

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	312
Land:	Algeriet
Kilde:	USDoS - US Department of State
Titel:	Trafficking in Persons Report: Algeria
Udgivet:	29. juni 2022
Optaget på baggrundsmaterialet:	13. oktober 2022

[Home](#) > ... > [Algeria](#)

2022 Trafficking in Persons Report: Algeria

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

IN THIS SECTION / ALGERIA (TIER 2 WATCH LIST)

Algeria (Tier 2 Watch List)

The Government of Algeria does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government made key achievements during the reporting period, considering the impact of the COVID-19 pandemic, on its anti-trafficking capacity; therefore Algeria was upgraded to Tier 2 Watch List. These achievements included identifying more trafficking victims and increasing investigations and prosecutions, while continuing to convict traffickers. In addition, the government provided shelter to at least five potential child trafficking victims. The government also continued partnering with international organizations to train officials on trafficking and to conduct public awareness campaigns. Despite these achievements, government identification of and services for trafficking victims remained insufficient. Due to the government's ineffective screening measures for trafficking victims among vulnerable populations, such as African migrants, refugees, asylum-seekers, and individuals in commercial sex, authorities continued to punish some potential unidentified victims for unlawful acts traffickers compelled them to commit. The government's ongoing measures to deport undocumented migrants without effective screening for trafficking indicators deterred some victims among this population from reporting trafficking crimes to the police or seeking much-needed assistance. The government did not track and was unable to report if identified victims received protection services

PRIORITIZED RECOMMENDATIONS:

- ◆ Finalize and implement standardized procedures for victim identification and screening for use by border, security, and law enforcement officials who come in contact with vulnerable populations, such as undocumented foreign migrants, asylum-seekers, refugees, and 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 for unlawful acts traffickers compelled them to commit before arresting, prosecuting, deporting, or otherwise punishing them.
- ◆ Ensure victims of all forms of trafficking are referred to and receive protection services, including appropriate shelter, adequate medical and psycho-social care, and legal assistance.
- ◆ Ensure the safe and, to the greatest extent possible, voluntary repatriation of foreign victims, including through collaboration with relevant organizations and source country embassies, and provide foreign victims with legal alternatives to their removal to countries where they may face retribution or hardship. Continue efforts to raise public awareness on the indicators and risks of trafficking.
- ◆ Approve and dedicate sufficient resources to implement the 2022-2024 national anti-trafficking action plan.
- ◆ Screen for forced labor indicators among Cuban medical professionals, Democratic People's Republic of Korea (DPRK) workers, and People's Republic of China (PRC) nationals employed at worksites affiliated with the PRC's Belt and Road Initiative and refer them to appropriate services.

PROSECUTION

The government increased law enforcement efforts. Algeria criminalized most forms of sex trafficking and all forms of labor trafficking under Section 5 of its penal code and prescribed penalties of three to 10 years' imprisonment and fines of 300,000 to 1 million Algerian dinar (\$2,170 to \$7,230). These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, Section 5 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. Article 143 of Law 12-15 stated that crimes committed against children, including those involving sexual exploitation, would be vigorously penalized; it generally referenced other penal code provisions that could potentially be applied to child sex trafficking offenses that did not involve force, fraud, or coercion. Article 319 bis of the penal code, which criminalized the buying and selling of children younger than the age of 18, prescribed penalties of five to 15 years' imprisonment and a fine for individuals convicted of committing or attempting to commit this crime; however, this law could be interpreted to include such non-trafficking crimes as migrant smuggling or illegal adoption. Since 2018, 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 Prime Minister's Office finalized the draft legislation and referred it to the Council of Ministers and legislature for consideration at the end of the reporting period.

The General Directorate of National Security (DGSN) maintained seven police brigades to combat human trafficking and illegal immigration; five additional brigades supported the seven specialized brigades as necessary. The Gendarmerie maintained 50 special brigades dedicated to managing children's issues, including child trafficking. In 2021, the Gendarmerie investigated 2,147 cases linked to irregular migration and migrant smuggling and reported some of these cases may have involved trafficking. The government reported investigating at least six trafficking cases (three sex trafficking cases, two forced labor cases, including one on domestic servitude, and one for an unspecified purpose of exploitation)—these were the first trafficking investigations the government reported in two years. In the reporting period, the government prosecuted 35 alleged traffickers under trafficking provisions of the penal code, three for sex trafficking crimes and 32 for unspecified forms of trafficking. This was a significant increase from zero prosecutions initiated in the previous reporting period and 13 alleged traffickers prosecuted in the reporting period before that. The government convicted three sex traffickers during the reporting period; this was similar compared with the previous reporting period when the government convicted five traffickers. Sentences ranged from three years' imprisonment and a 1 million dinar (\$7,230) fine to 20 years' imprisonment; two

of the convicted traffickers were convicted and sentenced in absentia, and the government issued warrants for their arrest. The government upheld two convictions on appeal. 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 within the Algerian judicial system; these courts adjusted to the pandemic by at times limiting in-person participation in court processes and allowing video testimony. 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, and labor inspectors on trafficking indicators and distinguishing between migrant smuggling; identifying, assisting, and interviewing victims; financial investigative tools; and other trafficking-related topics.

PROTECTION

The government modestly increased efforts to identify victims but authorities continued to penalize unidentified victims. In the reporting period, the government identified 22 trafficking victims but did not detail whether they were sex trafficking or forced labor victims. This was an increase from both the previous reporting period, when the government did not identify any trafficking victims, and from the reporting period before that when the government identified 14 victims. The government did not consistently screen for trafficking among vulnerable migrants, including those that it deported throughout the year, nor among individuals in commercial sex, refugees, or asylum-seekers—populations highly vulnerable to trafficking. The government did not have comprehensive standard operating procedures (SOPs) or a formal mechanism to identify and refer victims to protection services; however, during the reporting period, the government partnered with an international organization to draft government-wide victim identification SOPs and an NRM. 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 finalize the referral mechanism or the SOPs by the end of the reporting period.

Unidentified victims continued to face punishment—such as arrest, detention, prosecution, and deportation—for immigration violations, prostitution, and other unlawful acts traffickers compelled them to commit. For example, border and other security authorities continued to

regularly deport African migrants—a population highly vulnerable to trafficking. Authorities also 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 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 making their presence known to authorities.

Victim protection services remained inadequate. The government did not provide shelter or other protection services specifically tailored to the needs of trafficking victims, nor did it track the 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 Ministry of Solidarity, Family, and Women's Affairs Child Protection Center provided shelter to at least five potential child trafficking victims. The government reported providing an unspecified number of victims medical, legal, and psychological services; the government referred some foreign victims to NGOs and international organizations for assistance. 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, but the government did not provide an instance in which this occurred during the reporting period.

PREVENTION

The government maintained efforts to prevent human trafficking. The pandemic and vacancies in the government related to political and economic uncertainties—including the presidency of the anti-trafficking committee for a significant portion of the reporting period—stalled government progress on a range of governance initiatives, including anti-trafficking efforts. 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 government allocated the committee an annual budget of 12 million dinars (\$86,780) that it could use to implement the 2019-2021 action plan, but it did not provide a breakdown of resource allocation for implementation. The presidential decree that formally institutionalized the anti-trafficking committee required it to submit a report to the president on the trafficking situation in Algeria. The 2019-2021 national action plan also required the committee to submit quarterly factsheets on activities; however, it did not provide a report or factsheets in 2021. The government drafted a 2022-2024 national action plan which was pending final approval at the end of the reporting period. The government organized multiple public awareness campaigns in Arabic and French during the reporting period, at times in coordination with an international organization, including ads on public transportation, radio campaigns, public briefings, and other events. The National Council on Human Rights, which monitored and evaluated human rights issues in Algeria, continued to lead a sub-committee dedicated to human trafficking issues. The government continued to operate three hotlines, which were operational 24 hours a day and a public website to report abuse and other crimes, including potential trafficking crimes; none of the hotlines reported receiving trafficking allegations in 2021. The government conducted 153,537 unannounced workplace inspections in 2021 and reported no cases of forced labor; however, the government acknowledged it had limited capacity to intervene in Algeria's large informal job market where most cases of forced labor occur in Algeria. 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. During the reporting period, 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 forced labor. More often, sub-Saharan African adults, often en route to Europe or in search of employment, enter Algeria voluntarily as undocumented, frequently with the assistance of smugglers or criminal networks. Many migrants, impeded in their initial attempts to reach Europe, remain in Algeria and work in Algeria's informal job market until they can continue their journey. While facing limited opportunities in Algeria, many migrants illegally work in construction and some engage in commercial sex acts to earn money to pay for their onward journey to Europe, which increases their risk of sex trafficking and debt bondage. Traffickers often use restaurants, houses, or informal worksites to exploit victims, making it difficult for authorities to locate traffickers and 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. 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. Civil society and international organizations reported in 2019 that migrant women pay smuggling networks to transport them internally within the country from Tamanrasset to Algiers and they sometimes experience sexual violence during the journey; in some cases, once arriving in Algiers, the networks force the women into domestic servitude or commercial sex in informal brothels in order to pay the smuggling fees.

Foreign women and girls, primarily sub-Saharan African migrants, are exploited in sex trafficking in bars and informal brothels, typically by members of their own communities, including in cities such as Tamanrasset and Algiers. In 2019, civil society organizations reported anecdotally that criminal networks exploit young adult women from sub-Saharan Africa, ages 18-19, in sex trafficking in Algeria. Many sub-Saharan migrant women in southern Algeria willingly enter into relationships with migrant men who provide basic shelter, food, income, and safety, in return for sex, cooking, and cleaning. While many of these relationships

are purportedly consensual, these women are at risk of trafficking. In 2019, an NGO reported that Algerian women and girls are also vulnerable to sex trafficking rings, often as a result of financial difficulties or after running away from their homes; these incidents are reportedly clandestine in nature and therefore difficult for authorities and civil society actors to identify.

Criminal begging rings are common and are reportedly increasing 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. According to credible sources in 2017, Nigerien female migrants begging in Algeria, who often carry children—sometimes rented from their mothers in Niger—may be forced labor victims. Furthermore, according to observers in 2017, Nigerien children, ranging from four to eight years old, are brought to Algeria by trafficking networks with the consent of their parents and forced to beg for several months in Algeria before being returned to their families in Niger. During the previous reporting period, 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 and DPRK nationals working in Algeria may have been forced to work by the Cuban and DPRK governments, respectively. PRC nationals employed in Algeria at worksites affiliated with the PRC's Belt and Road Initiative were vulnerable to forced labor, including in the construction sector.

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