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Algeria

Country Reports on Human Rights Practices - 2005

Released by the Bureau of Democracy, Human Rights, and Labor
March 8, 2006

Algeria is a multi-party republic based on a constitution and a presidential form of government. The head of state is elected by popular vote to a 5-year term. The president has the constitutional authority to appoint and dismiss cabinet members, as well as the prime minister, who acts as the head of the government. The president also serves as commander in chief of the armed forces. In the country's first democratic, contested presidential elections, President Bouteflika was re-elected in April 2004 from among five other candidates while the military remained neutral. An international observer concluded these elections were generally free and fair, although not without flaws. Government authorities further strengthened civilian rule and control over the military; however, in some instances security forces acted independently of government authority.

The following human rights problems were reported:

- failure to account for past disappearances of persons
- allegations of abuse and torture of detainees
- impunity
- arbitrary arrest and prolonged pretrial detention
- lack of judicial independence
- denial of fair and expeditious trials
- restrictions on civil liberties--freedoms of speech, press, assembly, association, and movement
- limitations on freedom of religion
- corruption and lack of government transparency
- discrimination against women and minorities
- restrictions on workers' rights

Despite these problems following over a decade of civil strife and terrorism, the government took several important steps to strengthen human rights. There was a significant further reduction in reported abuses and use of torture by the security forces. A new code of police conduct reduced the number of arbitrary arrests. Government actions contributed to a reduction in the number of terrorism-related civilian deaths. The government launched a widespread crackdown on corruption, sentencing officials to prison; however, corruption remained a serious problem. Revisions to the Family Code and Nationality Code substantially strengthened equal rights protections for women. The government took significant steps during the year to defuse tensions with the Kabylie and address social and economic concerns of regional leaders. An accord reached between the government and the Arouch (Berber citizen) Movement led to special regional elections in November that addressed under representation of Kabylie interests in regional and municipal assemblies.

Terrorist groups committed numerous, serious abuses. Security force operations weakened terrorist groups and lowered casualty levels during the year.

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 politically motivated killings by the government or its agents; however in July in Bechar, one asthmatic woman died during a protest in which police used teargas.

According to the government, the total number of terrorist, civilian, and security force deaths during the year was 488, compared to 429 in 2004 and 1,162 in 2003. Of these 488 deaths during the year, terrorists killed 76 civilians (93 in 2004) and 177 security force members (117 in 2004); and security forces killed an estimated 235 suspected terrorists (219 in 2004).

According to credible reports in May 2004, adolescents Chouaib Argabi and Ali Remili stole food, hid it in a palm grove, and attempted to retrieve it in the night. In an area where armed terrorist groups have conducted operations, Communal Guards (GLD) noticed their movements and allegedly fired without warning, killing Argabi, an ethnic Berber, and sparking demonstrations the next day (see section 1.c.). The commander of the GLD publicly denied that his guards fired summarily. Although an investigation was conducted, the results were not

made public.

Terrorists targeted civilians, security forces, and infrastructure, often using stolen police uniforms, weapons, and equipment. Revenge, banditry, and land ownership disputes and not terrorism per se prompted some killings. The violence occurred predominantly in mountainous and rural areas.

b. Disappearance

During the year, there were no reports of politically motivated disappearances. Thousands of disappearances occurred in the mid-1990s, most of which were attributed to the security forces. The last known disappearance, according to local and international non-governmental organizations (NGOs), occurred in 2002.

The total number of disappeared during the 1990's continued to be debated. Officially, the government estimated during the year that 6,146 persons were missing or disappeared as a result of government actions between 1992 and the end of 1998, with some 10,000 additional persons missing or disappeared from terrorist kidnappings and murders. However, local NGOs reported that security forces played a role in the disappearances of approximately 8,000 persons. Amnesty International (AI), in its 2003 report, stated that 4,000 men and women disappeared from 1993-2000 after being arrested by members of the security forces or state-armed militias. Human rights attorney Ali Yahia Abdenour estimated in 2003 the total missing from both security force and terrorist actions, based on the testimony of family members, at 18,000.

Nearly all of the disappearances remained unresolved. Local offices of the Ministry of Interior in each district accepted cases from resident families of those reported missing, but provided little useful follow-up information. In 2003, the government established the Ad Hoc Mechanism on the Disappeared and named Farouk Ksentini as director. The Mechanism has the authority to request information on behalf of victims' families from governmental agencies to research familial claims of disappearances, but it is not an investigative body and cannot force the cooperation of other governmental agencies or the security forces.

In February 2004, President Bouteflika publicly declared that the state must accept responsibility for the actions of security personnel, even though such actions were not authorized by government policy. In April 2004, the Mechanism provided President Bouteflika with recommendations for dealing with disappearances. One recommendation was that, for cases documented in the Mechanism's files, an indemnity should be paid to the families of the disappeared. According to Ksentini, the Mechanism had files on 5,000 such cases, although SOS Disparus, a local NGO, claimed in September 2004 that the Mechanism only had 300 files, despite the large numbers of disappearances and records maintained by local NGOs. In March, the Mechanism submitted its final, but not publicly released, report on the current human rights situation and recommendations to the president.

Local and international human rights NGO groups criticized the Mechanism for its ineffectiveness during its 18-month mandate. In its 2005 report, AI asserted that the Mechanism lacked professionalism and independence. In June, Human Rights Watch (HRW) said the Mechanism had done little to advance the causes of truth and justice. NGOs were neither invited to give any input related to its creation nor consulted for recommendations, although the Mechanism has met, on a case-by-case basis, with individual NGOs that requested a meeting, including AI and HRW. According to NGOs, the Mechanism, established, funded, and staffed by the government, could not provide any guarantee of its independence and impartiality. While most families of disappeared generally welcomed indemnity, they as well as local and international NGOs continued to demand that the government make greater efforts to locate the remains of the missing, investigate disappearances, determine responsibility, and hold perpetrators accountable.

No reported prosecutions of security force personnel stemmed from these cases. According to some local NGOs, the government has refused to investigate cases to avoid the possibility of criminal charges against security forces or other government officials. For courts to hear charges of disappearance, the law requires at least two eyewitnesses. Courts have therefore refused to consider cases where a family member, as a single eyewitness to an abduction, had identified specific policemen as the abductors.

The government asserted that the majority of reported disappearances either were committed by terrorists disguised as security forces or involved former armed Islamist supporters who went underground to avoid terrorist reprisals. However, there is no evidence that the government investigated any of the 5,200 cases that it acknowledged were caused by security forces. Ksentini stated on several occasions that any security force involvement in the disappearances was the result of individuals operating outside the scope of their superior's orders and without instruction from any specific state institution. While acknowledging the government's responsibility to protect its citizens, Ksentini said the Mechanism would forward evidence of criminality to the judiciary for prosecution but had not yet done so because there was not enough evidence in any case.

The government also placed restrictions in 2003 on the international NGO Freedom House's efforts to investigate cases of disappeared persons. The government required Freedom House to submit its proposed activities in advance for governmental approval. Government officials said technical assistance was welcomed, but no political activities would be allowed. As a result, a proposed international conference on the disappearances organized by the Human Rights League and the NGO SOS Disparus was not allowed to proceed. The government also denied visas to Freedom House associates, causing some events to be cancelled.

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

Both the constitution and Legal Code prohibit torture and other cruel, inhuman, or degrading treatment or punishment; however, there were reports by AI and Algeria Watch that government officials employed such practices.

Although the Penal Code prohibited torture, legislation enacted in September 2004 criminalized torture, and government agents now face

prison sentences for up to three years for committing such acts. Impunity remained a problem (see section 1.d.).

According to human rights lawyers the incidence and severity of torture is on the decline due in part to better training of the security forces and alternative intelligence gathering techniques. However, they maintained that torture still occurred in military prisons, more often against those arrested on "security grounds." In May, AI reported that the "chiffon" method--stuffing a rag into someone's mouth while forcing contaminated liquids into the victim's stomach until he or she vomits, while at the same time making it almost impossible to breathe--was the preferred method of torture because it left no physical traces of assault.

Seven gendarmes were in detention in a military prison in Blida awaiting trial on charges of torture and maltreatment.

In May 2004, 24 adolescents were arrested in T'kout following demonstrations protesting the death of Chouaib Argabi (see section 1.a.). Six of the adolescents told their lawyer that they had been tortured and sexually abused by the gendarmerie during their detention. Their attorney, Salah Hanoun, claimed in the press that he saw physical proof of mistreatment, which included burns and bruises, and took photographs. During their trial, defense lawyers raised the issue of torture, but the judge refused to permit any discussion of the matter. Most of the accused spent at least five months in prison but received a presidential pardon in 2004. All 24 adolescents have since been released.

Prison and Detention Center Conditions

Prison conditions generally met international standards; however, while the government permitted visits by independent human rights observers, including the International Committee of the Red Cross (ICRC) and the Red Crescent, to regular, non-military prisons, it continued to deny visits to its military or high security prisons and detention centers. During the year, UN Development Program (UNDP) noted improved conditions in civilian and low security prisons as a result of prison reform. The UNDP also worked with the government to improve educational programs in prisons, allowing 233 prisoners during the year to earn their high school diploma through classes held in prisons, as part of prison reform efforts begun in 2004.

Overcrowding and insufficient medical treatment also remained problems. A privately-owned newspaper reported there was 1 doctor for every 300 prisoners, and the quality of the health units improved during the year. In October 2004, the ICRC visited civilian prisons and pretrial detention centers but was still barred from the country's military and high security prisons and detention centers.

Hunger strikes were held in several prisons throughout the country in protest over the length of pretrial detentions.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention; however, in practice the security forces continued arbitrarily to arrest and detain citizens, although reportedly less frequently than in previous years.

Role of the Police and Security Apparatus

The national police or General Directorate for National Security falls under the control of the Ministry of Interior. The Gendarmerie, under the Ministry of Defense, also perform police-like functions throughout the country. Police were generally effective at maintaining order throughout the country. Low levels of corruption did exist, especially in the Customs Police.

The government stated in 2003 that, as a matter of policy, disciplinary action will be taken against soldiers or police found guilty of violating human rights, but 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. In January, all security forces were provided for the first time with a copy of the code of conduct, establishing regulations for conduct and sanctions for abuses, as part of human rights training. According to human rights attorneys, police officials, and local NGOs, the largest single abuse of police authority occurred as a result of officers not following established guidelines for arrests.

Arrest and Detention

Police must obtain a summons from the prosecutor's office in order to require a suspect to appear in a police station for preliminary questioning. Summons are also used to notify 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 the offense taking place. Summons are generally issued when the case is ready for trial, whereas warrants are issued before the case comes to court.

The constitution requires 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 the prosecutor extend the suspect's detention to 72 hours. In practice, the security forces generally adhered to the 48-hour limit in non-terrorism cases.

Persons accused of acts against the security of the state, including terrorism, may be held in pretrial detention no longer than 20 months, according to the Code of Penal Procedure; however, the prosecutor must show cause every 4 months for continuing pretrial detention.

Prolonged pretrial detention remained a problem. A suspect may be held in preventive detention for 4 months with extensions not to exceed 12 months, according to Article 125 of the Code of Penal Procedure. The prosecutor must show cause every four months to continue the pretrial detention. Judges rarely refused prosecutor requests for extending preventive detention. Detention can be appealed to a higher court, but is rarely overturned. If the detention is overturned, the defendant can request compensation. According to the Minister of Justice, prosecutors sometimes abused investigative detention.

Detainees in pretrial detention must be informed of their right to communicate immediately with family members, receive visitors, and to be examined by a doctor of their choice at the end of their detention. However, there have been frequent reports that these rights were not extended to detainees.

There were political detainees; several journalists were detained without charge for lengthy periods before trial for defamation against government officials. In June, journalist Ahmed Benaoum, who was charged with embezzlement of public funds, was released after 11 months in pretrial detention.

In other instances, pretrial detention was less prolonged. Student Merzouk Hamitouche was arrested in December 2004 for destruction of public property and remained in pretrial detention for one month before his trial. He was found guilty and sentenced to three months in jail; however, his sentence was reduced to probation on appeal.

Dr. Kamel Ferkar was arrested October 31, 2004 following an October 13, 2004 demonstration. He was held without charge until November 8, 2004, when he was charged with unauthorized gathering, destruction of public goods, possession of a weapon, and obstruction of a public road. He was held in pre-trial confinement until March 12 when he was found guilty and condemned to five months in prison and a \$40 (3000 dinars) fine.

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

Local prosecutors are required to grade the performance of police captains operating in their jurisdiction to ensure that they comply with the law in their treatment of suspects. Police captains subsequently grade their officers. In addition, any suspect can request a medical examination once on police premises or before facing the judge.

Amnesty

From April 2004 to July 2005, President Bouteflika issued a blanket presidential pardon to 18,126 prisoners convicted of petty crimes.

e. Denial of Fair Public Trial

Although the constitution provides for an independent judiciary, executive branch decrees and influence, in practice limited the independence of the judiciary. However, during the year the government made historic strides towards reforming the judiciary. The government launched an investigation into judicial corruption. Forty magistrates were investigated, three of whom were detained pending the investigation's conclusion. In September Justice Minister Tayeb Belaiz publicly announced that 60 magistrates had been fired because "of reprehensible acts". In the same month, 21 magistrates appeared before the High Council of Magistrates for disciplinary sanctions, which could range from expulsion to transfers.

The judiciary is composed of the civil courts, which hear cases involving civilians facing charges not related to security or terrorism; and the military courts, which can also hear cases involving civilians facing security and terrorism charges. Regular criminal courts can try cases involving security-related offenses at the local level.

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, 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. Since May 1, the council functioned without a president.

Trial Procedures

Most trials are public and non-jury. Defendants are presumed innocent, 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 also have the right to appeal, and the testimonies of men and women have equal individual weight.

Government authorities did not always respect all legal provisions regarding defendants' rights, and they continued to deny due process. Women were denied equal rights before the law due to the court's application of the Family Code, based on Shari'a (Islamic law). However, the situation improved during the year with the liberalizing reforms to the Family Code and passages of the new Nationality Code giving women the right to transmit nationality in their own right and to marry non-Muslims. Defendants and their attorneys were sometimes denied access to government-held evidence relevant to their cases.

There are four military tribunal courts, in Oran, Blida, Constantine, and Bechar. These courts 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. Attendance of the public at the trial is at the discretion of the tribunal. Appeals are made directly to the Supreme Court. The military tribunals tried cases during the year, but no specific information was available.

Political Prisoners

There were political prisoners, namely journalists serving prison sentences for defamation against government officials (see section 2.a.).

In February, the Superior Council of Judges permanently dismissed and disbarred Judge Mohamed Ras El Ain at a disciplinary hearing. Judge Ras El Ain was not afforded due process during the trial. Human rights lawyers and local and international press reported that he was brought up on disciplinary charges for criticizing the politicization of the judiciary and an October 2003 court decision preventing oppositionists within the National Liberation Front from holding a party congress.

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

The constitution prohibits such actions; in practice, however, government authorities at times infringed on citizens' privacy rights. The government actively monitored the communications of political opponents, journalists, human rights groups, and suspected terrorists (see Section 4).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press; however, in practice, the exercise of these rights was restricted.

Individuals can generally criticize the government privately and publicly without reprisal. However, citizens are less inclined to criticize the government in public. Political meetings are usually monitored.

Government pressure on the press markedly increased during the year. The government's use of defamation laws to harass and arrest journalists, its closure of two newspapers for debts to the state-owned printing house, and its continued grant of an advertising monopoly to the state-owned advertising agency intimidated papers into practicing self-censorship. As long as the press refrained from what government authorities might consider "insults" to the honor and dignity of individuals, it remained able to criticize government shortcomings and report some criticism of the government, including failure to address social and economic issues, lack of transparency, and government actions against the press. However, the press faced significant repercussions from the government for personal attacks on government officials.

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 gives the government broad authority to restrict these freedoms and to take legal action against what it considers to be threats to the state or public order. These regulations were heavily applied throughout the year, and in some instances the government targeted specific media organizations and their staff. In a July press conference in Algiers, the NGO International Federation of Human Rights Leagues said that the government repressed the press.

The country's non-state owned print media consisted of more than 45 publications that supported or opposed the government to varying degrees; only 6 newspapers' circulation exceeded 10 thousand copies. In addition, two French-language papers and two Arab speaking papers are owned by the state. Many parties, including legal Islamic political 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.

Government economic leverage was considerable. All newspapers are printed at government-owned presses, and the government continued to exercise pressure on the independent press through the state-owned advertising company, Agence Nationale d'Edition et de Publicite (ANEP), which 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 newspapers.

Most independent newspapers continued to rely on the government's four publishers for printing presses and newsprint. In July 2004, SIMPRAL, the Algiers-based government publisher, stopped printing *Le Matin* for its failure to pay a debt of \$512,533 (38 million dinars). The paper went bankrupt and the building was sold in 2004.

In February, the government prevented the importation of the weekly French magazine *L'Express* due to an article entitled "Networks in Algeria" covering the resurgence of some traditional structures such as the *zaouias* (religious brotherhoods), regional tribes and some business groups. In March, the government prohibited the distribution of the weekly magazine *L'Intelligent* because of an article critical of the government's ineffectiveness in resolving the issue of the disappeared. The December issue of the same publication was seized December 25 and not distributed because it contained an interview with the former Islamic Salvation Army chief Madani Mezrag in which he confessed to having killed persons prior to the adoption of the 1999 Civil Concord.

The law permits the government to levy fines and jail time against the press in a manner that restricts press freedom. The most common form of harassment was through the use of defamation laws. 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 \$675 to \$6,750 (50,000 to 500,000 dinars). During the year, 11 journalists were sentenced to jail terms for defamation, some of whom were previously convicted of offenses in 2004. Farid Allilat (1 year), Ali Dilem (1 year), Djameleddine Benchenouf (3 months) and Arous Outoudert (6 months) from *Liberté*; Fouad Boughanem (1 year), Reda Belhajouja (6 months), Nacer Belhajouja (6 months), Kamel Amarni (1 year) and Malika Bousouf

(6 months) from *Le Soir D'Algerie*; Youcef Rezzoug (3 months), Yasmine Ferroukhi (3 months), Abla Cherif (2 months), Hassane Zerrouky (2 months) and Badis Massoui (2 months) from *Le Matin*; Salima Tlemcani from *El Watan*; and Abder Bettache (2 months), Ghanem Khemis (2 months) and Abdelkader Djemaï (2 months) from *El Youm* were all convicted on defamation charges during the year and were free pending appeal.

From 2001 to 2004, the government prosecuted at least 10 journalists under the Penal Code. Djamel Benchenouf, Farid Allilat, and Ali Dilem from *Liberté*; Mohamed Benchicou and Sid Ahmed Semiane from *Le Matin*; Hafnaoui Ghoul of *Djazair News*; and Ali Boughanem, Mohamed Bouhamidi, and Kamel Amarni from *le Soir d'Algerie* were all charged for defamation and received sentences ranging from 2 months to two years.

In 2004, Mohamed Benchicou, the managing editor of the opposition paper *Le Matin* and author of a book critical of the president, *Bouteflika-An Algerian Impersonation*, was convicted of violating foreign exchange controls in attempting to sell the book. He was fined 200,000 euros and sentenced to two years in prison. The sentence was upheld on appeal and his fine was tripled. He was also convicted on one count of defamation and ordered to pay a fine of \$675 (50,000 dinars). Various international actors, including the EU Parliament, denounced his detention on the one-year anniversary of his incarceration. In July, Benchicou's lawyers confirmed that his appeal file was lost by the Supreme Court. In August, after the file was found, Benchicou appealed the defamation charge. At year's end, there were still nine cases of defamation against Benchicou. In four cases, he was charged on the basis of his own writings; for the other five, he was charged as editor in chief of the newspaper *Le Matin*. Benchicou has appealed all cases.

The government continued restrictions on the international media's coverage of issues relating to "national security and terrorism." In 2003, the government deported four journalists for their coverage of released political prisoners Ali Belhadj and Abassi Madani. The government threatened similar action against others who violated the guidelines of the Ministry of Communication communiqué forbidding media coverage of the prisoners' release (see Section 1.d.).

Radio and television are government-owned, with coverage favorable to government policy. Presidential candidates received equal amounts of time on the state-owned radio and television channels during the three-week official campaign season prior to the April 2004 elections. However, both before the official campaign and in the period following the elections, opposition candidates were generally denied access to the public radio or television. Additionally television access was still severely limited for some opposition parties. These limitations were less evident for radio.

Satellite dish antennas were widespread.

During the year the government increased access for print and broadcast media for Tamazight (Berber language) and Amazigh culture, building on advances made in 2004. In addition, Tamazight programming increased on the non-Berber channels, as well as advertisements in Tamazight on all television and radio channels. In September, the *wilaya*, or province, of Bouira welcomed the first national book fair in Tamazight. .

Some restrictions remain in place on the international media, limiting its ability to report freely. Al-Jazeera's office has been closed since 2004. The accreditation of a photographer from Agence France Presse was refused. Teams from Al-Hurra and Dubai TV did not receive permission to film a documentary. Ahmed Megaache from Al-Arabia and Ait Larbi from Le Figaro have yet to receive accreditation. In November, a team from Berber TV assigned to cover elections in Kabylie had difficulties taking possession of their video equipment at the Port of Algiers.

The government limited academic freedom. While a growing number of academic seminars and colloquiums occurred without governmental interference, there were extensive delays in issuing visas to international participants and instances where international experts were denied entrance (see section 4).

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

Although the constitution, under Article 41, provides for the right of assembly, the emergency law and government practice continued to sharply curtail this right. A decree issued in 2000 continued to ban demonstrations in Algiers. Citizens and organizations were required to obtain permits from their 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. During the year, the Algerian League for the Defense of the Rights of Man (LADDH) could not hold meetings outside its headquarters without the governor's permission, which was rarely granted, greatly hampering the League's human rights efforts. Groups opposing the Charter on Peace and Reconciliation also had difficulties securing permission to hold public gatherings.

The government broke up numerous marches, protests, and demonstrations during the year outside the capital. In January and February, demonstrations in Djelfa, Mascara, Kherrata, Ain Abid, Maghnia, Tiaret, and Bouira protested the rise in gas prices. Some security force personnel and demonstrators were injured during the protests, and some demonstrators were arrested or detained. In July there was a wave of protests in the south in response to government corruption, power outages and sanitation problems. When security forces were unable to control the crowd, tear gas was used, and one woman with asthma died as a consequence.

In May, a protest in Algiers against the government's failure to resolve the issue of disappeared persons took place in front of parliament and

was allowed to continue until protesters returned home peacefully. The organizers maintained, however, that the police prevented families from other provinces from participating.

In Algiers, every Tuesday morning throughout the year families of the disappeared staged a sit-in before the government's human rights ombudsman, the National Consultative Commission for the Promotion and Protection of Human Rights. The police did not intervene to break up the demonstrators, the majority of whom were older women.

Freedom of Association

The constitution provides for the right of association; however, the emergency law and government practice severely restricted this right in practice. The interior ministry must approve all political parties before they may be 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 under articles pertaining to national security. The government frequently failed to grant official national recognition to NGOs, associations, and political parties in an expeditious fashion. The NGO SOS Disparus, as well as the Democratic Front of Sid-Ahmed Ghozali and the Wafa party of Ahmed Taleb Ibrahim are still not officially recognized.

The government issued licenses to domestic associations, especially medical and neighborhood associations. In 2004, the interior ministry reported that many inefficient associations, especially cultural ones, ceased to exist due to poor management, poor finances, and lack of interest. Youth, medical, literacy, and neighborhood associations continued to benefit from government support and the interest of members. The interior ministry regarded those organizations unable to attain government licenses as illegal. Domestic NGOs confronted bureaucratic obstacles when receiving support from abroad.

The Southern Movement for Justice (SMJ) was organized in March 2004 with the objective of creating political awareness for politicians to address the south's high rates of poverty, illiteracy, and unemployment. In October 2004, the government arrested 10 SMJ delegates for organizing meetings of a non-recognized association following two peaceful protests. Some received six months in prison and have since been released; others received six months' probation.

The ministry 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 of the state. After the government suspended the parliamentary election in 1992, it banned the FIS as a political party as well as social and charitable groups associated with it (see section 3). Membership in the FIS, although a defunct organization, remained illegal. The Islamic Workers Union was banned in the 1990s and officially dissolved during the year (see section 6.a.).

The government took significant steps during the year to defuse tensions with the Kabylie and address the concerns of regional leaders. In particular, Prime Minister Ahmed Ouyahia reached agreement on a number of Kabylie grievances with Arouch leader Belaid Arika, who had been physically assaulted during a public protest rally and seriously injured in 2003 by members of government security services. The accord addressed economic and social concerns and made possible regional elections in November.

c. Freedom of Religion

Article 2 of the constitution declares Islam to be the state religion. There are 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. In practice, the government restricted religious freedom.

The government requires organized religions to obtain official recognition prior to conducting any religious activities. The Protestant, Roman Catholic, and Seventh-day Adventist churches are 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. According to the Ministry of Religious Affairs, the Ministry of Interior is responsible for determining the penalties for those practicing a non-recognized religion; however, in practice, non-recognized religious group meetings were largely tolerated.

Islamic law (Shari'a) does not recognize conversion from Islam to any other religion; however, in cases of conversion the government applies civil law, where conversion is not illegal. There are no specific laws against Muslim citizens proselytizing non-Muslims; however the government considers the proselytizing of Muslim citizens by non-Muslims 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. Over the last few 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 to a Protestant and Catholic radio broadcast. The government prohibited the dissemination of any literature portraying violence as a legitimate precept of Islam.

The ministries of education and religious affairs strictly require, regulate, and fund 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 for "disciplinary action" when deemed appropriate. The Ministry of Religious Affairs 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 pre-screen religious sermons before they are delivered publicly (see section 2.a.). However, the ministry rarely interferes with sermons beyond an advisory capacity. The government monitors all Koranic schools to prevent extremist teachings.

The Penal Code provides prison sentences and fines for preaching in a mosque by persons who have not been recognized by the government as imams. Persons (including imams recognized by the government) were prohibited from speaking out during prayers at the mosque in a manner that was "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 Ministry of Religious Affairs controlled Islamic sermons during the violence between Islamists and the government during the 1990s, and those restrictions largely remained in place.

Societal Abuses and Discrimination

There were no anti-Semitic incidents during the year, although anti-Semitic political commentary and cartoons appeared periodically in the Arabic-language press without government response. The government did not promote tolerance or anti-bias education, and there is no hate crime legislation. The country's Jewish population numbered approximately 60 persons.

The country's decade-long civil conflict has pitted self-proclaimed radical Muslims belonging to the Armed Islamic Group and its later offshoot, the Salafist Group for Preaching and Combat, against moderate Muslims. Radical Islamic extremists have issued public threats against all "infidels" in the country, both foreigners and citizens. As a rule, the majority of the country's terrorist groups did not differentiate between religious and political killings.

Following the issuance of an announcement by the authorities warning against such behavior, the tribunal of Bejaia sentenced six young persons in October to 3 to 6 months in prison for having eaten in an "ostentatious way" during daylight hours in the Muslim fasting month of Ramadan.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for freedom of domestic and foreign travel, and freedom to emigrate; however, the government restricted the exercise of these rights. The government did not permit young men who are eligible for the draft and who have not yet completed their military service to leave the country without special authorization; however, such authorization may be granted to students and to those persons with special family circumstances.

Under the state of emergency, 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.

Armed bandits and terrorists intercepted citizens at roadblocks, often using stolen police uniforms and equipment to rob them of their cash and vehicles. On occasion, armed groups killed groups of military and civilian passengers at these roadblocks (see section 1.a.).

The Family Code does not permit any females younger than 18 years of age, or children, to travel abroad without their guardian's permission (see section 5).

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. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status and asylum. There were no reports of the forced return of persons to a country where they feared persecution. The government provided temporary protection to upwards of 100,000 refugee Sahrawis, former residents of the Western Sahara who left that territory after Morocco took control in the 1970s. The Office of the UN High Commissioner for Refugees (UNHCR), the World Food Program, the Algerian Red Crescent, and other organizations assisted Sahrawi refugees. The government cooperated with UNHCR and other humanitarian organizations in assisting refugees.

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

Article 10 of the constitution provides citizens with the right to change freely their government, and citizens exercised this right in 2004 through a free, transparent, and multi-party presidential election held on the basis of universal suffrage. The constitution mandates presidential elections every five years.

Elections and Political Participation

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. However, the election and the electoral system were not without flaws. President Bouteflika was re-elected in April 2004 to a second term, winning approximately 85 percent of the vote, according to the official results. Voter participation was 58 percent, compared to 46 percent in the 2002 legislative elections.

Unlike previous elections, there was marked improvement towards a more free and transparent electoral process. The military was generally neutral in the election, upholding the Armed Forces chief of staff's promise not to intervene and abiding by a January 2004 electoral reform law that eliminated the practice of voting in barracks a day before the "general vote." Six candidates representing parties with a wide-range

of political views participated, and they were able to campaign publicly on television and radio. A woman also ran for president for the first time in the country's history. Unlike in 1999, the candidates did not drop out on the eve of the election; and for the first time, candidates and party representatives were able to review the voter lists prior to the election. The lists were made available to the heads of political parties on CD-ROM, reducing the possibility of election fraud. 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, though not without flaws.

Problems with the electoral system persisted. The Administrative Court of Algiers was criticized among the country's political class and independent media for having invalidated the National Liberation Front's Eighth Party Congress. The invalidation was viewed as politically motivated and a setback to the president's main opponent, former Prime Minister and FLN Secretary-General Ali Benflis, because the party representatives chosen during the Eighth Party Congress were Benflis supporters. The invalidation also froze the FLN's bank accounts, which became accessible only after the election of the new Secretary General on February 1.

Opposition candidates also complained that the Ministry of Interior regularly blocked registered parties from holding meetings; denied them access to larger and better equipped government conference rooms; and pressured hotels into not making conference rooms available, while facilitating the activities of the pro-Bouteflika FLN. According to the Constitutional Council, which validates election results and determines whether candidates meet all the requirements, three potential candidates did not receive sufficient numbers of signatures for placement of their names on the ballot. Two candidates claimed the Council's invalidation of their signatures was politically motivated, but they were unable to provide any evidence of fraud. Opposition candidates had access to the state-controlled media during the official three-week election campaign period, but not before or after the campaign.

Additionally, opposition candidates, primarily the (Islamist) "Movement for National Reform," expressed concern over potential tampering of the voter lists. Candidates filed numerous complaints that the lists were disorganized, unusable, and inflated. The Electoral Commission made hundreds of corrections in a voter registration based on 191 complaints. During the year the government welcomed the recommendations of the International Foundation for Election Systems (IFES) to correct voting problems; but it only partially implemented the recommendations, before the elections.

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 or Senate). All members of the Assembly are elected by popular vote to five-year terms. In the council, two-thirds of the members are elected by the regional assemblies (the Popular Communal Assemblies and the Popular State Assemblies), and the remaining one-third is appointed by the president; all members serve six-year terms, and the constitution requires that half the elected portion of the council and one-third of the appointed portion be replaced every three years. The constitution provides the president with the authority to rule by executive order in special circumstances. In cases when parliament is not in session, the president has the right to legislate by executive order. However, he must submit the executive order to parliament for approval upon its return, first to the Assembly then to the Council of the Nation. If the Assembly disapproves the executive order twice, the president must dissolve the Assembly. Assembly elections were held in 2002, and indirect elections for the Council of the Nation were held in 2003.

The law requires that potential political parties receive official approval from the interior ministry to be established. To obtain approval, a party must have 25 founders from across the country whose names must be registered with the interior ministry. The government has refused to register two parties: Wafa, because of its perceived ties to the banned FIS party constituted a threat to national security, according to the minister of interior; and the Front Democratique because it received no official response on its registration request. It was unclear why there was no response, but the party leadership claimed the government was not ready for "real democratic openness." No party may use religion, Amazigh heritage, or Arab 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.

In 2003, indirect elections for 48 seats of the Council of the Nation (upper house) were held. For the first time members from Islamic parties were elected to the council.

Thirty-two women served in senior positions in the executive and legislative branches. There were three women in the cabinet: as minister of culture; and as minister delegates for family and female condition, and for scientific research. Women also held 24 of the 389 seats in the Assembly and 4 of the 144 seats in the Council of the Nation. A woman led the Workers' Party, and all the major political parties, except the Islah Party, had women's divisions headed by women during the 2003 legislative elections.

The ethnic Amazigh 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. However, Amazigh protests and boycotts surrounding the 2003 and the April 2004 elections underscored the economic and social neglect felt by many in this community, which makes up nearly one-third of the overall population.

Government Corruption and Transparency

Corruption in the executive and legislative branches of government continued to be a serious problem. There are anti-corruption regulations in the Penal Code that call for prison sentences of up to 2 years and increase progressively up to 10 years' imprisonment for high executives; however, the regulations were not widely implemented.

During the year, President Bouteflika declared publicly that corruption would not be tolerated and launched a nationwide crackdown. On April 26, an Algerian criminal tribunal found Bachir Frik, Wali of Oran and Cheikh Tayeb Laoufi, former Director of the Real Estate Development Agency in Oran guilty of corruption. Both were sentenced to 8 years in prison and fined \$7,065 (500,000 dinars). On the same day, Hacene Baalas, Director of Commercial Real Estate, was sentenced to 5 years in prison and fined \$2,826 (200,000 dinars) for corruption. In addition, on May 10 Ahmed Bouricha, Wali of Blida, was forced to resign his position after being implicated in real estate corruption. He was under investigation at year's end. Customs Director General Sid Ali Lebib reported that since 2001, hundreds of custom officers have been charged with infractions, seven of whom were senior officers. These senior officers were dismissed for corruption and embezzlement, and scores of

the other charged customs officers received prison terms of unspecified length.

On January 25, parliament approved an anti-corruption law brought about in part by the requirements of the country's free trade agreement with the European Union. The law established the creation of an organization to oversee the implementation of the national strategy against corruption. Since the initial parliamentary approval of the law, article seven, which required elected and senior officials to declare their assets and, in certain cases, could lead to the lifting of parliamentary immunity, has been removed. The modification 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 solely reside with parliament.

Lack of government transparency remained a serious problem. For example, parliamentary debate on the proposed corruption law disclosed that 80 percent of government officials did not declare their wealth. Many government economic statistics were not released to the public. However, some ministries have recently established public Web sites containing government information. Some Web sites are better than others; all ministries are now required to establish Web sites and update them on a regular basis.

In August the Ministry of Justice launched two Web sites to inform citizens of their rights. The first Web site lists addresses of all courts and tribunals, a review of current legal news, practical information on ways of obtaining a citizenship certificate, and information on bail, legal assistance and criminal records. The second Web site provides information on Algerian law and legislation, to include draft laws, constitutional rights and amended laws.

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

The government interfered with some domestic and international human rights groups which were trying to investigate and publish their findings. The government continued to harass local NGOs, and impeded the work of international NGOs. While some human rights groups, including the Algerian League for Human Rights and the Algerian League for the Defense of Human Rights, were allowed to move about freely, the most active and visible organizations reported interference by government authorities, including surveillance and monitoring of telephone calls (see Section 1.f.). Domestic NGOs must be licensed by the government and are prohibited from receiving funding from abroad without approval from the minister of solidarity. Approximately 100 unlicensed NGOs operated openly. Some women's advocacy groups and charity organizations for women were not officially recognized but still operated, organizing seminars and distributing pamphlets and other means of support. Although international NGOs continued to experience delays in obtaining visas, outright refusals were rare.

The most active independent human rights group was the Algerian League for the Defense of the Rights of Man (LADDH), an independent organization that had members throughout the country; however, the LADDH was permitted neither access to government officials for human rights advocacy or research purposes, nor to prisons, except for normal lawyer-client consultations.

The less active Algerian League for Human Rights (LADH) is an independent organization based in Constantine. LADH has members throughout the country monitoring individual cases.

During the year, the government took steps to improve access to the country for international NGOs. Visits by international human rights NGOs occurred both at the invitation of the government and independently, although, some NGOs experienced long visa delays. Representatives of Amnesty International, Human Rights Watch, Solidarity Center, International Foundation for Election Systems, Fund for Global Rights, Freedom House, the International Federation of Human Rights Leagues, American Bar Association, Internews, Creative Associates, Arab Cevitas, and National Democratic Institute visited throughout the year. Some international NGOs that experienced visa delays due to past critical reports were eventually granted visas.

The ICRC has full access to civilian prisons and pre-trial detention centers; however, it has not been granted access to the country's military or high-security prisons (see section 1.c.).

During the year, the government invited the UN special rapporteur on freedom of expression and the UN special rapporteur on violence against women to visit. However, the government continued to deny requests for visits from the UN Working Group on Enforced or Involuntary Disappearances, the UN special rapporteur on torture, and the UN special rapporteur on extra-judicial executions. The UN rapporteur on the freedom of religion was last allowed to visit in 2002.

The government-established Consultative Commission for the Protection and Promotion of Human Rights is the government's ombudsman for human rights. Directed by Farouk Ksentini, the commission composed of 45 members, 22 of whom belonged to governmental bodies and 23 of whom come 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.

In 2003, the president announced the creation of a government commission dedicated to the issue of the disappeared and named Farouk Ksentini to head the body, which would serve as an "Ad Hoc Mechanism" between the families of the disappeared and the government (see section 1.b.). Both the CNCPPDH and the Ad Hoc Mechanism were perceived to be government-influenced and not effective, lacking investigative or enforcement powers. Their reports go directly to the president and are not made public. On March 31, Ksentini issued a final report on the "disappeared" to the President; however, the report was not made public, and local and international NGOs were critical of the process. Many of the report's recommendations were incorporated in President Bouteflika's Charter for Peace and National Reconciliation adopted by referendum in September.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

Although article 29 of the constitution prohibits discrimination based on birth, race, sex, language, and social status, women continued to face legal and social discrimination. Amendments to the Nationality Code and Family Code strengthened women's rights by allowing women to transmit citizenship to a foreign spouse and their children; seek divorce; and retain family property following a divorce.

Women

Spousal abuse occurred, and in practice was prosecuted under Article 264 of the Penal Code, which 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. According to a joint study in 2004 by the Ministry of Justice, women's associations, and the National Institute of Public Health, 70 percent of women who suffered abuse refused to lodge a complaint, or follow through with the complaint.

Spousal abuse was more frequent in rural than urban areas and also more frequent among less-educated persons. Spousal rape also occurred. Prison sentences for non-spousal rape range from one to five years; however, there are no specific laws against spousal rape. There are strong societal pressures against a woman seeking legal redress against her spouse for rape, and there were few reports of the law being applied in such cases. However, women's groups have begun to break the taboo of speaking out about violence in the family and held several seminars and conferences during the year.

On January 5, 28 men implicated in the 2001 rape of 39 women in Hassi-Messaoud were tried, and 23 were convicted on the same day. Twenty of the men were convicted in absentia of sexual ill treatment and torture, aggression, forcible entry, and voluntary harm and were sentenced to 20 years; 2 were sentenced to 10 years, and 1 was sentenced to 5 years. The men were originally tried for only theft and aggravated assault; women's groups argued successfully for a change of venue due to influence on the judges, as well as a new trial with the pursuit of rape charges. A sermon by Imam Amar Taleb in 2001 allegedly instigated the attacks. The imam had described the women living on their own in Hassi-Messaoud as women of "easy virtue" and said they should be punished.

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 state union, 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 receives a growing number of calls. During the year, the center received 970 calls, compared with 942 in 2004.

The law prohibits prostitution; however, prostitution was reported to be a growing problem, according to the National Institute of Public Health.

Article 29 of 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 February 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. Amendments made February 22 to the Nationality Code now allow a woman to marry a foreigner and transmit citizenship and nationality in her own right to both her children and spouse. The Family Code does not restrict Muslim men from marrying non-Muslim women. Under both Shari'a and civil law, children born to a Muslim father are Muslim, regardless of the mother's religion. Under the new amendments, women can now seek divorce for irreconcilable differences and violation of the pre-nuptial agreement, among other lesser grounds. In a divorce, the new amendments provide for the wife to retain the family's home until children reach 18 years of age. Custody of the 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.

The Family Code also affirms the Islamic practice of allowing a man to marry up to four wives. In practice, however, this rarely occurs (about 1 to 2 percent of marriages), and under the amended Family Code, restrictions on polygamy were tightened. Women can now include a "no polygamy clause" in the pre-nuptial agreement, and the husband must obtain a court ruling, usually easy to secure, allowing him to take an additional wife. A wife may sue for divorce if her husband does not inform her of his intent to marry another woman prior to the marriage.

The new amendments to the Family Code in practice vitiated the Shari'a requirement for a male sponsor (*wali*) role and consent to the marriage of a woman, although it has been formally retained. A woman now contracts the marriage, not the *wali*, and she may choose any male that she wishes.

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.

Despite constitutional and legal provisions providing gender equality, women in practice still faced discrimination in employment. Leaders of women's organizations reported that discriminatory violations are common. In November 2004, the government passed an anti-sexual harassment law for the first time. The punishment for sexual harassment is one to two years imprisonment and a fine of \$685 to \$1,370 (50,000 to 100,000 dinars). The punishment is doubled for a second offense. In the capital, there were at least a dozen of known cases reported in the press. There were several persons convicted during the year under the new law.

Social pressure against women pursuing higher education or a career was greater in rural areas than in major urban areas. Girls have a

higher high school graduation rate than boys. While the success rate for boys was 36 percent, it was 38.5 percent for girls. Women made up more than half of the university student population; however, women constituted only between 20-23 percent of the work force. Nonetheless, women may own businesses, enter into contracts, and pursue careers similar to those of men. About 25 percent of judges were women, a percentage that has grown in recent years. During the year, two female magistrates, one appointed by President Bouteflika and one elected by her peers, entered the 18-member High Council of Magistrates. In addition, 55 percent of magistrates are women; the latest class of new judges was 50 percent women; and women serve at all levels in the judicial system.

The main goal of the numerous women's rights groups was to strengthen women's rights in the Family Code.

The Ministry Delegate for the Female Condition and for the Family is a government office ensuring the legal rights of women. During the year, the Ministry of Interior added more women to the police force and placed at least one female officer in each precinct to assist women with their abuse claims.

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 serious problem. Hospitals treated at least 50 cases of child abuse cases during the year, but many cases went unreported because of familial reticence. LaFOREM, an NGO heavily involved with promoting children's rights and development, established the Observatory for Children's Rights, which tracked abuse claims and offered psychological assistance in abuse cases. As a result, more cases of child abuse and pedophilia were reported. NGOs that specialized in care of children cited continued instances of domestic violence aimed at 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. In April a government office reported that in 2004, approximately 4,554 children younger than 16 were abused, of whom 2,306 were hospitalized for injuries stemming from abuse, 1,386 were victims of sexual abuse, and 53 were victims of incest.

Children continued to be victims of terrorist attacks. On April 7, three GIA terrorists stopped five vehicles at a false road block near Larbaa. The terrorists robbed and shot the occupants of the vehicles, killing seven children. In April, two children and their mother were killed by a homemade bomb.

The government provides free education for children through high school. Free education is compulsory until the age of 16. The most recent figures released by the Ministry of National Education show that in 2004, more than 90 percent of children completed the ninth grade, on average the highest grade level normally attained by students. Boys and girls generally received the same education, although rural girls were slightly more likely to leave school because of familial financial reasons, and sons were often given educational priority.

The government provided free medical care for all citizens, albeit in often rudimentary facilities.

Economic necessity compelled many children to resort to informal employment, such as street vending (see section 6.d.).

Trafficking in Persons

The law does not prohibit trafficking in persons, and such practices reportedly occurred. The government did not acknowledge trafficking to be a problem. According to the government, in the absence of specific anti-trafficking laws, other laws against illegal immigration, prostitution, and forced labor are used to enforce anti-trafficking standards. No indications existed of official government involvement in trafficking.

According to media reports and a local NGO, forced prostitution and domestic servitude of illegal immigrants from West Africa occurred as immigrants transited through the country seeking economic opportunity in Europe. Official statistical estimates of the severity of trafficking do not exist. No government assistance programs existed for victims, nor did any information campaigns about trafficking. However, several NGOs promoted anti-trafficking campaigns.

Persons with Disabilities

The government did not mandate accessibility to buildings or government services for persons with disabilities. Public enterprises, in downsizing their work forces, generally ignored a legal requirement to reserve 1 percent of jobs for persons with disabilities. Social security provided payments for orthopedic equipment, and some healthcare-oriented NGOs received limited government financial support.

Section 6 Workers Rights

a. The Right of Association

Workers are required to obtain government approval to form a union, and 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. About two-thirds of the labor force belonged to unions. Only a single labor confederation, the General Union of Algerian Workers (UGTA) and its affiliated entities existed. The UGTA includes national unions that are specialized by sector. The law on labor unions requires the labor ministry to approve a union application within 30 days and allows for the creation of autonomous unions, other than those affiliated to UGTA.

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. Although unions may form and join federations or confederations, in practice, attempts by new unions to form federations or confederations have been obstructed by delaying administrative maneuvers. Since early 1996 the Autonomous Unions Confederation has attempted unsuccessfully to organize the autonomous unions, and it functioned without official status. 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.

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 experience of this right in practice for authorized unions. Under the state of emergency, 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. The government on occasion 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 must receive prior government authorization. Strikes and labor gatherings occurred throughout the year in various sectors, including the construction, medical, port facility, education, and customs sectors. The 2001 ban on marches, as well as demonstrations, in Algiers remained in effect.

Although the teachers' union Council of Algiers' High Schools and the Autonomous National Council of Secondary and Technical Teachers submitted proper documentation to form a union in 2003, both were still considered illegal unions.

The National Independent Union of Public Administration Personnel (SNAPAP) is an independent union not affiliated with the government. In March, SNAPAP women's group was harassed prior to a meeting in a government building in Annaba. The group held the meeting but maintained that the government censored the planned telecast of the event.

In May 2004, some members of SNAPAP accused the government of staging fraudulent elections to replace the group's secretary general, the third attempt at such a replacement since 2001. The opposing candidate announced, without prior notice, plans for the election to only a few members during a general session. The absent members, who constituted most of the membership, were effectively prevented from casting ballots. Government security personnel were at the election site when the few members present voted the new candidate into office. The Ministry of Interior, which normally does not take positions regarding the leadership of independent unions, issued an official notification informing SNAPAP that the new secretary general was the duly elected candidate. Some members of SNAPAP maintained that the government has involved itself illegally in the group's internal affairs. Thirty-six members of SNAPAP claimed that they have been harassed, intimidated, or involuntarily detained by the government.

In 2004, the International Labor Organization Committee of Experts requested the government take steps through legislation to ensure that no provisions of Legislative Decree 92-03 were applied against workers peacefully exercising the right to strike. The decree defines subversive acts, or acts of terrorism, as those offenses directed against the stability and normal functioning of institutions by any action taken with the intent of "obstructing the operation of establishments providing public service" or of "impeding traffic or freedom of movement in public places." The government did not act, claiming that the decree was not directed against the right to strike or the right to organize and has never been used against workers exercising the right to strike peacefully.

The government eliminated free trade zones in November 2004; labor laws now apply equally throughout the country.

c. Prohibition of Forced or Compulsory Labor

Forced or bonded labor is prohibited by the constitution's provisions on individual rights, and the Penal Code prohibits compulsory labor, including forced or compulsory labor by children. The government generally enforced the ban effectively.

d. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 16 years. Inspectors from the Ministry of Labor supposedly enforced the minimum employment age by making periodic or unannounced inspection visits to public sector enterprises. They did not enforce the law effectively in the agricultural or private sectors. UNICEF last reported in 2003 that approximately 3 percent of children worked in some capacity. No child labor was reported in the industrial sector; however, economic necessity compelled many children to resort to informal employment. Many children worked part time or full time in small workshops, on family farms, and in informal trade. A report from the Ministry of National Solidarity in 2004 stated that more than 25,000 children between the ages of 6 and 14 were working in the informal economy. However, this study was carried out in less than half the provinces of the country.

e. Acceptable Conditions of Work

The law defines the overall framework for acceptable conditions of work but leaves specific agreements on wages, hours, and conditions of employment to the discretion of employers in consultation with employees. The monthly minimum wage was insufficient to provide a decent standard of living for a worker and family. The minimum wage was approximately \$138 (10,000 dinars) per month. Ministry of Labor

inspectors were responsible for ensuring compliance with the minimum wage regulation; however, enforcement was inconsistent.

The standard workweek was 37.5 hours. 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 work day, a weekend, or a holiday.

There were well-developed occupation and health regulations codified in the law, but government inspectors did not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions. Because employment generally was based on very detailed contracts, workers rarely were subjected to conditions in the workplace about which they were not previously informed. If workers were subjected to such conditions, they first could attempt to renegotiate the employment contract and, that failing, resort to the courts; however, the high demand for employment in the country gave the advantage to employers seeking to exploit employees.

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