

ALGERIA 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Algeria is a multiparty republic whose head of state and government (president) is elected by popular vote for a five-year term. The president has the constitutional authority to appoint and dismiss cabinet members and the prime minister. A 2008 constitutional amendment eliminated presidential term limits, and President Abdelaziz Bouteflika has been in office since 1999. The legislative elections held on May 10 did not result in significant changes to the composition of the government. Foreign observers characterized the elections as largely peaceful, but pointed to low voter turnout and a high rate of ballot invalidity. Security forces, reporting to civilian authorities, maintained stability and order throughout the voting process.

The three most significant continuing human rights problems were restrictions on freedom of assembly and association, lack of judicial independence, and reported overuse of pretrial detention.

Other human rights concerns were limitations on the ability of citizens to change their government, excessive use of force by police, and poor prison conditions. Additionally, widespread corruption accompanied reports of limited government transparency. Women faced violence and discrimination, and the government maintained restrictions on workers' rights.

Impunity remained a problem. The government did not publicly provide information on actions taken against police and security service officials.

Abuses by illegal paramilitary forces remained a significant problem. Terrorist groups committed a significant number of attacks against government officials, members of security forces, and, to a lesser extent, civilians. Government efforts continued through the year with the intention of eliminating elements of al-Qaida in the Islamic Maghreb (AQIM) in Algeria. Reports from human rights and other groups indicated that security service officials killed approximately 100 individuals suspected of affiliation with, and action on behalf of, AQIM during the course of raids on strongholds and firefights.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

On March 28, Said Tobal, a resident of Souala, a village near Algiers, died in the critical care unit of Lamine Debaghine-Bab El-Oued hospital. According to news sources quoting his mother, following his arbitrary arrest on March 19, Said was found “lying on the ground” with “clothes ripped, nearly unconscious... beaten like a dog.” The hospital reported that Said suffered fractured ribs and vertebrae and damage to his spinal cord, injuries that doctors suggested indicated that Said had been abused during his arrest by police officers.

On July 12, Lasfar Said died of injuries sustained during clashes between police and members of the security forces while participating in a march toward Algiers of “communal guards” (auxiliary police force) demanding better wages and benefits. Estimates indicated that during July between 20,000 and 40,000 guards were involved in a march of approximately 50 kilometers (31 miles) to the capital, calling for an improvement of their status. Clashes between police and protesters resulted in 50 cases of injury.

In addition to frequent terrorist attacks carried out by AQIM in the Kabylie region, a new terrorist alliance emerged during the year in northern Mali--the Movement for Oneness and Jihad in West Africa (MUJAO). On March 3, MUJAO claimed responsibility for a suicide car bombing at a paramilitary police base in the Algerian province of Tamanrasset that resulted in injuries to 15 members of the gendarmerie, five civil protection officers, and three civilians, some of whom remained in serious condition. At year’s end there was no new information on their condition.

b. Disappearance

Reported disappearances were generally instances of individuals apprehended by security forces and held for several days before their families were notified or they were released. In all cases during the year, security services indicated that the individuals were suspected of terrorism or terrorist collusion.

On July 17, according to the Algerian League for the Defense of Human Rights (LADDH), Zoubir Kaf disappeared. On July 18, his wife appeared at a local police station and at the headquarters of a local gendarmerie brigade in the area of Benaceur Benchohra to report his disappearance. A few days later, a uniformed soldier visited her at home to advise her that her husband was being held in a Department of Intelligence and Security (DRS) facility in the southern Algerian city of Ouargala.

There were no developments regarding the UN Human Rights Committee's June 2011 request that the government investigate the 1994 disappearance of Brahim Aouabdia in Constantine, or Alkarama's (an Algerian dissident organization based in Switzerland) January 2010 request for government investigation of the 1993 disappearance of Lakhdar Bouzenia.

Armed criminals conducted abuses against civilians, including kidnappings, false checkpoints, and extortion, particularly in areas east of Algiers and in the southern portion of the country. Security services reported 15 people were kidnapped from the area in 2012, some for ransom. Figures on total ransom payments were unavailable.

According to Abderahmane Arrar, president of Algeria's National Association for the Defense of Children (NADA), 1,500 cases of child abduction and disappearance were reported during the year throughout the country, including 55 in the city of Algiers.

Enforced disappearances, reportedly numbering in the thousands, were a significant problem during the 1990s. An estimated 8,023 persons remained missing or disappeared as a result of government actions between 1992 and 1999. Merouane Azzi, president of the legal body established to enforce the terms of the 2006 National Charter on Peace and Reconciliation, announced on August 12 that 90 percent of the families of the 6,541 registered disappeared had been compensated. He added that the remaining 10 percent had refused compensation and continued to demand information about the disappeared individuals.

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

The law prohibits such practices, but nongovernmental organizations (NGOs) and local human rights activists reported that government officials sometimes employed torture and abusive treatment to obtain confessions. Government agents can face prison sentences of between 10 and 20 years for committing such acts, and some individuals were tried and convicted. There were no reported cases of prosecution of security service officials during the year. In September government officials indicated that internal lists of prosecutions and convictions of security officials were maintained. Local and international NGOs asserted that impunity was a problem.

Amnesty International (AI) maintained that Algerian security forces operated “unrecognized detention centers where detainees were at risk of torture or other ill-treatment.” Geneva-based NGO Alkarama reported plainclothes officers often inflicted abusive treatment upon those arrested on “security grounds.”

Prison and Detention Center Conditions

Physical Conditions: Prison conditions generally did not meet international standards, and the government did not permit visits to military, high-security, DRS, or standard prison facilities or to detention centers by independent human rights observers.

The approximate total number of prisoners and detainees in prisons and detention facilities was 55,000. Official government statistics indicated that pretrial detainees accounted for approximately 10 percent of this total, but observers disputed that percentage. Some observers, including government-appointed human rights officials, attributed overcrowding to “excessive use” of pretrial detention.

Officials generally held male and female prisoners separately, with conditions reportedly better for women than for men. Officials held juveniles separately from adults. Pretrial detainees were generally kept in separate detention facilities co-located with police stations, but were occasionally moved to prisons due to overcrowding. Individuals detained as terrorism suspects are held at facilities administered by the DRS. Some individuals previously detained at these facilities claimed abuse by security service officers, but there was no evidence that physical conditions at these facilities were markedly worse than those at standard prison facilities.

On June 18, Mohamed Smain, the 70-year-old former president of the LADDH was arrested and detained for 19 days at Relizane Prison. Upon his release, Smain described the prison as “hell” and the conditions therein as “bestial.” He asserted that “[people] suffer horrors. Living conditions, the rules, everything is arbitrary and unfair. The detainees are not treated as human beings . . . When we condemn someone to prison in this country it is to humiliate and degrade him, not to see that he pays his debt to society. There were real mental tortures, and some go crazy.”

Administration: Recordkeeping on inmates and detainees was substandard. The penal code permits the substitution of community service for imprisonment for nonviolent, first-time offenders whose crimes carry a maximum prison sentence of three years or less. No ombudsman exists to serve on behalf of prisoners or

detainees. Prisoners can submit uncensored complaints to penitentiary administration and those in standard facilities are permitted weekly visits by family members, who are authorized to provide detainees with food and clothing. All Muslim holy days are observed within all prisons, and authorities permit prisoners to participate in religious events and provide them with prayer space.

Monitoring: While the government allowed the International Committee of the Red Cross (ICRC) and local human rights observers to inspect low-security prisons and detention centers, they refused access to military and high-security prison and detention facilities. The ICRC conducted 43 visits to 43 facilities in 2011.

AI reiterated concerns about uninspected, “unrecognized” detention facilities operated by intelligence and security services, and expressed concern about the possibility that torture and abuse occurred therein.

d. Arbitrary Arrest or Detention

Although the constitution prohibits arbitrary arrest and detention, there were reports of overuse of pretrial detention. The government-appointed head of the National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH), Farouk Ksentini, noted that pretrial detention often was seen as an “implicit sign” of guilt, and also pointed to the concern that judges refused 90 percent of detainees’ applications for “judicial control,” a type of pretrial liberty utilized in lieu of a bail system.

Role of the Police and Security Apparatus

General responsibility for maintaining law and order is shared by the 60,000-member Gendarmerie Nationale, which performs police functions outside of urban areas under the auspices of the Ministry of National Defense, and the 130,000-member Sureté Nationale, or national police force, organized under the Ministry of the Interior (MOI). The DRS is also organized under the Ministry of National Defense, and its various units perform law enforcement functions related specifically to terrorism and national security.

Impunity remained a problem. The criminal code provides mechanisms to investigate abuses and corruption, but the government did not provide public information on disciplinary or legal action against police, military, or other security force personnel, citing morale and security concerns.

The LADDH frequently criticized the government throughout the year for permitting security forces to commit abuses with impunity.

Members of security services participated in training programs administered by foreign governments, the ICRC, and other institutions that included human rights components.

During the year police responded to 17,017 civil disturbances nationwide, according to Abdelghani Hamel, director general of the national police.

Arrest Procedures and Treatment While in Detention

According to the law, police must obtain a summons from the Prosecutor's Office to require a suspect to appear in a police station for preliminary questioning, but in practice this was not uniformly done. Summonses also are used to notify and require the accused and the victim to attend a court proceeding or hearing.

Police may make arrests without a warrant if they witness the offense. Public lawyers reported that procedures for warrants and summonses usually were carried out properly.

The constitution specifies that a suspect may be held in detention for up to 48 hours without charge. If more time is required for gathering additional evidence, the police may request that the prosecutor extend the suspect's detention to 72 hours. Those suspected of terrorism or subversion may be held legally for 12 days without charge or access to counsel under the law. Numbers of detainees held were unavailable at year's end. Confessions and statements garnered during this period are permissible to use in court. This period may be extended by application of a prosecutor to a judge. In practice the initial court appearance of a suspect in terrorism matters is not public. At the end of the 12-day period, the detainee has the right to request a medical examination by a physician of choice within the jurisdiction of the court. Otherwise the judicial police appoint a doctor. The certificate of the medical examination is then entered into the detainee's file.

There is no system of bail. In non-felony cases and in cases of individuals involved in terrorism that have exceeded a 12-day period and any authorized extension, suspects often were released on provisional liberty referred to as "judicial control" while awaiting trial. Under provisional liberty status, suspects are required to report weekly to the police station in their district, reside at an

agreed-upon address, and are forbidden to leave the country until a disposition is reached on the case.

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

Most detainees have prompt access to a lawyer of their choice, and the government provides legal counsel to indigent detainees. Some detainees were held incommunicado without access to their families or lawyers.

Arbitrary Arrest: Although the law prohibits arbitrary arrest and detention, authorities sometimes used vaguely worded laws to arrest and detain individuals considered to be disturbing public order. Both AI and the UN special rapporteur on freedom of speech criticized the country's law prohibiting unauthorized gatherings, calling for the law to be amended to require only notification as opposed to application for authorization. These observers, among others, pointed to the law as a significant source of arbitrary arrests intended to chill activist speech.

Throughout the year local news outlets reported on several cases involving union activists arrested on several separate occasions for participation in unauthorized protests. One of these activists, Yacine Zaid, gained attention when the British-based oil services conglomerate Compass Group fired him for union organizing. He successfully sued Compass for reinstatement at the European Court of Human Rights. The company reinstated Zaid's salary but did not permit him to return to work. Authorities arrested Zaid several times and typically held him for one or two days before releasing him on his own recognizance. On September 25, he was convicted of inciting an unauthorized gathering and given a suspended sentence of six months' imprisonment. One week later, he was arrested and detained by security service agents, but at trial he was acquitted of union organizing charges.

In April police arrested Abdelkader Kherba, a 32-year-old union activist and member of LADDH and the National Committee for the Defense of the Rights of the Unemployed (CNDDC), while he participated in a "sit-down" protest by justice sector workers demanding improvement of work conditions. On May 3, he was convicted of "incitement of a protest" by a court at Sidi Mohamed, in northwestern Algeria. The court pronounced a suspended sentence of one year of imprisonment and a fine of 20,000 dinars (DZD) (approximately \$260). On August 21, he was arrested for "insulting an official" after filming a demonstration by residents of

Ksar el-Boukhari against routine water cuts. He began a hunger strike immediately upon his incarceration. On September 11, he was acquitted and released from prison.

On July 11, DRS agents arrested “cyberactivist” Saber Saidi. After being held for 11 days, he was brought before a court at El-Harrach on July 22 and charged with “incitement to terrorism” for posting videos of demonstrations by opposition groups and revolutionary groups in other parts of the Arab world, as well as sermons by Ali Belhadj, a leader of the banned Islamic Salvation Front. At year’s end he remained in prison at El-Harrach awaiting trial.

Pretrial Detention: Prolonged pretrial detention remained a serious issue. Pretrial detainees were believed to comprise approximately 10 percent of the total detainee/prisoner population. The law does not provide a person in detention the right to a prompt judicial determination of the legality of the detention. AI reported several cases of individuals detained on security-related charges held in excess of the 12-day prescribed period.

Detention of Rejected Asylum Seekers or Stateless Persons: There were reports that the government deported some asylum seekers after trials without legal counsel given to the applicant. Refugees holding valid UN High Commissioner for Refugees (UNHCR) documentation were less likely to be deported, but reports indicated that a few unrecognized refugees were arrested on the basis of illegal entry and stay and were deported in the course of the year.

On December 13, the government announced that it would not seek to deport the estimated 25,000 asylum seekers resident in the country.

e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, the president exercises supreme judicial authority, and the executive branch limited judicial independence. In practice the judiciary was not impartial and was subject to influence and corruption. The constitution provides for the right to a fair trial, but in practice authorities did not always respect legal provisions regarding defendants’ rights. The High Judicial Council is responsible for judicial discipline and the appointment of all judges. President Bouteflika serves as the president of the council.

Trial Procedures

The constitution provides for the right to a fair trial, but in practice authorities did not always respect legal provisions regarding defendants' rights. Defendants are presumed innocent and have the right to be present and to consult with an attorney, provided at public expense if necessary. Most trials are public and all are nonjury. Defendants can confront or question witnesses against them or present witnesses and evidence on their behalf. In the past, reports indicated that courts occasionally denied defendants and their attorneys access to government-held evidence, but there were very few reports of such incidents during the year. Defendants have the right to appeal. The testimony of men and women has equal weight under the law.

On March 29, supporters of Mohamed Babanadjar organized a sit-in in front of the Ministry of Justice (MOJ) to request that he be retried based on several accusations of defective investigation and trial procedures. In 2006, at the age of 21, Babanadjar was convicted of involvement in the October 2005 murder of local Algerian Red Crescent director Brahim Bazine in the southern city of Ghardaia and sentenced to death. He consistently insisted upon his innocence and spent most of the seven years of his incarceration on successive hunger strikes. A similar effort in 2009 resulted in the reduction of his sentence from death to life imprisonment.

Political Prisoners and Detainees

On July 11, "cyberactivist" Saber Saidi was arrested in public by DRS agents. After being held for 11 days, he was charged with "incitement to terrorism" for posting videos of demonstrations by opposition groups and revolutionary groups. At year's end he remains in prison at El-Harrach awaiting trial (see section 1.d.).

Civil Judicial Procedures and Remedies

The judiciary was neither independent nor impartial in civil matters and lacked independence in some human rights cases. Family connections and status of the parties involved influenced decisions. Individuals may bring lawsuits, and there are administrative processes related to amnesty, which may provide damages to the victims or their families for human rights violations and compensation for alleged wrongs.

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

The constitution prohibits such actions, although in practice government authorities infringed on citizens' privacy rights. According to human rights

activists, the government monitored the communications of political opponents, journalists, human rights groups, and suspected terrorists. Security officials reportedly searched homes without a warrant. Individuals reported unannounced home visits by security forces.

Use of Excessive Force and Other Abuses in Internal Conflicts: Government efforts continued through the year with the intention of eliminating elements of AQIM in Algeria. Reports from human rights and other groups indicated that security service officials killed approximately 100 individuals suspected of affiliation with and action on behalf of AQIM during the course of raids on strongholds and firefights.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Freedom of Speech: Individuals were not able to criticize the government publicly, and in practice citizens practiced self-restraint in voicing public criticism. The law criminalizing speech about the conduct of the security forces during the internal conflict of the 1990s remained in force, although there were no cases of arrest or prosecution under the law during the year.

Freedom of Press: Many political parties, including legal Islamic parties, had access to the independent press and used it to express their views. Opposition parties also disseminated information via the Internet and published communiques. Journalists expressed frustration over the near-impossibility of receiving information from public officials, and journalists and political cartoonists regularly criticized the government. Print media outlets relied on the government for physical printing materials and operations. The government maintained a monopoly on broadcast media despite a decree permitting the operation of independent broadcast media outlets. There were no cases of government interference in book publication during the year.

Violence and Harassment: On August 14, news outlets reported that throughout the year journalist Zouheir Ait Mouhoub experienced police harassment. Police officers reportedly subjected Mouhoub to verbal and physical intimidation,

unjustified body searches, interrogations, and unannounced home visits. He reportedly moved to a different city to escape the harassment. Mouhoub is an investigative journalist who has reported on sensitive issues related to organized crime in the informal economic sector.

On March 18, police officers reportedly beat Hanane Driss, a freelance reporter, and Mohamed Kadri, a photographer, while they were reporting on a protest rally in Algiers. On March 26, a spokesperson for the General Directorate of National Security (French acronym DGSN) announced that “severe measures” would be taken against those who committed those reprehensible acts against the two journalists.” At year’s end Driss’ editor in chief reported that the police officers were subject to internal disciplinary measures and suspended.

The government did not take any specific steps to ensure the safety of journalists and independence of the media.

Censorship or Content Restrictions: Major news outlets faced indirect retaliation for criticism of the government. In January the editors of *El Watan*, an independent newspaper known to be critical of government policies, were summoned by the National Insurance Fund to pay approximately DZD 221 million (\$2.8 million) in unpaid social security contributions for collaborators and freelancers. The fund previously targeted other national newspapers, but collection procedures ceased following complaints by the editors. The law permits the government to censor imported books, but there were no cases in which the government exercised this authority during the year.

Libel Laws/National Security: NGOs and observers criticized the law on defamation as vaguely drafted and the definitions therein as failing to comport to internationally recognized norms. The law defines defamation as “any allegation or imputation of a fact offending the honor or consideration of a person, or of the body to which the fact is imputed.” The law does not require that the fact alleged or imputed be false or that the statement within which it is contained be made with malicious intent to damage another individual’s reputation. Defamation is not a crime, but carries high civil penalties ranging from DZD 100,000 to 500,000 (approximately \$1,300 to \$6,400).

Publishing Restrictions: Individuals who wish to initiate regular publications must obtain authorization from the government. The law requires the director of the publication to hold Algerian citizenship. The law additionally prohibits periodicals from receiving direct or indirect material support from foreign sources.

Actions to Expand Press Freedom: The government ended its monopoly on broadcast media in September 2011, passing a law to permit private media companies access to radio and television airwaves.

Internet Freedom

Access to the Internet generally was unimpeded, although the government monitored e-mail and social media sites. Individuals and groups could engage in the expression of views via the Internet, including by e-mail. Intelligence services closely monitor the activities of political and human rights activists on social media sites such as Facebook. Several activists report that even the slightest misstep in a Facebook update could result in arrest and questioning.

On June 27, a court in Algiers handed down an eight-month suspended prison sentence and a 1,000 euro (\$1,250) fine in the case of Tarek Mameri, a young blogger and activist. The court convicted Mameri, 23, of destroying property, setting administrative documents on fire, and inciting public gatherings based on videos he posted on his blog depicting him burning electoral placards and his voter registration card, and calling for a boycott of May parliamentary elections.

The law on cybercrime establishes procedures for using electronic data in prosecutions and outlines the responsibilities of service providers to cooperate with authorities. Under the law, electronic surveillance operations may be conducted to prevent offenses amounting to terrorist or subversive acts and infractions against state security pursuant to written authorization from a competent judicial authority.

By law Internet service providers face criminal penalties for the material and Web sites they host, especially if subject matters are “incompatible with morality or public opinion.” The Ministries of Justice, Interior, and Information have oversight responsibilities. The cybercrime law provides sentences of six months to five years in prison and fines between DZD 50,000 and DZD 500,000 (\$640 to \$6,400) for users who do not comply with the law, including the obligation to cooperate with law enforcement authorities against cybercrime.

Academic Freedom and Cultural Events

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

international experts entrance. Participants and speakers invited to cultural and academic events whose biographies included references to community organizing or democracy promotion were often not given visas.

b. Freedom of Peaceful Assembly and Association

Although the constitution provides for freedom of assembly and association, the government severely restricted the exercise of these rights in practice.

Freedom of Assembly

The constitution provides for the right of assembly, but government practice continued to curtail this right. A ban on demonstrations in Algiers remained in effect and was utilized during the year to prohibit assembly within the city limits, most notably in the case of the communal guards. Authorities required citizens and organizations to obtain permits from the government-appointed local governor before holding public meetings. During the year the government restricted licenses to political parties, NGOs, and other groups to hold indoor rallies or delay permission until the eve of the event, thereby impeding publicity and outreach efforts by organizers. Hotels in Algiers and other major cities continued their historic practice of refusing to sign rental contracts for meeting spaces with political parties, NGOs, and civil associations without a copy of a written authorization from the MOI for the proposed gathering.

Throughout the year police dispersed unauthorized gatherings in Algiers or prevented marching groups of protesters from entering the city. Notably, police quickly and peacefully dispersed several gatherings organized on September 13 following the attacks on embassies and other diplomatic facilities in Libya, Egypt, Tunisia, and Sudan. Several groups of protesters attempted to assemble in locations throughout Algiers, but police prevented protesters from reaching foreign embassies without incident.

On September 22, about 100 protesters gathered outside the offices of the National Liberation Front (FLN) in Hydra, an upper-middle-class neighborhood of Algiers. Police monitored, but did not disperse, the protest, which continued for approximately three hours.

On December 26, a court in Algiers convicted 43 members of the communal guard of armed gathering, aggression against police officers, and obstruction of public avenues for their participation in a protest march from the city of Blida to Algiers

on July 9. They were represented at trial by attorneys from LADDH and the Algerian Lawyers' Network for the Defense of Human Rights (RADDH). The July 9 march included approximately 40,000 of the estimated 93,000 members of local auxiliary police units established by authorities in 1994 to bolster local security during the government's extended action against terrorist elements. Several thousand protesters were detained on site on July 9 and released shortly thereafter as police worked to disperse the march; the government charged 43 "organizers" with the above-cited infractions. Defense attorneys contested the charges on factual grounds and indicated that they intended to appeal the verdict.

There were no cases during the year of police attempts to block demonstrators' mobile phones.

Freedom of Association

The constitution provides for the right of association, but the government severely restricted this right in practice.

The law grants the government wide-ranging oversight of and influence in the day-to-day activities of civil society organizations. The law requires civil organizations to apply to the MOI for permission to operate. Once registered, organizations must inform the government of their activities, funding sources, and personnel, including notification when there are personnel changes. The law imposes an additional requirement that associations obtain government preapproval before accepting foreign funds. If organizations fail to provide required information to the government or attempt to operate with or accept foreign funds without authorization, they are subject to fines between DZD 2,000 and DZD 5,000 (approximately \$26 and \$64). The law's extensive requirements and uneven enforcement served as major impediments to the development of civil society. The law prohibits formation of a political party with a religious platform, but some political parties were widely known to be Islamist (notably the MSP). The government registered opposition parties that met the law's stringent requirements for political party registration, and during the year registered dozens of new political parties.

In September Ben Braham Nour Eddine, president of the Algerian Muslim Scouts and of Adwaa (a human rights and democracy advocacy NGO), indicated that the restrictions placed his organizations' programs in collaboration with the British Council in jeopardy. Eddine noted that after an uncertain few months, the government granted his organization a one-year exemption from the restrictions in

order to pursue solutions to the funding issue. LADDH has largely ceased collaboration with external partners due to legal impediments.

The MOI may deny a license to or dissolve any group regarded as a threat to the government's authority or to public order, and on some occasions failed to grant in an expeditious fashion official recognition to NGOs, associations, religious groups, and political parties.

The government issued licenses and subsidies to domestic associations, especially youth, medical, and neighborhood associations. According to the MOI, there were 80,000 registered associations. Of that total, only a few hundred were functioning and credible independent national NGOs.

Despite these legal provisions and the specter of penalties for unauthorized operation, more than 100 unlicensed NGOs, such as women's advocacy groups, charitable organizations, and political advocacy groups focused on atrocities committed in the 1990s, operated openly. Unlicensed NGOs did not receive government assistance, and citizens were at times hesitant to associate with these organizations.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

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

The government generally cooperated with the 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.

In-Country Movement: The government maintained restrictions for security reasons on travel into the southern locales of El-Oued and Illizi, near hydrocarbon industry installations and the Libyan border, respectively. The government also prevented overland tourist travel between the southern cities of Djanet and

Tamanrasset, citing the threat of terrorism. 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, although the government granted such authorization to students and persons with special family circumstances, notably those individuals with family members residing in Western Sahara.

Foreign Travel: The family code does not permit those under age 18 to travel abroad without a guardian's permission. Married women under 18 years of age may not travel abroad without permission from their husbands, but married women over age 18 may do so.

Protection of Refugees

Access to Asylum: While the country's laws provide generally for asylum or refugee status, the government has not established a formal system through which displaced persons can request asylum. There were no reports that the government granted refugee status and asylum to new refugee applicants during the year. According to the UNHCR, the government did not accept UNHCR-determined refugee status for individuals from sub-Saharan Africa fleeing conflict, specifically Nigerians, Chadians, Malians, and Nigeriens. As of September 10, the office had registered 1,209 asylum cases (totaling 1,365 individuals) and had registered 199 recognized refugees. The majority of the asylum seekers were from Cameroon, Ivory Coast, and Nigeria; the "mandate" refugees were primarily from the Democratic Republic of the Congo, Iraq, and Palestine. The Algiers office also reported that in the last year it successfully resettled 27 refugees: 21 to the United States and six to Sweden. There was no evidence of any pattern of discrimination toward asylum applicants, but the lack of a formal asylum system made this difficult to credibly assess.

At the end of July, news outlets began reporting that as many as 12,000 Syrian nationals had arrived in Algeria since the spring. Over the following weeks, conflicting reports emerged from media, government, and NGO sources about the status of these displaced individuals, with media and government outlets insisting that the new arrivals did not want refugee classification and UNHCR personnel asserting that they had made plans to hire additional staff to accommodate Syrian demand for registration services. Syrians reportedly gathered in large numbers in downtown Algiers in the area of Port Said Square, and government officials responded by establishing a "Syrian National Welcome Center" in the beachfront area of Sidi Fredj and attempting to relocate the Syrians to it. Syrian children were allowed to attend school.

Refoulement: In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened because of their race, religion, nationality, membership in a particular social group, or political opinion, as was the case with the Sahrawi refugees to Western Sahara or Morocco. Authorities did not extend legal protections to asylum seekers from sub-Saharan Africa or Syria residing in Algiers.

Refugee Abuse: There were no cases of refugee abuse reported during the year. In 2011 there were unconfirmed reports of Libyan refugees who entered Algeria illegally and were arrested, held in detention centers, questioned for one to two days, and transported to Algeria's border with Mali and Niger. International organizations active in refugee affairs reported that Libyan refugees did not seek services during the year.

Employment: The government did not make provision for refugee employment. Refugees relied largely on remittances from family, the support of local family and acquaintances, and assistance from the Algerian Red Crescent. A Syrian man interviewed at the Syrian National Welcome Center at Sidi Fredj indicated that he attempted to start an informal business upon arrival in Algiers, but quickly ran out of money and relocated to the welcome center.

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

Access to Basic Services: Sahrawi refugees lived predominantly in camps near the city of Tindouf, administered by the Popular Front for the Liberation of the Saguia el Harma and Rio de Oro (Polisario). The remote location of the camps and lack of government presence resulted in lack of access to employment, basic services, education, police, and courts for Sahrawis. Access to basic services for other refugee groups (notably Malians, Syrians, and Nigeriens) were difficult to assess at year's end. The government announced that refugee children would be permitted to attend school, but refugees and international organizations reported on the difficulty experienced by refugee children in their attempts to integrate into Algerian schools.

Durable Solutions: The government generally did not accept refugees from third countries for resettlement. The Sahrawi refugees have not sought local integration or naturalization during their 40-year stay in the Tindouf refugee camps, and their government-in-exile, the Polisario, continued to call for a referendum on independence in Western Sahara. Other refugee groups did not seek resettlement, local integration, or naturalization, expressing an intention to return to their home countries when conditions were stable, or to move on to Europe.

Temporary Protection: The law did not provide formal temporary protection to individuals who may not qualify as refugees, but at year's end the government announced that individuals determined to be fleeing political instability would not be deported.

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

The constitution provides citizens the right to change their government peacefully, but it was significantly limited in practice. Restrictions on freedom of assembly and association, as well as restrictions on political party activities, also limited this right.

Elections and Political Participation

The constitution mandates presidential elections every five years. In 2008 parliament removed the constitutionally mandated presidential term limits, thereby granting Bouteflika unlimited terms.

Recent Elections: Dozens of new parties took part in legislative elections held on May 10. Five hundred international observers (from the European Union, Arab League, National Democratic Institute, and Carter Center, among others) monitored voting and appraised the process as generally favorable, though they criticized the government's refusal to grant access to voter registration lists. Opposition groups claimed widespread fraud. The FLN won the largest number of seats, nearly doubling its share; the RND maintained its previous level of representation, thereby leaving the balance of power the same after the elections. Smaller parties (such as the Socialist Workers Party) criticized provisions of the election law that awarded seats only to those parties that won at least 5 percent of the vote and apportioned seats won by sub-five-percent parties to larger, successful parties. This latter provision has been cited as the main factor in the FLN's maintenance of power. In December elections for the Senate, the upper house of

parliament, the RND won the majority of seats. The previously dominant FLN lost seats. Under the law the president is entitled to appoint one-third of the Senate seats; at year's end he filled the seats with several former cabinet ministers.

The government officially estimated turnout at 43 percent, a figure that opposition parties and experts argued was grossly inflated. The Algerian Press Service reported early turnout estimates of 15 percent.

Political Parties: Under pressure to reform after the events of 2011's "Arab Spring," President Bouteflika approved the establishment of 23 new political parties and an increase in the number of seats in parliament from 389 to 462. Many of the newly authorized parties were opposition parties. All political parties must apply for authorization to the MOI.

There were no cases during the year of government violence against members of the political opposition, and no cases of interference with the right of members of the political opposition to organize, stand for election, or seek votes.

Pursuant to the constitution, all parties must have a "national base;" that is, a party must have received 4 percent of the vote or at least 2,000 votes in 25 wilayas (provinces) in one of the last three legislative elections to participate in national elections, making it very difficult in practice to create new political parties. It is illegal for parties to be based upon religion, ethnicity, gender, language, or region.

The law allows for political party youth wings. No local civil society groups were accorded electoral observer status of the type accorded to organizations like the National Democratic Institute and the Carter Center.

The law does not place significant restrictions on voter registration, but implementation of voter registration and identification laws proved inconsistent and confusing during elections held during the year. NDI, in its report on the May legislative elections, highlighted confusion over identification requirements.

Membership in the Islamic Salvation Front (FIS), a political party banned since 1992, remained illegal. The law also bans political party ties to nonpolitical associations and regulates party financing and reporting requirements. According to the law, political parties cannot receive direct or indirect financial or material support from any foreign parties. The law also stipulates that resources are collected from contributions of the party's members, donations, and revenue from its activities, in addition to possible state funding.

Participation of Women and Minorities: The law requires that the government promote political rights for women by encouraging increased female representation within elected assemblies. A new law implemented in January mandated that 30 percent of all candidates on electoral tickets be women. In accord with this amendment, of the 462 candidates elected to parliament in May, 147 were women, increasing their rate of representation from 8 percent in 2007 to 31 percent in 2012.

Three women held seats in the cabinet, a woman led the Workers Party, and three major political parties--the FLN, National Rally for Democracy, and RCD--had women's divisions headed by women. In nationwide local elections held in November, only four of 1,514 mayors elected were women.

The ethnic Amazigh (Berber) population of approximately 10 million participated freely and actively in the political process and represented one-third of the government.

Section 4. Corruption and Lack of Transparency in Government

The law provides for criminal penalties of two to 10 years in prison for official corruption. Corruption remained a problem as reflected in World Bank governance data.

The law does not require elected and senior officials to declare their assets and provides parliamentary immunity in certain cases. However, presidential decrees published in 2006 make high-level government officials subject to other financial disclosure laws. The decrees also stipulated the formation of an anticorruption agency, which was formed by year's end. Corruption throughout the government stemmed largely from the bloated nature of the bureaucracy and a lack of transparent oversight. Government contracts for housing in particular were often not enforced, and government-subsidized housing units were often of substandard construction as a result.

In June an Algiers court found two Chinese firms guilty of corruption related to bribes paid to executives of state-owned telecom company Algerie Telecom between 2003 and 2006. Three officials of the firms were sentenced *in absentia* to ten-year prison terms; at year's end the government's bid for their extradition from China was unsuccessful. The firms were fined DZD 3 million (approximately \$38,600) and were subject to a two-year ban on tender competition. In addition, two Algerian Telecom executives, Mohamed Boukhari and Chami Madjodoub,

were convicted for acceptance of bribes and money laundering. They were each sentenced to 18 years' imprisonment and fines totaling DZD 5.12 million (\$65,800).

Lack of government transparency remained a serious problem. Most ministries had Web sites, but not all were regularly maintained to provide updated information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic human rights groups generally operated with limited government restriction, investigating and publishing their findings on human rights cases. The law requires all civil associations to apply for operating permission and at year's end a few major civil associations (notably SOS-Disparu) remained unrecognized but tolerated. During the year no human rights organization complained of government monitoring or infiltration.

AI announced that it would begin reporting on internal Algerian affairs for the first time since it ceased operation during the civil conflict of the 1990s. (Note: AI has continuously maintained an office in Algiers for the past 20 years, but the office had restricted its activity to reporting on events in neighboring countries). The new AI country director reported that the organization had a large and active membership in Algeria, and volunteer offices in several major cities (including Tizi Ouzou, Constantine, and Oran) were functional.

AI and other organizations, such as the AFL-CIO Solidarity Center, reported that historical problems with visas for non-Algerian employees remained an issue.

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

By law NGOs not legally recognized by the MOI can conduct human rights investigations. Although organizations themselves are generally not granted access to prisons for monitoring, the National Commission on Prisons includes representatives from many large NGOs, including NADA. These commissioners report their findings freely.

UN and Other International Bodies: In September Algeria hosted its first visit by a UN High Commissioner for Human Rights. The visit was not investigatory in nature, but a platform for an announcement that Algeria would host the UN Working Group on Enforced or Involuntary Disappearances. By year's end the group began reviewing government records related to disappearances, and continued negotiating conditions for its work. The government continued to deny requests for visits from the UN special rapporteur on torture (pending since 1997), the UN special rapporteur on extrajudicial executions (pending since 1998), the UN special rapporteur on human rights and counterterrorism (pending since 2006), and the UN special rapporteur on arbitrary detention (pending since 2009).

On June 12, the UN Human Rights Council published the final report of UN Special Rapporteur on Freedom of Opinion and Expression Frank La Rue's April 2011 investigative visit. In the report, La Rue expressed concern about the replacement of criminal penalties with large fines, which he suggested have a similar "detering effect" on free speech. He recommended that the fines be reduced. He reiterated criticism of the law's definition of defamation, which does not require that a statement be false or made with malicious intent, and criticized the vagueness of other laws on expression, cautioning that they could be manipulated to silence the political opposition. In the report, he characterized "apparent politically motivated practices" such as the targeting of independent newspapers by tax authorities as "highly disturbing" and recommended that the current law requiring protesters to obtain preauthorization for marches and rallies be replaced with a notification requirement. AI reiterated this preauthorization recommendation.

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

The constitution prohibits discrimination based on birth, race, gender, language, and social status and the government effectively enforced it, although women continued to face legal and social discrimination.

Women

Rape and Domestic Violence: Rape, both spousal and nonspousal, occurred; the law criminalizes nonspousal rape but does not address spousal rape. Prison sentences for nonspousal rape range from one to five years, and the law was generally effectively enforced. Claims filed by women for rape and sexual abuse continued to face judicial obstacles, and many women did not report incidents of

rape because of societal pressures and bureaucratic problems in securing convictions. At year's end statistics on prosecutions and convictions for rape were unavailable.

Spousal abuse occurred. The penal code states that a person must be "incapacitated" for 15 days and a woman claiming domestic abuse must visit a "forensic physician" for an examination to document injuries. The physician then provides the victim with a "certificate of incapacity" attesting to the injuries. The victim then presents the certificate to authorities as the basis of the criminal complaint.

In early 2011 the government established a hotline for victims of domestic violence. Calls to the hotline (known by the number "1526") were received at a response center staffed 24 hours a day that provided referral to psychologists, sociologists, legal experts, and doctors.

At year's end no statistics on domestic abuse were available.

Harmful Traditional Practices: There are no human rights organizations in the country with a focus on honor crimes. On March 15, Algiers daily *El Moudjahid* reported on the case of an Algiers man who killed his fiancée in a cemetery after accusing her of infidelity. At year's end the perpetrator was in prison awaiting trial on murder charges. The law provides a "crime of passion" defense to both men and women who discover their spouses engaged in the act of adultery, which lessens the punishment of the perpetrator. The provisions of the law limit the defense to lawfully married spouses.

Sexual Harassment: The punishment for sexual harassment is one to two years' imprisonment and a fine of DZD 50,000 to DZD 100,000 (approximately \$640 to \$1,300). The punishment is doubled for a second offense. The majority of reported cases of harassment occurred in the workplace.

On October 14, a court in Algiers convicted Said Lamrani, director of Algerian national television network TV4 and close confidant of President Bouteflika, of sexual harassment and sentenced him to a six-month suspended prison term. Prosecutors originally sought a sentence of one year of imprisonment and a fine of DZD 30,000 (approximately \$385) and at year's end indicated that they would seek to reopen the case and demand increased penalties in line with those required by law. Lamrani is the first person in Algerian history to be convicted of sexual

harassment. In addition to his conviction, Lamrani was relieved of his professional duties.

Reproductive Rights: The government did not impose restrictions on the right of couples and individuals to decide the number, timing, and spacing of their children. Married and unmarried women alike had access to contraceptives. According to a study conducted in 2009 by the health ministry, 62 percent of women, most of them married, reported regular use of contraceptives. Abortion is illegal, and international observers estimate that 10 percent of all obstetric hospital admissions are abortion related. Government hospitals provided skilled attendants during childbirth as well as obstetric and postpartum care. Women encountered social and family pressure in making independent decisions about their health and reproductive rights.

Discrimination: Although the constitution provides for gender equality, many aspects of the law and traditional social practices discriminate against women. In addition, religious extremists advocated practices that led to restrictions on women's behavior, including freedom of movement. In some rural regions, women faced extreme social pressure to veil as a precondition for freedom of movement and employment. The family code contains traditional elements of Islamic law. The family code prohibits Muslim women from marrying non-Muslims, although this regulation was not always enforced. Muslim men may marry non-Muslim women. A woman may marry a foreigner and transmit citizenship and nationality to both her children and spouse.

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

The family code affirms the religiously based practice of allowing a man to marry as many as four wives. According to the family code, polygamy is only permitted upon the permission of the first wife and the determination of a judge as to the husband's financial ability to support an additional wife. In practice, however, polygamy occurred in 1 to 2 percent of marriages, and it is unclear whether the law was followed in all cases.

Amendments to the family code supersede the religiously based requirement that a male sponsor consent to the marriage of a woman. The sponsor represents the woman during the religious or civil ceremony. Although this requirement has been formally retained and the sponsor continues to contract the marriage, the woman may choose any man that she wishes to be her sponsor. Some families subjected women to virginity tests before marriage.

Women suffered from discrimination in inheritance claims and were entitled to a smaller portion of an estate than male children or a deceased husband's brothers. In practice women did not often have exclusive control over assets that they brought to a marriage or that they earned. Married women may take out business loans and use their own financial resources. Women enjoy rights equal to those of men in regard to property ownership, and women landowners' names are listed on property titles.

Women faced discrimination in employment. Leaders of women's organizations reported that discrimination was common and women were less likely to receive equal pay for equal work or receive promotions. In urban areas, there was social encouragement for women to pursue higher education and/or a career. Girls graduated from high school more frequently than boys.

According to 2010 statistics, women represented 55 percent of the medical profession, 60 percent of the media profession, 30 percent of the upper levels of the legal profession, and more than 60 percent of the education profession. In addition, 36 percent of judges were women. Women served at all levels in the judicial system, and female police officers were added to some precincts to assist women with abuse claims. Of nine million workers nationally, two million were female. Women may own businesses, enter into contracts, and pursue careers similar to those of men.

Children

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

Education: Education was free, compulsory, and universal through the secondary level to age 17. Treatment and attendance of girls and boys was equal throughout the education system.

Child Abuse: Child abuse is illegal but continued to be a problem. Experts assumed that many cases went unreported because of familial reticence. A December 2011 report from the National Foundation for Health Progress and Research Development, an NGO on children's issues funded by the EU, indicated that 5,500 children were victims of some form of abuse during the year. According to NADA, 1,500 cases of child abduction and disappearance were reported during the year throughout the country. Organized crime was responsible, as well as family conflict situations that resulted in parental abduction, and there also were cases in which "runaways" fled due to family issues. Kidnapping for any reason is a crime. Laws prohibiting parental abduction do not penalize mothers and fathers differently.

Sexual Exploitation of Children: The criminal code prohibits solicitation for prostitution and stipulates prison sentences of between 10 and 20 years when the offense is committed against a minor under the age of 18 years. According to the law, the age for consensual sex is 16 years. The law stipulates a prison sentence of between 10 and 20 years for rape when the victim is a minor, but this sentence was rarely carried out. The law prohibits pornography and establishes prison sentences of between two months and two years as well as fines up to DZD 2,000 (approximately \$26).

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

The country's Jewish population numbered fewer than 1,000 persons, and local Jewish community leaders stated their belief the community may have numbered in the "low hundreds." There were no functioning synagogues. No derogatory political cartoons or articles directed at the Jewish community were published during the year. The government did not promote antibias education, and there is no hate crime legislation.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, although in practice the government did not effectively enforce these provisions, and there was widespread social discrimination against persons with disabilities. Few government buildings were accessible to persons with disabilities. Public enterprises that downsized generally ignored a requirement that they reserve 1 percent of jobs for persons with disabilities. Social security provided payments for orthopedic equipment. The Ministry of National Solidarity (MNS) provided some financial support to health-care-oriented NGOs, but for many NGOs such financial support represented approximately 2 percent of their budgets.

The MNS maintained that there were two million individuals with disabilities in the country, of whom the largest percentages were classified as “chronically ill” or “other” (38 and 30 percent, respectively). However, according to the Algerian Federation of Wheelchair Associations, there were three million persons with disabilities living in the country. The government estimated that approximately 44 percent of citizens with disabilities had some form of motor disability, 32 percent had communication difficulties, and 24 percent suffered from a visual disability. The government classified approximately 193,000 individuals as “fully disabled” and claimed during the year to have appropriated DZD 9.54 billion (approximately \$123 million) for their welfare.

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

The penal code criminalizes public consensual same-sex sexual relations for men and women, 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 DZD 500 to DZD 2,000 (approximately \$6 to \$26). If a minor is involved, the adult may face up to three years’ imprisonment and a fine of DZD 10,000 (\$130).

There was societal discrimination against LGBT persons. Some LGBT individuals received violent threats and felt compelled to flee the country. While some LGBT persons lived openly, the vast majority did not, and most feared reprisal from their families or harassment from authorities.

An Algerian gay rights group, Abu Nawas Algerian LGBT Militants, maintained an active Web site and Facebook account through which it advertised advocacy and support efforts on behalf of members of the Algerian LGBT community. The

group publicized activities for LGBT Algerians organized around the annual October 10 Algerian LGBT Day.

Other Societal Violence or Discrimination

HIV/AIDS was widely considered a shameful disease in the country. Since 1998 the government has offered free antiretroviral treatment to all persons who are eligible. New HIV infections among children have been virtually eliminated. There were 61 centers offering free testing services to detect HIV/AIDS. Only 51 percent of women, both single and married, noted use of condoms to prevent infection.

According to Ministry of Health statistics, as of August approximately 6,800 Algerians were either HIV-positive or living with AIDS. However, the National Foundation for Health Promotion and Research Development, an NGO, released a study in 2011 indicating that 12,000 Algerians were infected with AIDS.

On April 3, UNAIDS Executive Director Michael Sidibe traveled to the country to meet with Senate President Abdelkader Bensalah. During his visit Sidibe signed an agreement on behalf of UNAIDS with Algerian Minister of Health Djamel Ould Abbas to establish an African AIDS Research Center in the southern Algerian city of Tamanrasset.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution allows workers who are citizens to join unions of their choice but requires workers to obtain government approval to form a union. The law requires that the Ministry of Labor approve or disapprove a union application within 30 days and allows for the creation of autonomous unions. However, the government may invalidate a union's legal status if its objectives are perceived by authorities as contrary to the established institutional system, public order, good morals, or the laws or regulations in force. The General Union of Algerian Workers (UGTA) was the only legally recognized labor confederation, representing a majority of public sector workers. The law allows workers to form independent unions, but the union needs 20 percent representation and must obtain prior authority from the government. In June the International Labor Organization's (ILO) Committee on the Application of Standards accepted a complaint earlier filed by the UGTA's rival, the Autonomous Union of Public Sector Workers (SNAPAP), with the ILO's

Committee on the Freedom of Association. SNAPAP charged that the government blocks the formation of independent unions by its stipulation that they must obtain official recognition.

Algeria has ratified Conventions 87, 98, and 135 (ILO's conventions on freedom of association, collective bargaining, and workers' representatives), but has yet to adopt needed implementing legislation.

Unions have the right to form and join federations or confederations. Unions may also recruit members at the workplace. The law prohibits discrimination by employers against union members and organizers and provides mechanisms for resolving trade union complaints of antiunion practices by employers.

The law permits unions to affiliate with international labor bodies and develop relations with foreign labor groups. For example, the UGTA is a member of the International Confederation of Free Trade Unions (ICFTU). However, the law prohibits unions from associating with political parties and also prohibits unions from receiving funds from foreign sources. The courts are empowered to dissolve unions that engage in illegal activities.

The law provides for collective bargaining for all unions, and the government permitted the exercise of this right in practice for authorized unions; however, the UGTA remained the only union authorized to negotiate collective bargaining agreements. According to the UGTA, nine million workers were covered by collective bargaining agreements, not including foreign migrant laborers.

The law provides for the right to strike, and workers exercised this right in practice, subject to conditions. Striking requires a secret ballot of the whole workforce and the government can restrict strikes on a number of grounds, including economic crisis, obstruction of public services, or possibility of subversive actions. Furthermore, due to the emergency law in force, all public demonstrations, including protests and strikes, must receive prior government authorization. According to the law, workers may strike only after 14 days of mandatory conciliation or mediation. On occasion the government offered to mediate disputes. The law states that decisions reached in mediation are binding on both parties. If no agreement is reached in mediation, the workers may strike legally after they vote by secret ballot to do so. The law requires that a minimum level of essential public services must be maintained during public-sector service strikes. The ILO noted that the list of essential services is broad and includes services such as banking and radio/television. The ILO expressed concern

regarding what it deemed excessive penalties ranging from eight days to two months imposed by the government on workers participating in peaceful strikes.

There were no new independent unions formed during the year; however, unions representing secondary school teachers and gas workers were invited to resolve unspecified discrepancies in their applications. Many trade unions were not recognized, as the government interfered with their attempts to register. For instance, since 2002 the National Union of Vocational Training Workers (Syndicat National des Travailleurs de la Formation Professionnelle), was unable to register.

Attempts by new unions to form federations or confederations also were obstructed by delaying administrative maneuvers, such as delays in processing registration requests. Since 1996 the Autonomous Unions Confederation, which functions without official status, repeatedly attempted to organize the autonomous unions, without success. The government did not allow SNAPAP to register as a national confederation, thus preventing it from establishing an autonomous multisector confederation that would include private sector employees. SNAPAP and other autonomous unions faced government interference throughout the year, including official obstruction of general assembly meetings and police harassment during sit-in protests. Furthermore, unions in multinational companies, specifically in oil and gas production, were virtually nonexistent due to antiunion practices and threats and harassment by employers. The government also sought to weaken independent unions by forming union clones to discredit the actual organizations.

Antiunion intimidation was commonplace and there were several strikes launched in reaction to the government's refusal to extend official recognition to fledgling new unions and its practice of only engaging with the UGTA.

In April SNAPAP called a general strike. In some areas of the country, participation of public sector employees in the strike exceeded 90 percent. The strike was credited with paralyzing the operation of district courts in the cities of Algiers, Sidi M'hamed, Bir Mourad Rais, El-Harrach, and Hussein Day, and severely disrupting social services in the city of Oran. Another prolonged nationwide strike was waged by MOJ employees, mainly court clerical staff, after their application to form an autonomous union was rejected. Several workers had to be hospitalized after going on a 30-day hunger strike.

Also in April, scientists employed in government nuclear research facilities in Algiers demonstrated in protest against the prosecution of several of their

colleagues arrested for attempting to organize a union. The organizers were scheduled for trial on April 15, but no information was available on the outcome.

In an effort to silence their support for another detained labor leader at his court hearing, union activists Yacine Zaid, Abdou Bendjoudi, Athman Aouemour, and Lakhdar Bouziani were indicted for “incitement of an unarmed gathering.” However, in what international union leaders described as a “small victory,” the presiding magistrate dismissed the charges against them on September 25.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced or compulsory labor; however, there were reports from the MOL and NGOs that such practices occurred. Forced labor conditions existed for migrant workers, who were not fully protected by labor law. Construction workers and female domestic workers were reportedly vulnerable.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits participation by minors in dangerous, unhealthy, or harmful work or in work that is considered inappropriate because of social and religious considerations. The minimum legal age for employment is 16 years, but children that are younger may work as apprentices with permission from their parents or legal guardian. The law prohibits minors from working in dangerous or harmful work, but it does not establish a list of hazardous occupations prohibited to minors, nor does it cover work in the informal sector.

On June 11, the UNICEF representative in Algiers stated that 340,000 children worked in various sectors in the country, adding that the phenomenon was taking on alarming proportions. Children faced forms of child labor primarily in agriculture and the construction sector, and in the informal sector as domestic servants. However, specific data was unavailable.

The MOL is responsible for enforcing child labor laws, but enforcement was limited. The ministry conducted and in some cases investigated companies suspected of hiring underage workers. However, monitoring and enforcement practices for child labor were not consistent and were hampered by an insufficient number of inspectors. During the year the NGO “Fondation pour la Promotion de

la Sante et le Developpement de la Recherche” (FOREM) implemented a public awareness campaign to encourage children to remain in school until 16 years of age, rather than participate in the workforce. Approximately 100,000 students dropped out of school annually to join the workforce, according to FOREM.

d. Acceptable Conditions of Work

The national minimum wage of DZD 15,000 (approximately \$193) per month was established in 2009 following a tripartite social pact among business, government, and the official union. This did not provide a decent standard of living for a worker and family. In September the pact members agreed to increase the monthly minimum wage to DZD 18,000 (\$231). Autonomous unions, which were not included in the tripartite talks, reported the increase was inadequate and would not affect the majority of workers who already earn more than the minimum wage. Families making only DZD 8,000 (\$103) per month are considered to be living in poverty.

The standard workweek was 40 hours, including one hour for lunch per day. Employees who worked longer than the standard workweek received premium pay on a sliding scale from time-and-a-half to double-time, depending on whether the overtime was worked on a normal workday, a weekend, or a holiday.

The law contains occupational health and safety standards, which were not fully enforced. There were no known reports of workers being dismissed for removing themselves from hazardous working conditions. If workers face such conditions, they reserve the right to renegotiate their contract or, failing that, resort to the courts. While this legal mechanism exists, the high demand for employment in the country gave an advantage to employers seeking to exploit employees. Economic migrants from sub-Saharan Africa and elsewhere working in the country without legal immigration status were not protected by the country’s labor standards, making them vulnerable to exploitation. Labor law does not adequately cover migrant workers, who primarily are employed in the construction and domestic help sectors.

In general the MOL enforced labor standards, including ensuring compliance with the minimum wage regulation and safety standards. However, broad enforcement remained ineffective and insufficient.