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Trafficking in Persons Report 2018 - Country Narratives - Algeria

ALGERIA: Tier 2 Watch List

The Government of Algeria does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by its increased number of investigations and prosecutions of alleged traffickers under the anti-trafficking statute, the identification of 33 victims, and increased training for judicial practitioners. The government also established and dedicated resources for a national anti-trafficking committee under the prime minister's office and inaugurated a national day against trafficking in persons. Despite these achievements, the government did not report any convictions for trafficking-related offenses and did not implement its National Action Plan for the Prevention of and Fight Against Trafficking in Persons. It did not systematically identify trafficking victims among vulnerable populations or have a standardized mechanism in place to refer potential victims to government- or NGO-run protection services, and did not provide adequate protection services for all trafficking victims. Due to a lack of formal victim identification and screening procedures, potential trafficking victims remained at risk of penalization by the law enforcement system for acts committed as a direct result of being subjected to trafficking, such as immigration violations and prostitution. Therefore Algeria remained on Tier 2 Watch List for the second consecutive year.

RECOMMENDATIONS FOR ALGERIA

Implement the 2016 presidential decree requiring the National Committee for the Prevention and Fight Against Trafficking in Persons (NCPFAT) to vigorously investigate, prosecute, and convict sex and labor trafficking offenders and punish them with sufficiently stringent penalties; establish formal procedures for proactive victim identification and referral to care, and train law enforcement, judicial, and health care officials and social workers on these procedures; provide additional training to labor inspectors and criminal law enforcement personnel to build enforcement capacity to address labor trafficking and identify human trafficking victims; develop formal mechanisms to provide appropriate protection services, either directly or through support and partnership with NGOs and international organizations, including a designated shelter, and provide adequate medical and psycho-social care, legal aid, and repatriation assistance to all trafficking victims; ensure victims do not face arrest,

deportation, or other punishment for acts committed as a direct result of being subjected to trafficking; ensure the safe and voluntary repatriation of foreign victims, including through collaboration with relevant organizations and source country embassies, and provide foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship, continue public awareness efforts regarding the indicators and risks of trafficking, including the difference between human trafficking and smuggling; monitor and report the number of criminal investigations, prosecutions and convictions; and implement the national anti-trafficking action plan.

PROSECUTION

The government increased efforts to investigate and prosecute trafficking offenders. Algeria criminalized sex and labor trafficking under section 5 of its penal code. Prescribed penalties under this statute ranged from three to 20 years imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Law No.14-01, which criminalized the buying and selling of children younger than the age of 18, prescribed penalties of three to 20 years imprisonment for individuals and groups 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. The NCPFAT cooperated with the Ministry of Justice (MOJ) to draft a new anti-trafficking law in order to consolidate all trafficking-related statutes in one place and institutionalize some of the measures currently taken on an ad hoc basis.

NCPFAT is working with the MOJ, the Director General of National Security (DGSN), the Ministry of National Defense, and the National Gendarmerie (Police) on a database on trafficking victims, prosecutions, and convictions; however, the database was not operational at the end of the reporting period.

During the reporting period, the government reported investigating four cases involving 26 alleged traffickers and prosecuting 22 defendants under the anti-trafficking law in three of these cases, as compared with investigating and prosecuting 16 alleged perpetrators last year. Four suspects allegedly exploited two children in child sex trafficking, three suspects reportedly exploited five undocumented sub-Saharan migrants in forced labor and an unspecified number of perpetrators allegedly exploited 12 Malian girls in domestic servitude. While the government did not report specifically convicting any trafficking offenders, it did report sentencing 14 of 79 alleged perpetrators of child labor offenses to jail, some of whom may have been involved in human trafficking. The government did not provide updated information on cases reported in previous years, including the outcome of 16 prosecutions that remained pending at the end of the previous reporting period. The government requested assistance from Nigerien judicial authorities in its ongoing investigation of the September 2016 case against six alleged traffickers, as it continued to search for four

alleged traffickers who were at large at the end of the previous reporting period. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

The DGSN maintained six police brigades to monitor illegal immigration and human trafficking and provided staff with specialized training. It also maintained 50 brigades specializing in combating crimes against children, including trafficking crimes. The government reported working actively through the African Union Mechanism for Police Coordination to increase international coordination in combating trafficking in persons. Algeria hosted the UNODC's regional North Africa-Sahel forum, which included discussions of human trafficking with representatives from Algeria, Tunisia, Libya, Mauritania, Niger, Mali, Chad, and Burkina Faso. The government also contributed to INTERPOL's databases on human trafficking and migrant smuggling. The National Police, the MOJ, and the NCPFAT participated in the UNODC's Working Group on Trafficking in Vienna. Thirty police officers received training on trafficking at the Algiers police academy. The National Police organized a seminar in December 2017 on the judicial police's role in combating smuggling and trafficking in persons for investigators who interact with sub-Saharan migrants. The government also organized five conferences on trafficking in persons for judges.

PROTECTION

The government maintained protection efforts. The government identified 33 trafficking victims during the reporting period, including 19 males and 14 females, 20 adults and 13 children, one Algerian and 32 West African victims; this compared with 65 potential victims identified in the prior reporting period. The government reported that these identified victims received care and protection services. The government did not have a formal mechanism to generally identify or refer potential victims to protection services, but reported drafting an order that included such procedures, which awaited the prime minister's signature at the end of the reporting period. The government also remained without measures to screen for trafficking victimization among vulnerable groups, including migrants and persons in prostitution. The National Police provided investigators with a guide of indicators of trafficking in persons, and set up a hotline and website for victims of crimes, including trafficking, to submit reports to the police. The government reported that the hotline received over a million calls and the website received 2,264 trafficking tips; however, the government did not report if any of the calls or tips led to criminal investigations. The DGSN provided its officers with an INTERPOL manual on the trafficking and sexual exploitation of women. Government officials admitted difficulty distinguishing trafficking victims from irregular migrants and identifying trafficking victims among ethnically cohesive migrant communities.

Officials continued to rely on victims to report abuses to authorities; however, trafficking victims among the migrant populations typically did not report potential trafficking crimes to the police for fear of arrest and deportation. Additionally, 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.

Many undocumented migrants, fearing deportation, avoided public services, and the government acknowledged that foreign victims did not come forward to bring trafficking cases to the attention of police. The government's frequent operations to deport irregular immigrants may have fueled the smuggling industry and further discouraged foreign trafficking victims from making their presence known to authorities. International NGOs reported that the government deported thousands of migrants, including some minors, from a range of countries to the desert border or neighboring countries during the reporting period. Observers also reported that the government did not screen migrants for potential trafficking victimization before deporting them or moving them to government transit centers. Thus, potential trafficking victims among migrant populations continued to face punishment, such as arrest and deportation, for illegal migration and other crimes committed as a direct result of being subjected to human trafficking. The government did not provide foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship.

PREVENTION

The government increased efforts to prevent human trafficking. The government began to implement its September 2016 presidential decree, which formally institutionalized the inter-ministerial anti-trafficking committee, placed it under the auspices of the prime minister's office, and dispersed the funds in its dedicated budget. The committee was composed of 20 members from various government ministries and institutions who met several times during the year to coordinate the government's anti-trafficking activities, including implementation of the government's 2015 national anti-trafficking action plan. The NCPFAT and National Council on Human Rights (CNDH) held a major public awareness event for the International Day Against Trafficking in Persons. The government did not make efforts to reduce the demand for commercial sex or forced labor during the reporting period. The government began drafting a new migration law that would create a stronger legal framework for migration and asylum. The government provided anti-trafficking training as a part of its broader human rights training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Algeria is a transit and destination country for migrants—men, women, and children—and, in very isolated cases, a source country for children subjected to sex trafficking and men subjected to forced labor. 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 language barriers. Unaccompanied women and women traveling with children are also particularly vulnerable to commercial sexual exploitation and forced domestic work. Sub-Saharan African men and women, often en route to neighboring countries or Europe, enter Algeria voluntarily but illegally, frequently with the assistance of smugglers or criminal networks. Many migrants, impeded in their initial attempts to reach Europe, remain in Algeria until they

can continue their journey. While facing limited opportunities in Algeria, many migrants illegally work in construction and some engage in prostitution to earn money to pay for their onward journey to Europe, which puts them at high risk of exploitation. Some migrants become indebted to smugglers, who subsequently exploit them in forced labor and sex trafficking upon arrival in Algeria. For example, female migrants in the southern city of Tamanrasset—the main entry point into Algeria for migrants and for the majority of foreign trafficking victims—are subjected to debt bondage as they work to repay smuggling debts through domestic servitude, forced begging, and forced prostitution. 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 prostitution. 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. Many sub-Saharan migrant women in southern Algeria willingly enter into relationships with migrant men to provide basic shelter, food, income, and safety, in return for sex, cooking, and cleaning. While many of these relationships are purportedly consensual, these women are at risk of trafficking, and migrants in Tamanrasset reported instances of women prevented from leaving the home and raped by their “partner.” Foreign women and children, primarily sub-Saharan African migrants, are exploited in sex trafficking in bars and informal brothels, typically by members of their own communities, in Tamanrasset and Algiers. 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 4 to 8 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. Media and civil society organizations reported in 2015 that some sub-Saharan African migrant women working in domestic service for Algerian families experience physical abuse, confiscation of passports, and withheld pay. In 2014, the media and an international NGO reported Vietnamese migrants were forced to work on construction sites for Chinese contractors in Algeria. In 2015, civil society organizations reported isolated instances of foreign and Algerian children in sex trafficking and in forced labor on construction sites.

ecoi.net summary:

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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

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