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## 2009 Human Rights Report: Algeria

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2009 Country Reports on Human Rights Practices

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Algeria is a multiparty republic of approximately 36 million inhabitants whose head of state and government (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. A November 2008 constitutional amendment eliminated presidential term limits. On April 9, President Abdelaziz Bouteflika won reelection to his third term in office in a contested election. Some opposition parties boycotted the election, arguing restrictions on freedom of association skewed the election outcome in favor of the incumbent. A state of emergency implemented in 1992 remained in effect during the year, although the government mostly enforced provisions restricting assembly and association. Civilian authorities generally maintained effective control of the security forces.

Restrictions on freedom of assembly and association significantly impaired political party activities and significantly limited citizens' ability to change the government peacefully through elections. Failure to account for persons who disappeared in the 1990s and address the demands of some advocacy groups for families of victims remained significant problems. Reports of abuse and torture occurred but were fewer than in previous years. There were also reports of official impunity, abuse of pretrial detention, poor prison conditions, limited judicial independence, and restrictions on freedom of speech, press, and assembly. Additionally, there were limitations on religious freedom, problems with security-based restrictions on movement, corruption and lack of government transparency, discrimination and violence against women, and restrictions on workers' rights.

Terrorist groups committed a significant number of attacks 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.

Information on terrorism-related violence in the country was difficult to verify independently. The Ministry of the Interior (MOI) infrequently released information concerning the total number of terrorist, civilian, and security force deaths. During

the year, security forces killed, injured, or arrested approximately 1,300 suspected terrorists. According to press reports of official estimates, the total number of deaths was 804. Of these deaths, suspected terrorists killed 66 civilians and 220 security force members; security forces killed an estimated 518 suspected terrorists. These numbers increased from the 321 deaths reported in 2008.

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Most of the terrorist attacks during the year were attributed to the terrorist group al-Qa'ida in the Islamic Maghreb (AQIM), which emerged in January 2007 after the Salafist Group for Preaching and Combat (GSPC) allied itself with al-Qa'ida in 2006.

The year was marked by significant violence. On March 9, a suicide bomber killed two communal guards in Tadmait, 43 miles east of Algiers. On June 17, terrorists ambushed, shot, and killed 18 national gendarmerie officers and injured dozens more near the town of Mansourah in Bordj Bou Arreridj. On July 29, terrorists attacked a military supply convoy in Damous, 90 miles west of Algiers, killing 23 and wounding seven others. On October 22, terrorists killed seven and wounded three Algerian security guards working for a Canadian water project. AQIM claimed responsibility for all of these attacks. Minister of the Interior Noureddine Zerhouni stated in July 2008 that an estimated 400 terrorists operated in the country.

#### b. Disappearance

Enforced disappearances, reportedly numbering in the thousands, were a significant problem during the 1990s and continued to be a topic covered in the media and raised by local and international nongovernmental organizations (NGOs). During a March 6 conference in Geneva, representatives of the government's human rights advisory office, the National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH), stated that 8,023 persons were missing or disappeared as a result of government actions between 1992-99. The government had stated previously that approximately 10,000 additional persons were missing or disappeared from terrorist kidnappings and murders. NGOs reported that security forces had played a role in the disappearances of approximately 8,000 persons.

In 2007 the government signed the International Convention for the Protection of All Persons from Enforced Disappearances but had not ratified it by year's end. Law 06-01 of 2006 provides measures for compensating victims of disappearances. For courts to hear charges of disappearance, the law requires at least two eyewitnesses. Many of the disappearances in the 1990s were later attributed to the security forces; however, the government did not prosecute security force personnel, and there was no evidence that the government investigated cases it acknowledged security forces caused.

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 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 amnesty also covered certain persons involved in Islamist militant and terrorist activities. Persons implicated in mass killings, rapes, or bomb attacks in public places were not eligible for amnesty. Some local NGOs, including SOS Disparus, Djazairouna, and the Algerian League for the Defense of Human Rights (LADDH), criticized the charter for enabling terrorists to escape justice.

In a February 9 report, the UN Human Rights Council Working Group on Enforced or Involuntary Disappearances stated that in 2008 it transmitted 768 cases to the government, which were allegedly attributed to disappearances by government forces between 1992 and 1999. In May 2008 the UN Committee Against Torture (UNCAT) reported its concerns that Law 06-01 provides impunity for members of armed groups and state officials and that the government had not yet initiated

proceedings to investigate the fate of the disappeared. UNCAT also expressed concern that the government had not publicized the criteria for compensating family members and required those compensated to waive their right to seek civil damages against the state.

Families of the disappeared experienced complications and delays in receiving compensation. In October 2008 CNCPPDH president Farouk Ksentini, the government's human rights advisor, stated that 97 percent of families of the disappeared had accepted compensation under the charter. On September 1, the Ministry of National Solidarity (MNS) Minister Ould Abbes stated the government had paid 11 billion dinars (\$150 million) in compensation to families. According to the government, as of the end of 2008, 25,316 claims had been filed for compensation under the charter. Authorities approved 13,866 claims and had paid compensation on 12,339 of these claims.

Armed criminals conducted abuses against civilians including kidnappings, false checkpoints, and extortion. In May 2008 Interior Minister Zerhouni reported that 115 of 375 kidnapping cases in the previous two years were related to terrorism.

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

The law prohibits such practices; however, NGO and local human rights activists reported that government officials sometimes employed them to obtain confessions. Government agents can face prison sentences of between 10 and 20 years for committing such acts, and some were tried and convicted in 2008. Nonetheless, impunity remained a problem.

Local human rights lawyers maintained that torture continued to occur in detention facilities, most often against those arrested on "security grounds."

In December 2008 a court in Blida sentenced three police officers to three years in prison for torture. In May 2008 a court in Blida placed four police officers, accused of torturing five suspects at the police station in Cheraga, under judicial control and ordered their temporary detention. The prosecutor in Blida originally asked for prison sentences of 12 years for each officer and sought a seven-year prison sentence for the police chief of the station. The court dropped the charge against the police chief and one of the four officers placed under judicial control. The victims said that following their arrest the officers used a taser on them in order to extract confessions in a case involving a stolen car.

On September 16, during a visit to El Harrach prison Minister of Justice Tayeb Belaiz announced that he would not tolerate prison officials who abuse prisoners, regardless of rank. Belaiz said the Ministry of Justice (MOJ) prosecuted and jailed 14 prison workers for mistreating prisoners.

In February 2008 human rights NGO Alkarama reported that after a protest by inmates related to prayer room space, prison guards handcuffed, stripped, and beat approximately 80 prisoners with iron bars and sticks.

#### Prison and Detention Center Conditions

Prison conditions generally did not meet international standards. Overcrowding was a problem in many prisons. According to human rights lawyers, the problem of overpopulation was partially explained by an abusive recourse to pretrial detention. In 2008 the CNCPPDH conducted 34 prison visits and highlighted concerns with overcrowding, insufficient bed space, as well as poor lighting, ventilation, nutrition, and hygiene.

According to Mokhtar Felioune, the director general of the Prisons Administration, there were 59,000 prisoners in the country's penal system held in 127 prisons. In 2007 Felioune stated there were 54,000 persons held in the prison system. Prisons held men and women separately. In some cases, overcrowding meant that juveniles were held with adults; however, in general the government maintained separate juvenile detention centers. Pretrial detainees were held separately from convicted prisoners.

During the year, the government permitted the International Committee of the Red Cross (ICRC) and the Red Crescent Society to visit regular, nonmilitary prisons. ICRC visits to persons held in places of detention run by the MOJ and to those detained in police stations and gendarmeries were carried out in accordance with ICRC standard practices. The government denied other human rights observers visits to military and high-security prisons and detention centers.

On April 1, an amendment to the penal code went into effect permitting the substitution of community service for prison sentences for first-time offenders with a maximum jail sentence of three years. During a July 23 conference, Felioune said the new law was designed to reduce recidivism and to alleviate overcrowding in prisons.

In June 2008 Felioune announced that 7,547 prisoners benefited from temporary release as part of a government effort to reduce overcrowding in the country's prisons. Felioune also noted that 1,390 prisoners benefited from work and study release programs while 8,268 received parole for good conduct.

In a May 2008 report, UNCAT expressed concern over reports that the Department for Information and Security (DRS), the military intelligence agency tasked with internal security, maintained secret detention centers inside military barracks that operated outside judicial authority.

#### d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention; however, abuse of pretrial detention occurred in practice. In 2008 the head of the government-appointed CNCPPDH said the abuse of pretrial detention tarnished the image of the country's justice system.

#### Role of the Police and Security Apparatus

The national police force, consisting of more than 140,000 members, falls under the control of the MOI and has national jurisdiction. The National Gendarmerie, under the Ministry of Defense (MND), also performs police-like functions outside urban areas. Organizationally, the DRS reports to the MND and exercises internal security functions, but it also performs functions comparable to the police in terrorism cases. Police and gendarmes were generally effective at maintaining order. All members of the security forces are provided a copy of a code of conduct establishing regulations for conduct and sanctions for abuses.

Corruption existed, and the media focused especially on the customs police. According to press reports, 960 customs officials faced disciplinary commissions for official negligence or corruption charges between 2005 and 2008. Customs officials reported 215 disciplinary cases during the first quarter of 2008; 118 cases resulted in official reprimands, and nine cases resulted in suspensions.

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

The criminal code provides mechanisms to investigate abuses. The MOJ and the MND cooperated with the ICRC in implementing seminars on incorporating international humanitarian law principles into legal practices and military training curricula.

#### Arrest Procedures and Treatment While in Detention

According to the law, the police must obtain a summons from the Prosecutor's Office to require a suspect to appear in a police station for preliminary questioning. Summonses also are used to notify and require the accused and the victim 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. 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 be held legally for 12 days without charge or access to counsel. In practice the security forces generally adhered to the 48-hour limit in nonterrorism cases.

Prolonged pretrial detention remained a problem. The law does not provide a person in detention 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 prosecutorial requests for extending preventive detention, which can be appealed but was rarely overturned. Should the detention be overturned, the defendant can request compensation. In 2008 the prison administration reported pretrial detainees represented 13 percent of the individuals 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 to leave the country.

Most detainees have prompt access to a lawyer of their choice and, if the detainee is indigent, the government provides a lawyer. The penal code requires detainees in pretrial detention to be informed immediately 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. Reports that these rights were not extended to detainees continued during the year.

On July 23, Hakim Hamdane died of a chronic respiratory condition in Mustapha Pacha hospital while he was in pretrial detention in Serkadji Prison. An Algiers court was investigating Hamdane's involvement in a fraud scheme at the state power company Sonelgaz. The court held Hamdane in pretrial detention while conducting the investigation, despite his respiratory condition. Hamdane was cleared of the charges two days after his death.

According to human rights NGO Alkarama, Adel Saker was arrested in May 2008 and reappeared in Skikda prison on April 12 after being held incommunicado by the DRS. Police subsequently filed formal terrorism charges against him.

On June 23, the World Organization Against Torture reported that Moussa Rahli was arrested March 17 and held incommunicado until April 20, when he appeared in a military prison in Blida. Authorities charged Rahli with belonging to a terrorist group. He was permitted access to his family and a lawyer.

In July 2008, authorities charged Kamal Akkache with belonging to a terrorist organization. Amnesty International (AI) reported that authorities held Akkache without charge for 10 months in 2007. Authorities acquitted Mohamed Fatmia of terrorism charges during the year. Fatmia was detained in Serkadji prison in 2008 and was held incommunicado throughout 2007. Human rights advocates reported that authorities continued to hold Mohamed Rahmouni at the military tribunal in Blida on alleged terrorism charges but had granted Rahmouni access to a lawyer.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, the president exercises supreme judicial authority, and the executive branch limited judicial independence. The constitution provides for the right to a fair trial; however, in practice authorities did not always completely 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 serves as the president of the council.

The judiciary is composed of civilian courts, which hear cases involving civilians facing charges not related to security or terrorism, and 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. The family code draws on aspects of Shari'a (Islamic law), but there are no Shari'a courts. Legal decisions are based on the country's civil and criminal codes.

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 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 they only occasionally disclose information on proceedings. There was no public information available on any cases that were tried before the tribunals during the year.

The nine-member Constitutional Council reviews 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, confirm the results of any type of election, and serve as the final arbiter of amendments that pass both chambers of the parliament before becoming law.

#### Trial Procedures

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

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees during the year.

#### Civil Judicial Procedures and Remedies

The judiciary was neither fully independent nor impartial in civil matters and lacked independence in some human rights cases. Family connections and status of the parties involved reportedly influenced some decisions. Individuals may bring lawsuits, and there are administrative processes related to 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; however, in practice government authorities infringed on citizens' privacy rights. According to rights activists, the government monitored the communications of political opponents, journalists, human rights groups, and suspected terrorists. Security officials reportedly searched homes without a warrant.

Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press; however, the government restricted these rights in practice through accusations of 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 civil liberties and take legal action against what it considers to be threats to the state or public order. In recent years the portion of the decree most enforced has been the provision requiring prior government approval for public gatherings. A 2006 presidential decree continues to criminalize speech about the conduct of the security forces during the internal conflict of the 1990s.

Radio and television were government-owned and broadcast coverage favorable to the government. During nonelection periods, opposition spokesmen generally were denied access to public radio or television. Some opposition parties were denied access to television. These limitations 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 April 9 presidential election and prior to the 2007 legislative and 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 numerous 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 used it to express their views. Opposition parties also disseminated information via the Internet and published communiqués.

The law permits the government to censor, levy fines, and imprison members of the press. The government directly and indirectly censored and intimidated the media into practicing self-censorship. The government used defamation laws to harass and arrest some journalists, and some members of the press faced retaliation for criticizing government officials. Other journalists and many political cartoonists, however, regularly criticized the government.

The law defines defamation broadly, and the penal code imposes prison terms of up to 24 months and fines of 50,000 to 500,000 dinars (\$695 to \$6,945). Defamation covers "the insult" of government figures, including the president, members of parliament, judges, members of the military, and "any other authority of public order." Furthermore, a 1990 law protects Islam from defamation, controls access to external information, and outlaws writing that threatens national unity. In 2001 the government amended laws to criminalize writing, cartoons, and speech that insult or offend the president, parliament, judiciary, or armed forces.

The government used these defamation laws regularly to pressure editors, journalists, and the owners of printing houses. In an April 20 letter to President Bouteflika, the international NGO Committee to Protect Journalists expressed concern for "the rising incidence of press freedom violations." In December 2008 Reporters without Borders (RSF) criticized the defamation laws as "repressive legislation."

Omar Belhouchet, editor of the French-language newspaper *El-Watan*, faced government pressure throughout the year for articles published in his newspaper. In December 2008 authorities brought a case against Belhouchet and reporter Salima Tlemcani for allegedly libeling a faith healer in a 2004 article. An Algiers court sentenced both to three months in prison

and a fine of 50,000 dinars (\$695). The case remained pending at year's end. The charges against Belhouchet in connection with three libel cases relating to articles Belhouchet published several years ago about airfare increases and police killings of demonstrators were also pending. Belhouchet and Tlemcani remained free at year's end.

On January 6, freelance journalist Hafnaoui Ghoual said unknown persons threatened him near his home in Djelfa. He claimed that authorities did not investigate the incident. According to RSF, officials have targeted Ghoual for years repeatedly detaining, beating, and persecuting him for his writing. At year's end Ghoual faced 16 pending lawsuits by local officials related to his articles on corruption.

During a February 11 appeal hearing, a Mascara court sentenced Layadi El-Amine Yahia, a journalist for *Le Carrefour d'Algerie*, to one year in prison and fined Yahia 20,000 dinars (\$280) for libel in an article implicating Mascara's commerce director in corruption. The court had earlier acquitted Yahia, who was unaware of the government's appeal of his acquittal. Yahia appealed the most recent decision, but the court had yet to set a date for the hearing at year's end.

On March 2, authorities in Ghardaia detained news Web site *Al-Waha* editor Nedjar El-Hadj Daoud in connection with a 2005 defamation case but subsequently released him on March 4 for medical reasons. On May 11, a Ghardia court sentenced Daoud to six months' imprisonment in a lawsuit related to an article published in 2006 involving then-presidential chief of staff Labri Belkheir. According to RSF, Daoud faced 20 pending defamation complaints in Ghardia.

According to RSF, the government banned three French publications--*L'Express*, *Marianne*, and *Le Journal du Dimanche*--in the week preceding the April 9 election for content "contrary to national values." Each magazine contained articles that criticized the election atmosphere. On March 7, the government banned another foreign publication, *Afrique Magazine*, because of an article titled "Algeria, Twilight of the Generals."

On April 4, authorities denied Tunisian journalist and human rights activist, Sihem Bensedrine, entry at Algiers airport. The LADDH had invited Bensedrine to monitor the media prior to the April 9 presidential election. Some foreign journalists noted long delays in obtaining visas to cover the election. Authorities denied *Le Monde* journalist Florence Beaugé accreditation prior to the election after she wrote a series of articles critical of the government.

On July 17, a Tebessa court sentenced *Ennahar* correspondent Rabah Lamouchi to six months in jail on charges of defamation and for lacking a press credential. Tebessa authorities arrested Lamouchi on June 9 and later released him on December 13 after the completion of his jail sentence. *Ennahar* editor Anis Rahmani pointed out that individual media outlets, not the government, issue press accreditations, adding that the authorities' action undermined press freedom.

There were no developments in the 2007 appeal of Saad Lounes, who was given a one-year sentence for tax fraud on the basis of a complaint by the Ministry of Commerce dating to 1995. Lounes faced legal pressure for more than 10 years while he operated the only private printing press in the country.

In 2008 an appeals court reduced the 2007 sentence of journalist Dhil Talal, convicted of defamation for an article exposing a government ministry's monetary losses, to a fine of 5,000 dinars (\$70) and a six-month suspended prison sentence. During the year there was no decision on Talal's September 2008 appeal of his reduced sentence.

The government exercised considerable economic leverage on the media. Most newspapers were printed at government-owned presses.

The government continued to influence the independent press through the state-owned advertising company, Agence Nationale d'Edition et de Publicite (ANEP), which decided whether independent newspapers would benefit from advertisements placed by state-owned agencies and companies. ANEP, and therefore the government, controlled the

largest source of income for most newspapers. As has been the case in recent years, independent advertisers played a considerably smaller, but increasingly visible, role in advertising revenue.

During the October Algiers Book Fair, officials banned three titles by well-known government critics: *The Village of the German*, by Boualem Sansal; *Kill Them All*, by Salim Bachi; and *Poutakhine*, by Mehdi El Djezairi. At the 2008 book fair, the Ministry of Religious Affairs (MRA) banned the sale of 1,471 religious titles. Shortly before the 2008 book fair, the government banned the printing of vocal government critic Mohamed Benchicou's latest book, *The Diary of a Free Man*. During the 2007 book fair, government officials confiscated and banned a previous book by Benchicou, *The Jailhouses of Algiers*.

Access to print and broadcast media for Amazigh culture continued to grow. As in recent years, 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. In 2007 the government created an Academy and a Superior Council of the Tamazight language, announcing that Tamazight is a national language.

The government continued restrictions on both the local and the international media's coverage of issues relating to "national security and terrorism." Al-Jazeera's office remained closed, after the government banned it from operating in the country in 2004 for broadcasting a program featuring opposition figures criticizing the government. Several international journalists had their accreditations denied.

The Agence France-Presse (AFP) and Reuters maintained offices, and the government reaccredited both in February. In June 2008, the government revoked the AFP and Reuters bureau chiefs' press accreditations in response to allegedly inaccurate reports the agencies filed on terrorist attacks in the country.

#### Internet Freedom

Access to the Internet was generally unimpeded; however, the government monitored e-mail and Internet chat rooms. On August 16, the government enacted a new law on cybercrimes that establishes procedures for using electronic data in prosecutions and the responsibilities of service providers to cooperate with authorities. On November 9, Minister of Post and Information Technology Hamid Bessalah announced that his ministry was creating a National Center for Internet Data Exchange to protect Internet users from inappropriate content, cybercrime, and hackers.

Internet service providers can face criminal penalties for the material and Web sites they host, especially if subject matters are "incompatible with morality or public opinion." No cases were brought during the year. The Ministries of Justice, Interior, Post, and Information Technology have oversight responsibilities.

According to 2008 International Telecommunication Union data, there were 12 users per 100 inhabitants in the country.

#### Academic Freedom and Cultural Events

Academic freedom generally was restricted in the same manner as freedom of expression. Academic seminars and colloquiums occurred without governmental interference, but there were delays in issuing visas to international participants and instances where authorities denied international experts entrance. On the margins of the October Algiers Book Fair, authorities prevented anthropologist Tassadit Yacine from holding an October 30 conference on the work of Jean Amrouche, a Berber writer from the Kabylie who died in 1960.

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

The constitution provides for freedom of assembly and association; however, the government severely restricted the exercise of these rights 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 banning demonstrations in Algiers remained in effect. Authorities required citizens and organizations 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.

The LADDH reported continuing difficulties in obtaining permission to hold outdoor meetings and seminars. Groups opposing the Charter on Peace and Reconciliation had difficulty securing permission to hold public gatherings.

On May 25, local authorities denied the LADDH authorization to hold a three-day training workshop for journalists at a hotel in Algiers. Algiers city authorities provided no explanation for the refusal.

On February 10, police prevented a sit-in organized by contract teachers who attempted to demonstrate near the presidential offices. In July and August 2008, police prevented a similar series of weekly sit-ins by trade unions and contract teachers. The police blocked walking routes to prevent persons from gathering. Eyewitnesses reported the police pushing and shoving participants but no beatings.

SOS Disparus, an NGO representing relatives of persons who disappeared during the internal conflict of the 1990s, continued to hold weekly sit-ins in front of CNCPPDH headquarters. On August 30, 50 families gathered near the CNCPPDH to commemorate AI's International Day of the Disappeared. On July 16, authorities denied SOS Disparus authorization to hold a seminar on victims of enforced disappearance in the 1990s. Algiers city officials cited the need to maintain public order as the reason for the refusal. On December 9, police prevented SOS Disparus from staging a demonstration commemorating the Universal Declaration of Human Rights near the First of May market in Algiers.

In 2007 security forces banned an international seminar on forced disappearances organized by several NGOs. The government denied visas for Roberto Garreton, a UN expert on human rights, and Anne Laurence Lacroix, deputy director of the World Organization Against Torture, to participate.

### Freedom of Association

The constitution provides for the right of association; however, the government and the emergency decree severely restricted this right in practice. The MOI must approve all political parties before they may be legally established. 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, religious groups, 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 public order. The law implementing the 2006 amnesty prohibits political activities by anyone responsible for having used religion leading to the "national tragedy," that is, the internal conflict of the 1990s.

The government issued 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. According to the MOI, there were 81,000 registered associations, 5,000 of which were active during the year.

SOS Disparus remained unrecognized and continued to operate but faced government interference.

### c. Freedom of Religion

The constitution provides for freedom of religion, but in practice the government restricted religious freedom. 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 prohibits non-Muslims from running for the presidency. Non-Muslims may hold other public offices and work within the government; however, human rights observers reported that the government did not promote such workers and that some hid their religious affiliation.

The Ministries of National Education and Religious Affairs strictly required, regulated, and funded the study of Islam in public schools and monitored all Koranic schools to prevent extremist teachings. In September 2008 local press reported that the MRA dismissed 53 imams and closed 42 locations used for unauthorized Islamic worship.

In February 2008 the government began enforcing a law that regulates non-Muslim religious associations. The law limits the practice of non-Muslim religions and restricts public assembly for the purpose of worship. The law requires organized religious groups to register with the government, controls the importation of religious texts, increases punishments for individuals who proselytize Muslims, and treats transgressions as criminal rather than civil offenses.

According to reports from church leaders, approximately 22 churches that lacked government recognition reopened and held services. In 2008 the government ordered the closure of 27 churches for alleged noncompliance with the ordinance during the year. Church groups said the government denied the visa applications of some religious workers, citing the government ban on proselytizing.

The Catholic Church was the only non-Islamic religion registered to operate in the country. Protestant, Anglican, and Seventh-day Adventist churches had pending registration requests with the government and reported no government interference in their holding services. In 2008 members of a church in Ouadhia said they attempted to apply for registration 12 times. In each instance, local authorities refused to accept the documents. Other churches operated without registration, some openly, while others secretly practiced their faith in homes.

On July 2, the MRA approved the registration of a Jewish association headed by a lawyer from Blida. The MRA authorized the association in accordance with the law.

In 2008 the government pressured domestic pastors, religious converts, and one foreign Catholic priest, accusing some of breaking the law's provisions banning proselytism.

In January 2008 a court in Maghnia issued a one-year suspended prison sentence to a foreign Catholic priest for praying with Cameroonian migrants in an unauthorized place of worship. Upon appeal he received a reduced suspended prison sentence of two months and a fine of 20,150 dinars (\$280), which he appealed. The appeal was pending at year's end.

The MRA provided financial support to mosques and trained, paid, and regulated the appointments and sermons of imams. However, officials stated that they rarely interfered with sermons beyond an advisory capacity. The penal code provides for prison sentences and fines for preaching in a place of worship without the authorization of both religious and national authorities. All persons, including imams recognized by the government, are 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 a pretext for such actions." The government required imams to obtain permits to hold night prayers during Ramadan.

In November 2008 local press reported that some imams filed censorship complaints with the MRA after they faced penalties for failing to address the November 1 anniversary of the country's revolution in their sermons. The ministry denied these claims.

Conversion is not illegal under civil law, and apostasy is not a criminal offense. In March 2008 authorities charged Habiba Kouider with "practicing a non-Muslim religion without a permit." The prosecutor asked that Kouider be sentenced to three years in prison. Kouider was traveling by bus when police questioned her and found her to be carrying Bibles and other religious materials. At year's end the case remained pending.

During 2008 authorities arrested nine Christian converts for various combinations of proselytizing, blasphemy, and illegally practicing a non-Muslim faith. Courts sentenced each to prison terms and fines. A court acquitted five and gave two-month suspended prison sentences and fines of 100,000 dinars (\$1,390) to three. One case remained pending at year's end.

On September 1, police arrested two citizens in Ben Aknoun for eating and drinking during daylight hours in Ramadan. On September 2, an Algiers prosecutor transferred them to El-Harrach prison. A day later authorities released both citizens and dropped all charges.

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 MRA for "disciplinary action" when deemed appropriate.

The government restricted the importation of religious literature (including Islamic literature) intended for widespread distribution and infrequently arrested persons carrying such materials for personal use. In recent years non-Islamic religious texts, music, and videos were available for purchase in some stores in larger cities. The government-owned radio station provided broadcast time for Protestant and Catholic radio broadcasts. The government prohibits the dissemination of literature portraying violence as a legitimate precept of Islam.

#### Societal Abuses and Discrimination

The country's 1992-2002 civil conflict pitted self-proclaimed radical Muslims belonging to the Armed Islamic Group and its later offshoot, the GSPC--now known as 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.

The country's Jewish population numbered fewer than 2,000 persons, and there were no functioning synagogues. Anti-Semitic articles, political commentary, and cartoons appeared regularly in the Arabic-language press. The government did not promote antibias education, and there is no hate crime legislation.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at [www.state.gov/g/drl/rls/irf/](http://www.state.gov/g/drl/rls/irf/).

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

The constitution provides for freedom of movement; however, the government restricted the exercise of this right in practice.

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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 reported that the measure was used to assign a residence to individuals already detained in DRS barracks, thus concealing prolonged arbitrary detention.

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 persons with special family circumstances.

The family code 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 country is party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol. It is also a party to the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. However, there were no reports that the government granted refugee status and asylum to new refugee applicants during the year. According to the UNHCR, the government did not accept UNHCR-determined refugee status for individuals from sub-Saharan Africa fleeing conflict. During the year 144 asylum seekers, mostly sub-Saharan Africans, registered with the UNHCR. The UNHCR granted asylum status to 23 persons. There were reports that the government deported some asylum seekers after trials without legal counsel. Refugees holding valid UNHCR documentation were less likely to be deported. The government provided informal assistance to an estimated 1,000 Tuaregs in the south fleeing conflict in Mali and Niger. However, authorities did not extend legal protections to an estimated 1,400 asylum seekers from sub-Saharan Africa residing in Algiers.

The government provided protection to an estimated 90,000 Sahrawi refugees who left the Western Sahara after Morocco took control of the territory in the 1970s. The UNHCR, World Food Program, Algerian Red Crescent, and other organizations also assisted Sahrawi refugees. Neither the government nor refugee leadership allowed the UNHCR to conduct a registration of the Sahrawi refugees.

From September 8 to 10, UN High Commissioner for Refugees Antonio Guterres visited Algiers and the Sahrawi camps near Tindouf. Guterres discussed expanding UNHCR-sponsored family visits between the camps and Western Sahara and urged government officials to strengthen asylum institutions and allow the International Organization for Migration to open an office in the country.

In practice the government provided some protection against the expulsion or return of refugees to countries where their freedom would be threatened, as was the case with the Sahrawi refugees. However, the government did not provide protection to those fleeing conflict in sub-Saharan Africa.

Sahrawi refugees lived predominantly in camps near the city of Tindouf, administered by the Popular Front for the Liberation of the Saguia el Harma and Rio de Oro (Polisario), an organization that claims sovereignty over Western Sahara. The remote location of the camps and lack of government presence resulted in lack of access to employment, basic services, education, police, and courts.

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

The constitution provides citizens the right to change their government peacefully through periodic elections based on universal suffrage. However, restrictions on freedom of assembly and association, as well as restrictions on political party activities, limited this right.

## Elections and Political Participation

The constitution mandates presidential elections every five years. In October 2008 President Abdelaziz Bouteflika announced his intention to seek parliamentary approval for a set of constitutional amendments that included removal of presidential term limits. In November 2008 the parliament approved the proposed amendments by a wide margin with minimal debate.

A contested, multiparty presidential election was held on April 9 in which the incumbent was elected to a third term. Official election statistics indicated that President Bouteflika won the election with 90.2 percent of the votes and a voter turnout of 74.6 percent. Opposition parties and defeated candidates estimated voter turnout as between 18 and 55 percent.

Election observers from the Arab League, African Union, and Organization of the Islamic Conference stated in a press conference that the April 9 election was fair and transparent. Some international experts commented, however, that observers monitored only election-day procedures and were not on the ground to evaluate preelection activities. Others noted that the complexity of some election procedures created room for fraud and government influence. Two opposition parties, the Rally for Culture and Democracy (RCD) and the Socialist Forces Front (FFS), boycotted the election, arguing that restrictions on freedom of association disadvantaged potential challengers and made the outcome of the election a foregone conclusion. The LADDH pointed to a lack of critical debate in the media and favorable treatment of the incumbent by state-owned media.

There were complaints during the three-week campaign period that public areas dedicated to election propaganda did not display each candidate's materials equally. Some candidates reported interference from local election committees when organizing meetings with voters and filed complaints with the National Election Commission. On March 21, the Party of Liberty and Justice (PLJ) reported that one of its campaign buses was vandalized by a group of youths as PLJ's candidate left a meeting with supporters in the Algiers suburb of Bab El Oued. On March 29, authorities arrested an FFS official in Tizi Ouzou for distributing pamphlets calling for a boycott of the election. On April 4, police blocked a group of RCD party members who attempted to march in an Algiers suburb to encourage voters to boycott the election. In general all candidates received equal access to television and radio media as stipulated in the electoral code.

Multiparty parliamentary elections were held in May 2007 for the lower house, but not all political parties were allowed full access to the electoral process. The MOI disqualified the Islamist party Islah on the grounds that its leader had not been elected in a recent party congress.

Multiparty local elections were held in November 2007, but the election process was marred by irregularities and charges of fraud. No monitoring of the vote counting process was allowed at the local, district, or national level.

There were reports of restrictions placed on opposition political parties. 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 while facilitating the activities of the pro-Bouteflika National Liberation Front (FLN). 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 2007 amendments to the electoral law stated 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 to participate in national elections.

On May 19, the PLJ, whose leader Mohammed Said was a candidate in the April presidential election, applied to the MOI for accreditation. The application was pending at year's end. The Union for Democracy and the Republic party, which originally applied for accreditation in 2004, had also not received a decision from the ministry.

From October 21 to 23, the RCD organized a series of training seminars for its members on various political topics, including civil society and democratic transition. The RCD reported that several foreign speakers invited to participate did not attend because of delays in receiving their visas.

Membership in the Islamic Salvation Front (FIS), a political party banned in 1992, remained illegal. In July 2008 Wafa party leader Ahmed Taleb Ibrahim announced that he was withdrawing from politics after the government's continued refusal to register his party because of its perceived ties to the banned FIS. 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 Popular Assembly of the Nation, the lower legislative chamber, and four of the 144 seats in the Council of the Nation, the upper chamber. A woman led the Workers Party, and three major political parties--FLN, National Rally for Democracy, and Rally for Culture and Democracy--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 Amazigh (Berber) minority, of approximately nine million centered in the Kabylie region, participated freely and actively in the political process and represented one-third of the government.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties of two to 10 years in prison for official corruption; however, the government did not implement the law effectively. The World Bank Worldwide Governance Indicators reflected the existence of a corruption problem.

In 2006 the government passed a law establishing a national anticorruption program, although parliamentarians removed a provision that required elected and senior officials to declare their assets and lifted parliamentary immunity in certain cases. The parliamentarians argued that the existing penal code was sufficient to punish corruption offenses and that the decision to lift parliamentary immunity should reside solely with the parliament. In 2006 the president issued three decrees to implement provisions of the anticorruption legislation. The three presidential decrees and the penal code address the types of offenses that the removed provisions were intended to punish. The decree also stipulates the formation of an anticorruption agency, but it had not been established by year's end. High-level government officials were subject to financial disclosure laws established by two presidential decrees published in 2006.

Irregularities, including the excessive use of private agreements often affected public procurement. According to the Ministry of Public Works, following the president's 2005 statement that the use of private agreements, including sole-source contracts, would be prohibited, government agencies began implementing a public tender policy for all infrastructure and large government projects. For those public tenders, evaluations were not released to participating companies, and evaluation methods and techniques were not clearly defined. Some agencies, however, continued to use direct contracts for public works projects.

The government took action on several high-profile cases of official corruption during the year. On April 27, DRS officials in Annaba arrested Hassan Fellah, businessman and vice president of the Annaba local assembly, on charges of fraud, money laundering, and bribery to gain public office. Authorities alleged that Fellah was part of a criminal group involved in trafficking scrap metal and that Fellah paid bribes to be placed on a candidate list during a local assembly election.

On May 30, the customs inspector general stated in an interview on state radio that authorities arrested 202 customs officers during the year on charges of bribery. According to the Customs Workers' Union, 90 customs officers faced

disciplinary boards during the first trimester of the year for official misconduct. Forty-three officers received demotions in rank, and the government dismissed seven officers. In 2007 65 customs officials were charged with corruption.

According to an August 15 press report, the court of Cheraga charged four Algiers police officers with trafficking stolen cars. Authorities placed one of the officers in pretrial detention in El Harrach prison. The court placed the three other officers under judicial control pending the outcome of their trial.

On October 7, an Algiers court began questioning high-level government officials suspected of extortion and influence peddling in awarding contracts to foreign companies involved in the construction of the East-West highway, one of the country's largest infrastructure projects. Authorities arrested and levied corruption charges against Secretary General of Public Works Mohamed Bouchama and a DRS colonel who was an MOJ advisor. On December 9, authorities indicted the Ministry of Public Works chief of staff, Ferachi Belkacem, in connection with the same case. Authorities placed Belkacem under judicial control. At year's end the outcome of the trial remained pending.

On December 1, the press reported a corruption scandal in the customs service dating back 10 years. Authorities charged five customs executives, six customs agents, and five waste exporters with forgery, filing false declarations, underinvoicing, and embezzlement of public funds. The report estimated losses between 1998 and 2001 at 100 billion dinars (\$1.2 billion). Officials arrested the five customs executives and placed the remaining suspects under judicial control pending the outcome of their trial.

According to a December 16 press report, the inspector general of finance conducted 128 audits and issued 160 investigation reports on corruption during the year.

In May 2008 press reports quoted MOI officials as saying that since 2007, 1,325 employees of municipal and provincial governments were subject to legal proceedings for wasting public funds, forgery, and bribery. According to the report, authorities convicted 324 employees, while the others remained under investigation or had trials pending.

Although permitted under the constitution, authorities restricted access to government information. There is no law facilitating access to information. Throughout the year the MOJ, in cooperation with the United Nations Development Program, improved access to information about the country's judicial system and developed a modern information management system for penitentiaries. Citizens may now request personal legal records from the courts and receive the documents the same day.

Lack of government transparency remained a serious problem. The government did not release many economic statistics. All ministries have Web sites, but not all were updated. The MOJ provides information on citizens' rights and legislation.

#### Section 5 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. Although some human rights groups, including the Algerian League of Human Rights (LADH) and LADDH, were allowed to move about freely, the most active and visible organizations reported interference by government authorities, including surveillance, monitoring of telephone calls, difficulty in securing meeting spaces, and difficulty in obtaining approval for international speakers to speak on sensitive issues.

The government was not publicly responsive to reports and recommendations from domestic human rights NGOs and interfered with attempts by some domestic and international human rights groups to investigate and publish their findings. Domestic NGOs must be licensed by the government and are prohibited from receiving funding from abroad without approval from the Ministry of National Solidarity and the MOI. However, approximately 100 unlicensed NGOs, such as

women's advocacy groups and charity organizations, operated openly. Unlicensed NGOs did not receive government assistance, and citizens were at times hesitant to be associated with these organizations.

The most active independent human rights group was the LADDH, a legally recognized NGO 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 smaller LADH, an independent organization based in Constantine, was licensed, and members throughout the country monitored individual cases.

On October 8, authorities in Algiers denied the LADDH's request to hold a seminar on the death penalty in a local hotel. LADDH moved the conference venue to its downtown office space and held the meeting without incident.

The government rarely approved requests for registration. However, on October 28, the Association of Algerian Women Managers and Entrepreneurs reported that its request for registration was approved after a five-year wait.

NGOs not legally recognized by the MOI cannot conduct investigations. Sometimes, however, even legally recognized NGOs were prevented from conducting investigations. For example, the LADDH did not have access to prison camps or detention centers.

International NGOs continued to experience delays in obtaining visas, and outright refusals occurred. Delays in processing visa applications prevented some NGOs from conducting programming during the year. However, during the year the government granted visas to personnel of several organizations that had not previously been able to obtain visas. The government maintained that legislation did not allow branches of foreign NGOs to operate legally in the country.

In November a representative of the NGO National Democratic Institute (NDI) visited Algiers to meet with political and civil society actors after the government issued a visa in October. This was the first visit of an NDI official since 2007.

Freedom House representatives attended an October 2-3 forum in Algiers on democratic reform in the Arab world, organized with the independent Arabic-language newspaper, *El Khabar*.

According to local AI representatives, in November AI explored the possibility of visiting the country, but at year's end had not received a response to its request. AI officials have not visited the country since 2005 and were denied visas in 2006. Human Rights Watch secured permission for a visa but at year's end had not yet formally applied for one.

In March 2008 the prime minister urged foreign diplomatic missions to respect diplomatic courtesy and warned civil society and political organizations about holding meetings (with foreign missions) that "undermine the country's internal affairs." In April 2008 Interior Minister Zerhouni told an audience of parliamentarians that international NGOs in the country were not "helping or building" the country.

The international NGO Handicap International and local NGO the National Foundation for Health Promotion and Research Development (FOREM), both of which worked on children's rights, reported no difficulty conducting investigations.

In 2007 Yakin Erturk, UN special rapporteur on violence against women, visited the country. 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 advisor for human rights. On August 27, the government issued an ordinance establishing CNCPPDH's legal status on the basis of law rather than presidential decree. The ordinance also changed the procedures to appoint CNCPPDH members by establishing a review of nominations intended to ensure that appointments reflect a broad spectrum of civil society. Directed by Farouk Ksentini, the CNCPPDH 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 CNCPPDH's budget and secretariat come from his office. The CNCPPDH 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.

The public generally viewed the CNCPPDH as progovernment. As in previous years, the group delivered its complete annual report only to the president and provided a public abstract, thus rendering it difficult to measure the effectiveness of the organization's work. On March 9, prior to the August 27 ordinance, the International Coordinating Committee of National Human Rights Institutions expressed concern that the CNCPPDH was established by presidential decree and that the appointment and dismissal of members was not transparent.

#### Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

#### Women

Rape, spousal and nonspousal, occurred. The law criminalizes nonspousal rape but does not address spousal rape. Prison sentences for nonspousal rape range from one to five years. Claims filed by women for rape and sexual abuse continued to face judicial obstacles; however, women's rights activists reported that law enforcement authorities had become more sensitive to the issue. During the year women's rights activists reported a significant increase in reports of violence against women.

Spousal abuse occurred. The penal code 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.

The national police reported that 4,800 women were victims of assault during the first half of the year. The same report stated that police registered 9,517 complaints of violence against women in 2008. According to the CNCPPDH, approximately 4,500 women were victims of assault during the first half of 2008. Police statistics for that period reported 2,675 cases of physical assault, 1,359 cases of abuse, 144 cases of sexual assault, and four deaths. Approximately 20 percent of assailants were identified as male family members. During the year a national study showed that 67.9 percent of women acknowledged that spousal abuse occurred.

Although police stated that violence against women was widespread in large cities, a 2007 study published by the National Institute of Public Health (INSP) showed that violence against women was more frequent in rural areas and among the less educated; however, it was less likely to be reported in such cases because of societal pressures.

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 the 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 call center did not operate during most of the year due to budget constraints. SOS Femmes en Detresse operated one call center in Algiers and a second call center in Batna. During the first eight months of the year, the Algiers call center received 2,533 calls; the Batna call center received 1,340 calls.

According to the penal code, 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 50,000 to 100,000 dinars (\$695 to \$1,390). The punishment is doubled for a second offense. The police stated that 107 sexual harassment cases were reported to the police in 2008. The INSP reported that 50 sexual harassment cases were brought to court in 2007. The majority of reported cases of harassment occurred in the workplace. SOS Femmes en Detresse provided legal advice and counseling to 640 women. During 2007 at least 500 women sought legal advice from the organization; however, the majority of women seeking assistance did not file formal complaints.

The government did not impose restrictions on the right of couples and individuals to decide the number, timing, and spacing of their children. There were no restrictions on access to contraceptives. During the year the Health Ministry's Office of Family Planning conducted a public health awareness campaign. According to the office, 62 percent of women regularly use contraceptives. Government hospitals provided skilled attendance during childbirth as well as obstetric and postpartum care and equally diagnosed and treated women for sexually transmitted infections, including HIV.

The constitution provides for gender equality; however, some aspects of the law and many traditional social practices discriminate against women. The family code 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 the 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 a prenuptial agreement. In a divorce the law provides 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 the children 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 family code affirms the Islamic practice of allowing a man to marry as many as four wives. In practice, however, this occurred in 1 to 2 percent of marriages.

The amendments to the family code, in practice, supersede the Shari'a requirement that a male sponsor consent to the marriage of a woman. Although this requirement has been formally retained and the sponsor continues to contract the marriage, the woman may choose any male that she wishes to be the sponsor.

Women suffered from discrimination in inheritance claims. Women were entitled to a smaller portion of an estate than male children or a deceased husband's brothers. The law explains that such a distinction is justified because other provisions require that the husband's income and assets be used to support the family, while the wife's remain, in principle, her own. However, in practice women did not always have exclusive control over assets that they brought to a marriage or that they earned.

Married women under 18 years of age may not travel abroad without permission from their husbands. Married women may take out business loans and use their own financial resources.

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

In urban areas, there was social encouragement for women to pursue a higher education or a career. Girls graduated from high school more frequently than boys. According to 2006 official 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. In addition, 36 percent of judges were women. Women served at all levels in the judicial system, and female police officers were added to some precincts to assist women with abuse claims. Of the 8.7 million workers, 1.5 million were female, representing 18 percent of the workforce. Women may own businesses, enter into contracts, and pursue careers similar to those of men.

#### Children

Citizenship and nationality can be transmitted from the mother or father. Under the law, children born to a Muslim father are Muslim, regardless of the mother's religion.

The government provides free education for children through high school. Education is compulsory until the age of 16 years. According to a study by the Office of National Statistics released in 2008, 96.5 percent of children attended primary school, while 62.8 percent of children attended middle and secondary school. The study noted that a child entering primary school has a 93 percent chance of reaching the last year of primary education. Boys and girls generally had the same access to education. Girls from rural areas were slightly more prone to leave school because of familial financial and cultural reasons, while sons were often given educational priority. Beginning in the 2006-07 scholastic year, the Tamazight language was taught officially in primary schools, starting in the fourth grade, in 17 predominantly Berber provinces.

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

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. The local NGO FOREM estimated that approximately 10,000 children suffered some form of abuse. FOREM stated that 805 children were victims of sexual abuse according to statistics for the first five months of the year.

The criminal code prohibits solicitation for prostitution and stipulates prison sentences of between 10 and 20 years when the offense is committed against a minor under the age of 18 years. According to the law, the age of consensual sex is 16 years. The law stipulates a prison sentence of between 10 and 20 years for rape when the victim is a minor. The law prohibits pornography and establishes prison sentences of between two months and two years as well as fines up to 2,000 dinars (\$28).

#### Trafficking in Persons

The law prohibits trafficking in persons for all purposes. There were unofficial reports that persons were trafficked through the country. On March 8, the government's antitrafficking law entered into force. The new law criminalizes trafficking in persons for the purposes of forced labor and sexual exploitation and stipulates prison terms of three to 20 years. The country is a transit point to Europe and primarily a destination country for men and women from sub-Saharan Africa trafficked for forced labor and sexual exploitation. There were no indications of official government involvement in trafficking.

Forced prostitution and domestic servitude of migrants from sub-Saharan Africa occurred as they transited through the country, with the help of smugglers, seeking economic opportunity in Europe. The government does not compile official statistical estimates of the severity of trafficking. There were no government assistance programs for victims, nor were there any information campaigns about trafficking.

The Department of State's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, although, in practice the government did not effectively enforce these provisions. The law provides protection, including free medical care, for persons with disabilities, especially children; however, there was widespread social discrimination against persons with disabilities. No government buildings were accessible to persons with disabilities. Public enterprises, in downsizing their work forces, generally ignored a requirement that they reserve 1 percent of jobs for persons with disabilities. Social security provided payments for orthopedic equipment. The MNS provided some financial support to healthcare-oriented NGOs; however, for many NGOs this financial support represented approximately 2 percent of their budgets. The MNS maintained that there were 1.5 million persons with disabilities in the country. However, according to the Algerian Federation of Wheelchair Associations, there were three million persons with disabilities living in the country.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The penal code criminalizes public homosexual behavior for males and females, and there is no specific legal protection for lesbians, gays, bisexuals, and transgender (LGBT) persons. The law stipulates penalties that include imprisonment of two months to two years and fines of 500 to 2,000 dinars ((\$7 to \$28). If a minor is involved, the adult may face up to three years' imprisonment and a fine of 10,000 dinars (\$138).

There was societal discrimination against homosexual conduct, but no reported violence or official discrimination. While some LGBT persons lived openly, the vast majority did not.

#### Other Societal Violence or Discrimination

HIV/AIDS is considered a shameful disease in the country. According to 2007 statistics released by the Ministry of Health, 2,100 citizens were HIV-positive, and 736 persons suffered from HIV/AIDS. There were 54 centers offering free testing services to detect HIV/AIDS. Only 51 percent of women noted use of condoms to prevent infection. During the year the Health Ministry and the NGO AIDS Algerie launched an HIV/AIDS prevention campaign, stressing the need to avoid discrimination, especially in the workplace, against those with HIV/AIDS.

#### Section 7 Workers Rights

##### a. The Right of Association

The constitution allows workers to 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 are no legal restrictions on a worker's right to join a union. Approximately two-thirds of the labor force belonged to unions. The UGTA was the only legally recognized labor confederation. The UGTA includes national unions that are specialized by sector.

Unions have the right to form and join federations or confederations. Unions may also recruit members at the workplace. In practice attempts by new unions to form federations or confederations were obstructed by delaying administrative maneuvers, such as delays in processing registration requests. Since 1996 the Autonomous Unions Confederation, which functions without official status, has attempted unsuccessfully to organize the autonomous unions. The government did

not allow the autonomous union of public sector workers (SNAPAP) to register as a national confederation. SNAPAP and other autonomous unions faced government interference throughout the year, including official obstruction of general assembly meetings and police harassment during sit-in protests.

The law permits unions to affiliate with international labor bodies and develop relations with foreign labor groups. For example, the UGTA is 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 that engaged in illegal activities.

The law provides for the right to strike, and workers exercised this right in practice, subject to some conditions. 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.

In January health workers and university medical professors went on strike to demand better working conditions and salaries. The protest shut down most nonemergency hospital services for almost five days. In February secondary school teachers protested in 40 schools in Algiers and Bejaia to demand higher salaries and state benefits. In March health worker unions called a three-day strike following Prime Minister Ouyahia's statement that the government refused a 15 percent salary increase. Transportation workers organized strikes to demand better social services in March and April. In June, 11,000 taxi drivers held a half-day strike to protest the government's weak enforcement of licensing rules.

On November 9, autonomous teachers' unions called a nationwide, unlimited strike to demand improved compensation benefits and working conditions. Some workers were temporarily detained and fingerprinted after organizing sit-ins. Workers ended the strike on November 23 after education ministry officials agreed to discuss some demands and reinstate allowances and bonuses that had not been paid since January 2008.

The authorities generally tolerated strikes but continued to enforce a ban on marches and demonstrations in Algiers in effect since 2001.

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

The law provides for collective bargaining for all unions, and the government permitted the exercise of this right, in practice, for authorized unions. According to the UGTA, 8.7 million workers are covered by collective bargaining agreements. The UGTA signed 218 collective bargaining agreements between 2000 and 2007, including sector-wide collective bargaining agreements and salary agreements covering industry, public works, and services. The UGTA is the only union authorized to negotiate collective bargaining agreements.

The law prohibits discrimination by employers against union members and organizers and provides mechanisms for resolving trade union complaints of antiunion practices by employers.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced or compulsory labor; however, there were reports from the MOL 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 years, except for apprentice positions. In order to be an apprentice, minors must have the permission of a legal guardian. In 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 in 2007 by FOREM, a children's rights watchdog group financed by the EU. According to FOREM, in the eight most populous provinces, 6 percent of children of age 10 years and younger participated in the labor force, while 63 percent of children between the ages of 13 to 16 years participated. The survey found children working a variety of hours in small workshops, on family farms, and especially in informal trades and street vending. During a November 25 conference on children's rights, FOREM representatives stated that there were approximately 300,000 children under 16 years of age working in the country.

The MOL is responsible for enforcing child labor laws, but enforcement was hindered by a lack of sufficient human resources. In 2006 and 2007, FOREM implemented a public awareness campaign to encourage children to remain in school until 16 years of age, rather than participating in the workforce.

#### e. Acceptable Conditions of Work

The national minimum wage of 15,000 dinars (\$208) per month did not provide a decent standard of living for a worker and family. The minimum wage was raised to this level during the year by a tripartite social pact between business, government, and labor. Autonomous unions, which were not included in tripartite talks, reported the increase was inadequate and would not affect the majority of workers who already earn more than the minimum wage. The previous tripartite negotiation occurred in 2006 and established a minimum wage of 12,000 dinars (\$166). MOL inspectors were responsible for ensuring compliance with the minimum wage regulation; however, enforcement was inconsistent.

The standard workweek was 37.5 hours with one 10-minute break and one hour for lunch per day. Employees who worked beyond the standard workweek 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 workday, a weekend, or a holiday. In general the MOL effectively enforced labor standards, particularly in the civil service and in public sector companies; however, enforcement was less efficient in the private sector because of low union density.

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. Economic migrants from sub-Saharan Africa working in the country without legal immigration status were not protected by the country's labor standards, making them vulnerable to exploitation.

