



## Algeria

### Country Reports on Human Rights Practices - [2007](#)

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Algeria is a multiparty republic of approximately 33 million inhabitants whose head of state (president) is elected by popular vote to a five-year term. The president has the constitutional authority to appoint and dismiss cabinet members and the prime minister, who serves as the head of government. The president also serves as commander-in-chief of the armed forces. President Bouteflika was re-elected in 2004 in a generally transparent, contested election. Multiparty parliamentary elections on May 17 were conducted in a generally transparent manner, but not all political parties were allowed full access to the electoral process. Multiparty local elections were held on November 29, but the election process was marred by irregularities and charges of fraud. In 1992 authorities imposed a state of emergency which continued during the year. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently of government authority.

The government continued to fail to account for thousands of persons who disappeared in detention during the 1990s. Other significant human rights problems included restrictions on political party activity limiting the right to change the government peacefully; reports of abuse and torture; official impunity; prolonged pretrial detention; limited judicial independence; denial of fair, public trials; restrictions on civil liberties, including freedom of speech, press, assembly, and especially association; security-based restrictions on movement; limitations on religious freedom, including increased regulation of non-Muslim worship; corruption and lack of government transparency; discrimination against women; and restrictions on workers' rights.

Armed groups committed a significant number of abuses against civilians, government officials, and members of security forces.

### **RESPECT FOR HUMAN RIGHTS**

#### Section 1 Respect for the Integrity of the Person, Including Freedom From:

##### a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

In contrast to previous years, Ministry of the Interior (MOI) and government press releases concerning the total number of terrorist, civilian, and security force deaths were infrequent. However, during the year, according to MOI and press reports, the total number of terrorist, civilian, and security force deaths increased to 670 (compared to 489 in 2006 and 488 in 2005). Of these, government and press reports stated that terrorists killed 132 civilians (70 in 2006, 76 in 2005) and 160 security force members (142 in 2006, 177 in 2005); security forces killed an estimated 378 suspected terrorists (277 in 2006, 235 in 2005).

Most of the terrorist attacks during the year were attributed to the Salafist Group for Preaching and Combat (GSPC), which allied itself to Al-Qa'ida in September 2006 and changed its name in January to Al-Qa'ida in the Islamic Maghreb (AQIM).

The year was marked by significant violence. For example, on April 11, three suicide car bomb attacks in Algiers caused 33 deaths and over 100 injuries. One of the attacks targeted the building housing the prime minister's office and the office of the interior ministry. The two other attacks targeted a police station in Bab Ezzouar, a suburb of Algiers. AQIM claimed responsibility for the attacks.

On July 11, a suicide car bomb attack occurred in Lakhdaria, a town southeast of Algiers, targeting a military barracks and resulting in 10 deaths and 35 injuries, all soldiers. On September 6, a man wearing a suicide vest detonated himself in a crowd in Batna waiting to greet President Bouteflika, killing 19 citizens, injuring 107. On September 8, a suicide car bomb detonated inside a coastguard base in Dellys, killing 35 and wounding 60. On December 11, two suicide vehicle bombs in

Algiers claimed the lives of 37 individuals, according to press reports. A bus filled with students bore the brunt of one of the blasts. The other bombing specifically targeted the offices of the UN Development Program (UNDP) and resulted in the deaths of 11 UN workers. AQIM claimed responsibility for all five attacks.

In February 2006 Ali Tounsi, director general of the national police, stated that terrorism had been nearly eliminated and that organized crime was responsible for some of the violence. Subsequent events, however, did not support this claim. During the year most violence continued to be localized in mountainous and rural areas in northern Algeria. Revenge, banditry, and land ownership disputes prompted some of the reported killings.

In July Minister of Interior and Local Authorities Nourredine Yazid Zerhouni stated that 4,800 policemen were killed by terrorism during the "national tragedy" of the 1990s.

#### b. Disappearance

Enforced "disappearances", reportedly numbering in the thousands, were a significant problem during the 1990's.

In July Daho Ould Kablia, a minister-delegate in the Ministry of Interior in charge of Local Collectivities claimed in an interview with the newspaper *Echourouk el-Youmi*, "There has been no forced disappearance since 1999." On February 6, Algeria signed the new International Convention for the Protection of All Persons from Enforced Disappearances. Law 06-01 of February 27 provides measures for compensating victims of "disappearances."

In March 2006 the UN Human Rights Committee issued its first ruling on enforced disappearances in the country. The Committee found that the government violated several provisions of the International Covenant on Civil and Political Rights when it failed to protect the rights and life of Salah Saker and Riad Boucheref, who disappeared in 1994 and 1995 respectively.

For courts to hear charges of disappearance, the law requires at least two eyewitnesses. Thousands of disappearances occurred in the 1990s, many later attributed to the security forces. The government did not prosecute any security force personnel, and there was no evidence that the government investigated any of the cases that it acknowledged were caused by security forces.

The total number of disappeared during the 1990s continued to be debated. In 2006 the government estimated that 6,546 persons were missing or disappeared as a result of government actions between 1992 and 1999, with approximately 10,000 additional persons missing or disappeared from terrorist kidnappings and murders. Local NGOs reported that security forces played a role in the disappearances of approximately 8,000 persons.

In 2005 voters approved by referendum President Bouteflika's proposed Charter for Peace and National Reconciliation, which ended the Ad Hoc Mechanism established in 2003 to account for the disappeared. The charter went into effect in March 2006, granting amnesty to and preventing investigation into the conduct of the National Popular Army, the security forces, state-sponsored armed groups, and persons who fought on behalf of the government. The full text of the law was not provided to citizens prior to the vote and human rights organizations voiced concern in 2006 that the law consecrated impunity for crimes committed by security forces.

The amnesty also covered certain persons involved in Islamist militant and terrorist activities. To qualify for amnesty, individuals engaged in terrorism had to cease armed activities and surrender themselves and their weapons to the authorities. Persons implicated in mass killings, rapes, or bomb attacks in public places were not eligible for amnesty. Many imprisoned terrorists were also given amnesty. Some local nongovernmental organizations (NGOs), including Somoud, Djazairouna, and the Algerian League for the Defense of Human Rights, criticized the charter for enabling terrorists to escape justice for crimes they committed against civilians.

Families of the disappeared experienced complications and delays in receiving compensation from the government. According to the Ministry of National Solidarity (MNS), a special fund valued at approximately \$231 million (approximately 15.6 billion dinars) was used to compensate individuals eligible under the Charter for Peace and National Reconciliation. At least 17,000 requests for compensation have been submitted, of which approximately 5,300 requests will be honored. Another 2,700 requests are under consideration. The remaining 9,000 requests will not benefit directly from the charter, but the individuals will receive financial assistance from MNS. Compensation is handled at the wilaya (province) level and amounts of payments vary.

During the year press reports indicated that 35 civilians were kidnapped in the Kabylie region by AQIM. Press reports indicated that AQIM (then known as GSPC) kidnapped approximately 55 civilians in 2006.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Articles 34 and 35 of the constitution and articles 263 and 263 bis-1 of the penal code prohibit torture and other cruel,

inhuman, or degrading treatment or punishment; however, NGO and local human rights activists reported that government officials employed such practices and that the members of the military intelligence service's Department of Information and Security (DRS) frequently used torture to obtain confessions.

The penal code criminalizes torture; government agents can face prison sentences of up to 10 to 20 years for committing such acts, based on a December 2006 modification to the law. However, impunity remained a problem.

Human rights lawyers maintained that torture continued to occur in DRS detention facilities, most often against those arrested on "security grounds." The *Amnesty International Report 2007* reported detainees were "beaten, tortured with electric shocks, suspended from the ceiling, and forced to swallow large amounts of dirty water, urine, or chemicals... Reports of torture and ill treatment were not known to have been investigated." In July 2006 Amnesty International (AI) published a report on torture by the secret military police, which concluded that the security forces continued to benefit from impunity.

#### Prison and Detention Center Conditions

During the year the government permitted the International Committee of the Red Cross (ICRC), the UNDP, and the Red Crescent Society to visit regular, nonmilitary prisons. ICRC visits were in accord with standard modalities. The government denied independent human rights observers visits to military and high-security prisons and detention centers. In August a British delegation along with experts from the European Commission visited prisons run by the justice ministry's penitentiary administration. According to press reports, one British expert who had visited two prisons said that prisons did not meet international standards for medical care and recreational activities.

In a November press conference, Mokhtar Felioune, the justice ministry's Director General of the Prisons Administration said there were 54,000 prisoners housed in 127 prisons. He added that 6,100 of the 54,000 had not yet been convicted. Overcrowding was a problem in some prisons. According to human rights lawyers, the problem of overpopulation can be partially explained by "the abusive recourse to pretrial detention." Detainees are held separately in the prison system.

#### d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention. In 2005 the head of the government-appointed National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH) said that pretrial detention, although defined as an exceptional measure by article 123 of the penal code, was overused (See section 4 regarding role of CNCPPDH).

#### Role of the Police and Security Apparatus

The national police force (DGSN), consisting of more than 108,000 members, falls under the control of the MOI and has national jurisdiction. The gendarmerie, under the Ministry of Defense, also performs police-like functions outside urban areas. The military intelligence service's DRS reports to the defense ministry and exercises internal security functions. Police and gendarmerie were generally effective at maintaining order. All security forces are provided a copy of a code of conduct establishing regulations for conduct and sanctions for abuses. Corruption existed, especially in the customs police.

Impunity remained a significant problem. The government did not provide disaggregated public information on the numbers, infractions, or punishments of police, military, or other security force personnel.

In 2006, according to human rights attorneys, police officials, and local NGOs, the most frequent abuse of police authority occurred as a result of officers not following established guidelines for arrests.

During the year, Ali Tounsi, director general of the DGSN, confirmed that 10 DGSN officials arrested for embezzlement, use of public money for personal gain, and cronyism were "no longer a part of the police force." Trials were conducted by the DGSN and the officials were fired. DGSN membership was more than 108,000.

In August General Commander of the National Gendarmerie Ahmed Bousteila announced that between 2000 and 2006 the gendarmerie had fired 5,000 gendarmes for violating a professional code of ethics and for being involved in corruption, absenteeism, tardiness, and drinking on duty. The National Gendarmerie further stated that, of the 5,000 fired, 1,600 gendarmes had been brought to justice for various charges. No information was available at year's end on whether cases were pending against the other 3,400 gendarmes fired.

#### Arrest and Detention

According to the law, police must obtain a summons from the prosecutor's office to require a suspect to appear in a police

station for preliminary questioning. Summonses are also used to notify and require the accused and/or the victim(s) to attend a court proceeding or hearing.

The government issues warrants under three different circumstances: to bring an individual from work or home to a court; to execute a prosecutor's approved request to place a person into custody pending trial; or to arrest a suspect considered to be a flight risk. Police may make arrests without a warrant if they witness an offense taking place. Lawyers reported that procedures for warrants and summonses were usually carried out properly.

The constitution specifies that a suspect may be held in detention for up to 48 hours without charge. If more time is required for gathering additional evidence, the police may request that the prosecutor extend the suspect's detention to 72 hours. Those suspected of terrorism or subversion may legally be held for 12 days without charge or access to counsel. In practice, the security forces generally adhered to the 48-hour limit in nonterrorism cases. However, detainees in prolonged pretrial detention were sometimes not promptly charged.

Prolonged pretrial detention remained a problem. The law does not provide a person in detention with the right to a prompt judicial determination of the legality of the detention. Persons charged with acts against the security of the state, including terrorism, may be held in pretrial detention as long as 20 months, according to the penal code; the prosecutor must show cause every four months for continuing pretrial detention.

Judges rarely refused prosecutor requests for extending preventive detention. Detention can be appealed to a higher court but was rarely overturned. If the detention is overturned, the defendant can request compensation. In December 2005, the minister of justice acknowledged publicly that prosecutors sometimes abused investigative detention. Most detainees had prompt access to a lawyer of their choice and, if indigent, were provided a lawyer by the government. In November according to the prison administration, pretrial detainees represented 6,100 persons or 11 percent, of those held by prison authorities.

There is no system of bail, but in nonfelony cases suspects are usually released on "provisional liberty" while waiting for trial. Under provisional liberty, suspects are required to report weekly to the police station in their district and are forbidden from leaving the country.

The penal code requires detainees in pretrial detention to be immediately informed of their right to communicate with family members, receive visitors, and be examined by a doctor of their choice at the end of detention. In addition, any suspect can request a medical examination once on police premises or before facing the judge. In practice, however, detainees were typically examined only at the end of their detention. Frequent reports that these rights were not extended to detainees continued during the year.

Local and international NGOs and activists, however, reported that there was no official news of the whereabouts of Fethi Hamaddouche. He has not been heard from since he was last seen on March 5 in the custody of the DRS. In March AI reported that Youcef Belmouaz and Brahim Abed disappeared in November 2006 and were held incommunicado by the DRS. According to a local NGO, the two were released after seven months. On June 6, local NGOs said that Mohamed Fatmia disappeared from his job at a construction site in an Algiers suburb. On July 18, according to human rights activists, Mohamed Rahmouni disappeared after being taken into custody. According to the local NGO SOS Disparus, the whereabouts of Hamaddouche, Fatmia, and Rahmouni also remained unknown at the end of the year.

In June 2006, according to local and international NGOs, Mohammed Rabah Ajine, Zeineddine Belacel, and Habib Boukhatemi, all from Tiaret, disappeared and were later placed in pretrial detention in Algiers. In October 2006 the three appeared before a judge and were charged with belonging to a terrorist group operating in the country and abroad. They reportedly were being held in Berrouagouia at the end of the year.

#### e. Denial of Fair Public Trial

Although the constitution provides for an independent judiciary, executive branch decrees and influence limited judicial independence. The constitution provides for the right to a fair trial; however, in practice, authorities sometimes did not respect legal provisions regarding defendants' rights and denied due process.

The High Judicial Council is responsible for judicial discipline and the appointment of all judges. President Bouteflika was President of the Council.

The judiciary is composed of civil courts, which heard cases involving civilians facing charges not related to security or terrorism, and the military courts, which can hear cases involving civilians facing security and terrorism charges. Regular criminal courts can try cases involving security-related offenses at the local level. Legal decisions regarding family matters are based on both Shari'a (Islamic law) as well as civil law.

Military courts in Oran, Blida, Constantine, and Bechar try cases involving state security, espionage, and other security-

related offenses involving military personnel and civilians. Each tribunal consists of three civilian judges and two military judges. Although the president of each court is a civilian, the chief judge is a military officer. Defense lawyers must be accredited by the military tribunal in order to appear. Public attendance at the trial is at the discretion of the tribunal. Appeals are made directly to the Supreme Court. Military tribunals try cases, but only occasionally disclose information on proceedings. There was no public information available on any cases before them during the year.

The nine-member Constitutional Council reviewed the constitutionality of treaties, laws, and regulations. Although the council is not part of the judiciary, it has the authority to nullify laws found unconstitutional, to confirm the results of any type of election, and to serve as the final arbiter of amendments that pass both chambers of the parliament before becoming law.

As part of a program intended to eliminate judicial corruption, in February the High Judicial Council decided the cases of 17 suspended magistrates. Six magistrates were permanently fired from the Court of Algiers, two received a "serious warning," three were demoted, and three were found innocent. The decisions regarding the remaining three magistrates were not available at year's end.

In 2005 at a disciplinary hearing that did not afford full due process, the High Judicial Council permanently dismissed and disbarred Judge Mohamed Ras El Ain, who was accused of criticizing the politicization of the judiciary. Ras El Ain maintained that the judicial system had been abused to serve the interests of a political party

Most trials are public and nonjury. Defendants are presumed innocent and have the right to be present and to consult with an attorney, provided at public expense if necessary. Defendants can confront or question witnesses against them or present witnesses and evidence on their behalf. Defendants and their attorneys were sometimes denied access to government-held evidence relevant to their cases. Defendants also have the right to appeal. The testimonies of men and women are considered of equal weight.

#### Political Prisoners and Detainees

Unlike in the previous year, there were no reports of political prisoners and political detainees during the year.

#### Civil Judicial Procedures and Remedies

The judiciary was not fully independent and impartial in civil matters, and particularly lacks independence in human rights cases. Family connections and status of the parties involved reportedly influenced decisions. Individuals may bring lawsuits and there are administrative processes related to the amnesty, which may provide damages for human rights violations and compensation for alleged wrongs.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions; in practice, however, government authorities infringed on citizens' privacy rights. The government actively monitored the communications of political opponents, journalists, human rights groups, and suspected terrorists. The DRS and other security officials reportedly searched homes without a search warrant.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The constitution provides for freedom of speech and press; however, the government restricted these rights in practice through harassment and arrest for defamation and informal pressure on publishers, editors, and journalists.

Individuals generally were able to criticize the government privately without reprisal. However, citizens generally self-censored public criticism. The government attempted to impede criticism by monitoring political meetings.

The law specifies that freedom of speech must respect "individual dignity, the imperatives of foreign policy, and the national defense." The state of emergency decree introduced in 1992 and still in effect, gives the government broad authority to restrict these freedoms and take legal action against what it considers to be threats to the state or public order. These regulations were heavily applied throughout the year.

Radio and television are government-owned, with coverage favorable to government policy. During nonelection periods, opposition spokesmen were generally denied access to public radio or television. Some opposition parties had severely limited access to television. These limitations, however, were less evident for radio. Political parties and independent candidates received the same amount of radio access time during the three-week campaign period prior to the May legislative elections and again prior to the November local elections. Several opposition parties said that their daily media

allotment during the three-week period was the first time they had been allowed media access since the last election cycle.

The country's print media consisted of more than 52 daily, 95 weekly, 14 fortnightly, 27 monthly, and 3 occasional publications that supported or opposed the government to varying degrees. According to Ministry of Communication statistics, 29 newspapers circulated in excess of 10,000 copies each. The government owned two French-language and three Arabic-language newspapers. Many political parties, including legal Islamic parties, had access to the independent press and made use of it to express their views. Opposition parties also disseminated information via the Internet and in communiqués.

The law permits the government to levy fines and to imprison members of the press in a manner that restricts press freedom. The government censored directly and indirectly and intimidated the media into practicing self-censorship. The government used defamation laws to harass and arrest journalists, and the press faced government retaliation for criticizing government officials.

A presidential decree of February 2006 criminalizes free speech about the conduct of the security forces during the internal conflict.

Charges of defamation are based on the 1990 communication law which protects Islam from defamation, controls access to external information, and outlaws writing that threatens national unity. In 2001, the laws were amended to criminalize writing, cartoons, and speech that insult or offend the president, parliament, judiciary, or armed forces. The penal code imposes high fines and prison terms of up to 24 months for defamation or "the insult" of government figures, including the president, members of parliament, judges, members of the military, and "any other authority of public order." Those convicted face prison sentences that range from 3 to 24 months and fines of \$740 to \$7,400 (50,000 to 500,000 dinars).

Defamation laws were used by the government in an attempt to silence editors, journalists, and the owners of printing houses. On October 18, the International Federation of Journalists (IFJ) condemned actions taken by the Algerian government against journalists. In the press release, IFJ General Secretary, Aidan White said, "Algeria has been using its criminal law to silence any critical voices and journalists continue to be victims of this repressive tactic. We are calling on the government to make a commitment to press freedom and to allow the media to work independently without fear of reprisals."

On April 4, the Algiers Court of Appeal imposed suspended sentences of six months in prison and a fine of \$7,400 (500,000 dinars) on editor Ali Fodel and reporter Naila Berahal of the Arabic-language daily *Echourok el-Youmi*. The prosecutor's request to have the newspaper closed was rejected. In October 2006 an Algiers court convicted both men on charges of defaming "Libyan leader Muammar al-Qadhafi, the Libyan state, and the security of the Algerian and Libyan states." The judge sentenced both defendants to six months in prison and ordered the newspaper closed for two months. Fodel and Berahai appealed.

In April 18, Saad Lounes was given a one-year sentence for tax fraud on the basis of a complaint by the Ministry of Commerce dating back to 1995. Lounes was the target of legal pressure for more than 10 years, resulting in the loss of his newspaper and his printing company Sodipress, the only privately owned printing house at that time. His company printed several publications that the state presses refused to handle. Lounes appealed the court's decision. Lounes currently resides abroad.

On October 15, Dhif Talal, an *Al Fadjr* journalist, was sentenced to a jail term of six months after being convicted of defamation charges. The initial charges were brought by the Ministry of Agriculture because of Talal's article exposing monetary losses suffered by the ministry due to poor administration. Talal appealed the decision but a court date had not been set by year's end.

On November 19, a journalist at Arabic-language daily *Al Bilad*, Ouahid Oussama, received a summons to appear in court on defamation charges. Oussama wrote a report outlining the failings of the Djelfa education system.

In 2006 68 press-related defamation cases were tried. In 2005 there were 114 recorded cases of defamation directed at the press. There were no accurate numbers available to reflect the number of defamation cases during the year.

Government economic leverage on the media is considerable. In the past, the government closed newspapers for debts to the state-owned printing house. The last such closure occurred in 2004. All newspapers were printed at government-owned presses, except *El-Watan*, *El Khabar*, *Quotidien d'Oran* (in Oran) and *Echourouk el-Youmi*.

In June at the annual World Newspaper Congress, Omar Belhouchet, owner of the country's first independent newspaper *El Watan*, claimed to have faced over 50 lawsuits and an attempt on his life. Belhouchet continued to press for the country to adopt international standards of journalism.

The government continued to influence the independent press through the state-owned advertising company, Agence

Nationale d'Édition et de Publicité (ANEP). ANEP decided which independent newspapers could benefit from advertisements placed by state-owned agencies and companies. ANEP, and therefore the government, controlled the largest source of income for most newspapers. During the year, independent advertisers played a considerably smaller, but increasingly visible, role in advertising revenue.

Most independent newspapers continued to rely on the government's four publishers for printing presses and newsprint.

In November at the Algiers Book Fair, government officials confiscated the recent book by Mohamed Benchicou, *The Jailhouses of Algiers*, as well as the banned the sale of over 1,100 books and religious materials. In October 2006 the government similarly prevented books and CD-ROMs in support of Salafist views of Islam from being exhibited and sold at the fair.

The government continued restrictions on both the local and international media's coverage of issues relating to "national security and terrorism." Al Jazeera has been banned from reporting in the country since 2004, when the government closed its office. The accreditation card of Al Arabiya's correspondent, Ahmed Magaache, was withdrawn in 2004.

Satellite dish antennas were widespread and provided an estimated 60 percent of households with access to European and Arab channels.

Access to print and broadcast media for Amazigh culture continued to grow. Tamazight (the Amazigh or Berber language) programming also increased on the non-Berber language channels, as did advertisements in Tamazight on all television and radio channels. Beginning in the 2006-2007 scholastic year, the Tamazight language was officially taught in primary schools, starting in the fourth grade in 17 predominantly Berber provinces.

In June the government created an Academy and a Superior Council of the Tamazight language, pursuant to Article 3 of the constitution announcing that Amazigh is a national language. Both institutions are under the authority of the presidency.

Restrictions remained in place on the international media, limiting its ability to report freely; however, the restrictions were not as stringently enforced as in previous years. Al Jazeera's office remained closed. Neither Ahmed Megaache as the BBC Arabic correspondent nor Arezki Ait Larbi as the *Figaro* correspondent has received a requested accreditation; in the latter case, a denial lasting since 1995.

#### Internet Freedom

Access to the Internet was generally unimpeded by the government; however, the government monitored email and Internet chatrooms. On June 11, Internet blogger Abdulsalam Baroudi appeared in court on charges, brought by the Director of Religious Affairs, of posting defamatory material on a personal blog. Baroudi was fined \$148 (10,000 dinars). Article 14 of the 1998 ministerial decree on telecommunications states that Internet service providers are legally liable for the material and Web sites they host. The same decree specifies measures to be taken to ensure content control of Web sites, with the objective to prevent access to material "incompatible with morality or public opinion."

According to press reports, 3.5 million users accessed the Internet, including 800,000 using ADSL services at home. There were approximately 6,000 Internet cafes.

#### Academic Freedom and Cultural Events

Academic freedom generally was restricted in the same manner as freedom of expression.

A growing number of academic seminars and colloquiums occurred without governmental interference, but there were extensive delays in issuing visas to international participants and instances where international experts were denied entrance.

In August Algerian rai singer Reda Talianni gave a concert in Casablanca. In one of his songs he stated that Western Sahara was a part of Morocco. Immediately after the concert, the National Radio of Algeria issued instructions to all radio stations not to broadcast any of his songs because of his views on the Western Sahara.

In June the showing of the documentary film, *What Remains in the River are Just the Rocks*, by Jean Pierre Lieddo was cancelled at the Cultural Center of Constantine. The film considers what might have transpired if violence had not marred Algeria's history. The Ministry of Culture had notified Lieddo that unless an advance copy of the documentary was provided to the ministry, it could not be shown in public. Lieddo chose not to supply one.

#### b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association; however, the exercise of these rights was severely restricted in practice.

#### Freedom of Assembly

The constitution provides for the right of assembly; however, the emergency decree and government practice continued to curtail this right. A 2000 decree continued to ban demonstrations in Algiers. Citizens and organizations were required to obtain permits from the government-appointed local governor before holding public meetings. The government frequently granted licenses to political parties, NGOs, and other groups to hold indoor rallies, although licenses were often granted on the eve of the event, thereby impeding publicity and outreach.

In February security forces banned an international seminar on forced disappearances organized by several NGOs, including SOS Disparus, Djazairouna, the National Association of the Families of the Disappeared (ANFD), and Somoud, an advocacy group for victims of terrorism. Roberto Garreton, a UN expert on human rights, and Anne Laurence Lacroix, deputy director of the NGO World Organization Against Torture, were denied visas to attend the seminar. The NGOs held the same seminar in March in Brussels, Belgium.

In the past, LADDH reported repeated difficulties in obtaining permission to hold outdoor meetings and, as a result, held indoor meetings. During the year, it reported no such difficulties; however, most meetings were held indoors. Groups opposing the charter on peace and reconciliation have had difficulty securing permission to hold public gatherings.

During the year outside the capital, the government broke up at least four marches, protests, and demonstrations in El Oued, Ain Talout, Oran, and Boussaada. Since September 2006 members of the NGO SOS Disparus have gathered weekly in front of the CNCPPDH headquarters to urge President Bouteflika to take further action on the problem of the disappeared.

#### Freedom of Association

The constitution provides for the right of association; however, the emergency decree and government practice severely restricted this right. The MOI must approve all political parties before they may be legally established (see section 3). The government restricted the registration of certain NGOs, associations, and political parties on "security grounds," but declined to provide evidence or legal grounds for refusing to authorize other organizations that could not be disqualified on security grounds. The government frequently failed to grant official recognition to NGOs, associations, and political parties in an expeditious fashion. The MOI may deny a license to or dissolve any group regarded as a threat to the government's authority or to the security or public order. Political activities by anyone responsible for having used religion leading to the "national tragedy" are prohibited by the law implementing the amnesty.

The government issues licenses and subsidies to domestic associations, especially youth, medical, and neighborhood associations. The MOI regarded organizations unable to attain government licenses as illegal. Domestic NGOs encountered bureaucratic obstacles to receiving financial support from abroad. Although not illegal, financial support from abroad is conditioned on a series of authorizations from the ministries of interior and national solidarity. These authorizations were difficult to obtain.

Membership in the Islamic Salvation Front (FIS), a political party banned in 1992, remained illegal. The NGO SOS Disparus and two political parties, the Democratic Front of Sid-Ahmed Ghazali and the Wafa party of former prime minister Ahmed Taleb Ibrahim (generally regarded as the political heir to the FIS), remained unrecognized but operated without interference.

In November 2006 the government prevented diplomatic representatives from visiting domestic NGO Somoud, an advocacy group for victims of terrorism.

As was true in previous years, the government issued visas to Freedom House, a foreign NGO, to meet with other NGOs and foreign diplomats in the country. In May 2006 AI informed the government that it wanted to visit the country, but the government denied the request. According to press reports, AI did not attempt to visit during the year.

During the year, an international democracy advocacy organization was required to obtain government permission prior to selecting domestic partners to collaborate on activities. The government further maintained that legislation did not allow branches of foreign NGOs to operate legally in the country. The government had at times made it difficult for NGO officers to obtain visas to visit the country and prevented citizens from traveling outside the country to attend events sponsored by international NGOs.

In March the Wali of Oran prevented the Social and Democratic Movement (MDS) from holding two meetings aimed at explaining the MDS boycotting of the May 17 legislative elections.

In May the local administration in Oran cancelled a three-day training seminar organized by Public Administration Employees Free Trade Union (SNAPAP) and the international NGO Solidarity Center; local authorities declined to give any justification for the prohibition.

### c. Freedom of Religion

The constitution declares Islam to be the state religion and prohibits institutions from engaging in behavior incompatible with Islamic morality. More than 99 percent of the population is Sunni Muslim. The constitution does not provide explicitly for religious freedom and the government's interpretation of Shari'a does not recognize conversion from Islam to any other religion. However, the constitution declares freedom of belief to be inviolable and declares the equality of all citizens. It also contains a clause against discrimination on the basis of any citizen's condition or circumstance, whether personal or societal. The constitution prohibits non-Muslims from running for the presidency. In practice, the government restricted religious freedom.

Ordinance 06-03 of 2006, which delimits the conditions and rules concerning the practice of religious rites for non-Muslims, provides for the freedom to practice religious rites, on condition that the exercise thereof is in keeping with the ordinance, the constitution, other laws and regulations, and that public order, morality, and the rights and basic freedoms of others are respected. The law limits the practice of faiths other than Islam, including by prohibiting public assembly for the purpose of their practice, requiring organized religious groups to register with the government, and controlling the importation of Christian religious materials. However, the government allowed registered non-Muslim religious groups, in limited instances, to conduct public religious services.

In May the government published an executive decree No. 07-135 further defining rules related to religious activities in the country. In article 2, the decree defines "religious activity" as "a temporary rally of people organized in accessible edifices by religious organizations."

Religious activities must be approved by the wali pursuant to a written request submitted at least five days in advance. The request to organize a religious activity must be signed by three persons enjoying full civil rights and must contain all necessary information linked to the activity, including names, addresses, the objective of the activity, the association's headquarters, dates, times, and duration of the activity.

Law 90-91 authorizes the wali to ask the organizers "48 hours ahead of the submission of the request" to change the location of an approved activity and to ban any activity he considers to pose a "danger to safeguarding the public order".

According to the MORA, one objective of Ordinance 06-03 of 2006 is the maintenance of public order. The ordinance confines non-Muslim worship to specific buildings approved by the state, imposes penalties for proselytizing, and treats transgressions as criminal rather than civil offenses. There were restrictions on public assembly for purposes of practicing a faith other than Islam without a license, prohibitions on proselytizing of citizens by foreigners, and controls on the importation of religious materials. There were no reports that the ordinance was enforced during the year.

The government required organized religions to obtain official recognition prior to conducting any religious activities. The Protestant, Roman Catholic, and Seventh-day Adventist churches were the only non-Islamic faiths authorized to operate in the country. Members of other denominations, particularly Methodists, were forced to operate without government permission or register as a part of the Protestant Church.

Article 29 of the constitution provides citizens the right to choose their own religion; however, the government's interpretation of Shari'a did not recognize conversion from Islam to any other religion. There were no specific laws against Muslim citizens proselytizing non-Muslims; however, the government considered the proselytizing of Muslim citizens by non-Muslims to be a subversive activity. The government restricted the importation of religious literature, including Islamic literature, intended for widespread distribution, although it did not restrict such materials for personal use. In recent years, non-Islamic religious texts and music and video selections have become easier to locate for purchase. The government-owned radio station provided broadcast time for Protestant and Catholic radio broadcasts. The government prohibited the dissemination of any literature portraying violence as a legitimate precept of Islam.

The education and religious affairs ministries strictly required, regulated, and funded the study of Islam in public schools. The government monitored activities in mosques for possible security-related offenses, barred their use as public meeting places outside of regular prayer hours, and convoked imams to the Ministry of Religious Affairs (MORA) for "disciplinary action" when deemed appropriate. MORA provided financial support to mosques and paid the salaries of imams; the ministry also trained and regulated the appointment of imams, and the law allows it to prescreen religious sermons before they are delivered publicly. However, officials from the ministry have stated that they rarely interfere with sermons beyond an advisory capacity. The government monitored all Koranic schools to prevent extremist teachings. MORA controlled Islamic sermons during the violence between Islamists and the government in the 1990s, and those restrictions largely remained in place.

The law provides for prison sentences and fines for preaching in a mosque by persons who have not been recognized by

the government as imams. All persons, including imams recognized by the government, were prohibited from speaking during prayers at the mosque in a manner that is "contrary to the noble nature of the mosque or likely to offend the cohesion of society or serve as an apology for such actions."

The country's Jewish population numbered fewer than 100 persons. No synagogues in the country functioned.

#### Societal Abuses and Discrimination

The country's 1992-2002 civil conflict pitted self-proclaimed radical Muslims belonging to the Armed Islamic Group (GIA) and its later offshoot, the Salafist Group for Preaching and Combat (GSPC) - now known as Al-Qa'ida in the Islamic Maghreb (AQIM) - against moderate Muslims. During the year radical Islamic extremists issued public threats against all "infidels" and "apostates" in the country, both foreigners and citizens. The country's terrorist groups generally did not differentiate between religious and political killings.

Anti-Semitic articles, political commentary, and cartoons appeared regularly in the Arabic-language press. A recent example occurred on June 17, in *Al-Khabar* in a cartoon entitled "The Palestinian Authority is splitting into two governments." The cartoon portrayed Israel and the Jews (many depicted with stereotypical characteristics) as encouraging and mocking the discord between Hamas and Fatah, and indicated that Israel is the prime beneficiary of this internal strife. The government did not promote tolerance or anti-bias education, and there was no hate crime legislation.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

#### d. Freedom of Movement, Internally Displaced Persons, and Protection of Refugees

The constitution provides for freedom of movement; however, the government restricted the exercise of this right. The government did not permit young men eligible for the draft who had not yet completed their military service to leave the country without special authorization; however, such authorization was granted to students and to those persons with special family circumstances.

Under the 1992 emergency decree the interior minister and the provincial governors may deny residency in certain districts to persons regarded as threats to public order. The government also maintained restrictions for security reasons on travel into the four southern provinces of Ouargla, El-Oued, Laghouat, and Ain-Salah, where much of the hydrocarbon industry and many foreign workers were located. The same decree permits the minister of the interior to place individuals under house arrest. AI has reported that the measure is used to assign a residence to individuals already detained in DRS barracks, thus concealing prolonged arbitrary detention.

Armed bandits and terrorists intercepted citizens at roadblocks, sometimes using stolen police uniforms and equipment to rob them of cash and vehicles. On occasion, armed bandits killed groups of military and civilian passengers at these roadblocks.

The law does not permit anyone under 18 to travel abroad without a guardian's permission.

The law does not provide for forced exile, and it was not known to occur.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees.

During the year according to the Office of the UN High Commissioner for Refugees (UNHCR), however, the government did not accept UNHCR-determined refugee status for 28 individuals from Sub-Saharan Africa. The government returned the group to the country's border with Mali in the middle of a conflict zone and did not provide protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. They were deported after trial without legal counsel. There were no reports that the government granted refugee status and asylum during the year.

The government provided protection to an estimated 100,000 Sahrawi refugees who left the Western Sahara after Morocco took control of the territory in the 1970s. UNHCR, the World Food Program, the Algerian Red Crescent, and other organizations also assisted Sahrawi refugees. According to the UNHCR, the government did not grant refugee status to anyone during the year and it did not permit UNHCR to conduct a census of the Sahrawi refugees. According to the UNHCR, there were no official cases of refoulement.

## Statelessness

Sahrawi refugees can be considered stateless in that no recognized state of Western Sahara exists where Sahrawis can establish a legal claim to nationality.

## Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the right to change their government peacefully through periodic elections based on universal suffrage. Although elections have been generally transparent, there were restrictions on political party activity which limited this right.

## Elections and Political Participation

Multiparty parliamentary elections were held on May 17 for the lower house on the basis of universal suffrage, but not all political parties were allowed full access to the electoral process. The Islamist party Islah was disqualified by the MOI on the ground that its leader had not been elected in a recent party congress. Voter turnout was low, officially 36 percent of the electorate with unofficial sources reporting levels at less than 25 percent, marking the lowest voter turnout since the advent of multiparty democracy in 1989.

On November 29, multiparty local elections were held, but the election process was marred by irregularities and charges of fraud. Voter turnout was officially 44 percent, but opposition political parties estimated that actual turnout was much lower. No monitoring of the vote counting process was allowed at the local, district or national level.

A contested, multiparty presidential election was held in 2004 on the basis of universal suffrage. The constitution mandates presidential elections every five years and limits the incumbent to two terms. The election was generally transparent.

In 2004, for the first time since the end of the one-party system and after more than a decade of civil strife and continuing acts of terrorism, a sitting president not only completed his five-year term of office, but was re-elected in a contested election. Public debate and controversy over the idea of reforming the constitution to allow Bouteflika to run for an unprecedented third term occupied headlines at year's end.

Unlike previous elections, there was marked progress in 2004 towards a more free and transparent electoral process. An election observer from the Organization for Security and Cooperation in Europe stated in a press conference that the election was generally free and fair, although not without flaws.

Opposition candidates complained that the MOI regularly blocked registered parties from holding meetings and denied them access to larger and better equipped government conference rooms, but meanwhile the MOI facilitated the activities of the pro-Bouteflika FLN. Media access during the elections was generally equitable. Each party was given equal amounts of time on local radio and television to present campaign programs, though some parties complained about their time slots.

The country has a bicameral parliament consisting of the 389-seat National People's Assembly (lower house) and the 144-seat Council of the Nation (upper house).

The law requires that potential political parties receive official approval from the MOI to be established. To obtain approval, a party must have 25 founders from across the country whose names must be registered with the MOI. July 14 amendments to the electoral law provided that a party must receive 4 percent of the vote or have received at least 2,000 votes in 25 wilayas (provinces) in one of the last three legislative elections in order to participate in national elections.

The government continued to refuse to register Wafa because its perceived ties to the banned FIS constituted a threat to national security, according to the interior minister. The government also failed to provide an official response to the 1998 registration request of the Democratic Front; the party leadership has claimed the government was not ready for "real democratic openness." No party may use religion or ethnic heritage as a basis to organize for political purposes. The law also bans political party ties to nonpolitical associations and regulates party financing and reporting requirements.

There were three women in the cabinet. Women also held 30 of the 389 seats in the Assembly and four of the 144 seats in the Council of the Nation. A woman led the Workers Party, and the following three major political parties -- FLN, RND, RCD -- had women's divisions headed by women. The country did not have a quota system to require election of women to a certain percentage of seats in the parliament.

The ethnic Berber minority of about nine million centered in the Kabylie region participated freely and actively in the political process and represented one-third of the government ministers.

## Government Corruption and Transparency

Anticorruption regulations in the penal code call for prison sentences from 2 to 10 years for high-ranking officials; however, the regulations were not widely implemented.

Judicial sources reported in June that approximately 40 cases of policemen accused of corruption were handled between January and March. Of the officers accused, 24 were sentenced to prison terms. Further updates were not available later in the year. The number of policemen sentenced for corruption in 2006 totaled 192.

In July a court in Skikda condemned 2 senior police officers to 10 years in prison and fined them \$7,400 (500,000 dinars) for corruption. Ten mayors involved in the same case received sentences ranging from six months to one year and were fined \$89 (6000 dinars).

In February 2006 a law establishing a national anticorruption program was passed, although it was amended to remove a provision that required elected and senior officials to declare their assets and, in certain cases, removed the lifting of parliamentary immunity. The amendment came at the insistence of parliamentarians who argued that the existing penal code was sufficient to punish corruption offenses and that the decision to lift parliamentary immunity should reside solely with parliament. In December 2006 President Bouteflika issued three decrees to implement provisions of the February 2006 anticorruption legislation. The three presidential decrees and the penal code address the types of offenses that the removed provision was intended to punish.

The case of Ahmed Bouricha, Wali of Blida, was still under investigation at year's end. In 2005 he was forced to resign his position after being implicated in real estate corruption, use of public funds for personal purposes, and misuse of agricultural lands.

In an October radio interview, Mohamed Bouderbala, Director General of Customs, said that 65 customs officials were charged with corruption between January and October.

At year's end, the trial of Djillali Araar, the Wali of El-Tarf Province, was ongoing. President Bouteflika fired Araar in October 2006 and charged him with corruption and misuse of public funds. Araar was the third governor out of 48 nationwide to be dismissed for corruption since 2005.

Although permitted under the constitution, access to government information was often restricted. Despite pledges to eliminate corruption, there is no law facilitating access to information. Public procurement was often tainted with irregularities, including the excessive use of private agreements. According to the Ministry of Public Works, following President Bouteflika's April 2005 statement that the use of private agreements, including single source contracts, would be prohibited, government agencies began implementing a public tender policy for all infrastructure and large government projects. Some agencies, however, continued to use direct contracts for smaller and less publicized projects. For public tenders, evaluations were not released to participating companies, and evaluation methods and techniques were not clearly defined.

Lack of government transparency remained a serious problem. Parliamentary debate in 2005 on the corruption law disclosed that 80 percent of government officials did not declare their wealth. Many government economic statistics were not released to the public. All ministries had Web sites, but not all were updated. The Ministry of Justice provided information on citizens' rights and legislation at two Web sites.

## Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government continued to restrict and harass some local NGOs and impeded the work of international NGOs. The government interfered with attempts by some domestic and international human rights groups to investigate and publish their findings. Although some human rights groups, including LADH and LADDH, were allowed to move about freely, the most active and visible organizations reported interference by government authorities, including surveillance and monitoring of telephone calls, difficulty in securing meeting spaces, and difficulty in obtaining approval for international speakers to speak on sensitive issues.

Domestic NGOs must be licensed by the government and are prohibited from receiving funding from abroad without approval from the minister of national solidarity. However, approximately 100 unlicensed NGOs operated openly, such as women's advocacy groups and charity organizations. Unlicensed NGOs did not receive government assistance and citizens were at times hesitant to be associated with these organizations.

International NGOs continued to experience delays in obtaining visas, but outright refusals for visas were rare. Delays in processing visa applications nonetheless prevented a number of NGOs from conducting programming during the year. A forum planned for September 2006 was indefinitely postponed because of visa difficulties for international experts.

If an NGO is not legally recognized by the MOI, it is not allowed to conduct investigations. Sometimes, however, even legally-recognized NGOs were prevented from conducting investigations. For example, the LADDH, a legally recognized NGO, did not have access to prison camps or detention centers. Domestic NGO Djazairouna, also legally recognized, faced indirect government pressure to relocate.

The most active independent human rights group was the LADDH, an organization with members throughout the country. The LADDH was not permitted access to government officials for human rights advocacy or research purposes or to prisons, except for normal lawyer-client consultations.

The less active LADH is an independent organization based in Constantine. LADH has members throughout the country monitoring individual cases.

The International Committee of the Red Cross (ICRC) had full access to civilian prisons and pre-trial detention centers; however, it was not granted access to the country's military or high-security prisons.

International NGO Handicap International and local NGO FOREM, which both work on children's rights, did not report difficulty conducting investigations.

In January Yakin Erturk, UN special rapporteur on violence against women, visited Algeria. However, the government continued to deny requests for visits from the UN Working Group on Enforced or Involuntary Disappearances (pending since 1997), the UN special rapporteur on torture (pending since 1997), and the UN special rapporteur on extrajudicial executions (pending since 1998).

The CNCPPDH is the government-established ombudsman for human rights. Directed by Farouk Ksentini, the commission is composed of 22 members from governmental bodies and 23 from civil society and NGOs. The nongovernmental members included representatives of Islamic religious organizations, the Red Crescent Society, and women's rights advocacy groups. The president approves nominees, and the commission's budget and secretariat come from his office. The commission is mandated to report on human rights issues, coordinate with police and justice officials, advocate domestic and international human rights causes, mediate between the government and the population, and provide expertise on human rights issues to the government.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on birth, race, sex, language, and social status. In general, the government enforced the nationality and family codes, although women continued to face some legal and social discrimination.

#### Women

Rape, spousal and nonspousal, occurred. Nonspousal rape is illegal; spousal rape is not. Prison sentences for nonspousal rape range from one to five years.

Spousal abuse occurred. The law states that a person must be incapacitated for 15 days or more and present a doctor's note certifying the injuries before filing charges for battery. Because of societal pressures, however, women frequently were reluctant to endure this process. Claims filed by women for rape and sexual abuse rarely were investigated or brought to justice.

According to a 2006 study performed by the National Institute of Public Health (INSP), 3,746 women who were the victims of aggression visited a health care facility for medical care and psychological assistance. More than 50 percent of the victims were married and 65 percent were unemployed. The study emphasized that the home was the "privileged place for spousal violence." A separate 2006 study conducted throughout the country by the national police reported that 2,440 female victims of violence had asked for assistance in police stations. Reports coming out of hospitals in 2006, however, put the number of women victims seeking treatment at over 8,000. According to press reports, the National Gendarmerie handled over 800 cases of sexual abuse of female minors between January and September.

During the year, the number of women suffering from violence climbed to 9,099 according to the National Health Institute and the national police.

Violent abuse against women was more frequent in rural areas and among less-educated persons according to a March study published by the National Public Health Institute and was less likely to be reported because of societal pressures. According to a September 2006 National Research Center for Anthropology study, 52 percent of a sample of 13,000 women indicated that they had suffered from physical abuse on at least one occasion.

During the year local women's NGOs, including SOS Femmes en Detresse, the Wassila Network and Bent Fatma

N'Soumer, spoke out against violence in the family.

SOS Femmes en Detresse and Wassila Network provided judicial and psychological counseling to abused women. Women's rights groups experienced difficulty in drawing attention to spousal abuse as an important social problem, largely due to societal attitudes. Several rape crisis centers run by women's groups operated, but they had few resources. The Working Women section of the General Union of Algerian Workers (UGTA) established a counseling center with a toll free number for women suffering from sexual harassment in the workplace. The center received a growing number of calls. From January to June, the center received 1,108 calls, compared to 1,524 in 2006. SOS Femmes en Detresse opened a second call center during the year in the wilaya of Batna and, from January to June, the second center received 921 calls.

Prostitution is illegal; however, the INSP and female advocacy groups reported that prostitution was a growing problem.

The punishment for sexual harassment is one to two years' imprisonment and a fine of \$740 to \$1,480 (50,000 to 100,000 dinars). The punishment is doubled for a second offense. The National Public Health Institute reported that 50 sexual harassment cases were brought to court during the year. According to SOS Femmes en Detresse, at least 500 women sought legal advice from the organization by year's end but did not file formal complaints. During the year, according to the National Public Health Institute, 10 persons were convicted and received fines ranging from \$30 to \$740 (2,000 to 50,000 dinars.)

The constitution provides for gender equality; however, some aspects of the law and many traditional social practices discriminated against women. The Family Code, adopted in 1984 and amended in 2005 by presidential decree, is based in large part on Shari'a. The Family Code prohibits Muslim women from marrying non-Muslims, although this regulation was not always enforced. A woman may marry a foreigner and transmit citizenship and nationality in her own right to both her children and spouse. Muslim men may marry non-Muslim women. Under both Shari'a and civil law, children born to a Muslim father are Muslim, regardless of the mother's religion.

Women can seek divorce for irreconcilable differences and violation of the prenuptial agreement, among other grounds. In a divorce, the amendments provide for the wife to retain the family's home until children reach 18 years of age. Custody of children normally is awarded to the mother, but she may not make decisions on education or take them out of the country without the father's authorization. In practice, more women retained the family's home when they had custody of the children.

The code affirms the Islamic practice of allowing a man to marry up to four wives. In practice, however, polygyny occurred in 1 to 2 percent of marriages.

The amendments to the code in practice contradicted the Shari'a requirement for a male sponsor's role and consent to the marriage of a woman, although the requirement has been formally retained. The sponsor continues to contract the marriage, but the woman may choose any male that she wishes to be the sponsor.

Women suffered from discrimination in inheritance claims. In accordance with Shari'a, women are entitled to a smaller portion of an estate than are male children or a deceased husband's brothers. According to Shari'a, such a distinction is justified because other provisions require that the husband's income and assets are to be used to support the family, while the wife's remain, in principle, her own. However, in practice women do not always have exclusive control over assets that they bring to a marriage or that they earn themselves. Married women under 18 years of age may not travel abroad without permission of their husbands. Married women may take out business loans and use their own financial resources. According to the National Center of Trade Records, 9,500 women had their own businesses in 2006. According to a February report by the National Office of Statistics, there were 1,179,000 women workers and 858,000 unemployed women in the country.

Despite constitutional and legal provisions providing gender equality, in practice women still faced discrimination in employment. Leaders of women's organizations reported that discriminatory violations are common.

In urban areas, there was social encouragement for women to pursue a higher education or a career. Girls have a higher high school (baccalaureate) graduation rate than boys. According to statistics, females represented 60 percent of the medical profession, 55 percent of the media profession, 30 percent of the upper levels of the legal profession, and more than 60 percent of the education profession. Of the 7.7 million workers, 1.4 million were female, representing only 18 percent of the workforce. Women may own businesses, enter into contracts, and pursue careers similar to those of men. In addition, 36 percent of judges were women. Women served at all levels in the judicial system. In addition, women police officers have been added to some precincts to assist women with abuse claims.

In July 2006 the MORA and the Ministry of Health initiated a series of training sessions for imams and female guides in order to better address social and medical issues, including HIV/AIDS. As part of the program, 100 copies of a national guide on Islam and HIV/AIDS were distributed to the attendees.

## Children

The government was generally committed to protecting the welfare, rights, health, and education of children. Child abuse is illegal but continued to be a problem. NGOs that specialized in the care of children cited continued instances of domestic violence against children, which they attributed to the "culture of violence" developed since the civil conflict of the 1990s and the social dislocations caused by the movement of rural families to the cities to escape terrorist violence. Experts assumed that many cases went unreported because of familial reticence.

In January, February, and April 2006, according to press reports, there were incidents involving the kidnap and rape of girls by terrorists. In May 2006 the bodies of 22 children were found in the province of Jijel. They were alleged to have been used as human shields by the GSPC. In July 2006 the body of a young girl, allegedly decapitated by terrorists, was found in Bouira. Terrorist groups did not claim responsibility for any of the incidents.

The government provides free education for children through high school. Education is compulsory until the age of 16. According to the Ministry of National Education, 99 percent of children completed the ninth grade compared to 98 percent in 2006. Boys and girls generally received the same education, although girls from rural areas were slightly more prone to leave school because of familial financial reasons, while sons were often given educational priority.

The government provided free medical care for all citizens--including children with disabilities--albeit in generally rudimentary facilities, and to both sexes equally.

Economic necessity compelled many children to resort to informal employment, such as street vending.

## Trafficking in Persons

The law does not prohibit trafficking in persons and officials instead consider the issue covered by existing laws on illegal migration. The country was a transit and destination country for men, women, and children from sub-Saharan Africa and Asia trafficked for forced labor and sexual exploitation. The government did not acknowledge trafficking to be a problem, but saw it as part of the larger issue of illegal immigration. According to the government, in the absence of specific antitrafficking laws, other laws against illegal immigration, prostitution, and forced labor are used to enforce anti-trafficking standards. There were no indications of official government involvement in trafficking.

Forced prostitution and domestic servitude of illegal immigrants from sub-Saharan Africa occurred as immigrants transited through the country seeking economic opportunity in Europe. The government did not compile official statistical estimates of the severity of trafficking. No government assistance programs existed for victims, nor were there any information campaigns about trafficking.

According to a June National Gendarmerie report, between January 2001 and January 2007 the number of illegal African and Arab migrants exceeded 30,000, most of them of African origin. Additionally, 14 percent of them came from Middle Eastern countries including Egypt, Syria, Tunisia, and Iraq. Some migrants also came from Pakistan. Among the 30,000 illegal migrants, there were 1,683 women and 1,300 minors. Statistics did not exist detailing how many of these migrants faced conditions of trafficking before, during, or after entering the country.

In 2005 10 members of the Coast Guard received four days of training on smuggling and trafficking prevention.

## Persons with Disabilities

The law provides protection, including free medical care, for persons with disabilities, especially children; however, there was widespread social discrimination against persons with disabilities. Laws prohibit discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. No government buildings were accessible to persons with disabilities. Public enterprises, in downsizing their work forces, generally ignored a requirement that they reserve one percent of jobs for persons with disabilities. Social security provided payments for orthopedic equipment, and some healthcare-oriented NGOs received limited government financial support. The Ministry of National Solidarity provided financial support to NGOs; however, for many NGOs this financial support represented only a very small portion of their budgets--approximately 2 percent. The Ministry of National Solidarity maintained that there were 1.5 million persons with disabilities in the country. However, according to the Algerian Federation of Wheelchair Associations (AFWA), there were three million persons with disabilities living in the country.

## Other Societal Abuses and Discrimination

The law criminalizes public homosexual behavior and there is no specific legal protection of homosexuals in the country. There was also generally societal discrimination against homosexuals, but not violence or official discrimination. While some homosexuals lived openly, the vast majority did not.

AIDS is considered a shameful disease in Algeria. According to March statistics released by the Ministry of Health, 2,100 citizens were HIV-positive and 736 people suffered from AIDS. There were 54 centers offering free services to detect AIDS in Algeria. During the year according to a survey of 30,000 families in the 48 wilayas performed by UNICEF, only 15 percent were aware of means to protect themselves from contracting AIDS. During the year, the health ministry along with the NGO AIDS Algeria launched an AIDS prevention campaign, stressing the need to avoid discrimination, especially in the workplace, against those with HIV/AIDS.

## Section 6 Workers Rights

### a. The Right of Association

The constitution allows workers to form and join unions of their choice but requires workers to obtain government approval to form a union. The law on labor unions requires the Ministry of Labor (MOL) to approve or disapprove a union application within 30 days and allows for the creation of autonomous unions. However, the government may invalidate a union's legal status if its objectives are determined to be contrary to the established institutional system, public order, good morals, or the laws or regulations in force. There were no legal restrictions on a worker's right to join a union. Approximately two-thirds of the labor force belonged to unions. The General Union of Algerian Workers (UGTA) was the only labor confederation. The UGTA included national unions that were specialized by sector.

The law prohibits discrimination by employers against union members and organizers and provides mechanisms for resolving trade union complaints of antiunion practices by employers. It also permits unions to recruit members at the workplace. Unions may form and join federations or confederations. In practice, attempts by new unions to form federations or confederations were obstructed by delaying administrative maneuvers. Since 1996, the Autonomous Unions Confederation, functioning without official status, has attempted unsuccessfully to organize the autonomous unions. The law permits unions to affiliate with international labor bodies and develop relations with foreign labor groups. For example, the UGTA was a member of the International Confederation of Free Trade Unions. However, the law prohibits unions from associating with political parties and also prohibits unions from receiving funds from foreign sources. The courts are empowered to dissolve unions engaged in illegal activities.

### b. The Right to Organize and Bargain Collectively

The law provides for the right to strike, and workers exercised this right in practice, subject to some conditions. The law provides for collective bargaining for all unions, and the government permitted the exercise of this right in practice for authorized unions. Under the state of emergency decree, the government can require public and private sector workers to remain at work in the event of an unauthorized or illegal strike. According to the law on industrial relations, workers may strike only after 14 days of mandatory conciliation or mediation. On occasion, the government offered to mediate disputes. The law states that decisions reached in mediation are binding on both parties. If no agreement is reached in mediation, the workers may strike legally after they vote by secret ballot to do so. A minimum level of public services must be maintained during public-sector service strikes.

The law provides that all public demonstrations, protests, and strikes receive prior government authorization. During the year, strikes and labor meetings occurred in various sectors, including the construction, medical, port facility, and education sectors. A ban on marches and demonstrations in Algiers has remained in effect since 2001.

There were no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced or compulsory labor, including by children; however, there were reports from the labor ministry that such practices occurred.

### d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits participation by minors in dangerous, unhealthy, or harmful work, or in work that is considered inappropriate because of social and religious considerations. The minimum legal age for employment is 16, except for apprentice positions. In order to be an apprentice, minors must have the permission of a legal guardian. In February 2006 the MOL stated that only 95 "young workers" were identified during site visits performed by labor inspectors at 5,847 companies. The MOL made some surprise inspections of public sector enterprises, but it did not consistently enforce relevant statutes in the agricultural or private sectors.

In 2005 the MOL reported a rate of child participation in the labor force of 0.56 percent. That figure was challenged, however, by the local NGO FOREM, a children's rights watchdog group financed by the European Union. According to FOREM, in the eight most populous provinces six percent of children age 10 and younger participated in the labor force, while 63 percent of children age 13 to 16 participated. The survey found children working a variety of hours in small

workshops, on family farms, and especially in informal trades, where children from impoverished families are employed for economic reasons. In a November press conference, FOREM representatives said there were one million children working in the country, at least half of whom were under the age of 16.

e. Acceptable Conditions of Work

The national minimum wage of \$148 (10,000 dinars) per month did not provide a decent standard of living for a worker and family. MOL inspectors were responsible for ensuring compliance with the minimum wage regulation; however, enforcement was inconsistent.

The standard work week was 37.5 hours, with one 10-minute break and one hour for lunch. Employees who worked beyond the standard work week received premium pay on a sliding scale from time-and-a-half to double-time, depending on whether the overtime was worked on a normal work day, a weekend, or a holiday.

The law contains well-developed occupational, health, and safety standards, but MOL inspectors did not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions. Because employment was usually based on detailed contracts, workers rarely were subjected to unexpected conditions in the workplace. If workers were subjected to such conditions, they first could attempt to renegotiate the employment contract or, failing that, resort to the courts; however, the high demand for employment in the country gave an advantage to employers seeking to exploit employees.

