Home Office
UK Border Agency

ALGERIA

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

14 March 2011

SECURING OUR BORDER CONTROLLING MIGRATION

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The main text of this COI Report contains the most up to date publicly available information as at 24 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 14 March 2011.

Preface

i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 24 February 2011. The 'Latest News' section contains further brief information on events and reports accessed from 25 February 2011 to 14 March 2011. The report was issued on 14 March 2011.

ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links are provided. The Report is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that a particular event or action, amongst other things, did or does not occur.

vi As noted above, the Report is a compilation of extracts produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents though COIS will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this

document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.

ix COI Reports are published regularly on the top 30 asylum intake countries. Reports on countries outside the top 30 countries may also be published if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.

x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

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INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at http://www.ociukba.homeoffice.gov.uk

xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at http://www.ociukba.homeoffice.gov.uk/

6 The main text of this COI Report contains the most up to date publicly available information as at 24 February 2011. Further brief information on recent events and reports has been provided in the Latest News section to 14 March 2011.

xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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Latest News

EVENTS IN ALGERIA FROM 25 FEBRUARY 2011 TO 14 MARCH 2011

The Latest News provides a non-exhaustive selection of significant events since 25 February 2011. Further information may also be available from the list of useful sources below.

The Home Office is not responsible for the content of external websites.

8 March Algerian men over age 30 are no longer required to perform military service. The measure is the latest in a series of steps 'taken for handling youth preoccupations', the National Service Department said about the new policy announced by President Abdelaziz Bouteflika. Other initiatives aimed to provide employment, housing and bank loans.

Magharebia
Algeria reforms military service policy, 8 March 2011
http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2011/03/08/feature-02
Date accessed 14 March 2011

5 March Algerian police and pro-government activists foiled another attempt by opposition protesters to march in the capital Algiers to demand regime change. A faction of the National Coordination for Change and Democracy (CNCD) had called the protest in three different parts of the city in defiance of an official ban on demonstrating in Algiers.

Several dozen demonstrators found themselves quickly surrounded by police and counter-demonstrators carrying photos of President Abdelaziz Bouteflika chanted 'Bouteflika Is Not (Hosni) Mubarak' - the Egyptian president forced out by a popular uprising on February 18. They chased and roughed up the anti-government protestors.

AFP
Police, pro-government activists block Algerian protest, 6 March 2011
http://www.google.com/hostednews/afp/article/ALeqM5hobljGcr4NgG0WY3DJhXnuTXnrMw?docId=CNG.06165d12c3afb21c3e4fa4d569c29152.651
Date accessed 7 March 2011

4 March At the Socialist Forces Front rally in Algiers thousands of party stalwarts shouted anti-government slogans in the party's first mass gathering since 2004, which went ahead after the authorities eased conditions for holding political gatherings in public places. The rally took place in a cinema where it was estimated 3,000 people attended.

Though it now allows rallies in public places such as cinemas, the government has maintained a ban on political marches in the capital. Recent attempts to organize marches in Algiers have been met by a heavy police presence.

The Wall Street Journal
Algeria's Opposition Joins a Protest Wave, 5 March 2011
http://online.wsj.com/article/SB10001424052748704076804576180624038836798.html?mod=googlenews_wsj
Date accessed 7 March 2011

4 March Foreigners in Libya had begun fleeing into Algeria as forces loyal to Muammar Gaddafi guarded exit routes to Tunisia and Egypt, international aid groups said. The UN High Commissioner for Refugees is seeing fewer people arriving in Tunisia and Egypt, the likely result of a heavier military presence near those border crossings.

Reuters Africa
People flee Libya into Algeria as insecurity spreads, 4 March 2011
http://af.reuters.com/article/libyaNews/idAFLDE7230UI20110304
Date accessed 7 March 2011

26 February Demonstrators confronted riot police officers as they demanded the ousting of Algerian President Abdelaziz Bouteflika, in Algiers. The protest on central Martyrs Square came two days after the government ended a 19-year state of emergency born of Algeria's bloody Islamic insurgency. The move aimed to ease tensions after weeks of anti-government strikes and protests.

The Washington Post
Algeria keeps lid on social unrest - for now, 4 March 2011
http://www.washingtonpost.com/wp-dyn/content/article/2011/03/02/AR2011030202414.html
Date accessed 7 March 2011

USEFUL NEWS SOURCES FOR FURTHER INFORMATION

A list of news sources with weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in Annex E – References to source material.

AlertNet (Thomson Reuters) http://www.alertnet.org/thenews/newsdesk/index.htm?news=all
Allafrica.com http://alllafrica.com/
Afrol news www.afrol.com
British Broadcasting Corporation (BBC) http://news.bbc.co.uk
Cable News Network (CNN) http://edition.cnn.com/WORLD/?fbid=i0gUtrVnUAy
Canadian Immigration and Refugee Board, National Documentation Packages
http://www2.irb-cisr.gc.ca/en/research/ndp/index_e.htm?id=1140
ECOI.net http://www.ecoi.net/
Integrated Regional Information Networks (IRIN) http://www.irinnews.org/
Magrebia http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/homepage/
UNHCR Refworld http://www.unhcr.org/refworld/publisher,UNHCR,COUNTRYPOS,,,0.html

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Background Information

1. GEOGRAPHY

1.01 The official state name is the People's Democratic Republic of Algeria or Al Jumhuriyah al Jaza'iriyah ad Dimuqratiyah ash Shabiyah. (Programme on Governance in the Arab Region (POGAR), 2007) **[23b] (p1)** Algeria lies in North Africa, with the Mediterranean Sea to the north, Mali and Niger to the south, Tunisia and Libya to the east, and Morocco and Mauritania to the west. (Europa World online, Algeria, accessed 11 January 2011) **[1a] (Country Profile: Location, Climate, etc)** It is the second largest country in Africa, with over four fifths of its territory covered by the Sahara desert (US State Department, Consular Information Sheet: Algeria, 24 September 2010) **[6e]**

1.02 The capital is Algiers (el-Djezaïr). There are sixteen other major towns, the largest being Setif, Tizi Ouzou, Oran (Ouahran), Constantine (Qacentina), Annaba and Batna. The area of Algeria is 2,381,741 square kilometres (919,595 square miles). (Europa World online, accessed 11 January 2011) **[1a] (Country Statistics: Area and Population)** "Three distinct regions make up the country: a coastal strip, the Atlas Mountains and the Sahara Desert. The narrow coastal strip…contains the three major population centres of Algiers (the capital), Oran and Annaba…over 80 per cent of the country lies within the dry Sahara Desert, where few Algerians have chosen to make their home." (Jane's Sentinel Country Risk Assessments: Algeria, date posted 23 April 2010) **[7a]**

1.03 Europa World online, Algeria, (accessed 11 January 2011) stated, "The country is divided into 48 departments (wilayat), which are, in turn, sub-divided into communes. Each wilaya and commune has an elected assembly." **[1a] (Country Profile: Government)**

1.04 The Central Intelligence Agency (CIA) World Factbook, estimated, in July 2010, that the population in July 2009 was 34,586,184 people. It also stated that the median age was 27.1 years. **[2a] (People)**

1.05 The United States Department of State (USSD) Background Note on Algeria (updated 2 August 2010) stated, "Ethnic groups: Arab-Berber 99%, European less than 1%. Religions: Sunni Muslim (state religion) 99%, Christian and Jewish 1%. Languages: Arabic (official), Berber (national language), French." **[2a] (people)**

1.06 Europa World online (accessed 11 January 2010) stated, "Islam is the state religion, and almost all Algerians are Muslims." **[1a] (Country Profile: Location, Climate,...)**

1.07 Europa World online (accessed 26 January 2010) listed the public holidays in 2011:

"1 January (New Year); 15 February* (Mouloud, Birth of Muhammad); 1 May (Labour Day); 19 June (Ben Bella's Overthrow); 28 June* (Leilat al-Meiraj, Ascension of Muhammad); 5 July (Independence Day); 31 July* (Ramadan begins); 30 August* (Id al-Fitr, end of Ramadan); 1 November (Anniversary of the Revolution); 6 November* (Id al-Adha, Feast of the Sacrifice); 26 November* (Muharram, Islamic New Year); 5 December* (Ashoura). * These holidays are dependent on the Islamic lunar calendar and may differ by one or two days from the dates given." **[1a](Country Profile: Public Holidays)**

For more information see sections on Ethnic groups and Freedom of religion

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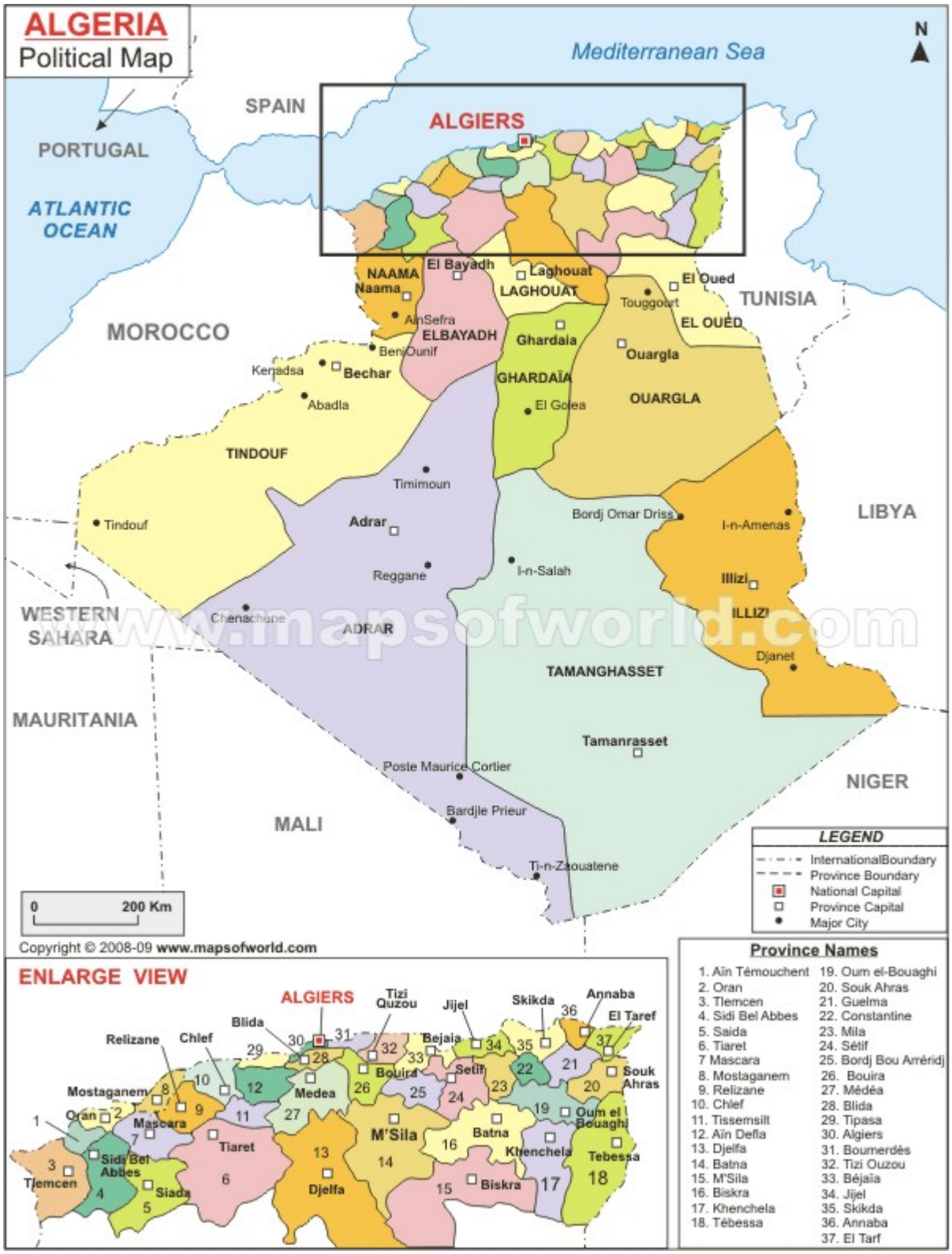
MAP

1.08



(Maps of World – Algeria Political Map) **[11a]**

1.09 Perry Castaneda library map collection contains a series of Algerian maps.

2. ECONOMY

2.01 The Central Intelligence Agency (CIA) World Factbook, profile of Algeria, updated 29 December 2010, summarised the economy as follows:

"Hydrocarbons are the backbone of the economy, accounting for roughly 60% of budget revenues, 30% of GDP [Gross Domestic Product], and over 95% of export earnings. Algeria has the eighth-largest reserves of natural gas in the world and is the fourth-largest gas exporter; it ranks 15th in oil reserves. Weak global hydrocarbon prices during 2009 contributed to a 40% drop in government revenue, although the government continues to enjoy a financial cushion provided by about $150 billion in foreign currency reserves and a large hydrocarbons stabilization fund. Algeria's external debt is only about 1% of GDP. The government's efforts to diversify the economy by attracting foreign and domestic investment outside the energy sector, however, has had little success in reducing high unemployment and improving living standards. A Complementary Finance Law, enacted in July, imposed tight restrictions on imports and required that new foreign investment must be in the form of joint ventures with at least 51% share of ownership by Algerian partners. That law and a January, 2009 ban on importing pharmaceutical products that are also locally produced have contributed to some domestic goods shortages and prompted foreign investors and businesses to reconsider activities in Algeria. Development of the banking sector, the construction of infrastructure, and other structural reform are hampered by corruption and bureaucratic resistance." **[2a] (Economy)**

2.02 Algeria's economy is dominated by industry (61.5 per cent) of Gross Domestic Product (GDP) followed by the service sector (30.5 per cent) and then agriculture (8.4 per cent). Its main industries included: petroleum, natural gas, light industries, mining, electrical, petrochemical and food processing. Principal agricultural products were: wheat, barley, oats, grapes, olives, citrus, fruits; sheep and cattle. (CIA World Factbook, Algeria, 29 December 2010). **[2a] (Economy)** The country's Gross Domestic Product (GDP) growth rate in 2009 was estimated to be 2.2 per cent while inflation was estimated to be running at 5.7 per cent. The Government estimated that 11.8 per cent of the population were unemployed in February 2009, but external estimates ranged up to 27 per cent. (US State Department (USSD) Background Note, Algeria, 2 August 2010) **[6b]** In 2006, 23 per cent of the population were estimated to be living below the poverty line. (CIA World Factbook, Algeria, 29 December 2010) **[2a] (Economy)**

2.03 GDP per person in 2008 was estimated to be US$6,900 at purchasing power parity (USSD Background Note, Algeria, 29 December 2010).**[6b]** In 2009 "... the national minimum wage of [US]$208 (15,000 dinars) per month [US$2, 496 per year] did not provide a decent standard of living for a worker and family…The standard work week was 37.5 hours…" (USSD Country Report on Human Rights Practices 2009, Algeria, 11 March 2010) **[6a] (Section 6e: Acceptable Conditions of Work)**

2.04 The United States Social Security Administration's Algeria entry in its document *Social security programs throughout the world,* updated 2009, outlines unemployment benefits, noting that they are only available through contributory social insurance schemes. It also gives details of workers' medical benefits; family allowance; and other social benefit schemes. **[41a]**

2.05 XE.com (accessed 14 February 2011) stated that the Exchange Rate was 115.214 Algerian dinars per GB £. **[21a]**

See also Employment rights

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3. HISTORY

EARLY HISTORY TO 1989

3.01 The Foreign and Commonwealth Office *Country Profile of Algeria*, updated 7 June 2010, stated:

"The original inhabitants of Algeria were the Berbers. In the classical period the country was colonised by the Phoenicians and by the Romans. The Arabs arrived in the 8th and 11th Centuries introducing Islam. Moors and Jews settled in Algeria following their expulsion from Spain in 1492. In 1518 the country became an integral part of the Ottoman Empire. In 1830 Algeria was annexed and colonised by the French, and ruled as part of metropolitan France from 1848 to 1962. A bitter war of independence was fought between 1954 and 1962, which claimed the lives of up to 1.5 million people. From independence in 1963 until the late 1980s Algeria was a one-party socialist state run by the FLN (National Liberation Front). In 1989 the constitution was amended to introduce a multi-party system" **[5a] (History)**

EVENTS BETWEEN 1988 AND 1998: ELECTIONS, MILITARY TAKEOVER AND CIVIL CONFLICT

3.02 The Library of Congress *Country Profile: Algeria*, dated May 2008, stated:

"[During 1980s the Government's]…reform efforts failed to end high unemployment and other economic hardships, all of which fuelled Islamist activism. The alienation and anger of the population were fanned by the widespread perception that the government had become corrupt and aloof. The waves of discontent crested in October 1988, when a series of strikes and walkouts by students and workers in Algiers degenerated into rioting. In response, the government declared a state of emergency and used force to quell the unrest.

"The stringent measures used to put down the riots of 'Black October' engendered a groundswell of outrage. In response, [President] Benjedid conducted a house cleaning of senior officials and drew up a program of political reform. A new constitution, approved overwhelmingly in February 1989, dropped the word socialist from the official description of the country; guaranteed freedoms of expression, association, and meeting; but withdrew the guarantees of women's rights that had appeared in the 1976 constitution. The FLN was not mentioned in the document at all, and the army was discussed only in the context of national defence. The new laws reinvigorated politics.

"Newspapers became the liveliest and freest in the Arab world, while political parties of nearly every stripe vied for members and a voice. In February 1989, the Islamic Salvation Front (Front Islamique du Salut—FIS) was founded.

"Algeria's leaders were stunned in December 1991 when FIS candidates won absolute majorities in 188 of 430 electoral districts, far ahead of the FLN's 15 seats, in the first round of legislative elections. Faced with the possibility of a complete FIS takeover and under pressure from the military leadership, Benjadid dissolved parliament and then resigned in January 1992. He was succeeded by the five-member High Council of State, which cancelled the second round of elections. The FIS, as well as the FLN, clamoured for a return of the electoral process, but police and troops countered with massive arrests. In February 1992, violent demonstrations erupted in many cities. The government declared a one-year state of emergency and banned the FIS. The voiding of the 1991 election results led to a period of civil conflict that cost the lives of as many as 150,000 people. Periodic negotiations between the military government and Islamist rebels failed to produce a settlement.

"In 1996 a referendum passed that introduced changes to the constitution enhancing presidential powers and banning Islamist parties." **[24a]**

3.03 The United States Department of State *Country Report on Human Rights 2009: Algeria*, published on 11 March 2010, noted, with regard to the state of emergency, "The state of emergency decree, introduced in 1992 and still in effect, gives the government broad authority to restrict civil liberties and take legal action against what it considers to be threats to the state or public order. In recent years the portion of the decree most enforced has been the provision requiring prior government approval for public gatherings." **[6a] (Section 2a)**

See Recent Developments for news of the lifting of the state of emergency

3.04 The Central Intelligence Agency (CIA) World Factbook, profile of Algeria, updated 29 December 2010, also noted:

"The Government of Algeria in 1988 instituted a multi-party system in response to public unrest, but the surprising first round success of the Islamic Salvation Front (FIS) in the December 1991 balloting spurred the Algerian army to intervene and postpone the second round of elections to prevent what the secular elite feared would be an extremist-led government from assuming power. The army began a crackdown on the FIS that spurred FIS supporters to begin attacking government targets, and fighting escalated into an insurgency, which saw intense violence between 1992-98 resulting in over 100,000 deaths - many attributed to indiscriminate massacres of villagers by extremists. The government gained the upper hand by the late-1990s, and FIS's armed wing, the Islamic Salvation Army, disbanded in January 2000." **[2a](Background)**

3.05 The Human Rights Watch *World Report 2000 – Algeria*, published 1 December 1999, gives an account of the latter years of the decade:

"Dramatic political developments, coupled with a decline in violent incidents, fuelled optimism among Algerians that the country had turned the corner on the worst years of civil strife. The new president, Abdelaziz Bouteflika, won popular support for his blunt talk about government corruption and for offering a partial amnesty to Islamist rebels as a step toward achieving peace and reconciliation. However, he devoted little energy to establishing safeguards against future human rights violations or accountability for past abuses.

"If the numbers of arrests, killings, and 'disappearances' were down, Algeria remained the most violent country in the Middle East and North Africa. While the Islamic Salvation Army (Armée Islamique du Salut, AIS) generally respected a cease-fire it declared in 1997, others, particularly the groups known under the Armed Islamic Group rubric (Groupe islamique armé, GIA), continued to target civilians indiscriminately. Hundreds of unarmed men, women, and children were slaughtered in brutal fashion in attacks, particularly in rural areas, that were officially blamed on 'terrorists.' Scores of teenage and adult women were abducted in these attacks. According to the testimony of women who had survived captivity, some abducted women were enslaved, raped, and later executed.

"The GIA generally did not claim responsibility or explain motives for particular attacks on civilians, although communiqués issued in its name were occasionally received by foreign media. There was speculation that in many instances families or villages were selected for indiscriminate slaughter because members were suspected of opposing or withdrawing assistance from the armed groups.

"Within the framework of fighting 'terrorism' and 'subversion,' the security forces continued to employ brutal methods. Accounts of army and police operations carried by the Algerian press, which was constrained to rely heavily on security sources, continued to depict raids that resulted in the deaths of unnamed 'terrorists' but almost never their capture. But reports of torture, which had become systematic since 1992 in the interrogation of security suspects, declined along with the number of confirmed new arrests.

"Algeria's conflict continued to be characterized by an extreme lack of accountability for abuses. Tens of thousands of persons were killed, 'disappeared,' or abducted since 1992, without, in the vast majority of cases, law enforcement authorities formally investigating and elucidating what happened. Nor did trials serve often as a venue for carefully weighing evidence that linked deeds to particular individuals.

"In August and September 1997, large massacres, officially attributed to 'terrorists,' claimed a total of more than 600 civilian lives in Bentalha, Rais, and Beni Messous, on the outskirts of the capital. Yet authorities never produced a complete list of victims, named suspects in the attacks, or issued the results of any inquiry into how assailants could commit such carnage close to military bases without being challenged by the security forces." **[27c]**

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EVENTS BETWEEN 1999 AND 2010: PRESIDENTIAL ELECTIONS AND THE 2005 CHARTER FOR PEACE AND RECONCILIATION

3.06 The Library of Congress *Country Profile: Algeria*, dated May 2008, noted:

"Presidential elections were held in April 1999. Although seven candidates qualified for election, all but Abdelaziz Bouteflika, who appeared to have the support of the military as well as the FLN, withdrew on the eve of the election amid charges of electoral fraud. Bouteflika went on to win 70 percent of the votes. Following his election to a five-year term, Bouteflika concentrated on restoring security and stability to the strife-ridden country. As part of his endeavour, he successfully campaigned to grant amnesty to

thousands of members of the banned FIS. The so-called Civil Concord was approved in a nationwide referendum in September 2000. The reconciliation by no means ended all violence, but it reduced violence to manageable levels. An estimated 80 percent of those fighting the regime accepted the amnesty offer. The president also formed national commissions to study reforms of the education system, judiciary, and state bureaucracy. President Bouteflika was rewarded for his efforts at stabilizing the country when he was elected to another five-year term in April 2004, in an election contested by six candidates without military interference. In September 2005, another referendum – this one to consider a proposed Charter for Peace and National Reconciliation – passed by an overwhelming margin. The charter coupled another amnesty offer to all but the most violent participants in the Islamist uprising with an implicit pardon for security forces accused of abuses in fighting the rebels." **[24a]**

3.07 The Freedom House *Freedom in the World 2009 Country Report on Algeria*, published 14 January 2009, summarised the period following this referendum:

"The [Charter for Peace and National Reconciliation]… essentially offered a general amnesty to most militants and government agents for crimes committed during the civil war. It also called for victims to receive compensation. Although it received 97 percent support in the referendum, victims' groups criticized the charter for not addressing the issue of the disappeared and international human rights groups denounced it for not allowing perpetrators to be brought to justice. Critics also maintained that the vague criteria for determining which militants could benefit from the amnesty were subject to political considerations. While many FIS leaders have been released from prison, they have not been integrated into the political structure in any meaningful way.

"Elections for Parliament's lower house in May 2007 drew a turnout of just 35 percent, the lowest in Algerian history. Many opposition groups, both Islamist and leftist, asked supporters not to participate, arguing that the results would be rigged. AQIM also called for a boycott, but the group's popular support was minimal. The FLN lost 63 seats in the voting, though it remained the largest party with 136. The RND took 61 seats, the Rally for Culture and Democracy (RCD) won 19, and the MSP captured 52. Islah retained just 3 seats." **[29e]**

3.08 The Freedom House *Freedom in the World 2010 Country Report on Algeria*, published 20 January 2010, said of the 2009 presidential election:

"On April 9, 2009, President Bouteflika won re-election with an official tally of 90 percent of the vote, against five challengers. He ran after parliament adopted with no debate a constitutional amendment in November 2008 abolishing a two-term limit for the presidency. Three well-established opposition parties, the Socialist Forces Front, the Rally for Culture and Democracy, and the Islamist Nahdha party boycotted the election, alleging that the conditions for a fair and transparent vote were absent." **[29b]**

3.09 The Foreign and Commonwealth Office *Country Profile of Algeria*, updated 7 June 2010, stated:

"In November 2008 the Algerian constitution was amended following a vote in parliament, which removed the two-term limit on Presidential incumbents. This change enabled President Bouteflika to stand for re-election in the 2009 Presidential elections. Following the election on 9 April 2009 President Bouteflika was re-elected. During his election campaign and following his re-election President Bouteflika promised to extend

the programme of national reconciliation and a $150 billion spending programme to create three million new jobs, the construction of one million new housing units and to continue public sector and infrastructure modernisation programmes." **[5a] (Politics)**

3.10 Europa World online (accessed 12 January 2011), summarised the re-election of President Bouteflika in April 2009 as follows:

"The incumbent President announced in mid-February 2009 his intention to stand for re-election in the April poll. Joining Bouteflika in the presidential contest were: Louisa Hanoune, leader of the PT; Moussa Touati, President of the FNA; Muhammad Djahid Younsi, Secretary-General of El Islah; Ali Fawzi Rebaïne, Secretary-General of Ahd 54 and Mohand Oussaïd Belaïd, a moderate Islamist independent. Bouteflika invited representatives from international organizations, including the Arab League, to observe the electoral process in an effort to appease calls by opposition parties for greater impartiality and transparency in the ballot. However, as in the previous presidential election, in the weeks leading up to the poll Bouteflika faced criticism from opposition parties who claimed that he wielded excessive control over state media and had allocated state funds in favour of his re-election campaign. The President consistently dismissed these allegations.

"Bouteflika was re-elected for a third term of office on 9 April 2009 with a notable majority of the votes. He received 90.2% of the valid votes cast, while his closest challenger, Hanoune, took 4.5%. Touati secured 2.0%, Younsi 1.5%, and Belaïd and Rebaïne both received 0.9%. The rate of participation by eligible voters was reported to be 74.6%, although this figure was considered by opposition parties to be a significant overestimation. Upon learning of the outcome of the election, several of Bouteflika's rivals questioned the legitimacy of the poll; Hanoune stated that she intended to contest the results through the Constitutional Council, while Rebaïne called for a public debate to be held on the matter (and both boycotted Bouteflika's inauguration ceremony on 19 April). However, the Minister of State and Minister for the Interior and Local Authorities, Zerhouni, firmly denied any allegations of electoral malpractice. On 27 April Bouteflika reappointed Prime Minister Ouyahia and the entire Council of Ministers, with the exception of the Minister of State, Soltani Boudjerra, who left the Government at his own request." **[1a] (Country Profile: Contemporary Political History)**

3.11 The United States Department of State *Country Report on Human Rights 2009: Algeria*, published on 11 March 2010, noted:

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

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

"Election observers from the Arab League, African Union, and Organization of the Islamic Conference stated in a press conference that the April 9 election was fair and

transparent. Some international experts commented, however, that observers monitored only election-day procedures and were not on the ground to evaluate pre-election activities. Others noted that the complexity of some election procedures created room for fraud and government influence. Two opposition parties, the Rally for Culture and Democracy (RCD) and the Socialist Forces Front (FFS), boycotted the election, arguing that restrictions on freedom of association disadvantaged potential challengers and made the outcome of the election a foregone conclusion. The LADDH pointed to a lack of critical debate in the media and favourable treatment of the incumbent by state-owned media.

"There were complaints during the three-week campaign period that public areas dedicated to election propaganda did not display each candidate's materials equally. Some candidates reported interference from local election committees when organizing meetings with voters and filed complaints with the National Election Commission. On March 21, the Party of Liberty and Justice (PLJ) reported that one of its campaign buses was vandalized by a group of youths as PLJ's candidate left a meeting with supporters in the Algiers suburb of Bab El Oued. On March 29, authorities arrested an FFS official in Tizi Ouzou for distributing pamphlets calling for a boycott of the election. On April 4, police blocked a group of RCD party members who attempted to march in an Algiers suburb to encourage voters to boycott the election. In general all candidates received equal access to television and radio media as stipulated in the electoral code." **[6a](Section3)**

3.12 The Ligue Algérienne pour la Defense des Droits de l'Homme (LADDH) produced a report, released in October 2009, on the context of media during the elections, called *Monitoring of Media in the Algerian Presidential Elections 2009*. This can be accessed via the following link:
http://www.la-laddh.org/IMG/pdf/rapport_en_-_final.pdf **[20c]**

See also Chronology of major events and Annex C: Prominent people

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4. RECENT DEVELOPMENTS, 1 DECEMBER 2010 – 24 FEBRUARY 2011

4.01 The BBC News, in a report of 24 February 2011, called, *Algeria ends 19-year-old state of emergency,* noted, "The president of Algeria has lifted a 19-year-old state of emergency, a key demand of anti-government protesters. A statement was published in the country's official gazette bringing the emergency to an official end, days after the move was announced. The military will now only have limited powers to get involved with domestic security issues." **[60e]** However in a previous report of 3 February 2011, called Algeria *state of emergency: Bouteflika 'signals end',* the president was reported as saying that rallies in the capital would still be banned. **[60c]**

4.02 The Guardian reported, on 20 February 2011, in an article called *Anger on the streets: unrest in Iran, Algeria, Yemen, Morocco and China,* "Police thwarted a rally by thousands of pro-democracy supporters, breaking up the crowd into isolated groups to keep them from marching. Police brandishing clubs, but no firearms, weaved their way through the crowd in central Algiers, banging their shields, tackling some protesters and keeping traffic flowing through the planned march route." **[25b]**

4.03 The BBC News noted, in a report called *Algeria unrest: Akbou protesters clash with police*, "Hundreds of youths have clashed with security forces during protests in the northern town of Akbou. Police reportedly used tear gas and batons to drive back crowds protesting over unemployment. About 30 people, most of them protesters, were hurt." **[60f]**

4.04 A BBC News report of 12 February 2011 called *Anti-government protests broken up in Yemen and Algeria* noted:

"Anti-government rallies in the capitals of Algeria and Yemen, inspired by events in Egypt, have been broken up…Riot police in Algiers dispersed thousands of people who had defied a government ban to demand that President Abdelaziz Bouteflika step down… It is estimated that 30,000 riot police were deployed across the city on Saturday… Armoured vehicles were placed at strategic points across the city, with water cannons on standby and a helicopter circling above the centre of Algiers… The heavy police presence prevented them from marching to Martyrs Square, about 3 miles away. Rights groups said hundreds of people were arrested." **[60g]**

4.05 The International Federation for Human Rights (FIDH), in a report called *Egypt/ Algeria: Unprecedented social and democratic protests : Arbitrary repression*, dated 26 January 2011, stated:

"In Algeria, also under Emergency law, last Saturday's protests have been severely repressed by the security forces. FIDH has repeatedly expressed its concerns at the rise of the violent social protests that have been shaking the country since beginning of January 2011.

"This popular uprising, also led mainly by young people, is fuelled by the corruption scandals affecting state institutions, and government's inability to meet the needs of the population in access to housing, education and public health, while the country has, thanks to oil exports, foreign reserves of around 155 billion dollars.

"FIDH recalls that the economic and social situation in Algeria was a serious concern for several months. Our organization, together with its Algerian partners, published in April 2010 a report [see paragraph 4.03] in which it put forward the possibility of an uprising of a population in desperate need of human perspective.

"FIDH recalls the Algerian authorities that they shall refrain from repressing legitimate protests and allow the peaceful expression of people's claims by removing restrictive laws, including the state of emergency.

"'Beyond the terrible economic and social situation in these countries, the revolts primarily express the exasperation of the people silenced by the restrictions on fundamental freedoms' declared Souhayr Belhassen, FIDH President.

"'Arbitrary repression shall in no way constitute an answer to such legitimate social and democratic protests' she concluded." **[12b]**

4.06 The report, *The bad life: situation of economic, social and cultural rights in Algeria*, referred to in the above paragraph [4.02], can be accessed via the following link: (The report is in French and a translation facility will be required).
http://www.fidh.org/La-mal-vie-rapport-sur-les-droits-economiques **[12c]**

See section 15.05 Freedom of association and assembly

4.07 The Jamestown Foundation, Terrorism Monitor, Volume VIII, Issue 45, published 16 December 2010 gave details of the government's recent counter-terrorism activity:

"A major Algerian military offensive involving some 4,000 to 5,000 troops was launched on December 9 with the participation of Special Forces units and aerial support from helicopter gunships. Operations have focused on the North-Central wilayas (provinces) of Tizi Ouzou, Boumerdès and Bouira, mountainous strongholds of the Islamist insurgency since the 1990s. Operations in the latter regions were designed to prevent reinforcements from coming to the relief of the militants in Tizi Ouzou.

"The offensive was launched on the basis of information obtained through the interrogation of captured AQIM militants regarding a major meeting of AQIM amirs at Sidi Ali Bounab (70 miles east of Algiers), to be presided over by AQIM leader Abdelmalek Droukdel (a.k.a. Abu Mus'ab Abd al-Wadoud)…

"By December 12, as many as 20 AQIM terrorists were reported to have been killed. Algerian authorities have obtained DNA samples from relatives of AQIM commander Abdelmalek Droudkel and Amir Abou Derar in an effort to confirm their deaths in the operation. The offensive was also reported to have disrupted a major plot to use cell phone-detonated explosives in a bombing campaign in Tizi Ouzou, Boumerdès and Bouira." **[19a]**

See Security Forces and Human rights violations by non government forces

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5. CONSTITUTION

5.01 Europa World online (accessed 12 January 2011) stated:

"A new Constitution for the Democratic and People's Republic of Algeria, approved by popular referendum, was promulgated on 22 November 1976. The Constitution was amended by the National People's Assembly on 30 June 1979. Further amendments were approved by referendum on 3 November 1988, on 23 February 1989 and on 28 November 1996. On 8 April 2002 the Assembly approved an amendment that granted Tamazight, the principal language spoken by the Berber population of the country, the status of a national language. On 12 November 2008 the Assembly approved an amendment to abolish the limit on the number of terms a President may serve." **[1a] (Government and Politics: The Constitution)**

5.02 The full English-language text of the 1996-amended constitution is available via the website of the Algerian permanent mission to the United Nations. **[44a]**

6. POLITICAL SYSTEM

6.01 The United States Department of State *Country Report on Human Rights Practices 2009, Algeria* (*USSD Report 2009*), published on 11 March 2010, stated, "Algeria is a multiparty republic of approximately 36 million inhabitants whose head of state

(president) is elected by popular vote to a five-year term. The president has the constitutional authority to appoint and dismiss cabinet members and the prime minister." **[6a] (Introduction)** Europa World online, accessed 12 January 2011, reported that "… there is no limit on the number of terms [the President]… may serve. The President presides over a Council of Ministers and a High Security Council. The President must appoint a Prime Minister as Head of Government, who appoints a Council of Ministers." **[1a] (Country Profile: Government)**

6.02 Europa World online (accessed 12 January 2011) added, regarding the Algerian Parliament:

"The bicameral legislature consists of the 389-member National People's Assembly [lower house] and the 144-member Council of the Nation [upper house]. The members of the National People's Assembly are elected by universal, direct, secret suffrage for a five-year term. Two-thirds of the members of the Council of the Nation are elected by indirect, secret suffrage from regional and municipal authorities; the remainder are appointed by the President of the Republic. The Council's term in office is six years; one-half of its members are replaced every three years. Both the Head of Government and the parliamentary chambers may initiate legislation, which must be deliberated upon by the National People's Assembly and the Council of the Nation, respectively, before promulgation." **[1a] (Country Profile: Government)**

6.03 The same source (accessed 12 January 2011) stated, "The country is divided into 48 departments (wilayat), which are, in turn, sub-divided into communes. Each wilaya and commune has an elected assembly." **[1a] (Country Profile: Government)**

POLITICAL PARTIES

6.04 The *USSD Report 2009* stated the following on political parties:

"The law requires that potential political parties receive official approval from the MOI [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 MOI. July 2007 amendments to the electoral law provided that a party must receive four per cent of the vote or have received at least 2,000 votes in 25 wilayas (provinces) in one of the last three legislative elections in order to participate in national elections.

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

"Membership in the Islamic Salvation Front (FIS), a political party banned in 1992, remained illegal. In July 2008 Wafa party leader Ahmed Taleb Ibrahimi announced that he was withdrawing from politics after the government's continued refusal to register his party because of its perceived ties to the banned FIS. No party may use religion or ethnic heritage as a basis to organize for political purposes. No party may use religion or ethnic heritage as a basis to organize for political purposes. The law also bans political party ties to non-political associations and regulates party financing and reporting requirements." **[6a] (Section 3)**

6.05 The Economist Intelligence Unit, Country Profile, Algeria, dated 5 January 2011, identified the main political parties as "Front de libération nationale (FLN), previously the sole legal party; Rassemblement national démocratique (RND); Front des forces socialistes (FFS); Rassemblement pour la culture et la démocratie (RCD); Mouvement de la réforme nationale (Islah, Islamist); Mouvement de la société pour la paix (MSP; Islamist); Parti des travailleurs (Labour Party)." **[37b] (Summary – Political Structure)**

See also Chapter 3 Events between 1999 and 2010: Presidential Elections and the 2005 Charter for Peace and Reconciliation, Political affiliation, subsection Opposition groups and political activists and Annex B – Political organisations

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Human Rights

7. INTRODUCTION

7.01 Reporting on events during 2010, the Human Rights Watch, *World Report 2011, chapter on Algeria*, released 24 January 2011, and covering events in 2010, noted that:

"Algeria continued to experience widespread human rights violations in 2010. A state of emergency-imposed in 1992 and renewed indefinitely by decree in 1993-created a backdrop for widespread restrictions on freedom of expression, association, and assembly. Authorities justify the measure as necessary to combat terrorism.

"Members of the security forces and armed groups continued to enjoy broad impunity for atrocities committed during the violent internal conflict of the 1990s. The state offered compensation to families of persons forcibly disappeared in the 1990s, but failed to provide answers about their fate. Militant groups continued their deadly attacks, mostly targeting security forces, albeit on a lesser scale than in previous years." **[27a]**

See Recent developments – section 4.01 for the latest situation regarding the state of emergency.

7.02 The Freedom House report, *Freedom in the World 2010, Algeria*, covering events in 2009, published 3 May 2010, noted that:

"Press freedom was severely curtailed prior to the April 2009 presidential elections, which President Abdelaziz Bouteflika won with over 90 percent of the vote amid protests of fraud by his opponents. The government consolidated its internet monitoring power during the year, and international observers reported that the authorities began blocking websites. Meanwhile, as the terrorist group Al-Qaeda in the Islamic Maghreb continued to attack military, state, and foreign targets in the country, the government joined forces with neighbouring countries to combat the regional threat of terrorism." **[29b]**

7.03 In its introduction to human rights in Algeria the United States Department of State *Country Report on Human Rights Practices 2009, Algeria (USSD Report 2009),* released 11 March 2010, observed that:

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

"Terrorist groups committed a significant number of attacks against civilians, government officials, and members of security forces." **[6a] (Introduction)**

7.04 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, noted:

"Since President Abdel Aziz Bouteflika came to power in 1999 one of his primary objectives has been to promote national reconciliation through the National Reconciliation Charter and enhancing the rule of law, judicial reform and democratic principles.

"Elections take place every five years for the Presidency, legislature, regional and local authorities. All registered political parties are allowed to stand. The government has total control of the broadcast media, which means opposition parties have little, if any, access. The print media is much freer: criticism of the performance of the government and President is commonplace. However, the media complain that there are red lines, particularly in relation to the intelligence services and to a lesser extent the President and his family. Many journalists exercise self censorship. In extremis the government can, and has, blocked access to the government-run printing presses effectively closing papers down.

"Under the National Reconciliation Charter, the events of the civil war have been fully addressed. For many, this approach has worked and has allowed the country to move on from the grim years of the 1990s. But human rights groups, including Amnesty International, continue to criticise the lack of accountability, particularly of the army, for some of the worst excesses of the civil war." **[5c] (Scene Setter)**

7.05 The report went on to say that Algeria has ratified a number of international human rights instruments, including:

Convention	Signed	Date	Ratified	Date
International Covenant on Civil and Political Rights (ICCPR)	Y	1966	Y	16.05.89
Optional Protocol to ICCPR	Y	1966	Y	16.05.89
Second Optional Protocol to the ICCPR (aimed at abolition of the death penalty)	N		N	
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Y	03.02.76	Y	17.05.89
Convention on the Elimination of Racial Discrimination (CERD)	Y	1965	Y	30.12.66
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Y	1979	Y	24.01.96
Convention Against Torture (CAT)	Y	1984	Y	17.05.89
Optional Protocol to CAT (on the prevention of torture)	N		N	
Convention on the Rights of the Child (CRC)	Y	1989	Y	23.12.92
UN Convention on Enforced Disappearances	Y		N	

"The Algerian authorities have implemented each of the conventions to varying degrees. They have yet to allow full political freedom as envisaged under the conventions. The implementation of the conventions on the rights of women and children have not been fully implemented where the conventions come into conflict with

Algerian law (Family Law is based on shariah). Even where laws have been enacted, implementation can be patchy as they often come into conflict with local cultural practises." **[5c] (Legislative Framework)**

8. SECURITY FORCES

OVERVIEW

8.01 The security forces included the national police, paramilitary groups – the National Gendermerie, the Republican Guard, the Communal Guard and Legitimate Defence Militias – the intelligence services (Jane's, Security and Foreign Forces, updated 23 April 2010) **[7c]** and the conventional armed forces (comprised of the army, air force and navy). (Jane's, Armed Forces, updated 15 October 2010) **[7e]**

8.02 The Library of Congress *Country Profile: Algeria*, dated May 2008 (LOC Profile 2008), observed that "Algeria's military, paramilitary, and police forces are more concerned about an internal threat from Islamic extremists than a definable external threat. The military is attempting to control the internal threat through operational and surveillance activities." **[24a] (p20)**

POLICE

8.03 The LOC Profile 2008 stated that:

"Responsibility for maintaining law and order is shared by the 60,000-member Gendarmerie Nationale [National Gendermerie], under the Ministry of National Defence, and the 30,000-member Sûreté Nationale, or national police force, under the Ministry of Interior. The Gendarmerie Nationale is mainly active in rural and remote areas of the country, while the Sûreté Nationale is primarily an urban police force. Algeria's various security forces have been involved in counterterrorism operations and have been accused of excesses in the battle against Islamist groups. They also face complaints of harassing journalists." **[24a] (p22)**

National police

8.04 Estimates for the size of the national police ranged from 30,000 (LOC Profile 2008) **[24a]**, 140,000 (USSD Report 2009) **[6a] (Section 1d)** to 120,000. (Jane's, Security and Foreign Forces, updated 23 April 2010) **[7c]** [The figures may vary depending on what is defined as the national police by the respective sources.]

8.05 Jane's Sentinel Country Risk Assessment, Algeria, section on Security and Foreign Forces, updated 23 April 2010, reported that:

"The national police force (DGSN) [Direction Generale de la Sureté Nationale - General Directorate of National Security] comes under the control of the Ministry of the Interior. The force carries out routine policing duties, investigates serious crime, and is responsible for border controls. The force also has an important role in internal security and in countering subversion. During the civil war, police personnel were extensively deployed on anti-insurgent operations. Women are recruited and represent about seven per cent of the strength.

"…From a territorial point of view, the force is organised in line with Algeria's administrative structure. There are police commands at the level of province, district and municipality. Every urban area has a police post and larger towns and villages have a police garrison.

"…There is a judicial police branch which carries out criminal investigations in liaison with the state's prosecution service." **[7c]**

8.06 The United States Department of State *Country Report on Human Rights 2009: Algeria* (*USSD Report 2009*), published on 11 March 2010, noted, "All security forces are provided a copy of a code of conduct establishing regulations for conduct and sanctions for abuses. Corruption existed, and the media focused especially on the customs police… Impunity remained a problem. The government did not provide disaggregated public information on the numbers, infractions, or punishments of police, military, or other security force personnel." The same source also noted that the police were generally effective at maintaining order. **[6a] (Section 1d)**

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National Gendermerie (including the Republican Guard)

8.07 The *USSD Report 2009* noted that "The National Gendarmerie, under the Ministry of Defense, also performs police-like functions outside urban areas…. gendarmes were generally effective at maintaining order." **[6a] (Section 1d)** With regard to the strength of the gendarmerie, the LOC Profile 2008 stated, "Algeria's paramilitary forces include the 20,000-member Gendarmerie Nationale [compared to the figure of 60,000 stated by Jane's – see following paragraph], which is subordinate to the Ministry of National Defence; the 1,200-member Republican Guard, an elite corps of the Gendarmerie Nationale; an estimated 16,000 national security forces in the General Directorate of National Security under the Ministry of Interior…" **[24a] (p21)**

8.08 Jane's, in its Sentinel Country Risk Assessment for Algeria, section on Security and Foreign Forces, posted 23 April 2010, noted that:

"…the National Gendarmerie and the Republican Guard Brigade have taken a prominent role in countering the Islamist insurgency… The Gendarmerie Nationale (National Gendarmerie) is a paramilitary force which has the main responsibility for policing in rural areas. The director of this highly mobile force reports to the Minister of National Defence, and it has a strength of about 60,000. Gendarmes are often known as known as 'Ninjas' because of their black uniforms and balaclavas… Elite units of the Gendarmerie, such as the Rapid Intervention Group, worked closely with special forces of the army and other security services to combat Islamic insurgency, under a co-ordinating group set up in 1992, known as the Centre for the Conduct and Co-ordination of Anti-subversive Actions (CCC/ALAS). In October 2002, the National Gendarmerie Command established a new unit to combat organised crime. This body, which exists at the level of the National Gendarmerie Command, is responsible for gathering and analysing intelligence and making it available to the regional services, especially for combating drug trafficking.

"The elite Republican Guard Brigade, with a strength of 1,200, is equipped with light tanks and armoured vehicles." **[7c]**

The Communal Guard and Legitimate Defence Groups

8.09 The LOC Profile 2008 reported that there were an estimated 150,000 militia and guards. **[24a] (p22)** Jane's, in its Sentinel Country Risk Assessment for Algeria, section on Security and Foreign Forces, posted 23 April 2010, noted that, "Formal security forces have also been supplemented in rural areas by local forces, armed by the state. The Communal Guard was set up by the Ministry of the Interior in 1994 and was reported in recent years to have a strength of 50,000. Local militias known as Legitimate Defence Groups were also formed in towns and villages. It has been estimated that the strength of the Communal Guard and the other local forces local may exceed 150,000." **[7c]**

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ARMED FORCES

8.10 Jane's noted in its Sentinel Country Risk Assessment for Algeria on Armed Forces, posted 15 October 2010, that the armed forces consisted of 110,000 personnel in the army with a further 100,000 reservists, 10,000 in the Navy and 7,500 in the air force. **[7e] (Armed Forces)**

8.11 The same source added, "Algeria is a leading military power in the region. However, despite a fleet of aircraft that is the envy of most African countries and well-equipped and well-trained armed forces, the country has been beset by a spate of car bombings and attacks outside military and police outposts that have killed dozens of civilians as well as soldiers." **[7e] (Armed Forces)**

8.12 In its *Algerian Country Profile – Main Report*, dated December 2010, the Economist Intelligence Unit stated:

> "The military elite's influence over the political process during the 1990s has largely been curbed by Mr Bouteflika, but the military retains the ability to challenge the president's policies…The president has, however, played a key part in the gradual transformation of Algeria since he came to power in 1999, notably by using the authority of his office to marginalise senior members of the military old guard – le pouvoir – who used to be the major powerbrokers in Algerian politics." **[37a]**

For details on military service, conscription and desertion see section 11: Military Service

OTHER GOVERNMENT FORCES

Intelligence agencies

8.13 The Department of Information and Security (DRS - Département de Renseignement et de Sécurité) "… reports to the Defence Ministry and exercises internal security functions but also performs police-like functions in terrorism cases." (*USSD Report 2009*) **[6a] (Section 1d)**

8.14 Jane's reported in their Sentinel Country Risk Assessment, Algeria, Security and Foreign Forces, posted 23 April 2010, that:

"The DRS is Algeria's military intelligence service…Apart from a military security role, the service also has a prominent role in internal security, and in countering the activities of Islamist insurgents. Under Algerian law, DRS agents are empowered to act as judicial police. In January 2010, the DRS was called in to investigate alleged corruption in Algeria's national oil company. According to Amnesty International and other human rights organisations the DRS has been alleged to be prominently involved in the 'disappearance' or secret detention of individuals suspected of subversive activity. The DRS also has an important external role in liaising with foreign security and intelligence services and the gathering of intelligence beyond Algeria's borders." **[7c] (Security and Foreign Forces)**

8.15 Jane's further noted that "Counter-intelligence is handled by a sub-department, Direction du Contre-Espionnage (DCE)." **[7c] (Security and Foreign Forces)**

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HUMAN RIGHTS VIOLATIONS BY THE SECURITY FORCES

Arbitrary arrest and detention

8.16 The *USSD Report 2009* stated:

"Prolonged pre-trial 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 pre-trial detention as long as 20 months according to the penal code; the prosecutor must show cause every four months for continuing pre-trial detention.

"Judges rarely refused prosecutorial requests for extending preventive detention, which can be appealed to a higher court but was rarely overturned. Should the detention be overturned, the defendant can request compensation…Most detainees have prompt access to a lawyer of their choice, and if the detainee is indigent, the government provides a lawyer." **[6a] (Section 1d)**

8.17 The report added, "There is no system of bail, but in non-felony cases suspects are usually released on 'provisional liberty' while waiting for trial. Under provisional liberty, suspects are required to report weekly to the police station in their district and are forbidden to leave the country." **[6a] (Section 1d)**

8.18 Amnesty International noted in its *Annual Report 2010 - Algeria*, published 28 May 2010 and covering events in 2009, that:

"The Department of Information and Security (DRS), military intelligence, continued to arrest terrorism suspects and detain them incommunicado for weeks or months, during which they were at risk of torture or other ill-treatment.

"The right to fair trial of individuals suspected of terrorism was not respected. Some faced proceedings in military courts. Some were denied access to legal counsel, particularly while held in pre-trial detention. The authorities failed to investigate allegations of torture and other ill-treatment of detainees and the courts continued to accept "confessions" allegedly obtained under torture or other duress, without investigation, as a basis for convicting defendants." **[26d] (Counter-terror and Security)**

8.19 Human Rights Watch's *World Report 2010, Algeria*, covering events in 2009, released on 20 January 2010, noted:

"Reports of long-term 'disappearances' have been exceedingly rare in recent years. However, security services in plainclothes often carry out arrests without showing warrants and then sometimes hold terrorism suspects longer than the permitted 12 days before presenting them to a judge, and do not comply with the legal obligation to notify the family. The United Nations Committee against Torture, in its May 2008 examination of Algeria's report to the committee, expressed concern about reports that the legal limit of 12 days in pre-charge detention in terrorism cases 'can, in practice, be extended repeatedly' and that 'the law does not guarantee the right to counsel during the period of remand in custody, and that the right of a person in custody to have access to a doctor and to communicate with his or her family is not always respected'." **[27aa]**

8.20 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, stated:

"There are no reasonable grounds to believe that secret prisons exist nor that rendition takes place. Between 1992 and 2000 disappearances were a common occurrence. Both the army and security forces have been accused of involvement in disappearances. We are confident that disappearances no longer take place as the rule of law returned to Algeria at the end of the civil war. The media has not reported any recent cases of enforced or involuntary disappearance. Rendition of Algerian nationals to other countries would be illegal under Algerian law and our assessment is that this does not take place." **[5c](Enforced or Involuntary Disappearance)**

8.21 The same report also observed:

"The police and justice system is relatively incorrupt in the main urban centres, although corruption is a growing problem, especially in rural areas where petty corruption is more commonplace than in the big cities… The police generally respect human rights, although many international bodies continue to criticise past abuses. US State Department has reported accusations against the police of torture, impunity and arbitrary arrests/prolonged detention. We have seen no evidence to suggest that these claims are accurate in modern Algeria." **[5c](Scene-setter)**

For details of the law on arrest and detention, see section Arrest and detention – legal rights

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Torture and extra-judicial killings

8.22 The *USSD Report 2009* stated:

"The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, NGO and local human rights activists reported that government officials employed such practices to obtain confessions. Government agents can face prison sentences of up to 10 to 20 years for committing such acts, and some were tried and convicted in 2008. Nonetheless, impunity remained a problem. Local human rights lawyers maintained that torture continued to occur in detention facilities, most often against those arrested on 'security grounds'." **[6a] (Section 1c)**

8.23 Human Rights Watch, in the Algeria chapter of its *World Report 2011*, published 24 January 2011 and covering events of 2010, noted:

"Algeria amended its penal code in 2004 to make torture an explicit crime. The international Committee of the Red Cross regularly visits ordinary prisons in Algeria but not places of detention run by the powerful Department for Information and Security (DRS), an intelligence agency within the military.

"Algerian courts pronounced death sentences during 2010, some of them against defendants in terrorism cases and most in absentia. Algeria has observed a de facto moratorium on executions since 1993." **[27a]**

8.24 The Amnesty International *Report 2010 – Algeria,* published 28 May 2010, noted, with regard to those accused of terrorism, "The authorities failed to investigate allegations of torture and other ill-treatment of detainees and the courts continued to accept 'confessions' allegedly obtained under torture or other duress, without investigation, as a basis for convicting defendants." **[26d](Counter-terror and security)**

8.25 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, stated:

"Reports of torture or CIDT [cruel, inhuman and degrading treatment] are rare. There have been three reported cases of torture since 2007. It is noteworthy that the local media, who enjoy a high level of freedom on political and social issues, have not carried any such reports.

"The law does not allow for the use in court of evidence obtained by torture or CIDT. Algeria has made significant progress on this issue since a 2006 Amnesty report highlighted concerns about court cases built entirely around confessions obtained by DRS in possibly dubious circumstances. The Algerian courts would now throw out any evidence obtained through torture. (Cases build around confessions have to be supported by other evidence.) Since 2001 (amendments to the Penal Code), the police are obliged by law to present the detainee for a medical examination immediately before being moved from police custody. The doctor has to issue a certificate reporting his findings. If the report contains findings of torture or CIDT, the lawyer is free to use this certificate to annul the case because evidence gained through torture or CIDT is non-admissible.

"According to the 2001 Penal Code amendments, in a case where a certificate states that there is no evidence of torture or CIDT but the detainee maintains s/he was mistreated, s/he has the right, in the presence of his/her lawyer, to ask for a second medical examination with another doctor. Cases of torture/CIDT have been reported but since the introduction of tighter legislation, the security authorities are very cautious about their handling of detainees/prisoners." **[5c](Torture or Cruel, Inhuman or Degrading Treatment/Punishment)**

8.26 The same report went on to say:

"There have been no recent reports of summary, arbitrary or extra-judicial killings (unlawful killings). However, there are almost daily reports of clashes between terrorists and the Algerian security forces in which both sides suffer losses. These incidents are not independently reported or assessed by Algerian media or NGOs, but we do not believe that they have resulted in any extrajudicial killings. The Algerian judicial system

is robust enough to ensure that terrorists are tried through the courts (if not killed in clashes). The clashes take place across Algeria but there has been a concentration in the Kabilye, eastern Algeria, along the Tunisian border and an increasing trend for clashes further south into the desert regions. We assess that the Algerian security forces deploy a reasonable use of force in response to the terrorist threat." **[5c](Summary, Arbitrary or Extra-judicial Killings (unlawful killings))**

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Impunity

8.27 The *USSD Report 2009* observed that "Impunity remained a significant problem. The government did not provide disaggregated public information on the numbers, infractions, or punishments of police, military, or other security force personnel." **[6a] (Section 1d)**

8.28 Commenting on impunity of the security forces (and members of insurgent armed groups) for human rights violations in 1990s, Human Rights Watch's *World Report 2011* observed:

"Over 100,000 Algerians died during the political strife of the 1990s. Thousands more were 'disappeared' by security forces or abducted by armed groups fighting the government and never found. The 2006 Law on Peace and National Reconciliation provides a legal framework for the continued impunity enjoyed by perpetrators of atrocities during this era. The law provides amnesty to security force members for actions they took in the name of combating terrorism and to armed group members not implicated in the most heinous acts.

"The law promises compensation for families of 'disappeared' persons, but simultaneously makes it a crime to denigrate state institutions or security forces for the manner in which they conducted themselves during the political strife. Organizations representing the families of the 'disappeared' have criticized the state's failure to provide a detailed account of the fate of their missing relatives." **[27a]**

8.29 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, stated:

"Human rights NGOs and the private media still consider that there is impunity for government forces to carry out human rights violations, as a result of the Peace Charter introduced in 2006. The Charter requires families of those who disappeared in the 1990s to declare their missing relatives dead in order to qualify for small amounts of financial compensation. Article 45 of the Charter grants impunity to all members of the security forces and armed groups, protecting them from any proceedings no matter what allegations they may face. Moreover, under article 46, anyone who attempts to make such accusations against the security forces and armed groups can be charged with undermining the institutions of the State and insulting its officials and can face a large fine and up to five years in prison." **[5c](Human Rights Concerns)**

See Non-government armed groups for information about violations committed by Al Qaeda in the Maghreb

See also Judiciary

AVENUES OF COMPLAINT

8.30 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, noted, "Anecdotal evidence is that Algerian citizens generally do not trust Algeria's security institutions, who they regard as corrupt. Local commentators say that those living in remote areas are reluctant to file complaints against members of security organisations for fear of retaliation. This is possibly a hangover from the Algerian civil war of the 1990s." **[5c](Human Rights Concerns)**

8.31 The *USSD Report 2009* noted, "The criminal code provides mechanisms to investigate abuses. The MOJ [Ministry of Justice] and the MND [Ministry of National Development] cooperated with the ICRC [International Committee of Red Cross] in implementing seminars on incorporating international humanitarian law principles into legal practices and military training curricula." **[6a](Role of the Police and Security Apparatus)**

8.32 However the same source went on to say, "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." **[6a](Role of the Police and Security Apparatus)**

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National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH)

8.33 The *USSD Report 2009* summarised the role of the CNCPPDH:

> "The CNCPPDH [National Consultative Commission for the Promotion and Protection of Human Rights] is the government-established advisor for human rights. On August 27 [2009], the government issued an ordinance establishing CNCPPDH's legal status on the basis of law rather than presidential decree. The ordinance also changed the procedures to appoint CNCPPDH members by establishing a review of nominations intended to ensure that appointments reflect a broad spectrum of civil society. Directed by Farouk Ksentini, the CNCPPDH is composed of 22 members from governmental bodies and 23 from civil society and NGOs. The nongovernmental members included representatives of Islamic religious organizations, the Red Crescent Society, and women's rights advocacy groups. The president approves nominees, and the CNCPPDH's budget and secretariat come from his office. The CNCPPDH is mandated to report on human rights issues, coordinate with police and justice officials, advocate domestic and international human rights causes, mediate between the government and the population, and provide expertise on human rights issues to the government.
>
> "The public generally viewed the CNCPPDH as pro-government. As in previous years, the group delivered its complete annual report only to the president and provided a public abstract, thus rendering it difficult to measure the effectiveness of the organization's work. On March 9, prior to the August 27 ordinance, the International Coordinating Committee of National Human Rights Institutions expressed concern that the CNCPPDH was established by presidential decree and that the appointment and dismissal of members was not transparent." **[6a](Section 5)**

8.34 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, noted, "Algeria's annual human rights report

produced by the Consultative Commission is presented to the President, but is never published. The report is believed to contain criticism of official bodies and recommendations of remedial action, but the National Commission's official capacity means that it cannot be considered an independent report." **[5c](Human Right Concerns)**

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9. MILITARY SERVICE

9.01 The Coalition to Stop the Use of Child Soldiers (CSUCS), *Global Report 2008*, on Algeria, released May 2008, covering the period between April 2004 and October 2007, reported that:

"The legal basis for conscription into the regular armed forces remained the National Service Code. Algerian men were liable for 18 months compulsory conscription between the ages of 19 and 30, and an additional six months service as a reservist up to the age of 50. Some 375,000 young men were estimated as reaching military service age annually…. The minimum age for voluntary recruitment into the armed forces or paramilitary forces was unclear." **[39a]**

9.02 Jane's noted in its Sentinel Country Risk Assessment for Algeria on Armed Forces, updated 15 October 2010, that "Once compulsory service has been completed, soldiers must remain available to the Ministry of Defence for five years and may be recalled at any time, after which they become part of the reserve forces for a further 20 years." **[7e] (Armed Forces)**

9.03 The Consulate of Algeria stated on its national service page of its website, updated 21 October 2009, and accessed 20 December 2010, that "National Service registration (Recensement) is compulsory and takes place at the age of 18. This procedure is automatically carried out by the Consulate for all Algerian nationals born in the UK… as well as those who are registered at the consulate. However National Service can be deferred for the entire period of your studies." **[42a]**

9.04 The Consulate website also noted that deferment can be sought whilst studying in the United Kingdom and exemption sought for medical reasons and for presidential exemptions: "In 1999, His Excellency President Abdelaziz Bouteflika took important decisions to enable Algerian Nationals to regularise their National Service situation. People entitled to this scheme must be over the age of 22 and have finished their studies." **[42a]**

9.05 The United States Department of State *Country Report on Human Rights Practices 2009, Algeria (USSD Report 2009)*, released on 11 March 2010, noted, "The government did not permit young men eligible for the draft, who had not yet completed their military service, to leave the country without special authorization." **[6a] (section 2d)**

9.06 The Country of Return Information Project *May 2009 Country Sheet for Algeria* stated:

"Algerian citizens must perform their military duties. The Algerian army has evolved towards a professional army, meaning traditional conscription is progressively being reduced to the recruitment of professionals who will make a career in the army.

However, military service is still maintained due to the existence of terrorism. A new presidential decree issued in July 2008 aims at implementing new and more rigorous measures concerning exemptions of military obligations for health reasons. New appeal and consultative commissions have to guarantee that the law be respected and an equal approach as for medical abilities, imputability and discharge.

"The regularisation applications regarding national service are always granted and examined in accordance with the calendar of the ad-hoc commission which travels abroad each semester. Therefore there is no deadline for making a regularisation application.

"The regularization which started in the framework of presidential measures affects citizens born between January 2nd 1959 and December 1st 1980. Young Algerians born before December 31st 1981 do not have to justify their position on military service when leaving the national territory.

"According to the website of the Algerian embassy in Ottawa, Algerians can request to be exempted from national service for medical reasons or if they are 'the sole supporter of an ascendant or of a collateral relative who is disabled or a minor', or if they are older than 27 years and have paid work …The regularisation of the national service is granted to draft evaders of the class of 2002 (i.e. people born in 1982), and to 'citizens of previous classes who have [completed] or left their studies on 31 December 2001' …According to the consular section of the same embassy, this regularisation is granted to persons born in or before 1983 (24 May 2005).

"…The consular section of the Algerian embassy in Ottawa, in its written communiqué of 24 May 2005, has confirmed that the regularisation procedure regarding national service is the same in Algeria and abroad. The consular section has stated that an Algerian citizen who does not comply with the timetable for the regularisation may be considered to be absent without leave by the Algerian authorities (Algerian embassy 24 May 2005).

"Moreover according to the consular section, 'It is possible that persons who are in an irregular situation with regard to the national service may not obtain a passport. But these are rare occasions since the implementation of regularisation measures.'

"According to the consular section of the Algerian embassy in Ottawa, two types of documents are issued to persons who have regularised their situation: the provisional deferment card (for persons who continue their studies and who have provided proof thereof) or the exemption card (for persons who have requested regularisation)." **[10a] (Military Service)**

See Latest news section for reforms to age of military service.

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CONSCIENTIOUS OBJECTION

9.07 War Resisters' International (WRI) stated in its report of 29 June 1998 on Algeria that:

"There is no legal provision for conscientious objection and no substitute service. Any individual claiming to be a CO [conscientious objector] will be considered a draft evader (insoumis).

"Professional serving members of the armed forces have no right to discharge if they have conscientious objection. If they do not wish to renew their contract, they have to announce this one year in advance. If they ask for discharge, they often face accusation of having given way to the pressure of the Islamic movement and not being credible anymore. In the worst cases they are accused of desiring to join the armed insurgent groups and may be interrogated and even tortured." **[57a]**

DRAFT EVASION AND DESERTION

9.08 The CSUCS *Global Report 2008* noted that "Evading conscription was punishable by a five-year prison sentence in accordance with Article 254 of the Algerian Military Justice Code 8." **[39a]**

9.09 WRI also noted in its Algerian report of 29 June 1998 that:

"Draft evasion and desertion are punishable under the 1971 Military Penal Code (Code de Justice Militaire (CJM)).

"According to art. 40 of the Military Code, a state of emergency is equivalent to a state of war. Algeria has been in state of emergency since 9 February 1992 [and remains in a state of emergency as of February 2010]. This means that since 1992 the punishments as applicable in wartime prevail.

"Concerning penalties for draft evasion and desertion, no distinction is drawn between conscripts and professional soldiers. For officers the penalties are heavier.

"Draft evasion and refusal to perform military service (insoumission) is punishable by 3 months' to 5 years' imprisonment in peacetime. In wartime the penalty is from 2 to 10 years' imprisonment…Insoumis are those called up who have not reported to the military within 30 days of a call-up notice.

"The penalties for desertion are prescribed in arts. 255 to 270, depending on whether the deserter fled within the country, went abroad, or deserted to the enemy, and whether the deserter was alone or in a group.

"Desertion within the country is punishable by 6 months' to 5 years' imprisonment in peacetime; 2 to 10 years' in wartime. If more than two men desert together this is considered desertion with conspiracy and punishable by one to 6 years' imprisonment in peacetime; 5 to 15 years' in war time.

"Desertion abroad is punishable by 2 to 10 years' imprisonment in peacetime; 10 to 20 years' in wartime. In aggravated circumstances - for instance in case of desertion with conspiracy, desertion of officers, or if the deserters carried arms or ammunition - the penalty may be up to life imprisonment.

"If deserters flee to an armed group or to the enemy the maximum punishment is execution.

"Those who incite others to desert may be punished by 6 months' to 5 years' imprisonment in peacetime; 5 to 10 years' in wartime (art. 271).

"Those who hide deserters or try to keep them away from prosecution may be punished by two months' to two years' imprisonment (art. 272).

"Self-mutilation (in order to be unable to serve) is punishable by one to 5 years' imprisonment in peacetime; 5 to 10 years' in wartime (art. 273)." **[57a]**

See Recent Developments for news of the lifting of the state of emergency.

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10. NON-GOVERNMENT ARMED FORCES

OVERVIEW

10.01 Jane's observed in its Sentinel Country Risk Assessment, Algeria, Executive Summary Section, updated on 24 November 2010, that:

"The Islamist insurgency continues to pose a threat to Algeria, albeit one of considerably diminished significance since the 1990s…Currently, the main active terrorist group is Al-Qaeda in the Islamic Maghreb (AQIM), which prior to January 2007 was called the Groupe Salafiste de la Predication et le Combat (GSPC). While the GSPC was never strong enough to seize power and it remains doubtful that this is AQIM's strategic objective, its operatives are still capable of destabilising attacks that undermine the government's claims that stability has been restored." **[7b]**

10.02 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, stated:

"The State of Emergency has remained in force since the end of the civil war. The impunity granted to security forces under the terms of the SoE [State of Emergency] is rarely used, but the government is unlikely to formally end the SoE until terrorism is no longer a problem in Algeria. (It is partly presentational; they do not want to do anything which would be seen as going soft on terrorism and partly so that should there be renewed political or social instability in Algeria, they do not need to enact new legislation. There is no popular resentment against the maintenance of this legislation. One lawyer claimed that it was no different to the legislation enacted by countries since 9/11. But this did not lead to human rights abuses." **[5c](Other Issues)**

See Recent developments – section 4.01 for the latest situation regarding the state of emergency.

AL QAEDA IN THE ISLAMIC MAGHREB (AQIM)

10.03 Jane's described, in its section on non-state armed groups, updated 24 November 2010, the structure of AQIM:

Name: Al-Qaeda Organisation in the Islamic Maghreb (AQIM). Formerly known as the Salafist Group for Preaching and Combat (Groupe Salafiste pour la Prédication et le Combat: GSPC).
Type: Militant Islamist (Sunni).
Status: Active. The GSPC was founded in 1998 and re-branded as AQIM in January 2007 following the group's pledge of allegiance to Al-Qaeda on 11 September 2006.
Leader: Abdelmalek el-Droukdel (alias Abu Musab Abd al-Wadud).
Strength: 500-800 **[7d]**

10.04 Jane's described the group's aims and objectives:

"AQIM's aim is to overthrow the Algerian regime and to replace it with an Islamic state under sharia (Islamic law). It seeks to achieve this by attacking regime targets including the military, police and security services. The attacks in August 2008 show a continuation of this policy and a desire to include operations against economic targets and their associated foreign workers. The name change is indicative of the group's desire to transform itself into an Al-Qaeda regional affiliate, expand its aims beyond Algeria to create a regional caliphate, and adopt a pan-Islamic, as opposed to nationalistic, jihadist ideology. This has led the group to assist associated cells in nearby countries in establishing their own operations and providing training support. Given the setbacks suffered by AQI [Al-Qaeda in Iraq] in the course of 2008, the activities of AQIM have gained in prominence as the overall Al-Qaeda organisation seeks to maintain its ability to recruit people to its vision of an Islamic caliphate." **[7d]**

10.05 The United States Department of State *Country Report on Terrorism 2009 - Algeria* (*USSD CRT 2009*), published 5 August 2010, noted:

"Roadside bombs and ambushes persist despite the efforts of the security forces. The combination of a population weary of civilian casualties from over a decade of Islamic terrorist violence and the growing availability and use of cell phones has made the terrorists more vulnerable to detection and targeting by the police. The majority of attacks occurred in rural and suburban areas. Terrorists have been very careful to establish remote bases, communicate sparingly, and carry out meticulously-planned attacks. AQIM does not have significant popular support and is not assessed as strong enough to bring down the Algerian government. When security forces are in the countryside, approaching terrorists often stand out and are intercepted before they can successfully complete their attacks." **[6f]**

10.06 The report summarised AQIM's propaganda and fund raising efforts:

"Several videos posted on the Internet, such as the series Shadows of the Sword and Apostate Hell, showed operations conducted against Algerian military and security targets that included preparations for the attacks and pre-briefings with the commanders that led the attacks. The ability to conduct an attack and claim responsibility via communiqué within hours demonstrated the importance AQIM placed in transmitting its message in an attempt to win the media war.

"Criminal activities, such as hold-ups of motorists at roadblocks on remote roads (often disguised to look like security forces roadblocks), armed robbery, and the kidnapping of Algerian citizens remained critical to funding operations of the cash-strapped AQIM units located in northern Algeria. Besides relying heavily on kidnapping for ransom in

Algeria and the Sahel, AQIM financed itself with extortion and smuggling in southern Algeria/northern Mali." [6f]

10.07 The report also assessed the government's response:

"The counterterrorism successes of the Algerian services, combined with the public rejection of terrorism, appears to have reduced AQIM's overall effectiveness during the past two years. In August, the Algerian government hosted a meeting of the military chiefs of staff from Mali, Libya, Mauritania, and Niger to develop a regional counterterrorism strategy and establish a regional command centre in the southern city of Tamanrasset. Algeria led efforts in international fora to condemn payment of ransom to terrorists. During 2008, the Government of Algeria instituted a program to hire 100,000 new police and gendarme officers, reinforce the borders, augment security at airports, and increase the overall security presence in major cities. The initiative was effective in reducing the impact of terrorist incidents and also demonstrated the Government of Algeria's determination to fight terrorism." [6f]

10.08 The *USSD CRT 2009* stated, "Partly because of high unemployment among Algerian youth, AQIM has had some success replenishing its numbers after the arrest or death of an estimated 1,300 terrorists. Those remaining appeared to be more hard-line and resistant to the government's amnesty offer." [6f]

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HUMAN RIGHTS VIOLATIONS BY NON-GOVERNMENT ARMED GROUPS

10.09 The Human Rights Watch *World Report 2011,* referring to events in 2010, and published on 24 January 2011, stated, "Militant attacks were down dramatically compared to the mid-1990s, but al Qaeda in the Islamic Maghreb (AQIM) continued to launch fatal attacks, directed mostly - but not exclusively - at military and police targets. On June 25, gunmen - whom Algerian media linked to terrorists - fired on a wedding party in the eastern wilaya (province) of Tebessa, killing the bridegroom, a young soldier, and four guests." [27a]

10.10 The United States Department of State *Country Report on Terrorism 2009 - Algeria*, published 5 August 2010, noted:

"The security situation in Algeria was marked by a decrease in the number of high-profile terrorist attacks throughout the country, although low-level terrorist activities continued in non-urban areas… Although Algerian government interests remained the primary focus of AQIM, the group was forced to resort to kidnappings for ransom and expanded operations against westerners in the Sahel region. Algerian government counterterrorism operations, which included an increased security presence and the dismantling of support and recruitment networks, restrained AQIM's capacity to conduct high-profile attacks, particularly in major Algerian cities." [6f]

10.11 The report listed the major terrorist incidents in 2009:

- "On March 9, two people were killed when an AQIM suicide bomber attacked a communal guard post in Tadmait, 70km east of Algiers.

- On June 17, AQIM killed 18 officers in an attack against a police vehicle escorting a group of Chinese workers to a site near Bordj Bou Arreridj, east of Algiers.
- On August 4, terrorists injured 25 people, including four police officers, using a vehicle borne IED at a police station in Tizi Ouzou, east of Algiers.
- On October 22, terrorists killed seven and wounded three Algerian security guards working for a Canadian water project." **[6f]**

10.12 The Amnesty International *Report 2010 – Algeria*, published 28 May 2010, noted:

"Armed groups continued to mount attacks, but there were fewer indiscriminate attacks on civilians than in preceding years. Some 30 civilians were reported to have been killed in such attacks, mostly bomb explosions in public places, and some 90 members of the security forces. Dozens of alleged members of armed groups were reported to have been killed in clashes with the security forces or search operations; in most cases, the precise circumstances were unclear, prompting fears that some people may have been extra judicially executed. Al-Qa'ida Organization in the Islamic Maghreb was believed to be the main active armed Islamist group in Algeria." **[26d](Background)**

10.13 The International Institute for Strategic Studies, Armed Conflict Database, in its *2009 review of Human Security Development in Algeria*, undated, stated:

"There was a notable decrease in the number of targeted attacks in the urban centres of Algeria in 2009. However, AQIM continued to launch ambush attacks on Algerian security services in the provinces encircling Algiers, as well as in the south of the country.

"Although figures vary slightly depending on whether the information is gathered from government sources or declarations delivered by AQIM, Algerian media sources estimate that approximately 123 AQIM operatives have been killed this year, while 126 members of the Algerian security forces have perished as a result of AQIM attacks.

"Kidnappings proved an effective tool for AQIM in disrupting the relationship between Algeria and its international counterparts." **[45]**

10.14 In a review of July-September 2010 the same source added, "Algerian presidential counter-terrorism adviser Rezag Bara added his voice to the chorus against paying ransoms to AQIM. Speaking at a UN summit in New York in September, he said that the cycle of kidnapping and ransom payments had grown to 'such an unprecedented scale that it undermines the stability of [Sahel countries] and international security'. He calculated that AQIM got 'more than €50 million' from ransom payments for Westerners." **[45]**

10.15 The United States Department of State (USSD) *Country Report on Human Rights Practices 2009, Algeria*, published 11 March 2010, stated:

"Information on terrorism-related violence in the country was difficult to verify independently. The Ministry of the Interior (MOI) infrequently released information concerning the total number of terrorist, civilian, and security force deaths. During the year, security forces killed, injured, or arrested approximately 1,300 suspected terrorists. According to press reports of official estimates, the total number of deaths was 804. Of these deaths, suspected terrorists killed 66 civilians and 220 security force

members; security forces killed an estimated 518 suspected terrorists. These numbers increased from the 321 deaths reported in 2008. Most of the terrorist attacks during the year were attributed to the terrorist group al-Qa'ida in the Islamic Maghreb (AQIM)." **[6a]**

10.16 Magharebia noted, on 13 June 2010, in a report called *Gendarmes killed in Algeria terrorist attack*:

"Four gendarmes were killed and at least 17 were injured by a suicide bomber in Timizar in Boumerdes on the evening of Thursday (June 10th), local and international press reported. A Chinese worker passing by the scene was also killed. The attacker blew up a truck packed with explosives at a roadblock guarding the Lakhdaria Gorges. Guards killed two terrorists accompanying the suicide bomber.

"In other security developments, Algeria security services killed 11 terrorists on June 10th and June 11th, including seven in Tizi-Ouzou. Two wanted terrorists were killed in a Bouira restaurant, while police captured a third. In Batna, police killed two terrorists after they detonated a bomb that injured soldiers, L'Expression reported on June 12th. 'Approximately 30 terrorists are still in the bush on the outskirts of Batna,' an anonymous security source told the paper.

"In related news, an armoured vehicle attempted to drive through a security roadblock opposite the El Mouradia residence of President Abdelaziz Bouteflika outside Algiers on June 5th, Ennahar reported. Police fired on the vehicle and arrested the driver." **[32c]**

10.17 The BBC News reported, on 30 June 2010, in a report called *Algeria insurgents kill 11 in military convoy ambush* that "Suspected Islamic militants have killed 11 Algerian paramilitary police in an ambush in the Sahara desert, a security source has said. The assault took place at dawn during a military vehicle patrol in the town of Tinzaouatine, near the border with Mali, local media reported." **[60d]**

See Security forces for further information on the Government's response to AQIM. Also see Latest news, Recent Developments and the FCO webpage, Travelling and Living Abroad, Algeria, for information on recent terrorist incidents.

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11. JUDICIARY

ORGANISATION

11.01 The UN Development Programme on Governance in the Arab Region (POGAR) website, undated, accessed 14 December 2010, stated:

"The legal system of Algeria is based on Civil Law and Islamic legal traditions. The principal of an independent judiciary is enshrined in Article 138 of the Algerian Constitution. As a practical matter, however, military courts have assumed many judicial functions since Algeria declared a state of emergency in 1991. The Military Tribunal courts try matters relating to espionage, state security, and other offences committed by military personnel. They consist of three civil judges and two military judges…

"The structure of the judiciary is three-tiered. At the first level are the tribunal courts, or daira, which are composed of a single judge. Civil and commercial litigation and some criminal matters are submitted to the tribunal courts. At the second level are the provincial, or wilaya, courts, which consist of panels of three judges. In all there are 48 wilaya courts, organized regionally into four chambers: civil, criminal, administrative, and accusation. These courts hear appeals from the tribunal courts.

"The High Judicial Council, established by the 1976 constitution, is responsible for presiding over issues of judicial discipline and implementation and the appointment of judicial officials. The president of the nation serves as president of the council, and the minister of justice serves as vice president. The council is also charged with advising the president on the exercise of his power to pardon.

"The highest judicial authority in Algeria is the Supreme Court. Located in Algiers, the Court comprises a Private Law chamber for civil and commercial cases, a Social Division that administers social security and labour cases, a Criminal Court, and an Administrative Division. Specialized criminal courts in Oran, Constantine, and Algiers have exclusive jurisdiction over economic crimes against the state. Their decisions may not be appealed. A separate Council of State with jurisdiction over administrative matters was re-established (after its abolition in the 1960s) in 1998. A Tribunal of Conflicts adjudicates jurisdictional disputes between the Council of State and the Supreme Court." **[23a] (Algeria judiciary)**

11.02 The United States Department of State *Country Report on Human Rights Practices 2009, Algeria, (USSD Report 2009),* published 11 March 2010, noted:

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

"The judiciary is composed of civil courts, which hear cases involving civilians facing charges not related to security or terrorism, and military courts, which can hear cases involving civilians facing security and terrorism charges.

"Regular criminal courts can try cases involving security-related offences at the local level…Legal decisions are based on the country's civil and criminal codes.

"Military courts in Oran, Blida, Constantine, and Bechar try cases involving state security, espionage, and other security-related offences 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. Defence lawyers must be accredited by the military tribunal in order to appear. Public attendance at the trial is at the discretion of the tribunal. Appeals are made directly to the Supreme Court. Military tribunals try cases but only occasionally disclose information on proceedings. There was no public information available on any cases before the tribunals during the year.

"The nine-member Constitutional Council reviews the constitutionality of treaties, laws, and regulations. Although the council is not part of the judiciary, it has the authority to nullify laws found unconstitutional, confirm the results of any type of election, and serve as the final arbiter of amendments that pass both chambers of the parliament before becoming law." **[6a] (Section 1e)**

See Recent Developments for news of the lifting of the state of emergency

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Shari'a

11.03 The *USSD Report 2009* stated, "The family code draws on aspects of Shari'a (Islamic law), but there are no Shari'a courts." **[6a] (Section 1e)**

11.04 The USSD *International Religious Freedom Report 2010*, published 17 November 2010, added, "Some aspects of the law and many traditional social practices discriminate against women. The Family Code, which draws on Shari'a, treats women as minors under the legal guardianship of a husband or male relative …Women suffer from discrimination in inheritance claims. The Family Code … states that women are entitled to a smaller portion of a deceased husband's estate than his male children or brothers." **[6c] (Section II legal/policy framework)**

11.05 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, noted, "The implementation of the [international] conventions on the rights of women and children have not been fully implemented where the conventions come into conflict with Algerian law (Family Law is based on shariah). Even where laws have been enacted, implementation can be patchy as they often come into conflict with local cultural practises." **[5c](Legislative Framework)**

11.06 The Freedom House 2010 report on *Women's Rights in the Middle East and North Africa 2010 – Algeria*, dated 3 March 2010, (Freedom House report on Women's Rights in Algeria) observed:

"Civil laws and policies apply to men and women equally, but Article 1 of the civil code stipulates that 'in the absence of any legal disposition, the judge pronounces himself according to the principle of Islamic law and, if necessary, according to customary law.' It is primarily for crimes against women, such as rape or abduction, that such legal dispositions are missing. Consequently, women are the main victims of this legal dualism. In the private sphere and in all matters concerning the family, the 1984 family code applies. This code—which is based on Shari'a, customary law, and French law—severely restricts women's liberties and opportunities. Amendments in 2005 removed some of its gender-based inequities, but many discriminatory provisions remain." **[29d](Non-discrimination and Access to Justice)**

See also Women, Family law

INDEPENDENCE AND FAIR TRIAL

11.07 The *USSD Report 2009* noted:

"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 completely respect legal provisions regarding defendants' rights and denied due process…Defendants are presumed innocent and have the right to be present and consult with an attorney, provided at public expense if necessary. Most trials are public and non-jury. Defendants can confront or question witnesses against

them or present witnesses and evidence on their behalf. Defendants and their attorneys occasionally were denied access to government-held evidence relevant to their cases. Defendants have the right to appeal. The testimony of men and women is considered of equal weight under the law." **[6a] (Section 1e)**

11.08 The same source noted in a section on civil judicial procedures and remedies that, "The judiciary was neither fully independent nor impartial in civil matters and lacked independence in human rights cases. Family connections and status of the parties involved reportedly influenced decisions. Individuals may bring lawsuits, and there are administrative processes related to amnesty, which may provide damages for human rights violations and compensation for alleged wrongs." **[6a] (Section 1e)**

11.09 The Freedom House report, *Freedom in the World 2010, Algeria*, stated, "The judiciary is not independent and is susceptible to government pressure" **[29b] (Political rights and Civil Liberties)**

11.10 The Amnesty International *Report 2010 – Algeria,* published 28 May 2010, noted, "The right to fair trial of individuals suspected of terrorism was not respected. Some faced proceedings in military courts. Some were denied access to legal counsel, particularly while held in pre-trial detention." **[26d] (Counter-terror and security)**

11.11 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, stated:

"President Bouteflika has presided over a reform of the judicial system (and to show his commitment has raised the Justice Ministry's budget to 13 times its 1999 level). There is a respect for the rule of law in Algeria. The police and justice system is relatively incorrupt in the main urban centres, although corruption is a growing problem, especially in rural areas where petty corruption is more commonplace than in the big cities. Despite problems over the inefficiencies of the judicial system, it functions, slowly. Ordinary Algerians have access to the justice system." **[5c] (Scene-setter)**

11.12 The same source also noted:

"2001 saw a turning point in Algeria's legal procedures. The 2001 revisions to the Penal Code led to a significant improvement of the law in relation to detentions and trials.

"Algeria signed the Rome Statute of International Criminal Court (ICC) in 2000 but has not yet ratified it. The ICC wrote to the Algerian President on 7 October 2009 asking him to ensure ratification at the earliest opportunity. In mid-2009 the Head of the Algerian NGO, The Algerian League for the Promotion of Human Rights called for the creation of a national coalition in order to force Algeria to sign the Rome Statute because 'the Algerian judiciary does not have the required independence in order to sue people committing crimes against humanity'. According to Algerian human rights NGOs and the media, the reason is because the Pouvoir is concerned that a number of its senior officials might be accused by the ICC of crimes against humanity." **[5c](Legislative Framework]**

11.13 The FCO, in the same report, assessed the public's view of the judiciary:

"The public perception is that many judges are corrupt. There are also reported cases of lawyers who were working in complicity with judges in order to win their cases. The Algerian government has moved to improve judges' working conditions by increasing

their salaries and offering them additional benefits, allegedly to reduce the risk of corruption. We do not assess that corruption is commonplace." It also noted, "The Bar Association does not contribute significantly to the independence of the judiciary. Few lawyers are willing to work on human rights cases, largely because there is little knowledge about international human rights law and its application." **[5c](Human Rights Concerns)**

PENAL CODE

11.14 The Algerian Penal Code (2007 edition) can be accessed via the following link. The Code is in French and a translation facility will need to be used:

http://www.premier-ministre.gov.dz/images/stories/dossier/Codes/code_p%E9nal.pdf **[73]**

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12. ARREST AND DETENTION – LEGAL RIGHTS

For details of human rights violations by the security forces, including arbitrary arrest and detention, see the section on Human rights violations by the security forces.

12.01 The United States Department of State *Country Report on Human Rights 2009, Algeria* (*USSD Report 2009*), published 11 March 2010, stated, with regards to arrest and initial detention, that:

"According to the law, police must obtain a summons from the prosecutor's office to require a suspect to appear in a police station for preliminary questioning. Summonses are also used to notify and require the accused and/or the victim to attend a court proceeding or hearing.

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

"The constitution specifies that a suspect may be held in detention for up to 48 hours without charge. If more time is required for gathering additional evidence, the police may request that the prosecutor extend the suspect's detention to 72 hours. Those suspected of terrorism or subversion may legally be held for 12 days without charge or access to counsel. In practice, the security forces generally adhered to the 48-hour limit in non-terrorism cases." **[6a] (Section 1d)**

12.02 The report continued:

"Prolonged pre-trial detention remained a problem. The law does not provide a person in detention with the right to a prompt judicial determination of the legality of the detention. Persons charged with acts against the security of the state, including terrorism, may be held in pre-trial detention as long as 20 months, according to the

penal code; the prosecutor must show cause every four months for continuing pre-trial detention.

"Judges rarely refused prosecutorial requests for extending preventive detention, which can be appealed but was rarely overturned. Should the detention be overturned, the defendant can request compensation. In 2008 the prison administration reported pre-trial detainees represented 13 percent of the individuals held by prison authorities.

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

"Most detainees have prompt access to a lawyer of their choice and, if the detainee is indigent, the government provides a lawyer. The penal code requires detainees in pre-trial detention to be informed immediately of their right to communicate with family members, receive visitors, and be examined by a doctor of their choice at the end of detention. In addition, any suspect can request a medical examination once on police premises or before facing the judge. In practice, however, detainees were typically examined only at the end of their detention. Reports that these rights were not extended to detainees continued during the year." **[6a] (Section 1d)**

12.03 Amnesty International in its *Algeria: Briefing to the Committee against Torture*, dated April 2008, stated:

"Algerian law allows for individuals suspected of terrorist activity to be held without charge and without access to lawyers for prolonged periods. Amnesty International has received reports of torture and other ill-treatment of detainees during the first 12 days of detention. In addition, the time limits defined under Algerian law are frequently violated by the DRS [Department of Information and Security].

"The DRS sometimes hold suspects without charge or access to legal counsel for periods far longer than the 12-day limit prescribed by law. Such arbitrary detentions can be prolonged indefinitely, for months or even years. Sometimes detainees held in excess of the period of garde à vue are subjected to 'house arrest'. Detainees held by the DRS under such conditions, outside of the legal framework, are not able to challenge the lawfulness of their detention, as they have no access to judicial review until they are first brought to a judge, which may not be until months after their arrest.

"Further existing safeguards under Algerian law designed to protect detainees who have not been charged are generally not respected by the DRS, meaning that the detainee's physical safety is put in grave danger as a result of the excessive time limit allowed for garde à vue." **[26a] (Prolonged Detention without Charge)**

12.04 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, gave details of the legal process following arrest:

"In the event of an arrest, an individual is handled as follows: (1) Police study the facts, (2) the Procureur de la Republique considers the law and its relevance to the case in front of him, (3) the Juge d'Instruction studies the whole file and makes a decision on whether or not to proceed to prosecution.

"(a) For lesser crimes: The accused can be detained in the police station for up to 24 hours. The Procureur has the right to agree to an extension of a further 24 hours (i.e. a total of 48 hours). During the 24/48 hours, the Procureur decides whether there is a case to be heard, in which case the file is passed to the Juge d'Instruction.

"(b) For serious crimes such as drugs, terrorism, murder: Maximum of 12 days' detention without charge, to allow for fuller investigation, e.g. international channels such as Interpol. Again, the Procureur will pass the file to the Juge d'Instruction for a final decision.

"In his deliberations, the Juge is obliged by law (Article 100 of the Penal Code) to ask the accused his choice: Does he want a lawyer; if so, he is given 10 days to find one. Or, if he wants a lawyer but cannot pay, he can ask the Juge for legal aid ('batonnier'). A defendant is also free to defend himself. The Juge must report in writing the decision of the defendant on his choice of legal representation.

"Until the file is passed to the Juge d'Instruction, a detainee is guaranteed the right to immediately contact his family upon detention, as well as a lawyer (article 48 of the constitution – the same article also guarantees the right to ask to see a doctor. However, contacts have told us that in practise, detainees are not always allowed to make immediate contact with their families.) No lawyer may intervene during the preliminary investigation; legal representation may be obtained only once the Procureur orders the case to be opened and the Juge d'Instruction meets with the defendant.

"According to the Algerian Penal Code, the detainee is innocent until proven guilty.

"Since 2001, a person who has been wrongly detained or who is acquitted has the right to seek compensation." **[5c](Legal Process)**

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13. PRISON CONDITIONS

13.01 King's College, London's *World Prison Brief,* last updated 17 June 2010, provided detailed information about the number of prisoners held in Algeria:

http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=1 **[76a]**

13.02 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, stated:

"In 2005, in conjunction with UNDP [UN Development Programme], the Algerian Ministry of Justice organised an international conference on prison architecture in Algiers. At its conclusion, there was general agreement that before any detailed plan to build new prisons could be considered, there should be a more radical analysis of (i) why the prison population in Algeria had increased so dramatically (overcrowding is a major issue in Algerian prisons), (ii) the profile of the prisoners and (iii) the type of prison which was culturally appropriate for Algeria. Officials in the Ministry of Justice indicated that they would welcome assistance from the International Centre for Prison Studies

(ICPS) in helping them to achieve their objective of bringing prisons up to international human rights standards by 2009.

"Reforms in the Algerian prison service should be seen in the context of wider reforms in the judicial sector, which has resulted in an improvement in the rule of law and implementation of internationally-accepted human rights standards. These improvements have played an important role in convincing the UK courts that Algeria is an acceptable destination for DWA returnees. The Ministry of Justice has gone further in terms of reform and modernisation than most of the Algerian Government Departments.

"The Head of the (government sanctioned) National Human Rights Commission told us in February 2010 that the Commission has noticed improvements in detention conditions in prisons between 2008 and 2009, based on the visits they made to 100 prisons all over the country." **[5c](Prison and Detention Centre Conditions)**

13.03 The United States Department of State *Country Report on Human Rights 2009: Algeria* (USSD Report 2009), published 11 March 2010, stated:

"Prison conditions generally did not meet international standards. Overcrowding was a problem in many prisons. According to human rights lawyers, the problem of overpopulation was partially explained by an abusive recourse to pre-trial detention. In 2008 the CNCPPDH [Commission Nationale Consultative de Promotion et de Protection des Droits de l'Homme] conducted 34 prison visits and highlighted concerns with overcrowding, insufficient bed space, as well as poor lighting, ventilation, nutrition, and hygiene.

"According to Mokhtar Felioune, the director general of the Prisons Administration, there were 59,000 prisoners in the country's penal system held in 127 prisons…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 centres. Pre-trial detainees were held separately from convicted prisoners.

"During the year [2009], the government permitted the International Committee of the Red Cross (ICRC) and the Red Crescent Society to visit regular, non-military prisons. ICRC visits to persons held in places of detention run by the MOJ and to those detained in police stations and gendarmeries were carried out in accordance with ICRC standard practices. The government denied other human rights observers visits to military and high-security prisons and detention centres.

"On April 1 [2009], an amendment to the penal code went into effect permitting the substitution of community service for prison sentences for first-time offenders with a maximum jail sentence of three years. During a July 23 conference, Felioune said the new law was designed to reduce recidivism and to alleviate overcrowding in prisons.

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

"In a May 2008 report, UNCAT [UN Convention against Terror] expressed concern over reports that the Department for Information and Security (DRS), the military intelligence

agency tasked with internal security, maintained secret detention centres inside military barracks that operated outside judicial authority." **[6a] (Section 1c)**

13.04 The CNCPPDH *Prison Visit Report of 2008* (referred to in paragraph 13.03) can be accessed via the following link. The report is in French and a translation facility will be required.

http://www.cncppdh-algerie.org/php_VF/images/pdf/RAPPORT_de_PRISON2.pdf **[74a]**

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13.05 Amnesty International, in its *Algeria: Briefing to the Committee against Torture*, dated April 2008, stated:

"Article 52 of Algeria's Code of Criminal Procedure provides that all places in which detainees are held in garde à vue may be inspected at any time by the prosecutor in order to ensure that they satisfy the guarantees provided under Algerian law. However, as far as Amnesty International is aware, the barracks used by the DRS to hold and interrogate suspects are never subject to such inspections. In May 2005, Ministry of Justice officials told a visiting Amnesty International delegation that all detention facilities were open to inspection by prosecutors, including detention facilities used by the DRS, but they were unable to provide details indicating that such visits had been carried out to DRS barracks.

"Former detainees have told Amnesty International that there were no inspection visits by the public prosecutor when they were being held at DRS barracks, and human rights lawyers have also stated that they are unaware of any such visits having been made.

"The Algerian authority's use of secret detention facilities was recently cited also in a report on the involvement of European states in 'renditions' submitted to the Council of Europe, where it is stated: 'the transfer of other detainees on [the United States'] rendition circuit must have entailed detainees being transferred out of Kabul to alternative detention facilities in different countries … drawing upon official flight data, the probable existence of secret detention facilities can be inferred in Algeria…'." **[26b] (Secret Places of Detention visiting places of detention)**

13.06 The Amnesty International *Report 2010 – Algeria*, published 28 May 2010, further noted, "The Department of Information and Security (DRS), military intelligence, continued to arrest terrorism suspects and detain them incommunicado for weeks or months, during which they were at risk of torture or other ill-treatment." **[26d](Counter-terror and security)**

13.07 Human Rights Watch, in its *World Report 2011 – Algeria*, covering events in 2010, released on 24 January 2011, stated:

"Algeria amended its penal code in 2004 to make torture an explicit crime. The International Committee of the Red Cross regularly visits ordinary prisons in Algeria, but not places of detention run by the powerful Department for Information and Security (DRS), an intelligence agency within the military.

"Algerian courts pronounced death sentences during 2010, some of them against defendants in terrorism cases and most in absentia. Algeria has observed a de facto moratorium on executions since 1993." **[27a]**

Women

13.08 The Freedom House 2010 report on *Women's Rights in the Middle East and North Africa 2010 – Algeria*, dated 3 March 2010, (Freedom House report on Women's Rights in Algeria) observed:

"…when both the father and the mother of dependent children are sentenced to time in prison, the mother's sentence is delayed until the father has been released from prison. Of the estimated 54,000 prisoners in Algeria, only 1.1 percent were women as of 2006, so these rules affect relatively few sentences. While they are intended to be beneficial, the special provisions for women are based primarily on their role as mothers, reinforcing patriarchal values in society." **[29d]**

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14. DEATH PENALTY

14.01 Hands Off Cain reported on its Algeria page, accessed 10 January 2011, that:

"Algeria's laws prescribe the death penalty for a range of crimes including ordinary crimes. In 1992 the scope of the death penalty was extended to terrorist offences. The Penal Code provides for the application of the death penalty for serious offences including: treason and espionage, attempts to change the regime or actions aimed at incitement, destruction of territory, sabotage to public and economic utilities, massacres and slaughters, participation in armed bands or in insurrectionary movements, counterfeiting, murder, acts of torture or cruelty, kidnapping and aggravated theft.…

"The last executions took place in August 1993, when seven armed Islamists were executed. They had been condemned to death for a 1992 attack on Algiers airport by special courts, which have since been dissolved… On December 18, 2008, Algeria co-sponsored and voted in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly." **[47a]**

14.02 Amnesty International, in its *Algeria: Briefing to the Committee against Torture*, dated April 2008, stated with regard to minors that, "Emergency measures introduced under the framework of the state of emergency in 1992 lowered the age of criminal responsibility to 16 years. However, minors accused of terrorist or subversive offences are not sentenced to death and courts take into account their age. These children are often sent to centres for juvenile offenders." **[26b] (Death Penalty)**

See Children, Judicial and penal rights

14.03 Amnesty International, in its *2010 Report – Algeria*, published 28 May 2010 and covering events in 2009, noted:

"More than 100 people were sentenced to death, but the authorities maintained the de facto moratorium on executions in force since 1993. The majority of sentences were imposed in terrorism-related trials, mostly in the absence of the accused, but some were imposed on defendants convicted of premeditated murder.

"In June, the government's rejection of a bill to abolish the death penalty proposed by an opposition parliamentarian was made public." **[26d]**

14.04 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, stated:

"The death penalty remains an option under the Algerian Penal Code. However, there has been a moratorium on the death penalty since 1993. The types of crimes that can lead to a death penalty are murder, terrorism and drug trafficking. There is an ongoing debate about the death penalty, with religious figures arguing that the death penalty must remain, in accordance with Islamic law on the basis that Islam is the State's religion and the abolition of the death penalty would contradict this. Other elements are opposed to the abolishment of the death penalty until terrorism has been finally eliminated in Algeria for fear of being accused of going soft on terrorism. The National Human Rights Commission, created by the Algerian Government but, in theory, operating independently of it, is working towards abolition." **[5c]**

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15. POLITICAL AFFILIATION

For information about freedom of expression generally, see Freedom of speech and media. See also Human rights institutions, organisations and activists for information about the restrictions placed on members of civil society.

FREEDOM OF POLITICAL EXPRESSION

15.01 The United States Department of State *Country Report on Human Rights Practices 2009, Algeria*, *(USSD Report 2009)*, published 11 March 2010, noted, "The constitution provides citizens with 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." **[6a] (Section 3)**

15.02 The *USSD Report 2009* further noted that:

"Opposition candidates complained that the MOI (Ministry of the 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 MOI to be established. To obtain approval, a party must have 25 founders from across the country whose names must be registered with the MOI. July 2007 amendments to the electoral law stated that a party must receive 4 percent of the vote or have received at least 2,000 votes in 25 wilayas (provinces) in one of the last three legislative elections in order to participate in national elections." **[6a] (Section 3)**

15.03 The Freedom House report *Freedom in the World 2010, Algeria*, published 3 May 2010, stated:

"Algeria is not an electoral democracy. However, Algerian parliamentary elections are more democratic than those in many other Arab states. The military still plays an important role in politics despite fluctuations in its prominence in recent years. The June 2008 appointment of Ahmed Ouyahia as prime minister in a cabinet shuffle appeared to signal an increase in military influence, as he had first held the post as part of the military-dominated regime of the 1990s." **[29b]**

15.04 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, noted, "…we continue to have concerns about the democratic process in Algeria. While the law allows for free and fair elections (which take place at local, regional and national level), opposition parties do not enjoy equal access to the media nor are permitted to organise political gatherings. Several of the main opposition parties have boycotted recent elections as a result of what they describe as political interference." **[5c] (Human Rights Concerns)**

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FREEDOM OF ASSOCIATION AND ASSEMBLY

15.05 The *USSD Report 2009* noted, "The constitution provides for freedom of assembly and association; however, the government severely restricted the exercise of these rights in practice." **[6a] (Section 2b)**

15.06 With regard to freedom of association the *USSD Report 2009* stated:

"The constitution provides for the right of association; however, the emergency decree and government practice severely restricted this right in practice. The MOI must approve all political parties before they may be legally established. The government restricted the registration of certain NGOs, associations, and political parties on 'security grounds,' but declined to provide evidence or legal grounds for refusing to authorize other organizations that could not be disqualified on security grounds. The government frequently failed to grant official recognition to NGOs, associations, religious groups and political parties in an expeditious fashion. The MOI may deny a license to or dissolve any group regarded as a threat to the government's authority or to the security or public order. The law implementing the 2006 amnesty prohibits political activities by anyone responsible for having used religion leading to the 'national tragedy,' that is, the internal conflict of the 1990s.

"The government issues licenses and subsidies to domestic associations, especially youth, medical, and neighbourhood associations. The MOI regarded organizations unable to attain government licenses as illegal. Domestic NGOs encountered bureaucratic obstacles to receiving financial support from abroad. Although not illegal, financial support from abroad is conditioned on a series of authorizations from the ministries of interior and national solidarity. These authorizations were difficult to obtain." **[6a] (Section 2b)**

15.07 The Freedom House report, *Freedom in the World 2010 – Algeria*, published on 3 May 2010, stated, "The Ministry of the Interior must approve political parties before they can operate legally. While there are dozens of active political parties, movements that are deemed too radically Islamist are outlawed, and many of the Islamist groups that were banned in the 1990s remain illegal." **[29b] (Political Rights and Civil Liberties)**

15.08 The *USSD Report 2009* noted that "No party may use religion or ethnic heritage as a basis to organize for political purposes. The law also bans political party ties to non-political associations and regulates party financing and reporting requirements." **[6a] (Section 3)**

15.09 With regard to freedom of assembly the *USSD Report 2009* stated:

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

"The LADDH [The Algerian League for the Defence of Human Rights] reported continuing difficulties in obtaining permission to hold outdoor meetings and seminars. Groups opposing the Charter on Peace and Reconciliation had difficulty securing permission to hold public gatherings.

"On May 25 [2009], local authorities denied the LADDH authorization to hold a three-day training workshop for journalists at a hotel in Algiers. Algiers city authorities provided no explanation for the refusal…

"SOS Disparus, an NGO representing relatives of persons who disappeared during the internal conflict of the 1990s, continued to hold weekly sit-ins in front of CNCPPDH headquarters. On August 30 [2009], 50 families gathered near the CNCPPDH to commemorate AI's International Day of the Disappeared. On July 16, authorities denied SOS Disparus authorization to hold a seminar on victims of enforced disappearance in the 1990s. Algiers city officials cited the need to maintain public order as the reason for the refusal. On December 9, police prevented SOS Disparus from staging a demonstration commemorating the Universal Declaration of Human Rights near the First of May market in Algiers." **[6a] (Section 2b)**

15.10 The *Freedom in the World 2010* report noted, "…As terrorist attacks continued in 2009, the government remained wary of large public gatherings and restricted freedom of assembly. An attempt by minority parties in April to stage demonstrations in favour of boycotting the 2009 presidential elections was stopped by the authorities, who blocked marchers from taking to the streets of an Algiers suburb."**[29b] (Political Rights and Civil Liberties)**

15.11 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, noted, "The State of Emergency, which has been in place since 1992, bans demonstrations. The last officially sanctioned demonstration took place in 2001 (the sole exception being a demonstration in Algiers in January 2009 over Israeli military action in Gaza)."**[5c]**

See section on Human rights institutions, organisations and activists and Recent developments for news of the lifting of the state of emergency and more information on restrictions placed on civil society activists.

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

15.12 Jane's observed in its Sentinel Country Risk Assessment (SCRA) Algeria Internal Affairs section, updated 23 April 2010, that:

"In general, parties remain weak in the Algerian system, a trend that may be exacerbated should [President] Bouteflika succeed in amending the constitution to give more power to the presidency. Moderate Islamist parties are tolerated by the government, indeed many of their supporters have been co-opted by the more mainstream secular parties like the Rally for Culture and Democracy (Rassemblement pour la Culture et Démocratie: RCD) and FLN (National Liberation Front). The FIS [Front Islamique du Salut – Islamic Salvation Front], however, remains banned although there have been repeated suggestions since 2005 that the government is considering lifting this." **[7b](Political Parties)**

See also Political system and Annex B - Political organisations

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16. FREEDOM OF SPEECH AND MEDIA

OVERVIEW

16.01 The United States Department of State *Country Report on Human Rights Practices 2009, Algeria*, (*USSD Report 2009*), published 11 March 2010, summarised the situation regarding freedom of speech:

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

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

"The law specifies that freedom of speech must respect 'individual dignity, the imperatives of foreign policy, and the national defence.' The state of emergency decree, introduced in 1992 and still in effect, gives the government broad authority to restrict civil liberties and take legal action against what it considers to be threats to the state or public order. In recent years the portion of the decree most enforced has been the provision requiring prior government approval for public gatherings. A 2006 presidential decree continues to criminalize speech about the conduct of the security forces during the internal conflict of the 1990s." **[6a] (Section 2a]**

See Recent Developments for news of the lifting of the state of emergency.

16.02 Human Rights Watch, in its *World Report 2011 – Algeria*, covering events in 2010, released on 24 January 2011, stated:

"The state controls broadcast media, which provides live telecasts of parliamentary sessions but airs almost no critical coverage of government policies. Privately-owned newspapers enjoy freer scope, but repressive press laws and dependence on revenues from public sector advertising limit their freedom to criticize the government and the military.

"Prosecutors constantly prosecute journalists and independent publications for defaming or insulting public officials. Courts of first instance sometimes sentence them to prison and heavy fines, which appeals courts often overturn or suspend.

"Rabah Lemouchi, correspondent for the national Arabic daily Ennahar in Tebessa, is among the journalists who have been jailed in recent years. While most have remained provisionally free pending trial, Lemouchi was incarcerated from his arrest until finishing his sentence six months later. A court of first instance convicted him on July 14, 2009, of defamation and insulting state institutions, mainly due to a personal letter he had addressed in 2006 to President Abdel Aziz Bouteflika. Details of the case indicate that his prosecution and imprisonment were politically motivated.

"In the first half of 2010 at least two journalists received prison terms for defamation but remained free pending appeal. On May 13 a court in the city of Mostaganem sentenced Belkacem Belhamideche, director of the French-language Reflexion and one of the daily's reporters, to six months in prison for coverage of a letter that a businessman wrote accusing a town mayor of soliciting a bribe from him. A court in the town of Ain Boucif, in the governorate of Medea, sentenced Saleh Souadi of el-Khabar, Algeria's leading independent Arabic-language daily, to six months in jail for defaming a local hospital director, even though his articles appeared before the director assumed his post and did not name him." **[27a]**

16.03 Freedom House's survey, *Freedom in the World 2010*, covering events in 2009, published on 3 May 2010, stated:

"Press freedom was severely curtailed prior to the April 2009 presidential elections, which President Abdelaziz Bouteflika won with over 90 percent of the vote amid protests of fraud by his opponents. The government consolidated its internet monitoring power during the year, and international observers reported that the authorities began blocking websites…

"Journalists face an array of government tools designed to control the press, but current restrictions bear little resemblance to those during the peak of the civil war in the mid-1990s, when journalists were regularly murdered for their work. Private newspapers have been published in Algeria for nearly two decades, and journalists have been aggressive in their coverage of government affairs. While Arabic and French-language satellite channels are popular, the government keeps tight control over local television and radio broadcasts. In late 2009, the information minister announced a proposed centralized system for monitoring incoming and outgoing internet information. The purported purpose of the system was to inhibit cyber terrorists and online piracy, as well as limit access to pornography." **[29b]**

16.04 The Freedom House report, *Freedom in the Press 2010 - Algeria*, (Freedom in the Press 2010 report) covering events in 2009, released in September 2010, observed, "The constitution guarantees freedom of expression. However, the 1992 state of emergency remained in effect throughout 2009, allowing the government to legally

penalize any speech deemed threatening to the state or public order. A 2001 amendment to the Press Law further restricts press freedom by criminalizing writings, cartoons, and speech that insults or offends the president, the parliament, the judiciary, or the armed forces." The report also rated Algeria as "not free". **[29a]**

16.05 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, stated:

"The government has total control of the broadcast media, which means opposition parties have little, if any, access. The print media is much freer: criticism of the performance of the government and President is commonplace. However, the media complain that there are red lines, particularly in relation to the intelligence services and to a lesser extent the President and his family. Many journalists exercise self censorship. In extremis the government can, and has, blocked access to the government-run printing presses effectively closing papers down." **[5c](Scene setter)**

16.06 The report went on to say:

"Under certain circumstances the Algerian media can be subject to state control. Those media organisations that are regarded as having crossed the government's 'red lines' may have their access to advertising revenue and press briefings regulated. Such red lines will certainly include any stories that the government regards as promoting Islamist extremism, including statements by Al Qaeda in the Lands of the Islamic Maghreb. This media control reflects the Algerian conception of the severity of the threat posed by the spread of Islamist views, which the state will do everything in its power to resist." **[5c]**

16.07 Reporters without Borders ranked Algeria 133rd (out of 178 countries) in its 2010 Press Freedom Index, published 20 October 2010. (1 being the most and 178 being the least free). **[62d]**

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PRINT MEDIA

16.08 The *USSD Report 2009* noted:

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

"The law permits the government to censor, levy fines and imprison members of the press. The government directly and indirectly censored and intimidated the media into practicing self-censorship. The government used defamation laws to harass and arrest journalists, and the press faced government retaliation for criticizing government officials. Other journalists and many political cartoonists, however, regularly criticized the government." **[6a] (Section 2a)**

16.09 The *Freedom in the Press 2010* report noted:

"The government has tremendous economic influence over print media, as most newspapers are printed on state-owned presses. In January 2008 the government placed six state-owned printing presses under the direct control of the Communications Ministry, threatening the editorial autonomy of half of Algeria's privately owned newspapers. The state-owned advertising agency controls the placement of ads by state entities and companies, which form the largest source of income for most papers." **[29a]**

16.10 Reporters Without Borders in its *Country Report - Algeria*, published 6 January 2010, noted, "The Algerian authorities repeatedly block the distribution of international newspapers in the country. Three French newspapers, L'Express, Marianne and le Journal du Dimanche, were censored in this way at the start of April 2009, on the eve of presidential elections. Earlier, on 7 March 2009, the Paris-based Afrique Magazine was banned for 'damaging national values', as was the 30 October 2008 edition of the weekly L'Express for 'offence against Islam'". **[62a]**

16.11 *The Greenslade blog* on the Guardian.co.uk website called *Shock horror! Algerian papers ape sensationalist British tabloids* and dated 16 April 2010, reported:

"Algerian newspaper content is becoming increasingly sensationalist. Though the excitable banner headlines would raise no eyebrows in the West, it is proving controversial - and also popular - in the north African country used to a sober, political press…Some like the new approach, but many Algerians are too embarrassed to have the papers in their homes, according to the pan-Arab Al-Arabiyya.

"Omar Benderra, of the human rights group Algeria Watch, explains that by taking the sensationalist, commercial route papers 'avoid sensitive issues that can lead to problems and they also make money in attracting readers…people love it.'" **[25a]**

16.12 The BBC News, *Country Profile: Algeria*, updated 6 October 2010, listed the major newspapers:

- El Khabar - private, Arabic daily; website has pages in Arabic, French and English
- Ech Chourouk - private, Arabic daily; website has English-language pages
- Le Quotidien d'Oran - private, French-language daily
- El Moudjahid - state-run, French-language daily; website has English-language pages
- Ech Chaab - state-run, Arabic daily
- El Watan - private, French language daily
- Le Soir d'Algeria - private, French-language daily
- Liberte - private, French-language
- La Tribune - private, French-language
- Algerian Press Portal - press directory **[60b]**

See also Chapter 3 paragraph 3.12 monitoring of press during 2009 presidential election.

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RADIO AND TELEVISION

16.13 The *USSD Report 2009* stated:

> "Radio and television are government-owned, with coverage favourable to the government. During non-election periods, opposition spokesmen were generally denied access to public radio or television. Some opposition parties had severely limited access to television. These limitations, however, were less evident for radio. Political parties and independent candidates received the same amount of radio access time during the three-week campaign period prior to the April 9 [2009] presidential election and prior to the 2007 legislative and local elections. Several opposition parties said that their daily media allotment during the three-week period was the first time they had been allowed media access since the last election cycle". **[6a] (Section 2a)**

16.14 The BBC News, *Country Profile: Algeria*, updated 6 October 2010, stated, "Satellite TV is popular; stations based in France target viewers in Algeria. European channels are widely-watched." **[60b]**

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INTERNET

16.15 The *USSD Report 2009* stated:

> "Access to the Internet was generally unimpeded; however, the government monitored e-mail and Internet chat rooms. On August 16 [2009], the government enacted a new law on cyber crimes that establishes procedures for using electronic data in prosecutions and the responsibilities of service providers to cooperate with authorities. On November 9, Minister of Post and Information Technology Hamid Bessalah announced that his ministry was creating a National Centre for Internet Data Exchange to protect Internet users from inappropriate content, cyber crime, and hackers.
>
> "Internet service providers can face criminal penalties for the material and Web sites they host, especially if subject matters are 'incompatible with morality or public opinion.' No cases were brought during the year. The Ministries of Justice, Interior, Post, and Information Technology have oversight responsibilities." **[6a] (Section 2a)**

16.16 An article in the New York Times called *Algerian Bloggers Feel Threatened by Proposed Law*, dated 21 September 2009, summarised the concerns of internet users following the enactment of the new law:

> "The measure ostensibly aims at cyberterrorism and cybercrime, but critics say that it is vague and could be used to muzzle free speech.
>
> "'They've realized that the Internet could be used as a tool for social dissent,' El Mouhtarem [a blogger] said.
>
> "The proposed law allows for the surveillance of Internet users suspected of terrorist or 'subversive' activities, or for breaching national security. Authorization for the surveillance must come from the 'relevant judicial authorities,' according to the proposal. It also calls for the creation of an Internet police force charged with investigating online criminal and terrorist activities." **[75a]**

16.17 The *Freedom in the Press 2010* report stated:

"About 13.5 percent of the population accessed the internet during 2009. While access is generally unrestricted, the government does monitor e-mail and internet chat rooms, and internet-service providers are legally liable for the content they host. Bloggers, like traditional journalists, face potential defamation suits, and several have been fined for posting 'defamatory material.' However, there were no reported cases of legal or physical harassment against bloggers or online journalists during 2009." **[29a]**

16.18 The BBC *Country Profile of Algeria*, updated 6 October 2010, stated:

"Most surfers rely on dial-up connections and cybercafes. No widespread filtering is reported, but the blocking of a political website in January 2010 was said to be the first known instance of online censorship.

"Writing in Arabic, English and French, Algerian bloggers cover social, cultural and political topics. There are more than 5,000 Algerian blogs, a newspaper suggested in late 2008." **[60b]**

16.19 Reporters Without Borders, in an article called *Does blocking of independent radio station's website herald start of Internet censorship by Algeria?,* published 19 March 2010, stated:

"Reporters Without Borders is disturbed to learn that access to the website of the independent news radio station, Radio Kalima-Algérie (www.kalimadz.com), has been completely blocked for the past two days. At the same time, Eutelsat has stopped carrying the station's broadcasts on its Hotbird satellite.

"'We fear that this act of censorship heralds the start of government control of the Internet in Algeria,' Reporters Without Borders said. 'We urge the authorities to explain this blocking, which has been carried out in an arbitrary manner, and to order the website's immediate unblocking. Algeria must not be added to the list of countries that censor the Internet, because the freedom of expression of Algerians would suffer.'"**[62c]**

16.20 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, stated, "[The] internet has not been controlled to date and people have been free to access all websites. However, the government has recently announced moves to begin internet censorship of extremist and pornographic websites. Many in the media consider this as a step by the government to increase censorship as the internet begins to become an important tool in Algeria." **[5c] (Other Issues)**

16.21 The new cyber crime law is discussed in detail in the English language Algerian Review blog, under the heading Algeria's cyber crime law, 9 January 2010. This can be accessed via the following link:
http://algerianreview.wordpress.com/2010/01/09/algeria-cybercrime-law/ **[17a]**

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TREATMENT OF JOURNALISTS

16.22 The *USSD Report 2009* stated, in relation to treatment of journalists, that:

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

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

"The government used these defamation laws regularly to pressure editors, journalists, and the owners of printing houses. In an April 20 letter to President Bouteflika, the international NGO Committee to Protect Journalists expressed concern for 'the rising incidence of press freedom violations.' In December 2008 Reporters without Borders (RSF) criticized the defamation laws as 'repressive legislation.'" **[6a] (Section 2a)**

16.23 Reporters Without Borders in its *Country Report - Algeria*, published 6 January 2010, noted:

"A quick look at the great variety of newspapers and magazines displayed on newsstands on Rue Didouche in Algiers might lure you into thinking Algeria enjoys real press freedom. There are nearly 80 different, mostly Arabic-language newspapers on sale in Algiers. The biggest daily is al-Shuruq, with a print run for more than 800,000 copies.

"But the situation of the media, journalists and press freedom cannot be gauged by the number of newspapers on the newsstands. It is much more complex and subtle. The difficulties to which journalists are exposed have also changed with time. Although journalists no longer fear for their lives, their room for manoeuvre in terms of freedom of expression is limited. But apart from al-Khabar, Liberté and Ennahar, most newspapers continue to base themselves at the Maison de la presse, whatever their relationship with the government.

"Further, press offences remain punishable by prison sentences and fines. Article 144a of the Algerian criminal code, in force since 2001, provides for jail sentences of two to 12 years and fines for any comments seen as defamatory. The criminalisation of such offences constitutes a veritable Sword of Damocles hanging over Algerian journalists. The courts are kept busy by countless legal proceedings against journalists and their editors. The first quarter of 2009, ahead of presidential elections, saw an upsurge in such cases, with numerous proceedings launched against independent publications, particularly, against that of Omar Belhouchet, editor of the newspaper al-Watan." **[62a]**

16.24 The *Freedom in the Press 2010 report* stated:

"Defamation and other legal charges brought against journalists continue to hinder their ability to cover the news. A number of sentences for defamation were handed down during the year, involving both fines and prison time. For example, Nedjar Hadj Daoud, managing director of the news website El-Waha, was arrested in March 2009 in connection with a 2005 defamation case involving a municipal government employee. Hadj Daoud has been the target of more than 25 defamation lawsuits, and the weekly print version of El-Waha has been banned since 2006. In May, he was sentenced to six months in prison in connection with a separate 2006 case." **[29a]**

16.25 Reporters Without Borders reported on 10 April 2009 that two Moroccan journalists working for the Moroccan weekly, Assahrae Al Oubouiya, were arrested and prevented from covering the 2009 presidential election. They were subsequently removed from the country following the intervention of officials from the Moroccan embassy. **[62b]**

16.26 The International Federation of Journalists (IFJ) reported on 20 July 2009 that on 16 July 2009 a court in Tebessa jailed Rabah Lamouchi, the local correspondent of Al Nahar newspaper, an Arabic daily, for alleged defamation and working without an accreditation. The IFJ went on to report that "The editor of Al Nahar, Anis Rahmani, reportedly refuted the allegation against Rahab of working without accreditation. It is believed that, at the time of his arrest, the journalist was investigating the security forces in the Tébesse area whom he had publicly accused of withholding security information without good reason." **[58a]**

16.27 The Committee to Protect Journalists (CPJ) reported on 24 September 2010 that two Moroccan journalists were effectively detained for four days in the town of Tindouf. The CPJ stated:

"Lahcen Tigbadar and Mohamed Slimani, journalists with the Moroccan weekly Assahra Ousbouiya, returned home on Wednesday…Algerian police had prevented them from leaving a hotel in Tindouf, where they had been reporting on conditions facing refugees from Western Sahara. Assahra Ousbouiya [a Moroccan newspaper] said Tigbadar and Slimani had been obstructed despite having obtained press accreditation from Algerian authorities. The Algerian daily Echorouk quoted unidentified Algerian sources as disputing the accreditation claim." **[31a]**

16.28 The Amnesty International Report, *2010 - Algeria*, released on 28 May 2010, stated, "Journalists, human rights defenders and others were prosecuted on defamation and other criminal charges apparently because of their criticism of the authorities' human rights record or of public officials and institutions." **[26d]**

16.29 For details of the punishments for journalists who are critical of public institutions or individuals see the link to the Penal Code in section 11.14.

For details of incidents involving particular journalists and/or publications see the USSD Report 2009, Reporters San Frontiers Algeria country page and the Committee to Protect Journalists Algeria country page.

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17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

For further information regarding political organisations and freedom of expression generally, see sections on Political affiliation and Freedom of speech and media.

17.01 The Freedom House report *Freedom of Association Under Threat: the New Authoritarians' Offensive Against Civil Society, (FH Freedom of Association report 2008)* section on Algeria, dated 13 November 2008, stated:

"The main statute controlling nongovernmental organizations (NGOs) is the Associations Law of 1990, which is often criticized for its restrictive nature. The law stipulates that there must be at least 15 founding members for each organization, and if an association is suspended, the founding members may face financial penalties or even prison. Moreover, the law grants the government significant discretion in rejecting applications for registration. Any organization whose founders have 'demonstrated conduct contrary to the interests of the fight for national liberation' can be denied registration. The vagueness of this stipulation leaves it particularly open to abuse, and the Ministry of Interior (MOI) has denied recognition to several NGOs that are critical of government policies. The MOI can also refuse to register any group charged with disturbing public order, and it has rejected some applications on security grounds without providing evidence to support the decisions." **[29c]**

17.02 The International Federation for Human Rights (FIDH) Observatory for the Protection of Human Rights Defenders, *Annual Report 2010* (FIDH Report 2010), section on Algeria, covering events in 2009, dated 13 September 2010, stated:

"In 2009, the Algerian authorities continued to prevent human rights organisations from being given legal recognition. Thus, associations of the families of disappeared persons, such as SOS-Disappeared (SOS Disparu(e)s), still do not legally exist because they are not given a receipt by the local authorities. The Mich'al Association of the Children of the Disappeared from Jijel (Association Mich'al des enfants de disparus de Jijel – AMEDJ), created on May 22, 2009, also met with the refusal of the Jijel "wilaya" associations office to issue a receipt on May 24, 2009 for filing their application to create the association. Similarly, the Citizen Generations (Générations citoyennes) association had still not been registered as of the end of 2009." **[12a] (p444-449)**

17.03 The same source also observed that:

"In 2009, the Algerian authorities continued the frequent bans on holding meetings on human rights issues, in violation of Article 19 of the Constitution, which guarantees freedom of peaceful assembly. On July 16, 2009, the authorities banned a symposium on "rebuilding society through remembrance of victims", organised at the trade union house in Algiers by the Coalition of Victims of the State and Victims of Terrorism (Coalition des associations des victimes de l'Etat et des victimes du terrorisme), including SOS-Disappeared, 'Somoud', 'Djazairouna', the Collective of the Families of the Disappeared in Algeria (Collectif des familles de disparus en Algeria – CFDA) and the Euro-Mediterranean Federation Against Forced Disappearances (FEMED). The Head of security of the 'daïra', an administrative subdivision of the wilaya, informed the organisers that the ban on the symposium was issued by the 'Wali' (Governor) of Algiers for reasons of 'public safety'. The symposium was finally held at the headquarters of SOS-Disappeared with far fewer participants and under very difficult conditions: it was held in a room that was too small and was unheated, and it was not

possible to warn all the participants of the change of venue. In addition, in a ruling dated May 25, 2009 and for which no reason was given, the services of the Office of General Affairs Legislation (Direction de la réglementation des affaires générales – DRAG) of the Algiers wilaya banned a training seminar for journalists on "the role of the journalist in protecting human rights". The seminar, organised by the Algerian Human Rights Defence League (Ligue algérienne de défense des droits de l'Homme – LADDH), was due to be held in Zeralda, west of Algiers, on May 26, 27 and 28, 2009, bringing together 25 journalists from different towns. Similarly, on October 8, 2009, LADDH received a written notification from DRAG, with no reason given, banning it from holding a "National Meeting on the Abolition of Capital Punishment" planned for October 10 to celebrate the World Day Against the Death Penalty. The meeting, which was due to be held at the Hotel El Biar in Algiers, was finally held at LADDH headquarters." **[12a] (p444-449)**

17.04 The United States Department of State *Country Report on Human Rights Practices 2009, Algeria*, *(USSD Report 2009),* published 11 March 2010, noted:

"The government continued to restrict and harass some local NGOs and impeded the work of international NGOs. Although some human rights groups, including LADH [The Algerian League for Human Rights] and LADDH [The Algerian League for the Defence 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, difficulty in securing meeting spaces, and difficulty in obtaining approval for international speakers to speak on sensitive issues.

"The government was not publicly responsive to reports and recommendations from domestic human rights NGOs and interfered with attempts by some domestic and international human rights groups to investigate and publish their findings. Domestic NGOs must be licensed by the government and are prohibited from receiving funding from abroad without approval from the Minister of National Solidarity and the MOI. However, approximately 100 unlicensed NGOs, such as women's advocacy groups and charity organizations, operated openly. Unlicensed NGOs did not receive government assistance and citizens were at times hesitant to be associated with these organizations". **[6a] (Section 5)**

17.05 The *USSD Report 2009* report continued:

"The most active independent human rights group was the LADDH, a legally recognized NGO with members throughout the country. The LADDH was not permitted access to government officials for human rights advocacy or research purposes or to prisons, except for normal lawyer-client consultations. The smaller LADH, an independent organization based in Constantine, was licensed and members throughout the country monitored individual cases…

"NGOs not legally recognized by the MOI, cannot conduct investigations. Sometimes, however, even legally recognized NGOs were prevented from conducting investigations. For example, the LADDH did not have access to prison camps or detention centres." **[6a] (Section 5)**

17.06 The official website of LADDH, accessed 14 February 2011, stated, on the page *Who are we?* (in translation), "The Algerian League for the Defence of Human Rights (LADDH) is a national non-profit organization subject to the provisions of Law 90-31 of

December 4, 1990 on associations. It was created in 1985 by a group of militants at their head Master Ali Yahia Abdenour its first president, now honorary president. Officially recognized by the authorities, 26 July 1989, after the political opening torn by the events of October 5, 1988." **[20a]**

17.07 It goes on to state (in translation), "The independence of the LADDH compared to the Institutions of the State and with the political parties is the pledge of its freedom, and its quality of against being able on the problems of freedoms, opposed to the official annexation of the human rights." **[20a]**

17.08 Several reports by LADDH, covering various human rights issues, can be accessed via the following link. The site is in French so a translation facility will be required.

http://www.la-laddh.org/spip.php?rubrique9&lang=fr **[20b]**

17.09 The *FH Freedom of Association report, 2008*, added:

"Civil society organizations report significant administrative delays in obtaining approval for their registrations, which in practice can take months or even years. Furthermore, the government frequently fails to provide written confirmation of the registration, exposing NGOs to the risk of arbitrary closure when they are unable to prove their legal status. However, some associations that were refused official recognition continue to operate. SOS Disparus, an NGO calling for an investigation regarding the thousands of Algerians who vanished during the 1990s, is one such group. In February 2007, a conference it organized in conjunction with other Algerian and international organizations was forced to relocate after security forces banned it and international participants were denied visas.

"For Algerian NGOs to get funding from foreign sources, they must obtain authorization from the MOI and the Ministry of National Solidarity, a task which has proven extremely difficult." **[29c] (Special Reports section)**

17.10 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, stated:

"There is an emergent civil society in Algeria, although mostly centred on social rather than political advocacy issues. The government maintains a tight grip on the activities of civil society, but not on their reporting. Many organisations would be recognised as QUANGOs rather than NGOs in a western sense. Most rely on the government for funding and many rely on the government for the majority of their funding. Registration is controlled by the Interior Ministry…The few independent NGOs, such as the group which campaigns for further information on the disappeared during the civil war, are given limited space to operate. At the time of writing this paper…the government had started to prevent the NGO, SOS Disparus, from conducting its weekly demonstration by a small group of mothers of the disappeared from taking place outside the (governmental) Consultative Commission for the Promotion of Human Rights. These demonstrations had been taking place for over 12 years." **[5c]**

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INTERNATIONAL NGOS

17.11 The *USSD Report 2009* noted that:

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

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

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

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

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

"International NGO Handicap International and local NGO the National Foundation for Health Promotion and Research Development (FOREM), both of which worked on children's rights, did not report difficulty conducting investigations.

"In January 2007 Yakin Erturk, UN special rapporteur on violence against women, visited the country. However, the government continued to deny requests for visits from the UN Working Group on Enforced or Involuntary Disappearances (pending since 1997), the UN special rapporteur on torture (pending since 1997), and the UN special rapporteur on extrajudicial executions (pending since 1998)." **[6a] (Section 5)**

17.12 The *FH Freedom of Association report 2008* added:

"Visiting members of international NGOs often face obstacles when seeking visas. The groups affected include Freedom House, whose U.S.-based staff applied for visas twice in 2007 and were rejected both times. Moreover, visa delays prevented Amnesty International from hosting a conference on violence against women in March 2006, and the National Democratic Institute (NDI) was forced to cancel scheduled events on electoral systems and youth leadership in June of the same year due to visa problems." **[29c] (Special Reports section)**

17.13 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, stated, "Foreign NGOs find working in Algeria

difficult. They often have to work through Algerian partners and the government uses a range of bureaucratic tools to ensure that NGOs that it does not approve of find it very difficult to operate here." **[5c](Scene setter)**

17.14 The report also noted:

"Algeria regularly misses the deadlines for its OHCHR [Office of High Commissioner for Human Rights] -mandated Universal Periodic Review on human rights and, according to the local media and NGOs, often refuses visits of UN Special Rapporteurs particularly relating to torture and enforced disappearances. (The OCHCR website states that Algeria has requests outstanding for visits from the Special Rapporteurs on CT and human rights; disappearances; summary and arbitrary executions; torture; and the working group on arbitrary arrests).

"On 26 August 2010, the head of the Consultative Commission for the Promotion of Human Rights, Farouk Ksentini, announced that the Algerian Government would invite human rights commissions from France, Spain, Italy and the UK to visit Algeria to conduct an investigation into the human rights situation. They would be asked to be report on the situation concerning the evolution of the freedom of the press, violence against women, the right to education, health, accommodation, clean drinking water and mental and physical health. The Consultative Commission for the Promotion of Human Rights would work with these international bodies to assist them in their work. He also said that international human rights NGOs who had requested to come to Algeria in the past would not yet be allowed to. But he added that it might be possible in the future as Algeria had nothing to hide. He said that the NGOs continue to be banned because of their criticisms of the Algerian Government's effort to combating terrorism and do not give sufficient recognition to the fact that the Government was fighting to protect democracy and civil society.

"Algeria's annual human rights report produced by the Consultative Commission is presented to the President, but is never published. The report is believed to contain criticism of official bodies and recommendations of remedial action, but the National Commission's official capacity means that it cannot be considered an independent report." **[5c]**

See Freedom of movement

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18. CORRUPTION

18.01 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, stated:

"There is a widespread belief among Algerians that corruption is endemic across government and within the key national industries, a view reinforced by the January 2010 corruption case involving accusations against the CEO and four of the five vice presidents of the state-owned oil and gas giant, Sonatrach.

"In January 2010, the President announced the creation of a new governmental oversight body which will oversee the campaign against corruption. Its remit will cover all corruption, mostly focusing on state bodies as the dominant actors in the economy. However, there is scepticism over whether this body will have any positive impact. At the time of writing this paper in September 2010, no further action had taken place." **[5c](Human Rights Concerns)**

18.02 Algeria scored 2.9 on Transparency International's Corruption Perception Index 2010. The scale runs from 0 (high corruption) to 10 (no corruption). It is ranked in 105th position among 178 countries. (The CPI score indicates the perceived level of public-sector corruption based on independent surveys). **[77a]**

18.03 The United States Department of State *Country Report on Human Rights Practices 2009, Algeria* (*USSD Report 2009*), published 11 March 2010, stated:

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

"In 2006 the government passed a law establishing a national anticorruption program, although parliamentarians removed a provision that required elected and senior officials to declare their assets and lifted parliamentary immunity in certain cases…In 2006 the president issued three decrees to implement provisions of the anticorruption legislation. The three presidential decrees and the penal code address the types of offences that the removed provisions were intended to punish. The decree also stipulates the formation of an anticorruption agency, but it had not been established by year's end. High-level government officials were subject to financial disclosure laws established by two presidential decrees published in 2006." **[6a](Section 4)**

18.04 The report continued:

"The government took action on several high-profile cases of official corruption during the year [2009]… On October 7, an Algiers court began questioning high-level government officials suspected of extortion and influence peddling in awarding contracts to foreign companies involved in the construction of the East-West highway, one of the country's largest infrastructure projects…At year's end the outcome of the trial remained pending…

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

"Lack of government transparency remained a serious problem. The government did not release many economic statistics. All ministries have Web sites, but not all were updated." **[6a](Section 4)**

18.05 The Observatory for the Protection of Human Rights Defenders, in its *Annual Report 2010, Algeria Chapter*, referred to "Harassment of defenders who denounce corruption":

"In 2009, several defenders were prosecuted for having denounced local authority corruption. For example, Mr. Ghoul Hafnaoui, in charge of the LADDH branch in Djelfa, south of Algiers, and a journalist for the daily newspaper al-Wassat, was attacked at his home during the night of January 6 to 7, 2009 by a group of hooded individuals who were waiting for him to return. This attack appeared to be related to his condemnation of the corruption that pervades the city of Djelfa…He was sentenced to pay a fine of 50,000 dinars (around 500 euros) in a case brought against him… following the publication of an article in al-Wassat on September 9, 2008, which called for 'the opening of an enquiry concerning a case of corruption involving wilaya officials'…

"Mr. Hassan Bouras, a journalist and LADDH [Algerian League for the Defence of Human Rights] activist, was sentenced for 'defamation' to three months in prison and a fine of 500,000 dinars (around 5,000 euros) by the Court of El Bayadh, in the west of the country. He was prosecuted following the publication of an article one month earlier in the weekly newspaper al-Khabar Hawadith that denounced the corruption practised by certain members of Parliament…

"On October 13, 2009, the Sedrata Court sentenced Mr. Ouahid Boulouh, a correspondent for al-Khabar in Souk Ahras, in east Algeria, to a fine of 500,000 dinars and damages of 500,000 dinars for the civil party for 'defamation' after publishing an article that referred to misappropriation of funds for community services at the Local Public Health Centre." **[12a](Harassment of defenders who denounce corruption)**

18.06 The UN Committee on Economic, Social and Cultural Rights (CESCR), *Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant: concluding observations of the Committee on Economic, Social and Cultural Rights: Algeria,* published 7 June 2010, noted, "The Committee notes with concern that corruption remains widespread, despite recent efforts to curb the phenomenon, including the passing of Act No. 06-01 establishing a national anti-corruption programme." **[18d]**

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19. FREEDOM OF RELIGION

19.01 The United States Department of State *International Religious Freedom Report 2010*, *Algeria*, (*USSD IRF Report 2010*), covering 1 July 2009 to 30 June 2010, published 17 November 2010, stated:

"The Constitution provides for freedom of belief and opinion and permits citizens to establish institutions whose aims include the protection of fundamental liberties of the citizen. The Constitution declares Islam the state religion and prohibits institutions from engaging in behaviour incompatible with Islamic morality. Other laws and regulations provide non-Muslims the freedom to practice their religion as long as it is in keeping with public order, morality, and respect for the rights and basic freedoms of others. The law prohibits efforts to proselytize Muslims, but it was not always enforced. Government officials asserted that the ordinance is designed to apply to non-Muslims the same constraints that the penal code imposes on Muslims.

"The status of respect for religious freedom by the government improved marginally during the reporting period. The government's National Commission for Non-Muslim

Religious Services did not establish an administrative means for non-Muslim religious groups to register with the government as required by law. Government officials also publicly criticized evangelism and emphasized the dominant role of Islam in society. However, there were some positive changes in the government's treatment of religious minorities. The government ceased prosecutions of members of minority religious groups; paid increasing attention to Christian groups' concerns, including organizing a symposium on religious worship; officially recognized the first official representative of the Jewish community in the country; and allowed for the reopening of 25 synagogues. However, the government reportedly did not approve any other requests for registration by non-Muslim religious associations, including Christian groups that attempted to comply with ordinance 06-03. There is no administrative means to implement the ordinance yet established. The government stated that applications to register associations have been deferred since 2008 pending a revision of the 1973 law on associations.

"Although society generally tolerates foreigners and citizens who practice religions other than Islam, some local converts to Christianity kept a low profile out of concern for their personal safety and potential legal and social problems. Radical Islamists harassed and threatened the personal security of some converts to Christianity. Islamist terrorists continued to refer to interpretations of religious texts to justify their killing of security force members and civilians. Muslim religious and political leaders publicly criticized acts of violence committed in the name of Islam. Anti-Semitic articles occasionally appeared in the independent press. Press reports concerning riots between Maliki and Ibadi Muslim groups in Berriane suggested that sectarian differences contributed to the violence. Christian leaders also noted there was a decrease in press stories over conversions to Christianity." **[6c] (Introduction)**

19.02 The Freedom House report, *Freedom in the World 2010, Algeria*, published 3 May 2010, stated, "Algeria's population is overwhelmingly Sunni Muslim, and the small non-Muslim communities are able to practice their faiths without systematic harassment. However, proselytizing by non-Muslims is illegal, and the government in February 2008 began enforcing an ordinance that tightened restrictions on minority faiths. Given Algeria's civil conflict, security services monitor mosques for radical Islamist activity." **[29b]**

RELIGIOUS DEMOGRAPHY

19.03 The *USSD IRF Report* 2010 noted:

"More than 99 percent of the population is Sunni Muslim. There is a small community of Ibadi Muslims in the province of Ghardaia. Unofficial estimates of the number of Christian and Jewish citizens vary between 12,000 and 50,000. The vast majority of Christians and Jews fled the country following independence from France in 1962. In the 1990s, many of the remaining Christians and Jews emigrated due to acts of terrorism committed by Muslim extremists.

"For security reasons, due mainly to the civil conflict, Christians concentrated in the large cities of Algiers, Annaba, and Oran in the mid-1990s. According to Christian community leaders, evangelical Christians, including Seventh-day Adventists accounted for the largest number of Christians. Most evangelicals lived in the Kabylie region. Next in size were the Methodists and members of other Protestant denominations, followed by Roman Catholics.

"During the reporting period, there were fewer press reports that Christian proselytizing had resulted in significant numbers of Muslims in the Kabylie region converting to Christianity. There were no standardized statistics on the number of religious conversions. Reporting from media, NGOs, and churches suggested that citizens, not foreigners, were the majority of those actively proselytizing in Kabylie.

"Since 1994 the Jewish community has diminished to less than 2,000 members due to fears of terrorist violence. The Jewish community was not active, and the synagogues remained closed or unused. While the government allowed for the reopening of 25 synagogues around the country, none are in use." **[6c] (Section I)**

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CHRISTIANITY

19.04 The *USSD IRF Report* 2010 stated:

"The Government continued to implement Ordinance 06-03, including court proceedings and fines against some Christian converts. The Government began applying Ordinance 06-03 in February 2008, which resulted in the closure of approximately 27 churches and legal action against members of some Christian groups. The Government maintained that it was acting in accordance with the law when it ordered the church closures because the churches were not registered. The churches ordered closed included both house churches and buildings of long-established churches within and outside of the Kabylie region.

"Christian leaders reported that the Government did not register their organizations and places of worship despite efforts to comply with the ordinance. Many Christian groups indicated that they had repeatedly attempted to register with the Government but were unsuccessful, encountering difficulties in even obtaining accurate information on the registration process from local government bureaucracy ignorant of the process. Some applicants reported that some government administrative officials indicated their unwillingness to process applications, even if an administrative process existed. According to the Ministry of Religious Affairs, applications to register associations have been put on hold since 2008 due to impending amendments to the 1973 association law…

"Leaders of the Anglican Church, the Seventh-day Adventist Church, and other Protestant churches reported that their applications for registration remained pending, in some cases for more than four years. Some said the Ministry of Religious Affairs offered occasional legal guidance on association laws and noted that complicated bureaucratic rules sometimes required that applications be resubmitted. According to reports, some Christian groups did not attempt to obtain legal status from the Government. During the reporting period, church groups reported that approximately 22 churches continued to hold services despite being officially closed due to lack of government recognition." **[6c] (Section II: Restrictions on Religious Freedom)**

19.05 The report also noted that "Because the government has not registered any new churches since ordinance 06-03 entered into force in February 2008, many Christian citizens continued to meet in unofficial 'house churches,' which were often homes or businesses of church members. Some of these groups met openly, while others secretly held worship services in homes." **[6c] (Section I)**

19.06 A January 2010 news article from Compass Direct News, called *Algerian Church Continues in Spite of Burnt Building* stated:

"Members of a church in Algeria's Kabylie region gathered to worship last Saturday (Jan. 16) in their new building despite a protest, vandalism and a fire that damaged the building the previous weekend.

"Local Muslims bent on running the congregation out of the neighbourhood set fires inside and outside the building on Jan. 9.

"Before setting it on fire, the assailants ransacked the Tafat Church building in Tizi Ouzou, a city 100 kilometers (62 miles) east of Algiers. The perpetrators damaged everything within the new building, including electrical appliances.

"'This last Saturday the church held a service even though not everyone was present,' said Mustapha Krim, president of the Protestant Church of Algeria (EPA). 'But they continue.'

"The protests against the new church building were unique in the Kabylie region, where the majority of Algeria's Christians live." **[56a]**

Proselytising and conversions

19.07 The *USSD IRF Report* 2010 noted:

"Ordinance 06-03 made proselytizing a criminal offence, and established the punishment for it as one to three years in jail and a maximum fine of [US]$6,800 (500,000 dinars) for violations by lay individuals and three to five years' imprisonment and a maximum fine of $13,600 (one million dinars) for violations by religious leaders. The law stipulates a maximum of five years in jail and a $6,800 (500,000 dinars) fine for anyone who 'incites, constrains, or utilizes means of seduction tending to convert a Muslim to another religion; or by using to this end establishments of teaching, education, health, social, culture, training ... or any financial means.' Anyone who makes, stores, or distributes printed documents, audiovisual materials, or the like with the intent of 'shaking the faith' of a Muslim may also be punished in this manner but this was not always enforced. During the reporting period, no new cases against proselytizing could be confirmed." **[6c] (Section 3)**

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20. ETHNIC GROUPS

OVERVIEW

20.01 The Central Intelligence Agency's (CIA), World Factbook, Algeria, updated 9 November 2010, stated that the ethnic composition of Algeria is 99% Arab-Berber and less than 1% European. It continued, "Almost all Algerians are Berber in origin, not Arab; the minority who identify themselves as Berber live mostly in the mountainous region of Kabylie east of Algiers; the Berbers are also Muslim but identify with their Berber rather than Arab cultural heritage; Berbers have long agitated, sometimes violently, for autonomy; the government is unlikely to grant autonomy but has offered to begin sponsoring teaching Berber language in schools." **[2a]**

20.02 Minority Rights Group International, in its overview of Algeria, undated, accessed 23 November 2010, listed the main minority groups as Berbers, including Kabyles, Shawiya, Mozabites and Tuareg, consisting of between 6.6 and 9.9 million people (20-30 per cent of the total population), and Saharawi with a population of 120,000. It further stated:

"There are no reliable estimates for Berbers, this figure is based on CIA's 2006 estimate for Algeria's population (33 million) and calculated the Berber population based on the widely ranging reported figures of 20-30%. There are no reliable figures for Saharawi. This estimate is from the World Directory of Minorities (published 1997). Other reports put the figure at slightly higher, or roughly 0.5 per cent the national population).

"Algerians are primarily of Arab and Berber descent. The French population, approximately 10 per cent of the total in colonial times, has fallen to about 1 per cent today. Many other Europeans and almost all of the 150,000 Jews in Algeria also left the country after independence." **[3a]**

20.03 The UN General Assembly, Human Rights and Cultural Diversity: report of Secretary-General, published 22 July 2009, stated:

"The Government of Algeria considers cultural diversity as an essential component of the dialogue between civilizations and cultures. Algeria has actively participated in the discussions on these issues and has ratified several international instruments on the protection of cultural heritage. Algeria has also adopted national legislation to translate those international commitments into domestic law.

"Algeria has also included the respect for cultural diversity in the Constitution, by recognizing the Amazigh language as a national language. Teaching in different national languages is encouraged in the school system, and the State has supported film and theatre productions in both national languages." **[18a] (p2)**

20.04 The Freedom House *Freedom in the World 2010 – Algeria* report stated, "Algeria's ethnic composition is a mixture of Arabs and Berbers. Those who identify themselves as Arabs have traditionally formed the country's elite. In the last few years, following outbreaks of antigovernment violence in the Berber community, officials have made more of an effort to recognize Berber cultural demands. Tamazight, the Berber language, is now a national language." **[29b]**

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BERBERS

Background

20.05 The United States Department of State *Country Report on Human Rights Practices 2009, Algeria* (USSD Report 2009), published 11 March 2010, explained that the Berber language is referred to as Tamazigh, Amazigh or Berber. All these terms are also used to describe the ethnic group. **[6a] (Section 2a)**

20.06 Minority Rights Group International, in its profile of Berbers, updated May 2008, stated:

"The Berber-speaking population of Algeria constitutes a little over one quarter of the population and is concentrated in the mainly mountainous areas of Kabylia, Aurès, the M'zab and the Sahara.

"The Berber culture is not homogenous. Its existing constituent subcultures have relatively little in common outside the common root of their spoken dialects. About half of the Berber-speaking population is concentrated in the mountainous areas east of Algiers – Kabylia – and this area and its language have been at the centre of most Berber issues in modern Algeria. Over time the Kabyles have moved in large numbers to the cities of both Algeria and France in search of employment. The second largest Berber group, the Shawiya, inhabit the rugged mountains of eastern Algeria. Two smaller Berber communities are the Mozabites of the area around Ghardaia and the Tuareg nomads of the south. The 12,000 Tuareg, who are nomadic Berbers, live almost exclusively in the mountainous massifs of Ajjer and Ahaggar in southern Algeria. Geographical dispersion of Berber-speakers has hindered the emergence of a common identity. Kabyles are the most cosmopolitan and are more likely to speak French than other groups." **[3b]**

20.07 The US State Department *Background Note, Algeria*, updated 2 August 2010, reported:

"In 2001, Berber activists in the Kabylie region of the country, reacting to the death of a youth in gendarme custody, unleashed a resistance campaign against what they saw as government repression. Strikes and demonstrations in the Kabylie region were commonplace as a result, and some spread to the capital. Chief among Berber demands was recognition of Tamazight (a general term for Berber languages) as an official language, official recognition and financial compensation for the deaths of Kabyles killed in demonstrations, an economic development plan for the area and greater control over their own regional affairs. In October 2001, the Tamazight language was recognised as a national language, but the issue remains contentious as Tamazight has not been elevated to an official language". **[6b] (History)**

Current situation

20.08 The United States Department of State *Country Report on Human Rights Practices 2008, Algeria*, published 25 February 2009, stated, "The ethnic Tamazight minority of approximately nine million centred in the Kabylie region participated freely and actively in the political process and represented one-third of the government." **[6aa] (Section 3)**

20.09 The USSD Report 2009 noted:

"Access to print and broadcast media for Amazigh culture continued to grow. Tamazight (the Amazigh or Berber language) programming also increased on the non-Berber language channels, as did advertisements in Tamazight on all television and radio channels. In 2007 the government created an Academy and a Superior Council of the Tamazight language, announcing that Tamazight is a national language…Beginning in the 2006-2007 scholastic year, the Tamazight language was officially taught in primary schools, starting in the fourth grade in 17 predominantly Berber provinces." **[6a] (Section 2a)**

20.10 However, the UN Committee on Economic, Social and Cultural Rights (CESCR), *Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant : concluding observations of the Committee on Economic, Social and Cultural*

Rights : Algeria, published 7 June 2010, noted, "The Committee is concerned that the Amazigh language has not yet been recognized as an official language, despite its recognition in 2002 as a national language, and that the teaching of the Amazigh language is not generally available to all age levels and in all regions." **[18d](Para 22)**

20.11 Minority Rights Group International, in its report *State of the World's Minorities and Indigenous Peoples 2010 - Algeria*, published 1 July 2010, stated with regard to women:

"While in most cases it is non-Muslims that suffer deleterious effects from the Islamization of the law in Algeria, indigenous people too, especially women, are negatively impacted. For instance, according to the 2009 report of the NGO the International Work Group for Indigenous Affairs (IWGIA), women from the Amazigh minority 'suffer the weight of tradition and of the Family Code which draws full inspiration from Islamic (Sharia) law [and] places women in a subordinate position'. This discrimination exists in spite of the Amazigh community's demographic strength: about 30 per cent of the Algerian population." **[3c]**

See also Children - education, Women and Judiciary – Shari'a

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21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

In considering the position of lesbian and bisexual women see also section on Women for information about their position in Algerian society.

LEGAL RIGHTS

21.01 The International Lesbian and Gay Association report, *State-Sponsored Homophobia*, dated May 2009, stated that same-sex relations for men and women are illegal. The survey also provided the relevant legislation criminalising same-sex relations: "Penal Code (Ordinance 66-156 of June 8, 1966), Article 338 Anyone guilty of a homosexual act is punishable with imprisonment of between 2 months and two years, and with a fine of 500 to 2000 Algerian Dinars." **[30a]**

21.02 The UN Human Rights Council, *Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(c) of the Annex to Human Rights Council Resolution 5/1 - Algeria*, 6 March 2008, stated, "Article 338 of Algeria's Penal Code (Ordinance 66-156 of June 8. 1966) provides that: '…If one of the perpetrators is a minor of less than 18 years of age, the penalty applicable to the adult may be increased to imprisonment for up to three years and a fine of up to 10,000 Algerian dinars'." **[16a]**

21.03 A Canadian Immigration and Refugee Board information request dated 30 July 2007 stated:

"Moreover according to Article 333, 'when the outrage to public decency has consisted of an act against nature with an individual of the same sex' the penalty is punishable by a prison term of six months to three years, and a fine of 1,000 DIN to 10,000 DIN.

"An article appearing in 365Gay.com, a Web site based in the United States (US) which reports on gay issues, stated that 'Algeria practices Sharia law, which calls for death for homosexuals' (20 Apr. 2005). However, no information could be found by the Research Directorate to corroborate this statement within the time constraints of this Response'." **[8a]**

21.04 The United States Department of State *Country Report on Human Rights Practices 2009, Algeria, (USSD Report 2009*), published 11 March 2010, stated, "The penal code criminalizes public homosexual behaviour for males and females, and there is no specific legal protection for lesbians, gays, bisexuals, and transgender (LGBT) persons. The law stipulates penalties that include imprisonment of two months to two years and fines of 500 to 2,000 dinars (($7 to $28). If a minor is involved, the adult may face up to three years' imprisonment and a fine of 10,000 dinars ($138)." **[6a] (Section 5)**

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TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

21.05 The Amnesty International report of 1 June 2003, *Asylum-seekers fleeing a continuing human rights crisis,* stated, "Homosexuality is a taboo subject in Algeria, as it is in various other countries in North Africa and the Middle East. In practice, the shame associated with homosexuality means that few individuals openly reveal their sexual orientation. Homosexuals may suffer harassment from the security forces and society in general." **[26c] (p8)**

21.06 A Canadian Immigration and Refugee Board information response, dated 30 July 2007, reported:

"Reports by French newspapers Sud Ouest and Libération describe two cases in which gay Algerian men were beaten and rejected by their families for being homosexual; both men subsequently left Algeria (5 Sept. 2006; 13 Sept. 2006).

"An article appearing in QX Magazine asserts that there are no gay organizations or support groups in Algeria (19 Jan. 2005). The Research Directorate found two Algerian Web sites dealing with gay issues: Kelmaghreb, which describes itself as the first online magazine for gay Maghrebins [North Africans], and Algerigay, founded in 2004 (Kalmaghreb n.d.; Algerigay n.d.)… An article in QX Magazine states that the Algerian police do not protect 'sodomites' from violence (18 Jan. 2005). According to an article in the UK Gay News, the police and military reportedly 'harass and brutalise gay people with impunity' (21 Feb. 2005). Moreover, rape, beatings, and torture are reported to be common for gay men in both civilian and military prisons (QX Magazine 18 Jan. 2005; UK Gay News 21 Feb. 2005; Behind the Mask 21 Feb. 2005)." **[8a]**

21.07 The San Diego Gay and Lesbian News reported, on 14 April 2010, in an article, *Gay Imam gets two-year jail sentence in Algeria*, "The judge at the court of the city of Tizi Ouzou made yesterday in the afternoon, his verdict on the imam of the Al Attik charged with homosexuality. Caught in flagrante delicto in the mosque, Imam, aged 36, was sentenced to a term of two years and 20,000 dinars, while his companion was sentenced to the same penalty." **[64a]**

SOCIETAL TREATMENT AND ATTITUDES

21.08 An article by a 'BTM French Reporter', dated 23 October 2008, cited on the Behind the Mask website, that "…Abu Nawas [an Algerian LGBT group] ... aims to fortify solidarity and provide support to the gay community in Algeria." The article continued that Abu Nawas, the only Algerian lesbian, gay, bisexual, transgender and intersex (LGBTI) organisation,

"…had planned a petition to be signed by all LGBTI individuals and to be sent to the Algerian government to demand the recognition of gay rights, but couldn't be forwarded because Algeria is fraught of homophobia and very restrictive laws are enacted towards homosexuality [sic].

"However, Abu Nawas decided to repeat the symbolic and silent candle light vigil it had on its first anniversary in 2007… This message of mutual support and solidarity in such hostile environment towards Algerian LGBTI people is all Abu Nawas members needed in this time of tribulation and fear… LGBTI members have several reasons to fear for their life in Algeria just like in most African countries. Not only the constitutions and penal codes prohibit and punish homosexuality, but LGBTI individuals and organisations have to fear the mob mentality.

"'Had the public knew [sic] about our celebration or who was behind it, we would have been molested', Randa [co-founder of Abu Nawas] cautioned.

"He concluded that the Algerian society is so homophobic… that they cannot make public activities [sic]." **[33a]**

21.09 The International Lesbian, Gay, Bisexual, Trans and Intersex Association, on the news section of their website, reported on the similar event in 2010:

"A date was born-again, 10th October self proclaimed as national day for Gay, Lesbian, Bisexual, and Transgender (L.G.B.T) in Algeria…

"We are determined to fight for our rights to repeal laws that criminalize homosexuality, and not to be stigmatized. To be able to complain when we are exposed to violence without fear of being criminalized. Not to be justified for the police to harass us in the street for no lawful reason but only for being who we are, LGBT…

"The TenTen 2010 aims to light candles at 8:00 pm on 10 October no matter what the participants [sic] gender or sexual orientation are. The event may appear simple but it is a symbol of solidarity with Algerian LGBT who through lighting candles at the same time in different cities in Algeria and around the world, break their sense of isolation and give themselves a glimpse of hope for their community.

"The National Day of Algerian LGBT in its four year life takes for the first time the slogan 'Hope'. Abu Nawas group supervises the event, and last September launched 2 competitions to design poster and video for the event TenTen 2010 (in reference to 10/10/2010) under the banner of 'hope'. The competitions are for Algerian online LGBT forum members. Abu Nawas only plays the role of coordination and supervision of the competition while the forum members will design and vote for the best poster and best video of the official event.

"New this year: the Album 'Ten' represents 10 in Arabic which also means sociability in the same language. The concept involves the direct participation of internet users from Algerian LGBT to design photo album of TenTen 2010. The participants take pictures of candles in well known or historical places in cities where they are. Participation is open to algerian citizens and their friends outside the country. Abu Nawas Group seek through this album of candles (Ten) TenTen in the streets of Algeria to put an end of celebrating 'in secrecy' to this day..." **[30b]**

21.10 Afrolnews, reporting on 13 October 2010, on the same event in *Algerian gays lit candles for recognition*, noted, "The marking of 10 October went peacefully. The Algerian press completely ignored the event." **[65a]**

21.11 *The USSD Report 2009* stated, "There was societal discrimination against homosexuals, but no reported violence or official discrimination. While some homosexuals lived openly, the vast majority did not." **[6a] (Section 5)**

21.12 The Country of Return Information Project *May 2009 Country Sheet for Algeria* stated:

"Homosexuality is one of the major taboos in the Algerian society. Despite the fact that it is quite spread out as a practice, it is invisible as topic or as political demand and its existence is denied by Algerian authorities…Beside illegal meeting places, there is no association fighting for gay rights or having an interest in this matter.

"Young gay Algerians are stigmatized, oppressed and marginalised and often have no choice but meeting up on the Internet in chat rooms where they can 'let off their sexual freedom, exchange experiences, talk about their fears, their experience as gay men/women and their exasperation of living two lives due to social, moral and religious taboo'. In practice, the shame associated with homosexuality means that few individuals openly reveal their sexual orientation. Homosexuals may suffer harassment from the security forces and society in general'." **[10a] (Homosexuals)**

21.13 An undated article, called *Being Gay in Algeria Today,* posted on the website Gay Activists Alliance – Africa, accessed 26 January 2011, can be accessed via the following link:

http://www.gayactivistsallianceafrica.org/index.php?option=com_content&view=article&id=305:being-gay-in-algeria-today&catid=1:latest-news&Itemid=18 **[79a]**

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Transgender persons

21.14 CNN reported on 9 July 2010, in an article, *Algerian transsexual's memoirs reveal life of discrimination*:

"An Algerian transsexual has published her memoirs, describing the discrimination she faced in her home country, which culminated in death threats that forced her to flee to Lebanon. Randa, who says she's 'around 30,' now lives as a woman in Beirut, Lebanon, but was born a boy, called Fouad, in Algeria…

"Aged 20, she began hormone therapy while she was at university but said she had to stop for fear her family would completely disown her. Her family eventually did disown her, three years ago, when she first dressed as a woman.

"As an adult Randa worked as a nurse in a clinic and set up a support group for gays and transsexuals in Algeria. But she said her public support for homosexuals brought unwelcome attention from the authorities, in a country where homosexuality and transsexuality is illegal.

"'In Algeria I didn't feel safe at all,' she said. 'The last month I spent there, every time I was leaving home for work, I wasn't sure I would come back alive in the evening. Pressure was way too high. People were following me. Policemen came to my office twice asking where I was. It was a way to frighten me.'

"Randa said she was eventually forced to flee the country after receiving written and verbal death threats from radical religious groups." **[61b]**

Lesbians

21.15 No specific information could be found on lesbians other than that reported generically as 'gay and lesbian'. There are however several chat and dating sites for Algerian lesbians that can be found on the internet.

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22. DISABILITY

22.01 The United States Department of State *Country Report on Human Rights Practices in Algeria, 2009 (USSD Report 2009)*, published 11 March 2010, stated:

"The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, although, in practice the government did not effectively enforce these provisions. The law provides protection, including free medical care, for persons with disabilities, especially children; however, there was widespread social discrimination against persons with disabilities. No government buildings were accessible to persons with disabilities. Public enterprises, in downsizing their work forces, generally ignored a requirement that they reserve one percent of jobs for persons with disabilities. Social security provided payments for orthopaedic equipment. The MNS [Ministry of National solidarity] provided some financial support to healthcare-oriented NGOs; however, for many NGOs this financial support represented approximately 2 percent of their budgets. The MNS maintained that there were 1.5 million persons with disabilities in the country. However, according to the Algerian Federation of Wheelchair Associations, there were three million persons with disabilities living in the country." **[6a] (Section 5: Persons with Disabilities)**

22.02 Details of statutory disability benefits in Algeria are outlined in the Algeria country summary of the United States Social Security Administration's 'Social security programs throughout the world', released August 2009.

http://www.ssa.gov/policy/docs/progdesc/ssptw/2008-2009/africa/algeria.html **[41a]**

The summary set out details of permanent disability pensions ("average earnings in the last 12 months multiplied by the assessed degree of disability") **[41a]** , and temporary disability benefits (the insured must be assessed with a loss of earning capacity of at least 50%.). **[41a]**

22.03 The United Nations reported on their website, Enable, (accessed 21 December 2009) that Algeria ratified the Convention on the Rights of Persons with Disabilities (UN) on 4 April 2009. **[18c]**

22.04 Handicap International has been working in Algeria since 1998. The Algerian page of its website stated, "Our activities in Algeria form part of a wider development process. We aim to make structural improvements to the lives of people with disabilities, to foster their inclusion, and to ensure they play a full role in society. Handicap International has more than 50 partnerships with Algerian organisations in the field of social, economic and educational inclusion, mental health and rehabilitation." The website can be accessed via the following link: **[66a]**

http://www.handicap-international.org.uk/where_we_work/africa/algeria **[66a]**

MENTAL DISABILITY

22.05 The International Disability Alliance (IDA) in an *Algeria state report*, included in the 46th Pre-Sessional Working Group, 2-6 August 2010 noted:

"Algeria has acted on the international recommendations published by the WHO [World Health Organisation] by developing a national mental health programme. That programme, which was introduced in 2001, emphasizes prevention and the establishment of means of subsequently reinforced with a network of intermediate mental health centres.

"These centres, the first of which was opened in 2002, provide basic services and are designed to afford enhanced access to services and more effective medication management. Since the launch of the programme, preventive mental health services and care for persons at risk have been incorporated into the school and university health system, over and above the complementary work being done by associations and NGOs as well as other State agencies. Plans for the coming three-year period include more effective curative and preventive care through the integration of psychiatrists working in the private sector, who are relatively numerous (there are 160 private practices), larger scale awareness and communication campaigns, and promotion of partnership and cooperation with other relevant sectors. A further objective is to realize an effective expansion of this care delivery system by providing services to drug addicts, working to that end in close cooperation with the Narcotics and Addiction Board and other departments and agencies. Fifty-three intermediate centres providing care for addicts and 15 regional detoxification centres are currently being established." **[67a]**

See also Medical Issues – Mental health

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23. WOMEN

OVERVIEW

This section should also be read in conjunction with the section on Children regarding the position of girls in Algeria.

23.01 Algeria acceded to the *UN Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW)* on 22 May 1996. (UN Treaty Database, accessed 10 January 2010). **[9a]** The UN Human Rights Council document, *Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Yakin Ertürk: addendum: mission to Algeria* [which took place between 21 and 31 January 2007], dated 13 February 2008 stated:

"In 1996, Algeria ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and has since reported twice to the Committee that monitors the Convention. Algeria made extensive reservations to Articles 2 and 16, which would effectively establish the primacy of the Algerian Family Code over the provisions of CEDAW. These reservations are contrary to the object and purpose of CEDAW and therefore impermissible according to article 28, paragraph 2 of CEDAW." **[35b] (p6-7)**

23.02 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, stated:

"Algeria has…made reservations relating to two conventions relating to women's rights (CEDAW and Convention for the Political Rights of Women). Though Algeria has ratified these two conventions, it considers that they should be implemented in accordance with the country's family code. It has reservations also relating to:

"Articles 2, 9 (para 41), 15 (para 4), 18 of CEDAW

"Articles 13, 14, 16 and 17 of the Convention on the Rights of the Child

"Articles 2-9, 2-15, 4-16 and 1.29 of the Convention on the Elimination of all Forms of Discrimination against Women

"These reservations relate to family issues such as child custody, divorce, etc." **[5c](Legislative Framework)**

23.03 The UN Human Rights Council document, *Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Yakin Ertürk: addendum: mission to Algeria* [which took place between 21 and 31 January 2007], dated 13 February 2008, continued:

"Since independence, Algerian women have made remarkable advances in education, although gender gaps continue at various levels and among certain professions, including judges, teachers and medical doctors. At the same time, marginalization and feminized poverty remain areas of great concern. Women, who are socially stigmatized, including divorced, separated and deserted women, single mothers and street women, are particularly vulnerable and urgently need more State support.

"While women enjoy formal legal equality in the public sphere, they lack equal access to the labour market and decision-making positions, as evidenced by their low representation in these areas. Moreover, many women are still subject to oppression and discrimination in the community and family circle. The Family Code has been considerably improved but retains institutions that disadvantaged women, most significantly with regard to inheritance and the material consequences of divorce.

"Violence against women in the private sphere is pervasive and yet largely invisible. The ejection of women and girls into the street is a particularly egregious form of such violence. Sexual harassment and abuse in public institutions is an emerging issue with diverse consequences for women." **[35b] (p2)**

23.04 The Economist Intelligence Unit's *2008 Country Profile on Algeria* stated that "The Ministry of Health says that the trend towards a lower birth rate is a result of improved access to contraceptives and the implementation of family planning policies, despite conservative opposition." **[37b]**

23.05 The Freedom House 2010 report on *Women's Rights in the Middle East and North Africa 2010 – Algeria*, dated 3 March 2010, (Freedom House report on Women's Rights in Algeria) observed:

"The present situation for Algerian women is complex and often ambiguous. Some believe that the family code, even with the recent revisions, is discriminatory and should be replaced by secular civil laws. This view has been continuously defended, notably, by Louisa Hanoune, a secular feminist and the only female leader of a political party, the Party of Workers ('Parti des Travailleurs'). However, women's empowerment is also inhibited by other factors, including gender-based prejudices, the lack of legal awareness among women, and broader government restrictions on civil liberties and political rights. Despite these constraints, the number of women's rights organizations has grown since 2004. Analysts praise the energy of these organizations as well as the interest that Algerian women display in learning about their rights whenever they are given the opportunity to do so. Scholars and activists emphasize the fact that the actual practices of Algerian society are often more progressive than official discourse or formal laws may suggest.

"The burgeoning number of women's rights groups over the last five years showcases growing activism and civic involvement among women. However, the feminist movement continues to face challenges. Women's rights organizations are increasingly fragmented along ideological lines, and activists do not necessarily agree on what constitutes the best strategy for achieving further advances. While some emphasize the need for change at the legal level, particularly within the family code, others contend that establishing and enforcing the rule of law and extending civil liberties at all levels are more pressing objectives. However, it is clear that none of these approaches can be entirely successful as long as the government continues to exercise tight controls on the use of the public sphere and within political parties, and women remain unaware of their existing or potential rights." **[29d] (Introduction)**

23.06 The same source rated women's freedom in Algeria in 2009 on a scale of one to five (one representing the lowest and five the highest level of freedom women have to exercise their rights – methodology for the ranking is here):

- "Non-discrimination and Access to Justice: 3.1

- Autonomy, Security, and Freedom of the Person: 3.0
- Economic Rights and Equal Opportunity: 3.0
- Political Rights and Civic Voice: 3.0
- Social and Cultural Rights: 3.0" **[29d]**

23.07 The UN Committee on Economic, Social and Cultural Rights (CESCR), *Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant : concluding observations of the Committee on Economic, Social and Cultural Rights: Algeria*, published 7 June 2010, noted:

"The Committee notes with concern that, despite the amendments to the Constitution through article 31(bis) of Act No. 08-19 of 15 November 2008, the Family Code and the Nationality Code, de jure and de facto inequalities continue to exist between men and women, in particular, the persistence of stereotypes, attitudes and patriarchal traditions on family and societal roles of men and women. It is also concerned by discrimination against women (in particular regarding inheritance rights), lower representation of women in decision-making and public positions and wages for women that are nearly a third of those for men." **[18d](Principal subjects of concerns and recommendations)**

The UN Human Rights Council document, Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Yakin Ertürk: addendum mission to Algeria, dated 13 February 2008, provides comprehensive coverage on the position of women. **[35b]**

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LEGAL RIGHTS

23.08 The United States Department of State *Country Report on Human Rights Practices 2009, Algeria*, (*USSD Report 2009*), published 11 March 2010, noted, "The constitution prohibits discrimination based on birth…gender and social status. In general, the government enforced the nationality and family codes, although women continued to face some legal and social discrimination."**[6a](Section 6)** The same source also observed:

"The constitution provides for gender equality; however, some aspects of the law and many traditional social practices discriminated against women. The family code is based in large part on Shari'a. The family code prohibits Muslim women from marrying non-Muslims, although this regulation was not always enforced. A woman may marry a foreigner and transmit citizenship and nationality in her own right to both her children and spouse. Muslim men may marry non-Muslim women. Under the law, children born to a Muslim father are Muslim, regardless of the mother's religion." **[6a] (Section 6)**

23.09 The United States Department of State *International Religious Freedom Report 2010, Algeria*, (USSD IRF Report 2010), covering 1 July 2009 to 30 June 2010, published 17 November 2010, stated, "Some aspects of the law and many traditional social practices discriminate against women. The Family Code, which draws on Shari'a (Islamic Law), treats women as minors under the legal guardianship of a husband or male relative." **[6c] (Section c)**

23.10 The Freedom House *2010 report on Women's Rights in Algeria* observed:

"Civil laws and policies apply to men and women equally, but Article 1 of the civil code stipulates that 'in the absence of any legal disposition, the judge pronounces himself according to the principle of Islamic law and, if necessary, according to customary law.' It is primarily for crimes against women, such as rape or abduction that such legal dispositions are missing. Consequently, women are the main victims of this legal dualism. In the private sphere and in all matters concerning the family, the 1984 family code applies. This code—which is based on Shari'a, customary law, and French law—severely restricts women's liberties and opportunities. Amendments in 2005 removed some of its gender-based inequities, but many discriminatory provisions remain." **[29d] (non discrimination and access to justice)**

23.11 The report continued:

"All citizens are entitled to equal access to justice regardless of their gender, and women are fairly well represented in the judiciary as judges and lawyers. However, in practice, women typically either do not know their legal rights or refrain from asserting them through formal legal channels. This is particularly true regarding claims involving domestic violence, sexual harassment, and rape. The reluctance to pursue these claims can be attributed to several factors, including the real and perceived biases in the law and the ongoing prevalence of patriarchal attitudes in society. Laws concerning women's rights are sometimes implemented in an arbitrary manner, especially in cases that pertain to the family code. In addition, the significant financial cost associated with pursuing legal cases is a major obstacle for women, who are often economically dependent on their husbands or fathers." **[29d] (non discrimination and access to justice)**

23.12 The same report noted:

"The courts consider male and female plaintiffs and defendants to be equal before the law, but the Ministry of Justice considers the testimony of two female witnesses to be equal to that of one male witness in criminal cases. Female defendants can receive different sentences based on their gender in certain circumstances. For instance, Article 16 of the code of penitentiary organization stipulates that the punishment of a woman can be suspended if she is pregnant or has a child less than two years old (the breastfeeding period is defined as 24 months). In addition, when both the father and the mother of dependent children are sentenced to time in prison, the mother's sentence is delayed until the father has been released from prison." **[29d] (non discrimination and access to justice)**

23.13 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, noted, "Algerian law does not yet fully recognise women's rights, including protection against sexual harassment in the workplace, marital rape and domestic violence, none of which is yet criminalised." **[5c]**

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POLITICAL RIGHTS

23.14 The Freedom House *2010 report on Women's Rights in Algeria* stated:

"Restrictions on the political and civil rights of women are just one aspect of the broader limitations affecting the public sphere in Algeria. The freedoms of expression and association are restricted by a government that is heavily influenced by the military and the ruling FLN party. If a woman belongs to an influential group, she may wield more power than men belonging to a less important group. Thus the activism of privileged women belonging to powerful clans tends to overshadow more discreet forms of activism by civil society. Whatever their affiliations, women remain severely underrepresented in the executive branch, the parliament, and local government bodies." **[29d] (Political rights and civic voice)**

23.15 The *USSD Report 2009* noted:

"There were three women in the cabinet. Women also held 30 of the 389 seats in the Popular Assembly of the Nation, the lower legislative chamber and four of the 144 seats in the Council of the Nation, the upper chamber. A woman led the Workers Party, and three major political parties – FLN, National Rally for Democracy, and Rally for Culture and Democracy – had women's divisions headed by women. The country did not have a quota system to require election of women to a certain percentage of seats in the parliament." **[6a] (Section 3)**

23.16 On 13 February 2008, the UN Human Rights Council in its *Report of the Special Rapporteur on violence against women, its causes and consequences* noted:

"Algerian women actively participated in the struggle against colonial rule and many assumed public office upon independence. Although women continue to hold important public functions today (e.g. the Presidency of the Council of State, the highest administrative court), the overall representation of women among public decision makers has stagnated. At the time of my visit, only 3 out of 41 members of the Cabinet were women, including 2 Delegate Ministers without a ministry of their own. When this report was finalized, Algeria was ranked 110th out of 134 in the Inter-Parliamentary Union's World Classification of Women in National Parliaments.

"Women seeking to enter public life often have to overcome resistance in their own family. Moreover, the gateways to public office, including political parties and labour unions, continue to be male-dominated as regards their membership, working methods and institutional character.

"There is a lively debate in Algeria as to whether to introduce a 30 per cent quota for women in Parliament and other public functions, in order to stimulate women's political activity and provide women with the critical mass needed to reshape the institutions of power." **[35b]**

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SOCIAL AND ECONOMIC RIGHTS

Family Law

23.17 The Freedom House *2010 report on Women's Rights in Algeria* stated:

> "The 1984 family code established the concept of an agnatic family structure characterized by patriarchal authority. Under this code, which was designed to appeal to Islamic fundamentalists by meeting a few of their basic priorities, women were primarily recognized as guardians of kin and tradition rather than as autonomous individuals. In 2005, partly under the pressure of women's organizations, the family code was finally amended by the government of President Abdelaziz Bouteflika, who has been in power since 1999.
>
> "The new code has brought a number of positive changes. It grants women more rights in terms of divorce and housing, reduces the role of a woman's male guardian to a largely symbolic status, and ensures Algerian women's right to transmit citizenship to their children. However, most women's rights groups continue to regard the amended code as far too hesitant to create true gender equality." **[29d] (Introduction)**

See Human Rights, Introduction – para 7.05 and Judiciary – Shari'a

Inheritance

23.18 The *USSD Report 2009* noted, "Women suffered from discrimination in inheritance claims. Women were entitled to a smaller portion of an estate than male children or a deceased husband's brothers. The law explains that such a distinction is justified because other provisions require that the husband's income and assets be used to support the family, while the wife's remain, in principle, her own. However, in practice, women do not always have exclusive control over assets that they bring to a marriage or that they earned." **[6a] (Section 3)**

23.19 The Freedom House *2010 report on Women's Rights in Algeria* noted:

> "Most women's rights activists oppose the current inheritance scheme…Many families circumvent the inequities of the inheritance law by giving portions of estates to daughters while the owner is still alive, a practice that some government officials have criticized as a form of tax evasion…Some women are pressured by male relatives to give up their legal share of inheritance to keep land and other property in the male line of the family, but the situation is improving slowly, and there is considerable variation from place to place." **[29a] (Economic rights and equal opportunity)**

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Marriage

23.20 The Freedom House *2010 report on Women's Rights in Algeria* stated:

> "The 1984 family code was amended on February 22, 2005, to improve several key provisions. For instance, under Article 7 of the amended code, the legal age of capacity for marriage changed from 21 for men and 18 for women to 19 for both sexes. In addition, proxy marriages are now prohibited…

"Despite these amendments, many believe that the family code remains too ambiguous on several central issues and retains a number of discriminatory provisions. For instance, a bride's wali (marriage guardian, usually her closest male relative) must be present when she concludes her marital contract, though he is now reduced to an honorary role and defined as her father, a relative, or 'any other person of her choice.' A wali cannot force a woman to marry someone against her will or oppose the marriage…

"Polygamy remains legal under Article 8 of the family code, although it is now subject to several conditions. The court must certify that there is 'justified motivation' behind the decision to take more than one wife, that the man is able to take care of an additional spouse, and that all of the spouses involved consent to the marriage. Currently, only 3 percent of Algerian households are polygamous." **[29d] (autonomy, security and freedom of the person)**

23.21 The *USSD Report 2009*, with regard to marriage and divorce, stated, "Women can seek divorce for irreconcilable differences and violation of the prenuptial agreement, among other grounds. In a divorce the law provides for the wife to retain the family's home until children reach 18 years of age. Custody of children normally is awarded to the mother, but she may not make decisions on education or take the children out of the country without the father's authorization. In practice more women retained the family's home when they had custody of the children." **[6a] (Section 6)**

Divorce

23.22 The Freedom House *2010 report on Women's Rights in Algeria* stated:

"Retaining polygamy while attempting to accommodate the concerns of women's rights activists may create more problems than it solves. Now that the consent of the first spouse is required, the husband often chooses to divorce the first spouse if she rejects his request for a second wife. If he and the first wife were childless or if their children are adults, the divorced wife has no right to the marital home or alimony. Consequently, women over the age of 60 increasingly find themselves divorced and homeless as their ex-husbands take new wives…

"While men may initiate divorce without explanation, women filing for divorce must generally cite one or more of 10 specific reasons, such as abandonment for a year without justification. Should a woman wish to initiate a divorce for other reasons, her only option is khula, the traditional Islamic practice that permits a woman to unilaterally initiate divorce if she pays the husband a sum of money…

"Article 72 of the family code guarantees that, upon divorce, women who retain primary custody over their children will receive proper housing. This is a major improvement from the 1984 code, under which men kept the marital home upon divorce, often forcing divorced women and their children onto the streets. However, because of the current housing crisis, many judges allow divorced men to keep the house if they offer equivalent funding to their ex-wives and children. Consequently, unemployed men or those with low incomes provide too little money to allow their ex-wives and children to find decent housing." **[29d] (Autonomy, security and freedom of the person)**

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Divorced and single women

23.23 With regard to single and divorced women, the Freedom House *2010 report on Women's Rights in Algeria* noted:

"Single and divorced women are increasingly marginalized by society. A 2006 nationwide survey showed that 55 percent of the sample of women (whose average age was 33) were single, 36 percent were married, 6 percent were widows, and 3 percent were divorced. Consequently, becoming someone's second wife is an increasingly attractive option when the alternative is to remain single. The supporters of polygamy argue that because most people who disappeared during the Black Decade were men, there are more women than men of marrying age.

"…Divorced or single women who migrate inside the country to work in the private sector often suffer from patriarchal prejudices, which label them as immoral.

"…Single women, whether divorced, widowed, or never married, are the most common victims of harassment.

"…Women who remarry after divorce lose custody of their existing children." **[29d] (Autonomy, security and freedom of the person and Economic rights and equal opportunity)**

23.24 On 13 February 2008 the UN Human Rights Council, in its *Report of the Special Rapporteur on violence against women, its causes and consequences,* noted:

"There are also a substantial number of unmarried single mothers, with around 3,000 children born outside marriage annually. A strong stigma is attached to these women and their offspring. Unmarried single mothers are often rejected by their own families and have to endure immense social pressure… Children born outside marriage also face problems throughout their lifetime, especially since they are registered and identified as such in official documents. In such cases, girls are confronted with intersecting layers of discrimination based on their legal status and sex. " **[35b](p13)**

23.25 The report continued:

"Unmarried women who choose to deliver their babies will usually try to hide their condition. Hospitals make special arrangements allowing single mothers to check in from the seventh month and give birth anonymously. In the past, single mothers were usually encouraged to give up their children into kafala arrangements. Recently, the Ministry of National Solidarity took the decision to actively encourage single mothers to keep their children. While they receive some help, State support for single mothers is overall still insufficient. For instance, single mothers do not receive preferential access to subsidized State housing, even though they can often neither return to their families nor find private housing." **[35b] (p14)**

23.26 The Freedom House *2010 report on Women's Rights in Algeria* noted, "Mothers who have children out of wedlock are vulnerable to poverty and social prejudices. In most cases they are rejected by their families, and they do not benefit from any preferential access to subsidized housing. The few organizations that offer single mothers material help and legal counselling often treat them as 'sinners' who must be morally re-educated." **[29d](Social and cultural rights)**

Freedom of movement

23.27 The Freedom House *2010 report on Women's Rights in Algeria* noted:

> "Women are permitted to travel freely, and freedom of movement for all Algerians has appreciably improved in the past 10 years. Algerian women are able to obtain their own passports and leave the country without their husbands' permission, but a woman cannot leave with her children without authorization from the husband. Moreover, female workers who migrate within the country to find a job or women who travel alone sometimes face condemnation, particularly in the rural areas." **[29d] (Autonomy, security and freedom of the person)**

See sections on Freedom of movement and Exit and Return

Reproductive rights

23.28 The Freedom House *2010 report on Women's Rights in Algeria* observed:

> "Algerian women are generally able to make independent decisions regarding their health care and reproductive rights. Married women may receive free contraceptives in public hospitals, and, due to the increased use of contraceptives and the rise in the average age of marriage, fertility rates have dropped from 2.7 births per woman in 2000 to 2.4 in 2007… Algerians have enjoyed free, universal health care since 1974, and the rate of births attended by skilled medical professionals increased from 77 percent in 1992 to 95 percent in 2006. In spite of this, the rate of maternal mortality remains high in certain areas, especially in the southern provinces. According to a 2006 survey, only 30.6 percent of mothers benefit from postnatal care." **[29d](Social and cultural rights)**

Abortion

23.29 On 13 February 2008, the UN Human Rights Council in its *Report of the Special Rapporteur on violence against women, its causes and consequences* noted, "Women who are pregnant outside marriage will very often opt for an abortion. Since Algerian law only permits abortions under very narrow circumstances, women have to risk dangerous clandestine abortions. Estimates on the number of clandestine abortions vary widely, but the authorities acknowledge that several dozen deaths result from unsafe clandestine abortions every year." **[35b] (p14)**

23.30 The Freedom House *2010 report on Women's Rights in Algeria* added:

> "Abortion is illegal under Articles 304–313 of the penal code, but public health legislation provides exceptions for cases where the mother's physical or mental health is seriously jeopardized. Separately, a 1998 fatwa (religious opinion) by the High Islamic Council, an official advisory body, allowed women who had been raped by armed groups to resort to abortion. According to gynaecologists and women's rights groups, who would prefer that the issue of abortion be addressed publicly, many women undergo illegal, clandestine abortions. This is due to the limited circumstances under which abortion is legal as well as the shame attached to abortion and pregnancy out of wedlock." **[29d](Social and cultural rights)**

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Women and work

23.31 The *USSD Report 2009* noted that:

> "In urban areas there was social encouragement for women to pursue a higher education or a career. Girls graduated from high school more frequently than boys. According to 2006 official statistics, females represented 60 percent of the medical profession, 55 percent of the media profession, 30 percent of the upper levels of the legal profession, and more than 60 percent of the education profession. In addition, 36 percent of judges were women. Women served at all levels in the judicial system, and female police officers were added to some precincts to assist women with abuse claims. Of the 8.7 million workers, 1.5 million were female, representing only 18 percent of the workforce. Women may own businesses, enter into contracts, and pursue careers similar to those of men." **[6a] (Section 6)**

23.32 However, the report went on to say, "Despite constitutional and legal provisions providing gender equality, in practice, women faced discrimination in employment. Leaders of women's organizations reported that discriminatory violations were common." **[6a] (Section 6)**

23.33 A caption attached to a photograph with an article written for Common Ground News and dated 27 April 2009, accessed on Worldpress.org, noted that "A total of 490 policewomen graduated to join traffic and anti-crime units during a graduation ceremony held in Algiers on Oct. 16, 2008." **[53a]**

23.34 On 13 February 2008 the UN Human Rights Council, in its *Report of the Special Rapporteur on violence against women, its causes and consequences,* noted:

> "Women in Algeria are legally entitled to work in all professions, but despite their levels of education they are still highly underrepresented in the labour market. According to a 2006 National Survey on Women's Socio-Economic Integration, only 18.7 per cent of women are employed.
>
> "Gender stereotyping assigns reproductive and domestic work exclusively to women and thereby constrains women's socio-economic and political empowerment. Married women in particular are generally expected to pursue only professions that do not interfere with 'their' domestic responsibilities. Many married women drop out of the labour force altogether. The 2006 Survey revealed that almost half of all married women with employment in the private sector stopped working when they got married. The marriage-related dropout rate for the public sector was 16.3 per cent.
>
> "Mobbing and also sexual harassment (see below) by male colleagues and supervisors are also important factors discouraging women from pursuing a professional career.
>
> "Three out of every five employed women (60 per cent) work in the public sector. Educated middle-class women, for instance, are highly represented in the judicial, public health and education sectors. According to the 2006 National Human Development Report, women make up 50 per cent of teachers, 53 per cent of doctors and 34 per cent of magistrates. While paying lower salaries than the private sector, public employers are usually more willing to accommodate the social constraints with which professional women have to grapple. One local police commander, for instance, informed me that he allowed married female police officers to leave two hours early

during Ramadan to prepare the evening meal - a concession that he justified as 'a temporary special measure to accelerate gender equality under Article 4 of CEDAW'.

"In the private sector, on the other hand, most women work in unregulated and low-paying informal sector jobs. Women in the formal private sector often hold precarious, short-term contracts.

"A mere 4 per cent of all business owners are women. Women make up only 17.5 per cent of the beneficiaries of the Government's micro enterprise support programme. They are more likely to benefit from a parallel programme providing much smaller micro credit loans (64.9 per cent female recipients)." **[35b] (p11)**

23.35 The Freedom House *2010 report on Women's Rights in Algeria* noted:

"Women are present in all sectors of employment, and some even work as taxi drivers, policewomen, or members of the military. However, most employed women work in health care, education, or the legal field…

"Women also tend to limit their employment options to those located near their parents or husband. It is socially acceptable for female civil servants to move within Algeria for work-related reasons because the government is considered a reliable guardian. However, divorced or single women who migrate inside the country to work in the private sector often suffer from patriarchal prejudices, which label them as immoral. These stereotypes, combined with the resentment toward female employment that comes with the high rate of unemployment among men, limits the actual freedom of movement of women in search of economic opportunity." **[29a] (Economic rights and equal opportunity)**

23.36 The report continued:

"Article 84 of the employment code of 1990 guarantees equal pay for men and women who have equal qualifications and perform equal tasks. The code outlaws all forms of gender-based discrimination in employment contracts. Employers in both the private and public sectors are bound to provide three months of paid maternity leave, two hours per day for breastfeeding, and retirement benefits. Women are eligible for retirement at age 55, compared with 60 for men. Women can also receive one year of early retirement for each child (up to three children) that she raised for nine years… Less than 30 percent of women interviewed opposed the idea of working, suggesting that most women would be interested in employment if they had the opportunity. The women surveyed identified several factors that deterred them from pursuing or maintaining employment, including transportation problems, family pressure, wages, child care obstacles, discrimination, and sexual harassment." **[29a] (Economic rights and equal opportunity)**

23.37 The UN Committee on Economic, Social and Cultural Rights (CESCR), *Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant : concluding observations of the Committee on Economic, Social and Cultural Rights : Algeria,* published 7 June 2010, noted, "The Committee, despite the general decrease in unemployment, notes with concern the high level of unemployment among women (Office of National Statistics 2009 figure: 18.1 per cent)". **[18d] (Principal subjects of concerns and recommendations)**

23.38 Magharebia, in an article called *Algerian women expand business opportunities*, dated 19 December 2010, reported:

"Only a short time ago, commerce in Algeria was an almost exclusively male activity. Where once it was rare to encounter even a female sales assistant, today it is a common sight to see women-run businesses.

"'The situation in Algeria has changed rapidly, much faster than was expected, in fact. All the stereotypes we held have now disappeared,' Nasreddine Hammouda, a statistician at the Centre for Research into Applied Economics (CREAD) told Magharebia…

"A study by the National Business Register Centre (CNRC) released in March 2010 confirmed the growing number of women in business. In 2009, the number of women retailers had reached 113,543, compared to 105,255 at the end of 2007. Businesswomen now make up 8.4% of all retailers. Nearly 97% of those women work alone while there are 3,728 women-owned corporations in Algeria." **[32k]**

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VIOLENCE AGAINST WOMEN

23.39 The Amnesty International report *A Legacy of Impunity: A threat to Algeria's future*, published 30 March 2009, stated:

"While the whole of Algerian society has been affected by the violence that engulfed the country in the 1990s – and continues to suffer as a result of the authorities' failure to adequately address the legacy of the conflict and provide victims and their families with access to truth, justice and reparation – women have endured and continue to endure gender-specific abuses. Women have also suffered in the past and are suffering today disproportionately from abuses committed by state and non-state actors in a climate of impunity for perpetrators. Their struggle is compounded by the fact that the authorities not only fail to comply with their obligations under international law to protect their right not to be subjected to torture and their right to life and security, but also rarely provide women victims of human rights abuses with adequate care and redress." **[26e]**

23.40 The report continued:

"The women who suffered sexual and other violence by members of armed groups have been particularly let down by the authorities. Most continue to suffer the physical and mental trauma generated by their ordeals. Social ostracism has often added to their woes because of the stigma associated with rape, including rejection by the husband and family. As a result, many women have not made official complaints or have kept their experience secret. Even in cases where official complaints have been made, little efforts have been done to hold those responsible to account.

"The Algerian authorities have recognized that rape occurred during the conflict, but to Amnesty International's knowledge, virtually no members of armed groups have been prosecuted for rape. In a welcome move, the authorities excluded from the 1999 and 2006 amnesty measures members of armed groups responsible for rape, although they never confirmed that those responsible for rape had actually been denied an amnesty. The speed by which members of armed groups were granted amnesty upon surrender

or released in cases of those convicted or imprisoned for terrorism-related charges, suggest that no thorough investigations were conducted to determine their eligibility and ensure that no members of armed groups who committed rape were immune from prosecution." **[26e]**

23.41 On 13 February 2008 the UN Human Rights Council, in its *Report of the Special Rapporteur on violence against women, its causes and consequences,* noted:

"Violence against women, despite its prevalence, remains one of the most invisible human rights violations in Algeria, although State institutions have begun to acknowledge and address the issue. In this regard, the National Strategy to Combat Violence against Women, developed by the Delegate Minister for the Family and the Status of Women in consultation with other stakeholders, is a most promising initiative since it emphasizes a multi-pronged approach based on a human rights and empowerment perspective. At the time of my visit, the endorsement of the National Strategy by the Cabinet was still pending. The full implementation of the National Strategy, which will also imply serious resource commitments, will enable the Government to address many of the problems outlined in this report.

"In 2006, The Delegate Minister for the Family and the Status of Women commissioned a national survey on violence against women, based on interviews with a sample of 2,043 women aged 19-64 years. The survey found that women are most likely to be subjected to violence within the family and it revealed significant prevalence rates. One in 10 women living with their husband or partner reported to be subjected 'often' or 'daily' to physical violence such as beatings, locking in or ejecting into the street during the last 12 months prior to the survey. One in three women (31.4 per cent) reported to have been regularly subjected to threats of physical or emotional violence in the same period.

"According to the survey, women who are divorced, widowed or separated from their husbands are particularly likely to become victims of violence at the hands of both in-laws and blood relations. Deprived of the husband's support in the family structure, these women often find themselves in a particularly precarious situation.

"The survey also showed that women with less education or poor women were more likely to suffer violence and thereby underscored the fact that women's educational and socio-economic empowerment must form an integral part of any strategy to combat violence against women.

"Only a small proportion of all violence committed against women in the family is reported to the authorities. The prevalence rates found in the 2006 National Survey would indicate that there are about 500,000 women in Algeria who experience physical abuse on a regular or even daily basis. This figure sharply contrasts with the comparatively low number of cases registered by the judicial authorities. According to information received from the Government, 17,383 cases of physical abuse of women reached the authorities during the course of 2006." **[35b]**

23.42 The UN Committee on Economic, Social and Cultural Rights (CESCR), *Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant : concluding observations of the Committee on Economic, Social and Cultural Rights : Algeria*, published 7 June 2010, noted, "The Committee is concerned that violence against women, including spousal abuse, continues to be a widespread problem in the

State party. The Committee is also concerned that domestic legislation does not contain specific provisions prohibiting and criminalizing domestic violence, including marital rape, and that corporal punishment of children within the family and alternative care settings is not prohibited." **[18d](Principal subjects of concerns and recommendations)**

23.43 Magharebia, in an article called *UN gender official visits Algeria*, dated 18 November 2010, reported:

"UN Special Rapporteur on gender-based violence, Rashida Manjoo, is visiting Algeria through Saturday (November 20th)[2010] to meet with women in cities across the country. Manjoo plans on meeting with senior officials and producing a report on instances of violence against women.

"The rapporteur said this week that the Algerian government has met its international obligations to secure women's rights, but there are a number of areas that need improvement.

"The preliminary report praised the mechanisms adopted by Algeria to reduce violence and discrimination against women. Manjoo recommended elevating the minister delegate in charge of family and women's issues to a ministry itself. She also welcomed the initiative establishing a Centre for Studies on Women, Family and Children.

"However, the UN official stressed the lack of a dialogue between government and civil society, in addition to the absence of accurate statistics about the cases of violence against women. The report will be discussed at the UN Human Rights Council meeting in Geneva in July 2011.

"The UN visit was based on a report of dozens of violent attacks on female workers in Hassi Messaoud over the past year, according to working women's organisations chief Khalfa Fadhila. There were also reports that some 300 heavily armed men attacked and burnt a group of women.

"The special rapporteur visited the region along with a representative of Human Rights Watch in order to probe the circumstances surrounding the 2001 attacks. Manjoo said she 'obtained conflicting information during the visit', adding that there will be a thorough investigation.

"Manjoo also met with Minister Delegate for Family Affairs Nouara Djaafar who presented the policy of Algeria to combat violence against women. The minister claimed that during the last two years there has been a decrease in violence. Nevertheless, she emphasised the need to involve other ministerial sectors and civil society and work to minimise the phenomenon.

"'Based on a study of violence against women carried out by the ministry in 2009 on a sample of 2,000 families, only two out of 10 Algerian women have been subjected to violence,' Djaafar said. 'Algeria is ranked among the least prevalent countries of the phenomenon of violence against women.'

"Messoudane Kheira, head of the Children Protection Office in the Public Directorate of Security, said that physical assaults were at the forefront of forms of violence against women with 4,191 victims, followed by ill-treatment with 1,313 victims, and sexual

violence with 186 victims. Seventy-four cases of sexual harassment were recorded, in addition to five murders.

"However, the Algerian organisation Wassila ('means'), reported significantly higher numbers, with 7,419 women victims of violence. The group's numbers on sexual violence and other crimes were also higher than official statistics. Wassila even reported cases of honour killings as well as burns and severe beatings resulting in death."**[32j]**

23.44 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, noted, "Algerian law does not yet fully recognise women's rights, including protection against sexual harassment in the workplace, marital rape and domestic violence, none of which is yet criminalised." **[5c](Human Rights Concerns)**

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Sexual violence

23.45 The *USSD Report 2009* stated that:

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

"Spousal abuse occurred. The penal code states that a person must be incapacitated for 15 days or more and present a doctor's note certifying the injuries before filing charges for battery.

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

"Although police stated that violence against women was widespread in large cities, a March 2007 study published by the National Institute of Public Health (INSP) showed that violence against women was more frequent in rural areas and among the less-educated; however it was less likely to be reported in such cases because of societal pressures." **[6a] (Section 6)**

23.46 The Amnesty International Report *A Legacy of Impunity: A threat to Algeria's future*, published 30 March 2009, stated, "Despite long-standing calls and campaigning by women's rights groups, there is an absence of legislation to adequately address violence against women, including rape. Under Algerian law, rape is punishable by up to 10 years' imprisonment, but it is not defined. Forms of sexual violence other than rape

are not defined either by the Algerian Penal Code, but can be considered under indecent assaults." **[26e]**

23.47 The Freedom House *2010 report on Women's Rights in Algeria* added:

"Article 336 of the penal code does not specifically define the crime of rape. The French version of the code uses the word viol (rape). However, the Arabic text uses the phrase hatk al-'ardh (attack on the honor) rather than the more explicit ightisab (rape). This alters the character of the crime from a violent sexual offense against an autonomous individual to an offense that primarily affects family honor. Consequently, if the victim is not married, the rapist may avoid punishment by marrying her and expunging the dishonor. In keeping with this view of women's autonomy, spousal rape is not outlawed." **[29d] (Autonomy, security and freedom of the person)**

23.48 The same report continued:

"The government must protect all persons under Article 24 of the constitution, and security has significantly improved in the past 10 years. Nonetheless, women remain vulnerable to different forms of violence. Domestic abuse is not specifically prohibited by law, and because society considers it a private matter, it remains difficult to combat. As one women's rights activist put it, within the private sphere of the home, 'women escape the protection of the law and men escape the sentence of the law.' A national survey commissioned in 2006 by the Ministry in Charge of the Family and Women's Affairs found that some 10 percent of the female respondents were exposed 'daily' or 'often' to physical abuse, while 31.4 percent were regularly exposed to threats of violence. However, these figures are generally considered to be much lower than the actual incidences of domestic violence and threats. Women tend to avoid reporting abuse or going to court for fear that they will incur further violence or face hostile judges. According to one lawyer, a specialist in domestic violence, victims 'are attacked twice, one time by their husband and another time by the judge.'" **[29d] (Autonomy, security and freedom of the person)**

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Homeless women

23.49 On 13 February 2008 the UN Human Rights Council, in its *Report of the Special Rapporteur on violence against women, its causes and consequences,* noted:

"The dire situation of street women and their children in Algeria is a matter of grave concern… Their plight is strikingly visible in the big cities, especially at night. While some street women may be migrants from rural areas, women very often end up in the streets due to the violence and oppression they experience in the family. Their very living conditions on the streets must be seen as a form of violence.

"While the 2005 Family Code grants women with children a right to housing, humanitarian organizations are still confronted with cases of divorced women with and without children who end up in the streets. SOS Femmes en Détresse has estimated that at least 540 more women ended up on the streets in 2006 alone.

"These organizations also note an increasing number of girls and unmarried women, who were ejected or fled from their homes and now live on the street. The ejection may

occur to punish women and girls who are perceived to have violated the family honour, including young women, who become pregnant outside marriage or engage in relationships that are not approved by the family. A rupture in the family structure (e.g. if one parent dies and the other remarries) can also trigger family conflicts that ultimately result in the ejection of the most vulnerable family member. Finally, there are many cases, where the ejection stands at the end of a long history of physical or sexual abuse in the family circle.

"The ejection of women and girls into the streets must be seen as a particularly egregious form of violence against women in the Algerian context, because it usually has dire consequences for the victims, as it involves various forms of abuse and exploitation. In some cases ejection has also led women into prostitution. The police and other authorities regularly pick up street women and girls and drop them off in temporary shelters, but the authorities largely fail to offer long-term programmes to support them financially, legally and socially, and reintegrate them." **[35b] (p19)**

23.50 A report by Magharebia on 18 June 2008 stated that homeless marriages had multiplied in recent years, and whole families had been started on the street; and that according to government figures there were 31,200 homeless individuals in Algeria as of May 2008, 9,000 of which were women, including single mothers. The government was setting up five public reception centres in the main capital of each of the five regions, which will receive emergency homeless cases with no domicile, where they can receive help. **[32b]**

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For information on trafficking of women, see section Trafficking

SHELTERS AND ASSISTANCE FOR WOMEN

23.51 The UN Human Rights Council, in its *Report of the Special Rapporteur on violence against women, its causes and consequences,* dated 13 February 2008, stated:

"There is a serious lack of specialized shelters for women facing violence or oppression in the family. Although women's shelters do not offer a long-term solution, they provide an indispensable interim protection for women who need to escape violence and oppression at home, but have nowhere else to go.

"At the time of my visit, the responsible Ministry of National Solidarity operated only one shelter exclusively for women victims of violence and oppression. The National Shelter in Bou Ismail (wilaya of Tipaza) was initially established for young women and girls exposed to violence during the black decade. With a mandate to accommodate women from all over Algeria, it has a capacity for only 24 women. During my visit, construction was ongoing to expand the shelter so that it would also be suited to accommodate women with children. In addition, the Ministry has plans to open a second women's shelter in Tlemcen.

"The non-governmental organizations S.O.S. Femmes en Détresse and RACHDA, relying on international and private donations, also operate women's shelters in Algiers. At the time of my visit, other non-governmental organizations were in the process of gathering funds for additional shelters.

"Due to the lack of an adequate number of women's shelters, women who seek State protection are often directed to institutions that do not have the expertise and specialization necessary to address the needs of women victims of violence. These include homes for the elderly and homeless, and Diar Rahma institutions. During the course of my mission, I visited the Diar Rahma in Constantine and Oran. Apart from women facing violence or family exclusion (including single mothers), both Diar Rahma accommodated a wide range of persons in need of State support, including mentally or physically disabled persons. Both institutions placed a heavy emphasis on reconciliation with the family or husband as a long-term solution for women who had experienced domestic violence. Conversely, the two specialized women's shelters visited had established vocational training programmes to provide women with alternatives to a return to the environment from which they had escaped.

"At all protective institutions visited, I learned to my distress that men regularly approached these institutions in search of suitable wives. Staff allowed or even arranged match-making meetings with women in their care. While acknowledging the obvious risks associated with relationships formed under these circumstances, staff in charge explained that many of the women in their care actively sought marriage as a means to leave the shelter and avoid the difficulties experienced by women living on their own. Although I was assured that the institutions carefully vetted the male suitors before facilitating a marriage, it is questionable whether such efforts can successfully prevent re-victimization." **[35b] (p17-18)**

23.52 The Amnesty International Report *A Legacy of Impunity: A threat to Algeria's future*, published 30 March 2009, stated:

"Non-governmental organizations offer medical and psychological assistance to a limited number of individual women, but do not have adequate resources to help the hundreds of women and girls in desperate need of assistance. The lack of such provisions is especially worrying in Algeria, where survivors of rape are forced to deal not only with the trauma caused by the crime, but also with the associated social shame and stigma. Many of the women survivors of rape live in rural and socially conservative areas of the country, compounding the problem. Others, who have been rejected by their families or have left their homes for fear of stigmatization, are homeless and jobless." **[26e] (Impunity for abuses committed by non-state actors)**

23.53 The Freedom House *2010 report on Women's Rights in Algeria*, noted:

"Because domestic violence is no longer considered a taboo subject, the government has launched a national strategy aimed at combating the problem and consolidating initiatives taken by various domestic civil society organizations. The Ministry of National Solidarity and Family operates the National Shelter, a home for female victims of domestic violence located in Bou Ismail. Nongovernmental organizations (NGOs) such as SOS Women in Distress and RACHDA also operate shelters in Algiers, but they rely mostly on international and private donations for funding, and their capacity is limited. The Wassila Network provides assistance to victims of domestic violence by offering judicial and psychological counselling. Women's rights groups emphasize the importance of defining psychological and verbal violence in addition to physical abuse, in conformity with the Arab Human Rights Charter." **[29d] (Autonomy, security and freedom of the person)**

23.54 The *USSD Report 2009* highlighted four Non Governmental Organisation groups that provided assistance to women:

"During the year local women's NGOs, including SOS Femmes en Detresse, the Wassila Network and Bent Fatma N'Soumer, spoke out against violence in the family. SOS Femmes en Detresse and Wassila Network provided judicial and psychological counselling 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 centres run by women's groups operated, but they had few resources. The Working Women section of the General Union of Algerian Workers (UGTA) established a counselling centre with a toll free number for women suffering from sexual harassment in the workplace. The call centre did not operate during most of the year due to budget constraints. SOS Femmes en Detresse operated one call centre in Algiers and a second call centre in Batna. During the first eight months of the year, the Algiers call centre received 2,533 calls; the Batna call centre received 1,340 calls…

"The punishment for sexual harassment is one to two years' imprisonment and a fine of 50,000 to 100,000 dinars ($695 to $1,390). The punishment is doubled for a second offense. The police stated that 107 sexual harassment cases were reported to the police in 2008. The INSP reported that 50 sexual harassment cases were brought to court in 2007. The majority of reported cases of harassment occurred in the workplace. SOS Femmes en Detresse provided legal advice and counselling to 640 women. During 2007 at least 500 women sought legal advice from the organization. However, the majority of women seeking assistance did not file formal complaints." **[6a] (Section 6)**

23.55 The Women's International League for Peace and Freedom (WILPF) website: contains details of nine Non Governmental Organisations that exist in Algeria to assist women. **[4]**

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24. CHILDREN

This section should also be read in conjunction with Women, particularly with regard to the treatment of girls.

OVERVIEW

24.01 Algeria has signed (26 January 1990) and ratified (16 April 1993) the UN Convention on the Rights of the Child. (UN Treaty Collection, accessed 4 January 2010) **[9b]** The most recent concluding observations on Algeria by the Committee on the Rights of the Child are dated 12 October 2005. **[52a]**

24.02 UNICEF's background information covering Algeria, updated 19 July 2010, summarised the issues facing children in Algeria:

- "The nutritional status of young children has not improved since 2002.
- A study conducted by the Ministry of Education in collaboration with UNICEF revealed that corporal punishment is still commonly practiced in schools. Violence in schools is associated with learning difficulties and early dropouts.

- School completion rates are declining. In 2005, some 500,000 teens dropped out.
- A recent study on child labour revealed that more than a quarter of children are working. Many rural children work with their parents.
- It is estimated that 1 out of every 20 children abuses tobacco, alcohol or drugs.
- Institutional challenges in departments such as the Ministries of Health and Education have hampered the implementation of some initiatives for children. Ambitious plans to introduce maternal care and universal education for girls and boys have yet to be fulfilled." **[52a]**

24.03 However, the same report highlighted recent achievements:

- "Infant and maternal mortality rates continue to decline. Mothers and children now enjoy wider access to medical care and improved services.
- Immunization coverage against the primary childhood diseases is above 80 per cent.
- UNICEF and its partners are promoting water conservation in arid regions, including the Tindouf refugee camps.
- Significant strides have been made to ensure that girls realize their right to an education. In the last few years, almost two thirds of high-school diploma candidates were girls.
- UNICEF and the Ministry of Education have developed a new national policy that will create early childhood education programmes for children from ages three to six.
- The "Child-Friendly Schools" initiative has been launched in some 40 schools. These schools aim to provide a stimulating, healthy and supportive environment for learning.
- Some 650 educators have attended training sessions on strategies for preventing violence in schools.
- With UNICEF support, the Ministry of Family and Women has developed a National Plan of Action for women and children affected by violence. Standard procedures and a reliable support system have been created to respond more effectively to individual cases.
- UNICEF is assisting the Ministry of Justice in the implementation of a new Child Protection Code.
- Algerian National Radio has partnered with UNICEF to promote the rights of children, support national literacy campaigns and develop teaching and training materials for Saharawi refugee women." **[52a]**

24.04 The United States Department of State *Country Report on Human Rights Practices 2009, Algeria (USSD Report 2009)*, published 11 March 2010, noted:

"The government was generally committed to protecting the welfare, rights, health, and education of children. Child abuse is illegal but continued to be a problem. NGOs that specialized in the care of children cited continued instances of domestic violence against children, which they attributed to the 'culture of violence' developed since the civil conflict of the 1990s and the social dislocations caused by the movement of rural families to the cities to escape terrorist violence. Experts assumed that many cases went unreported because of familial reticence." **[6a] (Section 6)**

24.05 The same report continued:

"The government provides free education for children through high school. Education is compulsory until the age of 16 years. According to a study by the Office of National Statistics released in 2008, 96.5 percent of children attended primary school, while 62.8 percent of children attended middle and secondary school. The study noted that a child entering primary school has a 93 percent chance of reaching the last year of primary education. Boys and girls generally had the same access to education. Girls from rural areas were slightly more prone to leave school because of familial financial and cultural reasons, while sons were often given educational priority." **[6a] (Section 5)**

24.06 UNICEF's background information on Algeria, updated 19 July 2010, stated data gathered in 2008 revealed that 11,712,000 [around a third] of the population were aged under 18, with 3,328,000 of those under five. **[52a]**

24.07 A 1 February 2007 article on the United Nations News Centre detailed a United Nations' independent human rights expert's fact finding mission in which she stated that "the Government … deserved praise for achieving equal access for boys and girls to all levels of education 'in little more than one generation,' with girls now numerically over-represented in secondary schools and universities." **[55a]**

Basic legal information

24.08 The basic facts on children included:

- Education – Free and compulsory to 16 years. (USSD Background Note on Algeria, 2 August 2010) **[6b]**
- Minimum age of employment – 16 years except for apprentice positions. (USSD Report 2009) **[6a] (Section 6d)**
- Minimum age for marriage 19 for both sexes. (The 1984 family code was amended on 22 February 2005). (The Freedom House 2010 report on *Women's Rights in the Middle East and North Africa 2010 – Algeria*, dated 3 March 2010) **[29b]**
- Minimum age for criminal responsibility – 13. (International Juvenile and Related Values, accessed 29 November 2010) **[14]**
- The age of majority in criminal proceedings -18 years. (Committee on Rights of the Child, Summary record of 387th Meeting, 29 May 1997) **[35e] (para 17)**
- The age of consent for male/female sex in Algeria - 16. (Nationmaster.com, accessed 30 November 2010) **[13]**
- Universal suffrage – 18 years (CIA World Factbook updated 16 November 2010) **[2a]**

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LEGAL RIGHTS

Judicial and penal rights

24.09 In a briefing report to the African Commission on Human and People's Rights (ACHPR), dated 26 November 2007, the CRIN (Child Rights Information Network) stated:

"Under Algerian law, capital punishment is not applicable to minors aged 13 – 18. Article 50 of the Criminal Code provides that 'should it be decided that a minor aged between 13 to 18 years must be given a criminal sentence, the penalties shall be handed down as follows: if the penalty is death or life imprisonment, he shall be sentenced to 10 to 20 years imprisonment.'

"Article 456 of the Criminal Procedure Code provides that 'an offender who is not over 13 years of age may not, even temporarily, be held in a penal institution. An offender aged 13 to 18 may not be held temporarily in a penal institution unless the measure appears to be absolutely necessary or no other arrangements can be made. In such a case, the minor shall be held in special quarters or, alternatively, in an area where he will as much as possible be in isolation at night'." **[34b]**

24.10 The UN convention on the Rights of the Child (UNCRC) in its consideration of reports submitted by state parties, published 12 October 2005, concluded that:

"While noting that the Algerian Constitution and domestic laws are based on the principle of non-discrimination, the Committee expresses its concern at the lack of concrete implementation measures, policies and programmes to promote equality and tolerance in society. The Committee is concerned at the persistent de facto discrimination faced by girls, children with disabilities, children living in poverty, children born out of wedlock, children in conflict with the law, street children, children living in rural areas and Western Saharan refugee children." **[54a] (concluding observations para 26)**

24.11 Magharebia reported on 29 December 2009 that "The authorities are drafting laws to better resolve legal conflicts involving minors." The article went on to say:

"Algeria is developing legislation that would shift the focus of the juvenile justice system from prosecution to protection, particularly by exempting children under 10 from criminal charges.

"'The Ministry of Justice will soon refer the draft law on child protection to the government,' the head of the Ministry of Justice's section for juvenile justice, Judge Meriem Charfi, told participants in a December 12th-15th course for judges and directors of youth rehabilitation institutes.

"The new law sets the age of criminal responsibility for children at 10 years, the judge said at the event, in which over 26 judges took part. She added that current laws 'don't include a minimum age' in that regard…The new legislation 'aims at moving childhood from the criminal judicial system to a reform-oriented educational system' by protecting and re-socialising children, the director general of the Prison Department, Moukhtar Flion, told participants in the course." **[32d]**

See also Section 27 Freedom of Movement

VIOLENCE AGAINST CHILDREN

24.12 The *USSD Report 2009* noted, "NGOs that specialized in the care of children cited continued instances of domestic violence against children, which they attributed to the 'culture of violence' developed since the civil conflict of the 1990s and the social dislocations caused by the movement of rural families to the cities to escape terrorist violence. Experts assumed that many cases went unreported because of familial reticence." **[6a] (Section 5)**

24.13 Magharebia, in a report of 22 November 2010 called *Algeria confronts child abuse crisis,* noted, "Algeria marked World Day of Children's Rights with an Algiers forum… National Foundation for Health Promotion and Research Development (FOREM) chief Mustapha Khiati told attendees that approximately 10,000 cases of child abuse are recorded every year in Algeria. According to Khiati, the number could be as high as 50,000, since many cases go unreported. He called on citizens to end their 'passivity' regarding the crisis." **[32i]**

24.14 A document released by the Child Rights Information Network (CRIN) on 1 July 2008 stated that according to a report issued by the Algerian Ministry of Employment and Solidarity in the first four months of 2007, the national police dealt with 516 cases of violence against children, including accidental death, intentional physical injury, sexual violence, kidnapping, murder and rape. According to the report, more than three quarters of child abuse was carried out by parents. **[34a]**

24.15 The UN Committee on Economic, Social and Cultural Rights (CESCR), *Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant: concluding observations of the Committee on Economic, Social and Cultural Rights: Algeria*, published 7 June 2010, noted, "The Committee is also concerned that domestic legislation does not contain specific provisions prohibiting and criminalizing domestic violence, … and that corporal punishment of children within the family and alternative care settings is not prohibited." **[18d] (Paragraph 15)**

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Child labour

24.16 The US Department of Labor's 2008 report on *The Findings on the Worst Form of Child Labor in Algeria*, published 10 September 2009, stated, "Children in Algeria work in agriculture, construction, small workshops, and informal street vending. Children also work as domestic servants; there are conflicting reports on whether some child domestic servants are the victims of trafficking." **[51a]**

24.17 The *USSD Report 2009* stated that:

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

"In 2005 the MOL reported a rate of child participation in the labour force of 0.56 percent. That figure was challenged in 2007 by FOREM, a children's rights watchdog group financed by the EU. According to FOREM, in the eight most populous provinces, 6 percent of children of age 10 years and younger participated in the labour force, while 63 percent of children between the ages of 13 to 16 years participated. The survey found children working a variety of hours in small workshops, on family farms, and especially in informal trades and street vending. During a November 25 conference on children's rights, FOREM representatives stated that there were approximately 300,000 children under 16 years of age working in the country.

"The MOL is responsible for enforcing child labour laws, but enforcement was hindered by a lack of sufficient human resources. In 2006 and 2007 FOREM implemented a public awareness campaign aimed at encouraging children to remain in school until the age of 16, rather than participating in the workforce." **[6a] (Section 6d)**

24.18 UNICEF calculated that in 2008 five per cent of children aged five to fourteen were involved in child labour. **[52a](Algeria country information – statistics).** The methodology for calculation is here.

24.19 The UN Committee on Economic, Social and Cultural Rights (CESCR), *Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant: concluding observations of the Committee on Economic, Social and Cultural Rights: Algeria,* published 7 June 2010, noted, "The Committee is concerned about the high rate of child labour in the country, with estimates that approximately 300,000 children under 16 years of age are working." **[18d] (Paragraph 17)**

See also section on Trafficking

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CHILDCARE AND PROTECTION

24.20 The website, Representing Children Worldwide, stated on its Algeria page, last updated November 2005, that:

"Algeria currently possesses a limited child protection system but is collaborating with UNICEF in expanding it and getting it to meet international norms. The current system is based on a combination of provisions in the Constitution, the Code of the Family and the Penal Code. The Constitution promotes the protection of children and the family in broad strokes while the Penal Code criminalizes the abandonment or neglect of children. The Code of the Family defines the conditions of accepting foster children and gives some rights to children over thirteen, such as the right to decide whether they want to return home from foster care should the parents so request. The Code of the Family also specifies that incompetent parties, including children, must be represented by guardians. Children below the age of sixteen are viewed as lacking the sense to discern and their actions are legally invalid, while the actions of children above that age have limited legal validity." **[63a]**

24.21 In a briefing report to the African Commission on Human and Peoples' Rights (ACHPR), dated 26 November 2007, the CRIN (Child Rights Information Network) stated:

"The family enjoys the protection of the state and the society. Article 65 of the Constitution specifies that 'the law sanctions the duty of parents to ensure the education and protection of their children'. Child custody issues arising in the case of separation of spouses are addressed in articles 62 to 72 of the Family Code. Articles 74 to 80 deal with maintenance and alimony. Any fault or negligence committed by parents with respect to their duty to protect their children is addressed by the Criminal Code in its articles 330 to 332 on family neglect." **[34b]**

24.22 The same source also noted:

"The Family Code stipulates in its article 4 that [the purpose of] marriage…is to start a family based on affection, indulgence and mutual assistance, … to protect children and ensure their proper education (art. 4 and 36 of the Family Code). It is therefore natural for children to live with their parents, except when the primary interest of the child requires or justifies separation. No child may be separated from its family or parents except by judicial decision. Article one of order no 72-03 of 10 February 1972 regarding the protection of the child and adolescent provides that 'minors aged 21 whose health, security, morality or education are compromised or whose living conditions or behaviour are likely to affect their future may be the subject of protective measures and educational assistance'

- "only the children's judge is authorized to take measures to protect and assist children under this law (art. 2 et 3);

- "provisional child custody measures may be taken by the children's judge (art. 5 and 6). These measures may, at any time, be modified or revoked at the request of the minor, the parents, or the Public Prosecutor.

- "At the end of his investigation, the judge shall call the minor and his parents or guardian before him as well as any other person it may be useful to hear" (art. 9). 'He shall try to bring the minor's family to support the measure envisaged'…Children put up for kafala (adoption) enjoy the same benefits as legitimate children." **[34b]**

24.23 The UK Foreign and Commonwealth Office (FCO) stated in a letter, dated 22 September 2002, that "The decision to place a child in a home is made by the authorities concerned when they are abandoned at birth, or by the Infant's judge after an investigation into the situation of the infant." **[5b]**

24.24 The FCO also stated:

"Care homes for lone children are set up and run by the Government. They are regulated by the law, namely Executive Decree No 92-182 of 13 October 1992. Such care homes are intended to upkeep nurslings and only children below the upper limit of compulsory school attendance may be placed in such homes. They take boys and girls. A number of charities also run care homes, such as the Association Algérienne Enfance et Familles d'Acceuil Benevolés. Algerian families often adopt young children from state and charity homes under the Kafala system of adoption under Islamic law. Kafala is widespread in Algeria. But in nearly all cases it concerns babies." **[5b]**

24.25 The FCO letter continued:

"Older children who lack family support are placed in homes by court order or allocated to foster care. The fostering of children is regulated by the law, namely Ordinance No. 72-103 of 10 February 1972 relating to the Protection of Children and Youth. For the purposes of this law infants are defined as being under 21 years of age. The provisions of Ordinance No. 72-103 applies [sic] to those infants whose health, security, morality or education are in danger. As a consequence they are placed under the protection of the State and the Infants Judge is empowered to take all necessary measures. He may decide, depending on the youth's situation, to place him in a specialised centre, a care home, or a vocational centre. He may also entrust a person with the care of the child." **[5b]**

24.26 An article published in Magharebia on 4 July 2008 stated:

"While NGOs work to assist orphans, however, many families who want to adopt children find themselves up against Algerian law and bureaucracy. In Constantine wilaya alone, 300 adoption requests are submitted each year. Only 80 to 100 are granted by the social action directorate. The government wants to be sure that the families who want to adopt children are really able to do so.

"Algerian law allows kafala (care), but the adoptive family is not allowed under any circumstances to replace the biological family in the administrative or legal sense.

"According to Temi Tidafi, who chairs the Algerian Association for Voluntary Foster Families, the Algerian kafala procedure is very rigorous.

"In Algeria, the only authority empowered to oversee kafala procedures is the Director of Social Action, under delegated powers from the wali, Tidafi explains. The child is awarded in kafala after a social inquiry into the applicant family, which has to treat him as their own child. If the identity of the parents is unknown, and the justice minister agrees, the care-giving family may give the child their own family name. All the same, the mekfoul (adopted) child is not their legal offspring and does not have certain rights, such as that to inheritance.

"In Algeria's kafala rules, a change of name is allowable on condition that the child's parents are not known or the biological mother gives written consent for the change of name. This is not the case in other Muslim countries.

"This progress in reforming Algerian law dates back to February 1992 after two years of efforts to convince the High Islamic Council of the need for a fatwa on the matter. The fatwa, which was signed in August 1991, sets a precedent for any amendments made by the government to human rights' laws.

"According to Amar Haouchinie, a researcher in Islamic law, 'Islam has encouraged kafala for orphans and their education. The Prophet spoke of 'kafil' as entering Paradise.'

"But, he added: 'Islam has banned adoption, which consists of taking someone else's child as your own, or enabling him to inherit from you'.

"Under Algeria's kafala laws, an orphan may not enjoy everything that a biological child does, but at least he will have a roof over his head and a family to protect him." **[32a]**

24.27 The Country of Return Information Project *Algerian Country Sheet 2009* reported on information about child shelters:

"Care homes for lone children are set up and run by the Government. They are regulated by the law …Such care homes are intended to upkeep nurslings and only children below the upper limit of compulsory school attendance may be placed in such homes. They take boys and girls. A number of charities also run care homes, such as the Association Algérienne Enfance et Familles d'Accueil Bénévoles…Older children who lack family support are placed in homes by court order or allocated to foster care." **[10] (p71)**

24.28 The charity for orphans, *SOS Children's villages*, gives details on its website, accessed 20 December 2010, of an orphan's village in Draria (originally built following the 1980 earthquake):

"SOS Children's Village Draria is about 13 km south-west of Algiers in the Wilaya (administrative district) of Tipaza. It is located on a 38,000 m² area of land and consists of 11 family houses where up to 105 children can be accommodated…

"An SOS Youth Home is designed to encourage the young people to become independent and to make it easier for them to be integrated into society and the working world. It was opened in 1998 and makes it possible for the young people to prepare for an independent life under the guidance of educators." **[72a]**

EDUCATION

24.29 The *USSD Report 2009* stated:

"The government provides free education for children through high school. Education is compulsory until the age of 16 years. According to a study by the Office of National Statistics released in 2008, 96.5 percent of children attended primary school, while 62.8 percent of children attended middle and secondary school. The study noted that a child entering primary school has a 93 percent chance of reaching the last year of primary education. Boys and girls generally had the same access to education. Girls from rural areas were slightly more prone to leave school because of familial financial and cultural reasons, while sons were often given educational priority. Beginning in the 2006-07 scholastic year, the Tamazight language was taught officially in primary schools, starting in the fourth grade, in 17 predominantly Berber provinces." **[6a] (Section 6)**

24.30 The report added "In urban areas there was social encouragement for women to pursue a higher education or a career. Girls graduated from high school more frequently than boys" **[6a] (Section 6: Women)**

24.31 Europa World online (accessed 6 December 2010) gave the following information:

"Education, in the national language (Arabic), is officially compulsory for nine years between six and 15 years of age. Primary education begins at the age of six and lasts for six years. Secondary education begins at 12 years of age and lasts for up to six years comprising two cycles of three years each. In 2007/08 the total enrolment at primary schools included 95.5% of children in the relevant age-group…In 2007 some AD 126,100m. (10.7% of capital expenditure) was allocated to education and professional training by the central Government.

"There were some 137,803 pupils at pre-primary schools in 2007/08, while 3,942,242 pupils attended primary schools…Most education at primary level is in Arabic, but at higher levels French is still widely used. In mid-2003 the Government agreed to permit the use of the Berber language, Tamazight, as a language of instruction in Algerian schools…

"In 2007/08 the number of students receiving higher education (including post-graduate) was estimated at 999,690 . In addition to the 27 main universities, there are 16 other centres universitaires and a number of technical colleges." **[1a] (Directory: Society and Media - Education)**

24.32 The CRIN briefing note to the ACHPR of 26 November 2007 stated:

"The concentration of the population in the more prosperous northern part of the country is such that the distribution of pupils is unequal. The situation is similar with respect to teachers, who are more numerous in certain areas and lacking in others. The school mapping exercise is aimed at remedying the unequal distribution of the student and teacher populations.

"As for boarding schools, they number 27, with 3,000 girls and boys aged 6 to 12 at the primary level, 23,350 in middle school and 53,048 in secondary school. These boarding schools were established for the benefit of children living in the remotest areas, especially girls, to prevent high drop-out rates, as well as for the children of nomads in the Sahara regions and orphans who have not found foster homes. All the operating costs of the boarding schools are borne by the state authorities. Further, there is a school transport system covering a large number of towns and villages, especially the remotest. This system, initiated by the public authorities, benefits 884 communes which have 1,300 buses". **[34b]**

24.33 The UN Committee on Economic, Social and Cultural Rights (CESCR), *Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant: concluding observations of the Committee on Economic, Social and Cultural Rights: Algeria*, published 7 June 2010, noted:

"The Committee is concerned that there are regional disparities in access to education and enrolment rates, that in the most populated wilayas the student-to-teacher ratio is very high – sometimes up to 40 students per class, and that the State party's educational system is characterized by a high school dropout rate (less than 50 per cent of primary school students go on to the secondary level, and only 12 per cent of the primary school students obtain a higher educational degree)." **[18d] (Paragraph 21)**

24.34 The Freedom House *2010 report on Women's Rights in the Middle East and North Africa 2010 – Algeria*, dated 3 March 2010, noted:

"Children between the ages of 6 and 16 must attend school, which is free under Article 53 of the constitution. A 2006 national education survey found that 96.3 percent of girls and 96.9 percent of boys received primary education. However, the study showed that more girls than boys obtain secondary and postsecondary education. Fifty-seven percent of girls between ages 16 and 19 enrolled in secondary education, compared with only 43 percent of boys of the same age; the figures for higher education were 25.4 percent and 18.4 percent, respectively. Enrolment statistics collected by the World Bank show an overall improvement for both girls and boys between 2000 and 2007, although

the gains for girls appeared somewhat larger, and primary enrolment for both declined slightly from 2004 to 2007.

"Despite gains in education, illiteracy rates among women remain high in certain areas of the country. According to the 2006 national education survey, 31.6 percent of 10-year-old girls and 16.5 percent of 10-year-old boys were illiterate, while 34 percent of women living in rural areas had never been to school. The literacy rate for adult women (aged 15 and above) has improved from 60.1 percent in 2004 to 66.4 percent in 2007, compared with 79.6 percent and 84.3 percent for adult males, according to the World Bank. In 2009, the government launched a national strategy to eliminate illiteracy by 2015. The Ministry of Education requires employers to educate their illiterate employees, although this rule is only sporadically enforced." **[29d](Economic rights and equal opportunity)**

24.35 An article in the New York Times, dated 23 June 2008, stated that:

"At a time of religious revival across the Muslim world, Algeria's youth are in play. The focus of this contest is the schools, where for decades Islamists controlled what children learned, and how they learned, officials and education experts here said.

"Now the government is urgently trying to re-engineer Algerian identity, changing the curriculum to wrest momentum from the Islamists, provide its youth with more employable skills, and combat the terrorism it fears schools have inadvertently encouraged.

"It appears to be the most ambitious attempt in the region to change a school system to make its students less vulnerable to religious extremism.

"But many educators are resisting the changes, and many disenchanted young men are dropping out of schools. It is a tense time in Algiers, where city streets are crowded with police officers and security checkpoints and alive with fears that Algeria is facing a resurgence of Islamic terrorism." **[59a]**

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HEALTH AND WELFARE

24.36 The background information on UNICEF's website, Algeria, accessed 6 December 2010, gave basic demographic data for 2008 on children in Algeria:

"Mortality rate (expressed per 1,000 live births):
Infant (under one) 36
Child under five 41

"Percentage of one year olds immunized against:
TB - 99
Diphtheria, Pertussis, Tetanus – 97
Polio – 92" **[52a]**

24.37 The *USSD Report 2009* stated, "The government provided free medical care for all citizens, including children with disabilities, albeit in generally rudimentary facilities, and to both sexes equally." **[6a] (Section 5: Children)**

See also section on Medical issues

NGOs

24.38 The Directory of Development Organisations, 2010 edition, lists a number of NGOs currently operating in Algeria, many of which support children in Algeria. The directory can be accessed via the following link:
http://www.devdir.org/files/Algeria.PDF
[68a]

24.39 The Child Rights Information Network (CRIN) gives details of two organisations that assist children in Algeria. The website can be accessed via the following link:
http://www.crin.org/reg/country.asp?ctryID=4&subregID=3 **[34c]**

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25. TRAFFICKING

25.01 Jane's, in its *Sentinel Country Risk Assessment for Algeria,* posted on 24 November 2010, noted that, "Algeria is a way-point for human trafficking gangs seeking to bring illegal labour into Europe. Algeria sees very few people actually leave its shores directly; most illegal traffic (mainly from Sub-Saharan and Horn of Africa states) transits the country heading for Morocco, Tunisia and Libya. Some of Algeria's illegal traffickers are likely to have links to insurgent groups which use protection rackets on the trade as a source of income. " **[7c] (Security)**

25.02 The United States Department of State *Trafficking in Persons Report 2010: Algeria*, published 14 June 2010, stated:

"Algeria is a transit and, to a lesser extent, destination country for men and women subjected to trafficking in persons, specifically forced labour and forced prostitution. Most commonly, sub-Saharan African men and women enter Algeria voluntarily but illegally, often with the assistance of smugglers, for the purpose of travelling to Europe. Some become victims of trafficking: men may be forced into unskilled labour and women into prostitution to repay smuggling debts. Criminal networks of sub-Saharan nationals in southern Algeria facilitate this irregular migration by arranging transportation, forged documents, and promises of employment. Reliable statistics on the number of potential victims are not available from the government or NGOs. One NGO estimates that the populations most vulnerable to trafficking include between 10,000 and 15,000 illegal sub-Saharan African migrants.

"The Government of Algeria does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government helped formulate a training program for police, judges, and prosecutors on its counter-trafficking law. Despite these efforts, the government did not show overall progress in punishing trafficking crimes and protecting trafficking victims and continued to lack adequate prevention and protection measures." **[6g]**

25.03 With regard to prosecution, the report continued:

"The Algerian government made minimal efforts to address human trafficking through investigations, prosecutions, or convictions during the reporting period. Algeria prohibits all forms of trafficking under Section 5 of its criminal code. In March 2009, the government enacted a comprehensive anti-trafficking statute; prescribed penalties range from three to ten years' imprisonment, which can be increased to 20 years if certain aggravating circumstances are found. These penalties are sufficiently stringent and commensurate with those prescribed under Algerian law for other serious crimes, such as rape. The government did not report investigating or prosecuting any trafficking offences, or convicting or punishing any trafficking offenders during the year. The Ministry of Justice, in seminars on amendments to the criminal code, briefed judges and prosecutors on Algeria's anti-trafficking law." **[6g]**

25.04 Commenting on protection the report noted:

"The Government of Algeria made no discernible progress in protecting victims of trafficking over the last year. It did not demonstrate development or use of systematic procedures for the identification of trafficking victims among vulnerable populations, such as foreign women arrested for prostitution or illegal migrants. Victims therefore remained at risk of detention for unlawful acts committed as a result of being trafficked. According to local NGOs, the government did not provide specialized training to government officials in recognizing trafficking or in dealing with victims of trafficking. The government did not provide foreign victims with legal alternatives to their removal to countries where they faced hardship or retribution. The government did not provide medical, counselling, or legal services to victims, nor did it refer victims to other service providers. However, government-operated health clinics that provide emergency care to crime victims were available for victims of trafficking. There is no formal program to encourage trafficking victims to assist with investigation and prosecution of offenders." **[6g]**

25.05 The Freedom House *2010 report on Women's Rights in the Middle East and North Africa 2010 – Algeria*, dated 3 March 2010 noted, "Article 34 of the constitution prohibits all violations of human dignity, while Articles 342 and 343 of the penal code criminalize most forms of sex trafficking and exploitation of minors. Little data exists on the extent of domestic slavery and human trafficking in Algeria. From the government's perspective, the issue of human trafficking is secondary to the more pressing question of illegal immigration from sub-Saharan Africa." **[29d] (Autonomy, security and freedom of the person)**

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26. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

26.01 The United States Department of State Country *Report on Human Rights Practices 2009, Algeria,* released 11 March 2010, stated that "The government provided free medical care for all citizens – including children with disabilities – albeit in generally rudimentary facilities, and to both sexes equally." **[6a] (Section 6: Children)**

26.02 Jane's Sentinel Country Risk Assessment, Algeria, section on Demography, posted on 23 April 2010, stated that:

"Despite a rise in life expectancy after the civil war and comparatively low birth and immunisation rates, Algeria's health system suffers from major problems. There are an inadequate number of doctors (one per 1,000 people) and hospital beds (2.1 per 1,000), as well as poor access to potable water. Health policy favours prevention, with an emphasis on clinical-based care rather than a large number of hospitals. This, along with a young population, explains the government's pro-active immunisation strategy. Nevertheless, the problems caused by a lack of adequate drinking water and sanitation provision has led to outbreaks of tuberculosis, hepatitis, measles, dysentery, typhoid and cholera. The HIV infection rate among 15-49 year olds is 0.1 per cent.

"Public access to health care is improved by the fact that doctors and dentists are required to work in the public sector for at least five years; nevertheless, doctors are far more easily found in the cities of the north than in the Saharan south." **[7f] (Health and Medical)**

26.03 The Economist Intelligence Unit's 2008 Country Profile on Algeria, stated that:

"Algeria's healthcare system has improved greatly since independence. Even so, according to the World Bank's World Development Indicators 2007, in 2004 total health expenditure as a proportion of GDP was only 4%. Public health spending as a proportion of GDP amounted to 3.1% (compared with an estimated 2.2% in Egypt and 1.7% in Morocco). The doctor/population ratio was modest at 113 per 100,000 people in Algeria in 2004, compared with 54 in Egypt and 51 in Morocco. There have been some improvements, especially a drop in the infant mortality rate from 54 per 1,000 births in 1990 to 34 per 1,000 in 2005 (according to the UNDP). Even so poverty-related diseases have been on the rise in recent years, in line with a general increase in poverty. According to the World Development Indicators 2006, the share of the population below the national poverty line had risen to 22.6% in 1990-2004, up from 12.2% over the previous 15 years. In addition, the UN estimates that 0.1% of the adult population (ages 15-49) had HIV/AIDS at the end of 2003, slightly below the rate in Egypt. According to the World Bank, life expectancy was 71 years in 2004 (up from 67 in 1990) compared with 70 for Egypt (up from 63)". **[37b] (p29)**

26.04 The Medibtikar website (accessed 7 December 2010) stated:

"The Algerian health system continues to suffer from multiple problems, is short of financing, and needs to align to the country's changing circumstances (medical, epidemiological, demographic and economic). The population's medical needs are considerable. National production is insufficient to meet needs and so Algeria is a major importer of drugs. The market for pharmaceutical products is estimated at more than EUR 700 million per year, of which 80 percent are imported.

"Difficulties in the public health system have spawned private sector involvement. State owned establishments are being rehabilitated/built and private clinics, doctors' offices and radiology centres set up. Some 102 private clinics were operational in 2002, 125 more private clinics are being built and 45 projects are under study. New health mapping at the Ministry of Health is determining plans to build three private 250 to 500-bed hospitals for the treatment of serious diseases.

"In spite of the various measures taken by the Algerian government (requirement to produce, suspension of imports, etc.), the level of local pharmaceutical production is low, as is the number of manufacturers (just 34 in 2003). Moreover, production concerns mainly products with low technological content. However, local production is likely to increase thanks to new private investment initiatives." **[50a]**

26.05 The Country of Return Information Project *Algerian Country Sheet* 2009 stated:

"According to the Ministry of Health, there are no illnesses that cannot be treated effectively in Algeria. The Ministry nonetheless recognises the weakness of palliative care or support in health establishments, but expects this to improve in the very near future…[There were] 31 specialized hospitals with following specialities: psychiatry (10), medical rehabilitation (4), cardio surgery (3), medical oncology (3), neurosurgery (1), infectiology (1), orthopaedic traumatology (2), ophthalmology (1), gynaecology (29), paediatrics (2), plastic surgery (1) and urology (1)." **[10a] (p60)**

26.06 The UN Committee on Economic, Social and Cultural Rights (CESCR), *Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant: concluding observations of the Committee on Economic, Social and Cultural Rights: Algeria*, published 7 June 2010, noted:

"The Committee is concerned that people living in rural areas face considerable difficulties in accessing health care, owing to an unequal geographic distribution of care facilities and medical practitioners. The Committee is also concerned about the availability of medicines, the insufficient quality of health care in terms of standards of the upkeep of buildings, hygiene and reception of patients, as well as the poor conditions of work of health-care professionals." **[18d](Para 20)**

26.07 The US Embassy in Algiers provided a list of physicians and clinics in Algiers: http://algiers.usembassy.gov/physicians.html

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Pharmaceuticals

26.08 Euromonitor International's Consumer Health in an *Algeria market report* (relating to pharmaceutical sales), published March 2010, noted:

"Despite the financial crunch, which has not spared Algerians, consumer healthcare in Algeria continued to see moderate growth in current value terms in 2009. Analgesics continued to lead value sales in 2009 thanks to the prevailing long-term trend towards self-medication. Digestive remedies drove value growth in 2009, albeit from a smaller base. Algerians are familiar with analgesics and are becoming increasingly interested in digestive remedies, easily available as an OTC purchase in most chemists/pharmacies. Cough, cold and allergy (hay fever) remedies continued to experience good growth.

"In 2009 the Algerian government bowed to lobbying pressure and banned the import of pharmaceuticals which are also manufactured in Algeria. The ban concerns a list of 351 products covering a range of around 600-1,000 brands. Analgesics, cough remedies and antihistamines are among the products affected by the new law. The ban is intended to protect and stimulate the local pharmaceuticals industry. As a result, many foreign companies are very likely to set up joint ventures with local companies to have a

foothold in the Algerian market. Moreover, foreign companies that previously exported their products to Algeria will be encouraged to allow their own products to be manufactured locally by Algerian companies…

"Although many consumer healthcare brands are made in Algeria, during the review period the ban of a large number of imported products already led to a dramatic shortage of medicines. By November 2009, L'Union National des Opérateurs de la Pharmacie (UNOP) estimated that around 500 products were unavailable in Algeria due to the new importing law. This shortage affects irreplaceable products such as generics, which could negatively affect the population's health. The deficiency also concerns contraception products, vitamins, analgesics, eye care, gentamycine and products such as vaccines against rubella and measles. For UNOP's representatives, the new law on banned products has not boosted the local production because the government has, while decreeing a ban on a large number of imported products, not helped local companies to manufacture replacement products. What is most striking about this shortage is that Algeria imported more than US$900 million of products in the first half of 2009 against US$800 million for the same period in 2008." **[69a]**

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

26.09 In its *2010 Report on the Global AIDS Epidemic*, the Joint United Nations Programme on HIV/AIDS (UNAIDS) **[70a]** classified Algeria as a country with a low-level epidemic and an HIV prevalence of around 0.1%.**(Page 197)** The number of people undergoing antiretroviral therapy rose to 1,526 at the end of 2009, 51% of whom were men. **(Page 248)** The report also noted that all donated blood is screened in Algeria. **(Page 245)**

26.10 Magharebia, in an article dated 30 November 2010, called *Algeria confronts AIDS epidemic,* reported:

"Algeria boasts 61 anonymous and free screening centres, which are spread across all provinces of the country, as well as a National Blood Agency and eight referral centres that treat people with HIV/AIDS… the Algerian government …provides antiretroviral drugs free of charge.

"However, there are still gaps in the provision of treatment for sufferers, and the availability of medicine is not always guaranteed. Patients also have difficulty obtaining reimbursements for medicines to treat secondary illnesses. ANIS recommended that the labour ministry classify AIDS as a chronic illness, which would make sufferers eligible for welfare assistance.

"In addition, the government has taken a number of steps to combat the spread of sexually transmitted infections (STI). It developed a National Strategic Plan for the fight against STI-HIV-AIDS (2008-2012) and set up a network for disease detection and controlling blood quality.

"Professor Mehdi Youcef, Mustapha-Pacha hospital chief and the health ministry's AIDS liaison, recently declared that Algeria is the first country in the region to grant all AIDS patients access to antiretroviral drugs 'for free'". **[32k]**

26.11 In a report of August 2008 by the National Committee for Country Coordination against AIDS, Tuberculosis and Malaria in Algeria, called *Strengthening, Decentralization and Improvement of the National Response Against HIV/Aids Upon Vulnerable and High-Risk Groups in Algeria*, the situation was summarised: "The interventions implemented represent some of the best opportunities to control the epidemic, specifically among vulnerable and at-risk groups by prioritizing the gender issue toward men and women, as shown by the decrease and control of HIV rates." **[36a] (p20)**

26.12 The report went on to explain the strategies that have been put into place:

"As for counselling and screening, the national response, which leans on the strengthening of health systems, has notably shined by the opening of 54 voluntary screening Centres (VSC) by MSRH in 2006- 2007. And, it is encouraged to continue to extend its efforts and guarantee an earlier screening of HIV positives for better care and deeper understanding of the epidemic.

"As for AIDS patients' services and care and support to HIV/AIDS infected/affected people, the proposal aims to expand the geographic area of focus and improve service quality. It is developed in all 09 CRC (HIV Infection Care Reference Centre) where it is free and is concentrated on diagnosis, treatment and care for the benefit of HIV infected patients, specifically by access to ARV and treatment of opportunistic infections.

"As for psychosocial support, the partnership with social organizations is considered as strategic as they play an important role through activities of support and aid for PLWHA: Psychological support, help for transportation, access to income-generating activities (IGA)." **[36](p20)**

26.13 The *USSD Report 2009* stated:

"HIV/AIDS is considered a shameful disease in the country. According to 2007 statistics released by the Ministry of Health, 2,100 citizens were HIV-positive, and 736 persons suffered from HIV/AIDS. There were 54 centres offering free testing services to detect HIV/AIDS. Only 51 percent of women noted use of condoms to prevent infection. During the year the Health Ministry and the NGO AIDS Algerie launched an HIV/AIDS prevention campaign, stressing the need to avoid discrimination, especially in the workplace, against those with HIV/AIDS." **[6a](Section 6)**

26.14 The report also noted, "Government hospitals treated women for sexually transmitted infections, including HIV." **[6a](Section 6)**

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CANCER TREATMENT

26.15 In an article, dated 4 November 2009, called *Algeria plans cancer treatment centres*, Magharebia reported:

"Algeria is stepping up its efforts to fight cancer, announcing last week that it will build a national cancer institute in Oran and an additional 14 cancer treatment centres throughout the country.

"'The Oran institute will begin operating in 2011, and other treatment centres will be completed by 2012,' Minister of Health Said Barkat announced in Parliament on October 25th. The new strategy will increase Algeria's total number of cancer treatment locations to 17.

"The Ministry of Health estimates that 30,000 to 35,000 new cancer cases are diagnosed each year, with 80% of patients diagnosed in the late stages of the disease.

"Of these numbers, an estimated 13,000 Algerians must wait for up to a year for treatment, due to the incapacity of the handful of existing cancer treatment locations to meet this growing need." **[32e]**

26.16 Magharebia, in an article called *Algeria to open breast cancer treatment centres,* dated 7 September 2010, reported, "Algeria will soon open specialised breast cancer treatment facilities. Speaking during a working visit to Constantine on Monday, Labour Minister Tayeb Louh affirmed that all 'human and logistical' mechanisms would be put in place to assure improved treatment for women affected by the disease." **[32l]**

26.17 AfrolNews, in a report dated 17 April 2010 called *Algeria records increasing cancer numbers,* noted, "The CPMC [Pierre & Marie Curie anti-cancer centre] register indicates that, regarding therapy, some 12,376 patients had undergone surgery the same year [2007], 2,031 in the centre and 1,543 indicated in the private sector. Some 9,712 patients have undergone treatment of chemotherapy and radiotherapy in the public sector." **[65b]**

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KIDNEY DIALYSIS

26.18 A response from the FCO in Algiers, dated 13 April 2010, to a query about treatment for renal failure in Algeria stated, "Not all hospitals have the ability to carry out transplants and dialysis. I see more and more private clinics for dialysis. I have also investigated elsewhere and confirmed that Nephrology Departments in Algerian Hospitals are available and they have the ability to carry out transplants and dialysis (not all)." **[5e]**

MENTAL HEALTH

26.19 The World Health Organization's (WHO) *Mental health atlas 2005* on Algeria noted the mental health care system in Algeria operated both in the primary health care system and in the acute treatment of severe mental health disorders in an intermediary mental health centre system, though there was no provision in Algeria for care located directly within the community. **[15b]**

26.20 The WHO *Mental health atlas 2005* also noted the availability of the following medications, classing them as "generally available at the primary health care level of the country": Carbamazepine, Ethosuximide, Phenobarbital, Phenytoinsodium, Sodium Valproate, Amitriptyline, Chlorpromazine, Diazepam, Fluphenazine, Haloperidol, Carbidopa, and Levodopa. However, Lithium and Biperiden were held not to be available. **[15b]**

26.21 Magharebia reported on 18 June 2008 that with the growing number of homeless people in major Algerian cities, they were setting up public facilities in the main capital

of the five regions. The facilities would receive emergency homeless cases with no domicile. Psychological specialists and physicians would be recruited to provide appropriate mental health care and other attention they might need. Psychological experts contact the families of the homeless, if any, to reconnect them with their families. There would also be a hotline established where people could report any homeless cases or individuals with social or psychological problems to enable institutions equipped with financial and mental health resources to lodge and treat them. **[32b]**

26.22 The Country of Return Information Project *Algerian Country Sheet 2009* stated:

"Association SoliMed Algérie – this organisation works mainly, but not exclusively, in the health field through the organisation of Medical Caravans which look to provide specialist care to disadvantaged Algerians. The Medical Caravans mobilise doctors and logisticians all of whom work on a voluntary basis. Maghreb Health website includes the list of Algerian associations working in the health field. The first Red Crescent health centre in Constantine was opened in the beginning of 2003. Situated in the city centre, it offers free medical assistance to poor adults and children. Apart from medical assistance, the centre offers psychological support to children victims of violence and is there to listen and consult. Moreover, the centre has a paramedical practice and a pharmacy with free distribution of medicine depending on availability." **[10a] (p63)**

26.23 Handicap International on their website (accessed 8 December 2010) described their activities in Algeria: "Handicap International has been working in Algeria since 1998. Our activities in Algeria form part of a wider development process. We aim to make structural improvements to the lives of people with disabilities, to foster their inclusion, and to ensure they play a full role in society. Handicap International has more than 50 partnerships with Algerian organisations in the field of social, economic and educational inclusion, mental health and rehabilitation." **[49]**

26.24 The International Disability Alliance (IDA) in the *Algeria state report* contained in its 46th Pre-Sessional Working Group, 2-6 August 2010, noted:

"Algeria has acted on the international recommendations published by the WHO by developing a national mental health programme. That programme, which was introduced in 2001, emphasizes prevention and the establishment of means of subsequently reinforced with a network of intermediate mental health centres. These centres, the first of which was opened in 2002, provide basic services and are designed to afford enhanced access to services and more effective medication management.

"Since the launch of the programme, preventive mental health services and care for persons at risk have been incorporated into the school and university health system, over and above the complementary work being done by associations and NGOs as well as other State agencies. Plans for the coming three-year period include more effective curative and preventive care through the integration of psychiatrists working in the private sector, who are relatively numerous (there are 160 private practices), larger scale awareness and communication campaigns, and promotion of partnership and cooperation with other relevant sectors. A further objective is to realize an effective expansion of this care delivery system by providing services to drug addicts, working to that end in close cooperation with the Narcotics and Addiction Board and other departments and agencies. Fifty-three intermediate centres providing care for addicts and 15 regional detoxification centres are currently being established." **[67a]**

See also section on mental disability

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27. FREEDOM OF MOVEMENT

27.01 The United States Department of State *Country Report on Human Rights Practices 2009, Algeria*, released 11 March 2010, stated:

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

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

"The government did not permit young men eligible for the draft, who had not yet completed their military service, to leave the country without special authorization; however, such authorization was granted to students and to persons with special family circumstances.

"The family code does not permit anyone under 18 to travel abroad without a guardian's permission." **[6a] (Section 2d)**

See Recent Developments for news of the lifting of the state of emergency.

27.02 The Freedom House report, *Freedom in the World 2010, Algeria*, published 3 May 2010, noted, "While most citizens are free to move throughout the country and abroad with little government interference, the authorities closely monitor and limit the movement of suspected terrorists. The long-standing state of emergency permits the government to restrict where certain people live and work." **[29b]**

27.03 The Freedom House 2010 report on *Women's Rights in the Middle East and North Africa 2010 – Algeria*, dated 3 March 2010, observed, "Women are permitted to travel freely, and freedom of movement for all Algerians has appreciably improved in the past 10 years…Moreover, female workers who migrate within the country to find a job or women who travel alone sometimes face condemnation, particularly in the rural areas." **[29d] (Autonomy, Security and Freedom of Movement).**

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28. FOREIGN REFUGEES

28.01 The 2009 report by the US Committee for Refugees and Immigrants, covering 2008 events, published 17 June 2009, in its Algeria country pages (USCRI Algeria 2009) stated:

"Algeria is party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the 1969 Convention governing the Specific Aspects of Refugee Problems in Africa, all without reservation. The 1989 Constitution (amended 1996) provides that in no case may a 'political refugee' with the legal right of asylum be 'delivered or extradited.' A 1963 Decree establishes the Algerian Office for Refugees and Stateless Persons (BAPRA) in the Ministry of Foreign Affairs and calls for an appellate board consisting of representatives of various ministries and UNHCR, but the authorities do not request UNHCR to designate its representative. The 1963 Decree authorizes BAPRA to decide cases and stipulates its recognition of those UNHCR recognizes." **[43a]**

28.02 The report gave details of refugees in Algeria:

"Algeria hosted around 96,500 refugees and asylum seekers. About 90,000 were from the disputed Western Sahara, who sought shelter from the 1976 conflict between Morocco and the nationalist rebel group, the Polisario Front, over the area's sovereignty; although neither the Polisario nor the Algerian Government would permit their registration. Around 4,000 Palestinian refugees lived in Algeria, generally integrated into urban areas. There were also some 1,400 sub-Saharan asylum seekers in Algiers with no recognition and 1,100 ethnic Touregs from Mali and Niger who arrived during the year.

"Algeria deported many asylum seekers from sub-Saharan Africa during the year. The Government did not grant refugee status to anyone nor did it accept those the UN High Commissioner for Refugees (UNHCR) recognized under its mandate." **[43a]**

28.03 The report went on to state, with regard to the movement of foreigners:

"In June [2008], the legislature passed a new law on the entry, stay, and circulation of foreigners. The law states that its provisions regarding entry and exit are subject to international conventions on refugees and stateless persons that the State has ratified but gives the minister of the interior and even provincial leaders broad discretion to refuse entry for reasons of state security or public order. The new law still generally required persons wishing to live and work in Algeria to have a work permit and allowed for the immediate revocation of their residence permits upon any lapse of the conditions of its issuance or any of a wide array of non-reviewable discretionary grounds, allowing them 30 days to leave the country. Foreigners may appeal expulsion orders of the Ministry of Interior and have them stayed pending the outcome, but provincial officials may deport those they deem to be residing in Algeria illegally without appeal. The new law does not relieve any of the severe restrictions on the employment of foreigners nor does it create any exception for refugees and even strengthens existing documentary requirements. It also provides for the creation of detention centres for those in irregular status and allows provincial leaders to hold them there for 30 days, renewable, until authorities can deport them. The law also provides for two to five years' imprisonment for any new entry by a previously expelled person but does makes an exception for refugees and stateless persons in this regard.

"In August, the Council of Ministers approved a draft law increasing penalties for smuggling migrants and making illegal departure from Algeria a crime punishable by up to six months in prison... Algerian law severely restricts the rights of foreigners to work and makes negligible exception for non-Palestinian refugees. Other refugees have no more rights than foreigners generally." **[43a]**

28.04 The UNHCR *Algeria Factsheet*, released August 2010, commenting on refugees and asylum seekers in Algiers, noted:

"The urban refugees (141 persons) and asylum-seekers (about 316 persons) originate mainly from sub-Saharan African countries, Cameroon, Côte d'Ivoire, the Democratic Republic of Congo, Liberia and Nigeria. Women and children constitute less than 20% of the population of concern. Pending the adoption of a national refugee law and the establishment of an asylum procedure consistent with international standards, individual refugee status determination (RSD) is conducted under UNHCR mandate, and an average of 50 cases is processed each month. The Age Gender and Diversity Mainstreaming (AGDM) exercise conducted in October 2009 clearly showed that the lack of residence and work permits, together with lack of adequate housing, remain the most serious challenges faced by refugees and asylum seekers. The Office is conducting a number of activities, ranging from registration and individual status determination to daily protection interventions on detention cases, etc. The Office has engaged in an open dialogue with the Algerian Government in an effort to promote the establishment of a responsive national asylum system, inter alia, through capacity building, notably refugee law training activities. The constantly improving relations with the concerned authorities have contributed a great deal to the improvement of the refugee protection climate, whereby nearly all UNHCR`s interventions on detention cases having ended successfully." **[71a]**

28.05 The UN High Commissioner for Refugees, *UNHCR Global Report 2009, Algeria*, published 1 June 2010, summarised its operational highlights:

- "In the absence of a comprehensive national asylum system, the protection space in Algeria remains limited. Refugees and asylum-seekers, particularly those from sub-Saharan Africa, have no basic economic, social and legal rights.

- Given the difficult living conditions of urban refugees, UNHCR increased the material and financial assistance that it provided to the most vulnerable among them in the areas of shelter, non-food items, food and legal representation. Women who survived sexual and gender-based violence received psychological and medical support.

- The High Commissioner's visit to Algeria and the Tindouf camps in September 2009 paved the way for the re-orientation of the assistance programme for the Sahrawi refugees. Not only would the level of assistance to the refugees be increased in the course of 2010, the programme would also focus more on the long-term welfare of refugees, especially in the areas of nutrition, health and education.

- A UNHCR-WFP assessment mission to Tindouf in October 2009 noted progress in the areas of food distribution and coordination between relevant actors.

- Considerable progress was made in combating anaemia amongst the Sahrawi refugees. A feasibility study confirmed that certain supplementary foods were

acceptable to the refugee population, allowing for the subsequent procurement of the products for general distribution.

- A comprehensive Protection Plan of Action in the Tindouf camps was developed in 2009 and is currently being implemented, including human rights sensitization aimed at the Sahrawi leadership and rights-based training for the refugee population." **[71b]**

28.06 The United States Department of State *Country Report on Human Rights Practices 2009, Algeria*, released 11 March 2010, noted, "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." **[6a](2d)**

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SAHARAWI REFUGEES

For more information on Western Sahara see the COIS Country Report on Morocco, published 9 November 2011:
http://rds.homeoffice.gov.uk/rds/pdfs10/morocco-091110.doc

28.07 Europa World online (accessed 14 December 2010) noted, in its section on Morocco, that Western Sahara is a territory to the south west of Algeria under the administration of Morocco, whose sovereignty is under dispute between the government of Morocco and the Polisario Front (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), an organisation seeking independence for the region. The area was part of Spanish Sahara until 1976. **[1b] (Country Profile Recent History)**

28.08 The United States Department of State *Country Report on Human Rights Practices 2009, Western Sahara*, dated 11 March 2010, gave the following information with regard to the status of the area:

"In 1988 Morocco and the Polisario agreed to settle the dispute over sovereignty by referendum. The parties did not resolve disagreements over voter eligibility and which options for self-determination (integration, independence, or something in between) should be on the ballot; consequently, a referendum never took place.

"Over the years there have been several attempts to broker a solution. In 2007 the first face-to-face negotiations between representatives of the Moroccan government and the Polisario began under UN auspices. Morocco proposed autonomy for the territory within the kingdom; the Polisario proposed a referendum in which full independence would be an option. On April 30, the UN Security Council adopted Resolution 1871 extending MINURSO's mandate until April 2010. The resolution also called on member states to consider voluntary contributions to confidence building measures carried out under the UN High Commissioner for Refugees (UNHCR) that allowed increased contact between family members separated by the dispute. After four meetings in 2007 and 2008 produced little progress, both sides participated in an informal August 10 and 11 [2009] meeting under the auspices of Personal Envoy of the UN Secretary General for Western Sahara Christopher Ross and agreed to reinvigorate negotiations." **[6d]**

Tindouf camps

28.09 The *USSD Report 2009* on Algeria summarised the situation of the Sahrawi refugees:

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

"Sahrawi refugees lived predominantly in camps near the city of Tindouf, administered by the Popular Front for the Liberation of the Saguia el Harma and Rio de Oro (Polisario), an organization that claims sovereignty over Western Sahara. The remote location of the camps and lack of government presence resulted in lack of access to employment, basic services, education, police, and courts." **[6a] (Section 2d)**

28.10 The USCRI-Algeria 2009 report stated, "The Government allows the Polisario to control the movements of some 90,000 refugees from the Western Sahara in four isolated camps outside the Tindouf military zone near the Moroccan border. The geographical area, known as 'The Devil's Garden,' is part of the Hammada, a vast plain of the Sahara subject to summer temperatures over 50°C (122°F), frequent sand storms, and little or no vegetation." **[43a]**

For location of Tindouf see Geography - map

28.11 The UNHCR *Algeria Factsheet*, released August 2010, noted:

"The Sahrawi refugee situation is one of the most protracted refugee situations worldwide. Sahrawi refugees arrived to Algeria in 1975-76 and were recognized by the host State on a prima facie basis. Ever since, they have been residing in four refugee camps (Awserd, Dakhla, Laayoune and Smara) and one settlement (27th February), in the Algerian south-western province of Tindouf. The Algerian Government estimates the number of Western Sahara refugees at 165,000. UNHCR is in dialogue with the host Government and the Sahrawi refugee leadership seeking to conduct a registration exercise to determine the exact number of refugees in the camps. Pending a positive conclusion of this dialogue, for the purpose of UNHCR`s humanitarian operation, the office is using a planning figure of 90,000 vulnerable refugees in the camps." **[71a]**

28.12 The same report summarised the care and maintenance given to the Sahrawi refugees as at February 2010:

"UNHCR support includes complementary food assistance, health care/nutrition services, shelter, education, domestic needs, community services and transport/logistics services. Furthermore, UNHCR has re-oriented its programme in 2010 to invest in the future of generations, through capacity building and support to local human rights protection institutions and coping mechanisms. Protection activities focus on monitoring the overall situation in the camps, developing contacts and enhancing cooperation with the refugee leadership and camp management to address refugee protection issues, advocacy to prevent sex/gender-based violence and other forms of human rights abuses and discrimination; capacity development and training for local administrative bodies and the judiciary (e.g. human rights training for Sahrawi law-enforcement structures)."**[71a]**

28.13 The Human Rights Watch report of December 2008, *Human Rights in Western Sahara and in the Tindouf Refugee Camps (HRW-Tindouf),* stated, "The Tindouf refugee camps, located in a harsh desert region of Algeria, have a population of approximately 125,000. They were established over thirty years ago by refugees who fled Moroccan forces as they advanced through Western Sahara. Most residents still live in tents or in modest huts without running water and remain heavily dependent on international humanitarian aid." **[27b] (p8)**

28.14 The USCRI Algeria 2009 report continued:

"Refugees need permits from the Chief of Daira (districts within camps) to change residence from one daira to another within a camp or from camp to camp. The Chiefs generally issue them. Some 3,500 Sahrawi live in Tindouf with Algerian passports, some of them married to Algerians. The Polisario forbids permanent return to the Moroccan-occupied Western Sahara, however. Even so, a number manage to reach the territory through Mauritania. To travel to Algiers, refugees need passes, or ordres de mission, bearing stamps of approval from both the Algerian Government and the Polisario. To apply for such a pass they must have their camp leader write a letter to the Polisario Ministry of Interior in Rabouni which, in turn sends a request to the Polisario office in Tindouf, which prepares the document and obtains the Algerian stamp. Applicants must have an approved reason, such as enrolment in school or professional training. Seeking employment is reportedly not among the approved reasons for travel... The Polisario also allows some refugees to leave for education in Algeria and elsewhere and to tend livestock in the areas of the Western Sahara it controls and Mauritania. An unknown number reportedly hold Mauritanian passports. The Algerian Government also issues passports to those the Polisario permitted to travel abroad but not to other refugees." **[43a]**

28.15 The report commented on detention facilities and slavery within the camps:

"Polisario authorities maintain their own police, judiciary, and detention facilities and apply their own penal code with the acquiescence of the Government of Algeria. They detain refugees in at least two jails, Hamdi Ba Sheikh for men, about 30 minutes' drive outside of the Polisario's Rabouni headquarters and another for women, and a juvenile detention facility. There is also a detention centre that the Polisario refers to as 'the Centre for Maternity Assistance' for women pregnant out of wedlock. The Polisario acknowledges three to five cases per year and interprets them legally as 'adultery,' a crime punishable by one to five years imprisonment under its penal code. In some cases, however, women reportedly remain indefinitely until a man agrees to marry them or their family members agree to raise the child.

"Some black Sahrawi in the camps have slavery-like relationships with Arab Sahrawi, whose names the slaves take. In some cases, Polisario judicial officials have not allowed such women to marry without permission of the male heads of the Arab families. In 2007, the Polisario's National Saharan Council ratified a new law on civil status law that modified some deficiencies in kinship and marriage cases." **[43a]**

28.16 In the summary of the report HRW identified slavery as an issue to be addressed, "The Polisario is on record as firmly opposing slavery in all of its manifestations; nevertheless, it must do more to eradicate residual slavery practices that continue to affect some black residents of the Tindouf camps." The report went on to say:

"Black Sahrawis were willing to be quoted by name when reproaching the Polisario for failing to eradicate all vestiges of slavery in the camps.

"While visiting the camps, Human Rights Watch interviewed approximately eight black-skinned Sahrawis about the issue of slavery, in the 27 February camp and El-Ayoun camp. Their testimony was consistent and can be summarized as follows: Black-skinned Sahrawis constitute a small minority of the population in the camps. Some members of that minority are 'owned' by 'white' persons or families. An 'owner' previously enjoyed broad rights, de facto, over the 'slave,' but today, those 'rights' are limited largely to one realm: the 'owner's' ability to grant or withhold consent for a 'slave' woman's marriage, a consent without which a religious judge (qadi) will decline to perform the marriage. As one Sahrawi put it, 'I don't really know if I'm a slave or free until my daughter tries to get married.' A male 'slave,' on the other hand, faces no such constraint when he wishes to marry.

"Our several black informants characterized the persistence of slavery as it relates to the marriage of women as a vestige of past practices that survived in spite of the Polisario's opposition to slavery, and that is related to practices that persist in Mauritania, a neighbouring country with cultural and ethnic links to the Sahrawis." **[27b]**

28.17 The HRW *Tindouf report* stated with regard to human rights issues within the camps:

"A disquieting trait of the human rights situation in the Tindouf camps is the isolation of the population and the lack of regular, on-the-ground human rights monitoring. Despite the Polisario's professions of openness to monitoring; the apparent easing of repression in recent years; and the presence of many foreigners working for development and humanitarian organizations, the rights of the refugees remain vulnerable due to the camps' remoteness and the legal limbo in which the camps exist. The government of the host country, Algeria – which is accountable under international law for protecting the rights of all persons within its territory – has ceded de facto administration of the camps to a liberation movement that is not formally accountable in the international system for its human rights practices." **[27b]**

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28.18 The full 2008 Human Rights Watch report, *Human Rights in Western Sahara and in the Tindouf Refugee Camps,* can be accessed via the following link:

http://www.hrw.org/en/reports/2008/12/19/human-rights-western-sahara-and-tindouf-refugee-camps **[27b]**

28.19 With regard to humanitarian issues within the camps, the USCRI Algeria 2009 report stated:

"In March and April [2008], the World Food Programme and other international aid agencies found a 18 percent prevalence of global acute malnutrition (GAM) in the camps and a five percent prevalence of severe acute malnutrition, 'a drastic increase compared to the findings in 2005 when the prevalence of GAM was 8 percent with 2 percent being severe.' There was a 32 percent prevalence of stunting with nine percent severely stunted and 62 percent of children aged 6-59 months suffered from anaemia,

six percent of them severely, with the highest rates among those 30 months old and younger. Anaemia ran 54 percent among non-pregnant women but 66 percent among the pregnant with 15 percent severely so. Nearly half of children under five had diarrhoea, of which 30 percent reported bloody diarrhoea; more than half reported difficulties breathing." **[43a]**

28.20 The report added:

"The international community spends nearly $50 million per year on the camps. The Government supplies health services, transportation, housing, and most of the refugees' heating and cooking fuel. Except for the '27 February' settlement and the Polisario's administrative centre in Rabouni, there is no electricity in the camps.

"The law requires all humanitarian aid to go through Algerian Red Crescent Society, which works with its Polisario partner, the Sahrawi Red Crescent Society. The Government's refusal to allow a registration census prevents UNHCR from profiling the population for humanitarian and protection needs or monitoring aid distribution. A Joint UNHCR/WFP Assessment Mission in 2007 recommended a more transparent and accountable distribution system.

"There are primary schools in the Tindouf camps for Sahrawi children. Some families keeping slave children as domestic servants in the camp reportedly do not allow them to attend school. Algeria does not allow sub-Saharan refugees the residency permits necessary to attend classes. UNHCR, however, pays tuition for some to attend private schools." **[43a]**

28.21 The UNHCR announced, on 7 January 2011, in a report called *Flights to resume for family visits between refugee camps in Tindouf, Algeria and Western Sahara Territory,* that they were facilitating humanitarian family visits:

"The first flight will carry 30 people (5 families) from Laayoune, Western Sahara Territory to the Smara refugee camp, near Tindouf, Algeria while 33 people (6 families) will travel from the Smara refugee camp to Laayoune later today. They will spend five days with their families before being transported back again…

"The programme is conducted in cooperation with Morocco, the POLISARIO Front, as well as Algeria as the host country. UNHCR also works closely with the United Nations Mission for the Referendum in Western Sahara (MINURSO) which provides the logistical support including aircraft transportation of the families." **[71c]**

See also Exit and Return – residents of Tindouf camps

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29. CITIZENSHIP AND NATIONALITY

29.01 The United States Office of Personnel Management, Investigations Service published a compendium of the citizenship criteria of all nations in March 2001. The Algeria entry (accessed 19 January 2010) stated:

"CITIZENSHIP: Citizenship is based upon the Code of Algerian Nationality, dated December 15, 1978.

• BY BIRTH: Birth within the territory of Algeria does not automatically confer citizenship. The exception is a child born to unknown or stateless parents.
• BY DESCENT:
- Child of an Algerian father, regardless of the country of birth.
- Child of an Algerian mother and an unknown or stateless father, regardless of the country of birth.
• BY NATURALIZATION: Algerian citizenship may be acquired upon fulfillment of the following conditions: Person has resided in Algeria for at least seven years, (18 months if the person was born abroad to an Algerian mother or father), is of good morality, good health, has no criminal convictions, is at least 21 years of age, has assimilated into Algerian society and has a secure means of support.

LOSS OF CITIZENSHIP:
• VOLUNTARY: Voluntary renunciation of Algerian citizenship is permitted by law. Contact the Embassy for details and required paperwork.
• INVOLUNTARY: The following are grounds for involuntary loss of Algerian citizenship:
- Person voluntarily acquires a foreign citizenship.
- Person's employment with a foreign nation or company is not in the interest of Algeria.
- Naturalized citizen is convicted of a crime (abroad or in Algeria) and sentenced to five years or more.
- Naturalized citizen is involved in acts incompatible with the interests of Algeria." **[48]**

29.02 The Programme on Governance in the Arab Region website, on Algeria (accessed January 2010) stated, "The Algerian parliament unanimously approved on March 14, 2005 a decree that amends the current citizenship law to grant Algerian citizens the right to dual citizenship." **[23c] (Constitution – civil rights)**

29.03 The Claiming Equal Citizenship website, on Algeria (accessed 20 January 2010) stated, "The nationality law was reformed in March 2005, allowing Algerian women married to non-nationals to confer nationality to both spouses and children." **[46a]**

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30. EXIT AND RETURN

30.01 The Freedom House report, *Freedom in the World 2010, Algeria*, covering events in 2009, released on 3 May 2010, stated, "While most citizens are free to move throughout the country and abroad with little government interference, the authorities closely monitor and limit the movement of suspected terrorists. The long-standing state of emergency permits the government to restrict where certain people live and work. In addition, men of military draft age are not allowed to leave the country without government consent." **[29b]**

See Recent Developments for news of the lifting of the state of emergency.

30.02 The Freedom House 2010 report on *Women's Rights in the Middle East and North Africa 2010 – Algeria*, dated 3 March 2010, observed, "Algerian women are able to obtain their own passports and leave the country without their husbands' permission,

but a woman cannot leave with her children without authorization from the husband." **[29d] (Autonomy, Security and Freedom of the Person)**

30.03 The website About.com, AIDS:HIV, in a section updated 11 August 2010, stated on its HIV travel restrictions page, "Citizens returning from work abroad and members of the military are required to take an HIV test." **[40a]**

30.04 The Country of Return Information Project May 2009 *Country Sheet for Algeria* stated:

"All the Algerian police stations at the air frontiers and the ocean frontiers are electronically connected to the central database, allowing for a quick control. Persons who are not the subject of a warrant or a detention order, or of an inquiry notice, are only held up for the time needed to check the database. Persons who are the subject of an inquiry notice of a warrant or a detention order, are immediately delivered to justice or to the authority who is searching them. In case of doubt, particularly in the case of people who assume to be granted the benefit of the charter for national reconciliation and who have not informed the consulate about this in the country were they stayed, may be interrogated at the police station when entering the territory. Following this they are authorized to enter and have total freedom of movement." **[10a] (p10)**

30.05 Magharebia, in an article dated 22 February 2010, called *Algeria set to launch biometric passports*, stated:

"Algeria will introduce new biometric passports in the 2nd quarter of 2010, the Ministry of Interior and Local Government announced on Sunday (February 21st). Since all valid Algerian passports will expire during the transition to what the ministry called 'this exceptional operation of public service modernisation', the filing of new cases will be conducted in two waves. The schedule will be set according to the expiration date of the existing passport. Government officials say that biometric passports will contribute to the fight against terrorism, illegal immigration and organised crime and close the security loopholes of traditional passports." **[32h]**

30.06 Magharebia, in a related article called *Algerian passport photo changes trouble Islamic groups,* dated 13 April 2010, noted:

"Any woman seeking a new biometric passport in Algeria must remove her hijab for the official photograph, Algeria's interior ministry confirmed last week. 'The government will not back down on its decision; veiled women are expected to observe this law,' Interior Minister Noureddine Yazid Zerhouni announced at a press conference on Thursday (April 8th). 'Any woman who does not submit to the rules imposed by the International Aviation Organisation must take full responsibility for her actions when she travels.'" **[32j]**

30.07 The Amnesty International *Report 2010 – Algeria*, published 28 May 2010, noted:

"On 25 February [2009], the President approved amendments to the Penal Code which, among other things, criminalized 'illicit' exit from Algeria by using forged documents or travelling via locations other than official border exit ports, restricting freedom of movement and criminalizing migration. Such 'illicit' exit was made punishable by prison terms of between two and six months and/or fines. Nonetheless, thousands of Algerians and other nationals sought to migrate irregularly to Europe from Algeria; hundreds, possibly many more, were intercepted at sea or while preparing to depart by boat and the media reported that many people were tried and sentenced under the new 'illicit' exit provisions.

"No official statistics were available concerning the number of foreign nationals expelled from Algeria, but in its initial report to the UN Committee on Migrant Workers in June 2008, the government said that an average of 7,000 foreign nationals were turned back at the borders or expelled from Algeria annually. Many such expulsions are believed to be carried out without due process and without adequate safeguards." **[26d]**

RESIDENTS OF THE TINDOUF CAMPS

30.08 The Human Rights Watch report of December 2008, *Human Rights in Western Sahara and in the Tindouf Refugee Camps,* noted:

"While Sahrawis may first need to obtain Algerian travel documents if they wish to travel to countries that require them, they do not need such documents to enter nearby Mauritania, where they are free to apply at a Moroccan consulate for entry into the Moroccan-administered areas…

"The Polisario does not prevent camp residents from leaving the camps on trips of limited duration or to settle elsewhere permanently. Sahrawis who seek to leave generally find a way to do so.

"Nevertheless, former camp residents now living in Moroccan-controlled Western Sahara told us that when they left the camps they concealed their ultimate destination, fearing that the Polisario would block their departure if it became known. But no current or former camp residents provided us with specific, verifiable information about any camp resident whom the Polisario had prevented from resettling in the Moroccan-controlled area. Some speculated that there were types of high-level persons whose departure the Polisario might seek to prevent, but they could cite no example by name." **[27b]**

See Foreign Refugees - Sahrawis

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TREATMENT OF RETURNED FAILED ASYLUM SEEKERS

30.09 The Country of Return Information Project May 2009 *Country Sheet for Algeria* gave the Algerian Government's reaction to returning asylum seekers, "According to the Directorate-General of the Consular Matters (Algerian Department of Foreign Affairs), a person having had refugee status or subsidiary protection status, even the fact that his application for asylum has been rejected, or having obtained another nationality by naturalisation or another procedure, has no impact at all on the conditions governing the return of nationals to Algeria." **[10a] (1.4 Impact of former refugee status)**

30.10 The UNHCR Division of International Protection Services produced a note on *Diplomatic Assurances and International Refugee Protection* in August 2006. This note explained how diplomatic assurances work:

"The term 'diplomatic assurances', as used in the context of the transfer of a person from one State to another, refers to an undertaking by the receiving State to the effect that the person concerned will be treated in accordance with conditions set by the sending State or, more generally, in keeping with its human rights obligations under international law…Increasingly, assurances that the person who is to be removed will

not be subjected to torture or other forms of ill-treatment are resorted to in the context of removal procedures such as expulsion or deportation…"

30.11 The note also indicated that they should be used with care:

"Diplomatic assurances given by the receiving State do not normally constitute legally binding undertakings. They generally provide no mechanism for their enforcement nor is there any legal remedy for the sending State or the individual concerned in case of non-compliance, once the person has been transferred to the receiving State. Given that diplomatic assurances are sought only when the sending State perceives a need for guarantees with regard to the treatment of the person concerned in the receiving State, questions arise as to the conditions under which the sending State may rely on such assurances as a basis for removing a person from its territory in keeping with its obligations under applicable international as well as national standards…

"In determining the weight which may be attached to diplomatic assurances, the sending State must consider a number of factors, including the degree and nature of the risk to the individual concerned, the source of the danger for the individual, and whether or not the assurances will be effectively implemented. This will depend, inter alia, on whether the undertaking provided is binding on those State organs which are responsible for implementing certain measures or providing protection, and whether the authorities of the receiving State are in a position to ensure compliance with the assurances given. The assessment must be made in light of the general human rights situation in the receiving State at the relevant time, and in particular, any practice with regard to diplomatic assurances or similar undertakings."**[71d](Paras 1, 3, 5 and 21)**

30.12 The Foreign and Commonwealth Office, in an *August 2010 Human Rights Assessment of Algeria*, released September 2010, stated:

"The 2006 Exchange of Letters between the then British Prime Minister, Tony Blair, and President Bouteflika, laid the foundation for the UK's Deportations with Assurances (DWA) agenda for Algeria. Since the institution of this arrangement nine returns have taken place – the most recent in January 2010. There are no grounds to suspect the Algerian authorities of human rights violations against any of the DWA returnees. We continue (as do the UK courts, including SIAC) to assess that the assurances given by the Algerian Government are credible. They have fulfilled all of their commitments to us with respect to DWA returnees and Embassy contact with returnees has confirmed that they have not been subject to treatment contrary to our obligations under the ECHR." **[5c]**

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31. EMPLOYMENT RIGHTS

31.01 The United States Department of State *Country Report on Human Rights Practices 2009 – Algeria, (USSD Report 2009*), released 11 March 2010, stated, "The constitution prohibits all forms of forced or compulsory labour, however, there were reports from the Ministry of Labour that such practices occurred." **[6a] (Section 6c)** The same report added that 16 years is the minimum age for employment. **[6a] (Section 6d)**

See also Child labour

31.02 The report gave more information about employment:

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

"The standard work week was 37.5 hours, with one ten-minute break and one hour for lunch. Employees who worked beyond the standard work week received premium pay on a sliding scale from time-and-a-half to double-time, depending on whether the overtime was worked on a normal work day, a weekend, or a holiday. In general the MOL effectively enforced labour standards, particularly in the civil service and in public sector companies; however, enforcement was less efficient in the private sector because of low union density.

"The law contains well-developed occupational, health, and safety standards, but MOL inspectors did not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions. Because employment was usually based on detailed contracts, workers rarely were subjected to unexpected conditions in the workplace. If workers were subjected to such conditions, they first could attempt to renegotiate the employment contract or, failing that, resort to the courts; however, the high demand for employment in the country gave an advantage to employers seeking to exploit employees." **[6a] (Section 6e)**

See also Economy

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Annex A

CHRONOLOGY OF MAJOR EVENTS

As reported in the BBC Timeline, updated 3 February 2011, unless otherwise stated. **[60a]**

1962

Algeria gains independence from France.

1963

Ahmed Ben Bella elected as first president.

1965

Col Houari Boumedienne overthrows Ben Bella, pledges to end corruption.

1976

Boumedienne introduces a new constitution which confirms commitment to socialism and role of the National Liberation Front (FLN) as the sole political party. Islam is recognised as state religion.

December Boumedienne is elected president and is instrumental in launching a programme of rapid industrialisation.

1978

Boumedienne dies and is replaced by Col Chadli Bendjedid, as the compromise candidate of the military establishment.

1986

Rising inflation and unemployment, exacerbated by the collapse of oil and gas prices lead to a wave of strikes and violent demonstrations.

Ban on parties lifted.

1988

Serious rioting against economic conditions.

1989

The National People's Assembly revokes the ban on new political parties and adopts a new electoral law allowing opposition parties to contest future elections.

Islamic Salvation Front (FIS) founded and over 20 new parties licensed.

1990

The FIS wins 55 per cent of the vote in local elections.

1991

Government announces parliamentary elections in June 1991 and plans changes to electoral system including restrictions on campaigning in mosques. FIS reacts by calling general strike. State of siege declared, elections postponed. FIS leaders Abassi Madani and Ali Belhadj arrested and jailed.

December In the first round of general elections the FIS wins 188 seats outright, and seems virtually certain to obtain an absolute majority in the second round.

Military takes over

1992

January The National People's Assembly is dissolved by presidential decree and on 11 January President Chadli, apparently under pressure from the military leadership, resigns. A five-member Higher State Council, chaired by Mohamed Boudiaf, takes over.

Street gatherings banned, violent clashes break out on 8 and 9 February between FIS supporters and security forces. A state of emergency is declared, the FIS is ordered to disband and all 411 FIS-controlled local and regional authorities are dissolved.

June Boudiaf assassinated by a member of his bodyguard with alleged Islamist links. Violence increases and the Armed Islamic Group (GIA) emerges as the main group behind these operations.

1994

Liamine Zeroual, a retired army colonel, is appointed chairman of the Higher State Council.

1995

Zeroual wins a five-year term as president of the republic with a comfortable majority.

1996

Proposed constitutional changes approved in a referendum by over 85 per cent of voters.

1997

Parliamentary elections won by the newly-created Democratic National Rally, followed by the moderate Islamic party, Movement of Society for Peace.

Militants ignore concord

1998

President Zeroual announces his intention to cut short his term and hold early presidential elections.

1999

Former foreign minister Abdelaziz Bouteflika elected as president after all opposition candidates withdraw from race, saying they had received inadequate guarantees of fair and transparent elections.

Referendum approves Bouteflika's law on civil concord, the result of long and largely secret negotiations with the armed wing of the FIS, the Islamic Salvation

Army (AIS). Thousands of members of the AIS and other armed groups are pardoned.

2000

Attacks on civilians and security forces continue, and are thought to be the work of small groups still opposed to the civil concord. Violence is estimated to have claimed over 100,000 lives in Algeria since 1992.

2001

April/May Scores of demonstrators are killed in violent clashes between security forces and Berber protestors in the mainly Berber region of Kabylie following the death of a teenager in police custody.

May The mainly Berber party, the Rally for Culture and Democracy, withdraws from the government in protest against the authorities' handling of riots in Kabylie.

October Government agrees to give the Berber language official status, as part of a package of concessions.

November Several hundred people are killed as floods hit Algiers.

2002

March President Bouteflika says the Berber language, Tamazight, is to be recognised as a national language.

June Prime Minister Ali Benflis's National Liberation Front (FLN) wins general elections marred by violence and a low turnout. They are boycotted as a sham by four parties - two of which represent Berbers.

2003

May More than 2,000 people are killed and thousands are injured by a powerful earthquake in the north. The worst-hit areas are east of Algiers.

June Leader of the outlawed Islamic Salvation Front (FIS) Abassi Madani and his deputy Ali Belhadj are freed after serving 12-year sentences.

2004

April President Bouteflika is re-elected to a second term in a landslide poll victory.

2005

January Authorities announce the arrest of rebel Armed Islamic Group (GIA) head Nourredine Boudiafi and the killing of his deputy and declare the group to be virtually dismantled.

	Government makes deal with Berber leaders, promising more investment in Kabylie region and greater recognition for Tamazight language.
March	Government-commissioned report says security forces were responsible for the disappearances of more than 6,000 citizens during the 1990s civil conflict.
September	Reconciliation referendum: Voters back government plans to amnesty many of those involved in post-1992 killings.
November	Opposition parties keep their majority in local elections in the mainly-Berber Kabylie region, held as part of a reconciliation process.

2006

March	Six-month amnesty begins, under which fugitive militants who surrender will be pardoned, except for the most serious of crimes. The authorities free a first batch of jailed Islamic militants.
May	Algeria is to pay back all of its $8bn debt to the Paris Club group of rich creditor nations, in a move seen as reflecting its economic recovery.
September	Leader of the banned Islamic Salvation Front (FIS) Rabah Kebir returns from self-imposed exile and urges rebels still fighting the state to disarm.
December	Roadside bomb hits a bus carrying staff of a US oil firm, killing one man. The Salafist Group for Preaching and Combat (GSPC) claims responsibility and shortly afterwards calls for attacks against French nationals.

2007

January	Salafist Group for Preaching and Combat renames itself the al-Qaeda Organisation in the Islamic Maghreb.
February	Seven bombs go off almost simultaneously east of Algiers, killing six.
March-April	Army steps up offensive against Islamist militants to stamp out a surge in attacks.
March	Three Algerians and a Russian are killed in a roadside attack on a bus carrying workers for a Russian gas pipeline construction company.
April	33 people are killed and more than 200 are injured in two bomb blasts in Algiers, one of them near the prime minister's office. Al-Qaeda in the Islamic Maghreb claims responsibility.
May	Parliamentary elections: dozens are killed in the run-up, in a wave of fighting between the military and armed groups. Pro-government parties retain their absolute majority in parliament.

July	A suicide bomber targets a military barracks near Bouira, killing at least nine people.
September	At least 50 people are killed in a series of bombings. Al-Qaeda in the Islamic Maghreb claims responsibility for the attacks.
	Al-Qaeda's second-in-command Ayman al-Zawahiri urges north Africa's Muslims to 'cleanse' their land of Spaniards and French.
December	Double car bombing in Algiers hits a UN building and a bus full of students, killing dozens of people.

2008

June	Four Christian converts from Islam receive suspended jail sentences for worshipping illegally.
	President Bouteflika brings back twice former premier Ahmed Ouyahia as new prime minister, replacing Abdelaziz Belkhadem.
August	About 60 people are killed in bombings in towns east of Algiers. Al-Qaeda in the Islamic Maghreb claims responsibility.
November	Parliament approves constitutional changes allowing President Bouteflika to run for a third term.

2009

April	Bouteflika was re-elected for a third term of office on 9 April 2009 with a notable majority of the votes. He received 90.2% of the valid votes cast. **Europa world 6 January 2010 [1a] (recent history)**
June	19 gendarmes were killed in a terrorist attach against the officers who were guarding a group of Chinese workers on a construction project. The attack occurred in the wilaya of Bordj Bou Arreridj, 148 kms east of Algiers. **FCO Travel Advice, 6 January 2010 [5d]**
July	14 Algerian soldiers were killed and several others were seriously wounded in an ambush in Damous, in the wilaya of Tipaza. A roadside bomb was detonated and then the soldiers were fired upon. **FCO Travel Advice, 6 January 2010 [5d]**
October	Seven Algerian security guards were killed and two were injured in a gun attack 20 kms south-east of Tizi Ouzou, between Maatkas and Souk El Tenine. **FCO Travel Advice, 6 January 2010 [5d]**
November	Disturbances mar two international association football matches between Egypt and Algeria, leading to diplomatic tensions between the two countries.

2010

April	Algeria, Mauritania, Mali and Niger set up joint command to tackle threat of terrorism.

June 11 members of the Algerian Security Forces were killed and three injured following an ambush in the Tinzaouatine district of Tamanrasset 40 kms from the Mali border. **FCO Travel Advice, 17 February 2011 [5d]**

2011

January Major protests break out over food prices and unemployment, with two people being killed in clashes with security forces. The government orders cuts to the price of basic foodstuffs.

February President Abdelaziz Bouteflika says the 1992 state of emergency laws will be repealed in the 'very near future', without specifying a date.

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Annex B

POLITICAL ORGANISATIONS

See also Political system and Opposition groups and political activists

MAJOR PARTIES

Jane's Sentinel Country Risk Assessments (Internal Affairs, 24 November 2010) gave the following information:

Front de Libération Nationale (FLN) / National Libération Front
"The National Liberation Front (Front de Libération Nationale: FLN) was founded in 1954 as a pro-independence, socialist, non-aligned and pan-Arabist party. It led the armed struggle against France, which ultimately resulted in Algeria gaining its independence in 1962. After independence the FLN took control of Algerian politics and established itself at the heart of a single-party state.

"The FLN was split in the run up to the 2002 presidential election when party leader Ali Benflis chose to run against President Bouteflika. Benflis had hoped that the military would suggest to Bouteflika that he step aside in favour of the FLN leader, but this did not happen and Benflis was soundly beaten into second place in the election. Benflis was subsequently ousted as leader and the FLN then joined what in some quarters has been called the 'presidential alliance' of parties supporting Bouteflika. It consists of the FLN, the MSP and the RND. The FLN confirmed its return to the front line of Algerian politics in 2006 when its new leader and staunch Bouteflika ally, Abdelaziz Belkhadem was chosen as prime minister to replace Ahmed Ouyahia, although he was in turn replaced in June 2008, again by Ouyahia." **[7b]**

Rassemblement nationale démocratique (RND) / Democratic National Rally
"The RND was formed in the run-up to the 1997 elections as a pro-government party, laced with cabinet ministers. The RND supported President Bouteflika in the 1999 and 2004 presidential elections and is considered to be close to the Algerian military. In the 2007 National People's Assembly elections, the party gained 14 seats. It also performed well in the November 2007 municipal elections, capturing 24.5 per cent of seats. The RND regained the prime minister's post in June 2008, when Ouyahia was once again appointed to the position." **[7b]**

Mouvement du Rénouveau Nationale (MRN) / Movement for National Reform
"The MRN also known as El-Islah, is a legalised moderate Islamist party. Abdullah Djaballah, a leading Algerian Islamist founded the party in 1999. Djaballah contested the April 2004 presidential election and officially finished third with 4.84 per cent of the vote. In the 2007 legislative elections, the party suffered a major setback, losing 40 seats." **[7b]**

Mouvement de la société pour la paix (MSP) / Movement of a Peaceful Society
"Formerly the Islamic Hamas Party, the MSP; had to change its name to side-step the ban on religious parties. Despite the militant connotations of its original name, it is considered to be a moderate Islamist group that advocates the co-existence of all political and religious groups and a gradual move towards an Islamic state that would still respect individual liberties.…[The MSP] is part of the 'presidential alliance' (with the

FLN and RND) supporting President Bouteflika. In the November 2007 municipal elections, it won 10.7 per cent of seats." [7b]

Parti des Travailleurs (PT) / Workers Party
"The PT is a small Trotskyist party led by Louisa Hanoune, who has a reputation as a plain speaker and has won much support through her civil and female rights campaigning. The party was established in 1989 based on the previously illegal Socialist Workers' Organisation. It is against the privatisation of Algeria's assets. The party won four seats in the June 1997 elections and 21 seats in the widely boycotted May 2002 elections. Hanoune stood for president in April 2004, the first woman in Algeria to do so, and won 1.2 per cent of the vote. In the 2007 National People's Assembly elections, the party gained 26 seats, a slight improvement on its 2002 tally. In the November 2007 municipal elections, the PT won a 6.9 per cent share of the vote."[7b]

Front Nationale Algérie (FNA) / Algerian National Front
"The FNA was established in November 1998 by Mousa Touati. The FNA won 13 seats at the May 2007 parliamentary elections." [7b]

Mouvement de la Renaissance Islamique (MRI) / Islamic Renaissance Movement
"The MRI or Ennahda, which translates as Renaissance, is a moderate Islamic party that has been allowed to participate in Algeria's political processes. Although intolerant of secularism, the party has consistently denounced the use of violence and stresses the importance of political pluralism, popular political sovereignty and the rule of law …Lahbib Adami [is] leader. In 2007, the party could win no more than five seats. This lack of popular support was confirmed in the November 2007 municipal elections when the MRI captured a mere 1.57 per cent of seats." [7b]

Front des Forces Socialistes (FFS) / Socialist Forces Front
"The FFS is a secular Berber-based opposition party. Although it has traditionally relied on support in the Kabylie region, it has developed support throughout Algeria. Like most parties it was banned until 1989. The party is led by Hocine Ait-Ahmed, a respected veteran of the independence movement who has spent much of his life since independence in self-exile in Switzerland…The FFS boycotted the May 2002 and 2007 parliamentary elections." [7b]

Rassemblement pour la Culture et Démocratie (RCD) / Rally for Culture and Democracy
"The RCD, is the second Berber party after the FFS. Unlike its larger rival, it has to rely exclusively on support in the Kabylie region. The party was formed in 1989 to represent Berber interests and supports the use of the Berber language and the separation of Islam from the state. Said Sadi [leader] stood as a candidate in the 2004 presidential election and won 1.9 per cent of the vote. In 2007, the party gained 19 seats - the same number that it won in 1997. In the municipal elections, it took 4.35 per cent of the seats." [7b]

Front Islamique du Salut (FIS) / Islamic Salvation Front
"The Islamic Salvation Front (Front Islamique du Salut: FIS) was established in 1989 by Abassi Madani and Ali Belhadj to represent the flourishing Islamist movement. It quickly became the most potent opposition force in the country, thanks to a network of mosques and wide support base among the urban poor. It performed extremely well in both the 1990 municipal elections and in the first round of the 1991 National Assembly

elections. The second round was cancelled by the military, however, and the FIS was banned in March 1992 and both Madani and Belhadj were subsequently arrested. Madani and Belhadj were both released from captivity in July 2003 and there were fears on the part of the authorities that they would re-energise the FIS, despite continued bans on their and its political activity. However, it quickly became apparent that there was (and still is) little enthusiasm for reopening the wounds of the past. The FIS remains banned, despite periodic hints from the government that it might consider legalising the party." **[7b]**

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Annex C

PROMINENT PEOPLE

As included in Jane's Sentinel Security Assessment – Algeria – Political Leadership, 24 November 2010, unless otherwise stated. **[7b]**

President	Abdelaziz Bouteflika
Prime Minister	Ahmed Ouyahia
Deputy Prime Minister	Noureddine Yazid Zerhouni
Minister of State and Special Representative to the President	Abdelaziz Belkhadem
Minister of Communication	Nacer Mehal
Minister of Foreign Affairs	Mourad Medelci
Minister of Interior	Daho Ould Kablia
Minister of Justice	Tayeb Belaiz
Minister of Trade	Mustapha Benbada
Secretary General of the Government	Ahmed Noui
Secretary of State to the PM	Azeddine Mihoubi
President of the People's National Assembly	Abdelaziz Ziari

Opposition party leaders are included in Annex B – Political Organisations

OTHER PROMINENT PEOPLE

Abu Musab Mbd al-Wadud
AQIM's Leader in North Africa **USA Today, 22 September 2009 [78a]**

Mustapha Bouchachi
Chairman of the Algerian League for the Defence of Human Rights (LADDH) **International Federation for Human Rights, February 2011 [12d]**

Zohra Drif-Bitat
Vice-president of the Senate (also a female figure of the independence war) **USA Today, 22 February 2007 [78b]**

General Mohamed 'Tewfik' Mediene
Head of military intelligence (DRS)

Abdelhamid Mehri
Former leader of FLN and one of founders of Algerian state. **BBC News, 17 February 2011 [60e]**

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Annex D

LIST OF ABBREVIATIONS

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporters sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

Annex E

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Numbering of source documents is not always consecutive because some older sources have been removed in the course of updating this document.

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