

# Algeria | Freedom House

## POLITICAL RIGHTS: 10 / 40

### A. ELECTORAL PROCESS: 3 / 12

#### A1. Was the current head of government or other chief national authority elected through free and fair elections? 1 / 4

The president is directly elected to a five-year term. Constitutional revisions approved in 2016 reintroduced a two-term limit for the presidency, though President Abdelaziz Bouteflika, who had been in power since 1999 and was serving his fourth term as of 2018, was nevertheless eligible to seek reelection in 2019. The 2014 presidential vote was marred by ballot stuffing, multiple voting, inflated electoral rolls, and the misuse of state resources to benefit the incumbent. Moreover, the authorities were unable to give election observers access to the national electoral roll. Bouteflika was officially credited with 81.5 percent of the vote, easily defeating independent former prime minister Ali Benflis.

#### A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

The 462 members of the People's National Assembly, the lower house of Parliament, are directly elected to five-year terms. In the May 2017 elections, the ruling FLN and Democratic National Rally (RND) won a combined 261 seats. Several other parties each won a far smaller share of seats. An unpublished European Union (EU) assessment of the polls, acquired by the Algerian newspaper *Liberté*, noted serious deficiencies in the electoral process, including a general lack of access to voter lists and opaque vote-counting procedures. Opposition parties and other observers alleged widespread fraud, and media outlets carried videos recorded by voters that appeared to show ballot-box stuffing and other irregularities. Vote buying was also reported. Turnout was just under 36 percent.

The president appoints one-third of the members of the upper legislative house, the Council of the Nation, which has 144 members serving six-year terms. The other two-thirds are indirectly elected by local and provincial assemblies. Half of the chamber's mandates come up for renewal every three years. The ruling FLN secured 29 of the 48 indirectly elected seats at stake in December 2018, with the RND and smaller factions or independents taking the remainder.

#### A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

Electoral management bodies are subject to government influence. In 2016, the government created the High Independent Commission for Election Oversight (HIISE) to supervise elections and respond to complaints. However, the body's head

and all of its members are appointed by the president, and the Interior Ministry continues to play an important role in electoral administration. In 2017, the opposition and other observers questioned the independence of the HIISE and criticized the generally opaque management of the year's elections.

## **B. POLITICAL PLURALISM AND PARTICIPATION: 4 / 16**

**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4**

The Interior Ministry must approve political parties before they can operate legally. Parties cannot form along explicitly ethnic lines. The Islamic Salvation Front (FIS), which swept the 1990 and 1991 elections that preceded Algeria's decade-long civil war, remains banned.

**B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4**

Opposition parties play a marginal role in the national legislature. Election boycotts by opposition groups are not uncommon. Indecision among the opposition on whether to boycott the 2017 polls contributed to depressed turnout that harmed the competitiveness of the parties that chose to participate.

In August and September 2018, police cracked down on attempted gatherings by the new opposition movement Mouwatana, in some cases carrying out arrests and confiscating activists' mobile phones. Mouwatana, which formed earlier in 2018, opposed a fifth term for Bouteflika and called for democratic reforms.

**B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 1 / 4**

In recent years, there have been allegations of corruption and financial influence in the selection of political candidates, and of vote buying during elections. In 2017, gendarmes caught the son of FLN secretary general Djamel Ould Abbes with several candidate lists and around €200,000 (\$230,000) in cash. He was detained but released shortly afterward, apparently without being charged.

**B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4**

Parties dominated by the ethnic Amazigh (Berber) community, like the Rally for Culture and Democracy (RCD) and the Socialist Forces Front (FFS), are allowed to operate, although they sometimes boycott elections. Such parties control a handful of municipalities, mainly concentrated in the Kabylie region.

Women hold 26 percent of the seats in the lower house. While women's participation in politics is increasing, many women are reportedly reluctant to run for office and

have difficulty securing meaningful influence in the legislature and in intraparty debates. In 2017, some parties obscured the faces of women candidates on their campaign posters.

LGBT (lesbian, gay, bisexual, and transgender) people are politically marginalized and have little practical ability to fight for relevant antidiscrimination laws or the repeal of laws criminalizing same-sex sexual relations.

## **C. FUNCTIONING OF GOVERNMENT: 3 / 12**

### **C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4**

The executive is extremely powerful, and Parliament plays only a marginal role in policymaking. Bouteflika, aging and in poor health, has increasingly withdrawn from political life and public appearances; several other figures exert strong influence over executive decisions, including the president's brother, Saïd Bouteflika; wealthy government-aligned businessmen; and senior military officials.

### **C2. Are safeguards against official corruption strong and effective? 1 / 4**

Anticorruption laws, a lack of government transparency, low levels of judicial independence, and bloated bureaucracies contribute to widespread corruption. While lower-level officials have been held accountable for corrupt behavior, few corruption cases are filed against senior officials. In May 2018, the seizure of 701 kilograms of cocaine in the port of Oran led to an investigation that uncovered links between organized crime, security officers, public officials, and the children of prominent politicians. The head of the national police was dismissed in the wake of the scandal.

### **C3. Does the government operate with openness and transparency? 1 / 4**

The country lacks legislation that guarantees citizens' access to official information. There is considerable opacity surrounding official decision-making procedures, the publication of official acts is rarely timely, and rules on asset disclosure by government officials are weak and poorly enforced.

## **CIVIL LIBERTIES: 24 / 60 (-1)**

## **D. FREEDOM OF EXPRESSION AND BELIEF: 7 / 16**

### **D1. Are there free and independent media? 1 / 4**

Although some newspapers are privately owned and some journalists remain aggressive in their coverage of government affairs, most papers rely on government agencies for printing and advertising, encouraging self-censorship. Authorities sometimes block distribution of independent news outlets that are based abroad or online. A cybercrime law gives authorities the right to block websites that are

“contrary to the public order or decency.” Viewers can access unlicensed private television channels located in Algeria but legally based outside the country, though these are subject to government crackdowns, including office raids and confiscation of equipment. In September 2018, a group of 16 filmmakers denounced government attempts to censor their work or block its release in the country.

Authorities use legal mechanisms to harass the media and censor or punish controversial reporting. Several journalists and bloggers faced brief detentions, short jail terms, suspended sentences, or fines during 2018 for offenses including defamation and “undermining national unity.” In one of the harsher verdicts, an appeals court sentenced blogger Merzoug Touati to seven years in prison in June; he had been arrested in January 2017 after conducting an interview with an Israeli Foreign Ministry spokesperson and publishing it online.

## **D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4**

Algeria’s population is overwhelmingly Sunni Muslim. Religious communities may only gather to worship at state-approved locations. Proselytizing by non-Muslims is illegal. Religious minorities sometimes face repression. Authorities have cracked down on the small Ahmadi minority, claiming that its members denigrate Islam, threaten national security, and violate laws on associations. Among other cases in recent years, in June 2018 a group of 27 Ahmadis received suspended prison sentences ranging from three to six months each. Christians also occasionally suffer from state persecution. Several Protestant churches were ordered closed for legal violations during 2018, a Christian was fined for illegal proselytism in May, and a group of five Christians were charged with the same offense in October.

## **D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4**

Authorities generally do not interfere directly with the operations of universities, though due to restrictive laws that apply more generally, debate is somewhat circumscribed in practice. Academic work is also affected by state censorship of domestically published and imported books.

## **D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4**

Private discussion can take place relatively freely when it does not focus on certain sensitive topics. The government monitors internet activity in the name of national security and does not disclose information about the program’s targets or range, which is thought to be extensive. Social media users and bloggers, particularly those with higher profiles, are subject to prosecution for critical comments. For example, activist blogger Abdullah Benaoum was sentenced to two years in prison in April 2018 over Facebook posts in which he accused the authorities of human rights abuses.

## **E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12 (-1)**

**E1. Is there freedom of assembly? 2 / 4**

While protests are fairly common, engaging in unauthorized demonstrations can draw up to a year in prison, and the government regularly uses force to disrupt public assemblies. A long-standing ban on demonstrations in Algiers remained in place during 2018. Police intervened to preempt or disperse protests on political, economic, and labor issues throughout the year.

**E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 1 / 4**

The 2012 law on associations effectively restricts the formation, funding, and activities of nongovernmental organizations (NGOs). Permits and receipts of application submission are required to establish and operate NGOs, but organizations often face considerable delays and bureaucratic obstacles when attempting to obtain such documents, leaving them in a legally precarious position. Two women's rights organizations were temporarily closed by the authorities in February 2018 on the grounds that they lacked registration receipts, which were eventually issued to them in September under a court order. NGOs must notify the government of staffing changes and submit detailed reports on their funding; those that accept foreign funding without government approval risk fines or imprisonment. In October 2018, a group of NGOs demanded the repeal of the law on associations.

**E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4 (–1)**

The main labor federation, the General Union of Algerian Workers, has been criticized for being too close to the government and failing to advocate for workers' interests. Workers require government approval to establish new unions, and this is difficult to obtain in practice, leaving many unions without legal status. Authorities have increasingly clamped down on efforts to form independent unions and to stage strikes. In January 2018, security forces broke up a rally by workers affiliated with the Autonomous National Union of Electricity and Gas Workers (SNATEGS), which is not recognized by the authorities, and arrested more than 1,000 people. Also that month, police violently dispersed a sit-in protest by striking doctors in Algiers, reportedly injuring dozens of the protesters and arresting others. The doctors' labor protests continued over the subsequent months, and similar police actions occurred in March and April.

*Score Change: The score declined from 2 to 1 due to the government's ongoing refusal to recognize many independent trade unions and its violent suppression of labor-related protests during the year.*

**F. RULE OF LAW: 6 / 16****F1. Is there an independent judiciary? 1 / 4**

The judiciary is susceptible to government pressure, for instance regarding cases against people close to the presidency. Judges are appointed by the High Council of

the Judiciary, which is led by the president and the justice minister. Individuals with financial resources or political connections can also influence judicial decisions. In July 2018, several judges were dismissed or placed under scrutiny after being implicated in the drug-trafficking case that was uncovered in May; the businessman at the center of the case had reportedly recorded his corrupt interactions with magistrates and other officials.

## **F2. Does due process prevail in civil and criminal matters? 1 / 4**

The lack of independence on the part of judges and prosecutors often erodes the due process rights of defendants, particularly in politically fraught trials. Lengthy delays in bringing cases to trial are common. Prosecutors' requests to extend pretrial detention periods are typically granted. Security forces frequently conduct warrantless searches and engage in arbitrary arrests and short-term detentions.

## **F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4**

A 2006 reconciliation law gave immunity to perpetrators of serious crimes during the civil war. Allegations of torture have decreased since the end of the war, but human rights activists still accuse the police of using excessive force and abusing detainees.

Terrorist groups continue to operate in Algeria, and in July 2018, a clash between security forces and an alleged jihadist cell led to the deaths of seven soldiers. However, attacks have grown less frequent in recent years, and no terrorist bombings were reported during 2018.

## **F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4**

Officials have made modest efforts to address the Amazigh community's cultural demands. Tamazight, the Berber language, is now a national language.

Sub-Saharan African migrants, including refugees and asylum seekers, are often arbitrarily arrested and deported from the country—or simply abandoned at the desert border—without being given the opportunity to challenge the actions in court. In May 2018, the United Nations criticized the government for engaging in mass deportations of migrants.

LGBT people face severe discrimination and the risk of violence for expressing their sexual orientation, and many LGBT activists have fled the country. Same-sex sexual relations are punishable with two months to two years in prison; arrests have been reported in recent years, though prosecutions are less common.

The constitution guarantees gender equality, but women continue to face both legal and societal discrimination. Many women make lower wages than men in similar positions, and there are few women in company leadership positions. Sexual harassment, while punishable with fines and jail time, is nevertheless common in workplaces.

## **G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 7 / 16**

**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4**

While most citizens are relatively free to travel domestically and abroad, the authorities closely monitor and limit access to visas for non-Algerians. Men of military draft age are not allowed to leave the country without official consent. The land border between Algeria and Morocco has been closed for years, separating families that live in the border areas and forcing many to resort to illegal smuggling networks for routine travel. Police reportedly limit the movement of sub-Saharan African migrants attempting to reach the Mediterranean coast. Married women younger than 18 must obtain the permission of their husbands to travel abroad.

**G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4**

The government plays a dominant role in the economy, leaving little room for private competitors. Cronyism is also a major obstacle to private enterprise, with businesspeople not aligned with the regime often facing harassment by the authorities. Numerous regulations and their flawed implementation make Algeria one of the most difficult environments in the world in which to establish and operate a business. Inheritance rules favor men over women.

**G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4**

Women do not enjoy equal rights in marriage and divorce. Domestic violence is common, and the laws against it are weak; for example, cases can be dropped if the victim forgives the alleged abuser. Women's rights groups report that between 100 and 200 women are killed in domestic abuse incidents each year. No law addresses spousal rape.

**G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4**

The weak rule of law, government involvement in the economy, and bureaucratic obstacles pose barriers to social mobility.

A 2009 law criminalized all forms of trafficking in persons, and Algeria reported its first conviction under the law in 2015. In recent years, the government has made an effort to enforce the ban through prosecutions and has provided protection for victims, though not systematically. Undocumented sub-Saharan African migrants are particularly susceptible to labor or sexual exploitation, including through debt bondage.