

# 2019 Trafficking in Persons Report: Algeria

JUNE 20, 2019

## 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 demonstrated significant efforts during the reporting period by continuing to investigate, prosecute, and convict forced labor perpetrators. It also identified 34 victims of trafficking and referred some of them to care. The government dedicated resources for its national anti-trafficking committee, and the Prime Minister officially approved the government's 2019-2021 national anti-trafficking action plan for implementation. The government also raised awareness of trafficking issues among law enforcement and other government officials. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not systematically identify trafficking victims, leaving potential victims—especially among the African migrant population—at risk of penalization for unlawful acts traffickers compelled them to commit, such as immigration violations and prostitution. It did not have a standardized mechanism in place to refer potential victims to protection services and also did not consistently make these services available to all trafficking victims. The government did not report investigating, prosecuting, or convicting sex trafficking offenders. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Algeria was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Algeria remained on Tier 2 Watch List for the third consecutive year.

# PRIORITIZED RECOMMENDATIONS

Amend the trafficking provision of the penal code to specifically categorize all child sex crimes as trafficking as is stipulated by the Palermo protocol. • Vigorously investigate, prosecute, and convict sex and labor trafficking offenders and punish them with adequate to adequate penalties, which should involve significant prison terms. • Establish formal procedures for proactive victim identification and referral to care, and train law enforcement, judicial, labor inspectorate, health care officials, and social workers on these procedures. • Develop formal mechanisms to provide appropriate protection services, including the provision of designated shelters, adequate medical and psycho-social care, legal aid, and repatriation assistance to all trafficking victims. • Ensure victims of trafficking—especially among vulnerable populations—do not face arrest, prosecution, deportation, or other punishment for unlawful acts traffickers compelled them to commit. • 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 may face retribution or hardship. • Continue efforts to raise public awareness on the indicators and risks of trafficking. • Continue to dedicate sufficient resources to and carry out implementation of the national anti-trafficking action plan.

## PROSECUTION

The government maintained efforts to prosecute and convict suspected labor traffickers, but it did not report investigating or prosecuting alleged sex traffickers. 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* (\$2,540-\$8,480). 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 which could potentially be applied to child sex trafficking offenses that did not involve force, fraud, or coercion. 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.

In 2018, the government investigated and prosecuted 16 alleged perpetrators and convicted nine traffickers, in comparison to 26 trafficking investigations, 22 prosecutions, and convicted 14 traffickers in 2017. Of these 16 prosecutions, the government prosecuted nine perpetrators under anti-trafficking statutes and sentenced two convicted traffickers to a five-year ban on entering Algeria and fines; the government did not report additional details for the other cases. Of the cases prosecuted in 2018, three involved forced labor crimes; the rest of the cases involved forced labor and kidnapping for ransom crimes, but it did not disaggregate this data. The government did not investigate, prosecute, or convict any perpetrators for sex trafficking crimes in 2018, despite reports that sex trafficking occurred in Algeria, especially among the migrant population. In comparison to 2017, the government investigated and prosecuted alleged perpetrators of both forced labor and child sex trafficking crimes. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses during this reporting period.

The General Directorate of National Security (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. The government also continued to contribute to INTERPOL's databases on human trafficking and migrant smuggling. The government provided multiple trainings for law enforcement, gendarmerie, and judicial officials during the reporting period. Government officials also

participated in several international and multilateral training sessions and meetings on human trafficking in the region.

## PROTECTION

The government maintained efforts to identify and refer some trafficking victims to protection; however, unidentified victims, especially among the sub-Saharan African migrant population, remained vulnerable to penalization. The government identified 34 trafficking victims during the reporting period, which included 31 men and three children; this compared to 33 male, female, and child victims identified in the prior reporting period. Of the 34 identified trafficking victims, the National Gendarmerie referred eight victims to an NGO for care and referred one child victim to a judge advocate within the Ministry of Justice responsible for ensuring vulnerable children receive appropriate social services. The DGSN also referred two child trafficking victims to a youth and sports center in Tamanrasset, but it did not report what types of protection services the victims received at this center. The government did not report what type of protection services it provided to the remaining 23 identified victims. The government reported ongoing efforts to disrupt the operations of begging rings involving many women and children; however, it did not report screening for, or identifying, potential trafficking victims among this vulnerable population. The government did not have standard operating procedures or a formal mechanism to identify and refer victims to protection services, especially victims among vulnerable groups such as migrants and persons in prostitution. During the reporting period, however, the government—in cooperation with international organizations and civil society—trained law enforcement, judicial, and social services personnel, and labor inspectors on ad hoc approaches to identifying trafficking victims among high-risk populations. The DGSN also continued to provide its officers with an INTERPOL-produced manual on the trafficking and sexual exploitation of women, and the National Gendarmerie continued to provide investigators with a guide outlining human trafficking indicators. Nevertheless, government officials had difficulty distinguishing trafficking victims

from irregular migrants and identifying trafficking victims among ethnically cohesive migrant communities.

Observers reported that victim protection services were an area of needed improvement for the government. The government did not have shelter or other protection services specifically tailored to the needs of trafficking victims, nor could it quantify the amount of resources it dedicated to victim protection services during the reporting period. However, the government reported the Ministries of Health and Solidarity could provide trafficking victims with services as needed, to include safe shelter, food, medical services, interpretation services, legal consultations, psychological counseling, and repatriation assistance.

The government did not report screening migrants for trafficking indicators before arresting, detaining, and deporting them. Thus, potential trafficking victims among African migrant populations continued to face punishment—such as arrest, detention, prosecution, and deportation—for illegal migration, prostitution, and other crimes traffickers compelled them to commit. 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. Many undocumented migrants in Algeria, fearing deportation, avoided public services, and the government acknowledged that foreign victims sometimes did not come forward to bring trafficking cases to the attention of police. The government's operations to deport irregular migrants—without authorities' efforts to screen for trafficking during these operations—may have further discouraged foreign trafficking victims from making their presence known to authorities. Since January 2018 and into the current reporting period, international NGOs and the media reported the government deported thousands of migrants primarily from sub-Saharan Africa, including children and pregnant women, to the desert border or neighboring countries.

The government provided foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship. 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 did not report if it

encouraged victims to participate in the investigation and prosecution of traffickers. 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.

## PREVENTION

The government maintained efforts to prevent human trafficking. At the end of the reporting period, the government finalized and implemented a new national anti-trafficking action plan for 2019-2021 and dedicated sufficient resources to implement the plan. The national inter-ministerial anti-trafficking committee met regularly and held six public events to raise awareness about human trafficking throughout the reporting period. In the last five months of 2018, the Prime Minister's office allocated sufficient financial resources to the national anti-trafficking committee. The presidential decree that formally institutionalized the committee required the committee to submit a report to the President on the situation of trafficking in Algeria; however, it did not produce a report in 2018. The National Council on Human Rights (CNDH), which monitored and evaluated human rights issues in Algeria, continued to lead a sub-committee dedicated to human trafficking issues. In January 2019, the Ministry of Solidarity, Family Affairs, and Status of Women initiated an awareness campaign to stop the use of children in begging networks. 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 human trafficking crimes. The government did not make efforts to reduce the demand for commercial sex or forced labor.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Algeria. 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 nationwide, including in cities such as Tamanrasset and Algiers. In 2019, civil society organizations reported anecdotal reports that criminal networks exploit young adult women from sub-Saharan Africa, aged 18-19, in sex trafficking in Algeria. Criminal begging rings are

common and 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. 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.