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## 2010 Human Rights Report: Algeria

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2010 Country Reports on Human Rights Practices

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Algeria is a multiparty republic of approximately 36 million citizens whose head of state and government (president) is elected by popular vote for a five-year term. The president has the constitutional authority to appoint and dismiss cabinet members and the prime minister. A 2008 constitutional amendment eliminated presidential term limits, and in April 2009 President Abdelaziz Bouteflika won reelection to his third term in office. Some opposition parties boycotted the election, arguing that restrictions on freedom of association skewed the election outcome in favor of the incumbent. While the state of emergency law implemented in 1992 remained in effect during the year, the government concentrated its enforcement on the provisions restricting assembly and association. Security forces reported to civilian authorities.

Principal human rights problems included restrictions on freedom of assembly and association, which significantly impaired political party activities and limited citizens' ability to change the government peacefully through elections. There were reports of arbitrary killings. Failures to account for persons who disappeared in the 1990s and to address the demands of victims' families remained problematic. There were reports of official impunity, overuse of pretrial detention, poor prison conditions, abuse of prisoners, and lack of judicial independence. Additionally, widespread corruption accompanied reports of limited government transparency. Authorities used security grounds to constrain freedom of expression and movement. Women faced violence and discrimination, and the government maintained restrictions on workers' rights.

Terrorist groups committed a significant number of attacks against government officials, members of security forces, and, to a lesser extent, civilians.

#### 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 reports that the government or its agents committed arbitrary or unlawful killings.

On June 2, a mentally disabled man, Nouradine Nadri, died in police custody in Saida province, according to the Algerian League for the Defense of Human Rights' (LADDH) Saida province office. Police arrested Nadri following an altercation with the driver of a vehicle that accidentally struck him. According to LADDH, police brought Nadri to the province's security headquarters instead of transporting him to the hospital as stipulated by article 51 of the code of criminal procedures, which requires a medical examination before placing a suspect in custody. Nadri's family reported to LADDH that their son died following abuse by police.

Information on terrorism-related violence in the country was difficult to verify independently. The Ministry of Interior sporadically released information concerning the total number of terrorist, civilian, and security force deaths. During the year security forces killed, injured, or arrested approximately 1,935 suspected terrorists. According to press reports on official estimates, the total number of deaths was 619: suspected terrorists killed 65 civilians and 91 security force members, and security forces killed an estimated 463 suspected terrorists in military sweep operations that resulted in armed clashes. These numbers represent a decrease from the 804 deaths reported in 2009.

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

The year was marked by some violence. For example, on April 4, a terrorist attack killed seven communal guards in the eastern province of Bejaia. On June 12, a car bomb attack against a unit of the National Gendarmerie in Ammal between Boumerdes and Bouira left four security force members dead and at least 17 wounded. An AQIM terrorist killed 11 gendarmes on June 29 during an ambush in Tinzaouatin in the province of Tamanrasset in the Algerian-Malian border area. AQIM claimed responsibility for all of these attacks. Former minister of interior Nouredine Zerhouni stated in 2008 that an estimated 400 terrorists operated in the country; the figure remained the most recent one available.

#### 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). The government on August 26 listed the official number of disappeared cases as 6,544, which represented a significant reduction in the official number reported in previous years. During a March 2009 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 remained missing or disappeared as a result of government actions between 1992 and 1999. In previous years the government attributed 10,000 disappearances to terrorist kidnappings and murder. NGOs reported that security forces in the past played a role in the disappearances of approximately 8,000 persons.

The law 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 in later years 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 during episodes of civil strife in the 1990s. On February 2, the government added two additional provisions to the charter. The first provision stipulates that 3,455 public employees who were dismissed from their jobs for violent acts they committed in the 1990s would have the

years they were out of their jobs counted towards their retirement pensions. The second provision allows families of the disappeared who filed claims after the original 2006 deadline to claim compensation. 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 LADDH, criticized the charter for enabling terrorists to escape justice and security forces for acting with impunity.

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On January 11, the local human rights NGO Alkarama presented to the government human rights commission the disappearance case of Lakhdar Bouzenia, who was allegedly arrested by security forces in 1993 and tortured. The case remained unresolved at year's end.

In a February 2009 report, the UN Human Rights Council Working Group on Enforced or Involuntary Disappearances stated that in 2008 it transmitted to the government 768 cases of disappearances that were reportedly attributed to government forces between 1992 and 1999. Also in 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 reportedly experienced complications and delays in receiving compensation. In September 2009 then minister of national solidarity Ould Abbas stated the government had paid 11 billion dinars (approximately \$149 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 paid compensation on 12,339 of these claims. In August the government revised that number, reporting that only 6,544 persons disappeared in the 1990s and that families in 6,420 of the cases previously received financial compensation.

Armed criminals conducted abuses against civilians including kidnappings, false checkpoints, and extortion, particularly in areas east of Algiers and in the southern portion of the country. In 2008 then 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 abusive treatment to obtain confessions. Government agents can face prison sentences of between 10 and 20 years for committing such acts, and some individuals were tried and convicted in 2008. Nonetheless, impunity remained a problem.

Local human rights lawyers maintained that abusive treatment occurred in detention facilities, most often against those arrested on "security grounds."

Amnesty International (AI) and other international organizations documented the mistreatment of terror suspects, where they have been "held in unrecognized places of detention without contact with the outside world, at times for prolonged periods, putting them at risk of torture."

There were three reports of police abuse during the year.

In mid-April guards at El Harrach prison insulted Khalouf Fares, Nour Abdel Aziz, Yaakoub Bilal, and Karman Hurfi, who were awaiting trial on terrorism-related charges, according to AI. The men were also stripped naked in front of other detainees and guards and slapped.

On October 22, a police inspector in Setif received a 10-year prison sentence and a 50,000-dinar fine (\$677) for abusing his authority and fraud.

On November 11, a police officer was arrested in the wilaya (province) of Batna for allegedly sexually assaulting a woman in her home. The case was pending at year's end.

During a September 2009 visit to El Harrach prison, Minister of Justice Tayeb Belaiz stated that the ministry had prosecuted and jailed 14 prison workers for mistreating prisoners in 2009.

AI and Human Rights Watch claimed that prisoners affiliated with hard-line Islamic organizations tended to receive harsher treatment than others. In 2008 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. There were no reports of any such allegations after 2008.

In October the World Organization Against Torture reported allegations of torture in the case of Abderrahmane Mehalli, who was reportedly mistreated by the Department of Intelligence and Security (DRS) immediately following his 2006 arrest. Mehalli, accused of belonging to an armed terrorist group, was punched and kicked and suffered simulated drowning at the hands of the DRS according to online reports.

#### Prison and Detention Center Conditions

Prison conditions generally did not meet international standards, and the government did not permit visits to military, high-security, or standard prison facilities or to detention centers by independent human rights observers. Overcrowding remained a problem in many prisons. According to human rights lawyers, prison overpopulation was partially explained by the government's excessive use of pretrial detention. In 2008 the CNCPPDH conducted 34 prison visits and highlighted concerns with overcrowding, insufficient bed space, and problems with lighting, ventilation, nutrition, and hygiene.

According to the director general of the Prisons Administration, there were 58,000 prisoners in the country's penal system held in 137 prisons. 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.

Prisoners were permitted weekly visits by their families; family members have the right to bring in food and clothes. Prisoners were permitted religious observance and had a place to perform prayers. All Muslim religious days were celebrated within prisons. In each prison inmates can submit complaints to the penitentiary administration or their lawyers. Follow-up on complaints, and investigation, can take time based on the content of the complaint, urgency, and the conditions of prisoner detention.

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 Ministry of Justice and to those detained in police stations and gendarmeries were carried out in accordance with ICRC standard practices. Visitors to some prisons saw no signs of torture or mistreatment. Observers also noted an improved quality of medical care available to inmates in some prisons.

In April 2009 an amendment to the penal code permitted the substitution of community service for prison sentences for first-time offenders with a maximum prison sentence of three years. Authorities reiterated in July that the new law was designed to reduce recidivism and to alleviate overcrowding in prisons. An ombudsman does not exist to serve on behalf of prisoners or detainees.

In a 2008 report, UNCAT expressed concern over reports that the DRS, the intelligence agency tasked with internal security, maintained secret detention centers inside military barracks that operated outside judicial authority. During the year AI reported significant concerns that torture and abuse occurred in DRS facilities.

#### d. Arbitrary Arrest or Detention

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

The head of the CNCPPDH explained in August that judicial error resulted in cases of "unjustified" pretrial detention due to a lack of incriminating evidence. On December 7, CNCPPDH president Farouk Ksentini cited his organization's 2009 human rights report in noting that "physical abuse and other brutalities" were committed against suspects during questioning and in pretrial detention.

#### Role of the Police and Security Apparatus

The national police force, consisting of more than 140,000 members, falls under the control of the Ministry of Interior and has national jurisdiction. The National Gendarmerie, under the Ministry of Defense, also performs police-like functions outside urban areas. Organizationally the DRS reports to the Ministry of Defense and exercises internal security functions, but it also performs functions comparable to the police in terrorism cases.

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

The criminal code provides mechanisms to investigate abuses.

On December 14, a 41-year-old man died in police custody under suspicious circumstances in Constantine. The man was found strangled in his cell the morning after his detention. A week after the death, local residents rioted in the streets. On December 27, national police director General Abdelghani Hamel said during a radio interview that police officers had been placed under investigation for not following procedures (removing the man's shoelaces) prior to the man's incarceration and that he likely committed suicide.

#### 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.

Police may make arrests without a warrant if they witness the offense. Public 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 under the law. Such individuals are obligated to answer questions posed to them by security forces, and they are not authorized to contact anyone. By law the initial court appearance in terrorism matters is not public.

At the end of the 12-day period, the detainee has the right to request a medical examination by a physician of choice within the jurisdiction of the court. Otherwise the judicial police appoint a doctor. The certificate of the medical examination is then entered into the detainee's file.

AI and other human rights groups expressed concerns about abuse and possible torture of suspects during this 12-day period. However, comments from numerous Guantanamo Bay detainees returned to the country and their lawyers indicated that these individuals received fair pretrial treatment in accordance with the law during the 12-day period.

Following the 12-day period, individuals involved in terrorism cases are placed under judicial control, which requires them to report weekly to a local police precinct and to reside at an agreed-upon address. Travel within the country is unrestricted. Travel abroad is not generally authorized.

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. According to local NGOs, pretrial detainees represented 11-12 percent of individuals held by prison authorities during the year.

Judges rarely refused prosecutorial requests for extending preventive detention, which by law can be appealed. Should the detention be overturned, the defendant has the right to request compensation.

There is no system of bail, but in nonfelony cases, suspects were often released on provisional liberty referred to as "judicial control" while awaiting trial. Under provisional liberty status, 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 the government provides legal counsel to indigent detainees. The penal code requires that detainees in pretrial detention are informed immediately of their rights 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 there were continued reports during the year that these rights were not extended to all detainees. Typically detainees had access to a doctor only at the end of their detention. Some detainees were held incommunicado without access to their families or lawyers.

Human rights advocates reported that authorities continued to hold Mohamed Rahmouni at the military tribunal in Blida on alleged terrorism charges but had granted him access to a lawyer. Rahmouni remained in prison at year's end.

In 2009 a court acquitted Mohamed Fatmia of terrorism charges. Fatmia was detained in Serkadji prison in 2008 and was held incommunicado throughout 2007.

#### 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 respect legal provisions regarding defendants' rights.

The High Judicial Council is responsible for judicial discipline and the appointment of all judges. President Bouteflika serves as the president of the council.

Military courts in Oran, Blida, Constantine, and Bechar tried cases involving state security, espionage, and other security-related offenses involving military personnel and civilians. Each tribunal consisted of three civilian judges and two military judges. Although the president of each court was a civilian, the chief judge was a military officer. The permanent military court was composed of three members: a chairman (civilian magistrate from the civilian courts as president) and two assessors (from military personnel designated by the defense minister having at least the same rank of the defendant subject to trial).

By law defense lawyers must be accredited by the military tribunal to appear. Public attendance at the trial is at the discretion of the tribunal and some cases took place behind closed doors. Appeals are made directly to the Supreme Court. Military tribunals try cases, but they only occasionally disclosed 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, 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.

#### Trial Procedures

Defendants are presumed innocent and have the right to be present and to 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, but there were fewer reports of such incidents during the year. 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.

#### 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 human 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 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, 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.

A 2006 presidential decree continued to criminalize speech about the conduct of the security forces during the internal conflict of the 1990s.

Radio and television were government-owned and frequently broadcast coverage favorable to the government. During nonelection periods opposition parties and spokesmen regularly were denied access to public radio or television. Political parties and independent candidates received the same amount of radio access time during the three-week campaign period prior to the 2009 presidential election and prior to the 2007 legislative and local elections. Several opposition parties stated that their daily media allotment during the three-week period was the first time they had been allowed media access since the previous election cycle.

The country's print media consisted of numerous publications that supported or opposed the government to varying degrees. 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 indirectly censored and intimidated the media into practicing self-censorship by using defamation laws to harass and arrest some journalists; 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 (\$677 to \$6,770). Defamation includes "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. Despite these regulations cartoonists and editorialists continued to enjoy some latitude in criticizing the government.

On January 25, the government blocked the independent Paris-based Algerian radio station Radio Kalima from broadcasting its programs to the country via the European satellite operator Eutelsat, according to Eutelsat.

In March Riad K., the correspondent of *El Bilad* in Chlef, received a two-month prison sentence after Senator Nourredine Belaredj filed a complaint following the September 2009 publication of an article criticizing the senator for corruption.

Also in March the Court of Bir-Mourad Rais (Algiers) fined the publisher of *Ennahar El Djadid*, Anis Rahmani, 50,000 dinars (\$677) following a complaint filed by the official news agency. He was accused of defamation.

In May the mayor of Ain Boudinar filed a complaint against Belkacem Belhamideche, the managing director of *La Reflexion* newspaper, following the June 2009 publication of an article quoting an entrepreneur denouncing corruption. A court sentenced Belhamideche to six months in prison.

The government used defamation laws occasionally to pressure editors, journalists, and the owners of printing houses. In a 2009 letter to President Bouteflika, the international NGO Committee to Protect Journalists expressed concern for "the

rising incidence of press freedom violations." In 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 2009. In 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 (\$677). The case remained pending at year's end. The charges against Belhouchet in connection with three libel cases relating to articles he published several years ago about airfare increases and police killings of demonstrators also remained unresolved. Belhouchet and Tlemcani remained free at year's end.

In January 2009 freelance journalist Hafnaoui Ghouli stated that unknown persons threatened him near his home in Djelfa. He claimed that authorities did not investigate the incident. According to RSF, officials have targeted Ghouli for years, repeatedly detaining, beating, and persecuting him for writing articles critical of the government. At year's end Ghouli faced 16 pending lawsuits by local officials related to his articles on corruption.

During a February 2009 appeal hearing, a Mascara court sentenced Layadi El-Amine Yahia, a journalist for *Le Carrefour d'Algerie*, to one year in prison and fined him 20,000 dinars (\$271) for libel in an article implicating Mascara's commerce director in corruption. The court previously acquitted Yahia, who was unaware of the government's appeal of his acquittal. Yahia appealed the February 2009 decision, but the court had not set a date for the hearing at year's end.

In March 2009 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 within days for medical reasons. On May 11, a Ghardaia 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 Ghardaia.

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 Dhill Talal, convicted of defamation for an article exposing a government ministry's monetary losses, to a fine of 5,000 dinars (\$68) and a six-month suspended prison sentence. During the year there was no decision on Talal's 2008 appeal of his reduced sentence.

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

The government continued to influence the independent press through the state-owned advertising company, National Agency for Communications, Publication and Advertising (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 and used this economic control to steer content in the press. As has been the case in recent years, independent advertisers played a considerably smaller, but increasingly visible, role in advertising revenue.

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. In previous years international journalists had their accreditations denied, but there were no such occurrences recorded during the year.

Agence France-Presse (AFP) and Reuters maintained offices in the country, and the government reaccredited both in February. In 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.

In April the then communication state secretary to the prime minister gave a Tunis-based private channel, Nessma TV, a two-week notification to close its Algiers bureau, saying that the station did not have official authorization to work in the country. According to press reports, 12 complaints were filed against the channel during the year, including by the National Office of Copyrights. Despite the notice to close, Nessma continued to operate in the country, working through a local public relations firm.

#### Internet Freedom

Access to the Internet was generally unimpeded; however, the government monitored e-mail and Internet chat rooms. In August 2009 the government enacted a law on cybercrime that establishes procedures for using electronic data in prosecutions and established the responsibilities of service providers to cooperate with authorities. In November 2009 then 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.

By law Internet service providers face criminal penalties for the material and Web sites they host, especially if subject matters are "incompatible with morality or public opinion." The ministries of justice, interior, and post and information technology have oversight responsibilities. The cybercrime law provides sentences for six months to five years in prison and fines between 50,000 and 500,000 dinars (\$677 to \$6,770) for users who do not comply with the law, including the obligation to cooperate with law enforcement authorities against cybercrime.

There were approximately 4.7 million Internet users, which represented approximately 13.6 percent of the population, according to figures released on June 30 by Nielsen Online.

In January the public could no longer access the Rachad opposition movement's Web site (rachad.org) or its Internet television site (rachad.tv). Rachad organizers accused the government of jamming and infiltrating its sites.

#### Academic Freedom and Cultural Events

Academic freedom generally was restricted. Academic seminars and colloquiums occurred with limited governmental interference, and there were delays in issuing visas to international participants and instances where authorities denied international experts entrance.

In May the Ministry of Higher Education and Scientific Research required academics to obtain approval before participating in conferences abroad and called on academics and researchers to coordinate with the Ministry of Foreign Affairs before attending or organizing conferences. Also that month the ministry cancelled the second Maghreb Forum on Democratic Processes and the Building of a Modern State two days before its scheduled start, providing no reason.

In June the government banned three professors from Mouloud Mammeri University in Tizi Ouzou from participating in two scientific conferences in Morocco.

In an August interview with Arabic-language newspaper *El-Bilad*, director Mohamed Hazourli stated that authorities banned two episodes of his Ramadan sitcom *Aasab wa Awtar wa Afkar* (Nerves, Strings, and Ideas), and the series was taken off the air. The banned episodes addressed problems with local artists and their treatment from the government.

On the margins of the 2009 Algiers Book Fair, authorities prevented anthropologist Tassadit Yacine from holding a conference on the work of Jean Amrouche, a Berber writer from the Kabylie.

#### 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 significantly curtail this right. A decree implemented in 2000 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 restricted licenses to political parties, NGOs, and other groups to hold indoor rallies and frequently granted permissions on the eve of the event, thereby impeding publicity and outreach.

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

On March 7, police prevented a sit-in of 40 broadcast journalists on a hunger strike protesting low wages and unfair working conditions. The managing director of the National Company of Radio Broadcasting filed a complaint on March 12 against seven reporters for illegally entering a public premise and hindering the work of the public radio service.

In May security forces sealed the headquarters of the Maison des Syndicats (Unions House) rented by the autonomous union syndicate. The action coincided with the beginning of an international social union forum in Algiers. The government ordered the property owner to prohibit the organization of trade union activities at the premises.

In May police blocked a rally organized by the Bezzaf (Enough) Movement in front of the offices of state television to demand press freedom. The police detained four protest organizers as they approached the site on the grounds of inciting a gathering "that could disturb public tranquility," which is an offense under the penal code. Police questioned the organizers and released them the same day.

In August the wali of Annaba refused to allow the Abdellah Djaballah wing of the Islam Movement to organize an iftar at Teleferic hotel. Annaba officials did not give any justification for the refusal.

SOS Disparus, an NGO representing relatives of persons who disappeared during the 1990s civil conflict, held weekly sit-ins in front of CNCPPDH headquarters until August, when government authorities began preventing this activity. According to witnesses police dispersed the crowd and beat and arrested some demonstrators on at least one occasion. In August the group tried again to hold its weekly sit-in, but police prevented the gathering.

On November 4, Algiers airport authorities denied entry to Tarek Labidi, a Tunisian lawyer and member of the National Council of Liberties, who was traveling for a LADDH conference on good governance and civil society. Authorities provided no justification for his denial of entry.

In January 2009 police prevented a peaceful demonstration organized by the Workers' Party to show solidarity with Palestinians in the Gaza Strip. Police dispersed the crowd and allegedly beat and arrested some demonstrators. In February 2009 police prevented a sit-in organized by contract teachers who attempted to demonstrate near the presidential offices.

##### 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 Ministry of Interior must approve all political parties before they are legally established. The government restricted the registration of certain NGOs, associations, and political parties on security grounds but declined to provide evidence or legal justification 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 Ministry of Interior 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 1990s civil conflict.

The government issued licenses and subsidies to domestic associations, especially youth, medical, and neighborhood associations. The Ministry of Interior 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 by law on a series of authorizations from the ministries of interior and national solidarity. These authorizations remained difficult to obtain. According to the Ministry of Interior, there were 81,000 registered associations, 5,000 of which were active during the year. SOS Disparus remained unrecognized and continued to operate facing government interference.

#### c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt/](http://www.state.gov/g/drl/irf/rpt/).

#### 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 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 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 also prevented overland tourist travel between the southern provinces of Djanet and Tamanrasset, citing the threat of terrorism.

The government did not permit young men eligible for the draft but who had not yet completed their military service to leave the country without special authorization; 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. Married women under 18 years of age may not travel abroad without permission from their husbands.

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

## Protection of Refugees

The country's laws provide for granting asylum or refugee status, and the government had 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. As of January, 192 asylum seekers, mostly sub-Saharan Africans, registered with the UNHCR. 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. Nonetheless, Algerian authorities tolerated the presence of these asylum seekers in the country.

The government provided protection to an estimated 90,000 Sahrawi refugees who departed 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 or complete a census of the Sahrawi refugees.

In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion, as was the case with the Sahrawi refugees.

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). The remote location of the camps and lack of government presence resulted in lack of access to employment, basic services, education, police, and courts for Sahrawis.

## 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 2008 President Abdelaziz Bouteflika announced his intention to seek parliamentary approval for a set of constitutional amendments that included removal of presidential term limits. One month later the parliament approved the proposed amendments by a wide margin with minimal debate.

A contested, multiparty presidential election was held in April 2009 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 was actually in the range of 18 to 55 percent.

Election observers from the Arab League, African Union, and Organization of the Islamic Conference stated in a press conference that the 2009 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. 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 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. In March 2009 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 neighborhood of Bab El Oued. In the same month, authorities arrested an FFS official in Tizi Ouzou for distributing pamphlets calling for a boycott of the election. In April 2009 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.

There were reports of restrictions placed on opposition political parties. Opposition candidates complained that the Ministry of Interior 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 Ministry of Interior to be established. To obtain approval a party must have 25 founders from across the country whose names must be registered with the ministry. A party must have received 4 percent of the vote or at least 2,000 votes in 25 wilayas in one of the last three legislative elections to participate in national elections, making it very difficult in practice to create new political parties.

In 2009 Mohamed Said was a candidate for the April presidential election. His party's request for accreditation by the Ministry of Interior remained pending at year's end. The Ministry of Interior did not approve any political parties during the year.

Membership in the Islamic Salvation Front (FIS), a political party banned in 1992, remained illegal. In 2008 Wafa party leader Ahmed Taleb Ibrahim announced his withdrawal 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. According to the law political parties cannot receive direct or indirect financial or material support from any foreign parties. The law also stipulates that resources are collected from contributions of the party's members, donations, and revenue from its activities in addition to possible state funding.

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--the FLN, National Rally for Democracy, and RCD--had women's divisions headed by women. The country did not have a quota system assigning women a certain percentage of seats in the parliament.

In accordance with the law, the government promoted political rights for women by encouraging increased female representation within elected assemblies.

The ethnic Amazigh (Berber) population of approximately 10 million 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, and the government implemented the law more effectively than in previous years. World Bank governance data reflected the existence of a corruption problem.

Although a 2006 law established a national anticorruption program, it does not require elected and senior officials to declare their assets. The law does not provide parliamentary immunity in certain cases. Two presidential decrees published in 2006, however, make high-level government officials subject to financial disclosure laws. The decrees also stipulate the formation of an anticorruption agency, and the government announced its creation in August as well as new policies to strengthen the role of the accounting court.

Irregularities, including the excessive use of private agreements often affected public procurement. According to the Ministry of Public Works, following the president's 2005 prohibition on the use of private agreements, including sole-source contracts, 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. In July a presidential decree mandated that all financial transactions involving more than 500,000 dinars (\$6,770) be conducted by credit card, check, or other noncash method in an effort to increase financial transparency, track illegal financing of terrorism, and reduce the possibility of corruption.

During the year major corruption investigations targeted operations in four executive branch ministries: Energy, Public Works, Fisheries, and Transportation. The DRS conducted the investigations of the major corruption cases throughout the year, rather than the Ministry of Justice or any other specialized entity.

A notable corruption case during the year involved several private businessmen and senior executives at the country's national oil company, Sonatrach. The men apparently awarded contracts in violation of the public procurement code. In late January police arrested several top company officials. All defendants in the case were pending trial at year's end. Following the incident, then energy/mines minister Chakib Khelil was relieved of his position in May in a broad cabinet reshuffle.

In April an Algiers court ordered the arrest of the current and former directors of the Port of Algiers and four other port officials for misappropriation of public funds. The defendants were pending trial at year's end.

Also in April police arrested 17 customs officials at the Algiers Airport for accepting bribes in exchange for foregoing baggage searches. The officials were under judicial control, awaiting trial, at year's end.

In July two officials from the Ministry of Fisheries and Marine Resources received two-year prison sentences for accepting bribes in exchange for allowing Turkish and Algerian ship owners to exceed catch limits on bluefin tuna, a species designated endangered by the International Union for the Conservation of Nature and Natural Resources.

According to an August 2009 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.

In October 2009 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 the Secretary General of the Ministry of Public Works, Mohamed Bouchama, and a DRS colonel who served as a Ministry of Justice advisor. In

December 2009, 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.

In December 2009 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 (approximately \$1.35 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 2009 press report, the inspector general of finance conducted 128 audits and issued 160 investigation reports on corruption during the year. In 2008 press reports quoted Ministry of Interior officials stating 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.

The media focused on corruption in 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.

Although permitted under the constitution, authorities restricted access to government information. There is no law facilitating access to information. Throughout the year the Ministry of Justice, in cooperation with the UN Development Program, improved access to information about the country's judicial system and developed a modern information management system for penitentiaries. As a result, citizens were able to request personal legal records from the courts and receive the documents the same day.

In May the government created the Ministry of Prospective Planning and Statistics. However, lack of government transparency remained a serious problem. Although the government did not release many economic statistics, the new ministry released such figures. Most ministries had Web sites, but not all were regularly maintained to provide updated information. The Ministry of Justice provided 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 to 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 address sensitive issues.

The government was not responsive publicly 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 ministries of national solidarity and interior. 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 associate with these organizations.

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

By law NGOs not legally recognized by the Ministry of Interior cannot conduct investigations. Sometimes, however, even legally recognized NGOs were prevented from conducting investigations. For example, LADDH did not have access to prisons 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.

On September 5, authorities detained Djillali Hadjadj, the Algerian representative of Transparency International. He had been sentenced without his knowledge to three years in prison for forging prescriptions. Several international and local NGOs called for Hadjadj's immediate release. A court gave Hadjadj a six-month suspended sentence and a 100,000 dinar (approximately \$1,350) fine.

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), the UN special rapporteur on extrajudicial executions (pending since 1998), the UN special rapporteur on human rights and counterterrorism (pending since 2006), and the UN special rapporteur on arbitrary detention (pending since 2009). The government accepted visits of UN special rapporteurs on violence against women in 2007 and freedom of religion or belief in 2002.

In an August radio interview, CNCPPDH president Farouk Ksentini, citing Prime Minister Ahmed Ouyahia, stated that UN special rapporteurs would have access to the country but that international NGOs would remain banned because they allegedly supported terrorists in the 1990s.

According to local AI representatives, in November 2009 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.

#### 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 and many women did not report incidents of rape because of societal pressures and bureaucratic problems in securing convictions. Women's rights activists reported that law enforcement authorities became more sensitive to the issue compared to previous years, evidenced by the implementation of the 2007-2011 national strategy combating violence against women. 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.

Domestic NGOs reported that physical violence against women increased. Since November 2009 approximately 8,500 women were officially reported victims of domestic violence with 3,500 physically abused, 2,500 violently assaulted, 1,000 sexually assaulted, 600 sexually harassed, and 100 killed, according to the Algiers-based Center of Information and Documentation on the Rights of Women and Children.

In a 2009 report, 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 2009 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 2009 a national study showed that 67.9 percent of women acknowledged that spousal abuse occurred in the country.

During the year local women's NGOs, including SOS Femmes en Detresse, the Wassila Network, and Bent Fatma N'Soumer, spoke 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 traditional 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 established a counseling center for women suffering from sexual harassment in the workplace. SOS Femmes en Detresse operated one call center in Algiers, but a second call center in Batna was closed. During the first eight months of the year, the Algiers call center received more than 2,500 calls.

The punishment for sexual harassment is one to two years' imprisonment and a fine of 50,000 to 100,000 dinars (approximately \$677 to \$1,350). The punishment is doubled for a second offense. The police stated that 107 sexual harassment cases were reported to the police in 2008, the most recent year for which figures were available. The majority of reported cases of harassment occurred in the workplace. SOS Femmes en Detresse provided legal advice and counseling to 800 women; however, only 50 of the women seeking assistance filed 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, yet contraceptives were harder to obtain for single women. In 2009 the Health Ministry's Office of Family Planning conducted a public health awareness campaign. According to the office, 62 percent of women, mainly married, regularly used contraceptives. According to UN estimates, the maternal mortality ratio in the country was 120 deaths per 100,000 live births in 2008. 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 contains elements of Sharia (Islamic law). 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 to both her children and spouse. Muslim men may marry non-Muslim women.

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 if they had custody of the children.

The family code affirms the Islamic practice of allowing a man to marry as many as four wives. According to the family code, polygamy is only permitted upon the permission of the first wife and the determination of a judge as to the husband's financial ability to support an additional wife. In practice, however, this occurred in 1 to 2 percent of marriages.

Amendments to the family code supersede the Sharia 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 man that she wishes to be the sponsor. The sponsor represents the woman during the religious or civil ceremony.

Women suffered from discrimination in inheritance claims and were entitled to a smaller portion of an estate than male children or a deceased husband's brothers. The law purports 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. In practice, women did not often have exclusive control over assets that they brought to a marriage or that they earned.

Married women may take out business loans and use their own financial resources.

Despite constitutional and legal provisions providing for gender equality, in practice women faced discrimination in employment. Leaders of women's organizations reported that discriminatory violations were common and that women were less likely to receive equal pay for equal work or receive promotions.

In urban areas, there was social encouragement for women to pursue higher education and/or a career. Girls graduated from high school more frequently than boys. According to 2010 statistics, women represented 55 percent of the medical profession, 60 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. Out of nine million workers nationally, two million were female. Women may own businesses, enter into contracts, and pursue careers similar to those of men.

#### Children

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

Child abuse is illegal but continued to be reported as a problem. NGOs specializing in children cited continued instances of domestic violence against children, which they attributed to a "culture of violence" stemming from civil strife in the 1990s, including 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 National Foundation for Health Progress and Research Development (FOREM), a children's rights watchdog NGO with EU funding, estimated that approximately 10,000 children suffered some form of abuse.

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 for 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 but this sentence was rarely carried out. The law prohibits pornography and establishes prison sentences of between two months and two years as well as fines up to 2,000 dinars (approximately \$27).

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

### Anti-Semitism

The country's Jewish population numbered fewer than 2,000 persons, and there were no functioning synagogues. The government did not promote antibias education, and there is no hate crime legislation.

### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* 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 services, including free medical care, for persons with disabilities; however, there was widespread social discrimination against persons with disabilities. Few government buildings were accessible to persons with disabilities. Public enterprises, in downsizing their work forces, generally ignored a requirement that they reserve one percent of jobs for persons with disabilities. Social security provided payments for orthopedic equipment. The Ministry of National Solidarity (MNS) provided some financial support to health-care-oriented NGOs; however, for many NGOs this financial support represented approximately 2 percent of their budgets.

The MNS maintained that there were two million persons with disabilities in the country, of whom the largest percentages were classified as "chronically ill" or "other" (38 and 30 percent, respectively). However, according to the Algerian Federation of Wheelchair Associations, there were three million persons with disabilities living in the country. The government estimated that approximately 44 percent of disabled citizens had some form of motor disability, 32 percent had communication difficulties, and 24 percent suffered from a visual disability. The government classified approximately 193,000 individuals as "fully disabled" and claimed during the year to have appropriated 9.54 billion dinars (approximately \$129 million) for their welfare.

### 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 (approximately \$7 to \$27). If a minor is involved, the adult may face up to three years' imprisonment and a fine of 10,000 dinars (approximately \$135).

There was societal discrimination against homosexual conduct. While some LGBT persons lived openly, the vast majority did not, and most feared reprisal from their families or harassment from authorities.

### Other Societal Violence or Discrimination

HIV/AIDS was widely 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, both single and married, noted use of condoms to prevent infection. In response to societal discrimination, during the year the Health Ministry and the NGO AIDS Algeria 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 who are citizens to join unions of their choice but requires workers to obtain government approval to form a union. The labor unions law requires that the Ministry of Labor 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 perceived by authorities as contrary to the established institutional system, public order, good morals, or the laws or regulations in force. Approximately two-thirds of the labor force belonged to unions. The General Union of Algerian Workers (UGTA) was the only legally recognized labor confederation. The UGTA includes specialized national unions; its density is highest in the public sector. Workers may form independent unions. There were no new unions formed during the reporting period, but existing unions focused on increasing their visibility.

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, repeatedly attempted to organize the autonomous unions, without success. 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.

For example, on May 13, Algiers authorities shut down the House of Unions after SNAPAP planned to organize a conference on unions in the Maghreb. Two days ahead of the conference, the wilaya of Algiers sealed the premises. There were reports that some citizens lodged a complaint regarding noise in the building housing the House of Unions.

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 conditions. All public demonstrations, including protests and strikes, must receive prior authorization, according to the emergency law. Several dozen strikes occurred throughout the country. 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. Authorities rarely give permits for public gatherings. 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 authorities tolerated strikes but continued to enforce a ban on marches and demonstrations in Algiers in effect since 2001. The courts challenged the legality of strikes called by teachers, doctors, and health-care professionals during the year.

#### 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; however, the UGTA remained the only union authorized to negotiate collective bargaining agreements. According to the UGTA, nine million workers were covered by collective bargaining agreements, not including foreign migrant laborers.

On October 7, workers at the ArcelorMittal steel plant in Annaba halted a strike at the request of the UGTA, which began negotiating their demands. The workers at the plant received increased pay as a result of the negotiations.

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 Ministry of Labor and NGOs that such practices occurred. Forced labor conditions existed for migrant workers that were not fully protected by labor law. Construction workers and female domestic workers were reportedly vulnerable.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### 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 15 years, except for apprentice positions. To serve as an apprentice, minors must have the permission of a legal guardian. Despite the labor code's prohibition of the practice, child labor remained a problem in the agriculture and the informal sectors.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

The Ministry of Labor is the entity charged with monitoring and enforcing child labor laws, with sections across the country responsible for monitoring violations and conducting a census of workers in national and private companies. The ministry conducted and in some cases investigated companies suspected of hiring under aged workers. However, monitoring and enforcement practices for child labor were not consistent.

During a November 2009 conference on children's rights, FOREM representatives stated that there were approximately 300,000 children under 16 years of age working in the country on farms and in shops. Including children who work in households and as vendors, the number of working children in the country stood at approximately 1.5 million in 2010, according to FOREM.

The Ministry of Labor is responsible for enforcing child labor laws, but enforcement was hindered by insufficient human resources. During the year FOREM implemented a public awareness campaign to encourage children to remain in school until 16 years of age, rather than participating in the workforce. Roughly 300,000 students drop out of school annually to join the workforce, according to FOREM.

#### e. Acceptable Conditions of Work

The national minimum wage of 15,000 dinars (approximately \$203) per month did not provide a decent standard of living for a worker and family. The minimum wage was raised to this level in 2009 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 (approximately \$163). Ministry of Labor inspectors were responsible for ensuring compliance with the minimum wage regulation; however, enforcement remained inconsistent.

The standard workweek was 37.5 hours included one 10-minute break and one hour for lunch per day. Employees who worked longer than 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 Ministry of Labor effectively enforced these 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 occupational health and safety standards, but Ministry of Labor inspectors did not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions. If workers face such conditions, they reserve the right to renegotiate their contract or, failing that, resort to the courts. While this legal mechanism exists, the high demand for employment in the country gave an advantage to employers seeking to exploit employees. Economic migrants from sub-Saharan Africa and elsewhere working in the country without legal immigration status were not protected by the country's labor standards, making them vulnerable to exploitation. Labor law does not adequately cover migrant workers.

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