

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	228
Land:	Algeriet
Kilde:	US Department of State
Titel:	Country Report on Human Rights Practices 2017 - Algeria
Udgivet:	20. april 2018
Optaget på baggrundsmaterialet:	16. maj 2018

Document #1430294

USDOS – US Department of State

Country Report on Human Rights Practices 2017 - Algeria

EXECUTIVE SUMMARY

Algeria is a multiparty republic whose president, the head of state, is elected by popular vote for a five-year term. The president has the constitutional authority to appoint and dismiss cabinet members and the prime minister, who is the head of government. A 2016 constitutional revision requires the president to consult with the parliamentary majority before appointing the prime minister. Presidential elections took place in 2014, and voters re-elected President Abdelaziz Bouteflika for a fourth term. Presidential term limits, which were eliminated in 2008, were reintroduced in the 2016 revision of the constitution and limit the president to two five-year terms. Elections for the lower chamber of parliament were held in May and did not result in significant changes in the composition of the government. Foreign observers characterized the 2017 legislative elections as largely well organized and conducted without significant problems on election day, but noted a lack of transparency in vote-counting procedures.

Civilian authorities generally maintained effective control over the security forces.

The most significant human rights issues included unlawful interference with privacy; laws prohibiting certain forms of expression, which were often vague, as well as criminal defamation laws; limits on freedom of the press; restrictions on the freedom of assembly and association; official corruption, including perceptions of lack of judicial independence and impartiality; lethal domestic violence against women; criminalization of same sex activity and security force sexual abuse of LGBTI persons; and trafficking in persons.

The government took steps to investigate, prosecute, or punish public officials who committed violations. Impunity for police and security officials remained a problem, but the government provided information on actions taken against officials accused of wrongdoing.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

Some terrorist groups remained active in the country, including al-Qaida in the Islamic Maghreb (AQIM) and an ISIS affiliate, Jund al-Khilafah. These groups targeted security services personnel. On February 26, police shot an attempted suicide bomber as he approached a police station in Constantine. The bomb detonated, killing only the attacker. On August 31, a suicide bomber killed two police officers in a police station in Tiaret. AQIM and ISIS both claimed responsibility for the attack.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

The government continued to negotiate the terms of a visit by the UN Human Rights Council (HRC) Working Group on Enforced or Involuntary Disappearances to address cases of enforced or involuntary disappearances from the 1990s that the working group submitted to it in 2014.

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

The law prohibits torture and prescribes prison sentences of between 10 and 20 years for government agents found guilty of torture. The government reported 28 prosecutions and two convictions on allegations of abusive treatment by police officers in 2016. There was no information on torture convictions or prosecutions in 2017.

Nongovernmental organizations (NGOs) and local human rights activists alleged that government officials sometimes employed degrading treatment to obtain confessions. Human rights activists said police sometimes used excessive force against suspects, including protestors.

The Surete Nationale (DGSN) stated that it did not receive any reports of abuse or misconduct from the public during the year.

Local and international NGOs asserted that impunity was a problem.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

The penal code prohibits the detention of suspects in any facilities not designated for that purpose and declared to the local prosecutor, who has the right to visit such facilities at any time.

Physical Conditions: There were no major concerns regarding physical conditions in prisons and detention centers. According to statistics provided in September, the Ministry of Justice’s General Directorate for Prison Administration and Resettlement (DGAPR) had responsibility for approximately 60,000 prisoners. Convicted terrorists had the same rights as other inmates but were held in prisons of varying degrees of security, determined by the danger posed by the prisoners.

The government used specific facilities for prisoners age 27 and younger. The DGAPR maintained different categories of prisons that separated prisoners according to the lengths of their sentences. The government acknowledged that some detention facilities were overcrowded but said it used prisoner transfers and, increasingly, alternatives to incarceration to reduce overcrowding. The Ministry of Justice said cell sizes exceeded international standards set by the United Nations’ Nelson Mandela Rules. Some observers, including government-appointed human rights officials, attributed overcrowding in pretrial detention facilities to continued overuse of pretrial detention, despite reforms in 2015 that sought to reduce the practice.

Authorities generally transferred pretrial detainees, after presenting them before the prosecutor, to prisons rather than holding them in separate detention facilities. The government said pretrial detainees were normally held in cellblocks separate from those that housed the general prison population.

Independent Monitoring: The government allowed the International Committee of the Red Cross (ICRC) and local human rights observers to visit prisons and detention centers. ICRC staff visited prisons, police and gendarme stations under the jurisdiction of the Ministry of Justice, and an administrative detention center operated by the Ministry of Interior. During the year the ICRC hosted training sessions on human rights standards related to arrest, detention, and interrogation procedures for judicial police from the DGSN and National Gendarmerie, as well as for judges.

Improvements: Authorities improved prison conditions to meet international standards. The Ministry of Justice’s Directorate of Penal Affairs and Pardons said that the government alleviated overcrowding by opening new detention centers during the year, including minimum-security centers that permitted prisoners to work. The DGSN announced the creation of a new human rights office in July; one of its functions is to ensure implementation of measures to improve detention conditions.

d. Arbitrary Arrest or Detention

Security forces routinely detained individuals who participated in prohibited strikes or protests. Arrested individuals reported that authorities held them for four to eight hours before releasing them without charges. Overuse of pretrial detention remained a problem. A detainee has the right to appeal a court’s order of pretrial detention, and if released, seek compensation from the government.

Role of the Police and Security Apparatus

The 130,000-member National Gendarmerie, which performs police functions outside of urban areas under the auspices of the Ministry of National Defense, and the approximately 210,000-member DGSN or national police, organized under the Ministry of Interior, share responsibility for maintaining law and order. Intelligence activities fall under three intelligence directorates reporting to a presidential national security counselor and performing functions related specifically to internal, external, and technical security.

The law provides mechanisms to investigate abuses and corruption, but the government did not always provide public information on disciplinary or legal action against police, military, or other security force personnel. The DGSN conducted regular training sessions on human rights, including for all new cadets. Its new human rights office is responsible for organizing human rights training for police officers.

Arrest Procedures and Treatment of Detainees

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. With this summons, police may hold a suspect for no more than 48 hours. Authorities also use summonses 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. Lawyers reported that authorities usually carried out procedures for warrants and summonses properly.

If authorities need more than 48 hours to gather additional evidence, they may extend a suspect’s authorized time in police detention with the prosecutor’s authorization in the following cases: if charges pertain to an attack on data processing systems, they may extend the time in detention once; if charges relate to state security, they may do so twice; for charges concerning drug trafficking, organized and transnational crime, money laundering, and other currency-related crimes, they may do so three times; and for charges related to terrorism and other subversive activities, they may do so five times for a maximum of 12 days. The law stipulates that detainees should immediately be able to contact a family member and receive a visit, or to contact an attorney.

The law provides detainees the right to see an attorney for 30 minutes if the time in detention has been extended beyond the initial 48-hour period. In these cases, authorities permit the arrested person to contact a lawyer after half the extended time has expired. Authorities may use in court confessions and statements garnered during the period prior to access to an attorney. Prosecutors may apply to a judge to extend the period before arrested individuals can have access to an attorney. The court appearance of suspects in terrorism cases is public. At the end of the period of detention, 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. Authorities enter the medical certificate into the detainee’s file.

In nonfelony cases and in cases of individuals held on charges of terrorism and other subversive activities that exceed a 12-day period plus any authorized extension, the law calls for the release of suspects on provisional liberty, referred to as “judicial control,” while awaiting trial. Under provisional liberty status, authorities subjected suspects to requirements such as reporting periodically to the police station in their district, stopping professional activities related to the alleged offense committed, surrendering all travel documents, and, in some terrorism-related cases, residing at an agreed-upon address. The law provides that foreigners may be required to furnish bail as a condition of release on provisional liberty status, while Algerian citizens may be released on provisional liberty without posting bail.

Judges rarely refused requests to extend pretrial detention, which by law may be appealed. Should the detention be overturned, the defendant has the right to request compensation. Most detainees had prompt access to a lawyer of their choice as accorded by law, and the government provided legal counsel to indigent detainees. There were reports that authorities held some detainees without access to their lawyers and reportedly abused them physically and mentally.

The government took action in the 2015 case of a Cameroonian female migrant who was assaulted and raped by a group of Algerian men. The victim reported that several hospitals refused to provide her treatment and to issue her a certificate documenting her sexual assault. After social media and local civil society organizations drew attention to the issue, authorities accepted her complaint and initiated prosecutions against seven of the perpetrators. As of September, three of the perpetrators were serving sentences of 15 years in prison, while four remained at large and were convicted in absentia to 20 years imprisonment.

Arbitrary Arrest: Although the law prohibits arbitrary arrest and detention, authorities sometimes used vaguely worded provisions, such as “inciting an unarmed gathering” and “insulting a government body,” to arrest and detain individuals considered to be disturbing public order or criticizing the government. Amnesty International and other human rights organizations criticized the law prohibiting unauthorized gatherings and called for its amendment to require only notification as opposed to application for authorization. These observers, among others, pointed to the law as a significant source of arbitrary arrests intended to suppress political activism. Police arrested protesters

throughout the year for violating the law against unregistered public gatherings. On June 21, attorney and human rights activist Salah Debouz was summoned and questioned by police in the city of Batna and released the same day. Debouz was in Batna to defend Ahmadi Muslims who were on trial for engaging in religious activities without government authorization. Debouz had previously been briefly detained and released on two occasions in 2016.

Pretrial Detention: Prolonged pretrial detention remained a problem. Nongovernmental observers believed pretrial detainees comprised a significant portion of the total detainee and prisoner population but did not have specific statistics. The Ministry of Justice said the proportion of detainees in pretrial detention decreased relative to previous years, but statistics were not available at year's end.

The law limits the grounds for pretrial detention and stipulates that before it can be imposed, a judge must assess the gravity of a crime and whether the accused is a threat to society or a flight risk. Judges rarely refused prosecutorial requests to extend pretrial detention. Most detainees had prompt access to a lawyer of their choice as accorded by law, and the government provided legal counsel to indigent detainees. Human rights activists and attorneys, however, asserted that some detainees were held without access to lawyers.

The law prohibits pretrial detention for crimes with maximum punishments of less than three years imprisonment, except for infractions that resulted in deaths or to persons considered a “threat to public order.” In these cases, the law limits pretrial detention to one month. In all other criminal cases, pretrial detention may not exceed four months. Amnesty International alleged that authorities sometimes detained individuals on security-related charges for longer than the 12-day prescribed period.

Authorities held two leaders of the unregistered Ahmadi Muslim community in pretrial detention from February until May on charges related to their unauthorized religious activities. Throughout the year, police arrested approximately 26 members of the Ahmadi community. As of November community leaders said no Ahmadis were in pretrial detention.

In 2015 police arrested Nacer Eddine Hadjadj, former mayor of Beriane municipality and member of the Rally for Culture and Democracy party, reportedly for questioning regarding intercommunal violence in Ghardaia that year. In 2015 a judge denied Hadjadj's request for provisional release. On June 11, Hadjadj was convicted to three years in prison, reportedly on charges of possession of firearms and holding an armed assembly. Hadjadj was released immediately after his conviction for the approximately 22 months he spent in detention, after the judge suspended the rest of his prison sentence.

Detainee’s Ability to Challenge Lawfulness of Detention before a Court: The Code of Criminal Procedure grants the right to appeal a court’s order of pretrial detention. The appeal must be filed within three days of the order. A person released from custody following a dismissal or acquittal may apply to a civil commission to seek compensation from the government for “particular and particularly severe” harm caused by pretrial detention. The person must submit an application for compensation within six months of the dismissal or acquittal. Judges found to have ordered an unlawful detention could be subject to penalties or prosecution.

e. Denial of Fair Public Trial

While the constitution provides for the separation of powers between the executive and judicial branches of government, the executive branch’s broad statutory authorities limited judicial independence. The constitution grants the president authority to appoint all prosecutors and judges. These presidential appointments are not subject to legislative oversight but are reviewed by the High Judicial Council, which consists of the president, minister of justice, chief prosecutor of the Supreme Court, 10 judges, and six individuals outside the judiciary chosen by the president. The president serves as the president of the High Judicial Council, which is responsible for the appointment, transfer, promotion, and discipline of judges. The judiciary was not impartial and was perceived by some observers to be subject to influence and corruption.

Trial Procedures

The constitution provides for the right to a fair trial, but authorities did not always respect legal provisions that protect defendants’ rights. The law presumes defendants are innocent and have the right to be present and to consult with an attorney provided at public expense if necessary. Most trials are public, except when the judge determines the proceedings to be a threat to public order or “morals.” The penal code guarantees defendants the right to free interpretation as necessary. Defendants have the right to be present during their trial but may be tried in absentia if they do not respond to a summons ordering their appearance.

Defendants may confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants have the right not to be compelled to testify or confess guilt, and they have the right to appeal. The testimony of men and women has equal weight under the law.

Political Prisoners and Detainees

International and local observers alleged that authorities occasionally used antiterrorism laws and restrictive laws on freedom of expression and public assembly to detain political activists and outspoken critics of the government.

The government continued to deny that 160 persons who remained incarcerated since the 1990s were political prisoners, and stated they were ineligible for pardons under the National Charter for Peace and Reconciliation because they committed violent crimes during the internal conflict. The government permitted the ICRC to visit these and other detainees held for “security reasons.”

In 2016 a Tamanrasset court convicted Committee for the Defense of the Rights of Unemployed Workers activist Abdelali Ghellam to a year in prison following his 2015 arrest on charges of taking part in an unauthorized gathering and obstructing traffic. Amnesty International reported that seven other men were arrested in connection with the same protest and received one-year sentences and DZD 50,000 (\$438) fines. As of January all eight had been released.

Civil Judicial Procedures and Remedies

The judiciary was not always independent or impartial in civil matters and lacked independence in some human rights cases. Family connections and status of the parties involved influenced decisions. Individuals may bring lawsuits, and administrative processes related to amnesty may provide damages to the victims or their families for human rights violations and compensation for alleged wrongs. Individuals may appeal adverse decisions to international human rights bodies, but their decisions would not have the force of law.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution provides for the protection of a person’s “honor” and private life, including the privacy of home, communication, and correspondence. According to human rights activists, citizens widely believed the government conducted frequent electronic surveillance of a range of citizens, including political opponents, journalists, human rights groups, and suspected terrorists. Security officials reportedly searched homes without a warrant. Security forces conducted unannounced home visits.

In 2016 the government established an anticybercrime agency charged with coordinating anticybercrime efforts and engaging in preventive surveillance of electronic communications in the interests of national security. Falling under the purview of the Ministry of Justice, the agency has exclusive authority for monitoring all electronic surveillance activities, but the decree did not provide details regarding the limits of surveillance authority or corresponding protections for persons subject to surveillance. The Ministry of Justice said the agency was subject to all existing judicial controls that apply to law enforcement agencies.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of speech and press, and independent media outlets regularly criticized and satirized government officials and policies, but the government on some occasions restricted these rights. The government's actions included harassment of some critics; arbitrary enforcement of vaguely worded laws; informal pressure on publishers, editors, advertisers, and journalists; and control of a significant proportion of the country's advertising money and printing capabilities. Some media figures alleged the government used its control over most printing houses and large amounts of public sector advertising preferentially, and that the lack of clear regulations over these practices permitted it to exert undue influence on press outlets.

Freedom of Expression: While public debate and criticism of the government were widespread, journalists and activists believed they were limited in their ability to criticize the government publicly on topics crossing unwritten “red lines.” Authorities arrested and detained citizens for expressing views deemed damaging to state officials and institutions, and citizens practiced self-restraint in expressing public criticism. The law criminalizing speech about security force conduct during the internal conflict of the 1990s remained in place, although the government said there had never been an arrest or prosecution under the law. A separate law provides for up to three years' imprisonment for publications that “may harm the national interest” or up to one year for defaming or insulting the president, parliament, army, or state institutions. Government officials monitored political meetings.

Press and Media Freedom: The National Agency for Publishing and Advertising (ANEP) controls public advertising for print media. According to the NGO Reporters without Borders (RSF), private advertising existed but frequently came from businesses with close links to the ruling political party. Although ANEP said in September that it represented only 15 percent of the total advertising market, nongovernmental sources assessed the majority of daily newspapers depended on ANEP-authorized advertising to finance their operations. The government's lack of transparency over its use of state-funded advertising permitted it to exert undue influence over print media. On November 14, Hadda Hazem, the editor of the *El Fadjr* newspaper, began a hunger strike to protest what she described as government pressure on public and private advertisers to deprive *El Fadjr* of advertising revenue in retaliation for its criticisms of the government.

Police arrested blogger Merzoug Touati on January 25 on charges stemming from his publication of an interview with a former Israeli diplomat. On September 13, Touati began a hunger strike. He remained in detention at year's end.

Many civil society organizations, government opponents, and political parties, including legal Islamist parties, had access to independent print and broadcast media and used them to express their views. Opposition parties also disseminated information via the internet and published communiques but stated they did not have access to the national television and radio. Journalists from independent print and broadcast media

expressed frustration over the difficulty of receiving information from public officials. With the exception of several daily newspapers, the majority of print media outlets relied on the government for physical printing materials and operations.

Organizations wishing to initiate regular publications must obtain authorization from the government. The law requires the director of the publication to hold Algerian citizenship. The law additionally prohibits local periodicals from receiving direct or indirect material support from foreign sources.

In September the Ministry of Communication stated there were 249 accredited written publications, down from 332 last year. Of the daily printed publications, the ministry stated six were state-operated. The ministry said the decline in accredited publications was due to a reduction in advertising revenue.

The ministry's Media Directorate is responsible for issuing and renewing accreditations to foreign media outlets operating in the country. Although this accreditation is required to operate legally, the vast majority of foreign media were not accredited. While the government tolerated their operations in the past, the Ministry of Communication said in 2016 it would limit the number of private satellite channels to 13 and foreign-based unaccredited television outlets would be shut down. At year's end, however, the government had not shut down any such outlets. Regulations require the shareholders and managers of any radio or television channel to be Algerian citizens and prohibit them from broadcasting content that offends “values anchored in Algerian society.”

The ministry also issues and renews accreditation of foreign correspondents reporting in the country. According to the ministry, 14 accredited foreign press agencies reported during the year. In addition, six private domestic television channels, 12 foreign broadcasting channels, and two foreign radio stations operated throughout the year.

The law mandates that online news outlets must inform the government of their activities but does not require them to request authorization to operate.

Censorship or Content Restrictions: Some major news outlets faced direct and indirect retaliation for criticism of the government.

From October 5-November 28, *Tout sur l'Algerie (TSA)*, an online news website, was inaccessible via Algerie Telecom, the state-owned traditional internet service provider (ISP), and via Mobilis, the state-owned mobile ISP. Algerie Telecom did not provide *TSA* the reasons for the blockage. In October the Ministry of Communication denied any involvement, saying the issue rested with Algerie Telecom. *TSA* director Hamid Guemache told RSF that the explanations provided by the authorities “are not convincing” and that he suspected a “political blockage.”

Libel/Slander Laws: NGOs and observers criticized the law on defamation as vaguely drafted and said the definitions used as failed to comport with internationally recognized norms. The law defines defamation as “any allegation or imputation of a fact offending the honor or consideration of a person, or of the body to which the fact is imputed.” The law does not require that the fact alleged or imputed be false or that the statement be made with malicious intent to damage another individual’s reputation. Defamation is not a crime but carries a fine ranging from DZD 100,000 to DZD 500,000 (\$877 to \$4,385). The Ministry of Justice did not provide information on the percentage of defamation claims that originated from private citizens, as opposed to government officials. Defamation laws specify that former members of the military who make statements deemed to have damaged the image of the military or to have “harmed the honor and respect due to state institutions” may face prosecution.

The Ministry of Communication prohibited the sale of the August issue of *Le Monde Diplomatique*, a French monthly publication, that contained an article titled “Forbidden Memory in Algeria” about the aftermath of the internal conflict in the 1990s. The ministry said the article’s discussion of President Bouteflika’s health was injurious to the president and stated the publication did not appeal the decision.

The law criminalizes statements denigrating Islam or insulting the Prophet Muhammed or “messengers of God.” In 2016 police in Setif arrested Slimane Bouhafs, a Christian convert, for posting statements on his Facebook page questioning the morals of the Prophet Muhammed. A court sentenced him to five years in prison, plus a DZD 100,000 (\$877) fine. His sentence was subsequently reduced to three years in prison and then commuted in July as part of a broad presidential amnesty. He was scheduled for release in March 2018 as a result of the commutation.

Internet Freedom

The government monitored certain email and social media sites.

Internet users regularly exercised their right to free expression and association online, including through online forums, social media, and email. Activists reported that some postings on social media could result in arrest and questioning; observers widely understood that the intelligence services closely monitored the activities of political and human rights activists on social media sites, including Facebook.

The law on cybercrime establishes procedures for using electronic data in prosecutions and outlines the responsibilities of ISPs to cooperate with authorities. Under the law the government may conduct electronic surveillance to prevent offenses amounting to terrorist or subversive acts and infractions against state security, pursuant to written authorization from a competent judicial authority.

By law, ISPs face criminal penalties for the material and websites they host, especially if subject matters are “incompatible with morality or public opinion.” The Ministries of Justice, Interior, and Post, Information Technology, and Communication have oversight

responsibilities. The law provides sentences of six months to five years in prison and fines between DZD 50,000 and DZD 500,000 (\$438 and \$4,385) for users who do not comply with the law, including the obligation to cooperate with law enforcement authorities against cybercrime.

On April 4, seven administrators of a Facebook page called “Granada City” appeared in court in Bouira on charges stemming from a post in January calling for a general strike. The charges against them were dropped in May.

For a second year, the government blocked access to social media sites, including Facebook and Twitter, for several days during nationwide high school exams. The decision was in response to previous leaks of exam results, which were posted on social media.

According to the International Telecommunication Union, 43 percent of the population used the internet in 2016.

Academic Freedom and Cultural Events

Academic seminars generally occurred with limited governmental interference. The Ministry of Culture reviewed the content of films before they could be shown, as well as books before publication or importation. The Ministry of Religious Affairs did the same for religious publications. The law gives the authorities broad power to ban books that run counter to the constitution, “the Muslim religion and other religions, national sovereignty and unity, the national identity and cultural values of society, national security and defense concerns, public order concerns, and the dignity of the human being and individual and collective rights.” It further prohibits books that “make apology for colonialism, terrorism, crime, and racism.”

A January 17 decree by the prime minister clarified the process for the Ministry of Culture’s review of imported books, both in print and electronic form. According to the decree, importers must submit to the ministry the title, author’s name, editor’s name, edition, year, International Standard Book Number, and number of copies to be imported. Importers of books covering the “national movement and the Algerian Revolution” must submit the entire text of the books for review, including a secondary review by the Ministry of the Moudjahidine (veterans of the Revolution). The Ministry of Culture can also require a full content review of books on other topics if it chooses. The ministry has 30 days to review the importation application; in the absence of a response after 30 days, the importer may proceed with distribution of the publication. After making a determination, the ministry notifies the customs service of the decision to allow or ban the importation of the publication. Appeals may be made to the ministry, with no independent or judicial review provided for in the decree.

A government official said that rejected book importation requests were almost always for religious books that promote extremist ideas. A January 4 decree established a commission within the Ministry of Religious Affairs to review imports of the Quran. This

decree requires all applications to include a full copy of the text and other detailed information. The ministry has three to six months to review the text, with the absence of a response after that time constituting a rejection of the application. A separate January 4 decree covering religious texts other than the Quran stated, “The content of religious books for import, regardless of format, must not undermine the religious unity of society, the national religious reference, public order, good morals, fundamental rights and liberties, or the law.” The importer must submit the text and other information, and the ministry must respond within 30 days. A nonresponse after this period of time is considered a rejection. Religious texts distributed without authorization may be seized and destroyed.

On March 4, police in the city of Aokas in Bejaia province reportedly prevented a local NGO from holding a conference featuring professor Younes Adli on “Kabyle [Berber] thought in the 18th and 19th centuries.”

In September press outlets reported Algiers International Book Fair Commissioner Hamidou Messaoudi announced that of the 120,000 books proposed for inclusion in the annual fair by 920 publishers representing 51 countries, the Book Fair Commission prohibited the inclusion of 130. Messaoudi said the action was taken pursuant to Algerian law prohibiting the exhibition of books that glorify terrorism, encourage radicalization, or incite racism.

b. Freedoms of Peaceful Assembly and Association

Although the constitution provides for freedom of peaceful assembly and association, the government severely restricted the exercise of these rights.

Freedom of Peaceful Assembly

The constitution provides for the right of peaceful assembly, but the government continued to curtail this right. A ban on demonstrations in Algiers remained in effect. Authorities utilized the ban to prohibit assembly within the city limits. Nationwide, the government required citizens and organizations to obtain permits from the national government-appointed local governor before holding public meetings or demonstrations. The government restricted licenses to political parties, NGOs, and other groups to hold indoor rallies or delayed permission until the eve of the event, thereby impeding publicity and outreach efforts by organizers. Nonetheless, in many cases authorities allowed unauthorized protests to proceed while negotiations continued regarding protesters’ demands or when government attempts to disperse protests potentially risked igniting violence.

Hotels in Algiers and other major cities continued their historic practice of refusing to sign rental contracts for meeting spaces with political parties, NGOs, and civil associations without a copy of written authorization from the Ministry of Interior for the proposed gathering.

Throughout the year police dispersed unauthorized gatherings or prevented marching groups of protesters from demonstrating. Police typically dispersed protesters shortly after a protest began and arrested and detained organizers for a few hours. Human Rights Watch, Amnesty International, and other NGOs criticized the government’s use of the law to restrict peaceful assembly.

On July 22, police in Aokas prevented organizers from holding a “Literary Cafe” featuring Berber-language books. After a crowd gathered at the cultural center where the conference was supposed to be held and forced the doors open, police removed them from the building and reportedly fired rubber bullets into the crowd as an impromptu protest formed. On July 29, another march was held to protest the government’s actions, and residents reported that this protest unfolded peacefully.

Freedom of Association

The constitution provides for the right of association, but the government restricted this right.

The law’s extensive requirements and uneven enforcement served as major impediments to the development of civil society. The law grants the government wide-ranging oversight of and influence in the day-to-day activities of civil society organizations. It requires national-level civil organizations to apply to the Ministry of Interior for permission to operate. Once registered, organizations must inform the government of their activities, funding sources, and personnel, including notification of personnel changes. The law imposes an additional requirement that associations obtain government preapproval before accepting foreign funds. If organizations fail to provide required information to the government or attempt to operate with or accept foreign funds without authorization, they are subject to fines between DZD 2,000 and DZD 5,000 (\$17 and \$43) and up to six months’ imprisonment.

According to the law, associations that apply for accreditation as required by law are entitled to receive a response within two months for national organizations, 45 days for interregional-level associations, 40 days for province-level associations, and 30 days for communal organizations. While the Ministry of Interior oversees the accreditation process for most associations, the president of a local assembly approves applications for communal associations.

The Ministry of Interior may deny a license to or dissolve any group regarded as a threat to the government’s authority or to public order, and on several occasions failed to grant in an expeditious fashion official recognition to NGOs, associations, religious groups, and political parties. According to the ministry, organizations receive a receipt after submitting their application for accreditation, and after the time periods listed above, this slip is legally sufficient for them to begin operating, to open a bank account, and to rent office or event space. The law does not explicitly include this provision, however. If the application is approved, the ministry issues a final accreditation document.

Many organizations reported that they never received a deposit slip and that even with the receipt, it was difficult to conduct necessary administrative tasks without formal accreditation. Other organizations reported they never received any written response to their application request. The ministry maintained that organizations that were refused accreditation or that did not receive a response within the specified time period could appeal to the State Council, the administrative court responsible for cases involving the government.

The ministry did not renew the accreditations of the NGOs SOS Disparu (Missing), the Algerian League for the Defense of Human Rights (LADDH), the National Association for the Fight Against Corruption, and the Youth Action Movement, all of which submitted their renewal applications in prior years.

The government issued licenses and subsidies to domestic associations, especially youth, medical, and neighborhood associations. According to the Ministry of Interior, there were 108,940 local and 1,293 national associations registered as of 2016. Unlicensed NGOs remained active, but rarely received government assistance, and citizens at times hesitated to associate with these organizations.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/ (<http://www.state.gov/religiousfreedomreport/>).

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government restricted the exercise of this right.

The government generally cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Civil society organizations reported that authorities prevented sub-Saharan African migrants in the areas around Tamanrasset from traveling north toward coastal population centers.

In-country Movement: The constitution provides citizens “the right to freely choose their place of residence and to move throughout the national territory.” 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. Citing the threat of terrorism, the government also prevented overland tourist travel between the southern cities of Tamanrasset, Djanet, and Illizi. Newspapers reported that the government restricted foreign tourists from traveling through trails in Tassili and Hoggar, as well as certain areas in and around Tamanrasset, due to security concerns.

Foreign Travel: The constitution states that the right to enter and exit the country is provided to citizens. The law does not permit those under age 18 to travel abroad without a guardian’s permission. Married women under 18 may not travel abroad without permission from their husbands, but married women over 18 may do so. The government did not permit young men eligible for the draft who had not completed their military service to leave the country without special authorization. The government granted such authorization to students and persons with special family circumstances.

Protection of Refugees

The government protected an estimated 90,000 to 165,000 Sahrawi refugees who departed Western Sahara after Morocco took control of the territory in the 1970s. UNHCR, the World Food Program (WFP), UNICEF, the Algerian Red Crescent, the Sahrawi Red Crescent, and other organizations assisted Sahrawi refugees. Neither the government nor the refugee leadership has allowed UNHCR to conduct registration or complete a census of the Sahrawi refugees. In the absence of formal registration, UNHCR and WFP based humanitarian assistance on a planning figure of 90,000 refugees. There is, however, a joint Sahrawi-UNHCR effort underway to capture more accurately the actual number of persons residing in the Sahrawi camps. The government said that a drop in aid from international donors led to worsening conditions for Sahrawi refugees, and that it had increased its own contributions as a result.

Refoulement: The government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened because of their race, religion, nationality, membership in a particular social group, or political opinion. Since the outbreak of violence in northern Mali in 2012, international observers reported an influx of individuals into Algeria across the Malian border inconsistent with traditional migratory movements. During the year, the government deported migrants to Mali.

The government said that more than 700 people, primarily Nigeriens, were repatriated during the year. The government, led by the Algerian Red Crescent, repatriated more than 17,000 Nigerien migrants to their country pursuant to a bilateral agreement at the request of the government of Niger since 2014, in several repatriation operations. Various international humanitarian organizations and observers criticized the operations, citing unacceptable conditions of transport, primarily on the Niger side of the border, and what they described as a lack of coordination among the Algerian Red Crescent, the government of Niger, and the Red Cross of Niger. In July the National Human Rights Committee (CNDH) said the Algerian government had dedicated an additional \$3.8 million to ensuring the human rights of migrants during repatriation

operations. The repatriations were conducted in coordination with consular officials from the countries of origin of the migrants, but the migrants were not permitted to challenge their removal. The government said that it maintained a policy of not removing migrants registered with UNHCR, and that in a few cases it worked with UNHCR to return registered refugees who were mistakenly removed.

Access to Asylum: While the law provides generally for asylum or refugee status, the government has not established a formal system through which refugees can request asylum. There were no reports that the government granted refugee status and asylum to new refugee applicants during the year. According to UNHCR, the government did not accept UNHCR-determined refugee status for individuals. UNHCR offices in Algiers reported an estimated 200 to 300 asylum requests per month, mostly from Syrian, Palestinian, and sub-Saharan African individuals coming from Mali, Guinea, Central African Republic, Cote d'Ivoire, and the Democratic Republic of the Congo (DRC). Those determined by UNHCR to have valid refugee claims were primarily from the DRC, Cote d'Ivoire, Iraq, and the Central African Republic. There was no evidence of any pattern of discrimination toward asylum applicants, but the lack of a formal asylum system made this difficult to assess.

As of June the Ministry of Foreign Affairs reported that since the start of the conflict in Syria, it accepted more than 40,000 Syrian refugees. Between 2012 and 2017, UNHCR registered more than 10,000 Syrians, but fewer than 6,000 remained registered with UNHCR as of September. The Algerian Red Crescent, which is subordinate to the Ministry of Solidarity, maintained “welcome facilities” that provided food and shelter for those Syrians without means to support themselves. The facilities were located in Sidi Fredj. The government did not grant UNHCR access to these reception centers but reported that by 2016 most Syrians no longer used the centers.

A group of Syrian refugees were stranded on the Moroccan-Algerian border from April to June, with both countries insisting the group was on the other country's territory. Algeria offered to allow the refugees onto its territory on June 3 but they were not able to enter due to ambiguity regarding the border demarcation. Morocco announced on June 20 it would allow the migrants onto its territory, resolving the issue.

The Ministry of Interior estimated in 2016 that there were 21,073 irregular migrants residing in the country. Independent observers' estimates in 2017 ranged from 25,000-200,000. Official statistics for 2017 were unavailable, but a government official said the numbers had likely increased compared to previous years due to instability in parts of sub-Saharan Africa.

Employment: UNHCR provided registered refugees with modest food assistance and lodging support. Because the government does not formally allow refugee employment, many worked in the informal market and were at risk of labor exploitation due to their lack of legal status in the country. Other migrants, asylum seekers, and Malians and

Syrians who had a “special status” with the government, relied largely on remittances from family, the support of local family and acquaintances, and assistance from the Algerian Red Crescent and international aid organizations.

Access to Basic Services: Sahrawi refugees lived predominantly in five camps near the city of Tindouf, administered by the Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro (Polisario). The Polisario (through the Sahrawi Red Crescent Society), UNHCR, WFP, UNICEF, and partner NGOs provided basic services including food aid, primary health care, and primary and secondary education, while the government invested heavily in developing the camps’ infrastructure and also provided free secondary and university educations, as well as advanced hospital care, to Sahrawi refugees. The remote location of the camps and lack of government presence resulted in a lack of access by police and courts. Other refugees, asylum seekers, and migrants had access to free public hospitals, but independent NGOs reported instances of migrants turned away.

School administrators must allow migrant and refugee children to enroll in primary school through high school and require only that they present their passport and documentation showing their level of schooling from their home country. International organizations reported the children had trouble in their attempts to integrate into the educational system but that migrants’ access to education was improving, particularly in the north of the country. These organizations reported that migrant parents were often reluctant to enroll their children in Algerian schools due to language barriers or cultural differences.

Durable Solutions: The government did not accept refugees from foreign countries for resettlement. The Sahrawi refugees had not sought local integration or naturalization during their 40-year stay in the refugee camps near Tindouf, and the Polisario Front continued to call for a referendum on independence in Western Sahara.

Temporary Protection: The law does not address formal temporary protection, but authorities provided informal, temporary protection to groups such as Syrians and Malians.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Restrictions on freedom of assembly and association as well as restrictions on political party activities inhibited the activity of opposition groups.

Elections and Political Participation

The law states that members of local, provincial, and national assemblies are elected for five-year mandates and that presidential elections occur within 30 days prior to the expiration of the presidential mandate. Presidential term limits, which were eliminated in 2008, were reintroduced in a 2016 revision of the constitution and limit the president to two terms. The Ministry of Interior is responsible for organizing the election and voting processes. In 2016 the government created a High Independent Election Monitoring Body (HIIE), charged with monitoring elections and investigating allegations of irregularities. The head of the HIIE, Abdelwahab Derbal, said after the May legislative elections that the mandate of the HIIE should be strengthened and the electoral law revised, based on deficiencies identified on election day.

Recent Elections: Presidential elections took place in 2014, and voters re-elected President Bouteflika for a fourth term. Bouteflika won approximately 81 percent of the votes, while his main rival and former prime minister, Ali Benflis, placed second with slightly more than 12 percent.

Several hundred international election observers from the United Nations, Arab League, African Union, and Organization of Islamic Cooperation monitored voting. Foreign observers characterized the elections as largely peaceful but pointed to low voter turnout and a high rate of ballot invalidity. *El Watan*, an independent daily newspaper, reported that almost 10 percent of ballots cast were invalid. The Ministry of Interior did not provide domestic or foreign observers with voter registration lists. President of the Constitutional Council Mourad Medelci announced voter participation in the elections was just under 51 percent, a sharp drop from the slightly more than 74 percent turnout during the previous presidential election in 2009.

Benflis rejected the results and claimed that fraud marred the elections. He appealed to the Constitutional Council without result. A coalition of Islamic and secular opposition parties boycotted the election, describing it as a masquerade and asserting that President Bouteflika was unfit to run due to his health. Several candidates withdrew from the race, claiming that the outcome was a foregone conclusion.

Elections for the lower chamber of parliament were held in May and did not result in significant changes in the composition of the government. The government allowed international observation of the elections but did not permit local civil society organizations to do the same. Most major opposition parties lost seats in the elections, and several parties claimed the results were significantly altered by fraud. Foreign observers from the African Union, Organization of Islamic Cooperation, and Arab League characterized the elections as largely well organized and conducted without significant problems on election day. Local media outlets reported that a team of European Union elections experts provided the government a report noting a lack of transparency in vote counting procedures, but the report was not made public. In September, Algerian National Front party leader Moussa Touati stated that his party paid bribes in order to secure its single seat in parliament. Several opposition political parties claimed voter turnout figures were inflated and that the results were fraudulent.

After local elections in November, governing parties maintained control of the vast majority of provincial and municipal councils. There were no international observers for the local elections.

Political Parties and Political Participation: The Ministry of Interior must approve political parties before they may operate legally.

The government maintained undue media influence and opposition political parties claimed they did not have access to public television and radio. Security forces dispersed political opposition rallies and interfered with the right to organize.

Pursuant to the constitution, all parties must have a “national base.” The electoral law adopted by parliament in July 2016 requires parties to have received 4 percent of the vote in the preceding election or to collect 250 signatures in the electoral district in order to appear on the ballot. Opposition parties from across the political spectrum criticized the new law for creating a more complex process for qualifying for the ballot, as well as for establishing an electoral monitoring body whose members would be appointed by the president and parliament, which is controlled by a coalition headed by the president’s party.

The law prohibits parties based on religion, ethnicity, gender, language, or region, but there were various political parties commonly known to be Islamist, notably members of the Green Alliance. According to the Ministry of Interior, in September there were 70 registered political parties.

The law does not place significant restrictions on voter registration, but implementation of voter registration and identification laws proved inconsistent and confusing during past elections.

Membership in the Islamic Salvation Front, a political party banned since 1992, remained illegal. The law also bans political party ties to nonpolitical associations and regulates party financing and reporting requirements. According to the law, political parties may not receive direct or indirect financial or material support from any foreign parties. The law also stipulates the collection of resources from contributions by the party’s members, donations, and revenue from its activities, in addition to possible state funding.

Opposition party leaders complained that the government did not provide timely authorizations to hold rallies or party congresses.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and women and minorities did participate. The law requires parties to ensure that at least 30 percent of the candidates on their electoral lists are women.

Section 4. Corruption and Lack of Transparency in Government

The law provides for criminal penalties of two to 10 years in prison for official corruption, but the government did not implement the law effectively. Corruption remained a problem, and officials sometimes engaged in corrupt practices with impunity.

Corruption: The criminal code stipulates that only the board of directors of the institution concerned may initiate charges related to theft, embezzlement, or loss of public and private funds against senior, public sector “economic managers.” Critics of the law asserted that by permitting only senior officials of state businesses to initiate investigations, the law protects high-level government corruption and promotes impunity.

The Ministry of Justice declared that as through the first 10 months of 2016, 987 government employees or employees of state-run businesses had been charged with corruption. Statistics for the year were not available. Media reporting and public opinion viewed the absence of charges against the most senior of government officials as an indication of impunity for government officials.

In 2016 the International Consortium of Investigative Journalists published an article based on the “Panama Papers,” leaked documents from Panama-based law firm Mossack Fonseca, related to allegations of bribery in connection with contracts awarded by Sonatrach, the national oil company. Ministry of Justice officials said investigations related to the “Panama Papers” revelations were ongoing, but could not provide additional details due to restrictions on discussing active investigations.

Corruption throughout the government stemmed largely from a lack of transparent oversight. The National Association for the Fight Against Corruption noted the existence of an effective anticorruption law but stated that the government lacked the “political will” to apply the law.

Financial Disclosure: The law stipulates that all elected government officials and those appointed by presidential decree must declare their assets the month they commence their jobs, if there is substantial change in their wealth while they are in office, and at the end of their term. Few government officials made their personal wealth public, and there was no known enforcement of the law.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic human rights groups operated with varying degrees of government restriction and cooperation. The law requires all civil associations to apply for operating permission, and at year's end several major civil associations remained unrecognized but tolerated.

Amnesty International maintained an office and actively reported on human rights issues, but it did not receive official authorization to operate from the Ministry of Interior.

Although the government did not renew the accreditation of LADDH, the organization had members countrywide, received independent funding, and was the most active independent human rights group. The Algerian League for Human Rights, a separate but licensed organization based in Constantine, had members throughout the country monitoring individual cases.

The United Nations or Other International Bodies: The government extended an invitation to the UN Working Group on Enforced or Involuntary Disappearances in 2014 and again in 2015, but no visit occurred. The country joined the HRC in 2014 but continued to deny requests for visits from the UN special rapporteurs on extrajudicial executions (pending since 1998), counterterrorism and human rights (pending since 2006), and the UN Working Group on arbitrary detention (pending since 2009). The government said it restarted discussions regarding a potential visit by the special rapporteur on counterterrorism and human rights in May.

Government Human Rights Bodies: In March the government replaced the National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH) with the CNDH. This new human rights body had budget autonomy and the responsibility to investigate alleged human rights abuses, officially comment on laws proposed by the government, and publish an annual report. At year's end, the CNDH had presented its first draft report to President Bouteflika, but the report had not been made public by year's end. During the year, the CNDH organized seminars and workshops on topics such as penitentiary reform and trafficking in persons. A CNDH representative said the organization viewed the most serious human rights concerns as limits on socioeconomic rights, as well as limits on free speech.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape but does not address spousal rape. Prison sentences for rape range from five to 10 years, and authorities generally enforced the law. A provision of the penal code allows an adult accused of “corruption of a minor” to avoid prosecution if he subsequently marries his victim and if the crime did not involve violence, threats, or fraud.

Domestic violence remains a society-wide problem. The law states that a person claiming domestic abuse must visit a “forensic physician” for an examination to document injuries and that the physician must determine that the injuries suffered “incapacitated” the victim for 15 days.

According to statistics from women’s advocacy groups published in the local press, between 100 and 200 women died each year from domestic violence. The government maintained two regional women’s shelters and was building three additional shelters. The Information and Documentation Center on the Rights of Children and Women (CIDDEF), a network of local organizations that promoted the rights of women, managed call centers in 15 provinces.

The law provides for sentences of one to 20 years’ imprisonment for domestic violence and six months to two years’ incarceration for men who withhold property or financial resources from their spouses.

Sexual Harassment: The punishment for sexual harassment is one to two years’ imprisonment and a fine of DZD 50,000 to DZD 100,000 (\$438 to \$877); the punishment doubles for a second offense. Women’s groups reported that the majority of reported cases of harassment occurred in the workplace. Women also reported harassment by men when walking in public.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/ (<http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/>).

Discrimination: Although the constitution provides for gender equality, aspects of the law and traditional social practices discriminated against women. In addition, some religious elements advocated restrictions on women’s behavior, including freedom of movement. The law prohibits Muslim women from marrying non-Muslims, although authorities did not always enforce this provision.

Women may 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 the children reach age 18. Authorities normally awarded custody of children to the mother, but she may not make decisions about education or take the children out of the country without the father’s authorization. The government provided a subsidy for divorced women whose former husbands failed to make child support payments.

The law affirms the religiously based practice of allowing a man to marry as many as four wives. The law permits polygamy only upon the agreement of the first wife and the determination of a judge as to the husband's financial ability to support an additional wife. It was unclear whether authorities followed the law in all cases since local authorities had significant discretion and the government did not maintain nationwide statistics.

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. Women did not often have exclusive control over assets that they brought to a marriage or that they earned.

Women may own businesses, enter into contracts, and pursue careers similar to those of men. The Ministry of Solidarity said 60 percent of the recipients of government microcredit loans for small businesses were women. Women enjoyed rights equal to those of men concerning property ownership, and property titles listed female landowners' names.

Women faced discrimination in employment. Leaders of women's organizations reported that discrimination was common and women were less likely to receive equal pay for equal work or promotions.

Children

Birth registration: The mother or father may transmit citizenship and nationality. By law children born to a Muslim father are Muslim, regardless of the mother's religion. The law did not differentiate between girls and boys in registration of birth.

Education: Education was free, compulsory, and universal through the secondary level to age 16. The United Nations estimated primary school enrollment at more than 98 percent.

Child Abuse: Child abuse was illegal but was a serious problem. The government devoted increasing resources and attention to it. A national ombudsperson was responsible for monitoring and publishing an annual report on the rights of children. The government supported the country's Network for the Defense of Children's Rights (NADA). The DGSN said it received reports of 1,173 instances of physical abuse and 600 cases of sexual abuse against children between January and September.

Laws prohibiting parental abduction do not penalize mothers and fathers differently, and the punishment for convicted kidnappers includes the death penalty.

Early and Forced Marriage: The legal minimum age of marriage is 19 for both men and women, but minors may marry with parental consent, regardless of gender. The law forbids legal guardians from forcing minors under their care to marry against the minor’s will. The Ministry of Religious Affairs required that couples present a government-issued marriage certificate before permitting imams to conduct religious marriage ceremonies.

Sexual Exploitation of Children: The law prohibits solicitation for prostitution and stipulates prison sentences of between 10 and 20 years when the offense is committed against a minor under age 18. By law the age for consensual sex is 16. The law stipulates a prison sentence of between 10 and 20 years for rape when the victim is a minor.

The law established a national council to address children’s issues, gives judges authority to remove children from an abusive home, and allows sexually abused children to provide testimony on video rather than in court.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html (<https://travel.state.gov/content/childabduction/en/legal/compliance.html>).

Anti-Semitism

Some religious leaders estimated that the country’s Jewish population numbered fewer than 200 persons.

Religious and civil society leaders reported that the Jewish community faced unofficial, religion-based obstacles to government employment and administrative difficulties when working with government bureaucracy.

In August the private newspaper, *Echourouk El Youmi* published a cartoon depicting a Jewish man with a Star of David on his sleeve clutching the surface of a globe, appearing to promote stereotypes of Jewish world domination. Also in August, *Echourouk El Youmi* published an article claiming that Jews had been plotting against Muslims for centuries, that Jews were responsible for most of the disasters that have befallen Muslims, and that Jews controlled the media, cinema, art, and fashion.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, although the government did not always effectively enforce these provisions. Few government buildings were accessible to persons with disabilities. Few businesses abided by the law that they reserve 1 percent of jobs for persons with disabilities. NGOs reported that the government did not enforce payment of fines. The Ministry of National Solidarity, Family, and the Status of Women provided some financial support to health-care-oriented NGOs, but for many NGOs, such financial support represented a small fraction of their budgets. The government provided disability benefits to persons with disabilities who registered.

The Ministry of Solidarity reported that it ran 242 centers throughout the country that provided support for persons with intellectual, auditory, vision, and physical disabilities. The ministry stated that it worked with the Ministry of Education to integrate children with disabilities into public schools to promote inclusion. The majority of the ministry's programs for children with disabilities remained in social centers for children with disabilities rather than in formal educational institutions. Advocacy groups reported that children with disabilities rarely attended school past the secondary level. Many schools lacked teachers trained to work with children with disabilities, threatening the viability of efforts to mainstream children with disabilities into public schools.

Many persons with disabilities faced challenges in voting due to voting centers that lacked accessible features.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law criminalizes consensual same-sex sexual relations by men or women and public indecency with penalties that include imprisonment of six months to three years and a fine of DZD 1,000 to DZD 10,000 (\$9 to \$92). The law also stipulates penalties that include imprisonment of two months to two years and fines of DZD 500 to DZD 2,000 (\$4 to \$17) for anyone convicted of having committed a “homosexual act.” If a minor is involved, the adult may face up to three years’ imprisonment and a fine of DZD 10,000 (\$87).

LGBTI activists reported that the vague wording of laws identifying “homosexual acts” and “acts against nature” permitted sweeping accusations that resulted during the year in multiple arrests for same-sex sexual relations but no known prosecutions. LGBTI persons were reportedly arbitrarily detained and physically and sexually abused by police officers during the year.

Government officials did not take measures specifically to prevent discrimination against LGBTI persons.

LGBTI persons faced discrimination in accessing health services. Some organizations maintained a list of “LGBTI-friendly” hospitals, and several NGOs operated mobile clinics specifically for vulnerable communities.

Employers refused jobs to LGBTI persons, particularly men perceived as effeminate. Community members said that obtaining legal assistance was also a challenge due to similar discrimination. Members of the LGBTI community reported that forced marriage was a problem, particularly for lesbians.

HIV and AIDS Social Stigma

Strong social stigma towards the vulnerable groups in which HIV/AIDS was most concentrated--commercial sex workers, men who have sexual relations with men, and drug users--deterred testing of these groups. The government said it did not take measures to specifically prevent and treat HIV/AIDS in the LGBTI community.

The government’s National AIDS Committee met twice during the year. The committee brought together various government and civil society actors to discuss implementation of the national strategy to combat HIV/AIDS.

Other Societal Violence or Discrimination

Academics and activists said that sub-Saharan African migrants sometimes faced discrimination and that there were tensions in some communities between the native and migrant populations.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution provides workers with the right to join and form unions of their choice, provided they are citizens. The country has ratified the International Labor Organization’s (ILO) conventions on freedom of association and collective bargaining but failed to enact legislation needed to implement these conventions fully.

The law requires that workers obtain government approval to form a union, and the Ministry of Labor must approve or disapprove a union application within 30 days. To found a union, an applicant must be Algerian by birth or have held Algerian nationality for 10 years. The law also provides for the creation of independent unions, although the union’s membership must account for at least 20 percent of an enterprise’s workforce. Unions have the right to form and join federations or confederations, and the government recognized four confederations. Unions may recruit members at the

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

The law permits unions to affiliate with international labor bodies and develop relations with foreign labor groups. For example, the General Union of Algerian Workers (UGTA), which represented a majority of public-sector workers, is an affiliate of the International Trade Union Confederation. Nevertheless, the law prohibits unions from associating with political parties and receiving funds from foreign sources. The courts are empowered to dissolve unions that engage in illegal activities. The government may invalidate a union’s legal status if authorities perceive its objectives to be contrary to the established institutional system, public order, good morals, law, or regulations in force.

The law provides for collective bargaining by all unions, and the government permitted the exercise of this right for authorized unions. Nevertheless, the UGTA remained the only union authorized to negotiate collective bargaining agreements.

The law provides for the right to strike, and workers exercised this right, subject to conditions. Striking requires a secret ballot of the whole workforce. The decision to strike must be approved by majority vote of workers at a general meeting. The government may restrict strikes on a number of grounds, including economic crisis, obstruction of public services, or the possibility of subversive actions. Furthermore, all public demonstrations, including protests and strikes, must receive prior government authorization. By law workers may strike only after 14 days of mandatory conciliation or mediation. The government occasionally offered to mediate disputes. The law states that decisions reached in mediation are binding on both parties. If mediation does not lead to an agreement, workers may strike legally after they vote by secret ballot to do so. The law requires that a minimum level of essential public services must be maintained during public-sector service strikes, and the government has broad legal authority to requisition public employees. The list of essential services included banking, radio, and television. Penalties for unlawful work stoppages range from eight days to two months’ imprisonment. The law protects union members from discrimination or dismissal based on their union activities. Penalties for violations of the rights of union members range from fines of DZD 10,000-50,000 (\$87-\$438) for first offenses or DZD 50,000-100,000 (\$438-\$877) and 30 days-six months in prison for repeat offenses. The law says any firing or other employment action based on discrimination against union members is invalid.

The government affirmed there were 101 registered trade unions and employers’ organizations. No new trade unions were registered between January and September, and the government said it did not receive any applications. Many trade unions remained unrecognized by the government; they identified delayed processing and administrative hurdles imposed by the government as the primary obstacles to establishing legal status. In 2016 the ILO Committee of Experts on the Application of Conventions and Recommendations stated that the lengthy registration process seriously impedes the establishment of new unions.

Attempts by new unions to form federations or confederations suffered similar challenges. Representatives of the National Autonomous Union for Public Administration Personnel (SNAPAP) stated that the union continued to function without official status.

The government continued to deny recognition to the General Autonomous Confederation of Workers in Algeria (CGATA), an independent trade union confederation that includes public and economic sector unions and committees. CGATA membership included workers from unions representing government administrators, diplomatic personnel, state electricity and gas employees, university professors, public transport and postal workers, and lawyers. The confederation also included migrants working in the country.

SNAPAP and other independent unions faced government interference throughout the year, including official obstruction of general assembly meetings and police harassment during sit-in protests. Furthermore, the government restricted union activities and the formation of independent unions in certain critical public services sectors, such as oil and gas and telecommunications.

The Committee of Experts at the International Labor Conference in June 2016 requested that the government reinstate employees that the committee determined were fired based on antiunion discrimination and act expeditiously to process pending trade union registration applications.

Antiunion intimidation was commonplace, and there were several strikes launched in reaction to the government's refusal to extend official recognition to fledgling new unions and its practice of engaging only with the UGTA.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. NGOs reported that irregular migrants sometimes worked in forced labor and that their lack of work permits made them more vulnerable to exploitation. For example, female migrants were subjected to debt bondage as they worked to repay smuggling debts through domestic servitude, forced begging, and forced prostitution. Prescribed penalties under this statute range from three to 20 years' imprisonment, which were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Construction workers and domestic workers were reportedly vulnerable. The government increased efforts to investigate and prosecute trafficking offenders and to identify and provide protection services to trafficking victims, including those subject to forced labor.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employment by minors in dangerous, unhealthy, or harmful work or in work considered inappropriate because of social and religious considerations. The minimum legal age for employment is 16, but younger children may work as apprentices with permission from their parents or legal guardian. The law prohibits workers under age 19 from working at night.

Although specific data was unavailable, children reportedly worked mostly in the informal sales market, often in family businesses. There were isolated reports that children were subjected to commercial sexual exploitation. According to UNICEF, 5 percent of children ages five to 14 were economically active as of 2013.

The Ministry of Labor is responsible for enforcing child labor laws and refers violators to the Ministry of Justice for prosecution. There is no single office charged with this task, but all labor inspectors are responsible for enforcing laws regarding child labor. The Ministry of Labor conducted inspections and in some cases investigated companies suspected of hiring underage workers. The ministry's Labor Inspector Service conducted inspections into child labor in 2016 of 11,575 businesses. It reported the discovery of 12 minors. The law for the protection of the child criminalizes anyone who economically exploits a child with a penalty of one to three years' imprisonment and a fine of DZD 50,000 to DZD 100,000 (\$438 to \$877); the punishment is doubled if the offender is a family member or guardian of the child. These penalties are neither sufficiently stringent nor commensurate with those prescribed for other serious crimes. Monitoring and enforcement practices for child labor were inconsistent and hampered by an insufficient number of inspectors.

The Ministry of Solidarity leads a national committee composed of 12 ministries and NGOs that meets yearly to discuss child labor issues. The committee was empowered to propose measures and laws to address child labor as well as conduct awareness campaigns.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment, salary, and work environment based on age, gender, social and marital status, family links, political conviction, disability, national origin and affiliation with a union. The law does not explicitly prohibit discrimination with respect to employment based on sexual orientation, HIV-positive status, or religion. The government did not adequately enforce the law, since discrimination reportedly existed, specifically against migrant workers in the informal economy who lacked a legal means to address unfair working conditions.

Men held a disproportionate percentage of positions of authority in government and the private sector. NGOs reported instances in which unaccompanied migrant female youth were exploited as domestic workers and were known to be loaned out to families for extended periods to work in homes and/or exploited as prostitutes.

e. Acceptable Conditions of Work

A tripartite social pact among business, government, and the official union established the national minimum wage of DZD 18,000 (\$157) per month in 2012. There is no official estimate of the poverty income level.

The standard workweek was 40 hours, including one hour for lunch per day. Half of the lunch hour is considered compensated working time. 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 occurred on a normal workday, a weekend, or a holiday.

The law contains occupational health and safety standards that were not fully enforced. There were no known reports of workers dismissed for removing themselves from hazardous working conditions. If workers face such conditions, they may 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. Labor standards do not protect economic migrants from sub-Saharan Africa and elsewhere working in the country without legal immigration status, which made them vulnerable to exploitation. The law does not adequately cover migrant workers employed primarily in construction and as domestic workers.

The government requires employers to declare their employees to the Ministry of Labor and to pay social security benefits. Penalties for noncompliance include a prison sentence of two to six months and a fine ranging from DZD 100,000 to DZD 200,000 (\$877 to \$1,754) and DZD 200,000 to DZD 500,000 (\$1,754 to \$4,385) for repeat offenders. The government allowed undeclared workers to gain credit for social security and retirement benefits for time spent in the informal economy if they repay any taxes owed after registering.

The Labor Ministry employed 563 labor inspectors, insufficient to enforce broad compliance.

ecoi.net summary:

Annual report on human rights in 2017



Country:

Algeria

Source:

USDOS – US Department of State (/en/source/11558.html)

Original link:

<https://www.state.gov/j/drl/rls/hrrpt/2017/nea/277235.htm> (<https://www.state.gov/j/drl/rls/hrrpt/2017/nea/277235.htm>)

Document type:

Periodical Report

Language:

English

Published:

20 April 2018

Document ID:

1430294 (former ID [357168](/en/document/357168) (</en/document/357168>))

Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

