 'taken for handling youth preoccupations', the National Service Department said on 3 March 2011 about the new policy announced by President Abdelaziz Bouteflika.

'...Algerian men ...needed a 'military card' to land a job. National service is compulsory in the country, and holding a certificate of completion of 'this duty' is essential for travelling abroad or securing employment...

'The move affects not only men living in Algeria, but also those residing abroad. Thousands of researchers and talented individuals have been unable to return to their home country because of national service.' **[95a]**

CONSCIENTIOUS OBJECTION

Please note that older information has been retained in this section as no recent information could be located at the time of updating the report

- 9.08 War Resisters' International (WRI) stated in its report of 29 June 1998 on Algeria that:

'There is no legal provision for conscientious objection and no substitute service. Any individual claiming to be a CO [conscientious objector] will be considered a draft evader (insoumis).

'Professional serving members of the armed forces have no right to discharge if they have conscientious objection. If they do not wish to renew their contract, they have to announce this one year in advance. If they ask for discharge, they often face accusation of having given way to the pressure of the Islamic movement and not being credible anymore. In the worst cases they are accused of desiring to join the armed insurgent groups and may be interrogated and even tortured.' [57a]

- 9.09 WRI, in a report of 31 January 2011, called 'Algeria: Conscientious objector Soufiane Ababou feared recruited / fear for his safety', stated:

'War Resisters' International received information that Algerian conscientious objector Soufiane Ababou is feared to have been recruited by force yesterday, and there are serious fears for his health.

'Soufiane Ababou, a youth from the Algerian town of Lamtar who turns 26 next month, is refusing military service since 2005. He refuses military service based on his pacifist convictions.' [57b]

DRAFT EVASION AND DESERTION

Please note that older information has been retained in this section as no recent information could be located at the time of updating the report

- 9.10 The Child Soldiers International, 'Global Report 2008, on Algeria', released May 2008, noted that 'Evading conscription was punishable by a five-year prison sentence in accordance with Article 254 of the Algerian Military Justice Code 8.' [39a]

- 9.11 WRI also noted in its Algerian report of 29 June 1998 that:

'Draft evasion and desertion are punishable under the 1971 Military Penal Code (Code de Justice Militaire (CJM)).

'According to art. 40 of the Military Code, a state of emergency is equivalent to a state of war. Algeria has been in state of emergency since 9 February 1992 [and remains in a state of emergency as of February 2010]. This means that since 1992 the punishments as applicable in wartime prevail.

'Concerning penalties for draft evasion and desertion, no distinction is drawn between conscripts and professional soldiers. For officers the penalties are heavier.

'Draft evasion and refusal to perform military service (insoumission) is punishable by 3 months' to 5 years' imprisonment in peacetime. In wartime the penalty is from 2 to 10

years' imprisonment...Insoumis are those called up who have not reported to the military within 30 days of a call-up notice.

'The penalties for desertion are prescribed in arts. 255 to 270, depending on whether the deserter fled within the country, went abroad, or deserted to the enemy, and whether the deserter was alone or in a group.

'Desertion within the country is punishable by 6 months' to 5 years' imprisonment in peacetime; 2 to 10 years' in wartime. If more than two men desert together this is considered desertion with conspiracy and punishable by one to 6 years' imprisonment in peacetime; 5 to 15 years' in war time.

'Desertion abroad is punishable by 2 to 10 years' imprisonment in peacetime; 10 to 20 years' in wartime. In aggravated circumstances - for instance in case of desertion with conspiracy, desertion of officers, or if the deserters carried arms or ammunition - the penalty may be up to life imprisonment.

'If deserters flee to an armed group or to the enemy the maximum punishment is execution.

'Those who incite others to desert may be punished by 6 months' to 5 years' imprisonment in peacetime; 5 to 10 years' in wartime (art. 271).

'Those who hide deserters or try to keep them away from prosecution may be punished by two months' to two years' imprisonment (art. 272).

'Self-mutilation (in order to be unable to serve) is punishable by one to 5 years' imprisonment in peacetime; 5 to 10 years' in wartime (art. 273).' **[57a]**

- 9.12 See [Section 9.07](#) for details of men now over thirty who would previously have been regarded as dodging conscription.

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10. NON-GOVERNMENT ARMED GROUPS

OVERVIEW

This section should be read in conjunction with History and [The charter for peace and national reconciliation](#) subsection.

- 10.01 The Congressional Research Service (CRS) report, 'Algeria: Current Issues', published 18 January 2012, stated: 'The security situation has greatly improved since the civil conflict of the 1990s, but terrorism has not been eliminated. The U.S. State Department designates Al Qaeda in the Islamic Maghreb (AQIM), an Algerian-led group, as a Foreign Terrorist Organization (FTO).' **[56b] (p8)**
- 10.02 Jane's Sentinel Country Risk Assessment Algeria (JSCRA Algeria), last updated on 28 May 2012, stated:

'The Islamist insurgency continues to pose a threat to Algeria, albeit one of considerably diminished significance since the 1990s. The armed wing of the FIS, the Islamic Salvation Army (Armée Islamique du Salut: AIS), was initially the primary vehicle for opposition to the military-controlled government, but more extreme splinter groups emerged later in the 1990s. The security situation improved in 1997 when the AIS declared an unconditional, unilateral ceasefire, and more insurgents surrendered when offered an amnesty in 1999. Currently, the main active terrorist group is Al-Qaeda in the Islamic Maghreb (AQIM), which prior to January 2007 was called the Salafist Group for Preaching and Combat (Groupe Salafiste pour la Prédication et le Combat: GSPC). While the GSPC was never strong enough to seize power, and indeed it remains doubtful whether this is AQIM's strategic objective, its operatives are still capable of conducting destabilising attacks which have the effect of undermining the government's claims that stability has been restored.' **[7h] (Executive Summary)**

- 10.03 A publication by the Swedish Migration Board, following a joint fact-finding mission to Algeria between 11-16 June 2011, entitled, 'The Development in Algeria in the Shade of the Arabic Spring, and its Consequences on Migration (Public version)' (Swedish FFM Report 2012), dated 20 January 2012, noted:

'The delegation met in Algiers with representatives from Centre Africain d'Etudes et de Recherche sur le Terrorisme (CAERT), an organisation established in 2004, as a part of the African Union. CAERT is mainly engaged in research on terrorism.

'According to CAERT, armed Islamist opposition is now almost exclusively an occurrence in north-eastern Algeria, and in the Sahel region (i.e. southern Algeria, northern Mali and Niger). CAERT stated that the armed Islamist forces in northern Algeria now are limited to approximately 200 individuals belonging to the organisation Al-Qaeda in the Islamic Maghreb (AQIM). The group was called Salafist Group for Preaching and Combat (GSPC) before swearing allegiance to Al Qaeda. The AQIM fighters move about in the mountains in the provinces of Jijel and Tizi Ouzo, and to some extent in the mountain range that leads south in the province of Oued Soufa. The members of AQIM are sought after in mountainous areas by the Algerian security forces.' **[110a] (p11-12)**

- 10.04 The same source further observed:

'According to the CAERT there exists another terrorist organisation in northern Algeria as well, Dham Houmet Daawa Salafi (DHDS). DHDS is a splinter group from the Groupe Islamique Army (GIA). The latter group is no longer active. DHDS only consists of twenty persons – dwelling in the province of Tipaza and in Ain Defla. DHDS are known for attacking security forces, not civilian targets. The representatives from CAERT had not heard about DHDS related activities in a long time.' **[110a] (p12)**

- 10.05 The CRS report, 'Algeria: Current Issues', published 18 January 2012, explained: '...the group [AQIM] remains Algerian-led and primarily regionally focussed. In October 2011, Al Qaeda leader Ayman al Zawahiri called on Algerians to overthrow their government by "following the footsteps" of the Libyans.' **[56b] (p8)**

- 10.06 The United States Department of State, 'Country Report on Terrorism 2011 – Algeria [USSD Terrorism Report 2011]', published on 31 July 2012, stated:

'In 2011, al-Qa'ida in the Islamic Maghreb (AQIM) remained a significant security threat, primarily in the mountainous areas east of Algiers and in the vast desert regions of the

south, near countries on Algeria's southern border: Mali, Mauritania, and Niger. AQIM largely targeted Algerian security forces, but civilians were also wounded or killed collaterally. Algerian security forces isolated AQIM in the north and decreased the number of successful terrorist attacks, but AQIM continued to execute suicide attacks, attacks using improvised explosive devices (IED), and ambushes in the non-urban areas outside Algiers.' [6i]

See also subsection below [Human rights violations by non-government armed forces](#)

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AL QAEDA IN THE ISLAMIC MAGHREB (AQIM)

10.07 JSCRA Algeria, Non-state armed groups, last updated on 3 January 2012, provided the structure of AQIM:

Name: Al-Qaeda Organisation in the Islamic Maghreb (AQIM). Formerly known as the Salafist Group for Preaching and Combat (Groupe Salafiste pour la Prédication et le Combat: GSPC).
 Type: Militant Islamist (Sunni).
 Status: Active. The GSPC was founded in 1998 and re-branded as AQIM in January 2007 following the group's pledge of allegiance to Al-Qaeda on 11 September 2006.
 Leader: Abdelmalek el-Droukdel (alias Abu Musab Abd al-Wadud).
 Strength: 500-800 [7d]

10.08 The same source summarised the group's aims and objectives:

'AQIM's aim is to overthrow the Algerian regime and to replace it with an Islamic state under sharia (Islamic law). It seeks to achieve this by attacking regime targets including the military, police and security services. The attacks in August 2008 show a continuation of this policy and a desire to include operations against economic targets and their associated foreign workers. The name change is indicative of the group's desire to transform itself into an Al-Qaeda regional affiliate, expand its aims beyond Algeria to create a regional caliphate, and adopt a pan-Islamic, as opposed to nationalistic, jihadist ideology. This has led the group to assist associated cells in nearby countries in establishing their own operations and providing training support. Given the setbacks suffered by AQI in the course of 2008, the activities of AQIM have gained in prominence as the overall Al-Qaeda organisation seeks to maintain its ability to recruit people to its vision of an Islamic caliphate.' [7d] **(Non-state armed groups)**

10.09 The CRS report, 'Algeria: Current Issues', published 18 January 2012, stated:

'The practical meaning of AQIM's union with Al Qaeda is uncertain, and links between the two may be nominal but mutually beneficial. Adopting the famous name may have enhanced AQIM's legitimacy among extremists and facilitated recruitment, while enabling Al Qaeda to burnish its international credentials and, potentially, access a region geographically close to Europe. The merger may also have discredited the GSPC/AQIM among Algerian Islamists focused on a domestic agenda and/or opposed to violence against civilians. AQIM's cohesiveness is also questionable, as it may be

operating as relatively autonomous and/or rival cells. The State Department estimates AQIM's strength at under 1,000 fighters in Algeria, with a smaller number in the Sahel, and notes that the group is "constrained by its poor finances and lack of broad general appeal in the region."

'The AQIM organizational structure is hazy. [Leader] Droukdel reportedly continues to be based in the region of Kabylia, east of Algiers, where there was a reduction in security forces as part of a bid to reduce ethnic Berber unrest in 2001. The group is also active in the south, and across the order in the Sahelian countries of Mauritania, Niger, and Mali. Droukdel may be the ideologue of the group who sets broad directions, but Mokhtar Belmokhtar, Yahia Djouadi, and Abdelhamid Abu Zaid (aka Abid Hammadou) have gained public prominence as (perhaps rival) leaders of AQIM regional commands or "emirates" in the south and Sahel.' [56b] (p9)

10.10 The same report also noted, 'Since 2009, AQIM has conducted attacks outside of the capital, where security controls have made it difficult to operate, instead focusing on Kabylia and the Sahel.' [56b] (p10)

10.11 The Jamestown Foundation's article, Al-Qaeda in the Islamic Maghreb's Operational Revival in Northern Algeria, from the Terrorism Monitor Volume: 9 Issue: 36, published 22 September 2011, considered external and internal symbolic meanings of recent attacks by AQIM described in the sub-section which follows:

'The external meaning encompasses the international dimension as well as a national one. Internationally, the attacks aim at showing that the group is alive even though its leader, Osama Bin Laden, has been killed. In the national dimension, they show that AQIM still has the capability to attack the most visible elements of state control - the military installations. The internal meaning of the attacks could be a response to allegations of a decline in influence of the Algerian-based leadership over other factions of the group. Carrying out successful attacks against Algerian military installations could represent a means for AQIM Amir Abdelmalek Droukdel to boost his weakened leadership after the 'Sahelization' of the movement entailed a shift in the group's internal balance of power.' [19a]

10.12 The International Institute for Strategic Studies [IISS], Armed Conflict Database, 'The Sahel (AQ in the Islamic Maghreb), Summary 2011', noted 'Algeria appointed retired General Athman Tartag, seen as a hardliner, as its new head of its counterterrorism.' [45b]

HUMAN RIGHTS VIOLATIONS BY NON-GOVERNMENT ARMED GROUPS

10.13 The Human Rights Watch 'World Report 2012', covering events of 2011, released on 22 January 2012, (HRW World Report 2012) stated, 'Attacks by armed groups were down dramatically compared to the mid-1990s, but al Qaeda in the Islamic Maghreb (AQIM) continued to launch fatal attacks, directed mostly—but not exclusively—at military and police targets.' [27e]

10.14 The Amnesty International Report 2012, 'The State of the World's Human Rights, Algeria', covering events of 2011 (AI Report 2012), published 24 May 2012, stated:

'Armed groups, particularly Al-Qa'ida Organization in the Islamic Maghreb (AQIM), carried out a number of attacks. These mostly targeted military installations but also caused civilian deaths. Over 100 alleged members of AQIM and other Islamist armed

groups were reported to have been killed by the security forces, often in unclear circumstances, prompting fears that some may have been extrajudicially executed.

- An AQIM attack on a military barracks at Cherchell on 26 August [2011] reportedly killed two civilians and 16 soldiers.

‘In February, a presidential decree gave the army powers to combat terrorism, at the same time as lifting the state of emergency.’ [26h]

For further information on the state of emergency, please refer to the following sections: ‘Recent developments - [Political developments](#), Judiciary – [Independence and fair trial](#), [Arrest and detention](#), and [Political affiliation](#).

- 10.15 The United States Department of State, ‘Country Report on Terrorism 2011 – Algeria’, published on 31 July 2012, observed:

‘As in years past, Algeria experienced a spike in terrorist incidents during the summer and just prior to the start of Ramadan, which began August 1 [2011].

- On February 2 [2011], AQIM kidnapped Italian tourist Maria Sandra Mariani near Alidena, marking the first abduction of a foreigner by a terrorist group in southern Algeria since 2003.
- On April 15 [2011], approximately 40 AQIM militants attacked an army post east of Algiers and killed 17 soldiers.
- On July 16 [2011], a pair of suicide bombings near Boumerdes signaled the start of the annual pre-Ramadan uptick in violence. The vehicle-borne IEDs were the first suicide bombings in Algeria since July 2010 and targeted a police station in a small town.
- On August 26 [2011], a double suicide bombing against the Algerian Military Academy of Cherchell, west of Algiers, killed at least 18 people, mostly military officers, and injured as many as 35. The first attacker dressed in a military uniform, and the second bomber targeted those who responded to the first explosion.
- On October 23 [2011], an AQIM-affiliated group kidnapped one Italian and two Spanish aid workers from a Polissario-run refugee camp near Tindouf. AQIM was suspected of holding the hostages on Malian soil.’ [6i]

- 10.16 The Foreign and Commonwealth Office (FCO) Country Profile, Algeria, last reviewed by the FCO on 28 November 2012, noted more recent attacks:

- ‘On 29 June 2012, a military base in Ouargla was attacked by a car bomb. One person was killed and several injured.
- On 3 March 2012, a military base in Tamanrasset was attacked by a car bomb. 23 people were injured in the attack. The terrorist group the Movement for Oneness and Jihad in West Africa has claimed responsibility for the attack.’ [5a]

- 10.17 The United States Department of State Country Report on Human Rights Practices 2011, Algeria (USSD Report 2011), published 24 May 2012, stated:

'The government and the press attributed most terrorist attacks during the year [2011] to the terrorist group al-Qaida in the Islamic Maghreb (AQIM), which emerged in 2007 after the Salafist Group for Preaching and Combat allied itself with al-Qaida in 2006. Former minister of interior Noureddine Zerhouni stated in 2008 that an estimated 400 terrorists operated in the country; the figure remained the most recent one available. During the year press reports indicated that security forces killed or captured approximately 800 suspected terrorists. According to press reports, terrorists killed 38 civilians and 34 security force members.' **[6h] (Section 1a)**

See also the Foreign and Commonwealth webpage, [Travelling and Living Abroad, Algeria](#), for information on recent terrorist incidents.

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11. JUDICIARY

ORGANISATION

- 11.01 A United Nations (UN) Department of Economic and Social Affairs paper entitled, 'People's Democratic Republic of Algeria, Public Administration Country Profile', dated August 2004, noted:

'The legal system of Algeria is based on Civil Law and Islamic legal traditions. The principal of an independent judiciary is enshrined in Article 138 of the Algerian Constitution. ...

'Judicial matters are administered by the Supreme Judicial Council, which is presided over by the president. The Minister of Justice serves as the council's vice-president. The duties of the Council include ensuring the functioning of the judiciary in accordance with the law and nominating judges.

'The structure of the judiciary is three-tiered. At the first level are the tribunal courts, or *daira*, which are composed of a single judge. Civil and commercial litigation and some criminal matters are submitted to the tribunal courts. At the second level are the provincial, or *wilaya*, courts, which consist of panels of three judges. In all there are 48 *wilaya* courts, organized regionally into four chambers: civil, criminal, administrative, and accusation. These courts hear appeals from the tribunal courts.

'The highest judicial authority in Algeria is the Supreme Court. Located in Algiers, the Court comprises a Private Law chamber for civil and commercial cases, a Social Division that administers social security and labor cases, a Criminal Court, and an Administrative Division. A separate Council of State with jurisdiction over administrative matters was re-established (after its abolition in the 1960s) in 1998. A Tribunal of Conflicts adjudicates jurisdictional disputes between the Council of State and the Supreme Court.' **[111a] (Judiciary Branch, p7)**

- 11.02 Jane's Sentinel Country Risk Assessment Algeria (JSCRA Algeria), last updated on 21 May 2012, stated: 'The legal system in Algeria is based on a mixture of French and Islamic law, socialist principles, and the constitution that provides for an independent

judiciary headed by the Supreme Court, which is also the High Court of Appeal and has a constitutional role as the Council of State. ...Algeria has not accepted compulsory jurisdiction of the International Court of Justice.' **[7b] (Internal Affairs)**

- 11.03 The United States Department of State Country Report on Human Rights Practices 2011, Algeria, (USSD Report 2011), published 24 May 2012, noted: 'The High Judicial Council is responsible for judicial discipline and the appointment of all judges. President Bouteflika serves as the president of the council.' **[6h] (Section 1e)**
- 11.04 Lexadin, The World Law Guide page entitled, 'Courts and Cases Algeria', undated, accessed on 26 October 2012, noted, 'The High Council of Magistracy (Conseil Supérieur de la Magistrature) is the judiciary's regulatory body. It handles appointments, careers of judges, and disciplinary matters. It is headed by the President of the Republic.' **[112a]**

Ordinary courts

- 11.05 The Euro-Mediterranean Human Rights Network report entitled, 'Algeria: The Independence and impartiality of the Judiciary' (Euro-Mediterranean Report 2011), published October 2011, noted: 'The ordinary court is the basic tier law court, generally divided into four sections dealing with civil, criminal, labour relations and commercial cases. Comprising a president, a judge, a prosecutor and a clerk's office, a sole judge rules on all matters unless otherwise stipulated by law. For example, this is the case with the juvenile court and the social court, which rule as a college with a judge and two assessors present.' **[113a] (p13)**

Appeal courts

- 11.06 The Euro-Mediterranean Report 2011, noted with regards to the Appeal courts: 'The 1997 Ordinance relating to judicial zones established 48 appeal courts in line with the territory's administrative divisions. The judicial zones determine the appeal courts' territorial competences. The courts rule on appeals as a college. They comprise a president, presidents of chamber, counsellors, a prosecutor's office and a clerk's office. Each court is divided into several chambers which may be subdivided into sections.' **[113a] (p13)**

[Lexadin, The World Law Guide](#), also provided a list of the appellate courts in Algeria. **[112a]**

Accusation chamber

- 11.07 The Euro-Mediterranean Report 2011, stated: 'Set up at the level of each court, this is a second tier court. Its president has the power of control and supervision over the activity of the examining chambers. It also exercises a control over the activities of judicial police officers.' **[113a] (p13)**

Criminal court

- 11.08 The Euro-Mediterranean Report 2011, stated: 'This court is competent to rule on acts defined as crimes as well as acts qualified as subversive and terrorist referred by final judgement from the accusation chamber. It has full jurisdiction to try adults and minors over the age of 16 who have committed terrorist crimes. Three judges rule as a last resort assisted by two jurors.' **[113a] (p14)**

Supreme court

- 11.09 Lexadin, The World Law Guide page entitled, 'Courts and Cases Algeria', undated, accessed on 26 October 2012, with regards to the Supreme Courts, noted:

'The Supreme Court, located in Algiers is the highest judicial instance. It is composed of four chambers: a Private Law chamber for civil and commercial cases, a Social Division that presides over issues of social security and labor, a Criminal Court, and an Administrative Division. The court is the cassation court for the lower courts, it can only review lower court decisions on questions of procedure. When overruled the case will be returned to the lower courts for retrial.' **[112a]**

- 11.10 The Euro-Mediterranean Report 2011, stated:

'Created in 1963, this court is the highest judicial institution and is at the apex of the pyramid. The Constitution entrusts it with the role of being the regulating body of the ordinary judicial courts and the judicial appeal courts. In its capacity as judge ruling on the law, the Supreme Court checks whether legal rulings are made in respect of the law. It can either confirm the legal ruling being appealed against or invalidate it, in which case it refers the case back to the competent court. The Supreme Court evaluates the work of the ordinary and appeal courts, guarantees that jurisprudence is standardized across the whole of the national territory and ensures respect for the law.' **[113a] (p14)**

Military courts

- 11.11 A previous USSD Country Report on Human Rights Practices 2010, Algeria, published on 8 April 2011, stated:

'Military courts in Oran, Blida, Constantine, and Bechar try cases involving state security, espionage, and other security-related offences involving military personnel and civilians. Each tribunal consists of three civilian judges and two military judges. Although the president of each court was a civilian, the chief judge was a military officer. The permanent military court was composed of three members: a chairman (civilian magistrate from the civilian courts as president) and two assessors (from military personnel designated by the defense minister having at least the same rank of the defendant subject to trial).

'By law defense lawyers must be accredited by the military tribunal to appear. Public attendance at the trial is at the discretion of the tribunal and some cases took place behind closed doors. 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 the tribunals 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.' **[6a] (Section 1e)**

- 11.12 The Euro-Mediterranean Report 2011, stated with regards to access to a lawyer: 'In practice... selecting a lawyer for military cases is more complicated because the president of the military court can refuse the selection without giving any grounds for doing so and without any recourse to appeal.' **[113a] (p16)**

See also Security forces – [Torture and extra-judicial killings](#)

Shari'a

The following section should be read in conjunction with Women – [Family law](#)

- 11.13 The USSD Report 2011 stated, 'The family code contains elements of Sharia (Islamic law).' **[6h] (Section 6)**
- 11.14 The United States Department of State 2011 Report on International Religious Freedom - Algeria, published 30 July 2012, and covering events of 2011, added, 'Some aspects of the law and many traditional social practices discriminate against women. The family code, which draws on Sharia (Islamic law), treats women as minors under the legal guardianship of a husband or male relative, regardless of the woman's age.' **[6j] (Section II legal/policy framework)**
- 11.15 A publication by the Swedish Migration Board, following a joint fact-finding mission to Algeria between 11-16 June 2011, entitled, 'The Development in Algeria in the Shade of the Arabic Spring, and its Consequences on Migration (Public version)' (Swedish FFM Report 2012), dated 20 January 2012, noted:
- 'In Algeria, Islam still sets the limits. The Family Law is influenced by religion. ...'Representatives from UNIFEM [United Nations Development Fund for Women] and CIDDEF [Centre d'Information et de Documentation sur les Droits de l'Enfants et de la femme] state that the legal system generally is operating properly for female victims of violence. They can contact a physician, obtain a certificate of injury, and then report the offender, such as her husband, after which he is punished. ... At the same time, UNIFEM states that the sentences are rather lenient for the kind of violence that women usually are subjected to.' **[110a] (p18)**

See also [Women, Family law](#)

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INDEPENDENCE AND FAIR TRIAL

This section should be read in conjunction with Security forces – [Torture and extra-judicial killings](#)

- 11.16 The USSD Report 2011 noted:
- 'While the constitution provides for an independent judiciary, the president exercises supreme judicial authority, and the executive branch limited judicial independence. The constitution provides for the right to a fair trial, but in practice authorities did not always respect legal provisions regarding defendants' rights. ... Defendants are presumed innocent and have the right to be present and to 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. Courts occasionally denied defendants and their attorneys access to government-held evidence, but there were fewer reports of such incidents than in past years. Defendants

have the right to appeal. The testimony of men and women has equal weight under the law.’ **[6h] (Section 1e)**

11.17 The same source noted in a section on civil judicial procedures and remedies that, ‘The judiciary was neither independent nor impartial in civil matters and lacked independence in some human rights cases. Family connections and status of the parties involved could influence decisions. Individuals may bring lawsuits, and there are administrative processes related to amnesty, which may provide damages to the victims or their families for human rights violations and compensation for alleged wrongs.’ **[6h] (Section 1e)**

11.18 The Freedom House Report entitled Freedom in the World 2012, Algeria, covering events in 2011, published 4 June 2012 (Freedom House Report 2012), stated, ‘The judiciary is susceptible to government pressure’ **[29g]** Another Freedom House report entitled ‘Countries at the Crossroads 2011 – Algeria’, published on 10 November 2011, stated: ‘The constitution guarantees the presumption of innocence, although that right is sometimes undermined by the use of coerced confessions, in particular during investigations by the DRS into acts prejudicial to state security. Due process is not always respected in practice, particularly in political cases, as the president holds the ultimate authority over judicial proceedings.’ **[29f]**

11.19 A Human Rights Watch article entitled, ‘Algeria: Long Delays Tainting Terrorism Trials’, dated 18 June 2012, noted:

‘The Algerian authorities’ long delays in bringing key terrorism cases to trial undermines the defendants’ right to a fair trial.

‘Human Rights Watch examined the cases of eight suspects who were held for up to six years in secret detention outside of the judicial system, and who now face trials of questionable fairness because the judges refuse to allow an important witness to testify. Most of the defendants are charged with involvement in the kidnapping of a group of 32 European tourists in the Algerian desert in 2003. These cases dramatize the continuing obstacles faced by those charged with terrorist offenses, even after authorities lifted a state of emergency in 2011, to obtaining justice that is both prompt and fair, Human Rights Watch said.’ ...

‘After lifting the state of emergency, Algeria has finally brought to trial men whom it had placed in secret detention for months or years. But the delays in their trials and the courts’ refusal to summon key witnesses suggest that the injustice against these men is continuing’ **[27g]**

For information on the state of emergency, please refer to the following sections: [‘The Arab Spring’ 2011](#) , Recent developments - [Political developments](#), [Arrest and detention](#), and [Political affiliation](#).

11.20 With regards to training provided to judges in matters relating to children, the United Nations ‘Committee on the Rights of the Child Sixtieth Session’(UN CRC July 2012 Report), dated 18 July 2012, stated: ‘While welcoming the fact that juvenile-court judges are given specialized training on the Convention, the Committee regrets that such training does not reach all the other professionals working with or for children.’ **[54b] (p5)**

See also Children and [Judicial and penal rights](#) subsection

- 11.21 The Euro-Mediterranean Report 2011, considered the barriers affecting the impartiality and independence of the Judiciary, and highlighted the following areas:
- The limitations of constitutional control
 - The gaps in judges training
 - Interference in the careers of judges
 - The stranglehold of the executive activity over the High Judicial Council [113a] (p21-23)
- 11.22 The same report further considered the 'Infringements upon the independence and impartiality of the judiciary within the framework of the fight against terrorism' [113a] (p27)

The full analysis of the above mentioned points can be found in the [Euro-Mediterranean Report 2011](#). [113a] (p21-29)

- 11.23 The International Committee of the Red Cross (ICRC), 'Annual Report 2011, Algeria', published on 21 June 2012, stated: 'Despite the lack of substantive dialogue with some of the authorities at central level, the Justice Ministry expressed interest in an ICRC proposal to provide refresher training to magistrates, judicial police officers and health professionals in existing mechanisms designed to ensure the proper treatment of people remanded in custody or under interrogation.' [85b]

See also [Prison conditions](#)

PENAL CODE

- 11.24 The Algerian Penal Code (2007 edition) can be accessed via the link [here](#). The Code is in French and a translation facility will need to be used. [73]

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12. ARREST AND DETENTION – LEGAL RIGHTS

For details of human rights violations by the security forces, including arbitrary arrest and detention, see the subsection on [Human rights violations by the security forces](#).

- 12.01 The United States Department of State Country Report on Human Rights Practices 2011, Algeria, published 24 May 2012, stated, with regard to arrest and initial detention, that:

'According to the law, police must obtain a summons from the Prosecutor's Office to require a suspect to appear in a police station for preliminary questioning. Summonses also are used to notify and require the accused and the victim to attend a court proceeding or hearing.'

'Police may make arrests without a warrant if they witness the offense. Public lawyers reported that procedures for warrants and summonses usually were 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 under the law. Such individuals are obligated to answer questions posed to them by security forces, and they are not authorized to contact anyone. By law the initial court appearance in terrorism matters is not public.

'At the end of the 12-day period, the detainee has the right to request a medical examination by a physician of choice within the jurisdiction of the court. Otherwise the judicial police appoint a doctor. The certificate of the medical examination is then entered into the detainee's file.

'Following the 12-day period, individuals involved in terrorism cases are placed under judicial control, which requires them to report weekly to a local police precinct and to reside at an agreed-upon address. Travel within the country is unrestricted. Travel abroad is not generally authorized.' **[6h] (Section 1d)**

12.02 The report continued:

'Prolonged pre-trial detention remained a problem. The law does not provide a person in detention with the right to a prompt judicial determination of the legality of the detention. Persons charged with acts against the security of the state, including terrorism, may be held in pre-trial detention as long as 20 months, according to the penal code; the prosecutor must show cause every four months for continuing pre-trial detention. According to local NGOs, pre-trial detainees represented 11-12 percent of individuals held by prison authorities during the year. ...

'Judges rarely refused prosecutorial requests for extending preventive detention, which by law can be appealed. Should the detention be overturned, the defendant has the right to request compensation.

'There is no system of bail, but in nonfelony cases suspects often were released on provisional liberty referred to as "judicial control" while awaiting trial. Under provisional liberty status, suspects are required to report weekly to the police station in their district and are forbidden to leave the country.

'Most detainees have prompt access to a lawyer of their choice, and the government provides legal counsel to indigent detainees. The penal code requires that detainees in pretrial detention be informed immediately of their rights 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 there were continued reports during the year that these rights were not extended to all detainees. Typically detainees had access to a doctor only at the end of detention. Some detainees were held incommunicado without access to their families or lawyers.' **[6h] (Section 1d)**

12.03 The Human Rights Watch, 'World Report 2012', covering events of 2011, released on 22 January 2012, (HRW World Report 2012) noted:

'...on February 24 [2011], Bouteflika promulgated article 125 bis of the code of criminal procedure, allowing judges to place suspects in "protected residence." The law allows this form of custody to take place in a secret location and authorizes prosecution for revealing its whereabouts. "Protected residence" replaced "assigned residence," practiced during the state of emergency against a small number of suspected terrorists. "Assigned residence" involved removing these individuals from the judicial system and detaining them indefinitely in an undisclosed location, cut off from contact with families and lawyers.

'After the lifting of the state of emergency the detainees who had been in "assigned residence" were presented in court and transferred to official places of detention. However authorities continued to prevent some from appearing at trials. For example, lawyers for accused terrorists Omar Ferrah and Yacine Aïssani withdrew from the courtroom in protest when the court failed to produce the accused mens' co-defendant and alleged leader, Amar Saïfi, at several sessions of their trial between March and June, prompting the adjournment of the trial until November.' [27e]

For information on the state of emergency, please refer to the following sections: History - [‘The Arab Spring’ 2011](#) , Recent developments - [Political developments](#), and [Political affiliation](#).

See also Security forces and [intelligence agencies](#) subsection

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13. PRISON CONDITIONS

- 13.01 The International Centre for Prison Studies, World Prison Brief, Algeria, undated, accessed on 29 October 2012, provided the following information:

Country	ALGERIA
Ministry responsible	Ministry of Justice
Prison administration	Administration Pénitentiaire et de la Réinsertion
Contact address	Rue du 11 décembre 1960, El-Biar, Alger (Algiers)
Telephone/fax/website	tel: +213 21 79 12 60 fax: +213 21 79 14 25 Web: http://www.mjjustice.dz/?p=sys_pen
Head of prison administration (and title)	Mokhtar Felioune Directeur Général
Prison population total (including pre-trial detainees / remand prisoners)	56,000 at July 2011 (national prison administration)
Prison population rate (per 100,000 of national	156 based on an estimated national population of

population)	35.99 million at July 2011 (from United Nations figures)		
Pre-trial detainees / remand prisoners (percentage of prison population)	12.4% (31.12.2008 - untried prisoners only)		
Female prisoners (percentage of prison population)	1.8% (31.12.2008)		
Juveniles / minors / young prisoners incl. definition (percentage of prison population)	0.7% (2011 - under 18)		
Foreign prisoners (percentage of prison population)	1.7% (31.12.2008)		
Number of establishments / institutions	133 (2011)		
Official capacity of prison system	36,530 (31.12.2008)		
Occupancy level (based on official capacity)	152.2% (31.12.2008)		
Recent prison population trend (year, prison population total, prison population rate)	1996	35,737	(124)
	1998	36,905	(124)
	2001	34,243	(110)
	2004	44,231	(136)
	2007	55,119	(161)
	2010	58,000	(164)

[114a]

- 13.02 The United States Department of State Country Report on Human Rights Practices 2011: Algeria (USSD Report 2011), published 24 May 2012, stated:

‘Prison conditions generally did not meet international standards, and the government did not permit visits to military, high-security, or standard prison facilities or to detention centers by independent human rights observers. Overcrowding remained a problem in many prisons. Prisoners had access to potable water, and steps have been taken to improve recordkeeping and the use of alternative sentencing for nonviolent offenders. Conditions for female prisoners were generally better than those for men. According to human rights lawyers, prison overpopulation was explained partially by the government’s excessive use of pretrial detention. In 2008 the CNCPPDH [National Consultative Commission for the Promotion and Protection of Human Rights] conducted 34 prison visits and highlighted concerns with overcrowding, insufficient bed space, and problems with lighting, ventilation, nutrition, and hygiene.

‘According to the director general of the Prisons Administration, there were 56,000 prisoners, including 411 minors, in the country’s 133 prisons. Prisons held men and women separately. The Ministry of Justice has undertaken a prison building program to

alleviate crowding problems. New prisons opened during the year provide training, education, and reinsertion programs for prisoners and comply with international standards. Prison guards are also receiving renewed training. Officials permitted prisoners weekly visits by their families, and family members have the right to bring in food and clothes. Prisoners also could observe religious events and had a place to perform prayers. All Muslim religious days were observed within prisons. In each prison inmates can submit complaints to the penitentiary administration or their lawyers. An ombudsman does not exist to serve on behalf of prisoners or detainees.’ **[6h] (Section 1c)**

See also Children and [Judicial and penal rights](#) subsection

- 13.03 The Freedom House Report entitled ‘Freedom in the World 2012, Algeria’, covering events in 2011, published 4 June 2012 (Freedom House Report 2012), remarked, ‘Prison conditions in Algeria generally do not meet international standards due to overcrowding and poor nutrition and hygiene.’ **[29g]**
- 13.04 Another Freedom House report entitled ‘Countries at the Crossroads 2011 – Algeria’, published on 10 November 2011, observed: ‘Prison overcrowding is a problem, with 56,000 inmates filling 133 prisons intended for a total capacity of 25,000.’ **[29f]**
- 13.05 The International Committee of the Red Cross (ICRC), ‘Annual Report 2011, Algeria’, published on 21 June 2012, noted:

‘Detainees held in prisons under the authority of the Justice Ministry and in police/gendarmerie custody received visits from the ICRC, according to its standard procedures, to monitor their treatment and living conditions and respect for their judicial guarantees. Among those visited were security detainees transferred to Justice Ministry authority following the application of new regulations linked to the lifting of the state of emergency... Five weeks’ notice was required by the authorities for all ICRC visits. Efforts continued to seek information about and gain access to people allegedly detained by Algeria’s intelligence and security services.

‘During ICRC visits, foreign nationals received special attention given the particular risk of their becoming isolated. Those who wished to do so, informed their families, consular representatives, or local UNHCR [United Nations Human Rights Council] representation of their situation through phone calls or notifications made or sent on their behalf by ICRC delegates.

‘Following visits, findings and recommendations were shared confidentially with authorities. Based on such feedback, the Justice Ministry and, at local level, prison personnel, magistrates and police and gendarmerie officers maintained dialogue with delegates on ways of improving detainees’ conditions.

‘The ICRC pursued efforts to engage all relevant authorities in a sustained, confidential dialogue regarding the treatment and living conditions of people in military/police custody. A specific aim was to examine ways of ensuring systematic adherence to the provisions of the Criminal Procedure Act, with a view to reinforcing existing regulations on preservation of inmates’ legal rights. To support such a dialogue, the authorities received a summary report in January 2011 to complement an earlier report submitted in September 2010, both covering key issues identified from 2008 to 2010. Despite preliminary discussions with the Foreign Affairs Ministry and continued dialogue with the

Justice Ministry, no response had been received from other relevant ministries by year-end.’ [85b]

- 13.06 The ICRC report also addressed steps taken by the authorities to improve detainees’ conditions:

‘Detainees in prisons, numbering some 57,000 across more than 130 facilities, continued to suffer the repercussions of severe overcrowding. In efforts to address the problem, the authorities made significant progress in their plans to construct 81 new prisons, already opening some, and sought to encourage the use of alternatives to imprisonment, such as community service, for minor offences. Given the expressed intention of other international stakeholders to help the Algerian authorities develop alternative sentencing practices, the ICRC decided to wait until the scope of such projects was known before deciding whether to broaden its own support in this area. It maintained contact with relevant stakeholders to that end.

‘In the interim, individual prison directors benefited from ICRC advice on implementing short-term measures to improve conditions in existing facilities, such as enhanced aeration, better access to natural light and improved hygiene. At its request, the prison service received examples of when and how to apply restraining measures with detainees, based on the experience of other countries. Over the year, during their visits to some facilities, ICRC delegates noted certain improvements, including in relation to guard-detainee interaction, hygiene conditions and conditions of solitary confinement.

‘The ICRC also initiated discussion on the importance of facilitating interaction between detainees and their relatives outside prison, particularly for inmates held far from their homes. This highlighted the role family contact could play in ensuring both the detainees’ psychological well-being while in prison and their successful reintegration into family life upon release.’ [85b]

- 13.07 An article dated 22 May 2012, by ANSA Med, examined the prison reform programme which enables social reinsertion to detainees about to be released:

‘Algerian jails currently house about 58,000 people, almost all of whom young and behind bars for property crimes. For almost 16,000 of them (a percentage which speaks for itself) the penitentiary system provides for mechanisms which enable social reinsertion, with mechanisms taking into account their origins (in terms of social class), their education (if they had one), their habits and then what they can be once out of jail. The revolutionary aspect in this geographical area and due to the "burden" of traditions of the country, is that jails have been raised from a place to expiate one's crimes to a platform giving rise to hope for detainees giving proof of their willingness to return to a role within the normal world.

‘This choice is one which the State supports through a wide-ranging use of the instrument of release on parole - not an end in and of itself but one paving the way towards work worthy of the name. And so, ahead of the detainee about to be released (with a timeline that is not necessarily a short one, and with psychological support) there is a path which is not facilitated but which aims to enable them to attempt not redemption but simply a normal life. As part of these efforts Algeria has for some time requested the collaboration of foreign experts who come, assess, make suggestions and - when necessary - criticise. In the process the central State conducts dialogue with its structures across the country, beginning with the wilayas (provinces), which have to help the detainees take the first steps, even working alongside them in the starting of

administrative procedures for setting up a business. It is a process in which civil society is truly, effectively involved. The results in such undertakings as these are not immediate, and are only seen over the long term. However, according to the Justice Ministry, the fact that there are very few repeat offenders is already a victory itself.’ [115a]

WOMEN IN DETENTION

- 13.08 The Freedom House 2010 report on Women’s Rights in the Middle East and North Africa 2010 – Algeria, dated 3 March 2010, (FH Women’s Rights Report 2010) observed:

‘...when both the father and the mother of dependent children are sentenced to time in prison, the mother’s sentence is delayed until the father has been released from prison. Of the estimated 54,000 prisoners in Algeria, only 1.1 percent were women as of 2006, so these rules affect relatively few sentences. While they are intended to be beneficial, the special provisions for women are based primarily on their role as mothers, reinforcing patriarchal values in society.’ [29d]

For more information on women see [Section 23 - Women](#)

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14. DEATH PENALTY

- 14.01 Hands Off Cain reported on its Algeria webpage, 2012, accessed on 30 October 2012, that:

‘Algeria’s laws prescribe the death penalty for a range of crimes including ordinary crimes. In 1992 the scope of the death penalty was extended to terrorist offences. The Penal Code provides for the application of the death penalty for serious offences including: treason and espionage, attempts to change the regime or actions aimed at incitement, destruction of territory, sabotage to public and economic utilities, massacres and slaughters, participation in armed bands or in insurrectionary movements, counterfeiting, murder, acts of torture or cruelty, kidnapping and aggravated theft. ...

‘The last executions took place in August 1993, when seven armed Islamists were executed. They had been condemned to death for a 1992 attack on Algiers airport by special courts, which have since been dissolved... On December 18, 2008, Algeria co-sponsored and voted in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.’ [47a]

- 14.02 The Amnesty International Report 2012, ‘The State of the World’s Human Rights, Algeria’, covering events of 2011 (AI Report 2012), published 24 May 2012, stated: ‘Courts continued to hand down death sentences, mostly against people tried in their absence for terrorism-related offences. The last execution took place in 1993.’ [26h]

- 14.03 A BBC news article dated 13 March 2012, noted:

'The leader of al Qaeda's Algerian offshoot has been sentenced to death in his absence. Abdelmalek Droukdel, who uses the alias Abou Mossab Abdelwadoud, is the head of al-Qaeda in the Islamic Magreb. A court in Algiers convicted him and eight co-defendants of murder, membership of a terrorist organisation and attacks using explosives. He is thought to have been responsible for introducing suicide bombings to Algeria. ...

'On Monday [12 March 2012] another court, in the eastern Algerian city of Bouira, sentenced Droukdel and three others to death in absentia after it found them guilty of terrorism, murder and carrying out massacres.' [60j]

- 14.04 The Hands Off Cain 2012 report entitled, 'The Most Important Facts of 2011', undated, accessed on 29 October 2012, observed: 'In 2011 and the first six months of 2012, ... hundreds of death sentences were handed down though not carried out in Algeria...' [47b]

- 14.05 On 24 October 2012, Hands Off Cain noted:

'An Algerian court sentenced to death eight men for murdering a businessman... [while] some of them had confessed to being members of Al-Qaeda. The trial lasted only three days, involving 14 defendants, six of whom claimed affiliation with Al-Qaeda in the Islamic Maghreb... The eight sentenced to death for pre-meditated murder were also charged with kidnapping for ransom, arms trafficking, money laundering, conspiracy and murder in 2010 of Hend Slimana in a village in the region.' [47c]

See also [Non-government armed groups](#)

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15. POLITICAL AFFILIATION

For information about freedom of expression generally, see [Freedom of speech and media](#). See also [Human rights institutions, organisations and activists](#)

FREEDOM OF POLITICAL EXPRESSION

- 15.01 The United States Department of State 'Country Report on Human Rights Practices 2011, Algeria', (USSD Report 2011), published 24 May 2012, noted, 'The constitution provides citizens the right to change their government peacefully through periodic elections based on universal suffrage. The constitutional change in 2008, allowing for the president to run for unlimited terms of office, greatly increased the difficulty for citizens to change their government peacefully. Restrictions on freedom of assembly and association, as well as restrictions on political party activities, also limit this right.' [6h] (Section 3)
- 15.02 The Freedom House Report entitled 'Freedom in the World 2012, Algeria', covering events in 2011, published 4 June 2012 (Freedom House Report 2012), reported:

'Algeria is not an electoral democracy. The military and intelligence services still play an important role in politics despite their ongoing rivalries with the political establishment. The People's National Assembly, the lower house of Parliament, has 389 members directly elected for five-year terms. The upper house, the National Council, has 144 members serving six-year terms; 96 members are chosen by local assemblies, and the president appoints the remaining 48. The president is directly elected for five-year terms, and constitutional amendments passed in 2008 abolished the two-term limit, allowing President Abdelaziz Bouteflika to run for a third term in 2009. The amendments also increased the president's powers relative to the premiership and other entities, drawing criticism from segments of the press and opposition parties.' [29g]

- 15.03 An Amnesty International report of 13 May 2011 called, 'State of Human Rights in the Middle East and North Africa January – Mid April 2011' noted, 'On 15 April [2011], the President announced some reforms to "strengthen democracy", including the revision of electoral law and the appointment of a constitutional reform committee.' [26f]

For further information please refer to Recent developments - the [Political developments](#) subsection

- 15.04 The Freedom House report entitled, 'Countries at the Crossroads 2011 – Algeria', published on 10 November 2011, stated: 'Algerian elections are marked by varying degrees of pluralism, fraud, and participation. The army has always effectively appointed the president and his staff, but in the last two decades it has allowed a small number of nonthreatening candidates to run in order to give an impression of pluralism. Consequently, elections are largely boycotted by the opposition and ignored by the people.' [29f]

- 15.05 The same report further noted:

'Only parties in good standing with the central government are permitted to run in elections, and considerable obstacles ensure that they will not challenge favored candidates. Only parties that obtained 3 percent of the vote in the preceding elections are authorized to field candidates, although certain minority parties are arbitrarily exempt from this requirement. Candidates must also run in more than 25 provinces to be eligible. As a result, candidates from small or newly created parties face considerable difficulty.' [29f]

See also [Opposition groups and political activists](#) which follows below in this section

- 15.06 The Washington Times reported on 29 September 2012, that:

'Algeria is proposing an initiative under the auspices of the United Nations that would limit freedom of expression in order to prevent the stigmatizing and denigrating of Islam.

'Algeria's Foreign Minister Mourad Medelci said a global response is needed following the recent violent demonstrations provoked by a U.S.-produced video which mocks Muslims and the Prophet Muhammad.

'Dozens of world leaders raised the issue of free speech versus denigration of religion at this year's ministerial meeting of the U.N. General Assembly.' [120a]

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2012 Parliamentary elections

To give the reader a broader understanding concerning the May 2012 elections, please read the following section in conjunction with Recent developments – [Political developments](#). See also Women – [The performance of women during the May 2012 parliamentary elections](#)

- 15.07 The Economist Intelligence Unit (EIU) paper entitled, 'Election post-mortem', dated 13 June 2012, with regards to the May 2012 general elections, stated:

'Within Algeria, the election results were greeted with a chorus of criticism and allegations of electoral fraud. The Rassemblement pour la culture et la démocratie, an opposition party that boycotted the polls, said they "perpetuate a tradition of falsifying the results of elections". The Alliance de Algérie verte issued a statement saying the will of the people had been "stolen", and a spokesperson for the bloc, Abderrazak Mokri, said there was a "process of fraud" at the national level to "change" the constituency results. The secretary-general of the Parti des travailleurs, Louisa Hanoune, said the results were a "provocation" for the party, while the president of the Mouvement des citoyens libres, Mustapha Boudina, said that there were "several violations" during the election and that the "will of the people" for change was not reflected in the results.

'The government went to great lengths to ensure that the election was seen to be free and fair. It was supervised by an independent national monitoring commission composed of representatives of the 44 participant parties and observed by a committee made up of magistrates and 500 international observers. Some irregularities were noted by monitors. The head of the EU observer mission, José Ignacio Salafranca, expressed concern that the Ministry of the Interior had not allowed its observers free access to the national electoral roll, which potentially could create an opportunity for people to be registered to vote in more than one constituency. The president of the national monitoring commission said he was "surprised" that the interior ministry announced the election results before the counts had been finalised in many parts of the country, and noted a number of infractions at the voting booths, including, in some cases, verbal or physical aggression. There was also criticism that the monitoring commission was itself influenced by the political interests of the main parties. And the president of the Ligue algérienne des droits de l'homme (a human rights body), Boudjamaa Ghechir, said that a wave of arrests of political opponents ahead of the elections was a "violation" of citizens' fundamental rights.

'The true degree of fraud and intimidation is difficult to quantify. Although there is no doubt that there were irregularities, monitors found that the election was largely free and fair, and it is unlikely that any impropriety had a material affect on the result. Mr Salafranca said the citizens were, in general, "able to truly exercise their right to vote", and that the elections were a "first step" on the path to reform.' [108d]

- 15.08 An article published by Xinhuanet News Agency on 12 May 2012, stated:

'Head of an Arab League [AL] observer mission in Algeria has appraised the recent parliamentary elections in the North African nation as transparent, credible and well-organized, the APS [Algeria Press Service] news agency reported...

'The elections "were transparent, credible, as they were held in an atmosphere of free competition away from any attempt to influence the voters," the monitor, Hanafi Wadjih, told a press conference, adding that "They have not registered major breaches likely to influence the smooth running of the poll."

"The Algerian people have expressed their choice without coercion" in the elections, Wadjih said, noting that the Algerian administration "has met all conditions likely to lead to a successful election process in an atmosphere of freedom and justice."

'As head of the 132-member AL observer mission, Wadjih said his team followed up "carefully" this electoral process in 4,155 polling stations across the country, adding that "the elections were in line with the Algerian organic law on the electoral system, and in line with international standards."

'The observer pointed out some problems the mission noticed during the voting, such as the slow voting process in some polling stations, the lack of logistics and experience of some workers. However, he said these problems did not have any major impact on the electoral process.' [116a]

Mothers of the disappeared

15.09 The Euro-Mediterranean Human Rights Network, in a report of 20 August 2010, called 'Algeria: Demonstration of solidarity with mothers and relatives of the disappeared' noted:

'For 12 years, each Wednesday, in Algiers, the mothers and relatives of the disappeared have gathered to claim Truth, Justice and Reparation about the disappeared in the 1990s. This weekly meeting, which became a symbol of claim and resistance, has suddenly been forbidden on August 4 2010.

'Since then, each week, the families of the disappeared try to maintain their sit-in. The gatherings of August 4, 11 and 18 have been dispersed, the first two times in an unprecedented violence, and have resulted in arrests of some relatives of the disappeared and human rights defenders. The president of the national institution for human rights (CNCPPDH) himself, in public statements in Medias, said that he asked to prohibit the sit-in because the families of the disappeared would have gone too far. The families of the disappeared remain without recourse against scorn and arbitrariness.'

[96a]

See also Security forces – [Impunity](#)

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FREEDOM OF ASSOCIATION AND ASSEMBLY

15.10 The USSD Report 2011 noted, 'Although the constitution provides for freedom of assembly and association, the government severely restricted the exercise of these rights in practice.' [6h] (Section 2b)

Association

15.11 The United Nations (UN) Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, dated 12

June 2012, (UN Special Rapporteur Report 2012) following his visit to Algeria from 10 to 17 April 2011, stated:

‘At the time of the visit, Law No. 90-31 of 1990 governed the modalities of constitution, organization and operation of associations. Articles 7 and 10 provided that an association was lawfully established, inter alia, after (a) a declaration of constitution had been submitted to the wali of the wilaya where the association was based, or to the Minister for the Interior, in the case of national or inter-provincial associations; and (b) the issuance of a registration receipt by the competent authority within 60 days of receiving the said declaration. In the event that the competent authority believed that the establishment of the association would be contrary to the law (namely, based on an object contrary to the established institutional system, public order, public morality or law and regulations in force), it referred the case to the administrative chamber of the relevant court eight days before the expiry of the 60-day period. The court would then have 30 days to give its decision (art. 8).’ **[35f] (p18)**

15.12 The same source continued:

‘The Special Rapporteur was repeatedly informed that, in practice, registration receipts were arbitrarily denied, upon instructions from authorities or without referring the case to a court, or indefinitely delayed, for organizations critical of the Government’s policies or on issues deemed controversial, such as enforced disappearances and the victims of terrorism during the Black Decade. For instance, the non-governmental organizations SOS Disparus and Somoud, which work on the above-mentioned issues, were reportedly never informed of the status of their submission to the Minister for the Interior. Similarly, the youth association El Manara has still not received any registration receipt since its submission in 2006 before the wilaya of Mostaganem. In the absence of the registration receipt, an association has no legal personality and, as a consequence, cannot open a bank account, receive funds or file a complaint before a court. In addition, some associations have been arbitrarily asked to change their name when applying for the renewal of their board. This was the case, for instance, of the non-governmental organization Femmes algériennes revendiquant leurs droits (Algerian Women Claiming Their Rights). ...

‘The creation of an association is now subject to a procedure amounting to a regime of preliminary authorization since the administrative authorities are required to either deliver a receipt granting authorization or reject the application (art. 8), without having to refer the case to a judicial court. In the event of rejection, the association may appeal before the competent court. The criteria upon which an application may be refused are extremely broad, and may therefore lead to arbitrariness, as the object and the goals of an association’s activities must be compatible with the general interest and not contrary to national values, public order, public morality or applicable laws and regulations (art. 2). Another issue of concern is the fact that associations may no longer receive funds from legations and foreign non-governmental organizations outside the framework of duly established partnerships (art. 30), financially stifling several human rights associations that rely on such funding. Should an association receive funds from these entities, it may be suspended for a maximum period of six months (art. 40) or even dissolved (art. 43). Furthermore, administrative authorities may suspend or dissolve an association “when it interferes with domestic affairs or when it infringes upon national sovereignty” (art. 39); again, such broad terms may be invoked in an arbitrary manner. Lastly, any member or head of an association that has not been registered or authorized, has been suspended or dissolved, and who continues to work in its name

will face a prison term of three to six months and a fine of 100,000 to 300,000 DA (art. 46). Such a provision is particularly problematic in the light of the above.’ **[35f] (p18-19)**

15.13 The USSD Report 2011 stated:

‘The law grants the government wide-ranging oversight of and influence in the day-to-day activities of civil society organizations. The law’s extensive requirements and uneven enforcement serve as major impediments to the developments of civil society. ...

‘The Ministry of Interior must approve all political parties before they are considered legally established. The government restricted the registration of certain NGOs [Non-Governmental Organisations], associations, and political parties on security grounds but declined to provide evidence or legal justification for refusing to authorize other organizations that could not be disqualified on security grounds. The government frequently failed to grant in an expeditious fashion official recognition to NGOs, associations, religious groups, and political parties. The ministry may deny a license to or dissolve any group regarded as a threat to the government’s authority or to public order. For example, the law implementing the 2006 amnesty prohibits political activities by anyone responsible for having used religion leading to the “national tragedy,” that is, the 1990s civil conflict, thereby theoretically banning Islamic political parties.

‘The government issued licenses and subsidies to domestic associations, especially youth, medical, and neighborhood associations. The Interior Ministry 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 by law on a series of authorizations from the ministries of interior and national solidarity. These authorizations remained difficult to obtain. According to the Ministry of Interior, there were 80,000 registered associations. Of that total, only a few hundred are functioning and credible independent national NGOs. SOS Disparus remained unrecognized and continued to operate facing government interference.’ **[6h] (Section 2b)**

15.14 The Freedom House Report 2012, reported: ‘While there are dozens of active political parties, movements that are deemed too radically Islamist are outlawed, and many of the Islamist groups that were banned in the 1990s remain illegal.’ **[29g]**

15.15 The Human Rights Watch, ‘World Report 2012’, covering events of 2011, released on 22 January 2012, (HRW World Report 2012) observed:

‘The Council of Ministers on September 12 [2011] adopted a draft law on associations that allows authorities to oppose the creation of an association they deem to be contrary to “the public order” or “good morals.” It also makes it easier for authorities to dissolve an association without a court order and harder for an association to receive funding from abroad. Under the proposed law, administering an “unapproved” association would remain a crime.

‘Authorities required organizations to obtain authorization from the local governor before holding indoor public meetings. The government in June banned two events organized by the Algerian League for the Defense of Human Rights: a conference on the occasion of the Day of the Child scheduled for June 1 in the wilaya (governorate) of el-Taref and one to be held in Algiers on June 10 about corruption in the Arab world.’ **[27e]**

- 15.16 The United Nations (UN) Concluding observations of the Committee on the Elimination of Discrimination against Women, Algeria, published 2 March 2012, noted with ‘... concern the provisions of the Law on Associations, adopted in January 2012, stipulating a requirement of specific authorization for an association so that it can receive funding from international donors, which may negatively impact the activities of those associations working on gender equality and empowerment in a developmental context.’ **[93b] (p5)**

See also [Women](#)

- 15.17 The UN Special Rapporteur Report 2012, observed:

‘With regard to foreign associations, they may be authorized to operate only if they aim at implementing provisions contained in an agreement between the Government of Algeria and the Government of the country of origin of these associations, with a view to promoting relations based on friendship and brotherhood between the Algerian people and the people of the country of origin of such associations (art. 63) Foreign associations may similarly be suspended or dissolved by the administrative authority in the event of, inter alia, “blatant interference with the host country’s affairs, or when its activity infringes upon national sovereignty, the established institutional order, national unity or the integrity of the national territory, public order, public morality, or the civilizational values of the Algerian people” (art. 65). Likewise, these provisions are broad and may be used arbitrarily.’ **[35f] (p19)**

- 15.18 The UN Human Rights Council (HRC) Report of the Working Group on the Universal Periodic Review (UPR), published 5 July 2012, relayed the following response to questions by the Kuwaiti delegation: ‘With regard to freedom of association, and specifically authorization for the establishment of associations — be they political or not — the conditions had improved under a new law on the subject. The authorities were now obliged to respond to applications within specific deadlines, and denials were subject to appeal in the courts.’ **[35g] (p8)**

- 15.19 The same source further stated: ‘With regard to the foreign funding of associations, the Associations Act did not prohibit such funding; on the contrary, it encouraged partnerships, while demanding transparency as a precautionary measure required because the State must ensure the security of its citizens. The civil society movement was now a source of pride in Algeria, as it indicated the progress made in the long march towards democracy on which the country had embarked.’ **[35g] (p11)**

- 15.20 A report by Freedom House entitled, ‘Countries at the Crossroads 2011 – Algeria’, published on 10 November 2011, stated:

‘According to the minister of the interior, the country has more than 91,608 associations, many of which are fictitious, inactive, or created in order to receive grants during election periods. Despite the high number of associations, civil society’s influence on policy making is limited. Article 7 of Law No. 90-31 states that associations, political parties, and trade unions must register with the province at the local level, or with the Interior Ministry at the national level in order to operate legally. The authorities, however, often refuse to authorize organizations critical of government policies, prompting most of these organizations to operate underground. Fines and imprisonment are a risk for any person leading an unregistered association, but many illegal associations continue to operate. No political party has received accreditation from the Interior Ministry since 1999; in April 2011, 42 filed requests. Apolitical groups may also

be prevented from operating if their activities are linked to international structures or causes that threaten the economic interests of the governing elite.’ [29f]

See also Recent developments – [Political developments for information on the use of religion](#) by political parties..

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Assembly

15.21 The UN Special Rapporteur Report 2012, stated:

‘When the state of emergency was lifted in February 2011, Law No. 91-19 of 1991 governing the exercise of the right to freedom of peaceful assembly was once again applied. Public gatherings are subject to a prior declaration made to the wali [local governors] at least three days before the event takes place (art. 5). Public demonstrations are subject to prior authorization (art. 15), and the request to hold a public demonstration must be made to the wali at least eight days before it commences (art. 17). Should a demonstration be held without prior authorization, it is considered an illegal assembly (art. 19) and the organizers and participants may face imprisonment of three months to one year and/or a fine of 3,000 to 15,000 DA (art. 23). Article 9 provides that “it is forbidden in any public gathering or demonstration to express opposition to national values” and “to undermine the symbols of the first November revolution, public order and morals”. In the event of violation of article 9, the sanctions envisaged under article 23 apply.

‘According to several activists, however, despite the lifting of the state of emergency, the 2001 decree continues to be invoked to prevent a number of marches in the capital and in other cities, such as Oran. When marches are allowed, authorization may be granted at the last minute; when refused, justification is rarely provided. The Special Rapporteur deplores such arbitrary and oblique practices. He favours a declaratory practice for both public gatherings and demonstrations rather than one of authorization.

...

‘... on 13 April 2011, the Special Rapporteur went to the scene where a peaceful assembly of relatives of disappeared persons had just been repressed by security forces, in front of the offices of the National Advisory Commission for the Promotion and Protection of Human Rights. One activist from the non-governmental organization SOS Disparus had been hit in the lower body, another one was beaten, and women, including some elderly, were roughly handled. The Special Rapporteur is deeply concerned about this completely unacceptable brutality.

‘... Since the visit of the Special Rapporteur, a number of public demonstrations have reportedly been banned; for instance, on 23 April 2011, civil servants of the Ministry of National Education were reportedly prevented from holding a peaceful assembly in front of the presidential office, and several of them were beaten. On 29 June 2011, a peaceful march organized by lawyers of the Algiers bar association was not allowed. Likewise, marches organized by the Coordination nationale pour le changement et la démocratie (National Coordination for Change and Democracy) have repeatedly been prevented. On 16 October 2011, security forces reportedly used violence to disperse a peaceful assembly of 30 members of the Comité nationale pour la défense des droits des chômeurs in the wilaya of Laghouat. It is reported that some of the members were

physically assaulted and arrested for some time; five of them were severely injured. The security forces also took away their banners and mobile phones. The Committee coordinator was summoned shortly after to the police station in Batna, and was interrogated on the the Committee's activities and its link with other trade union activists. The Special Rapporteur was also informed that organizers of peaceful assemblies were targeted by security forces prior to planned assemblies. For instance, in June 2011, three members of the Rassemblement pour la culture et la démocratie (Alliance for Culture and Peace) were apprehended before the weekly gathering of the Coordination nationale pour le changement et la démocratie and interrogated on their political activities before being released.' **[35f] (p17-18)**

15.22 The USSD Report 2011 stated:

'The constitution provides for the right of assembly, but government practice continued to curtail this right. A decree implemented in 2001 banning demonstrations in Algiers remained in effect and was put into practice during the year. Authorities required citizens and organizations to obtain permits from the government-appointed local governor before holding public meetings. The government continued to restrict licenses to political parties, NGOs [Non-Government Organisations], and other groups to hold indoor rallies and frequently granted permissions on the eve of the event, thereby impeding publicity and outreach. In December [2011] local government officials refused to authorize two conferences that the LADDH [Algerian League of Human Rights] planned to hold in Algiers and Boumerdes to celebrate International Human Rights Day. ...

'The LADDH reported continuing difficulties in obtaining permission to hold outdoor meetings and seminars. Groups opposing the Charter on Peace and Reconciliation also had difficulty securing permission to hold public gatherings.' **[6h] (Section 2b)**

15.23 The HRW World Report 2012, released on 22 January 2012, noted:

'On March 16 [2011] in the city of Mostaganem authorities arrested and held overnight Dalila Touat of the unrecognized National Committee to Defend the Rights of the Unemployed for handing out leaflets and charged her with violating article 100 of the criminal code, which prohibits "any direct instigation ... by distributing written matter, of an unarmed gathering." A court in Mostaganem acquitted her on April 28. Authorities also subjected leaders of Algeria's several independent and legally unrecognized labor unions to various forms of harassment.' **[27e]**

15.24 The Freedom House Report 2012, stated: 'The police disperse peaceful assemblies, and the government generally discourages demonstrations featuring clear or implicit criticism of the authorities. As protests deposed other leaders in the region in 2011, the government forcibly disrupted public gatherings and protests, even after repealing the emergency law in February [2011]. Several people died and hundreds more were injured in clashes between the police and demonstrators.' **[29g]**

15.25 The Telegraph reported on 12 February 2011 that:

'The Algerian government was blamed by protesters for preventing access to internet providers across much of the capital, Algiers, and other cities including Annaba for much of Saturday morning and afternoon [12 February 2011] in an attempt to prevent planned demonstrations gathering pace.

'Plastic bullets and tear gas were used to try and disperse large crowds in major cities and towns, with 30,000 riot police taking to the streets in Algiers alone. ...

"The government doesn't want us forming crowds through the internet," said Rachid Salem, of Co-ordination for Democratic Change in Algeria. ...

'The Algerian government later denied that access to the internet or social networking websites had suffered any disruption or restriction on its part. A spokesman for the Algerian Embassy in London dismissed the claim as "baseless". Meanwhile Facebook said there was no evidence of notable disruptions to their service, nor of accounts being deleted.

'But a spokesman for Algerian internet monitor Remyses said: "It is possible that the blockages of the internet were not visible from abroad, according to the Iranian 'strangulation' model or by the cutting of domestic connections."

'The Algerian pro-democracy protestors did not have the technological expertise to monitor nationwide internet use, nor indeed Facebook accounts, on Saturday.' **[118a]**

See also [Freedom of speech and media](#) and [Internet](#) subsection

See also section on [Human rights institutions, organisations and activists](#)

See also Security forces – [Arbitrary arrest and detention](#)

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

15.26 Jane's Sentinel Country Risk Assessment Algeria, (JSCRA Algeria) last updated on 28 May 2012, stated:

'In general, political parties remain weak in the Algerian system, a trend that has been exacerbated since Bouteflika succeeded in amending the constitution to give more power to the presidency in 2008. Moderate Islamist parties are tolerated by the government, indeed many of their supporters have been co-opted by the more mainstream secular parties like the Rally for Culture and Democracy (Rassemblement pour la Culture et Démocratie: RCD) and FLN [National Liberation Front]. The FIS, however, remains banned although there have been repeated suggestions since 2005 that the government is considering lifting this.' **[7b] (Internal Affairs)**

15.27 The USSD Report 2011 further noted:

'The Ministry of Interior did not approve any political parties during the year. In April [2011] Interior Minister Daho Ould Kablia indicated that the ministry had received 42 requests to authorize new political parties. In November [2011] Ould Kablia indicated that there were only five or six political parties that would meet the government's conditions for approval. Opposition candidates complained that the ministry 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). A party must have received 4 percent of the vote, or at least 2,000 votes, in 25 wilayas (provinces) in one of the last three legislative

elections to participate in national elections, making it very difficult in practice to create new political parties.’ **[6h] (Section 3)**

- 15.28 The UN News Centre, in a release of 27 April 2011 called, ‘UN rights expert urges Algerian Government to probe killing of political activist’, stated:

‘The independent United Nations expert on the right to freedom of opinion and expression today called on the Algerian Government to investigate the killing of a political activist he had met on a recent official visit [10 – 17 April 2011] to the North African nation and to bring those responsible to justice.

‘Ahmed Kerroumi reportedly disappeared on 19 April and his body was found in his office four days later. He was a professor at the University of Oran, and member of the opposition party Democratic and Social Movement and the Oran section of the National Coordination for Change and Democracy.

“His killing is tragic and absolutely unacceptable,’ said UN Special Rapporteur Frank La Rue. “According to reports I received, Mr. Kerroumi had several head injuries, which leads me to believe that this was an arbitrary deprivation of life.”... He called on the Government to conduct a detailed and independent investigation into the killing to bring those responsible to justice.

“Such action, coupled with a public condemnation by the Government, is indispensable to ensure that this horrendous event will not have a chilling effect on freedom of expression in the whole country,” noted the expert, who reports to the Geneva-based UN Human Rights Council.’ **[79a]**

- 15.29 The Alkarama website, in their release dated 5 August 2012, ‘Algeria: Political activist Abdellah Benaoum is free!’, stated:

‘Algerian political activist Abdellah Benaoum was freed today following his appeal before the Court of Relizane. On 6 June 2012, he was sentenced by the Relizane court to six months in prison for having attended a trial to support demonstrators charged in front of the court. ...

‘Abdellah Benaoum, activist from the Rachad opposition movement and member of “the initiative for peaceful change” was sentenced on June 6 by the Relizane court to six months in prison for having attended a trial to support demonstrators charged in front of the court. This sentence is part of a larger campaign of harassment and retaliation against political activists and human rights defenders throughout the country.

‘On 28 May 2012, Abdellah Benaoum was arrested in the Oued Rhiou courtroom in Relizane while he was attending the trial of a group of demonstrators in front of the correctional court. These demonstrators had been arrested a few days earlier for having organized a peaceful rally in Oued Rhiou to protest their poor standard of living, the chronic unemployment, and the contempt for them shown by the authorities. Abdellah Benaoum had filmed the gathering and interviewed them before posting the videos on the internet.

‘The 47 year-old activist was arrested under the accusation of having attempted to film the trial in the courtroom. Though he did indeed have his camera on a shoulder strap, he certainly did not film any of the 28 May hearing nor even of the interior of the court. Abdellah's camera, which was confiscated by the police, did not contain any photos or videos of the courtroom.’ **[119a]**

See also Security forces – [Arbitrary arrest and detention](#)

See also [Political system](#) and [Annex B - Political organisations](#)

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16. FREEDOM OF SPEECH AND MEDIA

OVERVIEW

- 16.01 Reporters Without Borders (RWB), in its Press Freedom Index 2011-2012, ranked Algeria 122nd out of the 179 countries included in the index (one being the most free and 179 being the least free). **[62d]**
- 16.02 The United States Department of State Country Report on Human Rights Practices 2011, Algeria, (USSD Report 2011), published 24 May 2012, summarised the situation regarding freedom of speech:

‘Although the constitution provides for freedom of speech and press, the government restricted these rights in practice through accusations of defamation; informal pressure on publishers, editors, and journalists; and the continued closure of broadcast media to private entities. In September [2011], the government passed a law decriminalizing press offenses.

‘Individuals generally were able to criticize the government privately, although there could be occasional reprisals. In practice citizens practiced self-restraint in voicing public criticism. The government attempted to impede criticism by monitoring political meetings and in some cases not allowing nongovernmental organizations (NGOs) to hold meetings. The law specifies that freedom of speech must respect “individual dignity, the imperatives of foreign policy, and the national defense.” A 2006 presidential decree continued to criminalize speech about the conduct of the security forces during the internal conflict of the 1990s.’ **[6h] (Section 2a)**

- 16.03 The Committee to Protect Journalists (CPJ) article, ‘In Algeria, new media law stifles free expression’, dated 25 January 2012, stated:

‘Algeria's new media law falls short of President Abdelaziz Bouteflika's promises of reform and also fails to meet international standards for freedom of expression...

‘The Algerian government has touted the media law, which went into effect on January 12 [2012], as a major step in the advancement of press freedom in the country, but local journalists and civil society activists believe it is still restrictive and are calling for its revision... The new law, which replaces the country's restrictive 1990 media law, was passed in December [2011] after Bouteflika pledged media reform in April [2011]. Of the law's 133 articles, at least 32 can be used to restrict coverage by stifling free expression, CPJ research shows. Several of the provisions are ambiguous and impose undue restrictions on access to information as well as heavy fines for violations of the

law. Journalists are subject to fines of up to 500,000 Algerian dinars (US\$6,706) and potential publication closures for defamation and other violations including publishing information on a preliminary criminal investigation and insulting a foreign head of state or diplomat, CPJ research shows. Under the 1990 law, journalists were punished with up to 10 years' imprisonment for insulting or defaming the state.

'Local journalists told CPJ that although the new law was a step in the right direction, it offered only cosmetic changes. Kamel Amarni, the secretary general of the Algerian National Syndicate of Journalists, said that even though the law contained some "positive clauses ... it is overall quite restrictive and does not advance press freedom in Algeria but restricts it."

"The government has not honoured [sic] its pledge to introduce a press law that would expand the margin for expression and liberalize the media landscape," said Mohamed Abdel Dayem, CPJ's Middle East and North Africa program coordinator. ...

'The ambiguity created by vaguely defined terms under the new law can subject journalists and bloggers to unnecessary restrictions. "Media" is defined as any publication, broadcast, opinion letter, or idea expressed by any written, audio-visual, or electronic means, CPJ research shows. The law also says that media personnel can operate freely but must respect the "Islamic faith and all religions," "national identity and cultural values of society," "national sovereignty and unity," "requirements of state security and defense," "requirements of public order," and "economic interests," among other broadly defined terms.

'The new law also places undue restrictions on media ownership and management, stating that any director of a periodical publication must have at least 10 years of media experience in periodical publications, which was not required under the country's 1990 law. In addition, the new law still considers off-limits the vaguely defined areas included in the old law, among them "news [negatively] affecting foreign policy and economic interests" and "investigative and judicial secrets," CPJ research shows.

'Although the new legislation passed with a majority vote in both houses, members of the lower chamber of parliament from the opposition Al-Nahda party walked out in protest, according to news reports. A group of journalists also staged a protest outside parliament on voting day, calling for a reconsideration of the law....' **[121a]**

16.04 The United Nations (UN) Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, by Frank La Rue, dated 12 June 2012, (UN Special Rapporteur Report 2012) following his visit to Algeria from 10 to 17 April 2011, '... raised concerns about article 97 of Law No. 90-07, which provided that anyone deliberately offending the Head of State in office was punishable by a prison term of between one month and one year and/or a fine of 3,000 to 30,000 dinars (DA).' **[35f] (p6)**

16.05 The same source continued:

'The amendment made to the Criminal Code in 2001 broadened restrictions on the media, prohibiting the publication of information offending a magistrate, civil servant, public official, commander or State security agent. Sanctions may be taken against the author of the offence, the publisher and the editor, and the publication itself (articles 144 bis and 146 of the Criminal Code). Several journalists, including from El Watan and El Khabar, who notably denounced corruption by State officials had been charged with

defamation and sentenced to imprisonment, although in most instances the sentence was not executed.’ [35f] (p6)

- 16.06 The Human Rights Watch, ‘World Report 2012’, covering events of 2011, released on 22 January 2012, (HRW World Report 2012) observed:

‘The state controls all domestic broadcast media, which provide live telecasts of parliamentary sessions but air almost no critical coverage of government policies. Privately-owned newspapers enjoy a freer scope, but repressive press laws and dependence on revenues from public sector advertising limit their freedom to criticize the government and the military. Authorities barred Al Jazeera television from maintaining a bureau in the country.

‘In July [2011] parliament revised two articles of the press code to eliminate prison terms – but not fines – as punishment for the offense of defaming or showing contempt for the president, state institutions, or courts. In September the Council of Ministers approved a draft press code that, if adopted, would eliminate prison as a punishment for speech offenses; however prison sentences for speech offenses remain present in the penal code.’ [27e]

- 16.07 The Freedom House Report entitled, ‘Freedom in the World 2012, Algeria’, covering events in 2011, published 4 June 2012 (Freedom House Report 2012), reported:

‘There is an array of restrictions on press freedom, but the situation has improved since the peak of the civil war in the mid-1990s. Privately owned newspapers have been published for nearly two decades, and journalists have been aggressive in their coverage of government affairs. However, most newspapers rely on the central government for printing, giving the state a high degree of influence over them. Also, the state-owned advertising agency favors progovernment newspapers, encouraging self-censorship. Arabic- and French-language satellite channels are popular, though the government maintains tight control over national news broadcasts. Both government officials and private entities use criminal defamation laws to pressure independent newspapers. Harassment of journalists continued in 2011, especially during the protests.’ [29g]

- 16.08 The UN Special Rapporteur Report 2012, noted with regards to regulatory measures for the press:

‘Article 40 of Law No. 12-05 establishes an independent and financially autonomous regulatory authority for the press that is responsible for, inter alia, ensuring the quality of media messages; ensuring the transparency of economic management practices of editorial houses; fixing rules and conditions of State financial aid to information bodies, and ensuring its distribution; and collecting all necessary information from press administrations and publishers to ensure that they respect their obligations. In the event of breach of the provisions contained in Law No. 12-05, the authority makes observations and recommendations, and sets the conditions and the time limit for their implementation (art. 42). The Special Rapporteur is concerned that this overall broad mandate could potentially impede the exercise of freedom of expression.

‘The regulatory authority is composed of 14 members: three members, including the chairperson, whose vote counts double, are appointed by the President of Algeria; two are appointed by the President of the National People’s Assembly; two are appointed by the President of the National Council; and seven are elected by absolute majority from a

list of professional journalists with at least 15 years of experience (art. 50). The Special Rapporteur is concerned that the nomination and appointment procedure does not fully guarantee the independence of the authority, given the degree of influence that may be exerted by the dominant political party and the President, as well as the lack of independence of the written press in general.' **[35f] (p12)**

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PRINT MEDIA

16.09 The BBC News, Country Profile: Algeria, updated on 4 January 2012, listed the major newspapers:

- El Khabar - private, Arabic daily; website has pages in Arabic, French and English
- Ech Chourouk - private, Arabic daily; website has English-language pages
- Le Quotidien d'Oran - private, French-language daily
- El Moudjahid - state-run, French-language daily; website has English-language pages
- Ech Chaab - state-run, Arabic daily
- El Watan - private, French language daily
- Le Soir d'Algeria - private, French-language daily
- Liberte - private, French-language
- La Tribune - private, French-language
- Algerian Press Portal - press directory **[60i] (Media)**

16.10 The USSD Report 2011, noted: 'Many political parties, including legal Islamic parties, had access to the independent press and used it to express their views. Opposition parties also disseminated information via the Internet and published communiqués. Journalists expressed frustration over the near-impossibility of receiving information from public officials, and journalists and political cartoonists regularly criticized the government.' **[6h] (Section 2a)**

16.11 The Freedom House report entitled 'Freedom of the Press 2012 - Algeria', dated 3 December 2012 (FH Freedom of the Press Report 2012), noted:

'State agencies regularly engage in both direct and indirect censorship. Self-censorship also remains widespread, motivated largely by a fear of defamation accusations or other forms of government retaliation. Reporters occasionally suffer physical attacks or harassment in the course of their work...

'Algeria has a vibrant but fragile independent press, which often acts as a more effective check on the government than opposition parties. There are currently more than 100 private daily and weekly newspapers, 29 of which print over 10,000 copies for each edition. Domestic television and radio, both of which are entirely state owned, broadcast biased information, display favoritism toward the president, and generally refrain from covering dissenting views. Encouragingly, the new media law passed in December 2011 does potentially open these sectors to private ownership. More than 60 percent of households have satellite dishes that provide access to alternate sources of information. The government has tremendous economic influence over print media, as most papers

are printed on state-owned presses. In January 2008, the government placed six state-owned printing presses under the direct control of the Communications Ministry, threatening the editorial autonomy of half of Algeria's privately owned newspapers. The state-owned advertising agency favors content with a progovernment bias by controlling the placement of ads for state entities and companies, which form the largest source of income for most papers.' [29a]

- 16.12 The UN Special Rapporteur Report 2012, also noted the lack of independence of the written press:

'At the time of the visit, there were 80 daily newspapers in Algeria, of which fewer than six are considered independent, according to several sources. Most of these newspapers are very small and depend entirely on official advertisement for their subsistence, and paper supplied by State-owned rotary presses. The Special Rapporteur sees this as a problem, given that he was told on several occasions that they were reportedly used by the State to create a "balance" to critical newspapers, with a view to diluting any criticism of State policies.' [35f] (p11)

- 16.13 The same source further noted:

'The Special Rapporteur received testimonies from journalists about the dependence of the majority of newspapers on State-owned rotary presses and access to paper, which seriously limits their press freedom, and as a result creates unfair competition for those forced to acquire their own rotary presses to exist. The majority of these newspapers reportedly have debts with the printing company, and therefore will refrain from having a critical stance towards the Government. This closed circuit harms freedom of expression; it is important that the printing activity is not held exclusively in the hands of the Government. In addition, the supply of paper for print should be diversified so that a monopoly situation can be avoided.' [35f] (p12)

See also [Journalists](#)

- 16.14 The UN Special Rapporteur Report 2012, with regards to imported books, noted: 'The Special Rapporteur was informed that imported books may be subject to censorship by the Ministry of Culture. He is of the opinion that there is a very clear contradiction between such a law and the fact that the Internet and the purchase of satellite dishes are allowed. The censorship of imported books is [a] relic of the past. The free circulation of books is emblematic of the freedom of opinion and expression.' [35f] (p16)

See also [Section 3](#) for information concerning the monitoring of press during 2009 presidential elections.

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RADIO AND TELEVISION

- 16.15 The USSD Report 2011 stated:

'Radio and television were government-owned and frequently broadcasted coverage favorable to the government. Sources maintained that broadcast media did not grant sufficient access to opposition parties and critical NGOs. During nonelection periods

opposition parties and spokesmen regularly were denied access to public radio or television. Political parties and independent candidates received the same amount of radio access time during the three-week campaign period prior to the 2009 presidential election.' **[6h] (Section 2a)**

- 16.16 The BBC News, Country Profile: Algeria, updated 4 January 2012, stated, 'Satellite TV is popular; stations based in France target viewers in Algeria. European channels are widely-watched.' **[60i] (Media)**
- 16.17 The UN News Service, in a press release of 19 April 2011 about a visit to Algeria by the Special Rapporteur on the right to freedom of opinion and expression, called, 'Right to freedom of expression vital as Algeria embarks on reforms - UN expert', noted, 'Mr. La Rue pointed out that the television and radio sectors are still under the control of the Government. He also took note of reports that national television and radio stations did not provide fair and balanced coverage of the recent protests in the country.' **[79c]**
- 16.18 The BBC News report dated 13 September 2011, entitled 'Algeria's Bouteflika to end state TV and radio control', noted:

'Algeria has announced sweeping media reforms to allow private radio and television stations to exist for the first time since independence in 1962. The moves comes as the government battles to contain popular protests against the lack of freedoms, high unemployment and corruption... They would come into effect once parliament - controlled by the ruling National Liberation Front (FLN) - voted them into law, he [President Abdelaziz Bouteflika] said.' **[60h]**

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INTERNET

- 16.19 The BBC News, Country Profile: Algeria, updated on 4 January 2012, stated: 'There were 4.7 million internet users by June 2010... Most surfers rely on dial-up connections and cybercafes. No widespread filtering is reported, but the blocking of a political website in January 2010 was said to be the first known instance of online censorship. Writing in Arabic, English and French, Algerian bloggers cover social, cultural and political topics.' **[60i]**
- 16.20 The FH Freedom of the Press Report 2012 stated:
- 'About 14 percent of the population accessed the internet in 2011. In 2009, Algeria adopted a cybercrime law that gives the authorities the right to block websites deemed "contrary to the public order or decency." The government monitors e-mail and online chat rooms, and internet service providers are legally liable for the content they host. Bloggers, like traditional journalists, are subject to defamation suits, and several have been fined for posting "defamatory material." However, there were no reported cases of legal harassment against bloggers or online journalists in 2011. During the February protests, activists accused the government of shutting down internet service providers and attempting to block the social-networking site Facebook. The authorities denied these claims.' **[29a]**
- 16.21 The USSD Report 2011 stated:

'Access to the Internet generally was unimpeded, although the government monitored e-mail and Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail. Individuals posted on YouTube thousands of videos of the early January [2011] protests and their aftermath. In addition to reporting information and showing actual events, several videos presented political opinions and popular reactions, expressing in some cases support for protesters and criticism of government policies, while others condemned acts of violence. Some media reports indicated that Facebook was blocked by the government's attempt to stifle communication among protesters during the early months of the year. Other users reported no difficulty accessing Facebook throughout the riots. Facebook administrators reported that they were investigating the complaints but did not release official findings. The minister of information and communication denied that the government blocked Facebook.

'The law on cybercrime establishes procedures for using electronic data in prosecutions and outlines the responsibilities of service providers to cooperate with authorities.

'By law Internet service providers face criminal penalties for the material and Web sites they host, especially if subject matters are "incompatible with morality or public opinion." The ministries of justice, interior, and information have oversight responsibilities. The cybercrime law provides sentences for six months to five years in prison and fines between 50,000 and 500,000 dinars (\$677 to \$6,770) for users who do not comply with the law, including the obligation to cooperate with law enforcement authorities against cybercrime.' **[6h] (Section 2a)**

For information covering the 2011 protests, see also Political affiliation - [Assembly subsection](#)

16.22 The UN Special Rapporteur Report 2012 stated:

'The Special Rapporteur welcomes the work of the Ministry of Postal Services and Information and Communication Technologies in allowing greater access to the Internet to the public (now 8 million users), including users with a private subscription (1 million), as well as to, inter alia, universities and research centres connected via the Academic Research Network, the national education sector, the professional training and teaching sector, cultural institutions and public administrations.' **[35f] (p15)**

16.23 The Freedom House Report 2012, stated: 'A July 2009 cybercrime law gives authorities the right to block websites "contrary to the public order or decency." In late 2009, the information minister announced a centralized system for monitoring internet traffic. In February 2011, amid protests against the regime, activists in Algiers and the northwestern city of Annaba accused the government of shutting down the internet and disrupting social networking activities.' **[29g]**

16.24 The new cyber crime law is discussed in detail in the [English language Algerian Review blog](#), under the heading Algeria's cyber crime law, 9 January 2010. **[17a]**

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JOURNALISTS

- 16.25 The UN Special Rapporteur Report 2012 stated: ‘Journalists expressed their concerns about the low standards of working conditions, which limit their professional freedom.’ **[35f] (p8)** The Special Rapporteur noted:

‘According to the law, journalists are entitled to a written contract from their employer that specifies the rights and obligation of both parties (article 80). They are entitled to life insurance when sent to a war zone, a zone held by rebels or in regions affected by epidemics or natural disasters, or any other region where his or her life may be at risk (article 90). Article 75 also provides that the nomenclature of the different categories of professional journalists is determined by the law on the status of journalists (unavailable when the present report was drafted). Furthermore, according to the Government, a salary scale involving a substantial increase in salary for all categories of journalists is currently applied.’ **[35f] (p8)**

- 16.26 With regard to access to information the Special Rapporteur observed:

‘The Special Rapporteur received various testimonies from journalists who were unable to obtain information from public authorities, despite article 35 of Law No. 90-07, which guaranteed the right of access to sources to information, and the existence of communication officers within public institutions. Several State officials acknowledged the unfortunate lack of public communications on activities undertaken by the Government. This is all the more serious given that journalists have been tried for defamation because they were lacking sufficient and/or accurate information.’ **[35f] (p8-9)** The USSD Report 2011 also noted that ‘Journalists expressed frustration over the near-impossibility of receiving information from public officials, and journalists and political cartoonists regularly criticized the government.’ **[6h] (Section 2a)**

- 16.27 An article released by the Algérie Presse Service on 3 May 2011, entitled, ‘Algerian journalists press for change’, stated:

‘Algerian journalists gathered in the capital Algiers on World Press Freedom Day Tuesday [3 May 2011], pressing for better salaries and training. Lamenting what they deemed the “catastrophic situation” of journalists in the north African country, the group staged a sit-down protest outside Press House, which houses several newspapers. “The profession is in total disorder”, said the Algerian National Initiative for the Dignity of Journalists, which organised the protest and put the number of demonstrators at 200. It cited the absence of press cards, poor salaries and inadequate training.

‘On Monday, the cabinet approved a series of measures to help journalists and to scrap a 2001 law that allows for their jailing. President Abdelaziz Bouteflika announced steps after the cabinet meeting to modernise the media and boost professionalism and ethics. The protestors said these measures “are but a first step on the long road to rehabilitating the profession.”’ **[82a]**

- 16.28 Furthermore, with regards to the training provided to journalists, the UN Special Rapporteur Report 2012, welcomed:

‘... the statements made by the Minister for Communications in December 2011 that the Government would devote, in 2012, 400 million DA for the training of journalists, and that the ministry, in cooperation with the Ministry of Professional Training and Teaching, would establish a training centre for journalists and audiovisual professionals in Sidi Abdallah, Algiers. In this regard, on 16 January 2012, a convention was signed by the

two ministries to promote the training of professionals in the communications sector.’
[35f] (p10)

- 16.29 The RWB report entitled, ‘Freedom of information still a concern after 50 years of independence’, published on 4 July 2012, stated:

‘Reporters Without Borders would like to shine a spotlight on freedom of information in Algeria on the 50th anniversary of the country’s independence. Algeria won its independence from France on 5 July 1962 but, 50 years, later, its media are still not independent. The entire nation is being asked to join in celebrating this anniversary but there are journalists who will not be able to respond because they are threatened, are being prosecuted or are in prison.

‘Around 100 journalists were murdered during the decade-long civil war from 1991 to 2002 but nowadays the problems are very different and no journalists have been killed in connection with their work for years. It is not easy to be an independent journalist now in Algeria, a country marked by corruption and nepotism, a country where the military and the Intelligence and Security Department (DRS) occupy a privileged position. Journalists in Algiers are protected by their news organizations but the situation is different far from the capital – there is much less protection and the dangers are real. While it is not as bad as it was in Ben Ali’s Tunisia, journalists who criticize powerful local officials are hounded and sometimes jailed. Journalists and newspapers are often subjected to financial, judicial, physical or psychological harassment or encounter technical difficulties with printing and distribution.’ [62h]

See also [Print media](#)

- 16.30 In an earlier RWB article dated 8 March 2011, entitled, ‘Overview of media freedom violations of past few days – Algeria’, noted:

‘Half an hour before the scheduled start of a demonstration called by the National Coordination for Change and Democracy (CNCD) in Oran (430 km west of Algiers) on 5 March, the police arrested around 100 people including a dozen journalists, although they showed their press cards. They were taken to different police stations and then freed after about half an hour. The journalists concerned worked for Soir d’Algérie, Liberté, Le Quotidien d’Oran, El Watan, L’Expression, La Tribune and La Voix de l’Oranie.

‘The authorities also prevented a march from taking place the same day in Batna (425 km southeast of the capital). Several dozen protesters had gathered, shouting slogans demanding political change. Around 10 were briefly arrested and police confiscated Rachid Hamatou’s camera.

‘These violations of the right of assembly and media freedom occurred regardless of the government’s announcement on 24 February that the state of emergency introduced in 1992 was being lifted throughout the country except the capital.’ [62e]

- 16.31 The UN Special Rapporteur Report 2012, stated:

‘The detention of the 10 journalists in Oran was seen by many journalists as a warning to the media to no longer cover such events. Several journalists stated that they were indeed dissuaded from attending and reporting on similar events. In addition, one journalist who covered the rally in Oran was dismissed for issuing a statement on the

incident, while another resigned because the article he wrote on the police action that day was eventually not published by his newspaper for fear of offending the authorities. Under the pressure of authorities, some newspapers were therefore forced to censor themselves – above and beyond the above-mentioned legal sanctions in relation to freedom of expression, which lead to further self-censorship.’ [35f] (p10)

- 16.32 A RWB article entitled ‘Two journalists assaulted as police violence becomes a habit’, dated 21 March 2012, stated:

‘Reporters Without Borders strongly deplores assaults within days of each other on the photographer Mohamed Kadri and the journalist Hanane Driss. In both cases, the police were responsible. ...

‘Since the appointment of a new head of the National Police, Major-General Abdelghani Hamel, official procedures are meant to be more respectful towards those who work for the media. However, besides lip service and a slight relaxation by the authorities, intimidation and assaults continue in Algeria. According to witness accounts gathered by Reporters Without Borders, photographers are regularly interrogated by security forces who continually ask to see their assignment orders. Reporters Without Borders condemns the growing instances of violent assaults by security forces against journalists, particularly photographers and cameramen who are easily identifiable at demonstrations. Ramzi Boudina, a news photographer, told the organization he had been assaulted and interrogated by civil and paramilitary police. Each time, they use the same method: officers surround small groups of photographers and journalists, cutting them off from others attending the demonstration in order to rough them up out of sight of video cameras. He and several colleagues were arrested by police during the riots in Algeria in February last year.’ [62i]

- 16.33 RWB reported in their article entitled, ‘Journalist given two-month sentence for defamation in Algeria’, published on 20 June 2012, stated:

‘Reporters Without Borders is dismayed at the verdict of a court in the western Algerian city of Mascara on 20 May [2012] sentencing the journalist Manseur Si Mohamed to two months’ imprisonment and a fine of 50,000 dinars (approx. 500 euros) for “libellous comments”.

“Imprisoning a journalist for a press offence is unworthy of a country that has decriminalized defamation in its new media law which took effect in January,” the press freedom organization said.

“The conviction of Manseur Si Mohamed shows that the legislative reform is an illusion since it can be bypassed by provisions of the criminal code. The verdict clearly violates Algeria’s international undertakings, such as the International Covenant on Civil and Political Rights.

“The Human Rights Commission notes in its General Comment No. 34: ‘States parties should consider the decriminalization of defamation’ and ‘imprisonment is never an appropriate penalty.’”

‘The court penalized Mohamed, bureau chief of the French-language newspaper La Nouvelle République and head of the Mascara branch of the Algerian Journalists’ Union, for publishing an article on 20 December last year ruled to be defamatory. The article, headlined: “Council of State – What Is It For?” was written as a criticism of the

failure to apply rulings by the Supreme Court and the Council of State penalizing public authorities.’ [62f]

- 16.34 RWB in another article entitled, ‘Prison sentence quashed but journalist’s libel conviction stands’, dated 9 July 2012, noted:

‘On 7 July, an appeal court in the eastern city of Annaba quashed a two-month prison sentence for libel imposed late last month on Fatma-Zohra Amara, a journalist with the newspaper Akher Sâa. “Although we are admittedly relieved that the prison sentence has been quashed, we condemn this latest ruling which has upheld the original libel conviction, coupled with a fine and damages, imposed on this journalist, who was only fulfilling her duty of informing the public,” Reporters Without Borders said. “We consider the sum involved, totalling [sic] 120,000 dinars (about 1,200 euros), to be disproportionate.”

‘The case was the result of a lawsuit brought by the former administrator of a hospital in Annaba who was accused of sexual harassment by an employee. According to the daily El Watan, “in common with other daily newspapers, the Akher Sâa journalist only reported the facts as they occurred”.’ [62g]

- 16.35 Commenting on the above two mentioned reports, and as reported in the CPJ article, ‘Two Algerian journalists sentenced to prison for libel’, the CPJ Deputy Director Robert Mahoney stated on 9 July 2012, that: “These sentences go against the spirit of Algeria’s new media law. Defamation is a matter for the civil, not criminal, courts, and journalists should not go to jail for what they write,” ... “The appellate courts must confirm that Algeria is on the road to decriminalizing press offenses by overturning these prison sentences.” [121b]
- 16.36 The [Reporters Without Borders](#) website reports regularly on specific cases of the restrictions on or harassment of the press, including journalists and bloggers, and can be accessed for updated information. The [Committee to Protect Journalists \(CPJ\)](#) website may also provide updated information.

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17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

For further information regarding political organisations and freedom of expression generally, see sections on [Political affiliation](#) and [Freedom of speech and media](#).

- 17.01 The United Nations (UN) Concluding observations of the Committee on the Elimination of Discrimination against Women, Algeria, published 2 March 2012, stated: ‘While welcoming the establishment of an independent national human rights institution – the National Commission of Human Rights, in accordance with the Paris Principles (General Assembly resolution 48/134 of 20 December 1993, annex), the Committee notes the lack of clarity about the concrete steps by the State party to ensure that the status of the National Commission is in full compliance with the Paris Principles.’ [93b] (p12-13)

17.02 The same source further noted:

‘The Committee also notes with appreciation the adoption by the State party of various institutional and policy measures, in particular: (a) The creation of institutional mechanisms for the advancement of women, in particular the establishment of the National Council for the Family and Women by means of Executive Decree No. 06-421 of 22 November 2006, and its two internal committees, on women and on the family, which comprises around 50 representatives of various national institutions, operating at both national and local level’ [93b] (p2)

See also Women and [Family law](#) subsection

17.03 A publication by Save the Children Sweden entitled, ‘Country Profile of Algeria – A Review of the Implementation of the UN Convention on the Rights of the Child’ (Save the Children Country Profile Algeria 2011), published August 2011, stated:

‘Algeria has several councils and commissions, including the National Consultative Commission for the Promotion and Protection of Human Rights (NCCPPHR), created on 9 October 2001. Composed of 44 members, 16 of which are women, it is based on the principle of social and institutional pluralism. This institution is independent. The NCCPPHR is responsible for investigating violations of human rights and leading activities to promote awareness, information and communication in human rights. It prepares an annual report on the state of human rights that is submitted to the President of the Republic. This Commission is composed of several committees, one of which is a National Committee for Children. This latter committee conducts outreach activities, as well as preparing studies and statistics on children in situations of lawlessness...

‘Furthermore, there are other councils involved in implementing child rights. The High Islamic Council issues recommendations (fatwa) to relevant institutions concerned with justice, for example, concerning cases of kafalah and children born to single mothers. There also exists the Centre for Legal and Judicial Research and the Interministerial Committee on the Rights of the Child set up by the Minister Delegate for Family and the Status of Women. This committee promotes the welfare of the child and a culture of child rights and ensures implementation of the National Plan of Action for Children by the relevant institutions.’ [69a] (p30-31)

See also Children and [Childcare and protection](#) subsection

17.04 The United States Department of State Country Report on Human Rights Practices 2011, Algeria, (USSD Report 2011), published 24 May 2012, noted:

‘The government continued to restrict and to harass some local NGOs [Non-governmental organisations] and impeded the work of international NGOs. Although some human rights groups, including the Algerian League of 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 address sensitive issues.

‘The government was not responsive publicly to reports and recommendations from domestic and international human rights NGOs and interfered with attempts by some domestic and international human rights groups to investigate. Domestic NGOs must be licensed by the government and are prohibited from receiving funding from abroad

without approval from the ministries of national solidarity and interior. However, more than 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 associate with these organizations.' **[6h] (Section 5)**

17.05 The USSD Report 2011 continued:

'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, a separate organization based in Constantine, was licensed, and members throughout the country monitored individual cases.

'By law NGOs not legally recognized by the Interior Ministry can conduct human rights investigations. Sometimes, however, the government prevented even legally recognized NGOs from conducting investigations. For example, the LADDH did not have access to prisons or detention centers.' **[6h] (Section 5)**

17.06 The Freedom House Report entitled Freedom in the World 2012, Algeria, covering events in 2011, published 4 June 2012 (Freedom House Report 2012), reported: 'Permits are required to establish nongovernmental organizations, and those with Islamist leanings are regarded with suspicion by the government.' **[29g]**

17.07 The International Federation for Human Rights (FIDH), 'Steadfast in Protest – Annual Report 2011', published 15 October 2011, stated:

'... the Algerian authorities continued to prevent human rights organisations from obtaining legal recognition, such as SOS-Disappeared (SOS Disparu(e)s), which, despite numerous attempts over many years, has never managed to register a request. Other organisations, like the Mich'al Association of the Children of the Disappeared from Jijel (Association Mich'al des enfants de disparus de Jijel - AMEDJ), have still not received a receipt from the local authorities' **[12c] (p517)**

17.08 The Office of the United Nations High Commissioner for Human Rights (OHCHR) 'Opening remarks by UN High Commission for Human Rights Navi Pillay at a press conference during her mission to Algeria', dated 19 September 2012, stated:

'It is NGOs who fight for the rights of the most vulnerable sections of society – for the poor, the marginalized, and minorities suffering from discrimination. It is NGOs that play a vital role in upholding the rule of law by exposing corruption and other abuses. Their persistence and exuberance doesn't always make them popular with the authorities, but – like the media and opposition political parties – they provide one of the essential checks and balances that helps create a better human rights environment.

'To fulfil their potential, they must be allowed to operate without undue impediments. I have therefore been very concerned to hear that not only are they facing legal and bureaucratic restraints in Algeria, but some of their members are also being frequently harassed, intimidated and arbitrarily arrested by the security forces, and are not being offered sufficient protection against these abusive practices by the existing legal framework.

'While recognizing that the driving force behind this state of affairs is rooted in security concerns, I encourage the Government to review the laws and practices relating to civil society organizations and freedom of assembly, and also to order all security forces to refrain from violating internationally recognized instruments guaranteeing the right to freedom of association, such as Article 20 of the Universal Declaration of Human Rights, and Article 22 of the International Covenant on Civil and Political Rights, which is a binding treaty that has been ratified by 167 States, including Algeria.' [93c]

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INTERNATIONAL NGOS

17.09 The USSD Report 2011 noted that: 'International NGOs continued to experience delays in obtaining visas, and outright refusals occurred. The government maintained that legislation did not allow branches of foreign NGOs to operate legally in the country.' [6h] (Section 5)

17.10 The United Nations (UN) Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, dated 12 June 2012, (UN Special Rapporteur Report 2012) following his visit to Algeria from 10 to 17 April 2011, raised concerns:

'... about reports of members of international human rights non-governmental organizations who were, on a number of occasions, not allowed to enter Algeria; for instance, the Executive Director of the Euro-Mediterranean Human Rights Network, a network of more than 80 human rights organizations, institutions and individuals based in 30 countries in the Euro-Mediterranean region, was twice in 2009 not granted a visa to attend meetings in the country. Similarly, in 2009, a Tunisian journalist and human rights activist due to participate in a programme on media monitoring, on the invitation of the Algerian League of Human Rights, was denied entry on her arrival at Algiers airport.' [35f] (p19)

See also Security forces - [Avenues of complaint](#) subsection which states that the government of Algeria has decided to accept requests of the UN body of experts to visit the country.

17.11 The International Committee of the Red Cross (ICRC), 'Annual Report 2011, Algeria', published on 21 June 2012, noted:

'The ICRC continued to cooperate with civil and military authorities and representatives of civil society to promote IHL [International Humanitarian Law] and build their understanding of the ICRC's work. In addition to conducting training and briefings for military personnel at the Cherchell Military Academy, it began working more closely with the national IHL committee to build IHL/international human rights law capacities among the police and academic circles. The ICRC encouraged IHL committee members, senior military personnel and academics to enhance their expertise, sponsoring them to participate in advanced courses abroad that better prepared them to pass on their knowledge. ...

'Together with the ICRC, the authorities focused on building the capacities of relevant officials/institutions to incorporate IHL into national legislation. At a meeting on the Mine

Ban Convention, organized by the national IHL committee for its members, participants learnt about the legislative aspects of implementing the instrument from an ICRC legal expert. Committee members also attended regional courses, including an ICRC meeting of experts in Beirut ... The committee's leadership and ICRC delegates explored ways to enhance cooperation, which resulted in a seminar for police officers ... Encouraged to organize further such events, the committee undertook to train new parliamentarians, while delegates offered to put ICRC-developed model teaching materials at its disposal.

'Twenty-one IHL instructors received training co-organized by the Algerian Magistrates School and the ICRC aimed at developing the school's ability to teach IHL independently. Four were selected to attend advanced training abroad in 2012.

'IHL had been formally integrated into the curriculum of military training facilities countrywide. The Defence Ministry and the ICRC continued working together to support such institutions, particularly the Cherchell Military Academy, in enhancing IHL knowledge and teaching quality throughout the armed forces. To strengthen teaching resources countrywide, the ministry's training unit was supplied with IHL documentation.

'Nearly 200 officers increased their understanding of IHL during an ICRC seminar, boosting their capacities to pass on their knowhow to colleagues. One high-ranking officer further advanced his skills at an expert course abroad. Among the junior ranks, some 400 cadets gained insight into basic IHL principles at an introductory briefing. Similarly, 26 police officers examined IHL principles and the appropriate use of force when maintaining order during a study day organized by the national IHL committee, the national police authority and the ICRC. Participants at these events became more aware of the ICRC's work in Algeria, particularly its efforts to support the authorities in reinforcing internationally recognized standards of detention.

'Media, NGO, academic and religious circles continued to cooperate with the ICRC, helping to build mutual understanding and broaden support for the Movement's work.'

[85b] (p92-94) For further information regarding the work of the ICRC with the Algerian Red Crescent, please refer to the [ICRC Annual Report 2011](#)

See also [Freedom of movement](#)

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TREATMENT OF HUMAN RIGHTS ACTIVISTS

The following information should be read in conjunction with material provided under [Freedom of political expression](#) and [Freedom of speech and media](#). Additionally due consideration should be given to information listed under [Human rights violations committed by the security forces](#).

- 17.12 The FIDH, 'Steadfast in Protest – Annual Report 2011', published 15 October 2011, stated:

'The law penalises a large part of the work of human rights defenders, and in particular the activities related to the fight against impunity and the search for truth and justice. ...

‘Defenders of economic and social rights were also victims of multiple acts of intimidation. Unionists in particular continued to be harassed by the authorities.’ [12c] (p517)

The report provided examples of such incidents and can be found via the link [here](#) [12c] (p518-520)

17.13 The FIDH reported on 13 September 2012 that:

‘The Euro-Mediterranean Human Rights Network (EMHRN), the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), the Coalition of Families of the Disappeared (CFDA), the Algerian League for Human Rights Defense (LADDH) and the National Independent Union of Public Servants (SNAPAP) welcome discharge of Abdelkader Kherba, under arrest since August 21 and accused of ‘insulting an official’ by the Court of Ksar El Bokhari (150 km south of Algiers). Our organisations however call the Algerian authorities to bring the harassment of human rights defenders to an end.

‘Mr. Kherba, member of the National Committee for the Defence of the Rights of the Unemployed (Comité national pour la défense des droits des chômeurs - CNDDC) and the LADDH, was released yesterday after three weeks in detention at the prison of Ksar El Bokhari where he started a hunger strike to protest against his arbitrary detention. The Prosecutor requested to impose a sentence of 1 year in jail and 20 000 dinars fine (almost 200 Euros) despite the fact that major contradictions appeared and had been raised by the coalition of defense attorneys, composed by members of the LADDH and the Network of Lawyers for the Defense of Human Rights (RADDH).’ [12d]

17.14 The All Africa website reported on 9 October 2012 that: ‘Ouargla court on Monday (October 7th) sentenced Algerian human rights activist Yacine Zaid to six months in prison and a 10,000-dinar fine ... Zaid was arrested October 1st on accusation of humiliating and striking a police officer. Lawyers and human rights organisations condemned the verdict as too severe, unjust and unacceptable. Representatives of human rights organisations and trade unions rallied during the process to support Zaid.’ [122a]

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18. CORRUPTION

18.01 In Transparency International’s (TI) Corruption Perceptions Index, released on 1 December 2011, Algeria was placed at 112 out of 183 countries (183 being the most corrupt). Algeria scored 2.9 out of ten, ten representing lowest levels of corruption. The Corruption Perceptions Index (CPI) ranks countries according to perception of corruption in the public sector. The CPI is an aggregate indicator that combines different sources of information about corruption, making it possible to compare countries. The 2011 CPI draws on different assessments and business opinion surveys carried out by independent and reputable institutions. [77a]

- 18.02 The United States Department of State 'Country Report on Human Rights Practices 2011, Algeria' (USSD Report 2011), published 24 May 2012, stated:

'The law provides criminal penalties of two to 10 years in prison for official corruption, and the government implemented the law more effectively than in previous years to address reports of continuing government corruption. World Bank governance data reflected the existence of a corruption problem.

'Although a 2006 law established a national anticorruption program, it does not require elected and senior officials to declare their assets. The law does not provide parliamentary immunity in certain cases. Two presidential decrees published in 2006, however, make high-level government officials subject to financial disclosure laws. The decrees also stipulate the formation of an anticorruption agency, and the government announced its creation in August 2010 as well as new policies to strengthen the role of the accounting court.' **[6h](Section 4)**

- 18.03 The report continued:

'A notable corruption case in 2010 involved several private businessmen and senior executives at the country's national oil company, Sonatrach. The men apparently awarded contracts in violation of the public procurement code. In January 2010 police arrested several top company officials. Following the incident, in May 2010 then energy/mines minister Chakib Khelil was relieved of his position during a broad cabinet reshuffle. ...

'In April 2010 an Algiers court ordered the arrest of the current and former directors of the Port of Algiers and four other port officials for misappropriation of public funds. On June 19, the Algiers Appeals Court sentenced former port CEOs Bourouai Abdelhak and Farrah Ali to six years in prison, while private businessmen Titache Redouane and Miloud Mohamed also received six years in prison for their roles. Four other port officials also received prison sentences of six years.

'Although permitted under the constitution, authorities restricted access to government information, and there is no law facilitating access to information. Throughout the year the Ministry of Justice, in cooperation with the UN Development Program, improved access to information about the country's judicial system and developed a modern information management system for penitentiaries. As a result citizens were able to request personal legal records from the courts and receive the documents the same day.

'In May 2010 the government created the Ministry of Prospective Planning and Statistics. However, lack of government transparency remained a serious problem. Although the government generally did not release many economic statistics, the new ministry released such figures. Most ministries had Web sites, but not all were regularly maintained to provide updated information. The Justice Ministry provided information on citizens' rights and legislation. In August the government launched a Web site, El Mouwatin, that contained a wide variety of information on municipal and national government services.' **[6h](Section 4)**

- 18.04 The Freedom House Report entitled 'Freedom in the World 2012, Algeria', covering events in 2011, published 4 June 2012 (Freedom House Report 2012), reported: 'High levels of corruption plague Algeria's business and public sectors, especially the energy sector. Sonatrach has come under particularly heavy fire in recent years; after being

dismissed and arrested for corruption in 2010, its former chief executive officer, Mohamed Meziane, was sentenced to two years in prison in May 2011.’ [29g]

- 18.05 In another report by Freedom House entitled, ‘Countries at the Crossroads 2011 – Algeria’, published on 10 November 2011, it was observed that: ‘The Audit Court is responsible for auditing state finances (including public enterprises) and must submit an annual report to the president, to be published in the Journal Officiel. From 1995 to 2009, these annual reports were not published and no expenditure information was provided to the public.

‘There is no real monitoring of corruption among public officials. Article 36 of Law 06-01 requires public agents to declare their assets and requires that this declaration be published in the Official Gazette under penalty of imprisonment from six months to one year. However, neither the reporting requirement nor the sanctions have ever been enforced.

‘The government does not cooperate with civil society in the fight against corruption. In particular, it does not work with the Algerian Association to Fight Corruption (AACC), an affiliate of Transparency International. In October 2009, the government prevented AACC president Djilali Hadjadj, a journalist and physician, from participating in the third session of the Conference of States Parties to the UN Convention against Corruption. Hadjadj was taken into custody and detained at Serkadji prison in Algiers in September 2010.’ [29f]

- 18.06 The BBC Algeria profile, last updated on 4 September 2012 also noted that, ‘Endemic government corruption and poor standards in public services are also chronic sources of popular dissatisfaction.’ [60i]

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19. FREEDOM OF RELIGION

- 19.01 The Human Rights Watch (HRW) ‘World Report 2012’, covering events of 2011, released on 22 January 2012, (HRW World Report 2012) stated:

‘Algeria’s constitution defines the state religion as Islam and requires that the president to be Muslim. A 2006 law (Ordinance 06-03) criminalizes proselytizing Muslims by non-Muslims, but not the reverse, and forbids non-Muslims from worshiping except in state-approved locations. In practice authorities rarely authorized Algerian Protestant groups to use buildings for worship. In May [2011] the governor of the wilaya of Béjaia ordered the Protestant Church of Algeria (EPA) to shut seven “unauthorized” places of worship operating in the wilaya. EPA President Moustapha Krim said in October that the churches continued to operate while the EPA appealed the order in the courts.’ [27e]

- 19.02 The US State Department’s, ‘International Religious Freedom Report 2012’ (USSD IRF Report 2012), published 30 July 2012, covering events of 2011, noted: ‘The constitution provides for religious freedom, but other laws, policies, and practices have a restrictive effect on religious freedom. The government did not demonstrate a trend towards either

improvement of or deterioration in respect for and protection of the rights to religious freedom.’ [6j] **(Executive Summary)**

RELIGIOUS DEMOGRAPHY

19.03 The USSD IRF Report 2012 stated:

‘More than 99 percent of the population is Sunni Muslim. A small community of Ibadi Muslims resides in the province of Ghardaia. Unofficial estimates of the number of Christian and Jewish citizens varied between 30,000 and 70,000, with Christians making up the overwhelming majority. This figure also includes expatriates living in the country. The vast majority of Christians and Jews fled the country following independence from France in 1962. In the 1990s, many of the remaining Christians and Jews emigrated due to acts of terrorism against them by violent extremists. Since 1994 the Jewish community has diminished to less than 2,000 members due to widespread violence in the 1990s that targeted all communities. Some religious leaders estimated that there were likely only a few hundred Jews remaining in the country. For security reasons, due mainly to the civil conflict, Christians concentrated in the cities of Algiers, Annaba, and Oran in the mid-1990s. According to Christian community leaders, evangelical Christians, including Seventh-day Adventists, accounted for the largest number of Christians. Most evangelicals lived in the Kabylie region. Next in size were the Methodists and members of other Protestant denominations, followed by Roman Catholics. In addition to the expatriate community, a significant proportion of Christian foreign residents, whose numbers were difficult to estimate, were students and illegal immigrants from sub-Saharan Africa seeking to reach Europe. One religious leader estimated that there were between 1,000 and 1,500 Egyptian Coptic Christians living in the country. There were no standardized statistics on the number of religious conversions; however, according to the minister of religious affairs, 150 foreigners converted to Islam and 50 citizens converted to Christianity during the year [2011].’ [6j] **(Religious demography)**

LEGAL REQUIREMENTS

19.04 The USSD IRF Report 2012 stated:

‘Article 36 of the constitution provides for religious freedom, but other laws, policies, and practices have a restrictive effect on religious freedom. The law provides for freedom of belief and opinion and permits citizens to establish institutions whose aims include the protection of fundamental liberties of the citizen. The constitution declares Islam the state religion and prohibits institutions from engaging in behavior incompatible with Islamic morality. Ordinance 06-03 provides for the freedom of non-Muslims to practice religious rites, on condition that the exercise thereof is in keeping with the ordinance, the constitution, and other laws and regulations, and that public order, morality, and the rights and basic freedoms of others are respected. In practice ordinance 06-03 and the penal code enabled the government to shut any informal religious service that took place in private homes or in secluded outdoor settings, and this mainly applied to non-Muslims.’ [6j] **(Status of Government Respect for Religious Freedom)**

19.05 The Freedom House Report entitled ‘Freedom in the World 2012, Algeria’, covering events in 2011, published 4 June 2012 (Freedom House Report 2012), reported:

‘Algeria's population is overwhelmingly Sunni Muslim, and small non-Muslim communities do not face systematic harassment. However, non-Muslims may gather to

worship only at state-approved locations, proselytizing by non-Muslims is illegal, and the government in 2008 began enforcing an ordinance that tightened restrictions on minority faiths. In May 2011 ... the governor of Bejaia province ordered all churches in the province to be shut down, part of an ongoing legal dispute over possession of a church building in the region. Security services monitor mosques for radical Islamist activity, but Muslims are also sometimes harassed for a perceived lack of piety.' [29g]

19.06 The USSD IRF Report 2012 explained the legal restrictions on non-Muslims:

'Ordinance 06-03 outlines enforceable restrictions, which stipulate that all structures intended for the exercise of non-Muslim worship must be registered with the state. The ordinance also requires that any modification of structures for non-Muslim worship must have prior government approval and that such worship may take place only in structures exclusively intended and approved for that purpose. Officially non-Muslim worship must take place only in a structure intended for such worship; however, examples existed where this was not enforced.' [6j] **(Status of Government Respect for Religious Freedom)**

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CHRISTIANS

19.07 A report released on 17 March 2011, by the Aid to the Church in Need, called *Persecuted and Forgotten? A Report on Christians oppressed for their Faith – 2011 Edition* (Aid to the Church in Need Report 2011), stated:

'During 2009-11, a big test for minority groups – especially Christians – has been the question of the enforcement of the 2006 religion law. From earliest days, the law was seen as controversial, since it clashes with Algeria's (1996) constitution, which declares that religious freedom is inviolable. Of particular concern in the 2006 law is an article stating that minority groups found guilty of evangelising among Muslims are liable to five-year prison sentences and fines of up to US\$14,000 (£9,000, €10,770). The law also requires non-Islamic 'religious meetings' be held in authorised premises. For the Catholic Church, this has not represented so much of a problem because it has a number of recognised places of worship. Protestants by contrast have very few authorised churches and chapels.' [83a]

19.08 Minority Rights Group International, in its report published on 6 July 2011, *State of the World's Minorities and Indigenous Peoples 2011* (MRG 2011 Report), Algeria stated:

'In August [2010], two Christian men were arrested for eating and drinking while at work on a building site during the Muslim fasting month of Ramadan. They were charged and detained under a law that bans Algerian citizens from 'causing offence to the Prophet ... or denigrating the dogma of Islam'. The trial of the two attracted dozens of protesters, media reports said, with the public prosecutor calling for a three-year jail sentence. However, the two were acquitted in October.' [3c] **(Middle East and North Africa)**

19.09 The [Open Doors](#) website, undated, accessed on 3 January 2012 highlighted several incidents involving Christians in Algeria. The website noted:

'Karim Siaghi and Sofiane are the latest Christians to have faced court hearings for charges of 'illegal' Christian activities. Since 2008, approximately ten Algerian Christians

have faced court hearings but Karim and Sofiane are the only individuals who have received verdicts, while the other charged Algerians ...remain in a state of uncertainty.

'Ordinance 06-03 bans evangelistic material and attempts to evangelise Muslims. Breaking the law can result in fines of up to one million dinars (£8,500) and up to five years in prison...' [25a]

19.10 The USSD IRF Report 2012 noted:

'On May 8 [2011], the wali (provincial governor) of Bejaia (150 miles east of Algiers) ordered the closure of seven Protestant churches. The wali cited ordinance 06-03, claiming that some Protestant churches held services clandestinely in places like garages. The head of the Algerian Protestant Church denied these claims. After news of the wali's order spread locally and through international NGOs [Non governmental organisations], the order was not enforced, and the churches never closed. A government investigation found that the seven churches were being operated in private homes not in compliance with fire and building codes, and concluded that Christians were being held to the same standards in operating places of worship as the majority Muslim population. In July – only after the controversy surrounding the closure order – the MOI [Ministry of Interior] officially recognized the EPA, making it only the second non-Muslim group to receive state recognition. ...

'Other Christian groups that attempted to comply with ordinance 06-03 did not receive official responses or approvals. The government stated that applications to register associations have been deferred since 2008, pending a revision of the 1973 law on associations. Both houses of parliament passed a new law on associations in December, but the law was not enacted until January 2012. Although a government official claimed that the National Commission for Non-Muslim Religious Groups established an administrative means for non-Muslim religious groups to register with the government as required by law, this could not be confirmed.

'Other Christian leaders reported that the government did not register their organizations and places of worship despite efforts to comply with the ordinance. Christian groups indicated that they repeatedly attempted to register with the government but were unsuccessful, encountering difficulties in even obtaining accurate information on the registration process from local government bureaucracies ignorant of the process. Some applicants reported that some government administrative officials indicated their unwillingness to process applications, even if an administrative process existed, and often did not receive confirmation of their application's submission. This delay affected the formation of Muslim and non-Muslim associations. The MRA [Ministry of Religious Affairs] circulated written instructions during the year to member agencies of the National Commission for Non-Muslim Religious Groups, directing its employees to enforce the ordinance fairly and forbidding its "manipulation" in the interest of officials' own beliefs.

'Leaders of the Anglican Church, the Seventh-day Adventist Church, and other churches reported that their applications for registration remained pending, in some cases for more than four years. ...

'Church groups stated that the government did not approve visa applications of many religious workers, which generally received no response. Both Catholic and Protestant groups agreed that this has become one of the more significant hindrances to their religious practice, but some did say that the visa situation has improved compared to

previous years. Their applications were generally not answered rather than officially denied.' [6j] **(Government Practices)**

- 19.11 A publication by the Swedish Migration Board, following a joint fact-finding mission to Algeria between 11-16 June 2011, entitled, 'The Development in Algeria in the Shade of the Arabic Spring, and its Consequences on Migration (Public version)' (Swedish FFM Report 2012), dated 20 January 2012, noted 'The following information regarding the situation of Christians in Algeria is stemming from a meeting on June 15, 2011, with a representative of the Catholic Church in the country.' [110a] (p20) As noted:

'There are about 50,000 Christians in Algeria. They are all foreigners, except those converted to the religion. Christians generally have no problem with the Algerian population.

'The Catholic Church is tolerated in Algeria as it is already established in the country. Nevertheless, the Church personnel experience some difficulties with visas and residence permits. Authorities generally issue tourist visas to nuns and monks, so they just may stay for a few months at a time, and thus are forced to exit and re-enter the country. Moreover, the Catholic Church is active in women's and children's rights. It is also involved in issues related to migrants.

'The 2006 law on religious ceremonies includes a number of restrictions placed on Christians. Religious ceremonies must be performed on an official site recognised by the authorities (a special permit may be granted as an exception). A person can be sentenced to imprisonment and fines if he or she prays elsewhere. The Catholic Church has a sufficient number of buildings, but the provision may be more problematic for other denominations. The Catholic Church's representative informed about an incident in which the governor of a province had a number of churches shut down, as they were not authorised by law. Eventually, however, all the churches concerned were re-opened, by order of the same governor.

'Furthermore, a person who converts a Muslim to Christianity may be sentenced to 2-3 years imprisonment and fines, according to the 2006 law on religious ceremonies. However, it is not forbidden for Muslims to convert per se. Evangelising is forbidden, and renders a prison sentence under the same law. According to the Catholic Church's representative, a woman was stopped 2-3 years ago with a couple of Bibles, which eventually led to a conviction in the court of first instance on charges of evangelism. The appellate court, however, refrained from processing the case, which consequently led to a closure of the case. The authorities have also shown some good will towards Christians by deploying policemen outside a church in Boumerdès, a town that has been plagued by terrorism. ...

'The Bible is available on the internet, and people also have access to similar material via satellite TV. According to the authorities, there are 3,000 Christian converts in Algeria. In reality, however, there are many more, according to the Catholic Church. Conversions take place especially in Kabylia, where there exist many different denominations. The Catholic Church's representative explained the more frequent occurrence of conversion in Kabylia with the fact that Kabylisians, who are not Arabs, have been opposed to the ongoing Arabisation in Algeria. The representative also stated that the inhabitants of Kabylia once were Christians – among them St. Augustine. Baptists and Anglicans accept conversion, and so does the Catholic Church. However, the preparation for conversion to Catholicism is more thorough, and thus rarer.

'In January 2010, a number of converted pastors participated in a seminar organised by the Ministry of Religious Affairs, after receiving an invitation from the authorities. The Catholic Church's representative argued that this may be seen as a kind of recognition of converts.' **[110a] (p20-22)**

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Proselytising and conversions from Islam

19.12 The Aid to the Church in Need Report 2011 stated:

'Widespread reports of thousands of Muslims converting to Christianity have alarmed both the government and extremist groups, which are determined to retain Algeria's strongly Muslim identity. There has been an upsurge in court cases and acts of intimidation against Christian converts. The pretext for such attacks has been allegations of proselytism in direct contravention of the constitution. And yet, although Islam is the official state religion, the constitution also defends the right to freedom of thought and religious practice within defined limitations...' **[83a]**

19.13 The USSD IRF Report 2012 noted:

'Under ordinance 06-03, proselytizing is a criminal offense and carries a punishment of one to three years in jail and a maximum fine of 500,000 dinars (\$6,957) for violations by lay individuals, and three to five years' imprisonment and a maximum fine of 1 million dinars (\$13,914) for violations by religious leaders. The law stipulates a maximum of five years in jail and a 500,000 dinars (\$6,957) fine for anyone who "incites, constrains, or utilizes means of seduction tending to convert a Muslim to another religion; or by using to this end establishments of teaching, education, health, social, culture, training ... or any financial means." Anyone who makes, stores, or distributes printed documents, audiovisual materials, or the like with the intent of "shaking the faith" of a Muslim may also be punished in this manner, but this was not always enforced. Reporting from media, NGOs, and churches suggested that citizens, not foreigners, were the majority of those actively proselytizing in Kabylie. During the year, no new cases against proselytizing could be confirmed.' **[6j] (Status of Government Respect for Religious Freedom)**

19.14 The MRG 2011 Report noted, 'Proselytizing has historically been dealt with particularly harshly.' **[3c](Middle East and North Africa)**

19.15 The USSD IRF Report 2012 noted, 'Conversion is not illegal under civil law, and apostasy is not a criminal offense. The government permitted missionary groups to conduct humanitarian activities as long as they did not proselytize.' **[6j]**

19.16 The HRW World Report 2012 noted, 'On May 25 [2011] an Oran court convicted Abdelkarim Siaghi, a convert to Christianity, of "offending" the Prophet Muhammad under the penal code and sentenced him to five years in prison and a fine. He was freed pending an appeal scheduled for November 2011' **[27e]**

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20. ETHNIC GROUPS

OVERVIEW

- 20.01 The Central Intelligence Agency's (CIA), 'The World Factbook, Algeria', last updated on 9 October 2012, stated that the ethnic composition of Algeria is 99% Arab-Berber and less than 1% European. It continued:

'... although almost all Algerians are Berber in origin (not Arab), only a minority identify themselves as Berber, about 15% of the total population; these people live mostly in the mountainous region of Kabylie east of Algiers; the Berbers are also Muslim but identify with their Berber rather than Arab cultural heritage; Berbers have long agitated, sometimes violently, for autonomy; the government is unlikely to grant autonomy but has offered to begin sponsoring teaching Berber language in schools.' [2a]

- 20.02 Minority Rights Group International, in its overview of Algeria, undated, accessed 5 November 2012, listed the main minority groups as Berbers, including Kabyles, Shawiya, Mozabites and Tuareg, consisting of between 6.6 and 9.9 million people (20-30 per cent of the total population), and Saharawi with a population of 120,000. It further stated:

'...there are no reliable estimates for Berbers, this figure is based on CIA's 2006 estimate for Algeria's population (33 million) and calculated the Berber population based on the widely ranging reported figures of 20-30%. There are no reliable figures for Saharawi. This estimate is from the World Directory of Minorities (published 1997). Other reports put the figure at slightly higher, or roughly 0.5 per cent the national population).

'Algerians are primarily of Arab and Berber descent. The French population, approximately 10 per cent of the total in colonial times, has fallen to about 1 per cent today. Many other Europeans and almost all of the 150,000 Jews in Algeria also left the country after independence.' [3a]

For information concerning Saharawi, please refer to Foreign refugees, and the [Saharawi refugees](#) subsection.

- 20.03 Encyclopaedia Britannica, undated, accessed on 15 November 2012, provided the following information on Algeria's ethnic groups:

'More than four-fifths of the country is ethnically Arab, though most Algerians are descendents of ancient Amazigh groups who mixed with various invading peoples from the Arab Middle East, southern Europe, and sub-Saharan Africa. Arab invasions in the 8th and 11th centuries brought only limited numbers of new people to the region but resulted in the extensive Arabization and Islamization of the indigenous Amazigh population. Some one-fifth of the Algerians now consider themselves Amazigh, of whom the Kabyle Imazighen (plural of Amazigh), occupying the mountainous area east of Algiers, form the largest group. Other Amazigh groups are the Shawia (Chaouïa), who live primarily in the Aurès Mountains; the M'zabites, a sedentary group descended from the 9th-century Ibādī followers of 'Abd al-Rahmān ibn Rustam, who inhabit the northern edge of the desert; and the Tuareg nomads of the Saharan Ahaggar region. Nearly all

the European settlers—mainly French, Italian, and Maltese nationals, who formed a sizable minority in the colonial period—have left the country.’ [123a]

- 20.04 An article posted on the World CP.org international database of cultural policies, entitled, ‘Algeria/ 4. Current issues in cultural policy development and debate’, published on 29 September 2011, noted:

‘Today, the Algerian constitution acknowledges all components of Algerian identity and the authorities have no reservations over expressing the country’s cultural diversity. However, a public opinion survey included in the African Peer Review Mechanism (APRM) report reveals that 49.7% of the people surveyed believe that the measures taken to advocate cultural rights are effective (against 45.2% who oppose that opinion).

‘A number of associations representing the various Algerian regional cultures hold several cultural events all over the country. For example, as regards Berber culture, the following key events are organized by local cultural associations in the “Kabyle” region: Amazigh Poetry Festival, Amazigh Theatre Festival and Amazigh Heritage Festival, in addition to Tin Hinan International Festival organized in Tamanrasset in southern Algeria to celebrate Tuareg heritage. On its part, the state, via the Ministry of Culture, organizes a number of events that show various aspects of the components of Algeria’s identity.

‘In this framework, currently the culture of Gnawa, descendants of black African slaves, is being celebrated, particularly Gnawa music which is very popular amongst the youth in big cities. Two Gnawa music festivals have been institutionalized recently, the first is a national festival held in Bechar in southwestern Algeria and the second is an international festival held in Algiers.

‘The Berber culture is being supported by the Ministry of Culture through various events dedicated to revealing the artistic expressions of Tuareg, Chawi, Kabyle, Mizabi and other. These events include the Local Cultural Festival for Tribal Music and Songs, National Days of Amazigh Theatre (under the sponsorship of the Ministry of Culture and Tizi Ouzou governor), Local Festival for Tuareg Music and Songs, Local Festival for Chawi Music and Songs, Local Festival for Mizabi Music and Songs, Local Festival for Amazigh Music and Songs (held in Tamanrasset) and the National Festival in Gourara.

‘Other festivals are held in the Arabic-speaking regions that take into consideration their unique regional characteristics such as Local Festival for Music and Songs in Oued Souf, Local Festival for Music and Songs in Setif, Local Festival for Music and Songs in Oran, Local Festival for Bedouin Music and Folkloric Poetry and the International Festival for Andalusian Music.

‘In order to create a form of coexistence between all cultural diversities in Algeria, inter-governorate cultural exchange weeks are organized annually: Cultural Week of Media in Algiers, Cultural Week of Ghardaia in Tizi Ouzou, Cultural Week of Constantine in Oran and other.

‘In addition, an annual festival is held in all the 48 governorates, which is in some way the ‘fruit’ of this inter-governorate cultural exchange, in the framework of re-launching the processes of openness and exchange between cultures and consolidating the concept of a united Algerian nation. This acknowledgment of Algeria’s cultural diversity is expressed through state commitment to the relevant international initiatives.

‘Algeria was the first country to ratify the Convention for the Safeguarding of the Intangible Cultural Heritage. It has shaped the Algiers Declaration on Cultural Diversity and the Preservation of the People Identities and Heritages, which was adopted during the Islamic Conference of Ministers of Culture in December 2004.’ [38a]

- 20.05 The Freedom House Report entitled ‘Freedom in the World 2012, Algeria’, covering events in 2011, published 4 June 2012 (Freedom House Report 2012), remarked, ‘Algeria's ethnic composition is a mixture of Arabs and Berbers, with Arabs traditionally forming the country's elite. In recent years, following outbreaks of antigovernment violence in the Berber community, officials have made more of an effort to recognize Berber cultural demands. Tamazight, the Berber language, is now a national language. However, Berbers were not beyond the reach of government repression during protests in early 2011.’ [29g]

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BERBERS / AMAZIGH

- 20.06 The International Work Group for Indigenous Affairs (IWGIA) website, ‘Indigenous Peoples in Algeria’, undated, accessed on 17 November 2012, stated: ‘The Amazigh are the indigenous people of Algeria, as well as of other countries of North Africa and the Sahara. The Amazigh are also known by the name “Berber”, which derives from the Roman term for “barbarian”, a name given to anyone who did not speak Latin.’ [124a]

- 20.07 The IWGIA website, ‘Update 2011 – Algeria’, also noted:

‘The Amazigh enjoy no legal recognition as an indigenous people. Decades of peaceful struggle have, however, led to the Amazigh obtaining two constitutional reforms: the first in 1996 such that the constitution now states that the Algerian identity comprises “an Islamic identity, an Arab identity and an Amazigh identity”, and the second in 2002 to include an Article 3a which stipulates that, “Tamazight is also a national language. The state shall work for its promotion and its development in all its linguistic variations in use within the national territory”. Despite this, no regulatory or legislative text has since been adopted to implement these reforms in practice. Arabic, nonetheless, remains the country's only official language. The state's resources remain entirely focused on promoting the Arabo-Islamic identity of Algeria while the Amazigh aspect is covered up and relegated to second place. The few initiatives taken in the area of communications and teaching have had their implementation hindered by numerous obstacles.

‘The rights of Amazigh women are governed by the “Family Code”, which relegates them to a position of inferiority and submission to men. Based on Sharia law, this legislation and the resulting practices are in violation of Amazigh conscience and civilisation. Consequently, the Amazigh reject this legal text, which authorises polygamy, makes women minors for life and bans them from marrying non-Muslims. The rights of Amazigh women are thus trampled on because Algerian law ignores Amazigh traditions and customary law, known as Azref.’ [124b] **(Marginalised by legislation)**

- 20.08 With regards to living areas of the Berbers in Algeria, the IWGIA, Indigenous Peoples in Algeria, undated, accessed on 17 November 2012, stated:

‘The Amazigh of Algeria are concentrated in five large regions of the country: Kabylia in the north, Aurès in the east, Chenoua, a mountainous region on the coast to the west of

Algiers, M'zab in the south, and Tuareg territory in the Sahara. A large number of Amazigh populations also exist in the south-west of the country (Tlemcen and Béchar) and also in the south (Touggourt, Adrar, Timimoun...), accounting for several tens of thousands of individuals. It is also important to note that large cities such as Algiers, Blida, Oran, Constantine, etc, are home to several hundred thousand people who are historically and culturally Amazigh but who have been partly Arabised over the course of the years, succumbing to a gradual process of acculturation.' [124a]

20.09 The United States Department of State Country Report on Human Rights Practices 2009, Algeria (USSD Report 2009), published 11 March 2010, explained that the Berber language is referred to as Tamazight, Amazigh or Berber. All these terms are also used to describe the ethnic group. [6aa] (Section 2a)

20.10 The IWGIA website, Indigenous Peoples in Algeria, undated, accessed on 17 November 2012 stated:

'The indigenous population can primarily be distinguished from other inhabitants by their language (Tamazight), but also by their way of life and their culture (clothes, food, beliefs...). Urbanisation and the policy of Arabisation are, however, increasingly destroying the characteristic features of the Amazigh.

'After decades of demands and popular struggles, the Amazigh language was finally recognised as a "national language" in the Constitution in 2002. Despite this achievement, the Amazigh identity continues to be marginalised and folklorised by state institutions. Officially, Algeria is still presented as an "Arab country"', anti-Amazigh laws are still in force (such as the 1992 Law of Arabisation) and, when Amazigh identity is mentioned, it is always in a stereotypical manner.' [124a]

20.11 The Freedom House report entitled 'Countries at the Crossroads 2011, Algeria', published 10 November 2011, observed with regards to Berbers that, 'Discrimination tends to be based on the linguistic divide between Arab- and Berber-speaking populations, rather than on ethnicity. The Berber language (Amazigh), spoken by 14 percent of the population, was recognized as an official (but not a national) language by a 2002 constitutional amendment.' [29f]

20.12 Minority Rights Group International, in its profile of Berbers, updated May 2008, accessed on 15 November 2012, stated:

'The Berber-speaking population of Algeria constitutes a little over one quarter of the population and is concentrated in the mainly mountainous areas of Kabylia, Aurès, the M'zab and the Sahara.

'The Berber culture is not homogenous. Its existing constituent subcultures have relatively little in common outside the common root of their spoken dialects. About half of the Berber-speaking population is concentrated in the mountainous areas east of Algiers – Kabylia – and this area and its language have been at the centre of most Berber issues in modern Algeria. Over time the Kabyles have moved in large numbers to the cities of both Algeria and France in search of employment. The second largest Berber group, the Shawiya, inhabit the rugged mountains of eastern Algeria. Two smaller Berber communities are the Mozabites of the area around Ghardaia and the Tuareg nomads of the south. The 12,000 Tuareg, who are nomadic Berbers, live almost exclusively in the mountainous massifs of Ajjer and Ahaggar in southern Algeria. Geographical dispersion of Berber-speakers has hindered the emergence of a common

identity. Kabyles are the most cosmopolitan and are more likely to speak French than other groups.’ **[3b]**

- 20.13 The Congressional Research Service report, ‘Algeria: Current Issues’, published 18 January 2012, stated:

‘Ethnic Berbers (Amazigh/Imazighen) are viewed as the native inhabitants of North Africa from before the seventh century Arab Muslim invasions. Many Algerians’ heritage reflects both Berber and Arab influences, but the state has pursued “Arabization” policies in national education and politics that are seen by some Berbers as disadvantageous. Populations identifying primarily as Berber predominate in several regions, but have been particularly focused on articulating demands for language and cultural rights in the densely inhabited Kabylia region east of Algiers. Periodic unrest in Kabylia has also been fueled by perceived official discrimination and neglect.’ **[56b] (p13)**

- 20.14 The US Department of State Background Note, Algeria, updated 17 February 2011, reported:

‘In 2001, Berber activists in the Kabylie region of the country, reacting to the death of a youth in gendarme custody, unleashed a resistance campaign against what they saw as government repression. Strikes and demonstrations in the Kabylie region were commonplace as a result, and some spread to the capital. Chief among Berber demands was recognition of Tamazight (a general term for Berber languages) as an official language, official recognition and financial compensation for the deaths of Kabyles killed in demonstrations, an economic development plan for the area and greater control over their own regional affairs. In October 2001, the Tamazight language was recognised as a national language, but the issue remains contentious as Tamazight has not been elevated to an official language’. **[6b] (History)**

- 20.15 The US Department of State Country Report on Human Rights Practices 2011, Algeria (USSD Report 2011), published 24 May 2012, stated, ‘The ethnic Amazigh (Berber) population of approximately 10 million participated freely and actively in the political process and represented one-third of the government.’ **[6h] (Section 3)**

See also [Children - education](#), [Women](#) and [Judiciary – Shari’a](#)

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21. LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PERSONS

In considering the position of lesbian and bisexual women see also section on [Women](#) for information about their position in Algerian society.

LEGAL RIGHTS

- 21.01 The ILGA report, ‘State-Sponsored Homophobia, A world survey of laws criminalising same – sex sexual acts between consenting adults’, dated May 2012, stated that same-sex relations for both men and women are illegal. The survey also provided the relevant

legislation criminalising same-sex relations: ‘Penal Code (Ordinance 66-156 of June 8, 1966) Art.[icle] 338 – “Any person guilty of a homosexual act shall be punished with a term of imprisonment of between 2 months and two years, and with a fine of between 500 to 2,000 Algerian Dinars”.’ **[30a]**

- 21.02 The UN Human Rights Council, Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(c) of the Annex to Human Rights Council Resolution 5/1 - Algeria, 6 March 2008, stated, ‘Article 338 of Algeria’s Penal Code (Ordinance 66-156 of June 8. 1966) provides that: “...If one of the perpetrators is a minor of less than 18 years of age, the penalty applicable to the adult may be increased to imprisonment for up to three years and a fine of up to 10,000 Algerian dinars”.’ **[35c]**
- 21.03 The United States Department of State Country Report on Human Rights Practices 2011, Algeria, (USSD Report 2011), published 24 May 2012, stated, ‘The penal code criminalizes public homosexual behavior for males and females, and there is no specific legal protection for lesbians, gays, bisexuals, and transgender (LGBT) persons. The law stipulates penalties that include imprisonment of two months to two years and fines of 500 to 2,000 dinars (approximately \$7 to \$27). If a minor is involved, the adult may face up to three years’ imprisonment and a fine of 10,000 dinars (approximately \$135).’ **[6h] (Section 6)**
- 21.04 Further information covering LGBT laws can be found in:
- [The Fahamu Refugee Legal Aid, ‘Legal Information’, \[37a\]](#)

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TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

- 21.05 A publication by the Swedish Migration Board, following a joint fact-finding mission to Algeria between 11-16 June 2011, entitled, ‘The Development in Algeria in the Shade of the Arabic Spring, and its Consequences on Migration (Public version)’ (Swedish FFM Report 2012), dated 20 January 2012, observed:

‘CNCPPDH [Commission Nationale Consultative de Promotion et de Protection des Droits de l’Homme] stated that LGBTQ issues is a subject considered Taboo. However, in practice, it is not tightly restrained by the State, unless minors are involved. There are not many homosexuals that are condemned, and the minority is not sought after by the authorities. ...

‘The representatives of Liberté did not know whether the authorities, in practice, tended to act with tolerance or not.’ **[110a] (p20)**

- 21.06 Deutsche Welle, a German international broadcaster, stated in an article of 19 May 2011, called ‘EU asylum policy for gays and lesbians criticized by LGBT groups’:

‘...The young gay man [Yahia Zaidi a refugee in Belgium] had spearheaded an HIV/AIDS prevention organization for the gay community in the cities of Algiers and Oran. Persecution from the general public as well as government officials was a part of life for Zaidi in his homeland.

“I got arrested in Algeria once when I was 17 years old. I was just hanging out on the street with a friend, but I looked a bit effeminate with my long hair,’ he remembered.

“The policeman was trying to force me to sign something that I didn’t admit to, so I didn’t sign it. Then another policeman signed it on my behalf. Since that time I have been publicly outed with the police and the government in Algiers, and they even keep a register containing all the names of gay people in Algeria.” **[86a]**

SOCIETAL TREATMENT AND ATTITUDES

21.07 A post of 13 September 2010, on the LGBT Asylum News blogsite, called ‘Being gay in Algeria today’, explored being gay in Algiers:

‘Living their sexuality in hiding, the gays of Algeria are taking up more and more public space, but face a reactionary mentality. In this country, where the penal code severely condemns homosexuality, gays are faced with severe difficulties. Alongside this sexual battle, a social struggle also plays out that is crucial to their future.

“Life is difficult. To escape the judgment of others, the only solution is discretion.” [said a 25 year old hairdresser living in Algiers]... He says that men sometimes connect at the gym, while, on the Internet, you can’t know who’s hiding beneath.

‘Unlike some Arab-Muslim countries, in Algeria, gay sites are hardly ever blocked by the government...Farouk, 30, communications consultant, knows the system well. “On the Web, it’s about setting up rendezvous. In order not to be had, the best thing is to have a webcam, and to meet the person at a neutral place,” The Web is only the first step... Many gays live with either their family or their wife. As a result, precious few gays permit themselves to receive at home. Hotels are the sole alternative. “If we show up together at some hotels, the receptionist may find the situation fishy and prevent us from renting a room, says the consultant. And that’s a lost cause, he says.

‘If you can’t find a place, going to cruising areas is a last resort. And that’s where it gets complicated, even to the point of homosexuals being picked up by the police...By nightfall, numerous gays run into each other there. Apart from the fact of playing cat and mouse with the police, they fear being the target of homophobic attacks....’Society rejects us and religion condemns us. In all of this, nobody listens to us.’...

‘Hydra, a wealthy neighbourhood on the heights of the capital. It is in this upscale neighbourhood that is found the main unofficial (Officially, Algeria has no gay places.) gay venue, the Cappuccino bar. On the terrace, families devour shawarmas, while the gays and lesbians of the capital gather upstairs... “Although gays have no freedom, everything’s fine at the Cappuccino,” is how Lotfi, a Commerce student, sums it up. But isn’t it just a facade? Thirty or so people squatting at the bar are not capable of representing a significant part of the LGBT community living in Algeria.’ **[33a]**

21.08 The USSD Report 2011 stated, ‘According to the NGO [Non-Governmental Organisations] Heartland Alliance, during the year [2011] a women engaged in grassroots LGBT activism received several death threats and felt compelled to flee the country. There was societal discrimination against homosexual conduct. While some LGBT persons lived openly, the vast majority did not, and most feared reprisal from their families or harassment from authorities.’ **[6h] (Section 6)**

21.09 The International Gay and Lesbian Human Rights Commission, in its OutSpoken Winter/Spring 2011 newsletter, published on 18 January 2011, stated, ‘Pioneering

Algerian blogger Zizou runs and writes ZIZOU's Magazine, which is one of the most prominent and popular Arabic-language blogs for the LGBT community, focusing on everything from human rights and politics to entertainment.' [88a] The newsletter featured an interview with Zizou in which he said:

'The LGBT rights blogging phenomenon has grown extensively and impressively in recent years in parallel with developments in human rights in general and in the field of modern technology, especially the Internet. This has allowed these media channels to develop quickly and to compete with traditional channels of intellectual and cultural information... It is also possible to create a blog under a pseudonym allowing one to discuss issues frankly and without external threat or the pressure that comes just from talking about some issues... This work of developing a consensus around human rights requires bloggers to have a lot of courage because they face many pressures when they discuss issues related to the social, political and legal situation in their countries. Some may end up facing restrictions such as having their blogs blocked and may end up being persecuted and even imprisoned for their work. For this reason this work cannot happen individually - support and collective action is required.' [88a]

21.10 The Swedish FFM Report 2012, were informed by 'Representatives of the newspaper Liberté, that: 'The topic is very sensitive and is not discussed in the press. It is hard to live as a homosexual in Algeria, and those who are, generally act very discreetly. Acceptance among families varies. Homosexuals who do not conceal their sexual orientation risk verbal harassment. There are no clubs for homosexuals. Sexual intercourse between individuals of the same sex may render a prison sentence in accordance with the Penal Code.' [110a] (p20)

21.11 The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), reported on 5 October 2012 that:

'In a few days, the Lesbian, Gay, Bisexual, Transgender, Intersex and Queer community will light up its sixth candle to celebrate our national day "TEN TEN" which coincides with October 10 of each year.

'After thousands of lighted candles expressing hope, we arrive today to look back to a year of an incomparable mobilization. Indeed, in addition to the integration and the joining of many of our own to our daily struggle for our right to live with dignity, we can also count a great number of activists in the world of civil society who have joined us in their own name or the name of their organizations to say that our battle has now become theirs too. It is now clear that no battle for full and indivisible citizenship in Algeria can be done without the strength of Algerian LGBTQI activists.' [30b]

Transgender and intersex persons

21.12 CNN reported on 9 July 2010, in an article, 'Algerian transsexual's memoirs reveal life of discrimination':

'An Algerian transsexual has published her memoirs, describing the discrimination she faced in her home country, which culminated in death threats that forced her to flee to Lebanon. Randa, who says she's 'around 30,' now lives as a woman in Beirut, Lebanon, but was born a boy, called Fouad, in Algeria...

'Aged 20, she began hormone therapy while she was at university but said she had to stop for fear her family would completely disown her. Her family eventually did disown her, three years ago, when she first dressed as a woman.

'As an adult Randa worked as a nurse in a clinic and set up a support group for gays and transsexuals in Algeria. But she said her public support for homosexuals brought unwelcome attention from the authorities, in a country where homosexuality and transsexuality is illegal.

"In Algeria I didn't feel safe at all,' she said. 'The last month I spent there, every time I was leaving home for work, I wasn't sure I would come back alive in the evening. Pressure was way too high. People were following me. Policemen came to my office twice asking where I was. It was a way to frighten me."

'Randa said she was eventually forced to flee the country after receiving written and verbal death threats from radical religious groups.' **[61b]**

- 21.13 To note: At the time of updating this section no information could be sourced on Intersex persons in Algeria

See also [Section 23 - Women](#)

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22. DISABILITY

- 22.01 The United States Department of State Country Report on Human Rights Practices in Algeria, 2011 (USSD Report 2011), published 24 May 2012, stated:

'The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, although in practice the government did not effectively enforce these provisions, and there was widespread social discrimination against persons with disabilities. Few government buildings were accessible to persons with disabilities. Public enterprises that downsized generally ignored a requirement that they reserve 1 percent of jobs for persons with disabilities. Social security provided payments for orthopedic equipment. The Ministry of National Solidarity provided some financial support to health-care-oriented NGOs [Non-Government Organisations], but for many NGOs such financial support represented approximately 2 percent of their budgets.

'The ministry maintained that there were two million individuals with disabilities in the country, of whom the largest percentages were classified as "chronically ill" or "other" (38 and 30 percent, respectively). However, according to the Algerian Federation of Wheelchair Associations, there were three million persons with disabilities living in the country. The government estimated that approximately 44 percent of disabled citizens had some form of motor disability, 32 percent had communication difficulties, and 24 percent suffered from a visual disability. The government classified approximately 193,000 individuals as "fully disabled" and claimed during the year to have appropriated

9.54 billion dinars (approximately \$129 million) for their welfare.’ [6h] (Section 6: **Persons with Disabilities**)

- 22.02 Details of statutory disability benefits in Algeria are outlined in the Algeria country summary of the United States Social Security Administration’s [‘Social Security Programs Throughout the World’](#), released August 2011 [41a]
- 22.03 The United Nations reported on their website, Enable, (accessed 19 November 2012) that Algeria ratified the Convention on the Rights of Persons with Disabilities (UN) on 4 April 2009. [18c]
- 22.04 Handicap International has been working in Algeria since 1998. The Algerian page of its [website](#), accessed on 3 January 2013, stated, ‘Our activities in Algeria form part of a wider development process. We aim to make structural improvements to the lives of people with disabilities, to foster their inclusion, and to ensure they play a full role in society. Handicap International has more than 50 partnerships with Algerian organisations in the field of social, economic and educational inclusion, mental health and rehabilitation.’ [66a]

For information covering mental health disability, see also [Medical Issues – Mental health](#)

See also [Children – Education](#) subsection for information concerning children with disabilities

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23. WOMEN

This section should also be read in conjunction with the section on [Children](#) regarding the position of girls in Algeria.

OVERVIEW

- 23.01 Algeria acceded to the UN Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) on 22 May 1996. (UN Treaty Database, accessed 10 January 2010). [9a]
- 23.02 The Freedom House report entitled ‘Countries at the Crossroads 2011, Algeria’, published 10 November 2011, observed: ‘The constitution recognizes the equality of men and women before the law and condemns all forms of discrimination. Algeria ...amended its family code in 2005 to establishing rights for women, including keeping their house in case of divorce, the right to refuse a polygamous marriage, and the ability to transmit citizenship to their children. However, many women remain unaware of their new rights.’ [29f]
- 23.03 The UN Human Rights Council document, ‘Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Rashida Manjoo: Mission to

Algeria' [which took place between 1 and 10 November 2010], dated 19 May 2011, (UNHRC 2011 Special Rapporteur report) noted:

'Recent legal, institutional and policy developments reflect the Government's intention to fulfil its due diligence obligations with regard to the promotion and protection of women's rights. Nonetheless, such measures have not been able to remove all obstacles to de jure and/or de facto discrimination and to fully transform entrenched patriarchal attitudes and stereotypes in society. Violence against women in the family, sexual harassment at work and in educational and training institutions, and stigmatization of and hostility towards unmarried single women and women living on their own are areas of concern.'

[35a] (p1)

23.04 The Freedom House 2010 report on Women's Rights in the Middle East and North Africa 2010 – Algeria, dated 3 March 2010, (FH Women's Rights Report 2010) observed:

'The present situation for Algerian women is complex and often ambiguous. Some believe that the family code, even with the recent revisions, is discriminatory and should be replaced by secular civil laws. This view has been continuously defended, notably, by Louisa Hanoune, a secular feminist and the only female leader of a political party, the Party of Workers ('Parti des Travailleurs'). However, women's empowerment is also inhibited by other factors, including gender-based prejudices, the lack of legal awareness among women, and broader government restrictions on civil liberties and political rights. Despite these constraints, the number of women's rights organizations has grown since 2004. Analysts praise the energy of these organizations as well as the interest that Algerian women display in learning about their rights whenever they are given the opportunity to do so. Scholars and activists emphasize the fact that the actual practices of Algerian society are often more progressive than official discourse or formal laws may suggest.

'The burgeoning number of women's rights groups over the last five years showcases growing activism and civic involvement among women. However, the feminist movement continues to face challenges. Women's rights organizations are increasingly fragmented along ideological lines, and activists do not necessarily agree on what constitutes the best strategy for achieving further advances. While some emphasize the need for change at the legal level, particularly within the family code, others contend that establishing and enforcing the rule of law and extending civil liberties at all levels are more pressing objectives. However, it is clear that none of these approaches can be entirely successful as long as the government continues to exercise tight controls on the use of the public sphere and within political parties, and women remain unaware of their existing or potential rights.' **[29d] (Introduction)**

23.05 The same source rated women's freedom in Algeria in 2009 on a scale of one to five (one representing the lowest and five the highest level of freedom women have to exercise their rights – methodology for the ranking is [here](#)):

- 'Non-discrimination and Access to Justice: 3.1
- Autonomy, Security, and Freedom of the Person: 3.0
- Economic Rights and Equal Opportunity: 3.0
- Political Rights and Civic Voice: 3.0
- Social and Cultural Rights: 3.0' **[29d]**

23.06 The United Nations (UN) 'Concluding observations of the Committee on the Elimination of Discrimination against Women, Algeria', published 2 March 2012, with regards to eliminating gender stereotyping, observed:

'The Committee acknowledges the State party's efforts to eliminate gender stereotyping, through adjustments of school curricula for secondary education and provision of training and qualification programmes to promote equal opportunity for and equal treatment of women in respect of employment and occupation. However, the Committee notes with concern that, despite the efforts by the State party to raise awareness on women's equality, patriarchal values and strong stereotypical attitudes persist in the State party with respect to the roles and responsibilities of women and men in society and in the family, overemphasizing the roles of women as wives and mothers. Furthermore, the Committee notes with concern that early stage school curricula also contribute to the prevalence of stereotyped roles of women and men and that there is lack of information about the role played by the media, religious and community leaders and NGOs [Non-governmental organisations] in combating negative stereotyping and societal attitudes towards women and girls. The Committee also notes the limited impact of the awareness-raising programmes for the judiciary on ensuring compliance with article 5 of the Convention.' **[93b] (p6)**

23.07 The same source stated: 'While welcoming a number of legislative amendments aimed at eliminating discrimination against women... the Committee expresses its concern that many provisions remain in laws such as the Family Code and the Criminal Code contrary to the State party's obligations under the Convention and other relevant international human rights instruments.' **[93b] (p5)**

See also [Family law](#)

23.08 With regards to rural women, the same source noted: '... the Committee is concerned that rural women are particularly affected by poverty, early marriage, limited access to education, health care services, information technologies and new technologies.' **[93b] (p11)**

23.09 The same source further stated:

'The Committee welcomes the fact that the Government has developed a number of departmental and inter-governmental coordinating mechanisms on women's equality, including the National Council for the Families and Women, established in 2006, which supports the work of the Ministry for National Solidarity and the Family and the Ministry for the Family and the Status of Women. However, it remains concerned at the lack of clarity about the impact of activities of the National Council on gender equality, partly due to the absence of indicators to measure the impact of the national machinery, the division of tasks and responsibilities between the two Ministries and the human and financial resources allocated to individual mechanisms. Furthermore, the Committee is concerned about the absence of a dedicated central authority leading the national machinery on women's empowerment.' **[93b] (p5)**

23.10 The UN paper, 'Committee on the Elimination of Discrimination against Women hears from NGOs on situation in Algeria, Jordan and Zimbabwe', dated 20 February 2012, noted:

'Representatives of non-governmental organizations in Algeria said that the critical issues facing women and girls in this country were the law and practice on divorce and inheritance, which needed to be revised in order to ensure more equality for women, equal rights in the workplace, polygamy, and violence against women. Algerian law did not provide a clear definition of rape which made it difficult for women to report the act and seek protection by the police.' [93d]

23.11 The same source also included the following statements by NGOs:

'Rassemblement Contre la Hogra et pour les Droits des Algériennes RACHDA hoped that the right to equality would finally be reached in Algeria, particularly in the field of employment in domestic work. Unemployment rates in the country were on the increase. Women did not have access to property and reproductive rights, despite a policy on free access to abortion which was still determined by uneven geographic distribution and marital status. Free sexual orientation was not recognized and same sex relations were criminalized. Sex education was practically absent and was not included in education programmes in the country.

'Information and Documentation Centre for the Rights of Women and Children congratulated Algeria on recent legislative revision and constitutional reform that increased the participation of women in politics and reinforced their rights. The first issue that still needed to be addressed was withdrawing the reservation on article 2 of the Convention on the Elimination of Discrimination against Women. Algeria was called upon to withdraw the institution of marital guardianship and to revise the law and practice on divorce and inheritance to ensure more equality for women. The Centre urged the Committee to look at the issue of discrimination in pensions whereby a widow would lose the right to pension if she remarried while a widower would keep his pension.

'Coalition for Equality Without Reservation called on Algeria to allow lawyers to defend women on the basis of equality and justice. Many discriminatory discourses in the country were undertaken by religious institutions and it was important for this to stop. Religious laws and customs prohibited women to choose their place of living or to study. Algeria was called upon to lift its reservation on article 2 of the Convention.

'Association Culturelle AMUSNAW focused on the reservations of Algeria to articles of the Convention and said those reservations had rendered the meaning of the Convention insignificant. This was the case for the Family and Marriage Law, which put women in a position inferior to men. On violence against women, the non-governmental organization said that women were victims of domestic violence and sexual harassment. There was no clear definition of rape in the Algerian law which made it difficult for women to report the act and seek protection by the police.' [93d]

See also [Rape and other sexual crimes](#) subsection which follows later in this section

23.12 At the UN meeting on 20 February 2012, 'An Expert asked whether domestic workers enjoyed a guaranteed minimum salary and for further information on the pay gap between men and women. On polygamy, which was still practiced in Algeria, the Expert asked about the role of the court in defining if a man's request for another marriage was justified. On gender violence, were there observatory forums and ways of monitoring this violence, including compiling data of gender-based violence?' [93d] In response, the UN paper noted:

'The non-governmental organizations said the principle of equality was included in all the texts and laws which governed public space and women benefitted in the same way as men. Employers had an obligation to register their employee in the social security system and workers had to ensure it happened. On the issue of guardianship of children, the maternal line had been favoured, but since the 2005 amendment, the father was given the same right to request custody. On polygamy, a speaker said that this was a practice that was destructive for the family environment and added that a husband could take a second wife only if the first wife could not have children. There were two observatories on violence and discrimination against women, one on violence and sexual harassment in the workplace and one on domestic violence which looked into what was happening inside homes.' [93d]

- 23.13 The Organisation for Economic Co-operation and Development's Social Institutions & Gender Index (SIGI) 2009 provides a measure of gender discrimination based on five areas of social institutions: family code, physical integrity, son preference, civil liberties and ownership rights. For further information refer to the background paper [here](#). [125a] The index listed 102 non-OECD [Organisation for Economic Cooperation and Development] countries. The SIGI 2009 listed women in Algeria as subject to a high degree of gender discrimination, rating Algeria 75th out of the 102 countries ranked. [125a] (p33) 'Algeria is not ranked in the 2012 SIGI due to missing data for one or more SIGI variables' [125b]

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LEGAL RIGHTS

- 23.14 The United States Department of State 'Country Report on Human Rights Practices 2011, Algeria', (USSD Report 2011), published 24 May 2012, noted, 'The constitution prohibits discrimination based on birth, race, gender, language, and social status. In general, the government enforced the nationality and family codes, although women continued to face some legal and social discrimination.' [6h](Section 6)
- 23.15 The USSD 'Report on International Religious Freedom – Algeria', published 30 July 2012, and covering events of 2011, added, 'Some aspects of the law and many traditional social practices discriminate against women. The family code, which draws on Sharia (Islamic law), treats women as minors under the legal guardianship of a husband or male relative, regardless of the woman's age.' [6j] (Section II legal/policy framework)
- 23.16 The FH Women's Rights Report 2010 asserted:
- 'Civil laws and policies apply to men and women equally, but Article 1 of the civil code stipulates that 'in the absence of any legal disposition, the judge pronounces himself according to the principle of Islamic law and, if necessary, according to customary law.' It is primarily for crimes against women, such as rape or abduction that such legal dispositions are missing. Consequently, women are the main victims of this legal dualism. In the private sphere and in all matters concerning the family, the 1984 family code applies. This code—which is based on Shari'a, customary law, and French law—severely restricts women's liberties and opportunities. Amendments in 2005 removed some of its gender-based inequities, but many discriminatory provisions remain.' [29d] (non discrimination and access to justice)

23.17 The report continued:

‘All citizens are entitled to equal access to justice regardless of their gender, and women are fairly well represented in the judiciary as judges and lawyers. However, in practice, women typically either do not know their legal rights or refrain from asserting them through formal legal channels. This is particularly true regarding claims involving domestic violence, sexual harassment, and rape. The reluctance to pursue these claims can be attributed to several factors, including the real and perceived biases in the law and the ongoing prevalence of patriarchal attitudes in society. Laws concerning women’s rights are sometimes implemented in an arbitrary manner, especially in cases that pertain to the family code. In addition, the significant financial cost associated with pursuing legal cases is a major obstacle for women, who are often economically dependent on their husbands or fathers.’ **[29d] (non discrimination and access to justice)**

23.18 The same report noted:

‘The courts consider male and female plaintiffs and defendants to be equal before the law, but the Ministry of Justice considers the testimony of two female witnesses to be equal to that of one male witness in criminal cases. Female defendants can receive different sentences based on their gender in certain circumstances. For instance, Article 16 of the code of penitentiary organization stipulates that the punishment of a woman can be suspended if she is pregnant or has a child less than two years old (the breastfeeding period is defined as 24 months). In addition, when both the father and the mother of dependent children are sentenced to time in prison, the mother’s sentence is delayed until the father has been released from prison.’ **[29d] (non discrimination and access to justice)**

See also [Women in detention](#)

23.19 The Freedom House Report entitled Freedom in the World 2012, Algeria, covering events in 2011, published 4 June 2012 (Freedom House Report 2012), noted: ‘... Algeria is one of the few countries in the region to allow women to transfer their nationality to their children, regardless of the father’s nationality.’ **[29g]**

See also [Citizenship and nationality](#)

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POLITICAL RIGHTS

23.20 The Central Intelligence Agency (CIA) World Factbook (CIA World Factbook), updated 9 October 2012, noted that universal suffrage existed at 18 years of age. **[2a]**

23.21 The FH Women’s Rights Report 2010 stated:

‘Restrictions on the political and civil rights of women are just one aspect of the broader limitations affecting the public sphere in Algeria. The freedoms of expression and association are restricted by a government that is heavily influenced by the military and the ruling FLN [National Liberation Front] party. If a woman belongs to an influential group, she may wield more power than men belonging to a less important group. Thus

the activism of privileged women belonging to powerful clans tends to overshadow more discreet forms of activism by civil society. Whatever their affiliations, women remain severely underrepresented in the executive branch, the parliament, and local government bodies.’ **[29d] (Political rights and civic voice)**

23.22 The USSD Report 2011 noted:

‘In accordance with the law, the government promoted political rights for women by encouraging increased female representation within elected assemblies. In November [2011] both houses of parliament passed a law setting the terms for expanding women’s representation in elected assemblies. In future elections, women must make up between 20 and 50 percent of candidates depending on the population and number of seats the wilaya holds in parliament’s lower house.

‘There were three women in the cabinet. Women also held 30 of the 389 seats in the Popular Assembly of the Nation, the lower legislative chamber, and seven of the 144 seats in the Council of the Nation, the upper chamber. A woman led the Workers Party, and three major political parties--the FLN, National Rally for Democracy, and RCD--had women’s divisions headed by women.’ **[6h] (Section 3)**

See [Freedom of Assembly and Association](#) for more information on restrictions placed on civil society activists.

23.23 The United Nations (UN) ‘Concluding observations of the Committee on the Elimination of Discrimination against Women, Algeria’, published 2 March 2012, reported:

‘While welcoming the amendment to Article 31 of the Constitution which provides for greater political representation of women, the Committee expresses its concern at the continued significant under-representation of women in the lower and upper houses of the Parliament - the People’s National Assembly and the Council of the Nation, as well as in the Government, and the continued low number of women candidates at elections at all levels. The Committee notes the promulgation of the Organic Law No. 12-03 of 12 January 2012, adopted by Parliament in November 2011, containing compulsory quotas for a minimum representation of women for elections to the People’s National Assembly, regional assemblies and municipal assemblies While noting that sliding scale of quotas was established, ranging from 20 to 50 per cent, the Committee is however, concerned that the opening quota is lower than 33 per cent as initially envisaged; and that there is no quota for election to the Council of the Nation. The Committee also remains concerned at the low number of women in the judiciary, public administration as well as in the foreign-service, including as heads of diplomatic missions abroad. The Committee is particularly concerned at the low number of specific measures, including temporary special measures, to promote women’s representation in public and political life, including the representation of women in directorship and leadership position in public enterprises.’ **[93b] (p8-9)**

The performance of women during the May 2012 parliamentary elections

To give the reader a broader understanding concerning the May 2012 election, please read the following section in conjunction with [Recent developments - Political developments](#), and [Political affiliation](#)

23.24 The Project on Middle East Democracy (POMED) article, ‘Algerian Elections Praised, 145 Women Elected’, dated 14 May 2012 stated: ‘The coalition of Algerian President

Abdelaziz Bouteflika emerged victorious in last week's parliament elections. The elections resulted ... in the nomination of 145 women to Parliament that hosts 462 representative, increasing their representation from 7% to 31%.' [126a]

- 23.25 UN Women [the United Nations Entity for Gender Equality and the Empowerment of Women] reported on 16 May 2012:

'UN Women welcomes the increase in women's representation in the new parliament of Algeria as a result of last week's elections. The percentage of women parliamentary members now stands at 31 percent, up from 8 percent during the previous period from 2007 through 2011. This increase followed the adoption in January of a quota law stipulating 30 percent women's participation, and is a welcome step in Algeria's progress towards democratic reform and gender equality.

'UN Women commends Algeria for reaching and surpassing the target of 30 percent women in parliament as recommended in the Beijing Platform for Action and general recommendations of the Convention on the Elimination of All Forms of Discrimination against Women. Algeria joins 30 other nations that have reached or surpassed this target by the end of 2011, with seven countries surpassing 40 percent and two exceeding 50 percent of women in parliament (Rwanda and Andorra).' [127a] A list of the 30 other nations, as mentioned above can be found in the [UN Women](#) article

- 23.26 The Office of the United Nations High Commissioner for Human Rights (OHCHR) 'Opening remarks by UN High Commission for Human Rights Navi Pillay at a press conference during her mission to Algeria', dated 19 September 2012, stated: 'The fixing of a minimum 30 percent quota for female Members of Parliament, resulting in the election of 146 women in May, is a courageous and highly commendable achievement.' [93c]

- 23.27 An article written by N. Hafid for the Common Ground News Service, entitled 'The feminisation of politics in Algeria', dated 12 June 2012, highlighted why some activists remain sceptical over the recent success of women in the political scene:

'Women's rights activists will forever remember the 10 May 2012 Algerian legislative elections as a turning point. That day, 147 women, out of 462 candidates, were elected to the National People's Congress (NPC) – a positive step towards achieving gender equality. In 2007, in contrast, female members of parliament (MPs) won only 8 per cent of the total seats.

'Why was there such a leap forward? It was partly due to Law 31, which was added to the constitution in November 2008. It required women to comprise 20 per cent of political parties' candidate lists – and would penalise parties by removing them from the ballot if they fail to comply.

'Yet even though politically active women are optimistic in light of these developments, some activists remain sceptical. Algerian lawyer Fatma-Zohra Benbraham criticised the new law on women's representation as a "legislative trap", given "that the legislation referred to the representation of women on the candidate lists and not within the NPC [itself]," as she told the Algerian newspaper Le Temps D'Algerie.

'Concurring with Benbraham, Yasmina Taya, President of the Algerian National Association of Women Entrepreneurs, noted that Algerian women are still marginalised in spite of all the key government positions they now hold.

‘But it is still worth noting that women’s extraordinary ascent to the NPC occurred in a country that did little to encourage women to participate in politics just a few years ago.

‘Women’s organisations’ growing visibility and efforts have, over time, contributed to growing support for the idea that Algerian women should play a more public role in their society. ...

‘Men also have a role to play in improving women’s representation in the public sphere. According to Nadjia Zeghouda, a trade unionist and human rights activist, this “feminisation” of the NPC will hopefully push men to evaluate their positions on women’s issues. Indeed, men working alongside so many female MPs could improve the way that men view women’s issues, and help them take laws pertaining to women more seriously.

‘Hopefully, these elected women will present other women’s concerns in a way that is original and relevant – and get their male colleagues to notice those concerns.

‘Ultimately, it is impossible to talk about movements supporting democracy and human rights without including women in these conversations. Any successful movement towards these goals requires women’s participation.

‘The beginning of gender parity in Algeria’s NPC is a positive step, heralding a real shift towards democracy and progress – for all Algerians, male and female.’ **[130a]**

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SOCIAL AND ECONOMIC RIGHTS

Family Law

23.28 The FH Women’s Rights Report 2010 stated:

‘The 1984 family code established the concept of an agnatic family structure characterized by patriarchal authority. Under this code, which was designed to appeal to Islamic fundamentalists by meeting a few of their basic priorities, women were primarily recognized as guardians of kin and tradition rather than as autonomous individuals. In 2005, partly under the pressure of women’s organizations, the family code was finally amended by the government of President Abdelaziz Bouteflika, who has been in power since 1999.

‘The new code has brought a number of positive changes. It grants women more rights in terms of divorce and housing, reduces the role of a woman’s male guardian to a largely symbolic status, and ensures Algerian women’s right to transmit citizenship to their children. However, most women’s rights groups continue to regard the amended code as far too hesitant to create true gender equality.’ **[29d] (Introduction)**

23.29 The Amnesty International Report 2012, ‘The State of the World’s Human Rights, Algeria’, covering events of 2011 (AI Report 2012), published 24 May 2012, stated: ‘Women remained subject to discrimination under the law. In particular, under the 2005 Family Code, women’s rights are subordinated to those of men in matters relating to marriage, divorce, child custody and inheritance.’ **[26h]**

23.30 The United Nations (UN) Concluding observations of the Committee on the Elimination of Discrimination against Women, Algeria, published 2 March 2012, highlighted the following areas of concern contained in the state party's Family Code:

'(a) The use of matrimonial guardian (wali) as a condition to enter marriage by adult women;

'(b) The permissibility of polygamy, though subject to certain restrictions (article 8 of the Code);

'(c) The limited grounds for divorce, often difficult to prove in court, such as financial default, sexual incapacity or non-performance, conviction of a crime, prolonged absence or serious offence against morality (article 53 of the Code);

'(d) The limited possibility for a woman to replace the father as legal guardian in emergency situations such as where a husband is absent or unable to act as guardian, and the transfer of guardianship to a woman only when a husband dies or in case of divorce (article 87); and (e) Inheritance, as sons are entitled to receive two shares of an inheritance while daughters receive only one share.' **[93b] (p12)**

23.31 The United Nations 'Committee on the Rights of the Child Sixtieth session' (UN CRC July 2012 Report), dated 18 July 2012, urged '...the State party to ensure that mothers and fathers equally share the legal responsibility for their children in accordance with article 18, paragraph 1, of the Convention.' The committee urged the State party:

'(a) To revise the 2005 Family Code and ensure that all provisions that discriminate against women and negatively impact on their children, such as those which authorize polygamy, and repudiation be repealed;

'(b) To recognize by law the marriage between a Muslim woman and a non-Muslim, as already recommended by the Committee on Economic, Social and Cultural Rights ...

'(c) To review its legislation relating to the custody of the child with a view to ensuring that all decisions taken are based on the principle of the best interests of the child in line with articles 3 and 12 of the Convention and that children can no longer be withdrawn from their mother's custody if she remarries; and

'(d) To enable women and girls to inherit on terms of equality with men.' **[54b] (p11)**

See [Judiciary – Shari'a](#)

Inheritance

23.32 The SIGI Country Profile for Algeria, undated, accessed on 20 November 2012, stated:

'Sharia law applies in the event of inheritance, as governed by the Family Code. In general, a woman is entitled to the equivalent of half her brother's (or relevant male relative) share. In some cases, women are pressured by male relatives to give up their share of the inheritance. But in other families, parents circumvent the existing legislation and re-establish equality between their children by gifting property to female heirs while the owner is still alive. This may reflect a growing refusal among Algerian society to accept unequal inheritance rights, and to challenge this discriminatory institution.' **[125b]**

- 23.33 The USSD Report 2011 noted, 'Women suffered from discrimination in inheritance claims and were entitled to a smaller portion of an estate than male children or a deceased husband's brothers. The law purports that such a distinction is justified because other provisions require that the husband's income and assets be used to support the family, while in principle the wife's remain her own. In practice women did not often have exclusive control over assets that they brought to a marriage or that they earned.' **[6h] (Section 6)**

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Marriage and divorce

- 23.34 The FH Women's Rights Report 2010 stated:

'The 1984 family code was amended on February 22, 2005, to improve several key provisions. For instance, under Article 7 of the amended code, the legal age of capacity for marriage changed from 21 for men and 18 for women to 19 for both sexes. In addition, proxy marriages are now prohibited...

'Despite these amendments, many believe that the family code remains too ambiguous on several central issues and retains a number of discriminatory provisions. For instance, a bride's wali (marriage guardian, usually her closest male relative) must be present when she concludes her marital contract, though he is now reduced to an honorary role and defined as her father, a relative, or 'any other person of her choice.' A wali cannot force a woman to marry someone against her will or oppose the marriage...

'Polygamy remains legal under Article 8 of the family code, although it is now subject to several conditions. The court must certify that there is 'justified motivation' behind the decision to take more than one wife, that the man is able to take care of an additional spouse, and that all of the spouses involved consent to the marriage. Currently, only 3 percent of Algerian households are polygamous.' **[29d] (autonomy, security and freedom of the person)**

- 23.35 The UNHRC Special Rapporteur's 2011 report noted, '...discrimination persists in the prohibition of marriages of Muslim women to non-Muslim men, a prohibition that does not apply to Muslim men wishing to marry non-Muslim women.' **[35a](p15)**
- 23.36 The same report added, 'Also of concern is the requirement for the future spouses to present a health certificate to inform their partner of any diseases they may have at the time of marriage. Interviews with civil society organizations revealed that this provision is sometimes interpreted as a request for a 'virginity certificate' from the future wife.' **[35a](p15)**
- 23.37 The USSD Report 2011, with regard to marriage and divorce, stated, 'Women can seek divorce for irreconcilable differences and violation of a prenuptial agreement. In a divorce the law provides 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 if they had custody of the children.' **[6h] (Section 6)**

23.38 A publication by the Swedish Migration Board, following a joint fact-finding mission to Algeria between 11-16 June 2011, entitled, 'The Development in Algeria in the Shade of the Arabic Spring, and its Consequences on Migration (Public version)' (Swedish FFM Report 2012), dated 20 January 2012, noted: 'An indication of increased secularisation is that people nowadays have to register a civil marriage; previously, all they had to do was to turn to the Imam for the religious ceremony.' **[110a] (p17)**

23.39 The FH Women's Rights Report 2010 stated:

'Retaining polygamy while attempting to accommodate the concerns of women's rights activists may create more problems than it solves. Now that the consent of the first spouse is required, the husband often chooses to divorce the first spouse if she rejects his request for a second wife. If he and the first wife were childless or if their children are adults, the divorced wife has no right to the marital home or alimony. Consequently, women over the age of 60 increasingly find themselves divorced and homeless as their ex-husbands take new wives...

'While men may initiate divorce without explanation, women filing for divorce must generally cite one or more of 10 specific reasons, such as abandonment for a year without justification. Should a woman wish to initiate a divorce for other reasons, her only option is khula, the traditional Islamic practice that permits a woman to unilaterally initiate divorce if she pays the husband a sum of money...

'Article 72 of the family code guarantees that, upon divorce, women who retain primary custody over their children will receive proper housing. This is a major improvement from the 1984 code, under which men kept the marital home upon divorce, often forcing divorced women and their children onto the streets. However, because of the current housing crisis, many judges allow divorced men to keep the house if they offer equivalent funding to their ex-wives and children. Consequently, unemployed men or those with low incomes provide too little money to allow their ex-wives and children to find decent housing.' **[29d] (Autonomy, security and freedom of the person)**

23.40 The SIGI Country Profile for Algeria, undated, accessed on 21 November 2012, stated:

'Under the new Family Code, the conditions under which a wife can seek a divorce have been broadened, and include 'inconsolable differences' and failure to observe conditions included in the marriage contract. The new Family Code also stipulates that when a divorced couple have children, decisions regarding custody should be made in the best interests of the children; in the majority of cases, custody is now granted to the mother, while the father is obliged to provide financial support. In addition, when a mother has been granted custody of her children, she obtains parental authority over them. However, in all divorce cases, judges in Family Courts are legally obliged to persuade the couple to reconcile. Provisions in the previous Family Code whereby men who obtained a divorce had the right to keep the family house and immediately evict their wives and children have been removed, although the new Code only appears to allow the children (and by extension their mother) to remain in the family home until such time as the husband has made alternative arrangements to lodge them elsewhere.' **[125b]**

23.41 The UNHRC Special Rapporteur's 2011 report noted,

'Despite the broadening of the grounds on which women may request a divorce, inequalities and discrimination remain and often leave women with no choice but to stay

in a violent marriage. While men can obtain a quick divorce through repudiation and without justification, women are required to disclose the reasons of their request, a process that can be lengthy and subjected to judicial discretion. In addition, whereas the Code specifies that a woman may obtain a divorce without the consent of her husband by paying a financial amount (kohl'a), men are not obliged to pay compensation if they request a divorce.' [35a](p15)

- 23.42 The Human Rights Watch's 'World Report 2012', covering events of 2011, released on 22 January 2012, (HRW World Report 2012) stated: 'Algerian women face discrimination under the code of personal status. A man has the right to divorce his wife without cause, but a woman can file for divorce only on specific grounds, such as abandonment. Khul'a (a no-fault divorce) is the only option for women who wish to file for a divorce without invoking the accepted reasons, but in so doing they forfeit any financial claims.' [27e]
- 23.43 The Swedish FFM Report 2012, noted: 'In case of divorce, the woman takes care of the couple's children. Under Article 72 of the Family Code, the man pays the rent for the women and the children. It is common that the woman returns to her parents after divorce.' [110a] (p18)

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Single mothers and women living on their own

- 23.44 With regard to single and divorced women, the FH Women's Rights Report 2010 stated:

'Single and divorced women are increasingly marginalized by society. A 2006 nationwide survey showed that 55 percent of the sample of women (whose average age was 33) were single, 36 percent were married, 6 percent were widows, and 3 percent were divorced. Consequently, becoming someone's second wife is an increasingly attractive option when the alternative is to remain single. The supporters of polygamy argue that because most people who disappeared during the Black Decade were men, there are more women than men of marrying age.

'...Divorced or single women who migrate inside the country to work in the private sector often suffer from patriarchal prejudices, which label them as immoral.

'...Single women, whether divorced, widowed, or never married, are the most common victims of harassment.

'...Women who remarry after divorce lose custody of their existing children.' [29d]
(Autonomy, security and freedom of the person and Economic rights and equal opportunity)

- 23.45 The UNHRC Special Rapporteur's 2011 report noted:

'Overt stigmatization and hostility towards unmarried mothers remain particularly challenging. Ostracized and rejected by their families and communities, many women leave their family homes or are thrown into the streets, where they become subject to exploitation and further abuse.

'While some officials minimized the proportions of this phenomenon, civil society organizations spoke about large numbers of single pregnant women and single women with small children living in the streets of larger cities. Deprived of the possibility to return to their homes and communities, with no means to pay for private housing and receiving no preferential access to subsidized State housing because of their unmarried status, these women are largely dependent on the support of non-governmental organizations and governmental social services to satisfy their most basic needs... According to recent information provided during a meeting with the National Research Centre on Social and Cultural Anthropology, single mothers from urban cities, particularly Algiers and Oran, suffer less from stigmatization because of a more progressive opening of social attitudes to certain issues, including sexual relationships outside marriage.

'Women living on their own are often the target of suspicion and sometimes overt hostility.' **[35a](p9)**

- 23.46 The FH Women's Rights Report 2010 noted, 'Mothers who have children out of wedlock are vulnerable to poverty and social prejudices. In most cases they are rejected by their families, and they do not benefit from any preferential access to subsidized housing. The few organizations that offer single mothers material help and legal counselling often treat them as "sinners" who must be morally re-educated.' **[29d](Social and cultural rights)**

- 23.47 The UN News Service, in a report of 19 July 2011, called 'Algeria must democratize housing policies says UN human rights expert', noted, 'The independent human rights and housing expert also urged the Algerian Government to take positive measures to increase the access of women to housing and to protect them against discriminatory practices.' **[79d]**

See also [Children – Overview](#) which highlights cultural attitudes towards illegitimate children

- 23.48 The network, Women Living Under Muslim Laws, in an article of 7 July 2011, called Algeria: Petition to Government: Stop renewed attacks on women called for the Algerian government to take action to protect women:

'Two more "punitive" actions against women have taken place in less than one month in the southern city of M'sila, Algeria (night of June 11 and July 2-3, 2011). Their houses were burnt down by hundreds of youth, and they barely escaped being lynched. The police did not intervene. This is not the first time similar events take place (see background information below). Since the 80s, there were not just attacks on individual women but real pogroms against working women, living with or without their children, but definitely without the male guardians (wali) that the Family Code still prescribes for women.

'As Algeria suffers from growing unemployment, women are accused of "stealing men's or youth's jobs" when, widowed or repudiated, they have to earn their living and that of their children, sometimes by migrating where jobs are within Algeria, away from their family location, hence without their walis. Invariably, these women are accused by the perpetrators of being prostitutes, as if it were a licence to kill! - An accusation relayed by many in the Algerian media. And invariably, the police watches without intervening to protect the women, nor arresting the perpetrators. Similarly, judges have taken very lenient measures against the few men that we actually brought to court.' **[89a]**

See also [Women and work](#) and [Violence against Women](#)

Freedom of movement

23.49 The FH Women's Rights Report 2010 noted:

'Women are permitted to travel freely, and freedom of movement for all Algerians has appreciably improved in the past 10 years. Algerian women are able to obtain their own passports and leave the country without their husbands' permission, but a woman cannot leave with her children without authorization from the husband. Moreover, female workers who migrate within the country to find a job or women who travel alone sometimes face condemnation, particularly in the rural areas.' **[29d] (Autonomy, security and freedom of the person)**

See sections on [Freedom of movement](#) and [Exit and Return](#)

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Reproductive rights

23.50 The FH Women's Rights Report 2010 stated:

'Algerian women are generally able to make independent decisions regarding their health care and reproductive rights. Married women may receive free contraceptives in public hospitals, and, due to the increased use of contraceptives and the rise in the average age of marriage, fertility rates have dropped from 2.7 births per woman in 2000 to 2.4 in 2007... Algerians have enjoyed free, universal health care since 1974, and the rate of births attended by skilled medical professionals increased from 77 percent in 1992 to 95 percent in 2006. In spite of this, the rate of maternal mortality remains high in certain areas, especially in the southern provinces. According to a 2006 survey, only 30.6 percent of mothers benefit from postnatal care.' **[29d](Social and cultural rights)**

23.51 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Algeria, published 2 March 2012, observed: '...the Committee notes with appreciation, the State party's prioritization of reproductive health in its healthcare delivery system, and the integration of prevention of violence and treatment of victims of violence in the reproductive and mental health services' **[93b] [p10]**

Abortion

23.52 The UNHRC Special Rapporteur's 2011 report noted, 'Many [single] pregnant women resort to unsafe and clandestine abortion practices, or give their babies up for adoption.' **[35a] (p9)**

23.53 The FH Women's Rights Report 2010 added:

'Abortion is illegal under Articles 304–313 of the penal code, but public health legislation provides exceptions for cases where the mother's physical or mental health is seriously jeopardized. Separately, a 1998 fatwa (religious opinion) by the High Islamic Council, an official advisory body, allowed women who had been raped by armed groups to resort to abortion. According to gynaecologists and women's rights groups, who would prefer that the issue of abortion be addressed publicly, many women undergo illegal, clandestine abortions. This is due to the limited circumstances under which abortion is legal as well

as the shame attached to abortion and pregnancy out of wedlock.' [29d](Social and cultural rights)

- 23.54 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Algeria, published 2 March 2012, stated: 'The Committee notes the information by the State party that abortion for victims of rape and incest is not criminalized. The lack of a decree to legalize abortion in cases of rape and incest remains another source concern for the Committee. Moreover, the Committee is concerned about the lack of clarity as to whether education on sexual and reproductive health and rights forms part of public school curricula.' [93b] (p10)
- 23.55 The Swedish FFM Report 2012, noted: 'Abortion is illegal, which means that women are forced into dangerous non-professional incisions.' [110a] (p17)

Women and work

- 23.56 The USSD Report 2011 noted that:

'In urban areas, there was social encouragement for women to pursue higher education and/or a career. Girls graduated from high school more frequently than did boys. According to 2010 statistics, women represented 55 percent of the medical profession, 60 percent of the media profession, 30 percent of the upper levels of the legal profession, and more than 60 percent of the education profession. 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. Of nine million workers nationally, two million were female. Women may own businesses, enter into contracts, and pursue careers similar to those of men.' [6h] (Section 6)

- 23.57 However, the report also said that '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 and that women were less likely to receive equal pay for equal work or receive promotions.' [6h] (Section 6)

- 23.58 The UNHRC Special Rapporteur's 2011 report noted:

'Women's equal access to paid work remains of concern, with women who are gainfully employed representing only 16.09 per cent of the total labour force. In its concluding observations on Algeria, the Committee on Economic, Social and Cultural Rights expressed its concerns at discrimination against women, including in the paid economy, where women's wages are approximately a third of those received by men. Higher unemployment rates among women, with figures estimated at 18.1 per cent as opposed to 8.6 % for men, reflect entrenched patriarchal attitudes that continue to hinder women's access to employment. For example, a 2009 study revealed that 45 per cent of single men would not allow their future wives to work.' [35a]

- 23.59 The FH Women's Rights Report 2010 noted:

'Women are present in all sectors of employment, and some even work as taxi drivers, policewomen, or members of the military. However, most employed women work in health care, education, or the legal field...

'Women also tend to limit their employment options to those located near their parents or husband. It is socially acceptable for female civil servants to move within Algeria for work-related reasons because the government is considered a reliable guardian. However, divorced or single women who migrate inside the country to work in the private sector often suffer from patriarchal prejudices, which label them as immoral. These stereotypes, combined with the resentment toward female employment that comes with the high rate of unemployment among men, limits the actual freedom of movement of women in search of economic opportunity.' **[29d] (Economic rights and equal opportunity)**

23.60 The report continued:

'Article 84 of the employment code of 1990 guarantees equal pay for men and women who have equal qualifications and perform equal tasks. The code outlaws all forms of gender-based discrimination in employment contracts. Employers in both the private and public sectors are bound to provide three months of paid maternity leave, two hours per day for breastfeeding, and retirement benefits. Women are eligible for retirement at age 55, compared with 60 for men. Women can also receive one year of early retirement for each child (up to three children) that she raised for nine years... Less than 30 percent of women interviewed opposed the idea of working, suggesting that most women would be interested in employment if they had the opportunity. The women surveyed identified several factors that deterred them from pursuing or maintaining employment, including transportation problems, family pressure, wages, child care obstacles, discrimination, and sexual harassment.' **[29d] (Economic rights and equal opportunity)**

23.61 The Swedish FFM Report 2012, noted: 'Progress has been made, especially in the professional life. Women are in majority within sectors such as health care and education, although they do not tend to reach the highest positions. At the same time, there are families who still do not allow women to work.' **[110a] (p17)**

23.62 The Freedom House report entitled 'Countries at the Crossroads 2011, Algeria', published 10 November 2011, observed: 'Women represent 15 percent of the active work force.' **[29f]** Furthermore, the UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Algeria, published 2 March 2012, stated:

'The Committee ...expresses its concerns at the low participation of women in employment and notes the lack of clarity regarding the State party's intention to ratify the ILO [International Labour Organisation] Convention No. 189 on Domestic Workers. The Committee is also concerned at the overprotective restrictions on night-shift work and other types of work that are regarded as hazardous for women and the lack of access of women and girls to more diversified vocational training opportunities, including those leading to traditionally male occupations, so as to afford them greater opportunities to enter the labour market.' **[93b] (p10)**

23.63 Yalla Finance, in an article of 14 August 2011, entitled, 'Of 3550 female entrepreneurs in Algeria 98% receive no government support', noted:

'A recent study of female entrepreneurs in Algeria has estimated their number at around 3550. Although this is modest for a country with a population of 36 million, it is nonetheless significant as the total number of female entrepreneurs a few years ago did

not exceed a thousand...98% of those questioned said they had not received any assistance from the Development and Investment Agency despite the fact that the latter was established to support domestic investors.’ [53a]

- 23.64 The MDG [Millennium Development Goals] Achievement Fund document entitled ‘[Algeria: Joint programme for gender equality and the empowerment of women in Algeria](#)’, dated 18 October 2011, provided information concerning the joint venture between the agencies: UNICEF, UNIFEM, UNDP, UNIDO, ILO, UNAIDS, and UNFPA with the aim to ‘... support national efforts for gender equality and the empowerment of women, paying particular attention to improving access to employment for women.’ [92a]
- 23.65 With regards to sexual harassment in the workplace, the UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Algeria, published 2 March 2012, stated: ‘... section 341bis of the Criminal Code only covers career related sexual harassment. The Committee is however concerned that the labour legislation does not prohibit harassment due to a hostile work environment.’ [93b] (p9-10)
- 23.66 The Freedom House report entitled ‘Countries at the Crossroads 2011, Algeria’, published 10 November 2011, also noted that ‘Despite some recent improvements in prevention lobbied for by female members of workers’ union, sexual harassment, punishable by up to two years imprisonment, generally goes unpunished.’ [29f]
- 23.67 Independent Online reported on 14 October 2012 that:
- ‘An Algiers court ...handed down a six-month suspended jail sentence and fined a 76-year-old head of a state television station accused of sexually harassing three women journalists.
- ‘Said Lamarni, who has been dismissed as director general of the Berber TV4 channel, was ordered to pay a 200 000-dinar (2 000-euro) fine, said an AFP reporter at the court.
- ‘The prosecution had urged the court to jail Lamarni for one year in a case that sparked outrage in Algeria, where critics say verdicts in cases of sexual harassment are not implemented.
- ‘...Defence attorney Meslem Mounia hailed the verdict as the “first of its kind in Algeria.”
- “The verdict renders justice to women who are victims of harassment,” Mounia said. “Now harassment is no longer a taboo and victims can go to court and seek justice.”’ [131a]

See also [Journalists](#)

For details of women in the police force see [National police](#) and in the armed forces see [Armed Forces](#)

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VIOLENCE AGAINST WOMEN

- 23.68 The United Nations (UN) Concluding observations of the Committee on the Elimination of Discrimination against Women, Algeria, published 2 March 2012, stated:

'The Committee remains concerned about the lack of a specific law on violence against women, including domestic violence ...While taking note of the State party's statement that its case law considers rape as an offence involving physical or psychological violence against a woman, the Committee is concerned at the absence in the Criminal Code of a definition of rape including marital rape and other sexual crimes, which should be interpreted as sexual offences committed in absence of one's consent. Moreover, the Committee expresses concern at the lack of data on the reported cases of domestic and sexual violence against women, criminal investigations, prosecutions and punishments thereof and the remedies, including compensation provided to victims since 2005.' **[93b] (p7)**

23.69 The same source further noted '... with concern the lack of clarity about the number and outcome of complaints about discrimination, including domestic violence, brought by women to the courts.' **[93b] (p5)** The same report further expressed concern over '... the Committee[s]' ...lack of a policy for medical personnel to monitor and report cases of domestic violence against women.' **[93b] (p10)**

23.70 The UNHRC Special Rapporteur's 2011 report noted:

'Violence in the family remains the most pervasive manifestation of violence against women and girls. Unless it results in serious injury, domestic violence is not perceived as a problem warranting legal intervention and, as a result, is endured in silence and remains largely invisible.

'In 2006, a national survey on violence against women by the Delegate Minister for the Family and the Status of Women revealed that 9.4 per cent of Algerian women aged between 19 and 64 years had encountered physical violence often or daily within the family, and that 31.4 per cent had been regularly subjected to threats of physical or psychological violence.' **[35a](p7)**

23.71 Following a survey conducted by Gallup in 2011 covering 143 countries, the percentage of women who said they felt safe walking alone at night was 32%. The article stated: 'Algeria is an example of a country in which perceptions of men and women have diverged significantly in recent years. The percentage of Algerian men who feel safe walking alone at night rose substantially to two-thirds (66%) in 2011 from less than half (47%) in 2009; however, the percentage among women has remained stagnant at about one-third.' **[129a] (Gallup, Women Feel Less Safe Than Men in Many Developed Countries, dated 6 July 2012)** To view the methodology of each country data set, please refer to the link provided on the page [here](#)

23.72 The UN CRC July 2012 Report stated: 'The Committee is ...concerned that corporal punishment remains lawful in the home and in alternative-care settings and that there is no explicit legal prohibition of the use of corporal punishment as a disciplinary measure in penal institutions, as already stated in the previous concluding observations' **[54b] (p9)**

See also Children - [Judicial and penal rights](#) subsection

23.73 The Swedish FFM Report 2012, noted: 'Violence against women is common in Algeria. The women's rights organisation Centre d'Information et de Documentation sur les Droits de l'Enfant et de la Femme (CIDDEF), reported that 10% of the Algerian women are victims of violence, according to a survey. According to statistics from the Algerian

police, about 10 000 reports regarding violence are handed in by women to the Police or the Gendarmerie annually.’ **[110a] (p17)**

- 23.74 A UN Women Expert paper, following an Expert group meeting between 17-20 September 2012, entitled, ‘Democracy without Women is Hypocrisy - Violence against Women in the Arab Region in all its Forms and Approaches to Mitigation in the Context of the Arab Uprisings’, stated:

‘Political and legal violence go hand in hand with the physical violence against women that occurs in the Arab region, in that they perpetuate a culture where violence against women is not criminalized and may be treated with grave impunity, and where women victims of violence lack access to support services necessary for rehabilitation. Violence against women is widespread throughout the region: in Algeria, a national survey conducted in 2006 shared half the women polled had experienced some type of family violence...’ **[127b] (p10)**

Rape and other sexual crimes,

- 23.75 The USSD Report 2011 stated that:

‘Rape, spousal and nonspousal, occurred. The law criminalizes nonspousal rape but does not address spousal rape. 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, and many women did not report incidents of rape because of societal pressures and bureaucratic problems in securing convictions. 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.

‘Domestic NGOs reported that physical violence against women increased. A report during the year from the national police reported that within the first six months of 2010, more than 4,000 women lodged domestic violence complaints with police. The report emphasized that social status or educational background did not prevent domestic violence. According to the police report, four women died in the first months of 2010 because of domestic violence. In December the national police reported that approximately 7,000 women were victims of domestic violence during the first nine months of 2011. There were 13 call centers to provide legal and psychological assistance.’ **[6h] (Section 6)**

- 23.76 The UNHRC Special Rapporteur’s 2011 report noted:

‘[A 2006 survey by the Delegate Minister for the Family and the Status of Women] also found that marital rape and other forms of sexual abuse existed, with 10.9 per cent of women admitting having been subjected to forced sexual relationships on more than one occasion by their intimate partners. While domestic violence runs across lines of class and education, poor women or women with little education experience greater vulnerability. Widows and women who are separated or divorced were found to be at a particularly high risk of violence, as they are often deprived of family and community support and live in very precarious situations. Husbands and intimate partners were largely identified as the main perpetrators, followed by other family members, including fathers, brothers and in-laws.’ **[35a](p7)**

23.77 The FH Women's Rights Report 2010 added:

'Article 336 of the penal code does not specifically define the crime of rape. The French version of the code uses the word viol (rape). However, the Arabic text uses the phrase *hatk al-'ardh* (attack on the honor) rather than the more explicit *ightisab* (rape). This alters the character of the crime from a violent sexual offense against an autonomous individual to an offense that primarily affects family honor. Consequently, if the victim is not married, the rapist may avoid punishment by marrying her and expunging the dishonor. In keeping with this view of women's autonomy, spousal rape is not outlawed.'

[29d] (Autonomy, security and freedom of the person)

23.78 The same report continued:

'The government must protect all persons under Article 24 of the constitution, and security has significantly improved in the past 10 years. Nonetheless, women remain vulnerable to different forms of violence. Domestic abuse is not specifically prohibited by law, and because society considers it a private matter, it remains difficult to combat. As one women's rights activist put it, within the private sphere of the home, 'women escape the protection of the law and men escape the sentence of the law.' A national survey commissioned in 2006 by the Ministry in Charge of the Family and Women's Affairs found that some 10 percent of the female respondents were exposed 'daily' or 'often' to physical abuse, while 31.4 percent were regularly exposed to threats of violence. However, these figures are generally considered to be much lower than the actual incidences of domestic violence and threats. Women tend to avoid reporting abuse or going to court for fear that they will incur further violence or face hostile judges. According to one lawyer, a specialist in domestic violence, victims "are attacked twice, one time by their husband and another time by the judge."' **[29d] (Autonomy, security and freedom of the person)**

23.79 With regards to honour crimes, the Swedish FFM Report 2012, noted:

'Honor [sic] crimes exist in Algeria, but nowadays very rare. A senior representative of FOREM [Foundation Nationale Pour La Promotion De La Sante et Le Developpement De La Recherche] stated that honor crimes are not part of the Algerian tradition. A representative of the newspaper *Liberté* informed that honor crimes exist to a limited extent in the Berber regions Aures – in the North east – nowhere else.

'Representatives of the governmental human rights association Commission Nationale Consultative de Promotion et de Protection des Droits de l'Homme (CNCPPDH) stated that if honor crimes occur, it is in rural areas. However, it is an unusual phenomenon, which has to do with the rareness of infidelity in rural areas.' **[110a] (p19)**

For information on trafficking of women, see section [Trafficking](#)

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ASSISTANCE AVAILABLE

23.80 The UNHRC Special Rapporteur's 2011 report noted:

'Insufficient specialized shelters continue to be of concern and contribute to the invisibility and silencing of women and girl victims of various forms of violence.

'Non-governmental organizations manage most of the essential support services for women victims of violence and abuse in the country. While only two of them offer shelter facilities, the others mostly offer psychological, medical and legal assistance on issues pertaining to domestic violence, divorce and housing. Largely dependent on donor support, these centres are insufficient in number, lack human and material resources and are almost exclusively concentrated in urban areas. In the field of sexual harassment, the hotline launched by the National Commission of Women Workers of the General Union of Algerian Workers continues to provide advice to victims of sexual harassment...

'There are two Government-run specialized shelters for women victims of violence, in Boui Ismail and Tlemcen, both with very limited capacity. In the absence of sufficient shelters, police and social services officials continue to direct women escaping violence to Diar Rahma institutions. These institutions accommodate a wide range of persons in need of State support, including the homeless and mentally and physically disabled persons.' [35a](p18)

23.81 The FH Women's Rights Report 2010, noted:

'Because domestic violence is no longer considered a taboo subject, the government has launched a national strategy aimed at combating the problem and consolidating initiatives taken by various domestic civil society organizations. The Ministry of National Solidarity and Family operates the National Shelter, a home for female victims of domestic violence located in Bou Ismail. Nongovernmental organizations (NGOs) such as SOS Women in Distress and RACHDA also operate shelters in Algiers, but they rely mostly on international and private donations for funding, and their capacity is limited. The Wassila Network provides assistance to victims of domestic violence by offering judicial and psychological counselling. Women's rights groups emphasize the importance of defining psychological and verbal violence in addition to physical abuse, in conformity with the Arab Human Rights Charter.' [29d] **(Autonomy, security and freedom of the person)**

23.82 Another Freedom House report entitled 'Countries at the Crossroads 2011, Algeria', published 10 November 2011, observed:

'In 2008, the Center for Information and Documentation on Children's and Women's Rights (CIDDEF), started "Balsam," a national network of 13 call centers for violence against women. Balsam is lobbying for penalties for domestic violence and raising awareness of the issue of women in religious marriages (fatiha) who cannot claim their legal rights. An investigation in 2007 by a delegate from the women's ministry suggested that violence against women is widespread. In 2008, the ministry established a national program to fight violence against women. Women who were kidnapped and raped by terrorists in the 1990s, are excluded from compensation measures mandated by the Charter of National Reconciliation.' [29f]

23.83 The USSD Report 2011 highlighted local Non Governmental Organisation groups that provided assistance to women:

'During the year local women's NGOs, including SOS Femmes en Detresse, the Wassila Network, and Bent Fatma N'Soumer, spoke 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 traditional

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 established a counseling center for women suffering from sexual harassment in the workplace. SOS Femmes en Detresse operated one call center in Algiers, but a second call center in Batna was closed. During the first eight months of the year, the Algiers call center received more than 1,400 calls.

'The punishment for sexual harassment is one to two years' imprisonment and a fine of 50,000 to 100,000 dinars (approximately \$677 to \$1,350). The punishment is doubled for a second offense. According to the final report of the UN rapporteur, women reported 99 cases of sexual harassment to the police between January and October 2010. The majority of reported cases of harassment occurred in the workplace. SOS Femmes en Detresse provided legal advice and counseling to 860 women; however, only 40 of the women seeking assistance filed formal complaints.' **[6h] (Section 6**

- 23.84 The Inter-Parliamentary Union, 'International day 2011 for the Elimination of Violence against Women', on Algeria, last updated on 25 January 2012, noted :

'As part of the 16 Days of Activism Against Gender Violence Campaign, the Parliament organized on 8 December 2011 an open day at the National People's Assembly. Members of parliament, representatives of the media and various associations were present. The inaugural addresses made by the Speaker of the National People's Assembly and the Minister Delegate for Families set the tone for the day. Three communications were subsequently presented. They dealt with the most recent annual report submitted by Algeria on the Convention on the Elimination of All Forms of Discrimination against Women, on the problem as a social ill and on the activities of the Wassila Network, which offers medical and legal assistance, as well as counselling, to women and children who are victims of violence. The debates focused on the need to strengthen the legal framework, draft laws on combating this problem and promoting the implementation of sensitization and prevention programmes through education about eliminating violence. These can be carried out in partnership with different institutions, notably civil society stakeholders.' **[128a]**

- 23.85 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Algeria, published 2 March 2012, stated: '...the Committee recalls the need to guarantee human rights to all women victims of violence and those in vulnerable situations, particularly the right to be represented by an attorney and to receive medical and psychological care as well as access to shelter with a view to their social and economic reintegration.' **[93b] (p7)**

- 23.86 The Swedish FFM Report 2012, observed:

'Representatives from UNIFEM [United Nations Development Fund For Women] and CIDDEF [Centre d'Information et de Documentation sur les Droits de l'Enfants et de la femme] state that the legal system generally is operating properly for female victims of violence. They can contact a physician, obtain a certificate of injury, and then report the offender, such as her husband, after which he is punished. The law turns against all forms of violence, not that which is specifically directed against women... At the same time, UNIFEM states that the sentences are rather lenient for the kind of violence that women usually are subjected to. ...

'According to representatives of an international organisation and a local newspaper, it is mainly NGOs, and not the Government, that are committed to women's rights. ...

‘CIDDEF stated that women in large cities generally manage and are able to defend themselves. There are also NGOs to resort to. It is more difficult in rural areas, and in the provinces in the interior. NGOs, however, are reaching out to women in these areas with information on how to get help via radio spots and TV. ...

‘In Algeria, there is a network of 15 women's centers, Centres d'écoute, where psychologists and lawyers give advice in areas such as legal aid, work, education, divorce, inheritance, psychological support, and more. In addition, there are seven shelters where abused women can seek refuge. Two are run by NGOs (SOS Femmes en Détresse and Association Rachda), and five, including three in Algiers, are operated by the State. There are about 50 places available per shelter. Currently, there is a need for more places than those available.

‘CIDDEF reported that the organisation tries to find place in shelters at all costs when needed. CIDDEF also helps to give abused women shelter with host families. The organisation has about ten such family placements per year.

‘A representative of FOREM [Foundation Nationale Pour La Promotion De La Sante et Le Developpement De La Recherche] stated that the organisation recently took care of a vulnerable woman for a few months, and then sent her on to a shelter for protection.

‘According to UNIFEM, there are also other state reception centers for vulnerable people. However, they are not specifically designed for women.

‘NGOs such as CIDDEF, SOS Femmes en Détresse and network Réseau Wassila also support women with legal advice, government contacts, employment, and medical and psychologist appointments.

‘CIDDEF also helps to mediate in conflicts with the woman's family. A representative of the organisation stated that they generally find a solution in such situations.’ [110a] (p18-19)

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24. CHILDREN

This section should also be read in conjunction with [Women](#), particularly with regard to the treatment of girls.

OVERVIEW

- 24.01 Algeria has signed (26 January 1990) and ratified (16 April 1993) the UN Convention on the Rights of the Child. (UN Treaty Collection, accessed 28 November 2012 [9c] Algeria acceded to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography on 27 December 2006, and the Involvement of Children in armed conflict on 6 May 2009. (UN Treaty Collection, accessed 28 November 2012) [9c] Algeria has also signed (25 May 1999) and ratified (8 July 2003) the African Charter on the Rights and Welfare of the Child. (African Commission on Human and Peoples' Rights, accessed 28 November 2012) [76a]

- 24.02 The United Nations 'Committee on the Rights of the Child Sixtieth session' (UN CRC July 2012 Report), dated 18 July 2012, stated: 'The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of Children of the African Union towards the implementation of the Convention and other human rights instruments, both in the State party and in other African Union member States.' **[54b] (p21)**
- 24.03 UNICEF's background information on Algeria, using data obtained from The State of the World's Children, published February 2011, revealed that 11,667,000 [around a third] of the population were aged under 18, with 3,383,000 of those under five. **[52a]**
- 24.04 UNICEF's background information covering Algeria, updated 19 July 2010, summarised the issues facing children in Algeria:
- 'The nutritional status of young children has not improved since 2002.
 - A study conducted by the Ministry of Education in collaboration with UNICEF revealed that corporal punishment is still commonly practiced in schools. Violence in schools is associated with learning difficulties and early dropouts.
 - School completion rates are declining. In 2005, some 500,000 teens dropped out.
 - A recent study on child labour revealed that more than a quarter of children are working. Many rural children work with their parents.
 - It is estimated that 1 out of every 20 children abuses tobacco, alcohol or drugs.
 - Institutional challenges in departments such as the Ministries of Health and Education have hampered the implementation of some initiatives for children. Ambitious plans to introduce maternal care and universal education for girls and boys have yet to be fulfilled.' **[52a]**
- 24.05 However, the same report highlighted recent achievements:
- 'Infant and maternal mortality rates continue to decline. Mothers and children now enjoy wider access to medical care and improved services.
 - Immunization coverage against the primary childhood diseases is above 80 per cent.
 - UNICEF and its partners are promoting water conservation in arid regions, including the Tindouf refugee camps.
 - Significant strides have been made to ensure that girls realize their right to an education. In the last few years, almost two thirds of high-school diploma candidates were girls.
 - UNICEF and the Ministry of Education have developed a new national policy that will create early childhood education programmes for children from ages three to six.
 - The "Child-Friendly Schools" initiative has been launched in some 40 schools. These schools aim to provide a stimulating, healthy and supportive environment for learning.
 - Some 650 educators have attended training sessions on strategies for preventing violence in schools.
 - With UNICEF support, the Ministry of Family and Women has developed a National Plan of Action for women and children affected by violence. Standard procedures and a reliable support system have been created to respond more effectively to individual cases.

- UNICEF is assisting the Ministry of Justice in the implementation of a new Child Protection Code.
- Algerian National Radio has partnered with UNICEF to promote the rights of children, support national literacy campaigns and develop teaching and training materials for Saharawi refugee women.' [52a]

24.06 Furthermore, another UNICEF publication entitled, 'Algeria – MENA Gender Equality Profile – Status of Girls and Women in the Middle East and North Africa' (UNICEF Gender Report 2011), published October 2011, provided a snapshot of demographics of women and children in Algeria:

'Demographics	Value	Year
Total population (000)	34,895	2009
Total adolescent (10-19) population (000)	6,698	2009
Total under-18 population (000)	11,667	2009
Total under-5 population (000)	3,383	2009
Population annual growth rate (%)	1.7	2000-2009
Total fertility rate (births per woman)	2.3	2009
Under-five mortality rate		
(per 1000 live births)	32	2009
Life expectancy at birth (years), male	71	2009
Life expectancy at birth (years), female	74	2009
Singulate mean age at marriage, male	33	2002
Singulate mean age at marriage, female	30	2002'
[52b] (p1)		

24.07 A report commissioned by Save the Children, Sweden, published August 2011 and called 'Children's Rights Situation Analysis Middle East and North Africa – Algeria' (Save The Children Report 2011) stated:

"Children are valued as symbols of continuity and protectors of Algerian culture and tradition. However, the violence of 1992-2003 produced many child victims and affected all children in one way or another, and their well-being was secondary to security imperatives", reports the International Bureau for Children's Rights (IBCR). Civil society organisations (CSOs) also report that the civil strife engendered a "culture of violence", which continues to affect children to date.

'Prevailing cultural attitudes cause serious difficulties for children born out of wedlock, numbering around 3,000 per year. There are numerous reports that women who have children out of wedlock are vulnerable to poverty and social prejudices, and are often rejected by their own families. Given social stigma attached to single motherhood, unmarried mothers often leave their children to state nurseries, (a legal measure allows unmarried women to give birth in anonymity in hospitals, giving new-born babies the possibility to be born in fair conditions and to be sent to State nurseries) or abandon them in them in hospitals or in the street.' [69b] (p77)

For further information covering children born out of wedlock, please see subsection below – [Birth registration and / or documentation](#)

Basic legal information

24.08 The basic facts on children included:

- Education – Free and compulsory to 16 years. (USSD Background Note on Algeria, 17 February 2011) **[6b]**
- Minimum age of employment – 15 years except for apprentice positions. (US State Department Country Report on Human Rights Practices: 2010, Algeria, (USSD Report 2010), published 8 April 2011 **[6a] (Section 7d)**
- Minimum age for marriage 19 for both sexes. (The 1984 family code was amended on 22 February 2005). (The Freedom House 2010 report on Women's Rights in the Middle East and North Africa 2010 – Algeria, dated 3 March 2010) **[29b]**
- Minimum age for criminal responsibility – 13. (International Juvenile and Related Values, accessed 29 November 2010) **[14a]**
- The age of majority in criminal proceedings -18 years. (Committee on Rights of the Child, Summary record of 387th Meeting, 29 May 1997) **[35e] (para 17)**
- The age of consensual sex – 16 years. (USSD Report 2010) **[6a] (Section 6)**
- Universal suffrage – 18 years (CIA World Factbook updated 23 September 2011) **[2a]**

24.09 With regards to the age of legal military recruitment, the UN CRC July 2012 Report, stated: 'The Committee is concerned that the minimum age for voluntary recruitment into the armed forces or paramilitary forces is unclear. The Committee urges the State party to establish by law the minimum age for voluntary recruitment into the national armed forces under which recruitment of children would be prohibited with no exceptions, thus ensuring that persons under the age of 18 do not serve in the Algerian armed forces.' **[54b] (p17)**

For information covering child soldiers, please see [Military service](#)

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LEGAL RIGHTS

Judicial and penal rights

24.10 In a briefing report to the African Commission on Human and People's Rights (ACHPR), dated 26 November 2007, the CRIN (Child Rights Information Network) stated:

'Under Algerian law, capital punishment is not applicable to minors aged 13 – 18. Article 50 of the Criminal Code provides that "should it be decided that a minor aged between 13 to 18 years must be given a criminal sentence, the penalties shall be handed down as follows: if the penalty is death or life imprisonment, he shall be sentenced to 10 to 20 years imprisonment."

'Article 456 of the Criminal Procedure Code provides that "an offender who is not over 13 years of age may not, even temporarily, be held in a penal institution. An offender aged 13 to 18 may not be held temporarily in a penal institution unless the measure

appears to be absolutely necessary or no other arrangements can be made. In such a case, the minor shall be held in special quarters or, alternatively, in an area where he will as much as possible be in isolation at night".' [34b]

- 24.11 The Magharebia website, which provides media coverage of developments in the Maghreb, reported on 29 December 2009 that 'The authorities are drafting laws to better resolve legal conflicts involving minors.' [32d] The article went on to say:

'Algeria is developing legislation that would shift the focus of the juvenile justice system from prosecution to protection, particularly by exempting children under 10 from criminal charges.

"The Ministry of Justice will soon refer the draft law on child protection to the government," the head of the Ministry of Justice's section for juvenile justice, Judge Meriem Charfi, told participants in a December 12th-15th course for judges and directors of youth rehabilitation institutes.

"The new law sets the age of criminal responsibility for children at 10 years", the judge said at the event, in which over 26 judges took part. She added that current laws "don't include a minimum age" in that regard... The new legislation "aims at moving childhood from the criminal judicial system to a reform-oriented educational system" by protecting and re-socialising children, the director general of the Prison Department, Moukhtar Flion, told participants in the course.' [32d]

- 24.12 Meanwhile, the UN Committee Against Torture, in their 'Concluding observations of the committee against Torture: Algeria', dated 26 May 2008, expressed 'its concern over the fact that minors aged 16 may be found criminally responsible and detained in the context of counter-terrorism efforts. The Committee is also concerned about information received that juvenile detainees are not separated from adults (arts. 2 and 11).' [75a]

- 24.13 Furthermore, the UN CRC July 2012 Report, stated:

'The Committee notes as positive the measures taken by the State party to improve its juvenile justice system, in particular the training organized for juvenile judges on the right of the child. The Committee is however concerned that:

'(a) The State party's juvenile justice system remains mostly punitive as reflected notably by the possibility of sentencing a child as young as 13 years old to prison from 10 to 20 years;

'(b) Children are subjected to long periods of pretrial detention;

'(c) The use of restorative measures (mediation, community services orders, and other alternatives to detention) is rare and that detention is in most of the cases the first option; and

'(d) Children aged 16 may be detained in the context of counter-terrorism efforts and that children detained are not always separated from adults as observed by the Committee against Torture ...' [54b] (p20)

- 24.14 The website, Representing Children Worldwide, stated on its Algeria page, last updated November 2005, that:

‘Algeria ...possesses a limited child protection system but is collaborating with UNICEF in expanding it and getting it to meet international norms. The current system is based on a combination of provisions in the Constitution, the Code of the Family and the Penal Code. The Constitution promotes the protection of children and the family in broad strokes while the Penal Code criminalizes the abandonment or neglect of children. The Code of the Family defines the conditions of accepting foster children and gives some rights to children over thirteen, such as the right to decide whether they want to return home from foster care should the parents so request. The Code of the Family also specifies that incompetent parties, including children, must be represented by guardians. Children below the age of sixteen are viewed as lacking the sense to discern and their actions are legally invalid, while the actions of children above that age have limited legal validity.’ **[63a]**

See also [Childcare and protection](#)

24.15 The UN Committee on Economic, Social and Cultural Rights (CESCR), Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant: concluding observations of the Committee on Economic, Social and Cultural Rights: Algeria, published 7 June 2010, noted, ‘The Committee is also concerned that domestic legislation does not contain specific provisions prohibiting and criminalizing domestic violence, ... and that corporal punishment of children within the family and alternative care settings is not prohibited.’ **[18d] (Paragraph 15)**

24.16 In a briefing report to the African Commission on Human and Peoples’ Rights (ACHPR), dated 26 November 2007, the CRIN (Child Rights Information Network) stated:

‘The family enjoys the protection of the state and the society. Article 65 of the Constitution specifies that ‘the law sanctions the duty of parents to ensure the education and protection of their children’. Child custody issues arising in the case of separation of spouses are addressed in articles 62 to 72 of the Family Code. Articles 74 to 80 deal with maintenance and alimony. Any fault or negligence committed by parents with respect to their duty to protect their children is addressed by the Criminal Code in its articles 330 to 332 on family neglect.’ **[34b]**

24.17 The same source also noted:

‘The Family Code stipulates in its article 4 that [the purpose of] marriage...is to start a family based on affection, indulgence and mutual assistance, ... to protect children and ensure their proper education (art. 4 and 36 of the Family Code). It is therefore natural for children to live with their parents, except when the primary interest of the child requires or justifies separation. No child may be separated from its family or parents except by judicial decision. Article one of order no 72-03 of 10 February 1972 regarding the protection of the child and adolescent provides that “minors aged 21 whose health, security, morality or education are compromised or whose living conditions or behaviour are likely to affect their future may be the subject of protective measures and educational assistance”

- ‘only the children’s judge is authorized to take measures to protect and assist children under this law (art. 2 et 3);

- ‘provisional child custody measures may be taken by the children’s judge (art. 5 and 6). These measures may, at any time, be modified or revoked at the request of the minor, the parents, or the Public Prosecutor.

- 'At the end of his investigation, the judge shall call the minor and his parents or guardian before him as well as any other person it may be useful to hear (art. 9). "He shall try to bring the minor's family to support the measure envisaged"...Children put up for kafala (adoption) enjoy the same benefits as legitimate children.' [34b]

For further information covering the Family Code, please see the Women section and the [Family law](#) subsection.

See also [Judiciary](#) and [Prison conditions](#)

Birth registration and/or documentation

24.18 A report of 6 May 2010, by the Office of the UN High Commissioner for Human Rights, called, 'Committee on Economic, Social and Cultural Rights considers report of Algeria', stated in its 'response by delegation':

'Regarding children born out of wedlock, the delegation replied that they had the right to proper legal status under the Convention on the Rights of the Child. Registration had to be done within five days of birth and if the father's name was known it would be added to the birth certificate and if not the mother specified the last name. If the parents were unknown, the office of civil service would designate the child's name. Foster parents or adoptive parents could also give a child their surname. The same rules had to be followed for children born to nomadic families and there were regional offices set up to facilitate the registration process in a timely manner.' [93a]

See also [Foreign refugees](#) for further information covering refugee and stateless children without birth certificates

24.19 Furthermore, the UN CRC July 2012 Report, stated:

'The Committee notes as positive that birth registration is almost universal in the State party. The Committee is however concerned that:

'(a) Registration officers and family judges often refuse to register children born out of wedlock although no legal restriction exists concerning the registration of those children;

'(b) Refugee and stateless children are not systematically provided with birth certificates which puts them at risk of statelessness and hinders their access to essential social services; and

'(c) Unregistered children are deprived of access to schools and are enrolled in mosques and in literary classes.' [54b] (p8)

See also [Section 27 Freedom of Movement](#)

See also [Citizenship and nationality](#), and [Foreign refugees](#)

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VIOLENCE AGAINST CHILDREN

Child abuse

- 24.20 A publication by Save the Children Sweden entitled, 'Country Profile of Algeria – A Review of the Implementation of the UN Convention on the Rights of the Child' (Save The Children Country Profile Algeria 2011), published August 2011, stated:
- 'Article 269 of the Penal Code enumerates the different forms of abuse of a minor under the age of 16. These include wilful assault and battery, wilful deprivation of food, wilful deprivation of care endangering the health of the child and assault. Those found guilty are to be punished with imprisonment for one to five years and fined between DZD 500 and 5000 (USD 6.4 and 640). Article 272 of the Penal Code punishes all abuse, with increased penalties when the victim is a minor and when the perpetrator is a parent or a person having authority over or custody of the child. The punishment can include the death penalty.' **[69a] (p54)**
- 24.21 A document released by the Child Rights Information Network (CRIN) on 1 July 2008 stated that according to a report issued by the Algerian Ministry of Employment and Solidarity in the first four months of 2007, the national police dealt with 516 cases of violence against children, including accidental death, intentional physical injury, sexual violence, kidnapping, murder and rape. According to the report, more than three quarters of child abuse was carried out by parents. **[34a]**
- 24.22 The Magharebia website, reported on 22 November 2010 that, 'Algeria marked World Day of Children's Rights with an Algiers forum... National Foundation for Health Promotion and Research Development (FOREM) chief Mustapha Khiati told attendees that approximately 10,000 cases of child abuse are recorded every year in Algeria. According to Khiati, the number could be as high as 50,000, since many cases go unreported. He called on citizens to end their "passivity" regarding the crisis.' **[32i]**
- 24.23 The USSD Report 2011 noted:
- 'Child abuse is illegal but continued to be reported as a problem. NGOs [Non-Governmental Organisations] specializing in children cited continued instances of domestic violence against children, which they attributed to a "culture of violence" stemming from civil strife in the 1990s, including 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. The National Foundation for Health Progress and Research Development (FOREM), a children's rights watchdog NGO with EU funding, estimated that approximately 10,000 children suffered some form of abuse, and 16 died from physical violence. FOREM also reported that 36 children were kidnapped in June. The national police report released in January stated that 5,418 children were victims of physical abuse in 2010; girls made up 2,072 of the victims. The same report revealed that 20 children died of severe physical abuse, and 177 were kidnapped in 2010.' **[6h] (Section 6)**
- 24.24 The UN CRC July 2012 Report, stated: 'While noting as positive the prohibition of corporal punishment, psychological ill-treatment and all forms of bullying in schools contained in the Education Act No. 08-04 of 23 January 2008, the Committee is however concerned that corporal punishment remains widely accepted in society and routinely used as a disciplinary measure in schools.' **[54b] (p9)**
- 24.25 The same source continued:

'The Committee is concerned about the lack of measures adopted by the State party to address domestic violence, which is pervasive, not specifically prohibited by law and widely accepted as part of normal life. The Committee is particularly concerned that:

'(a) The vast majority of children and two thirds of women are subjected to violence in the home;

'(b) Even in case of serious injuries, victims of domestic violence are discouraged from pursuing the case and are directed by the police and the judiciary to mediation and reconciliation services;

'(c) So-called "honour" and "provocation" are used as legal grounds to attenuate perpetrators' sentences;' **[54b] (p10)**

See also Women - [Violence against women](#) subsection

24.26 With regards to sexual violence, the Save the Children Country Profile Algeria 2011, noted: 'In Algeria, sexual violence against children is very poorly controlled due to the taboo nature of the subject, which prevents the disclosure of incidents. Moreover, one of the great difficulties is the fact that the law does not adequately protect the child against further aggressions from the abuser who is usually released while the case is under investigation.' **[69a] (p57)**

24.27 The UN CRC July 2012 Report, stated:

'The Committee expresses deep concern that sexual abuse against children in school, including religious schools, incest and pedophilia are on the rise in the State party. In this context, the Committee is concerned that article 336 of the Arabic version of the Penal Code defines rape as an attack on so-called "honour" and that rapists therefore may avoid punishment by marrying the girl they raped and "expunging the dishonour". The Committee is also concerned about the weak enforcement of existing legislation, child victims of sexual exploitation and abuse being discouraged or afraid of reporting rape, ostracized and stigmatized and law enforcement officials often failing to take accusations seriously and to investigate and prosecute the cases.

'The Committee urges the State party to take more proactive action to fight sexual abuse and exploitation. In particular, the Committee urges the State party:

'(a) To revise article 336 of the Penal Code and define the crime of rape as sexual intercourse without consent;

'(b) To develop adequate systems of investigation of cases of sexual exploitation and of recovery for the victims;

'(c) To prosecute and sanction all perpetrators of sexual violence and exploitation, including teachers and ensure that judges and law-enforcement authorities take all appropriate measures to bring the perpetrators to justice and provide them with sentences commensurate to their crime;

'(d) To take active measures to combat sexual violence and harassment in schools by organizing nationwide communications programmes and strengthen the recruitment of female teachers who provide valuable role models for young girls and reduce the probability of abuse by teachers;

‘(e) To encourage school and health services to detect and report evidence of abuse and establish clear reporting systems for cases of violence in schools; and

‘(f) To undertake awareness-raising programs, including campaigns, particularly for children, parents and other caregivers in order to prevent stigmatization of children victims of sexual exploitation and abuse; and

‘(g) To ensure that programmes and policies for the prevention, recovery and reintegration of child victims are in accordance with the outcome documents adopted at the 1996, 2001 and 2008 World Congresses against Commercial Sexual Exploitation of Children, held in Stockholm, Yokohama and Rio de Janeiro.’ **[54b] (p18-19)**

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Child labour and street children

24.28 The US Department of Labor’s 2011 report entitled, ‘The Findings on the Worst Form of Child Labor in Algeria’ (USDoL Algeria 2012 Report), published 26 September 2012, stated:

‘Algerian children reportedly work in the construction sector and in mechanic shops, where they may face health and safety risks from work with heavy, motorized equipment and harmful materials. There have been past reports that children work on the streets as vendors and messengers, exposing them to multiple dangers including severe weather, vehicle accidents and criminal elements. Algerian children also work in dangerous activities in agriculture. Children working in agriculture may use dangerous tools, carry heavy loads and apply harmful pesticides.

‘Children also work as domestic servants. Child domestic labor commonly involves long hours and may expose children to physical and sexual exploitation by their employer.’ **[51a] (p13)**

24.29 The USSD Report 2011 gave details of the relevant legislation:

‘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 years, but children that are younger may work as apprentices with permission from their parents or legal guardian. The law prohibits minors from working in dangerous or harmful work, but it does not establish a list of hazardous occupations prohibited to minors, nor does it cover work in the informal sector.

‘On June 11, UNICEF representative in Algiers stated that 340,000 children worked in various sectors in the country, adding that the phenomenon is taking on alarming proportions. Children faced forms of child labor primarily in agriculture and the construction sector, and in the informal sector as domestic servants. However, specific data was unavailable.

‘The Ministry of Labor is responsible for enforcing child labor laws, but enforcement was limited. The ministry conducted and in some cases investigated companies suspected of hiring under aged workers. However, monitoring and enforcement practices for child

labor were not consistent and were hampered by an insufficient number of inspectors. During the year the NGO FOREM implemented a public awareness campaign to encourage children to remain in school until 16 years of age, rather than participating in the workforce. Approximately 100,000 students dropped out of school annually to join the workforce, according to FOREM.' **[6h] ((Section 7c)**

- 24.30 UNICEF background information covering Algeria, updated 19 July 2012, stated: A recent study on child labour revealed that more than a quarter of children are working. Many rural children work with their parents' **[52a]**

The methodology for calculation is [here](#).

- 24.31 The UN Committee on Economic, Social and Cultural Rights (CESCR), Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant: concluding observations of the Committee on Economic, Social and Cultural Rights: Algeria, published 7 June 2010, noted, 'The Committee is concerned about the high rate of child labour in the country, with estimates that approximately 300,000 children under 16 years of age are working.' **[18d] (Paragraph 17)**

- 24.32 As noted in the Active Citizens website, circa. 2010 (accessed 28 November 2012), '... 300,000 children are homeless or live without parents in Algeria's cities.' **[74a]**

- 24.33 The UN CRC July 2012 Report stated:

'The Committee welcomes the various initiatives taken by the State party to eradicate child labour, including the awareness-raising days on the harm caused by child labour, held in the 48 Wilayas in 2006 and which involved 300,000 children in educational and vocational training establishments. However, the Committee reiterates its concern ... that the minimum age for admission to employment (16 years) and the prohibition of hazardous work (Act No. 90-11 of 21 April 1990) is not fully applied in all contexts, in particular for children working in the informal sector. Furthermore, the Committee is also concerned that the State party has still not determined the types of hazardous work prohibited under the age of 18 although thousands of children continue to be subjected to the worst forms of child labour, especially in agriculture, as vendors in the streets and as domestic servants.

'The Committee reiterates its recommendation that the State party continue to take effective measures to put an end to the economic exploitation of children, in particular in the informal sector and to take urgent measures to remove children from hazardous work in the agriculture sector, from street work and domestic work. The Committee urges the State party to speed up the adoption process of the new Labour Code and ensure that the code fully covers children working in the informal sector and define the types of hazardous work prohibited under the age of 18 as already recommended by the ILO Committee of Experts on the Application of Conventions and Recommendations (2010 Direct Request concerning Convention No.182). The Committee also recommends that the State party consider ratifying the ILO Convention No. 189 concerning decent work for domestic workers. The Committee further recommends that the State party seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office (ILO-IPEC) in this regard.' **[54b] (18)**

- 24.34 The USDOL Algeria 2012 Report highlighted the 'Institutional Mechanisms for Coordination and Enforcement' and stated:

'The Ministry of Labor and Social Welfare's Intersectoral Commission Relative to the Prevention of and Fight Against Child Labor is designated to coordinate the Government's actions to prevent and eliminate child labor. According to a speech made by the Minister of Labor and Social Security on June 12, 2011, the Commission has been active since 2003. Since then, the Commission organized hundreds of open-door seminars on child labor and education programs affecting 400,000 children and apprentices, as well as strengthened the labor inspection services. However, research could not determine whether these events took place during the reporting period.

'The Ministry of Labor and Social Welfare leads the Government's efforts to investigate child labor cases and enforce minimum age laws. Labor inspectors are empowered to conduct regular inspections or special visits to investigate general labor conditions or a specific issue. During the reporting period, the Ministry conducted some inspections of public sector enterprises and, in a few cases, conducted investigations of companies suspected of employing underage workers. Most inspectors are concentrated in urban areas, although more hazardous child labor is found in rural areas. The ILO reported a decrease in the number of labor inspectors working to inspect public sector enterprises, including those working in the field. However, the Government has not made available the number of inspectors employed to enforce child labor laws. The ILO emphasized that it is difficult to quantify coverage since the number of enterprises subject to inspection is not known.' [51a] (p14)

- 24.35 With regards to 'Social Programs to Eliminate or Prevent the Worst Forms of Child Labor' the same source noted:

'Research has not identified any social programs supported by the Government to address specific worst forms of child labor or provide services to children engaged in informal work not governed by the Labor Code. Many of Algeria's programmatic efforts were undertaken with the assistance of UNICEF, but the sustainability of these programs is unknown. Programs conducted cooperatively with UNICEF began in 2007 and were set to end in 2011. The Ministry of Labor and the Ministry of National Education implemented awareness-raising campaigns on child labor. The Ministry of National Solidarity provided grants and school supplies to low-income families to encourage school attendance. However, the question of whether this program has an impact on child labor does not appear to have been explored.' [51a] (p15)

- 24.36 Regarding street children, the UN CRC July 2012 Report, stated:

'The Committee is concerned that insufficient measures have been taken by the State party to implement its previous recommendations concerning children in street situations and that the State party considers the phenomenon as marginal, although no data has been collected since 2008 and that thousands of children are reported to live on the streets. The Committee also expresses particular concern about the insufficient measures taken to provide assistance and housing to repudiated, divorced and single mothers living on the streets with their children.

'The Committee urges the State party to take urgent and vigorous measures to address the situation of women living with their children on the streets as recommended by the Special Rapporteur on violence against women ([A/HRC/17/26/Add.3](#), para. 82 (b) and (c)) and in particular to ensure that they receive preferential access to subsidized State housing. The Committee also reiterates its previous recommendations to the State party ([CRC/C/15/Add.269, par. 77](#)) in particular the recommendation that the State party develop and implement a comprehensive strategy, with the active participation of street

children themselves, non-governmental organizations and other relevant professionals, to address the root causes of the phenomenon of street children, with the aim of reducing and preventing it.’ [54b] (p18)

- 24.37 Child Soldiers International report entitled, ‘Louder than words – An agenda for action to end state use of child soldiers’, published in 2012, observed: ‘Unlawful recruitment and/or use of children by official state forces other than national armies has been documented by the UN or NGOs in at least 13 countries during the last decade. These include... Algeria (Legitimate Defence Force or Groupes de légitime défense, GLD);’ [39b] (p29)

See also [Military](#)

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Trafficking

- 24.38 The USDoL Algeria 2012 Report noted: ‘There have been reports of children being trafficked through or from Algeria to other countries, however, the extent of this problem is unknown. ...Under the January 2009 amendment to the Penal Code, all forms of trafficking in persons are outlawed and the trafficking of children is considered an aggravated offense.’ [51a] (p14)
- 24.39 The same source further observed: ‘During the reporting period, the Government adopted a national strategy on trafficking for 2011-2013, which is implemented by a National Coordinator working with regional offices; reportedly, this mechanism has not operated effectively.’ [51a] (p15)
- 24.40 The United States Department of State Trafficking in Persons Report 2012: Algeria (USSD TiP Report 2012), published on 19 June 2012, stated:
- ‘The Government of Algeria does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. During the reporting period, the government sought prosecutions under its 2009 anti-trafficking law, yet continued to conflate human trafficking and smuggling. It failed to identify and protect trafficking victims and continued to lack adequate measures to protect victims. The government engaged in some awareness efforts to educate the public about human trafficking and workplace exploitation.’ [6g]
- 24.41 The UN CRC July 2012 Report observed:
- ‘The Committee welcomes Act No. 09-01 of 25 February 2009 which criminalizes trafficking in persons and increases penalties for offenders who traffic children. The Committee is however concerned that limited measures have been taken to enforce the new anti-trafficking law and that the State party continues to consider trafficking victims including children as illegal migrants and to deport them, sometimes in conditions that threaten their lives. The Committee is particularly concerned that:
- ‘(a) There has been no investigation or prosecution for trafficking offences, or conviction or punishment of trafficking offenders during the year 2010 and that some traffickers reportedly benefit from the complicity of some members the Algerian police;

‘(b) Child victims of trafficking may be jailed for unlawful acts committed as a result of their being trafficked, such as engaging in prostitution or lacking adequate immigration documentation;

‘(c) There are no Government-operated shelters for victims of trafficking and civil society is prohibited from operating any such shelters because they would be penalized for harbouring undocumented migrants;

‘(d) The State party does not provide children with assistance for their physical and psychological recovery and their social reintegration; and

‘(e) Legal alternatives to removal to countries where victims may face retribution or hardship are not provided by the State party.’ **[54b] (p19)**

See also [Trafficking](#)

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CHILDCARE AND PROTECTION

24.42 The Algerian Network for the Defence of Children (NADA Network) (Algeria) report entitled ‘The Algerian Alternative Report on Children’s Rights’ (NADA Network Algeria Report 2011), published on 1 August 2011, stated: ‘The Kafala is the welcome of a child legally as provided by the article 116 of Law No. 84-11 of 9 June 1984 Family Code which states that “the welcome is the commitment to support voluntarily, care, protection and education of a minor child, just as would do a father to his son, it is established by legal act”’ **[36a] (p11)**

24.43 An article published in the Magharebia website, dated 4 July 2008 stated:

‘While NGOs work to assist orphans, however, many families who want to adopt children find themselves up against Algerian law and bureaucracy. In Constantine wilaya alone, 300 adoption requests are submitted each year. Only 80 to 100 are granted by the social action directorate. The government wants to be sure that the families who want to adopt children are really able to do so.

‘Algerian law allows kafala (care), but the adoptive family is not allowed under any circumstances to replace the biological family in the administrative or legal sense.

‘According to Temi Tidafi, who chairs the Algerian Association for Voluntary Foster Families, the Algerian kafala procedure is very rigorous.

‘In Algeria, the only authority empowered to oversee kafala procedures is the Director of Social Action, under delegated powers from the wali, Tidafi explains. The child is awarded in kafala after a social inquiry into the applicant family, which has to treat him as their own child. If the identity of the parents is unknown, and the justice minister agrees, the care-giving family may give the child their own family name. All the same, the mekfoul (adopted) child is not their legal offspring and does not have certain rights, such as that to inheritance.

'In Algeria's kafala rules, a change of name is allowable on condition that the child's parents are not known or the biological mother gives written consent for the change of name. This is not the case in other Muslim countries.

'This progress in reforming Algerian law dates back to February 1992 after two years of efforts to convince the High Islamic Council of the need for a fatwa on the matter. The fatwa, which was signed in August 1991, sets a precedent for any amendments made by the government to human rights' laws.

'According to Amar Haouchinie, a researcher in Islamic law, "Islam has encouraged kafala for orphans and their education. The Prophet spoke of 'kafil' as entering Paradise."

'But, he added: "Islam has banned adoption, which consists of taking someone else's child as your own, or enabling him to inherit from you".

'Under Algeria's kafala laws, an orphan may not enjoy everything that a biological child does, but at least he will have a roof over his head and a family to protect him.' **[32a]**

24.44 Furthermore, the UN CRC July 2012 Report, highlighted the following concerns of this legal system:

'(a) An internal circular of the Ministry of Interior reportedly requests the civil registration officials not to register the child in Kafala (Makfoul) on the family record book (livret de famille);

'(b) In case of divorce, the child in Kafala automatically stays with the Kafil and has no right to live with his/her mother;

'(c) When the legal guardian (Kafil) dies, the Makfoul (child placed in Kafala) is considered as part of the heritage, and therefore, the legal heirs can decide whether or not to keep him or her in the family, a situation which places them at risk of being re-institutionalized.

'The Committee expresses concern at reported cases of illegal adoption and illegal placement in Kafala of children born out of wedlock.' **[54b] (p12)**

24.45 The same source further noted: 'The Committee notes the existence of a helpline for children managed by a network of civil society organizations. The Committee is however concerned that limited support has been provided by the State party for an effective functioning of such a helpline.' **[54b] (p20)**

24.46 The Country of Return Information Project Algerian Country Sheet 2009 reported on child shelters:

'Care homes for lone children are set up and run by the Government. They are regulated by the law ...Such care homes are intended to upkeep nurslings and only children below the upper limit of compulsory school attendance may be placed in such homes. They take boys and girls. A number of charities also run care homes, such as the Association Algérienne Enfance et Familles d'Accueil Bénévoles...Older children who lack family support are placed in homes by court order or allocated to foster care.' **[10] (p71)**

24.47 The NADA Network Algeria Report 2011 noted:

'The child without family that is not placed in Kafala process for various reasons can benefit from foster care paid. it could be a person or a family, under the ministerial order of November 2, 1988 as amended and supplemented by the order inter of July 16th 2001. The person or the family can accommodate, with a monthly financial allowance be paid by the state, one or more children without families. The maximum number of children that could be placed is not specified by the regulations. Section 1 of the ministerial decree of 1988 refers to "one or more children." However, foster care paid is determined on the basis of a social survey of social services responsible for children department. The welcome act is established by an order established by the wali to the person's name or the head of the family (Article 2).

'For each child under the age of 19 years, the financial allocation is 1300DA. It is brought to 1600DA / month for the disabled child of a family (Article 4 of the ministerial order of July 08th2001.)

'According to the relevant social services, this welcome poorly paid, does not sufficiently motivate these individuals and families who prefer in this case support in Kafala when they are qualified as such. The welcome of children by certain persons or host families was carried out with several integration problems within the family, identified in the course of operations monitoring and control field. Inadequate human and material resources available to the devolved services do not ensure a regular monitoring and control of these investments paid. The legal process of this kind of welcome is not sufficient to regulate contentious situations that may occur during the welcome of the child. The obligations of the host family are not determined by the texts in consideration of the compensation provided. This form of welcome has not reached its objectives and is therefore a very limited social impact compared to the Kafala.' **[36a] (p13-14)**

- 24.48 The charity for orphans, SOS Children's villages, gives details on its website, accessed 20 December 2012 of an orphan's village in Draria (originally built following the 1980 earthquake):

'SOS Children's Village Draria is about 13 km south-west of Algiers in the Wilaya (administrative district) of Tipaza. It is located on a 38,000 m² area of land and consists of 11 family houses where up to 105 children can be accommodated...

'An SOS Youth Home is designed to encourage the young people to become independent and to make it easier for them to be integrated into society and the working world. It was opened in 1998 and makes it possible for the young people to prepare for an independent life under the guidance of educators.' **[72a]**

- 24.49 A publication by the Swedish Migration Board, following a joint fact-finding mission to Algeria between 11-16 June 2011, entitled, 'The Development in Algeria in the Shade of the Arabic Spring, and its Consequences on Migration (Public version)' (Swedish FFM Report 2012), dated 20 January 2012, noted:

'Fondation Nationale pour la Promotion de la Santé et le Développement de la Recherche (FOREM) was created in 1990, and has observer status at the UN agency ECOSOC... FOREM has cooperated with the UNHCR, UNESCO, UNICEF, UNDP, and is working to support children, adolescents, and mothers – particularly in the fields of health and education. FOREM has eleven offices around the country (including Algiers, Benthala, Ain Defla, Reliziane and Tiaret), and consists of volunteer members from different professions (e.g. doctors, pharmacists, psychologists, and sociologists). The organisation also runs a sponsoring program for orphans. The delegation visited

FOREM's office in the village of Benthala outside Algiers, where 400 people were killed by armed Islamists in 1997. FOREM has supported children traumatized by this event ever since.' **[110a] (p20)**

24.50 The UN CRC July 2012 Report' noted concerns that:

'(d) Most of the support services to women victims of domestic violence and their children, including medical, legal and psychological assistance, vocational training and housing support are provided by non-governmental organizations; and

'(e) Due to limited capacity of the specialized shelters for women and children, victims of violence based in Bou Ismail and Tlemcen and victims of domestic violence are often directed to centres for homeless and mentally and physically disabled persons.' **[54b] (p10)**

See also [Violence against women](#)

24.51 The same source further stated:

'The Committee reiterates its concern ...about the absence of an independent child sensitive monitoring structure with a clear mandate to receive and address individual complaints of alleged violations of child rights. The Committee also expresses concern that the National Consultative Commission for the Promotion and the Protection of Human Rights (CNCPPDH) is still not fully in compliance with the Paris Principles, in particular as regards its independence, despite its reorganization by Law No. 09-08 of 22 October 2009.' **[54b] (p3-4)**

24.52 The source continued:

'The Committee notes with concern the limited progress made to establish a national, comprehensive and centralized data collection system covering all areas of the Convention. The Committee is particularly concerned that data by geographic location, socio-economic status and groups of vulnerable children as well as data on violence, abuse and exploitation is completely lacking and that policy makers often use unreliable national data to assess the situation and to formulate policies to address the problems of children, especially those in the most vulnerable and disadvantaged situations and among them children with disabilities and children working in the informal sector.' **[54b] (p5)**

24.53 The same source further highlighted concerns affecting non-governmental organisations working to protect and promote child rights. As noted:

'The Committee expresses concern that members of non-governmental human rights organizations, including those monitoring the situation of child rights as well as journalists are often subjected to intimidation, harassment and arrests. The Committee is also concerned about Law No. 12-06 of 12 January 2012 on associations, which greatly reduces the possibility for associations to receive funds from international donors and may therefore have a detrimental impact on the activities of non-governmental organizations working for the promotion and protection of the rights of the child.' **[54b] (p6)**

See also [Human rights institutions, organisations and activists](#),

See also Political affiliation - [Association](#) subsection

- 24.54 The [Directory of Development Organisations, 2011 edition](#), lists a number of NGOs currently operating in Algeria, many of which support children in Algeria. **[68a]**
- 24.55 The [Child Rights Information Network \(CRIN\)](#) gives details of three organisations that assist children in Algeria (Please click on the drop down box under 'Organisations based in Algeria'). **[34c]**

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EDUCATION

- 24.56 The Central Intelligence Agency (CIA) World Factbook, updated on 19 November 2012, stated that in 2002, an estimated 69.9% of the total population were literate (79.6% men and 60.1% women). **[2a]**
- 24.57 Europa World online, accessed on 30 November 2012, noted that:
- 'Education, in the national language (Arabic), is officially compulsory for a period of nine years, for children between six and 15 years of age. Primary education begins at the age of six and lasts for five years. Secondary education begins at 11 years of age and lasts for up to seven years, comprising first cycle of four years and a second of three years. In 2008/09 the total enrolment at primary schools included 94% of children in the relevant age-group. The comparable ratio for secondary enrolment in 2008/09 was equivalent to 96% of students in the relevant age-group. In 2007 10.7% of capital expenditure (some AD 126,100m.) was allocated to education and professional training by the central Government
- 'There were some 137,803 pupils at pre-primary schools in 2007/08, while in 2009/10 3,312,440 pupils attended primary schools... Most education at primary level is in Arabic, but at higher levels French is still widely used. In mid-2003 the Government agreed to permit the use of the Berber language, Tamazight, as a language of instruction in Algerian schools. The majority of foreign teachers in Algeria come from Egypt, Syria, Tunisia and other Arab countries.' **[1a] (Education)**
- 24.58 A 1 February 2007 article on the United Nations News Centre detailed a United Nations' independent human rights expert's fact finding mission in which she stated that 'the Government ... deserved praise for achieving equal access for boys and girls to all levels of education 'in little more than one generation,' with girls now numerically over-represented in secondary schools and universities.' **[55a]**
- 24.59 The UN Committee on Economic, Social and Cultural Rights (CESCR), Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant: concluding observations of the Committee on Economic, Social and Cultural Rights: Algeria, published 7 June 2010, noted:
- 'The Committee is concerned that there are regional disparities in access to education and enrolment rates, that in the most populated wilayas the student-to-teacher ratio is very high – sometimes up to 40 students per class, and that the State party's educational system is characterized by a high school dropout rate (less than 50 per cent of primary school students go on to the secondary level, and only 12 per cent of the primary school students obtain a higher educational degree).' **[18d] (Paragraph 21)**

- 24.60 The Freedom House 2010 report on Women's Rights in the Middle East and North Africa 2010 – Algeria, dated 3 March 2010, noted:

'Children between the ages of 6 and 16 must attend school, which is free under Article 53 of the constitution. A 2006 national education survey found that 96.3 percent of girls and 96.9 percent of boys received primary education. However, the study showed that more girls than boys obtain secondary and postsecondary education. Fifty-seven percent of girls between ages 16 and 19 enrolled in secondary education, compared with only 43 percent of boys of the same age; the figures for higher education were 25.4 percent and 18.4 percent, respectively. Enrolment statistics collected by the World Bank show an overall improvement for both girls and boys between 2000 and 2007, although the gains for girls appeared somewhat larger, and primary enrolment for both declined slightly from 2004 to 2007.

'Despite gains in education, illiteracy rates among women remain high in certain areas of the country. According to the 2006 national education survey, 31.6 percent of 10-year-old girls and 16.5 percent of 10-year-old boys were illiterate, while 34 percent of women living in rural areas had never been to school. The literacy rate for adult women (aged 15 and above) has improved from 60.1 percent in 2004 to 66.4 percent in 2007, compared with 79.6 percent and 84.3 percent for adult males, according to the World Bank. In 2009, the government launched a national strategy to eliminate illiteracy by 2015. The Ministry of Education requires employers to educate their illiterate employees, although this rule is only sporadically enforced.' **[29d](Economic rights and equal opportunity)**

- 24.61 The UN CRC July 2012 Report, noted '...with satisfaction the measures taken by the State party to increase girls' school enrolment.' **[54b] (p6)** The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Algeria, published 2 March 2012, concurred, and stated: 'While noting an increased number of girls and women enrolments in higher education, especially in the fields of medicine and engineering, the Committee is concerned about the absence of information about the initiatives to reduce the high drop-out rates of girls at the intermediate and secondary levels of education. The Committee also notes with concern the lack of indicators to measure the impact of the 2007-2016 national literacy strategy.' **[93b] (p9)**

- 24.62 Regarding education for children with disabilities, the UN CRC July 2012 Report, stated:

'The Committee reiterates its concern ... that social stigma, fears and misconceptions surrounding children with disabilities remain strong in society, leading to the marginalization and alienation of these children. The Committee is also concerned that in the absence of an inclusive education policy in the State party, children with disabilities rarely access mainstream education and that although integrated classes reportedly exist for children with visual impairments, these classes are in fact specialized classes placed in ordinary schools. The Committee is also concerned that:

'(a) There are no specialized teachers for children with intellectual impairment in the State party which deprive those children of any access to education;

'(b) The lack of a transportation system for pupils with disabilities and the lack of accessibility of school buildings are major obstacles to their integration into mainstream schools;

‘(c) Mainstream school teachers are not trained to support children with disabilities and that there is lack of personnel to provide individual support to children with disability in the classrooms;

‘(d) Children with multiple disabilities are not accepted in specialized centres and are therefore totally deprived of any educational opportunities; and

‘(e) Programmes and support provided to children with disabilities in specialized centres are obsolete.’ **[54b] (p12-13)**

- 24.63 The UN Human Rights Council (HRC) Report of the Working Group on the Universal Periodic Review (UPR), published 5 July 2012, relayed the following response to questions by the Kuwaiti delegation: ‘As far as children’s education was concerned, school attendance had risen to record rates at all levels. School attendance for children in rural areas — a reference point for the Millennium Development Goals — had in some aspects already reached the targets in Algeria, in particular in respect of Goal No. 4 and the attendance rate, and also the proportion of female students at each level.’ **[35g] (p11)**

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HEALTH AND WELFARE

- 24.64 The African Child Policy Forum African Report on Child Wellbeing 2011, Country Brief Algeria, published in November 2010, noted, ‘Under five mortality rate in Algeria lowered to 31 deaths per 1,000 live births in 2009 from 46 in 2000. This trend indicates that the country is on track to meet the 2015 MDG target, 23.5 per 1,000 live births.’ **[91a] (p2)**
- 24.65 The USSD Report 2010 stated, ‘The government provided free medical care for all citizens, including children with disabilities, albeit in generally rudimentary facilities, and to both sexes equally.’ **[6a] (Section 5: Children)**
- 24.66 UNICEF’s ‘Info by Country – Algeria’, undated, accessed on 30 November 2012, provided the following statistics:

Under-5 mortality rank	69
Under-5 mortality rate, 2010	36
Infant mortality rate (under 1), 2010	31
Annual no. of births (thousands), 2010	714
Annual no. of under 5 deaths (thousands), 2010	26
Immunization 2010, 1-year-old children immunized against: TB corresponding vaccines: BCG	99
Immunization 2010, 1-year-old children immunized against: DPT corresponding vaccines: DPT1	99
Immunization 2010, 1-year-old children immunized against: DPT corresponding vaccines: DPT3	95
Immunization 2010, 1-year-old children immunized against: Polio corresponding vaccines: polio3	95
Immunization 2010, 1-year-old children immunized against: Measles corresponding vaccines: measles	95
Immunization 2010, 1-year-old children immunized against:	

HepB corresponding vaccines: HepB3	95
Immunization 2010, 1-year-old children immunized against:	
Hib corresponding vaccines: Hib3	95
Immunization 2010, % newborns protected against tetanus	90
% under-fives with suspected pneumonia taken to an appropriate health-care provider, 2006-2010*	53
% under-fives with suspected pneumonia receiving antibiotics, 2006-2010*	59
Antenatal care coverage (%), At least once, 2006-2010*	89
Delivery care coverage (%), Skilled attendant at birth, 2006-2010*	95
Delivery care coverage (%), Institutional delivery, 2006-2010*	95
[52a]	

Please refer to the [‘UNICEF ‘Info by Country – Algeria’](#) webpage for further statistics.

24.67 The UN CRC July 2012 Report stated:

‘The Committee expresses concern that budgetary allocations to the health sector remain greatly insufficient to address the health problems of children, especially those living in rural areas who face considerable difficulties in accessing health care due to an unequal geographic distribution of care facilities and medical practitioners. The Committee is also concerned about:

‘(a) Maternal, neonatal and under-five mortality rates, which remain at very high levels;

‘(b) Limited post-natal care which only one third of women benefit from;

‘(c) The problem of availability of medicines in the State party;

‘(d) The nutritional status of young children which has not improved since 2002; one child in ten being underweight and one in five being stunted; and

‘(e) The poor conditions of work of health-care professionals.’ **[54b] (p13-14)**

24.68 The same report also observed that ‘sexual and reproductive health services for adolescents are scarce and that sexual and reproductive health education remains underdeveloped. The Committee is also concerned that knowledge of HIV transmission and prevention is low among adolescents.’ **[54b] (p14)**

24.69 The Save the Children Country Profile Algeria 2011 noted:

‘The National Perinatal Programme (2006-2009) was established to reduce maternal mortality and to improve the management of maternal and infant health. Its objectives were to reduce perinatal mortality by 30% and maternal mortality by 50%, mainly through prevention, detection and effective management of diabetes and hypertension during pregnancy, as well as other disorders. To this end, 246 reference centres monitoring high risk pregnancies established and incorporated specialised multidisciplinary medical teams in coordination with centres of maternal and infant welfare. This also involved the standardisation of obstetrical monitoring to reduce by 30% maternal deaths related to complications of haemorrhaging during delivery (the primary cause of maternal mortality); the standardisation of birthing rooms; and the prioritisation of levels of neonatal care (basic general care, neonatal resuscitation and intensive care).

'The UNICEF programme "Survival and Development of the Child" is concerned with the health and nutrition of mothers and children and was undertaken in partnership with the Ministry of Health, Population and Hospital Reform. In 2011, this programme aims to reduce by 25% the number of deaths of children under five years and maternal deaths, as well as to improve the physical, mental and reproductive health of adolescents. To achieve this, two policies have been established. These are aimed at supporting management capacities, monitoring and evaluation, and communication aimed at equipping parents—mothers in particular—with the knowledge necessary to prevent hazardous situations and improve the health and development of young children.

'The activities of the perinatal programme include capacity- building for health workers to support the mother and child during pregnancy and during or after birth; strengthening the information system for monitoring pregnancies and auditing maternal deaths; sustaining and consolidating achievements in immunisation and managing dehydration and acute respiratory infections; developing social communication strategies in support of maternal health programmes; and developing parental education on the integrated development of young children. Complications during pregnancy and childbirth are the main cause of death and disability among women of reproductive age in developing countries.

'School health programmes ensure ongoing preventive health activities for children over five years. Overseen by 1,115 doctors, 614 dentists, 205 psychologists and 1,470 paramedic staff, these activities primarily consist of routine, mandatory visits to targeted classrooms, the monitoring of detected diseases, school vaccinations (which vary between 97% and 99% according to the type of vaccine), oral health and health education. The last touches upon diverse and varied areas, such as hygiene and environment, smoking, drug abuse, sexual and reproductive health, sexually transmitted infections and HIV/AIDS.

'These activities are carried out by 1,460 screening and monitoring units, including 1,112 located in schools and 336 in health facilities and the premises of local public authorities, and provide real leverage in protecting children and adolescents. Now quality indicators and the enhancement of professional skills will be introduced. In collaboration with the Ministry of Youth and Sports, the Muslim Scouts of Algeria currently have a project fighting drug use among young people. This project includes the training of youth trainers and networking among young volunteers, as well as awareness-raising campaigns with imams in towns in order to favour proximity and decentralisation. The project uses the ministry's facilities.' [69a] (p50-52)

See also section on [Medical issues](#)

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25. TRAFFICKING

- 25.01 Jane's Sentinel Country Risk Assessment Algeria (JSCRA Algeria), last updated on 20 November 2012, stated: 'Algeria is a way-point for human trafficking gangs seeking to bring illegal labour into Europe. Algeria sees very few people actually leave its shores

directly; most illegal traffic (mainly from Sub-Saharan and Horn of Africa states) transits the country heading for Morocco, Tunisia and Libya. Some of Algeria's illegal traffickers are likely to have links to insurgent groups which use protection rackets on the trade as a source of income.' **[7i] (Security)**

25.02 The Freedom House 2010 report on Women's Rights in the Middle East and North Africa 2010 – Algeria, dated 3 March 2010 noted, 'Article 34 of the constitution prohibits all violations of human dignity, while Articles 342 and 343 of the penal code criminalize most forms of sex trafficking and exploitation of minors. Little data exists on the extent of domestic slavery and human trafficking in Algeria. From the government's perspective, the issue of human trafficking is secondary to the more pressing question of illegal immigration from sub-Saharan Africa.' **[29d] (Autonomy, security and freedom of the person)**

25.03 The United States Department of State Trafficking in Persons Report 2012: Algeria (USSD TiP Report 2012), published on 19 June 2012, stated:

'Algeria is a transit and, to a lesser extent, a destination and source country for women and, to a lesser extent, men, subjected to forced labor and sex trafficking. Most commonly, sub-Saharan African men and women enter Algeria voluntarily but illegally, often with the assistance of smugglers, for the purpose of traveling to Europe. Some of these women are forced into prostitution. Criminal networks which sometimes extend to sub-Saharan Africa and to Europe are involved in both smuggling and human trafficking. The "chairmen," or leaders, of the "African villages" – small non-Algerian ethnic enclaves located in and around the southern city of Tamanrasset – are among those responsible for forcing women into prostitution. To a lesser extent, some sub-Saharan African men, mostly from Mali, are forced domestic workers; homeowners sometimes confiscate identification documents, indicative of forced labor. Some Algerian women are also forced into prostitution. Civil society groups believe that as Europe tightens its borders, Algeria is increasingly becoming a destination for both undocumented migration and trafficking. The "cost" – in terms of fees – of a migrant's trip to and through Algeria have [sic] increased due to a greater crackdown against undocumented migration. Malians continue to flee insecurity in Mali and flood into southern Algeria; some of these migrants could be vulnerable to forced labor or forced prostitution.

'The Government of Algeria does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. During the reporting period, the government sought prosecutions under its 2009 anti-trafficking law, yet continued to conflate human trafficking and smuggling. It failed to identify and protect trafficking victims and continued to lack adequate measures to protect victims. The government engaged in some awareness efforts to educate the public about human trafficking and workplace exploitation.' **[6g]**

25.04 With regard to prosecution, the USSD TiP Report 2012 stated:

'The Algerian government made minimal efforts to address human trafficking through law enforcement means during the reporting period [January – December 2011]. Algeria prohibits all forms of trafficking under Section 5 of its criminal code, enacted in March 2009. Prescribed penalties under this statute range from three to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed under Algerian law for other serious crimes, such as rape. During the year, the government reported investigating and prosecuting offenders under the trafficking

law, though it was unclear whether these were human trafficking or smuggling cases, the latter of which appear not to come within the scope of the trafficking in persons law. In March 2012, three individuals were convicted under the illegal immigration law of smuggling illegal immigrants from Arzew, Algeria, to Morocco en route to Europe. According to Algerian officials, those prosecuted sought to keep the immigrants' passports and extort higher transportation fees from them. It was not clear whether the three were involved in human trafficking.' [6g]

25.05 Commenting on protection, the report noted:

'The Government of Algeria made no discernible progress in protecting victims of trafficking over the last year. It did not develop or employ systematic procedures for the identification of trafficking victims among vulnerable populations, such as foreign women arrested for prostitution or undocumented migrants. NGOs [Non governmental organisations] reported that some trafficking victims were jailed for unlawful acts committed as a result of their being trafficked – such as engaging in prostitution or lacking adequate immigration documentation. Similarly, NGOs indicated that if a prostitution operation becomes too public, police will arrest women in prostitution and deport them through Algeria's southern border, making no attempt to identify potential sex trafficking victims.' [6g]

25.06 The report gives Algeria a 'Tier ranking of 3' where 'Tier 3 are countries whose governments do not fully comply with the TVPA's [Trafficking Victims Protection Act] minimum standards and are not making significant efforts to do so.' [6k] (Methodology)

25.07 In response to the [USSD TiP Report, published 27 June 2011](#), Xinhuanet News Agency reported on 6 July 2011 that:

'Head of Algerian National Advisory Commission For Human Rights Protection And Promotion (CNCPPDH) Farouk Ksentini, described the U.S. report which put Algeria in the list of human trafficking violators, as "exaggerating," and a hassle to the North African's reputation.

'Ksentini said in an interview with the Algerian Radio on Wednesday that the accusations conveyed in the aforementioned report are "baseless," challenging however the reliability of the source of information that the report relied on. The activist said "the human rights situation in Algeria has improved a lot comparing to the nineties, and you can see it on the field." [116b]

25.08 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Algeria, published 2 March 2012, stated:

'While welcoming the amendments to the Criminal Code through Act No. 09-01 of 25 February 2009 to criminalize trafficking in persons as well as the compilation of statistics regarding prostitution and procurement offences, the Committee notes with concern the State party's information that there has been no well-grounded case of trafficking in persons and no criminal prosecutions and convictions for such crime. In addition, the Committee regrets the lack of information on the mechanism of coordination among relevant national agencies to combat trafficking in persons and to provide protection and assistance to victims as well as the strategies to systematically identify the trafficking victims among the vulnerable populations such as refugees and asylum-seekers. Furthermore, the Committee notes with concern the absence of measures to ensure

that refugees, asylum-seekers and other persons of concern to UNHCR, in particular women and girls do not fall victim to human trafficking or migrant smuggling.’ [93b] (p8)

See also [Foreign refugees](#)

25.09 JSCRA Algeria, Security, last updated on 20 November 2012 noted:

‘A different type of human trafficking took place during the last years of the civil war involving the abduction, rape and later trafficking of young Algerian women in the maquis (the mountainous scrubland region in the north of the country), where the insurgency was concentrated. This aspect of trafficking, while much smaller in scale than patterns involving Sub-Saharan smugglers, was deeply controversial in Algerian society, and is the main reason why “rape” is included in the amnesty legislation of the 1999 Law on Civil Concord as a crime for which amnesty would not be given.’ [7i]

See also [Children – Trafficking](#) subsection

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26. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

26.01 The United States Department of State Country Report on Human Rights Practices 2010, Algeria, released 8 April 2010, stated that ‘The government provided free medical care for all citizens – including children with disabilities – albeit in generally rudimentary facilities, and to both sexes equally.’ [6a] (Section 6: Children)

26.02 Jane’s Sentinel Country Risk Assessment (JSCRA), Algeria, section on Demography, and current as of 21 May 2012, stated:

‘Despite a rise in life expectancy after the civil war and comparatively low birth and immunisation rates, Algeria’s health system suffers from major problems. There are an inadequate number of doctors (one per 1,000 people) and hospital beds (2.1 per 1,000), as well as poor access to portable water. Health policy favours prevention, with an emphasis on clinical-based care rather than a large number of hospitals. This, along with a young population, explains the government’s proactive immunisation strategy. Nevertheless, the problems caused by a lack of adequate drinking water and sanitation provision has led to outbreaks of tuberculosis, hepatitis, measles, dysentery, typhoid and cholera. The HIV infection rate among 15-49 year olds is 0.1 per cent.

‘Public access to health care is improved by the fact that doctors and dentists are required to work in the public sector for at least five years; nevertheless, doctors are far more easily found in the cities of the north than in the Saharan south.’ [7f]

26.03 The Finpro report entitled ‘[Algeria Health Sector overview. Heli Pasanen-Zentz, Finpro](#)’ dated 8 November 2011, provided information covering the Algerian healthcare infrastructure. [4a]

26.04 The Country of Return Information Project 'Algerian Country Sheet 2009' stated:

'Standard medication is available, and depending on its classification, is provided on medical prescription or otherwise. Certain medication referred to as "hospital" medication, is not held by the Central Pharmacy of Hospitals, but can be obtained from this body in certain special cases, but only on prescription.

'Regarding medication, the list established by the Ministry of Health guarantees the availability of all specialist medication. However, some very specific medication is very expensive, namely medication related to cancer treatment. As for standard medication, it is so low in price that many Algerian expatriates have the medication, which is prescribed by their doctor in France or elsewhere in Europe, purchased in Algeria.

'As mentioned above, treatments usually exist but sometimes stock-outs of medicine treating chronic diseases prevent people from being treated correctly. The Minister of Health, Population and hospital Reform, Mr. Amar Tou denies the stock-out of medicine treating chronic and rare diseases in hospital structures.' **[10a] (p63)**

26.05 The United Nations (UN) Concluding observations of the Committee on the Elimination of Discrimination against Women, Algeria, published 2 March 2012, noted: 'While the Committee notes with appreciation, the State party's prioritization of reproductive health in its healthcare delivery system, and the integration of prevention of violence and treatment of victims of violence in the reproductive and mental health services, the Committee expresses its concern at the lack of a policy for medical personnel to monitor and report cases of domestic violence against women.' **[93b]** The same report further recorded that '... the Committee is concerned that rural women are particularly affected by ...[accessing] health care services.' **[93b]**

See also Women's section and subsections [Violence against women](#), and [Assistance available](#)

26.06 The UN Committee on Economic, Social and Cultural Rights (CESCR), Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant: concluding observations of the Committee on Economic, Social and Cultural Rights: Algeria, published 7 June 2010, noted:

'The Committee is concerned that people living in rural areas face considerable difficulties in accessing health care, owing to an unequal geographic distribution of care facilities and medical practitioners. The Committee is also concerned about the availability of medicines, the insufficient quality of health care in terms of standards of the upkeep of buildings, hygiene and reception of patients, as well as the poor conditions of work of health-care professionals.' **[18d](Para 20)**

26.07 A report of 6 May 2010, by the Office of the UN High Commissioner for Human Rights, called Committee on Economic, Social and Cultural Rights considers report of Algeria, stated in its 'response by delegation', 'The delegation told the Committee there had been major advances in making healthcare more accessible and increasing coverage of the population. The number of medical specialists in the country had increased as had the number of general practitioners, hospital beds and paramedics. Regarding salaries for medical staff, there had been a pay raise for all civil servants including public health workers.' **[93a]** The government delegation also commented on the cost of healthcare and how that was tied to social security, 'The delegation, responding to questions, said all persons who performed paid work in Algeria were affiliated with the social security

system. Social security contributed to the funding of hospital care provided to beneficiaries and their dependents.’ **[93a]**

- 26.08 News Medical.net in their article entitled ‘Algeria’s Pharmaceutical and Healthcare Industry report’, published on 29 September 2009, indicated that ‘Algeria’s generics market is relatively advanced, having been stimulated by the government’s encouragement, lax intellectual property (IP) laws and the fact that public expenditure represents some 80% of total healthcare spending.’ **[87a]**
- 26.09 The [World Health Organisation \(WHO\) website](#), ‘Algeria: Health statistics profile 2010’, ‘...provides an overview of the situation and trends of priority health problems and the health systems profile, including a description of institutional frameworks, trends in the national response, key issues and challenges in Algeria.’ **[15a]** The WHO webpage also provided a ‘Factsheet of Health Statistics, 2010’. **[15a]**
- 26.10 The Central Intelligence Agency (CIA) World Factbook, updated 19 November 2012, indicated the life expectancy at birth is 72.99 years for males, and 76.57 years for females (2012 estimate). **[2a]**
- 26.11 The Embassy of The People’s Republic of Algeria In Sofia, Bulgaria, ‘Healthcare Statistics’, dated 27 July 2012, following ‘An interview given by Mr. Djamel Ould Abbès, Minister of Health, Population, and Hospital Reform on May 25th; 2012’, noted there are 7685 Healthcare facilities, 80,000 practitioners, and 272,000 staff depending on the Ministry of Health. **[84a]**
- 26.12 The [US Embassy in Algiers](#) provided an undated list of physicians and clinics in Algiers **[28a]**
- 26.13 A report commissioned by Save the Children, Sweden, published August 2011 and called ‘Children’s Rights Situation Analysis Middle East and North Africa – Algeria’ (Save The Children Report 2011) stated:
- ‘Despite relatively high investments, the health sector remains riddled with challenges, including the limited availability of medicines, the insufficient quality of health care in terms of building maintenance, hygiene, and reception of patients, as well as the poor conditions of work of health care professionals. Moreover, households in rural communities face considerable difficulties in accessing health care due to an unequal geographic distribution of care facilities. Although the law provides for free medical care for children living with disabilities, information on access to healthcare is limited.’ **[69b] (p82)**
- 26.14 An article by Nuqudy.com entitled ‘Algerian Drug Imports Up 17%’, dated 26 January 2012, stated:
- ‘Algeria’s imports of pharmaceuticals amounted to \$1.95 billion in 2011 compared to \$1.67 billion in 2010, up 16.86 percent. However, the quantities of drugs imported by Algeria increased by only 2.2 percent, from 23,835 tons in 2010 to 24,362 tons in 2011, according to the National Center for Informatics and Statistics (CNIS) of Customs. ...
- ‘The increase in the drug bill during last year is attributed to significant quantities imported between June and October by the 60 dealers in the domestic market, market sources conveyed.

'To overcome the many shortcomings of the domestic market and better organize the sector, the Algerian Ministry of Health has set up new pharmaceutical supply establishments, designed to ensure the "full and sustained" availability of drugs.

'This new step is in addition to other measures already taken by the government aimed at cleaning up the sector of drug delivery, with the goal of developing and modernizing the management of these "sensitive" products.

'In this regard, it should be remembered that the importation of pharmaceutical products is subject this year to "rigorous" control. "We are putting all the tags to control the drug market, including strict control at ports and airports by pharmacists trained in this area", said Secretary General of the Ministry of Health, Dr. Abdullah Bouchnak.

'For 2012, the import programs of pharmaceutical products have been issued to 69 operators.' **[81a]**

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

26.15 In its 2010 Report on the Global AIDS Epidemic, the Joint United Nations Programme on HIV/AIDS (UNAIDS) classified Algeria as a country with a low-level epidemic and an HIV prevalence of around 0.1%.**[70a] (p 197)** The Save the Children Report 2011, concurred and noted: 'In Algeria, HIV/AIDs prevalence rate is less than 0.1 per cent, although actual levels of infection may be higher due to under-reporting. An estimated 21,000 persons are living with HIV/AIDS, although no information on the share of children within this group has been found. The government has put in place consecutive national plans on HIV/AIDS, focusing on prevention, treatment and community mobilisation.' **[69b] (p82)**

26.16 The Magharebia website, which provides media coverage of developments in the Maghreb, reported in an article dated 30 November 2010, entitled 'Algeria confronts AIDS epidemic':

'Algeria boasts 61 anonymous and free screening centres, which are spread across all provinces of the country, as well as a National Blood Agency and eight referral centres that treat people with HIV/AIDS... the Algerian government ...provides antiretroviral drugs free of charge.

'However, there are still gaps in the provision of treatment for sufferers, and the availability of medicine is not always guaranteed. Patients also have difficulty obtaining reimbursements for medicines to treat secondary illnesses. ANIS [Aids Prevention NGO] recommended that the labour ministry classify AIDS as a chronic illness, which would make sufferers eligible for welfare assistance.

'In addition, the government has taken a number of steps to combat the spread of sexually transmitted infections (STI). It developed a National Strategic Plan for the fight against STI-HIV-AIDS (2008-2012) and set up a network for disease detection and controlling blood quality.

'Professor Mehdi Youcef, Mustapha-Pacha hospital chief and the health ministry's AIDS liaison, recently declared that Algeria is the first country in the region to grant all AIDS patients access to antiretroviral drugs "for free".' **[32k]**

- 26.17 The United States Department of State 'Country Report on Human Rights Practices 2011, Algeria', (USSD Report 2011), published 24 May 2012, stated:

'HIV/AIDS was widely considered a shameful disease in the country. From 1985 to September 2011, 6,615 Algerians were either HIV-positive or living with AIDS, according to Ministry of Health statistics. During the year the Ministry of Health identified 514 new HIV cases. However, the National Foundation for Health Promotion and Research Development, an NGO, released a study during the year that reported there are 12,000 infected with HIV in the country. There were 61 centers offering free testing services to detect HIV/AIDS. Only 51 percent of women, both single and married, noted use of condoms to prevent infection. In response to societal discrimination, during the year the Ministry of Health and the NGO AIDS Algerie launched an HIV/AIDS prevention campaign, stressing the need to prevent discrimination, especially in the workplace, against those with HIV/AIDS.' **[6h](Section 6)**

- 26.18 The report also noted, 'Government hospitals ...diagnosed and treated women for sexually transmitted infections, including HIV.' **[6h](Section 6)**

- 26.19 A UNAIDS 'Report on the Global Aids Epidemic 2012', published 20 November 2012, observed that the 'Proportion of eligible people receiving antiretroviral therapy in selected low- and middle-income countries at the end of 2011' between 20-39% for Algeria. **[70b] (p57)** The same report also noted the 'Percentage of HIV funding coming from international sources, in low- and middle-income' for Algeria was <25%. **[70b] (p66)** Furthermore, the 'Percentage change in the number of people dying from AIDS-related causes, 2005–2011' for Algeria was noted to have had 'No change or decrease <25%' **[70b] (p13)**

- 26.20 Lesnews, in a report of 30 November 2010 called 'Central pharmacy to purchase HIV-AIDS medicines', in its Algerian news section noted:

'The Central Pharmacy of Hospitals (PCH) has been recently assigned to list the HIV-AIDS medicines in the list of treatments to purchase, to avoid stock shortage, Benmakhlouf Madjid, in charge of HIV-AIDS program at the health ministry said Sunday in Algiers. 'Two months ago, the minister signed a decision allowing the PCH to include HIV-AIDS medicines in its stock, to avoid shortages,' generalist Benmakhlouf told reporters on the margin of a radio Channel III program on fight against AIDS.' **[94a]**

- 26.21 The UNAIDS 'Middle East and North Africa, Regional Report on AIDS 2011', dated December 2011, stated:

'In Algeria, the HIV epidemic has increased significantly among women. In 2010, and for the first time in history, there were more women living with HIV than there were men living with HIV. El Hayet, a nongovernmental organization, was launched to emancipate women so that they can acquire social and financial autonomy – leading to a decrease in risky behaviours. The NGO was designed to provide a way for women living with HIV to make a positive contribution to society by joining the workforce. El Hayet was the first NGO for people living with HIV in the MENA region, and remains the only one in Algeria. It has a unique, crucial and noteworthy role in improving the psychosocial

support of people living with HIV, and sets out previously unimagined actions for the women's HIV response.' [70c] (p60)

26.22 An article published by the Nature Publishing Group dated 10 May 2012 reported:

'Algeria will partner with the Joint United Nations Programme on HIV/AIDS (UNAIDS) to build the first HIV/AIDS research centre in the Middle East and North Africa (MENA).

'The centre, which should be operational by 2013, will be based in the city of Tamanrasset in southern Algeria. It will bring together researchers from Africa, Europe and the United States working on treatment and prevention of HIV/AIDS.

"The work of the centre will be essential to fight HIV/AIDS in this region of the world," says Adel Zeddami, UNAIDS coordinator in Algeria.

'During the centre's launch last month in Algiers, Djamel Ould Abbès, health minister of Algeria, said "the centre will try to attract the best researchers working on prevention and treatment and will focus on robust exchange of information and collaborative research." ...

'While HIV prevalence in MENA remains comparatively low, according to the UNAIDS regional report on HIV/AIDS in MENA in 2011, the region has the second fastest growing incidence of HIV/AIDS, only surpassed by Eastern Europe and Central Asia. The estimated number of adults and children living with HIV in the region increased from 330,000 in 2001 to 580,000 in 2010. According to a World Bank report on HIV/AIDS released in 2010, this increase is mainly concentrated in high risk groups.

'In recent years, Algeria has stepped up its HIV/AIDS prevention programme. Antiretroviral drugs are available free in 60 centres across the country. However, according to the Institut Pasteur in Algeria, the number of new infections continues to rise, going from 600 in 2010 to 700 in 2011, estimating around 5,500 people living with HIV/AIDS. Othman Bourouba, director of AIDS Algerie, a local NGO that supports people living with HIV/AIDS, says that number could be as high as 20,000.

'Many infected people refuse testing or antiretroviral drugs due to stigmatization in Algeria and the rest of the Arab world.

"The Tamanrasset centre will be useful in addressing the needs of people living with HIV/AIDS," says Bourouba. "Besides the scientific research conducted there, they will gather important information about the spread of the disease in Algeria and the region. With more accurate data we will be better positioned to fight the virus." [80a]

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CANCER

26.23 Magharebia reported in an article dated 7 September 2010, 'Algeria will soon open specialised breast cancer treatment facilities. Speaking during a working visit to Constantine on Monday, Labour Minister Tayeb Louh affirmed that all 'human and logistical' mechanisms would be put in place to assure improved treatment for women affected by the disease.' [32i] It should be noted that at the time of updating this report no further information could be sourced on the development of specialised breast cancer treatment facilities in Algeria.

- 26.24 AfrolNews, in a report dated 17 April 2010, noted, 'The CPMC [Pierre & Marie Curie anti-cancer centre] register indicates that, regarding therapy, some 12,376 patients had undergone surgery the same year [2007], 2,031 in the centre and 1,543 indicated in the private sector. Some 9,712 patients have undergone treatment of chemotherapy and radiotherapy in the public sector.' [65b]
- 26.25 The Embassy of The People's Republic of Algeria in Sofia, Bulgaria, 'Healthcare Statistics', dated 27 July 2012, following 'An interview given by Mr. Djamel Ould Abbès, Minister of Health, Population, and Hospital Reform on May 25th; 2012', stated: 'In 2011, an Anticancer Fund totaling 60 bn DZ was created to meet the needs of cancer patients whose number increases every year. Part of the funds comes from tobacco and liquor taxes. There will be 22 anticancer centers by 2014.' [84a]
- 26.26 The WHO/ICO Information Centre on HPV and Cervical Cancer (HPV Information Centre), '[Human Papillomavirus and Related Cancers in Algeria. Summary Report 2010](#)', dated 15 September 2010, 'aims to compile and centralize updated data and statistics on human papillomavirus (HPV) and related cancers. This report aims to summarize the data available to fully evaluate the burden of disease in Algeria... Data include relevant cancer statistic estimates, epidemiological determinants of cervical cancer such as demographics, socioeconomic factors, risk factors, burden of HPV infection, screening and immunization.' [15c]

KIDNEY DIALYSIS AND TRANSPLANTS

- 26.27 Magharebia, in a report of 20 October 2010, noted:
- 'Religious practices and legal hurdles have led to a severe shortage of organ donors in Algeria, but the government now has a plan to fix the problem.'
- 'On 12 October 2010, Health Minister Djamel Ould Abbas announced the establishment of the Algerian Agency for Organ Transplantation.'
- "There are 16,600 people undergoing haemodialysis for life, which requires the establishment of this new agency," Ould Abbas said. The new department will work with the Algerian Kidney Institute, which will open next year and be the first of its kind in Africa...He said that the rate of progress of organ transplantation from brain-dead patients in Algeria is very slow, despite the fact that religious edicts and legal provisions permit the donation of organs.' [32f]
- 26.28 The [Healthcare.com website](#) listed one Dialysis centre in Bejaia, and two Dialysis centres in Oran. [78a]

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MENTAL HEALTH

- 26.29 The World Health Organisation's (WHO) Mental Health Atlas 2011 on Algeria, noted:
- 'Mental health expenditures by the government health department/ministry are 7.37% of the total health budget. Mental hospital expenditures are 81.44% of the total mental health budget.'

'Note: Spending on mental hospitals is divided into the annual operating budget of 3,501,104,000 Algerian Dinar (DA) and the capital budget of 7,900,000,000 DA which will be invested in the development of 17 new psychiatric hospitals, over the next 5 years.' **[15b]**

26.30 The WHO Mental Health Atlas 2011 also noted:

'Prescription regulations authorize primary health care doctors to prescribe and/or to continue prescription of psychotherapeutic medicines without restrictions. In contrast, the department of health does not authorize primary health care nurses to prescribe and/or to continue prescription of psychotherapeutic medicines. Similarly, official policy does not permit primary health care nurses to independently diagnose and treat mental disorders within the primary care system.

'The majority of primary health care doctors have received official in-service training on mental health within the last five years, whereas the majority of primary health care nurses have not. Officially approved manuals on the management and treatment of mental disorders are not available in the majority of primary health care clinics. Official referral procedures for referring persons from primary care to secondary/tertiary care exist, as do referral procedures from tertiary/secondary care to primary care.' **[15b]**

26.31 The [WHO Mental Health Atlas 2011](#) provided useful charts highlighting mental health services in Algeria, including workforce and training information. **[15b]**

26.32 Magharebia reported on 18 June 2008 that with the growing number of homeless people in major Algerian cities, they were setting up public facilities in the main capital of the five regions. The facilities would receive emergency homeless cases with no domicile. Psychological specialists and physicians would be recruited to provide appropriate mental health care and other attention they might need. Psychological experts contact the families of the homeless, if any, to reconnect them with their families. There would also be a hotline established where people could report any homeless cases or individuals with social or psychological problems to enable institutions equipped with financial and mental health resources to lodge and treat them. **[32b]**

26.33 The Country of Return Information Project Algerian Country Sheet 2009 stated:

'Association SoliMed Algérie – this organisation works mainly, but not exclusively, in the health field through the organisation of Medical Caravans which look to provide specialist care to disadvantaged Algerians. The Medical Caravans mobilise doctors and logisticians all of whom work on a voluntary basis. Maghreb Health website includes the list of Algerian associations working in the health field. The first Red Crescent health centre in Constantine was opened in the beginning of 2003. Situated in the city centre, it offers free medical assistance to poor adults and children. Apart from medical assistance, the centre offers psychological support to children victims of violence and is there to listen and consult. Moreover, the centre has a paramedical practice and a pharmacy with free distribution of medicine depending on availability.' **[10a] (p63)**

26.34 A report of 6 May 2010, by the Office of the UN High Commissioner for Human Rights, entitled, 'Committee on Economic, Social and Cultural Rights considers report of Algeria', stated in its 'response by delegation':

'With regards to public health, providing mental health and drug addiction treatment were an important dimension of taking care of the population, including provisions for mental health in prisons. The State employed a multi-sector approach because drug abuse went beyond healthcare and was a social and cultural issue as well. There were six intermediary centres for drug addiction and three regional therapy and detoxification centres which would increase to 15 by 2014.' [93a]

26.35 Handicap International on their website (undated, accessed 3 January 2013) described their activities in Algeria: 'Handicap International has been working in Algeria since 1998. Our activities in Algeria form part of a wider development process. We aim to make structural improvements to the lives of people with disabilities, to foster their inclusion, and to ensure they play a full role in society. Handicap International has more than 50 partnerships with Algerian organisations in the field of social, economic and educational inclusion, mental health and rehabilitation.' [49]

26.36 The International Disability Alliance (IDA) in the Algeria state report contained in its 46th Pre-Sessional Working Group, 2-6 August 2010, noted:

'Algeria has acted on the international recommendations published by the WHO by developing a national mental health programme. That programme, which was introduced in 2001, emphasizes prevention and the establishment of means of subsequently reinforced with a network of intermediate mental health centres. These centres, the first of which was opened in 2002, provide basic services and are designed to afford enhanced access to services and more effective medication management.

'Since the launch of the programme, preventive mental health services and care for persons at risk have been incorporated into the school and university health system, over and above the complementary work being done by associations and NGOs as well as other State agencies. Plans for the coming three-year period include more effective curative and preventive care through the integration of psychiatrists working in the private sector, who are relatively numerous (there are 160 private practices), larger scale awareness and communication campaigns, and promotion of partnership and cooperation with other relevant sectors. A further objective is to realize an effective expansion of this care delivery system by providing services to drug addicts, working to that end in close cooperation with the Narcotics and Addiction Board and other departments and agencies. Fifty-three intermediate centres providing care for addicts and 15 regional detoxification centres are currently being established.' [67a]

26.37 Ennahar Online, in an article of 1 October 2011, noted:

'The number of psychiatric hospitals has doubled in Algeria since independence. According to Professor Khiati, one Algerian out of three is exposed to depression. Dar Ennekhla, Joinville psychiatric hospital, Drid Hocine. Different names are given to the same place where the mentally ill are cared with. In Algeria, the disease is still considered taboo, although all patients who have mental disorders are not crazy.

'According to Professor Hamid Adja, specialist in psychiatry at Drid Hocine Hospital in Algiers, an average of ten cases of depression is received every day. The hospital performs about a hundred psychiatric consultations a day. 50% of cases of schizophrenia are in the final phase of which 70% are women and 60% of men.

'The rouqia (treatment with the Koran) replaces medicine. According to Professor Adja most of the patients who come in his service have seen a Raqi before. Many families see in the rouqia an adequate treatment for their patients.

'The majority of cases who come in psychiatry are very advanced phase of depression, according to the Professor. Some are sick for more than seven years when brought by their families who believe they are bewitched or enchanted while suffering from mental disorder.

'Many families of the mentally ill are ashamed and do not hesitate to get rid of their son, brother or father in periods of holidays or weddings to avoid the gaze of the others. These patients are taken to psychiatric hospitals for those periods of the year.

'According to our interlocutor, only two weeks are enough to treat depression, if the families of patients visit the psychiatrist. Something that rarely happens and the patient's condition become worse and complicated with time. The majority of cases received are young people between 18 and 23.' [22a]

See also section on [Disability](#)

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27. FREEDOM OF MOVEMENT

- 27.01 The United States Department of State Country Report on Human Rights Practices 2011, Algeria (USSD Report 2011), published 24 May 2012, stated:

'The constitution provides for freedom of movement; but the government restricted the exercise of this right in practice...

'The government maintained restrictions for security reasons on travel into the southern locales of El-Oued and Illizi, near hydrocarbon industry installations and the Libyan border, respectively. The government also prevented overland tourist travel between the southern cities of Djanet and Tamanrasset, citing the threat of terrorism. The government did not permit young men eligible for the draft but who had not yet completed their military service to leave the country without special authorization, although the government granted such authorization to students and persons with special family circumstances.

'The family code does not permit anyone under 18 to travel abroad without a guardian's permission. Married women under 18 years of age may not travel abroad without permission from their husbands.' [6h] (Section 2d)

- 27.02 The Freedom House Report entitled 'Freedom in the World 2012, Algeria', covering events in 2011, published 4 June 2012 (Freedom House Report 2012), noted, 'While most citizens are free to move throughout the country and travel abroad, the authorities closely monitor and limit the movement of suspected terrorists. Access to visas for non-Algerians is carefully controlled. Men of military draft age are not allowed to leave the country without government consent.' [29g]

- 27.03 The Freedom House 2010 report on Women's Rights in the Middle East and North Africa 2010 – Algeria, dated 3 March 2010, observed, 'Women are permitted to travel freely, and freedom of movement for all Algerians has appreciably improved in the past 10 years...Moreover, female workers who migrate within the country to find a job or women who travel alone sometimes face condemnation, particularly in the rural areas.' **[29d] (Autonomy, Security and Freedom of Movement).**

See also section on [Exit and Return](#)

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28. FOREIGN REFUGEES

- 28.01 The United Nations High Commissioner for Refugees (UNHCR), 'Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: Algeria, (UNHCR UPR Algeria 2011) dated November 2011, noted:

'Algeria is a party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. Algeria has also acceded to the 1954 Convention relating to the Status of Stateless Persons, but is not a State party to the 1961 Convention on the Reduction of Statelessness.

'Algeria has yet to put in place fully functional national asylum system. At present, the only relevant national legislative act remains Decree No. 63-274 of 25 July 1963 related to the modalities for the application of the 1951 Refugee Convention. The Decree established the "Bureau Algérien pour les Réfugiés et Apatrides" (BAPRA) within the Ministry of Foreign Affairs. According to the Decree, BAPRA, the institution responsible for determining refugee status in Algeria, should, inter alia, recognize UNHCR's "mandate refugees." However, in the absence of a comprehensive legal framework, including asylum legislation and administrative procedures, and consequent lack of institutional and administrative capacity, BAPRA has not yet developed into a functioning asylum structure.' **[71h]**

- 28.02 The same source stated:

'UNHCR in Algeria protects and assists two distinct populations of refugee and asylum seekers, Sahrawi refugees in Tindouf camps and urban refugees of various nationalities.

'(i) Western Saharans, known as Sahrawi refugees, are recognized refugees on a prima facie basis by the Algerian Government. They are accommodated in four camps (Laayoune, Smara, Awserd and Dakha) and one settlement (27th February) located in the Tindouf area, south-west of Algeria. Due to political sensitivities surrounding the Western Sahara situation, and owing to objections on the part of the host Government and the Sahrawi refugee leadership (Polisario), it has not been possible to conduct proper registration in the camps. Therefore, accurate statistics as to the number of Sahrawi refugees in the camps do not exist. UNHCR's assistance programme is based

on a planning figure of 90,000 vulnerable refugees in the camps. The Sahrawi community provides a positive model in terms of promotion of gender equality. Women traditionally play an active role in the leadership of the Sahrawi community, in part because of the nomadic culture that values the work of women. Article 41 of the Sahrawi "Constitution" of 1999 supports the empowerment of women: "The State acts to promote women's political, economic, social and cultural roles in the construction of the Sahrawi society and the development of their country."

'(ii) The State hosts refugees and asylum-seekers in Algiers and other urban centers, including some 4,200 Palestinians, a number of Iraqis and a growing number of nationals of sub-Saharan African countries. It is worth noting, that unlike the situation of nationals of sub-Saharan African countries, Palestinians and Iraqis are well integrated in the Algerian society, hence only few of them approach UNHCR seeking protection or assistance. As of 1 September 2011, UNHCR in Algeria has registered 146 urban refugees, of which 40% are females and 33% are children, as well as 795 asylum-seekers, of whom 27% are females and 12% are children.

'The Algerian Government and public at large view all asylum-seekers and refugees as economic migrants contributing to a rise in illegal activities in the country. Meanwhile, in the absence of official recognition of their status by the host Government, sub-Saharan African refugees and asylum-seekers are denied most of their rights, including access to labor market and adequate shelter.' [71h]

- 28.03 The UNHCR, '2012 UNHCR country operations profile – Algeria', noted that as at January 2012, there were 94,148 refugees in Algeria. Meanwhile, it was also noted that 'According to the government of Algeria there are an estimated 165,000 Sahrawi refugees in the Tindouf camps. [71e]

See [Tindouf camps](#) below

- 28.04 With regards to stateless persons in Algeria, UNHCR UPR Algeria 2011, stated: 'No official information is available on the number or conditions of stateless persons in Algeria. UNHCR office has been approached by very few individual cases regarding issues potentially related to statelessness, based on which no particular trends or issues could be determined.' [71h]

- 28.05 The Daily Star reported on 29 July 2012 that:

'More than 12,000 Syrians fleeing the violence in their home country have sought refuge in Algeria, a source close to the interior ministry said on Sunday [29 July 2012]. The authorities have decided to "take charge of Syrians who have sought refuge in Algeria, and whose number is estimated officially at 12,000," the source told AFP, although Syrian opposition sources put the number at up to 20,000.

'Algiers is considering using schools that are closed for the summer to house Syrians who are currently in the capital. Syrian opposition sources inside Algeria say many of their countrymen are also present in other towns in the North African nation, and say they number between 18,000 and 20,000. Some newspapers have reported as many as 23,000 Syrians in the country, but such figures are hard to verify since they include only arrivals, and do not include those leaving later. A number of Syrians are also thought to have arrived in Algeria from Lebanon and Jordan, which adjoin the violence-ridden state where a nearly 17-month-long uprising has cost the lives of more than 20,000 people, according to activists.

'The large number of Syrians in Algeria may be attributed to the lack of visa requirements between the two countries. Syria has sought to rein in the exodus by reducing the number of weekly Air Algerie flights between Damascus and Algiers from three to one. Passengers must also have return tickets and show proof of where they will stay in Algeria before being allowed to board flights. Last week, the foreign ministry in Algiers estimated that around 1,000 Algerian families living in Syria had fled the violence there.' **[64a]**

28.06 The United States Department of State Country Report on Human Rights Practices 2011, Algeria (USSD Report 2011), released 24 May 2012, noted, 'The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.' **[6h](Section 2d)**

28.07 The UNHCR 'Global Report 2011 – Algeria, published 1 June 2012, stated:

'UNHCR continued to implement two main programmes in Algeria: one for the urban refugees and asylum-seekers and another for the camp-based Sahrawi refugees. In relation to the first group, the main objective was to enhance the protection space for urban refugees and asylum-seekers while meeting their basic needs. With respect to the Sahrawi refugees, the key objectives were to enhance protection and to reorient the assistance programme towards greater investments in vital sectors such as water, nutrition, health and education. ...

'Age, gender and diversity mainstreaming exercises conducted at the end of 2011 in Algiers revealed that the main problems faced by urban refugees and asylum-seekers were the absence of legal status and residence, as well as limits on access to economic, social and civil rights. Future programmes for this population will need to pay special attention to food security, access to services, psychosocial support, employment and income-generating activities.

'Investments in the long-term welfare of the Sahrawi refugees in Tindouf resulted in some improvements in living conditions in the camps, particularly with regard to water and nutrition. The field units in the camps are now fully staffed and will improve protection monitoring and the coordination of humanitarian assistance.' **[71g] (p148, p150)**

28.08 UNHCR UPR Algeria 2011 observed:

'Though Algeria has acceded to the main international and regional refugee instruments, it has not yet adopted national asylum legislation and established functional national asylum procedures. UNHCR continues to make refugee status determinations, but recognized "mandate refugees" are not recognized by the Government, and hence not issued with appropriate residence permits. This also prevents UNHCR mandate refugees from accessing housing and universal education.' **[71h]**

28.09 With regards to women and girl refugees, the UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Algeria, published 2 March 2012, stated:

'The Committee is concerned about the practice of sanctioning women and girl refugees and asylum-seekers for illegal entry and stay in the country, and subjecting those

persons to detention for protracted periods of time and returning them to the country of origin in violation of the principle of non-refoulement. The Committee is also concerned about the reports that some of the refugee women and girls have suffered from sexual and gender-based violence and abuse, and that those victims lack access to shelter, medical and psychological services and to justice. Moreover, the Committee notes with concern that refugee and asylum-seeking children have limited access to public schools and vital healthcare services, and that some of the refugee and stateless children born in Algeria remain without birth certificates thus limiting their access to vital social services.’ [93b] (p11)

See also [Trafficking](#), and Children’s subsection [Birth registration and/or documentation](#)

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SAHARAWI REFUGEES

28.10 A publication by the Swedish Migration Board, following a joint fact-finding mission to Algeria between 11-16 June 2011, entitled, ‘The Development in Algeria in the Shade of the Arabic Spring, and its Consequences on Migration (Public version)’ (Swedish FFM Report 2012), dated 20 January 2012, noted:

‘Around 90 000 Sahrawis, originating from the disputed Western Sahara territory, are living in exile in Algeria (and around 25 000 in Mauretania), most of them in refugee camps in the South-western province of Tindouf. They are recognised as refugees by the Algerian state.

‘Life in the refugee camps is hard. Because of that, and out of frustration with the slow, or non-existing, pace in finding a solution to the conflict of Western Sahara, many young people emigrate, especially to Spain. Part of this emigration causes brain drain. Those who get an education in Cuba tend to go to Spain afterwards in order to find work. Each day around 15 Sahrawis from the camps apply for a visa to Spain.

‘The hardships and the political deadlock have also to some extent radicalised the youth. Maybe those who study in Algeria have been influenced by Islamists. According to our Sahrawi interlocutor, the Sahrawis have no tradition of praying in mosques, but now there are mosques in the camps, and the sermons may deliver radical messages. There is a risk of this radicalisation spreading to countries with weak governments, like Mali and Niger, where AQIM already is active. So far the radicalised Sahrawis are a minority, and the interlocutor does not think that they will influence the Sahrawi culture.

‘In spite of the above mentioned difficulties, a lot of contraband in the south of Algeria, and problems for Polisario in the Libyan context, our interlocutor believes that the Arabic spring is good for Polisario and Western Sahara.

‘The refugees in the camps can travel freely within Algeria, where they are treated nearly as Algerian citizens.

‘The Sahrawi refugees in Algeria are also free to travel outside of Algeria. The Algerian state, more precisely a special unit within the passport authority, issues passports to the Sahrawis. The passports look exactly like the Algerian national passports. The only difference is that the holder is not noted as an Algerian citizen.

'...Polisario issues ID-cards to Sahrawis from 18 years of age. From that age they are obliged to wear ID-cards. The validity of the cards is five years. This year new cards are issued. The quality is better than the quality of the old ones. The cards are orange and illustrated with lines of sand. There is a flag up in the left corner above the photo of the holder.' [110a] (p23-24)

There is a copy of the ID card in Annex A of the [Swedish FFM Report 2012](#). [110a] (p29)

For information on Western Sahara, see the [COIS Country Report on Morocco](#), published 9 November 2010.

Tindouf camps

- 28.11 The Refugee Studies Centre, at the University of Oxford, Department of International Development, in a report of May 2011, entitled 'Protracted Sahrawi displacement, Challenges and opportunities beyond encampment' stated:

'Established by the Polisario Front in 1975–1976 with Algerian support, the Sahrawi refugee camps in South-Western Algeria are currently estimated to house approximately 155,000 refugees, embodying UNHCR's second oldest refugee caseload. For over 35 years, these spaces have been administered by the Polisario with substantial support from multilateral humanitarian agencies, state and non-state actors...

'The Polisario and the Algerian government systematically stress that neither local integration nor resettlement are considered to be acceptable or viable solutions to the protracted refugee situation, highlighting the need for a political solution to be sought to this political conflict. However, the political impasse between the Moroccan, Algerian and Polisario/SADR parties, and the lack of political will amongst international actors, renders repatriation to the Western Sahara unlikely in the foreseeable future.' [58a]

- 28.12 The USSD Report 2011 on Algeria summarised the situation of the Sahrawi refugees:

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

'Sahrawi refugees lived predominantly in camps near the city of Tindouf, administered by the Popular Front for the Liberation of the Saguia el Harma and Rio de Oro (Polisario). The remote location of the camps and lack of government presence resulted in lack of access to employment, basic services, education, police, and courts for Sahrawis.' [6h] (Section 2d)

- 28.13 The USCRI Report 2009 stated, 'The Government allows the Polisario to control the movements of some 90,000 refugees from the Western Sahara in four isolated camps outside the Tindouf military zone near the Moroccan border. The geographical area, known as 'The Devil's Garden,' is part of the Hammada, a vast plain of the Sahara subject to summer temperatures over 50°C (122°F), frequent sand storms, and little or no vegetation.' [43a]

For location of Tindouf see [Geography - map](#)

28.14 The USCRI Algeria 2009 report continued:

'Refugees need permits from the Chief of Daira (districts within camps) to change residence from one daira to another within a camp or from camp to camp. The Chiefs generally issue them. Some 3,500 Sahrawi live in Tindouf with Algerian passports, some of them married to Algerians. The Polisario forbids permanent return to the Moroccan-occupied Western Sahara, however. Even so, a number manage to reach the territory through Mauritania. To travel to Algiers, refugees need passes, or ordres de mission, bearing stamps of approval from both the Algerian Government and the Polisario. To apply for such a pass they must have their camp leader write a letter to the Polisario Ministry of Interior in Rabouni which, in turn sends a request to the Polisario office in Tindouf, which prepares the document and obtains the Algerian stamp. Applicants must have an approved reason, such as enrolment in school or professional training. Seeking employment is reportedly not among the approved reasons for travel... The Polisario also allows some refugees to leave for education in Algeria and elsewhere and to tend livestock in the areas of the Western Sahara it controls and Mauritania. An unknown number reportedly hold Mauritanian passports. The Algerian Government also issues passports to those the Polisario permitted to travel abroad but not to other refugees.' [43a]

28.15 The report commented on detention facilities and slavery within the camps:

'Polisario authorities maintain their own police, judiciary, and detention facilities and apply their own penal code with the acquiescence of the Government of Algeria. They detain refugees in at least two jails, Hamdi Ba Sheikh for men, about 30 minutes' drive outside of the Polisario's Rabouni headquarters and another for women, and a juvenile detention facility. There is also a detention centre that the Polisario refers to as 'the Centre for Maternity Assistance' for women pregnant out of wedlock. The Polisario acknowledges three to five cases per year and interprets them legally as "adultery," a crime punishable by one to five years imprisonment under its penal code. In some cases, however, women reportedly remain indefinitely until a man agrees to marry them or their family members agree to raise the child.

'Some black Sahrawi in the camps have slavery-like relationships with Arab Sahrawi, whose names the slaves take. In some cases, Polisario judicial officials have not allowed such women to marry without permission of the male heads of the Arab families. In 2007, the Polisario's National Saharan Council ratified a new law on civil status law that modified some deficiencies in kinship and marriage cases.' [43a]

28.16 With regard to humanitarian issues within the camps, the USCRI Algeria 2009 report stated:

'In March and April [2008], the World Food Programme and other international aid agencies found a 18 percent prevalence of global acute malnutrition (GAM) in the camps and a five percent prevalence of severe acute malnutrition, "a drastic increase compared to the findings in 2005 when the prevalence of GAM was 8 percent with 2 percent being severe." There was a 32 percent prevalence of stunting with nine percent severely stunted and 62 percent of children aged 6-59 months suffered from anaemia, six percent of them severely, with the highest rates among those 30 months old and younger. Anaemia ran 54 percent among non-pregnant women but 66 percent among the pregnant with 15 percent severely so. Nearly half of children under five had diarrhoea, of which 30 percent reported bloody diarrhoea; more than half reported difficulties breathing.' [43a]

28.17 The report added:

'The international community spends nearly \$50 million per year on the camps. The Government supplies health services, transportation, housing, and most of the refugees' heating and cooking fuel. Except for the "27 February" settlement and the Polisario's administrative centre in Rabouni, there is no electricity in the camps.

'The law requires all humanitarian aid to go through Algerian Red Crescent Society, which works with its Polisario partner, the Sahrawi Red Crescent Society. The Government's refusal to allow a registration census prevents UNHCR from profiling the population for humanitarian and protection needs or monitoring aid distribution. A Joint UNHCR/WFP Assessment Mission in 2007 recommended a more transparent and accountable distribution system.

'There are primary schools in the Tindouf camps for Sahrawi children. Some families keeping slave children as domestic servants in the camp reportedly do not allow them to attend school. Algeria does not allow sub-Saharan refugees the residency permits necessary to attend classes. UNHCR, however, pays tuition for some to attend private schools.' [43a]

28.18 The UNHCR announced on 7 January 2011, in a report entitled 'Flights to resume for family visits between refugee camps in Tindouf, Algeria and Western Sahara Territory', that they were facilitating humanitarian family visits:

'The first flight will carry 30 people (5 families) from Laayoune, Western Sahara Territory to the Smara refugee camp, near Tindouf, Algeria while 33 people (6 families) will travel from the Smara refugee camp to Laayoune later today. They will spend five days with their families before being transported back again...

'The programme is conducted in cooperation with Morocco, the POLISARIO Front, as well as Algeria as the host country. UNHCR also works closely with the United Nations Mission for the Referendum in Western Sahara (MINURSO) which provides the logistical support including aircraft transportation of the families.' [71c]

28.19 The Human Rights Watch 'Letter to Ambassadors of UN Security Council Member States in Favor of Enlarging MINURSO's Mandate', released 12 April 2012, reported: 'The Sahrawi refugees live in a state of relative isolation in the Tindouf camps (Algeria), where there is no permanent, on-the-ground presence from either local or international independent human rights monitoring groups, and only rare visits by outside monitoring organizations. Human Rights Watch continues to receive isolated reports that persons who openly dissent from the Polisario encounter pressures and reprisals for their political views' [27h]

28.20 The Swedish FFM Report 2012, noted: 'According to the representative of the Embassy of the Saharan Arab Democratic Republic (SADR), the Sahrawis living in the camps in the province of Tindouf can get "Western Saharan passports". They can travel with these passports in Sub-Saharan Africa, but many countries do not recognise the passports, a. o. the EU.' [110a] (p24)

28.21 A UNHCR paper entitled 'Joint needs assessment of Sahrawi refugees in Algeria' following a joint UNHCR/WFP [World Food Programme] Joint Assessment Mission conducted in 4-14 October 2011, published October 2011, observed and recommended:

'The majority of the Sahrawi population living in the refugee camps in Tindouf remains chronically food insecure and their nutrition situation is not satisfactory. Therefore, it is recommended to continue providing assistance to this population (general food distribution, school feeding and mother and child healthcare and nutrition interventions). The food basket of 2,100 kcal should be adjusted reintroducing barley and pasta, and advocating for gofio distributions and diversification of pulses. Whilst fresh product distributions continue, in the meantime, other sources and modalities of complementary food assistance need to be explored.

'The implementation of the nutrition programmes should be continued. However, there is a need to find specialized NGOs to manage nutritional projects (SFP and Chronic malnutrition and anaemia). Implementation should be complemented by introducing a monitoring system and encouraging information sharing and joint planning. The sensitization component of the nutritional programmes needs to be enhanced. ...

'The capacity of health workers at all levels, but in particular for clinical management and medical care, should be improved by recruiting/seconding qualified medical doctors to work at the regional hospitals. They would provide ongoing training to health workers in health clinics and community health workers and further improve the quality of the teaching centre for nurses and mid-wives. The supply management of medicines and medical materials from the central pharmacy to the regional hospitals and health clinics also needs to be improved. Moreover, the drug management at the provider level needs to be enhanced by conducting training for nurses, pharmacies and health workers in the regional hospitals and health clinics.

'The implementation of the strategic plan to increase water availability to the camps needs to continue by drilling additional boreholes, setting up water treatment/storage facilities, and expanding water pipe network and distribution points. In addition, further support and capacity building of refugee staff is planned within a yearly sensitisation programme.

'The water quality monitoring has to continue, and the regular maintenance of water trucks and water reservoirs needs to be improved. Furthermore, subject to available funding, it is foreseen that the old water truck fleet will be gradually renewed.

'There is a need to expand the sanitation programmes in schools, also to kindergartens, education centres for persons with special needs, vocational schools and women and youth centres. At the same time, a responsible stakeholder should be identified to carry out the maintenance and cleaning of sanitation facilities in education, health and social centres. It is very important to develop a joint work plan for health and hygiene promotion between health, education and water and environment authorities, by setting up a technical working group.

'It is also recommended to assess the feasibility of undertaking human asset development activities that would enhance refugee self-reliance, including market and production development opportunities (animal husbandry, FFW [Food For Work] or cash/voucher activities, food processing activities, gardening activities, etc).

'As a coordination mechanism, general coordination meetings in Tindouf on food/non-food programmes, organized by UNHCR with the participation of WFP, partners and donors, should be resumed. At the same time, the roundtables in health and food aid shall continue taking place with the participation of all actors in the operation, in which

UNHCR and WFP are regular members. UNHCR and WFP are also members of the working groups.

‘In order to have proper monitoring and reporting mechanisms, the joint UNHCR and WFP M&E system has to continue to be strengthened.’ [71f] (pv-vi)

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29. CITIZENSHIP AND NATIONALITY

29.01 The United States Office of Personnel Management, Investigations Service published a compendium of the citizenship criteria of all nations in March 2001. The Algeria entry (accessed 3 December 2012) stated:

‘Citizenship: Citizenship is based upon the Code of Algerian Nationality, dated December 15, 1978.

- By Birth: Birth within the territory of Algeria does not automatically confer citizenship. The exception is a child born to unknown or stateless parents.

- By Descent:

- Child of an Algerian father, regardless of the country of birth.

- Child of an Algerian mother and an unknown or stateless father, regardless of the country of birth.

- By Naturalization: Algerian citizenship may be acquired upon fulfillment of the following conditions: Person has resided in Algeria for at least seven years, (18 months if the person was born abroad to an Algerian mother or father), is of good morality, good health, has no criminal convictions, is at least 21 years of age, has assimilated into Algerian society and has a secure means of support.

Loss of Citizenship:

- Voluntary: Voluntary renunciation of Algerian citizenship is permitted by law. Contact the Embassy for details and required paperwork.

- Involuntary: The following are grounds for involuntary loss of Algerian citizenship:

- Person voluntarily acquires a foreign citizenship.

- Person’s employment with a foreign nation or company is not in the interest of Algeria.

- Naturalized citizen is convicted of a crime (abroad or in Algeria) and sentenced to five years or more.

- Naturalized citizen is involved in acts incompatible with the interests of Algeria.’ [48]

29.02 A paper by Consortium for Applied Research on International Migration (CARIM), co-financed by the European Union, ‘CARIM Migration Profile – Algeria’ published in December 2010, noted:

‘Algeria proceeded in 2005 to reform its nationality law in a remarkable fashion. It suppressed any kind of discrimination against women, and showed some other signs of openness. It has now the most equalitarian and progressive legislation in the region. Algeria now recognizes that women have the right to transmit their nationality to children born of a foreign father, these who used to remain foreign nationals till they came of age when they could eventually declare their intention to become Algerians, provided they were born in Algeria and provided that they were residing there. Algeria has also gone further than Egypt in 2004 and Morocco in 2007, in granting its female citizens the

possibility of passing their nationality to their foreign spouse – a status previously only granted to men.’ **[50a] (p5)**

- 29.03 A report by the Issam Fares Institute for Public Policy and International Affairs, American University of Beirut, ‘Women’s Citizenship Rights in Lebanon’, published May 2012, provided an overview of progress in the Arab countries, and noted: ‘In 2005, Algeria amended its nationality law, giving women the right to pass citizenship to their foreign husbands and children.’ **[65a] (p17)** The Freedom House 2010 report on ‘Women’s Rights in the Middle East and North Africa 2010 – Algeria’, dated 3 March 2010, observed:

‘Since 2005, the amended nationality code has recognized Algerian women’s ability to transmit citizenship to their children when the father is a foreigner. Article 6 of the new code stipulates that a child is considered Algerian when born to a father or a mother of Algerian citizenship. However, Article 26 subjects this provision to the approval of the Ministry of Justice... Article 9 of the code also recognizes the ability of a man to acquire Algerian citizenship when he marries an Algerian woman and the couple lives in Algeria.’ **[29d]**

- 29.04 The United Nations Concluding observations of the Committee on the Elimination of Discrimination against Women, Algeria, published 2 March 2012, concurred and stated: ‘The Committee notes with appreciation that the State party has withdrawn its reservation to article 9 (2) following the amendment of the Nationality Code in 2005, giving Algerian women the right to transfer their nationality to their children born to a foreign father.’ **[93b] (p2)**

- 29.05 The United Nations ‘Committee on the Rights of the Child Sixtieth session’, dated 18 July 2012, observed:

‘While welcoming the amendment of the Nationality Code in 2005, giving Algerian women the right to transfer their nationality to their children born to a foreign father, the Committee expresses concern that in some cases however, Algerian mothers have to seek the agreement of a family judge in order to pass on their nationality to their children. The Committee also expresses concern that children born out of wedlock are often denied to take their mother’s family name and instead are registered with two surnames, a situation which leads to their identification as children born out of wedlock and to their subsequent stigmatization. The Committee is further concerned that in some cities, Berber families are denied their right to register their children with an Amazigh surname.’ **[54b] (p8)**

See also Children – [Birth registration and/or documentation](#)

See also [Ethnic groups](#)

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30. EXIT AND RETURN

This section should be read in conjunction with [Freedom of movement](#)

- 30.01 The Freedom House Report entitled 'Freedom in the World 2012, Algeria', covering events in 2011, published 4 June 2012 (Freedom House Report 2012), stated, 'While most citizens are free to move throughout the country and travel abroad, the authorities closely monitor and limit the movement of suspected terrorists. ... Men of military draft age are not allowed to leave the country without government consent' **[29g]**
- 30.02 The Freedom House 2010 report on 'Women's Rights in the Middle East and North Africa 2010 – Algeria', dated 3 March 2010, observed, 'Algerian women are able to obtain their own passports and leave the country without their husbands' permission, but a woman cannot leave with her children without authorization from the husband.' **[29d] (Autonomy, Security and Freedom of the Person)**
- 30.03 The website About.com, AIDS: HIV, in a section updated 11 August 2010, stated on its HIV travel restrictions page, 'Citizens returning from work abroad and members of the military are required to take an HIV test.' **[40a]**
- 30.04 The Country of Return Information Project May 2009 Country Sheet for Algeria stated:
- 'All the Algerian police stations at the air frontiers and the ocean frontiers are electronically connected to the central database, allowing for a quick control. Persons who are not the subject of a warrant or a detention order, or of an inquiry notice, are only held up for the time needed to check the database. Persons who are the subject of an inquiry notice of a warrant or a detention order, are immediately delivered to justice or to the authority who is searching them. In case of doubt, particularly in the case of people who assume to be granted the benefit of the charter for national reconciliation and who have not informed the consulate about this in the country where they stayed, may be interrogated at the police station when entering the territory. Following this they are authorized to enter and have total freedom of movement.' **[10a] (p10)**
- 30.05 Echorouk Online, in a report of 30 November 2010 called 'Algeria: Delivery of biometric passports put off until November 2011', noted:
- 'The Algerian foreign ministry has announced that the first biometric passports issued by the relevant administrative authorities in Algeria will be delivered to citizens as from November 24th 2011 in the wake of a positive reply to an Algerian request from the International civil aviation organization.
- 'This international civil aviation body had earlier requested from Algeria the delivery of biometric passport starting from November 24th of this year [2010].
- 'But owing to a number of pending administrative constraints, the relevant Algerian authorities requested from the International civil aviation organization a delay by one year in the delivery of such biometric passports in order to avert any lapses or drifts in such an operation.
- 'The Interior Minister Dahou Ould Kablia who announced the postponement also said that the "classical" passports in Algeria would be valid up to 2015 before their total withdrawal.' **[46a]**
- 30.06 The Magharebia website, which provides media coverage, reported in a related article entitled, 'Algerian passport photo changes trouble Islamic groups', dated 13 April 2010, noted:

'Any woman seeking a new biometric passport in Algeria must remove her hijab for the official photograph, Algeria's interior ministry confirmed last week. "The government will not back down on its decision; veiled women are expected to observe this law," Interior Minister Nouredine Yazid Zerhouni announced at a press conference on Thursday (April 8th). "Any woman who does not submit to the rules imposed by the International Aviation Organisation must take full responsibility for her actions when she travels."'

[32m]

30.07 The Amnesty International Report 2010 – Algeria, published 28 May 2010, noted:

'On 25 February [2009], the President approved amendments to the Penal Code which, among other things, criminalized "illicit" exit from Algeria by using forged documents or travelling via locations other than official border exit ports, restricting freedom of movement and criminalizing migration. Such "illicit" exit was made punishable by prison terms of between two and six months and/or fines. Nonetheless, thousands of Algerians and other nationals sought to migrate irregularly to Europe from Algeria; hundreds, possibly many more, were intercepted at sea or while preparing to depart by boat and the media reported that many people were tried and sentenced under the new "illicit" exit provisions.

'No official statistics were available concerning the number of foreign nationals expelled from Algeria, but in its initial report to the UN Committee on Migrant Workers in June 2008, the government said that an average of 7,000 foreign nationals were turned back at the borders or expelled from Algeria annually. Many such expulsions are believed to be carried out without due process and without adequate safeguards.' **[26g]**

30.08 The Foreign and Commonwealth Office travel advice, 'Travel and Living abroad – Algeria', last updated on 28 November 2012, noted:

'British women who are the wives or partners of Algerian citizens must be aware that any children they have together will automatically be regarded as Algerian citizens if the father's name is on the birth certificate. If any such children are brought to Algeria and are under 18, they will only be able to leave again if the father signs an "Autorisation Paternelle", giving his authority for the children to leave the country. There have been increasing cases whereby children are not allowed to leave the country with the (non Algerian) mother and embassies have very little scope to intervene.' **[5a] (Entry Requirements)**

See also [Citizenship and nationality](#) , See also [Foreign Refugees - Sahrawis](#)

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TREATMENT OF RETURNED FAILED ASYLUM SEEKERS

30.09 The Country of Return Information Project May 2009 Country Sheet for Algeria gave the Algerian Government's reaction to returning asylum seekers, 'According to the Directorate-General of the Consular Matters (Algerian Department of Foreign Affairs), a person having had refugee status or subsidiary protection status, even the fact that his application for asylum has been rejected, or having obtained another nationality by naturalisation or another procedure, has no impact at all on the conditions governing the return of nationals to Algeria.' **[10a] (1.4 Impact of former refugee status)**

- 30.10 The UNHCR Division of International Protection Services produced a note on Diplomatic Assurances and International Refugee Protection in August 2006. This note explained how diplomatic assurances work:

‘The term “diplomatic assurances”, as used in the context of the transfer of a person from one State to another, refers to an undertaking by the receiving State to the effect that the person concerned will be treated in accordance with conditions set by the sending State or, more generally, in keeping with its human rights obligations under international law...Increasingly, assurances that the person who is to be removed will not be subjected to torture or other forms of ill-treatment are resorted to in the context of removal procedures such as expulsion or deportation...

‘Diplomatic assurances given by the receiving State do not normally constitute legally binding undertakings. They generally provide no mechanism for their enforcement nor is there any legal remedy for the sending State or the individual concerned in case of non-compliance, once the person has been transferred to the receiving State. Given that diplomatic assurances are sought only when the sending State perceives a need for guarantees with regard to the treatment of the person concerned in the receiving State, questions arise as to the conditions under which the sending State may rely on such assurances as a basis for removing a person from its territory in keeping with its obligations under applicable international as well as national standards...

‘In determining the weight which may be attached to diplomatic assurances, the sending State must consider a number of factors, including the degree and nature of the risk to the individual concerned, the source of the danger for the individual, and whether or not the assurances will be effectively implemented. This will depend, inter alia, on whether the undertaking provided is binding on those State organs which are responsible for implementing certain measures or providing protection, and whether the authorities of the receiving State are in a position to ensure compliance with the assurances given. The assessment must be made in light of the general human rights situation in the receiving State at the relevant time, and in particular, any practice with regard to diplomatic assurances or similar undertakings.’ **[71d] (Paras 1, 3, 5 and 21)**

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31. EMPLOYMENT RIGHTS

- 31.01 The United States Department of State ‘Country Report on Human Rights Practices 2011 – Algeria’, (USSD Report 2011), released 24 May 2012, stated, ‘The constitution prohibits all forms of forced or compulsory labour; however, there were reports from the Ministry of Labour and Nongovernmental Organisations (NGOs) that such practices occurred.’ **[6h] (Section 6b)** The same report added that 16 years is the legal minimum age for employment. **[6h] (Section 6c)**

See also [Child labour](#)

- 31.02 The report gave more information about employment:

'The national minimum wage of 15,000 dinars (approximately \$203) per month was established in 2009 following a tripartite social pact between business, government and the official union. This did not provide a decent standard of living for a worker and family. In September the tripartite agreed to increase the monthly minimum wage to 18,000 dinars (approximately \$244). Autonomous unions, which were not included in tripartite talks, reported the increase was inadequate and would not affect the majority of workers who already earn more than the minimum wage. Families making only 8,000 dinars (approximately \$108) per month are considered to be living in poverty.

'The standard workweek was 40 hours, including one hour for lunch per day. Employees who worked longer than 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.

'The law contains occupational health and safety standards, which were not fully enforced. There were no known reports of workers being dismissed for removing themselves from hazardous working conditions. If workers face such conditions, they reserve the right to renegotiate their contract or, failing that, resort to the courts. While this legal mechanism exists, the high demand for employment in the country gave an advantage to employers seeking to exploit employees. Economic migrants from sub-Saharan Africa and elsewhere working in the country without legal immigration status were not protected by the country's labor standards, making them vulnerable to exploitation. Labor law does not adequately cover migrant workers, who primarily are employed in the construction and domestic help sectors.

'In general the Ministry of Labor enforced labor standards, including ensuring compliance with the minimum wage regulation and safety standards. However, broad enforcement remained ineffective and insufficient.' **[6h] (Section 6d)**

- 31.03 A report of 6 May 2010, by the Office of the UN High Commissioner for Human Rights, called, 'Committee on Economic, Social and Cultural Rights considers report of Algeria', stated in its 'response by delegation':

'The delegation said the current minimum wage of 15,000 dinar had been in place since January 2010 and as the name implied it was just that - the minimum. The average income in Algeria was 28,000 dinar so the 15,000 dinar was a benchmark salary for the formal sector. There were about 1 million workers in the informal sector and these were not people they could easily define, thus it was difficult to quantify how much they earned. There was a 1997 decree that regulated working from home and these workers were mainly women who had children, and the law stipulated that these workers had the same protections as other workers such as the right to social security and right to holidays.' **[93a]**

- 31.04 The Freedom House Report entitled 'Freedom in the World 2012, Algeria', covering events in 2011, published 4 June 2012 (Freedom House Report 2012), reported: 'Workers can establish independent trade unions, but the main labor federation, the General Union of Algerian Workers, has been criticized for being too close to the government and failing to advocate aggressively for workers' interests.' **[29g]**

See also [Economy](#)

Annex A

CHRONOLOGY OF MAJOR EVENTS

Information extracted from source **[60a]** (British Broadcasting Corporation (BBC) Timeline: Algeria, last updated 17 October 2012) unless otherwise stated:

1962	Algeria gains independence from France.
1963	Ahmed Ben Bella elected as first president.
1965	Col Houari Boumedienne overthrows Ben Bella, pledges to end corruption.
1976	Boumedienne introduces a new constitution which confirms commitment to socialism and role of the National Liberation Front (FLN) as the sole political party. Islam is recognised as state religion.
December	Boumedienne is elected president and is instrumental in launching a programme of rapid industrialisation.
1978	Boumedienne dies and is replaced by Col Chadli Bendjedid, as the compromise candidate of the military establishment.
1986	Rising inflation and unemployment, exacerbated by the collapse of oil and gas prices lead to a wave of strikes and violent demonstrations. Ban on parties lifted.
1988	Serious rioting against economic conditions.
1989	The National People's Assembly revokes the ban on new political parties and adopts a new electoral law allowing opposition parties to contest future elections. Islamic Salvation Front (FIS) founded and over 20 new parties licensed.
1990	The FIS wins 55 per cent of the vote in local elections.
1991	Government announces parliamentary elections in June 1991 and plans changes to electoral system including restrictions on campaigning in mosques. FIS reacts by calling general strike. State of siege declared, elections postponed. FIS leaders Abassi Madani and Ali Belhadj arrested and jailed.

December In the first round of general elections the FIS wins 188 seats outright, and seems virtually certain to obtain an absolute majority in the second round.

Military takes over

1992

January The National People's Assembly is dissolved by presidential decree and on 11 January President Chadli, apparently under pressure from the military leadership, resigns. A five-member Higher State Council, chaired by Mohamed Boudiaf, takes over.

Street gatherings banned, violent clashes break out on 8 and 9 February between FIS supporters and security forces. A state of emergency is declared, the FIS is ordered to disband and all 411 FIS-controlled local and regional authorities are dissolved.

June Boudiaf assassinated by a member of his bodyguard with alleged Islamist links. Violence increases and the Armed Islamic Group (GIA) emerges as the main group behind these operations.

1994

Liamine Zeroual, a retired army colonel, is appointed chairman of the Higher State Council.

1995

Zeroual wins a five-year term as president of the republic with a comfortable majority.

1996

Proposed constitutional changes approved in a referendum by over 85 per cent of voters.

1997

Parliamentary elections won by the newly-created Democratic National Rally, followed by the moderate Islamic party, Movement of Society for Peace.

Militants ignore concord

1998

President Zeroual announces his intention to cut short his term and hold early presidential elections.

1999

Former foreign minister Abdelaziz Bouteflika elected as president after all opposition candidates withdraw from race, saying they had received inadequate guarantees of fair and transparent elections.

Referendum approves Bouteflika's law on civil concord, the result of long and largely secret negotiations with the armed wing of the FIS, the Islamic Salvation

Army (AIS). Thousands of members of the AIS and other armed groups are pardoned.

2000

Attacks on civilians and security forces continue, and are thought to be the work of small groups still opposed to the civil concord. Violence is estimated to have claimed over 100,000 lives in Algeria since 1992.

2001

April/May Scores of demonstrators are killed in violent clashes between security forces and Berber protestors in the mainly Berber region of Kabylie following the death of a teenager in police custody.

May The mainly Berber party, the Rally for Culture and Democracy, withdraws from the government in protest against the authorities' handling of riots in Kabylie.

October Government agrees to give the Berber language official status, as part of a package of concessions.

November Several hundred people are killed as floods hit Algiers.

2002

March President Bouteflika says the Berber language, Tamazight, is to be recognised as a national language.

June Prime Minister Ali Benflis's National Liberation Front (FLN) wins general elections marred by violence and a low turnout. They are boycotted as a sham by four parties - two of which represent Berbers.

2003

May More than 2,000 people are killed and thousands are injured by a powerful earthquake in the north. The worst-hit areas are east of Algiers.

June Leader of the outlawed Islamic Salvation Front (FIS) Abassi Madani and his deputy Ali Belhadj are freed after serving 12-year sentences.

2004

April President Bouteflika is re-elected to a second term in a landslide poll victory.

2005

January Authorities announce the arrest of rebel Armed Islamic Group (GIA) head Nourredine Boudiafi and the killing of his deputy and declare the group to be virtually dismantled.

Government makes deal with Berber leaders, promising more investment in Kabylie region and greater recognition for Tamazight language.

- March Government-commissioned report says security forces were responsible for the disappearances of more than 6,000 citizens during the 1990s civil conflict.
- September Reconciliation referendum: Voters back government plans to amnesty many of those involved in post-1992 killings.
- November Opposition parties keep their majority in local elections in the mainly-Berber Kabylie region, held as part of a reconciliation process.

2006

- March Six-month amnesty begins, under which fugitive militants who surrender will be pardoned, except for the most serious of crimes. The authorities free a first batch of jailed Islamic militants.
- May Algeria is to pay back all of its \$8bn debt to the Paris Club group of rich creditor nations, in a move seen as reflecting its economic recovery.
- September Leader of the banned Islamic Salvation Front (FIS) Rabah Kebir returns from self-imposed exile and urges rebels still fighting the state to disarm.
- December Roadside bomb hits a bus carrying staff of a US oil firm, killing one man. The Salafist Group for Preaching and Combat (GSPC) claims responsibility and shortly afterwards calls for attacks against French nationals.

2007

- January Salafist Group for Preaching and Combat renames itself the al-Qaeda Organisation in the Islamic Maghreb.
- February Seven bombs go off almost simultaneously east of Algiers, killing six.
- March-April Army steps up offensive against Islamist militants to stamp out a surge in attacks.
- March Three Algerians and a Russian are killed in a roadside attack on a bus carrying workers for a Russian gas pipeline construction company.
- April 33 people are killed and more than 200 are injured in two bomb blasts in Algiers, one of them near the prime minister's office. Al-Qaeda in the Islamic Maghreb claims responsibility.
- May Parliamentary elections: dozens are killed in the run-up, in a wave of fighting between the military and armed groups. Pro-government parties retain their absolute majority in parliament.
- July A suicide bomber targets a military barracks near Bouira, killing at least nine people.

September At least 50 people are killed in a series of bombings. Al-Qaeda in the Islamic Maghreb claims responsibility for the attacks.

Al-Qaeda's second-in-command Ayman al-Zawahiri urges north Africa's Muslims to 'cleanse' their land of Spaniards and French.

December Double car bombing in Algiers hits a UN building and a bus full of students, killing dozens of people.

2008

June Four Christian converts from Islam receive suspended jail sentences for worshipping illegally.

President Bouteflika brings back twice former premier Ahmed Ouyahia as new prime minister, replacing Abdelaziz Belkhadem.

August About 60 people are killed in bombings in towns east of Algiers. Al-Qaeda in the Islamic Maghreb claims responsibility.

November Parliament approves constitutional changes allowing President Bouteflika to run for a third term.

2009

April Bouteflika was re-elected for a third term of office on 9 April 2009 with a notable majority of the votes. He received 90.2% of the valid votes cast. **(Europa world 6 January 2010) [1a] (recent history)**

June 19 gendarmes were killed in a terrorist attack against the officers who were guarding a group of Chinese workers on a construction project. The attack occurred in the wilaya of Bordj Bou Arreridj, 148 kms east of Algiers. **(FCO Travel Advice, 6 January 2010) [5a]**

July 14 Algerian soldiers were killed and several others were seriously wounded in an ambush in Damous, in the wilaya of Tipaza. A roadside bomb was detonated and then the soldiers were fired upon. **(FCO Travel Advice, 6 January 2010) [5a]**

October Seven Algerian security guards were killed and two were injured in a gun attack 20 kms south-east of Tizi Ouzou, between Maatkas and Souk El Tenine. **(FCO Travel Advice, 6 January 2010) [5a]**

November Disturbances mar two international association football matches between Egypt and Algeria, leading to diplomatic tensions between the two countries.

2010

April Algeria, Mauritania, Mali and Niger set up joint command to tackle threat of terrorism.

June 11 members of the Algerian Security Forces were killed and three injured following an ambush in the Tinzaouatine district of Tamanrasset 40 kms from the Mali border. **(FCO Travel Advice, 17 February 2011) [5a]**

2011

- January Major protests break out over food prices and unemployment, with two people being killed in clashes with security forces. The government orders cuts to the price of basic foodstuffs.
- February President Abdelaziz Bouteflika lifts the 1992 state of emergency - a key demand of anti-government protesters.
- August Suicide attack on a military academy kills 18. A local al-Qaeda group claims responsibility.
- September President Bouteflika ends state monopoly over radio and TV.
- October Africa's second metro opens in Algiers.

2012

- May Parliamentary poll: Ruling FLN wins 220 out of 463 seats, followed by its ally the National Democratic Rally with 68 seats. Islamist alliance comes third with 48 seats. Some opposition MPs allege FLN fraud.
- September President Bouteflika appoints water minister Abdelmalek Sellal as prime minister, ending post-election uncertainty. Mr Sellal is a long-standing ally of the president.
- October The army kills al-Qaeda's deputy leader in Algeria, Boualem Bekai, alias Khaled al-Mig, in an ambush near Tizi Ouzou in the mountainous Kabylie region.

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Annex B

POLITICAL ORGANISATIONS

See also [Political system](#) and [Opposition groups and political activists](#)

MAJOR PARTIES

Jane's Sentinel Country Risk Assessments ([7b] Internal Affairs, 21 May 2012) gave the following information:

Front de Libération Nationale (FLN) / National Libération Front

'The FLN was founded in 1954 as a pro-independence, socialist, non-aligned and pan-Arabist party. It led the armed struggle against France, which ultimately resulted in Algeria gaining its independence in 1962. After independence the FLN took control of Algerian politics and established itself at the heart of a single-party state. ...

'The FLN was split in the run up to the 2002 presidential election when party leader Ali Benfli chose to run against Bouteflika. Benfli had hoped that the military would suggest to Bouteflika that he step aside in favour of the FLN leader, but this did not happen and Benfli was soundly beaten into second place in the election. Benfli was subsequently ousted as leader and the FLN then joined what in some quarters has been called the "presidential alliance" of parties supporting Bouteflika. It consists of the FLN, the MSP and the RND.'

Rassemblement nationale démocratique (RND) / Democratic National Rally

'The RND was formed in the run-up to the 1997 elections as a pro-government party, laced with cabinet ministers. The RND subsequently became the largest party in the National Assembly, confirming its position as the new ruling party (until the May 2002 elections) even though the government was formed from a coalition with the FLN and the MSP. The party regained the position of prime minister under its leader, Ahmed Ouyahia, in May 2003. However, he was replaced by new FLN leader Abdelaziz Belkhadem in May 2006. The RND supported Bouteflika in the 1999 and 2004 presidential elections and is considered to be close to the Algerian military. In the 2007 National People's Assembly elections, the party gained 14 seats. It also performed well in the November 2007 municipal elections, capturing 24.5 per cent of seats. The RND regained the prime minister's post in June 2008, when Ouyahia was once again appointed to the position.'

Green Algeria Alliance

'The Green Algeria Alliance was formed by Algeria's major Islamist political parties to fight the May 2012 parliamentary election with the aim of capitalising on the rise of political Islam across North Africa as a result of the 2011 Arab Spring.'

Mouvement du Renouveau Nationale (MRN) / Movement for National Reform

'The MRN, also known as El-Islah, is a legalised moderate Islamist party. Abdullah Djaballah, a leading Algerian Islamist founded the party in 1999. He was formerly the leader of Ennahda but lost control to a rival faction following that party's electoral success in 1997. The MRN party participated in the 2002 May elections, winning 43 seats, but announced that it would not participate in government as its policies differed too much from those of the FLN. The result confirmed that the MRN had overtaken the MSP and almost wiped out Ennahda to become Algeria's leading Islamist party.

Djaballah contested the April 2004 presidential election and officially finished third with 4.8 per cent of the vote. In the 2007 legislative elections, the party suffered a major setback, losing 40 seats.'

Mouvement de la société pour la paix (MSP) / Movement of a Peaceful Society

'Formerly the Islamic Hamas Party, the MSP had to change its name to side-step the ban on religious parties. Despite the militant connotations of its original name, it is considered to be a moderate Islamist group that advocates the coexistence of all political and religious groups and a gradual move towards an Islamic state that would still respect individual liberties. Algerian governments have, therefore, viewed the MSP as an acceptable alternative to the more radical FIS... The MSP won 38 seats in the May 2002 elections and is part of the "presidential alliance" (with the FLN and RND) supporting Bouteflika. The party gained 14 seats in the 2007 National People's Assembly elections. In the November 2007 municipal elections, it won 10.7 per cent of seats.'

Parti des Travailleurs (PT) / Workers Party

'The PT is a Trotskyist party led by Louisa Hanoune, who has a reputation as a plain speaker and has won much support through her civil and female rights campaigning. The party was established in 1989 based on the previously illegal Socialist Workers' Organisation. It is against the privatisation of Algeria's assets. The party won four seats in the June 1997 elections and 21 seats in the widely boycotted May 2002 elections. Hanoune stood for president in April 2004, the first woman in Algeria to do so, and won 1.2 per cent of the vote. In the 2007 National People's Assembly elections, the party gained 26 seats, a slight improvement on its 2002 tally. In the November 2007 municipal elections, the PT won a 6.9 per cent share of the vote.'

Front Nationale Algérie (FNA) / Algerian National Front

'The FNA was established in November 1998 by Mousa Touati. The FNA won 13 seats at the May 2007 parliamentary elections.'

Mouvement de la Renaissance Islamique (MRI) / Islamic Renaissance Movement

'The MRI or Ennahda, which translates as Renaissance, is a moderate Islamic party that has been allowed to participate in Algeria's political processes. Although intolerant of secularism, the party has consistently denounced the use of violence and stresses the importance of political pluralism, popular political sovereignty and the rule of law. The party won 34 seats in the 1999 presidential elections. It supported the election of President Bouteflika in 1999. The party performed extremely badly in the May 2002 elections, gaining only one seat and losing much of its support to the MRN, which was established by Ennahda's former leader Abdullah Djaballah. The party's general secretary, Lahbib Adami, took full responsibility and offered his resignation, but the party persuaded him to continue as leader. In 2007, the party could win no more than five seats. This lack of popular support was confirmed in the November 2007 municipal elections when the MRI captured a mere 1.57 per cent of seats.'

Front des Forces Socialistes (FFS) / Socialist Forces Front

'The FFS is a secular Berber-based opposition party. Although it has traditionally relied on support in the Kabylie region, it has developed support throughout Algeria. Like most parties it was banned until 1989. The party is led by Hocine Ait-Ahmed, a respected veteran of the independence movement who has spent much of his life since independence in self-exile in Switzerland. The FFS boycotted the 1995 presidential elections but participated in the 1997 National Assembly elections; it won 20 seats, a

poorer performance than expected. Its involvement in the resurgent Berber movement, which began in April 2002, may have gained it more support. The FFS boycotted the May 2002 and 2007 parliamentary elections, but participated in the 2012 poll, gaining 21 seats.'

Rassemblement pour la Culture et Démocratie (RCD) / Rally for Culture and Democracy

'The RCD, is the second Berber party after the FFS. Unlike its larger rival, it has to rely exclusively on support in the Kabylie region. The party was formed in 1989 to represent Berber interests and supports the use of the Berber language and the separation of Islam from the state. The RCD is led by Said Sadi. The party won 19 seats in the 1997 elections. The RCD boycotted the May 2002 parliamentary elections and the October 2002 local elections, saying that its participation would be implying tacit support for the government. However, Said Sadi stood as a candidate in the 2004 presidential election and won 1.9 per cent of the vote. In 2007, the party gained 19 seats - the same number that it won in 1997; however, the party again boycotted parliamentary elections in 2012.'

Front Islamique du Salut (FIS) / Islamic Salvation Front

'The FIS was established in 1989 by Abassi Madani and Ali Belhadj to represent the flourishing Islamist movement. It quickly became the most potent opposition force in the country, thanks to a network of mosques and wide support base among the urban poor. It performed extremely well in both the 1990 municipal elections and in the first round of the 1991 National Assembly elections. The second round was cancelled by the military, however, and the FIS was banned in March 1992 and both Madani and Belhadj were subsequently arrested. They were both released from captivity in July 2003 and there were fears on the part of the authorities that they would re-energise the FIS, despite continued bans on their and its political activity. However, it quickly became apparent that there was (and still is) little enthusiasm for reopening the wounds of the past. The FIS remains banned, despite periodic hints from the government that it might consider legalising the party.'

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Annex C

PROMINENT PEOPLE

Information extracted from the Economist Intelligence Unit 'Country Report – Algeria', published on October 2012 [108f]

Prime minister: Abdelmalek Sellal
Minister delegate at the Ministry of Defence: Abdelmalek Gueneiza

Key ministers

Agriculture:	Rachid Benaissa
Defence:	Abdelaziz Bouteflika
Energy & mining:	Youcef Yousfi
Environment, territorial planning & towns:	Amara Benyounes
Finance:	Karim Djoudi
Foreign affairs (minister of state):	Mourad Medelci
Health & population:	Abdelaziz Ziari
Housing:	Abdelmadjid Tebboune
Industry, small- & medium-sized enterprises & investment promotion:	Cherif Rahmani
Interior & local government:	Dahou Ould Kablia
Justice:	Mohammed Charfi
Labour & social security:	Tayeb Louh
National education:	Abdelatif Baba Ahmed
National solidarity:	Souad Bendjaballah
Parliamentary affairs:	Mahmoud Khedri
Post & information & communications technology:	Moussa Benhamadi
Prospective planning & statistics:	Bachir Messaitfa
Public works:	Amar Ghoul
Trade:	Mustapha Benbada
Transport:	Amar Tou
Water resources:	Mohammed Necib

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Annex D

LIST OF ABBREVIATIONS

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
ILO	
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporters sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNDP	United Nations Development Programme
UNIDO	United Nations Industrial Development Organization
UNIFEM	United Nations Development Fund for Women
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme

WHO

World Health Organization

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