

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	335
Land:	Algeriet
Kilde:	US Department of State
Titel:	Trafficking in Persons Report: Algeria
Udgivet:	15. juni 2023
Optaget på baggrundsmaterialet:	26. juni 2023

2023 Trafficking in Persons Report: Algeria

ALGERIA (TIER 3)

The Government of Algeria does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Algeria was downgraded to Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including adopting a NAP, creating specialized trafficking units in the General Directorate of National Security (DGSN), and approving standardized victim identification indicators drafted with an international organization, although the indicators had not yet been promulgated into victim identification procedures. Although not fully approved, the lower house of Parliament approved the draft anti-trafficking law and referred it to the upper house where it remained pending at the end of the reporting period. The government also continued to work with an international organization to develop a NRM and train officials. However, the government conducted fewer investigations and prosecutions, and its efforts to identify and assist trafficking victims remained insufficient. Due to the government's ineffective screening measures for victims among vulnerable populations, such as sub-Saharan African migrants, refugees, asylum-seekers, and individuals in commercial sex, authorities likely continued to inappropriately penalize trafficking victims solely for immigration offenses committed as a direct result of being trafficked. The government's ongoing measures to deport undocumented migrants without effective screening for trafficking indicators deterred some victims among this population from reporting trafficking crimes to the police or seeking much-needed assistance.

PRIORITIZED RECOMMENDATIONS:

- Finalize and implement SOPs for victim identification and screening for use by border, security, and law enforcement officials who encounter vulnerable populations, such as undocumented foreign migrants, asylum-seekers, refugees, and individuals in commercial sex.
- Increase investigations, prosecutions, and convictions of sex and labor traffickers.
- Amend the trafficking provision of the penal code to remove the requirement of a demonstration of force, fraud, or coercion for child sex trafficking offenses.
- Finalize and implement a formal national victim referral mechanism to refer victims to appropriate care.
- Train law enforcement, judiciary, labor inspectorate, health care officials, and social workers on victim identification and referral procedures.
- Create a mechanism to identify trafficking victims among vulnerable populations and ensure victims are not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked.
- Ensure victims of all forms of trafficking are referred to and receive protection services, including appropriate shelter, adequate medical and psycho-social care, and legal assistance.
- Provide a legal and regulatory environment that allows NGOs to provide services to trafficking victims and populations vulnerable to human trafficking.
- Ensure the safe, dignified, and voluntary repatriation of foreign victims, including through collaboration with relevant organizations and source country embassies, and provide foreign victims with legal alternatives to their removal to countries where they may face retribution or hardship.
- Improve efforts to regulate foreign labor recruitment to Algeria, including through requiring written labor contracts in languages the workers understand and banning all worker-paid recruitment fees.

- Continue efforts to raise public awareness on the indicators and risks of trafficking.
- Screen for forced labor indicators among Cuban medical professionals and People's Republic of China (PRC) nationals employed at worksites affiliated with the PRC's Belt and Road Initiative (BRI) and refer them to appropriate services.
- Screen any North Korean workers for signs of trafficking and refer them to appropriate services in a manner consistent with obligations under UN Security Council resolution 2397.

PROSECUTION

The government decreased overall law enforcement efforts but continued efforts to improve legal frameworks and train officials in partnership with an international organization. Algeria criminalized most forms of sex trafficking and all forms of labor trafficking under Section 5 of its penal code and prescribed penalties of three to 10 years' imprisonment and fines of 300,000 to 1 million Algerian dinar (\$2,200-\$7,330). These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, Section 5 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. Article 143 of Law 12-15 stated that crimes committed against children, including those involving sexual exploitation, would be vigorously penalized; it generally referenced other penal code provisions that could potentially be applied to child sex trafficking offenses that did not involve force, fraud, or coercion. Article 319 bis of the penal code, which criminalized the buying and selling of children younger than the age of 18, prescribed penalties of five to 15 years' imprisonment and a fine for individuals convicted of committing or attempting to commit this crime; however, this law could be interpreted to include non-trafficking crimes such as migrant smuggling or illegal adoption. Since 2018, the government has continued to coordinate with an international organization to draft a standalone anti-trafficking law that would remove the requirement of a demonstration of force, fraud, or coercion for child sex trafficking crimes and institutionalize victim protection measures. The lower house of Parliament approved the draft legislation in March 2023 and referred it to the upper house where it was pending at the end of the reporting period.

DGSN maintained seven police brigades to combat human trafficking and illegal immigration; five additional brigades supported the seven specialized brigades as necessary. DGSN established 58 specialized units focused on human trafficking in October 2022 to cover each *wilaya* (state) in Algeria. The Gendarmerie maintained 50 special brigades dedicated to managing children's issues, including child trafficking. The government reported investigating two new cases (one labor trafficking and one sex trafficking) and continuing another investigation initiated during the previous reporting period, a decrease compared with six investigations in 2021. The government initiated 22 new prosecutions under trafficking provisions of the penal code, five for sex trafficking crimes, one labor trafficking, and 16 for unspecified forms of trafficking. The government also continued 35 prosecutions initiated during previous reporting periods. This was a decrease compared with 35 prosecutions initiated in the previous reporting period. The government convicted two traffickers which is similar to the previous reporting period when the government convicted three sex traffickers. Courts sentenced the two convicted traffickers to three years' imprisonment and a fine of 500,000 Algerian dinar (\$3,660). The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking crimes. The government maintained four courts dedicated to cases involving transnational organized crime, under which it classified trafficking. Officials acknowledged one of the biggest obstacles to prosecuting cases was identifying trafficking crimes, in part because of a lack of well-trained investigators and judicial officials as well as limited public awareness. The government, at times in coordination with international organizations, conducted multiple anti-trafficking trainings for law enforcement, judicial officials, border security officials, labor inspectors, and other front-line responders on trafficking indicators and distinguishing between migrant smuggling; identifying, assisting, and interviewing victims; financial investigative tools; and other trafficking-related topics.

PROTECTION

The government maintained efforts to identify victims but authorities likely continued to penalize unidentified victims for offenses committed as a direct result of being trafficked. The government identified 19 trafficking victims, one of whom was a sex trafficking victim and nine forced labor victims; the government did not report details on the other nine identified victims. This compared with 22 trafficking victims identified in the previous reporting period. International organizations reported identifying 21 additional victims, including 15 sex trafficking victims, four forced begging victims, one domestic servitude victim, and one child victim exploited in both sex and labor trafficking; all victims identified by international organizations were foreign nationals, primarily from sub-Saharan Africa. The government did not consistently screen for trafficking among vulnerable migrants, including those that it deported and expelled throughout the year, nor among individuals in commercial sex, refugees, or asylum-seekers – all populations highly vulnerable to trafficking. The government approved standardized victim identification indicators, drafted with the assistance of an international organization in December 2022, but had yet to promulgate the indicators into comprehensive SOPs by the end of the reporting period. The government reported individual agencies used their own victim identification SOPs and an informal referral system to ensure victims received access to medical and psychological services and shelter. The government did not have a formal referral mechanism, but the draft anti-trafficking law included an NRM which was pending parliamentary approval at the end of the reporting period.

Victim protection services remained inadequate. The government did not provide shelter or other protection services specifically tailored to the needs of trafficking victims, nor did it track the resources it allocated to protection services during the reporting period. However, the government continued to report the Ministries of Health and National Solidarity, as well as other ministries, could provide foreign and domestic trafficking victims with free services as needed, to include shelter, food, medical services, interpretation, legal consultations, psychological counseling, and repatriation assistance. The government reported its three women's shelters, 103 children's shelters, and seven general shelters could assist trafficking victims; however, shelter employees did not have specialized training on working with trafficking victims, and it was unclear whether these shelters assisted any trafficking victims during the reporting period. The government also referred trafficking victims to 35 quasi-governmental reception centers throughout the country that could provide food, clothing, medical, and psychological support; the government reportedly provided in-kind support to these centers. The government reported providing all 19 identified victims with psychological and medical care as needed and placement in either Ministry of Solidarity shelters or quasi-governmental reception centers. The government's restrictive laws and policies toward NGOs and international organizations supporting potential trafficking victims – including restricting foreign funding and movement outside of Algiers and other cities in the north – impeded those organizations' efforts to provide specialized shelter and services to victims. The government reported it allowed relief from deportation for identified trafficking victims for an indefinite period of time and allowed all foreign victims to stay in Algeria temporarily; however, it did not grant work permits to trafficking victims while under temporary residency status. The government reported it could provide victims with access to a lawyer, police protection, and video testimony during trial; however, it did not report providing any during the reporting period. Trafficking victims were legally entitled to file civil suits against their offenders, but the government did not report cases in which victims did so during the reporting period. Courts could order restitution for victims if the perpetrator was convicted; however, the government did not report awarding restitution during the reporting period.

Due to a lack of formal identification procedures, authorities likely continued to detain, arrest, and deport some unidentified trafficking victims for immigration violations, prostitution, and other unlawful acts committed as a direct result of being trafficked. For example, border and other security authorities continued to regularly deport or expel sub-Saharan African migrants – a population highly vulnerable to trafficking – but reported lacking the manpower and capability to systematically screen each migrant for trafficking indicators. As a result, reports indicate authorities

sometimes expelled migrants outside of official deportation procedures, at times leaving migrants, some of whom likely were unidentified trafficking victims, in the desert at the Mali and Niger borders. Officials continued to rely on victims to report abuses to authorities, yet civil society groups observed that most trafficking victims in Algeria were undocumented migrants who typically did not report trafficking crimes to the police or file lawsuits against their traffickers. Although public services, such as healthcare and education, were available and free for foreign nationals in Algeria, many undocumented migrants avoided seeking public services, including out of fear of deportation. The government's deportation operations further discouraged foreign trafficking victims from self-identifying to authorities.

PREVENTION

The government maintained efforts to prevent human trafficking. The inter-ministerial anti-trafficking committee, led by the Ministry of Foreign Affairs, continued to coordinate the government's efforts during the reporting period. The presidential decree that formally institutionalized the anti-trafficking committee required it to submit a report to the president on the trafficking situation in Algeria; the government did not report submitting its annual report during the reporting period. The government adopted a 2022-2024 NAP in April 2022. The government organized multiple public awareness campaigns in Arabic and French, at times in coordination with an international organization, including ads on public transportation, radio campaigns, public briefings, and other events. The government continued to operate three generalized hotlines, which were operational 24 hours a day, to report abuse and other crimes, including potential trafficking crimes; none of the hotlines reported receiving trafficking allegations in 2022. In 2022, an NGO reported Algerian law's treatment of "illegal exit" as a criminal offense exacerbated the vulnerability of trafficking victims, in particular PRC workers employed in BRI projects. In addition, Algerian law permits non-written labor contracts, further increasing the vulnerability of foreign and Algerian workers to labor exploitation and trafficking. The government did not report prohibiting worker-paid recruitment fees. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE:

As reported over the past five years, human traffickers exploit domestic and foreign victims in Algeria, and traffickers exploit victims from Algeria abroad. Undocumented sub-Saharan migrants, primarily from Mali, Niger, Burkina Faso, Cameroon, Guinea, Liberia, and Nigeria are most vulnerable to labor and sex trafficking in Algeria, mainly due to their irregular migration status, poverty, and, in some cases, language barriers. As in previous reporting periods, an international organization reported an increase in trafficking victims identified among undocumented migrants in Algeria. Unaccompanied women and women traveling with children are particularly vulnerable to sex trafficking and forced domestic work. Refugees and asylum-seekers are also vulnerable to trafficking either before or during their migration to Algeria. In some instances, traffickers use false promises of work, such as in a beauty salon or restaurant, to recruit migrants to Algeria where they ultimately exploit them in sex trafficking or labor trafficking. More often, sub-Saharan African adults enter Algeria voluntarily and irregularly, frequently with the assistance of smugglers or criminal networks. Many migrants remain in Algeria and work in Algeria's informal job market. While facing limited opportunities in Algeria, many migrants illegally work in construction and some engage in commercial sex acts to earn money to send home, which increases their risk of sex trafficking and debt bondage. Traffickers often use restaurants, private homes, or informal worksites to exploit victims, making it difficult for authorities to locate traffickers and victims. Some migrants become indebted to smugglers, who subsequently exploit them in forced labor and sex trafficking upon arrival in Algeria. For example, some employers reportedly force adult male and child migrants to work in the construction sector to pay for smuggling fees for onward migration, where employers restrict migrants' movement and withhold their salaries and, at times, their travel documents. Many female migrants in the southern city of Tamanrasset – the main transit point into Algeria for migrants – are exploited in debt bondage through domestic servitude,

forced begging, and sex trafficking as they work to repay smuggling debts. Some migrants also fall into debt to fellow nationals who control segregated ethnic neighborhoods in Tamanrasset; these individuals pay migrants' debts to smugglers and then force the migrants into bonded labor or commercial sex. Tuareg and Maure smugglers and traffickers in northern Mali and southern Algeria force or coerce men to work as masons or mechanics; women to wash dishes, clothes, and cars; and children to draw water from wells in southern Algeria. Victims also report experiencing physical and sexual abuse at the hands of smugglers and traffickers.

Foreign women and girls, primarily sub-Saharan African migrants, are exploited in sex trafficking in bars and informal brothels, typically by members of their own communities, including in cities such as Tamanrasset, Oran, and Algiers. In 2019, civil society organizations reported anecdotally that criminal networks exploit young adult women from sub-Saharan Africa, ages 18-19, in sex trafficking in Algeria. Many sub-Saharan migrant women in southern Algeria willingly enter into relationships with migrant men to receive basic shelter, food, income, and safety, in return for sex, cooking, and cleaning. While many of these relationships are purportedly consensual, these women are at risk of trafficking. In 2019, an NGO reported that Algerian women and girls are also vulnerable to sex trafficking rings, often as a result of financial difficulties or after running away from their homes; these incidents are reportedly clandestine in nature and therefore difficult for authorities and civil society actors to identify.

Criminal begging rings are common in Algeria. Media sources suggest leaders of begging networks coerce or force sub-Saharan African migrant children to beg through the use of punishment. In 2020, a civil society organization estimated criminal begging networks exploit more than 6,000 unaccompanied migrant children in Algeria. Local leaders suggest migrant children may also be coerced into work by their parents as a result of extreme economic pressures. Nigerien female migrants begging in Algeria, who often carry children – sometimes rented from their mothers in Niger – may be forced labor victims. Nigerien children, ranging from four to eight years old, are brought to Algeria by trafficking networks with the consent of their parents and forced to beg for several months in Algeria before being returned to their families in Niger. In 2020, media reported alleged traffickers fraudulently recruited 55 Bangladeshi workers for work in Spain and instead exploited them in forced labor in the Algerian construction sector. Cuban medical professionals working in Algeria may have been forced to work by the Cuban government. North Korean nationals working in Algeria may be operating under exploitative working conditions and display multiple indicators of forced labor. PRC nationals employed in Algeria at worksites affiliated with the PRC's BRI are vulnerable to forced labor, including in the construction sector. In 2022, an NGO reported PRC workers in Algeria experienced conditions of debt bondage, fraudulent recruitment, passport confiscation, unpaid wages, and contract switching.