

ALGERIA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Algeria is a multiparty republic whose president, the head of state, 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, who is the head of government. A 2016 constitutional revision requires the president to consult with the parliamentary majority before appointing the prime minister. President Abdelmadjid Tebboune came to office after winning the December 2019 presidential election, which saw approximately 40-percent voter turnout, following mass popular demonstrations (known as the *Hirak*) throughout 2019 calling for democratic reforms. Observers characterized the elections as well organized and conducted without significant problems or irregularities, but noted restrictions on civil liberties during the election period and lack of transparency in vote-counting procedures.

The 130,000-member National Gendarmerie, which performs police functions outside of urban areas under the auspices of the Ministry of National Defense, and the 200,000-member General Directorate of National Security or national police, under the Ministry of Interior, share responsibility for maintaining law and order. The army is responsible for external security, guarding the country's borders, and has some domestic security responsibilities. Civilian authorities generally maintained effective control over the security forces. The Ministry of Justice reported no civil, security, or military officials were prosecuted or convicted of torture or other abusive treatment. Members of the security forces committed some abuses.

Algeria held a constitutional referendum on November 1. The president and supporters of the referendum argued the new constitution will lead to a greater balance of power between the president and parliament; opponents believed the draft will further consolidate presidential power and did not include sufficient governance and human rights reforms. The constitutional referendum passed with 66.8-percent support and 23.7-percent turnout, which observers assessed was

ALGERIA

accurate.

Significant human rights issues included: arbitrary detention; political prisoners; lack of judicial independence and impartiality; unlawful interference with privacy; serious restrictions on freedom of expression and press, including criminal defamation laws, arrests of journalists, and site blocking; substantial interference with freedoms of peaceful assembly and association; refoulement of refugees to a country where they would face a threat to their life or freedom; corruption; lack of investigation of and accountability for violence against women; trafficking in persons; criminalization of consensual same-sex sexual conduct; significant restrictions on workers' freedom of association; and the worst forms of child labor.

The government took steps to investigate, prosecute, or punish public officials who committed violations, especially corruption. Impunity for police and security officials remained a problem, but the government provided information on actions taken against officials accused of wrongdoing.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports during the year that the government or its agents committed arbitrary or unlawful killings. The government completed its investigation into the April 2019 death of Ramzi Yettou, whom police allegedly beat while he was walking home from an antigovernment protest in Algiers. Yettou died one week after the incident. The cause of death was reported as “undetermined,” prompting authorities to order the investigation. The government did not release the investigation conclusions publicly.

The government did not investigate the May 2019 death of Kamel Eddine Fekhar, who died in pretrial detention following a nearly 60-day hunger strike after his arrest in March 2019, despite ongoing requests from NGOs and Fekhar's family to

ALGERIA

conduct an investigation.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The law prohibits torture and prescribes prison sentences of between 10 and 20 years for government agents found guilty of torture. Human rights activists reported police occasionally used excessive force against suspects, including protestors that could amount to torture or degrading treatment. The Ministry of Justice did not provide figures about prosecutions of police officers for abuse during the year. Local and international nongovernmental organizations (NGOs) asserted that impunity in security forces was a problem.

Prison and Detention Center Conditions

There were some significant reports of mental and physical abuse in detention centers that raised human rights concerns. Human rights lawyers and activists expressed concern with prisons' COVID-19 management.

On July 17, Moussa Benhamadi, former minister and member of the National Liberation Front (FLN), died from COVID-19 while imprisoned. Benhamadi had been held in pretrial detention at El-Harrach Prison since September 2019 as part of an investigation into corruption involving the local high-tech firm Condor Electronics. According to Benhamadi's brother, he contracted the virus on July 4 and was only transferred to a hospital in Algiers on July 13.

Authorities held some pretrial detainees in prolonged solitary confinement. Authorities held Karim Tabbou, leader of the unrecognized political party Union Democratique et Sociale (UDS), in solitary confinement from his arrest in September 2019 until his July release. Authorities charged him with undermining the morale of the army and distributing flyers or other publications that could harm

ALGERIA

the national interest.

Authorities referred businessman Rachid Nekkaz, president of the Movement for Youth and Change party and former presidential candidate, to the criminal court on July 29. The government held him in solitary confinement at Kolea Prison after his December 2019 arrest. In November 2019 Nekkaz called for the elimination of all parliamentarians who planned to vote for the Hydrocarbons Law “via Kalashnikov.”

The penal code prohibits the detention of suspects in any facilities not designated for that purpose and declared to the local prosecutor, who has the right to visit such facilities at any time.

Physical Conditions: In 2019, four prisons (out of 49 nationwide) had an inmate population that was between 7 and 10 percent above capacity, according to the Ministry of Justice, which also reported a total prisoner population of 65,000 individuals. Convicted terrorists had the same rights as other inmates but were held in prisons of varying degrees of security, determined by the danger prisoners posed. Prison authorities separate vulnerable persons but provide no consideration for sexual orientation. There were no legal protections for lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in prison, but authorities stated civil protections extend to all prisoners regardless of gender orientation.

The government used specific facilities for prisoners age 27 and younger. The Ministry of Justice’s General Directorate for Prison Administration and Resettlement (DGAPR) maintained different categories of prisons that also separated prisoners according to the lengths of their sentences. The government acknowledged that some detention facilities were overcrowded but reported it used alternatives to incarceration such as releasing prisoners with electronic bracelets, conditional release, and replacing prison terms with mandatory community service to reduce overcrowding. The Ministry of Justice stated cell sizes exceeded international standards under the United Nations’ Nelson Mandela Rules. Some observers, including government-appointed human rights officials, attributed overcrowding in pretrial detention facilities to continued overuse of pretrial

ALGERIA

detention.

Authorities generally transferred pretrial detainees, after presenting them before the prosecutor, to prisons rather than holding them in separate detention facilities. The government stated pretrial detainees were normally held in cellblocks separate from those that confined the general prison population.

Administration: The General Directorate of National Security (DGSN) reported it conducted investigations into 83 allegations of mistreatment and took administrative actions against officers it deemed to have committed abuses. Religious workers reported they had access to prisoners during the year and authorities allowed detainees access to religious observance. The DGSN reported it conducted 14 human rights-focused training sessions for 1,289 police officers this year.

Independent Monitoring: The government allowed the International Committee of the Red Cross (ICRC) and local human rights observers to visit prisons and detention centers. ICRC staff visited prisons, police and gendarme stations under the jurisdiction of the Ministry of Justice, and an administrative detention center operated by the Ministry of Interior. The ICRC hosted training sessions on human rights standards related to arrest, detention, and interrogation procedures for judicial police from the DGSN and National Gendarmerie, as well as for judges.

Improvements: Authorities alleviated overcrowding by increasing the use of minimum-security centers that permit prisoners to work and by using electronic monitoring. The National Human Rights Council (CNDH) reported numerous visits to prisons and that prison conditions related to COVID-19 were an important focus of their work. The DGSN's human rights office, created in 2017, reported it led seminars and workshops with the National Human Rights Council and the NGO International Penal Reform (IPF) to provide additional human rights training to its officers. The DGAPR increased prisoners' access to medical care by offering specific services for detainees at certain hospitals nationwide, to include tuberculosis and cancer treatments. The DGAPR also increased weekly bank transfer limits from 1,500 (\$12.50) to 2,500 dinars (\$20.83), permitting prisoners

ALGERIA

more money to purchase staple goods in the prison.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention. A detainee has the right to appeal a court's pretrial detention order and if released, seek compensation from the government. Nonetheless, overuse of pretrial detention remained a problem. An increase in pretrial detention coincided with the beginning of the popular protest movement in February 2019. The 2017 Universal Period Review, the latest statistics available, reported that 10 percent of the prisoners were in pretrial detention. Security forces routinely detained individuals who participated in unauthorized protests. Arrested individuals reported that authorities held them for four to eight hours before releasing them without charges.

Arrest Procedures and Treatment of Detainees

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. With this summons police may hold a suspect for no more than 48 hours. Authorities also use summonses 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. Lawyers reported that authorities usually carried out procedures for warrants and summonses properly.

If authorities need more than 48 hours to gather additional evidence, they may extend a suspect's time in police detention with the prosecutor's authorization in the following cases: if charges pertain to an attack on data processing systems, they may extend the time in detention once; if charges relate to state security, they may do so twice; for charges concerning drug trafficking, organized and transnational crime, money laundering, and other currency-related crimes, they may do so three times; and for charges related to terrorism and other subversive activities, they may do so five times for a maximum of 12 days. The law stipulates detainees should immediately be able to contact a family member, receive a visit, or contact an attorney.

The law provides detainees the right to see an attorney for 30 minutes if the time in detention has been extended beyond the initial 48-hour period. In these cases

ALGERIA

authorities permit the arrested person to contact a lawyer after half of the extended time has expired. Prosecutors may apply to a judge to extend the period before arrested individuals can have access to an attorney. The court appearance of suspects in terrorism cases is public. At the end of the detention, 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. Authorities enter the medical certificate into the detainee's file.

In nonfelony cases and in cases of individuals held on terrorism charges and other subversive activities that exceed a 12-day period plus any authorized extension, the law calls for the release of suspects on provisional liberty, referred to as “judicial control,” or release on own recognizance while awaiting trial. Under provisional liberty status, authorities subjected suspects to requirements such as reporting periodically to the police station in their district, stopping professional activities related to the alleged offense committed, surrendering all travel documents, and, in some terrorism-related cases, residing at an agreed-upon address. The law provides that foreigners may be required to furnish bail as a condition of release on provisional liberty status, while citizens may be released on provisional liberty without posting bail.

Judges rarely refused requests to extend pretrial detention, which may be appealed. Should the detention be overturned, the defendant has the right to request compensation. Most detainees had prompt access to a lawyer of their choice as accorded by law, and the government provided legal counsel to indigent detainees. There were reports that authorities held some detainees without access to their lawyers and reportedly abused them physically and mentally.

Arbitrary Arrest: Although the law prohibits arbitrary arrest and detention, authorities used vaguely worded provisions such as “inciting an unarmed gathering” and “insulting a government body” to arrest and detain individuals considered to be disturbing public order or criticizing the government. Amnesty International and other human rights organizations criticized the law prohibiting unauthorized gatherings and called for its amendment 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 suppress political activism. Police arrested protesters throughout the year for violating the

ALGERIA

law against unregistered public gatherings.

According to the National Committee for the Release of Detainees (CNLD), at least 44 persons were arbitrarily detained for expressing their opinion, and a number of them were in pretrial detention as of August 25.

On March 1, police arrested human rights activist Ibrahim Daouadji in Algiers. On March 19, Daouadji appeared before a judge in an Algiers court; authorities did not inform his lawyer, and he was placed under warrant by the investigating judge. On April 9, he was sentenced to six months in prison and a 50,000 Algerian dinars (approximately \$450) fine for a video he posted online. In the video he criticized his detention conditions after being held in pretrial detention for three months in 2019.

On February 11, authorities released former parliamentarian Louisa Hanoune, president of the Worker's Party. In May 2019 a military court had convicted Hanoune and sentenced her to 15 years in prison for "conspiracy against the authority of the state." Human rights organizations criticized the government's use of military courts to try civilians.

Pretrial Detention: Prolonged pretrial detention remained a problem.

Nongovernmental observers believed pretrial detainees were a significant portion of the total detainee and prisoner population but did not have specific statistics. According to the Ministry of Justice, as of August 29, approximately 18 percent of the prison population was in pretrial detention, an increase from 12 percent in 2019.

The law limits the grounds for pretrial detention and stipulates that before it can be imposed, a judge must assess the gravity of a crime and whether the accused is a threat to society or a flight risk. Judges rarely refused prosecutorial requests to extend pretrial detention. Most detainees had prompt access to a lawyer of their choice as accorded by law, and the government provided legal counsel to indigent detainees. Human rights activists and attorneys, however, asserted that some detainees were held without access to lawyers.

The law prohibits pretrial detention for crimes with maximum punishments of less than three years imprisonment, except for infractions that resulted in deaths or to

ALGERIA

persons considered a “threat to public order.” In these cases, the law limits pretrial detention to one month. In all other criminal cases, pretrial detention may not exceed four months. Amnesty International alleged that authorities sometimes detained individuals on security-related charges for longer than the 12-day prescribed period.

On January 2, security forces released Lakhdar Bouregaa, an independence-war-era figure, from pretrial detention. Authorities arrested Bouregaa in June 2019 and charged him with “demoralization and contempt for the armed forces.” Authorities held him in pretrial detention for more than six months.

e. Denial of Fair Public Trial

The judiciary was not always independent or impartial in civil matters and lacked independence in some human rights cases. Family connections and status of the parties involved influenced decisions. While the constitution provides for the separation of powers between the executive and judicial branches of government, the executive branch’s broad statutory authorities limited judicial independence. The constitution grants the president authority to appoint all prosecutors and judges. These presidential appointments are not subject to legislative oversight but are reviewed by the High Judicial Council, which consists of the president, minister of justice, chief prosecutor of the Supreme Court, 10 judges, and six individuals outside the judiciary who the president chooses. The president serves as the president of the High Judicial Council, which is responsible for the appointment, transfer, promotion, and discipline of judges. The judiciary was not impartial, and observers perceived it to be subject to influence and corruption.

In April the National Union of Judges (SNM) criticized the Ministry of Justice’s decision to bypass the SNM before submitting proposed penal code amendments to parliament.

In May the Ministry of Justice summoned SNM president Saadeddine Marzouk to appear before the Court of Justice. Justice Minister Belkacem Zeghmatti did not specify the charges against Marzouk. The ministry issued the summons shortly after Marzouk called for the new draft constitution to address judicial

ALGERIA

independence and core Hirak demands.

In August, President Tebboune appointed new courts of appeal presidents and attorneys general, a decision affecting 35 out of 48 judges at the courts of appeal, and 36 out of 48 attorneys general. Tebboune replaced 17 court presidents and transferred 18 of them, while he replaced 19 attorneys general and transferred 17. Tebboune did not indicate if the High Judicial Council reviewed his decision. In October 2019 judges paralyzed the judicial system by going on a general strike to protest the government's decision to relocate 3,000 judges. The judges suspended the strike after the government agreed to reconsider its decision.

Trial Procedures

The constitution provides for the right to a fair trial, but authorities did not always respect legal provisions that protect defendants' rights. The law presumes defendants are innocent and have the right to be present and consult with an attorney provided at public expense if necessary. Most trials are public, except when the judge determines the proceedings to be a threat to public order or "morals." The penal code stipulates that defendants have the right to free interpretation as necessary. Defendants have the right to be present during their trial but may be tried in absentia if they do not respond to a summons ordering their appearance.

Defendants may confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants may not be compelled to testify or confess guilt, and they have the right to appeal. The testimony of men and women has equal weight under the law.

On March 24, an appeals court summoned opposition leader Karim Tabbou, who was convicted earlier in March for "harming national unity," to appear for his appeal, two days before he was due to be released. The court did not notify Tabbou's lawyers of the proceedings. During the appeal Tabbou suffered a stroke and was taken to the infirmary. After Tabbou left the court, the judge sentenced him in absentia, affirmed his conviction, and increased his prison sentence from six months to one year. Tabbou's lawyer argued that he did not receive a fair trial. On

ALGERIA

July 2, authorities released Tabbou on bail.

Political Prisoners and Detainees

International and local observers alleged that authorities occasionally used antiterrorism laws and restrictive laws on freedom of expression and public assembly to detain political activists and outspoken critics of the government.

According to the CNLD, 61 political prisoners associated with the Hirak protest movement were in government detention. They included journalists, activists, lawyers, opposition figures, and Hirak protesters. International human rights organizations and local civil society groups repeatedly called on the government to release all political prisoners. On September 8, Minister of Communication and government spokesperson Ammar Belhimer stated there were no political detainees in the country.

On July 10, retired army general and former presidential candidate Ali Ghediri went on a hunger strike to protest his detention. The government arrested Ghediri in June 2019 for “undermining the army’s morale” and imprisoned him on treason and espionage charges. On July 29, the Algiers Court’s Indictments Division dropped the espionage charges. Ghediri claimed that his 13 months in prison had been “a political confinement to keep him away from the political scene and the presidential election.”

In June authorities convicted Amira Bouraoui, founder of two opposition movements (Barakat “Enough” and al-Muwatana “Citizenship”). She received a one-year prison sentence on the charge of “inciting an unarmed gathering, offending Islam, offending the President, publishing content which may harm national unity, publication of fake news that may harm safety and public order, and undermining the lives of others.” After 11 days in prison, authorities released Bouraoui on July 2, and placed her under judicial supervision.

In March the government arrested Slimane Hamitouche, the national coordinator of SOS Disparus (an association advocating for the families of those who disappeared during the Dark Decade, 1991-2002), for “inciting an unarmed gathering” and “harming national unity.” In February authorities released Samir Belarbi, a political activist and Barakat movement founder, from pretrial detention, but

ALGERIA

arrested him again in March for “inciting an unarmed gathering” and “harming national unity.” The government first arrested Belarbi in September 2019 for “harming national unity” and “advertising that may harm the national interest.” On September 15, authorities released Belarbi and Hamitouche from prison after they completed their sentences.

Civil Judicial Procedures and Remedies

Individuals may bring lawsuits, and administrative processes related to amnesty may provide damages to the victims or their families for human rights abuses and compensation for alleged wrongs. Individuals may appeal adverse decisions to international human rights bodies, but their decisions cannot be legally enforced.

In August the lawyers’ collective for Hirak detainees released a statement denouncing the abuse of Hirak detainees’ rights. The collective noted that courts were scheduling appeals trials unusually quickly, ultimately preventing Hirakists’ release or precluding their ability to wait for appeals at home after completing their sentences.

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

The constitution provides for the protection of a person’s “honor” and private life, including the privacy of home, communication, and correspondence. According to human rights activists, citizens widely believed the government conducted frequent electronic surveillance of a range of citizens, including political opponents, journalists, human rights groups, and suspected terrorists. Security officials reportedly searched homes without a warrant. Security forces conducted unannounced home visits.

An anticybercrime agency is charged with coordinating anticybercrime efforts and engaging in preventive surveillance of electronic communications in the interests of national security. Falling under the Ministry of Justice, the agency has exclusive authority for monitoring all electronic surveillance activities, but did not provide details regarding the limits of surveillance authority or corresponding protections for persons subject to surveillance. The Ministry of Justice stated the

ALGERIA

agency was subject to all existing judicial controls that apply to law enforcement agencies.

In 2019 the government moved the anticybercrime agency from the Ministry of Justice to the Ministry of National Defense. A new decree allowed authorities to conduct domestic surveillance and required internet and telephone providers to increase cooperation with the Ministry of National Defense.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of speech and press, and independent media outlets regularly criticized and satirized government officials and policies, but the government on some occasions restricted these rights. The government's actions included harassment of some critics, arbitrary enforcement of vaguely worded laws, and informal pressure on publishers, editors, advertisers, and journalists. Some media figures alleged the government used its control over most printing houses and large amounts of public sector advertising preferentially, and that the lack of clear regulations over these practices permitted it to exert undue influence on press outlets.

Freedom of Speech: While public debate and criticism of the government were widespread, journalists and activists were limited in their ability to criticize the government on topics crossing unwritten “red lines.” Authorities arrested and detained citizens for expressing views deemed damaging to state officials and institutions, including the use of the Berber flag during protests, and citizens practiced self-restraint in expressing public criticism. The law criminalizing speech about security force conduct during the internal conflict of the 1990s remained in place, although the government said there had never been an arrest or prosecution under the law. A separate law provides for up to three years’ imprisonment for publications that “may harm the national interest” or up to one year for defaming or insulting the president, parliament, army, or state institutions. Government officials monitored political meetings.

On January 2, authorities released Hakim Addad, one of five members of the

ALGERIA

Youth Action Rally (RAJ) arrested in October 2019 in Algiers. Police rearrested him on June 12 for “inciting unarmed gatherings” and “for disseminating publications which are detrimental to the national interest.”

On March 27, authorities arrested Khaled Drareni, correspondent for the international press freedom group Reporters without Borders and cofounder of the independent news website *Casbah Tribune*. Police held him in a police station for two nights. On March 29, the Sidi M’Hamed criminal court of Algiers ordered Drareni’s detention in El-Harrach Prison. On March 30, authorities moved him to Kolea Prison. Police had first arrested Drareni on March 7 for assembling without a permit and held him for four days. After his release, Drareni continued covering the antigovernment protests, despite authorities forcing him to sign a letter vowing not to do so. On August 10, the Sidi M’Hamed court in Algiers sentenced Drareni to a three-year prison sentence and a fine. On September 8, an appellate court held a hearing and on September 15 upheld the conviction and sentenced him to two years in prison, where he remained at year’s end.

On May 30, police rearrested Issam Sayeh, an engineer and social media activist. On July 20, the court convicted Sayeh for “insulting the president and the army” and sentenced him to 18 months imprisonment. Authorities first arrested Sayeh in July 2019 and released him in September 2019.

On August 27, authorities arrested Mohamed Tadjadit (known as “the poet of the Hirak”) and placed him in pretrial detention. According to the National Committee for the Release of Detainees (CNLD), Tadjadit is under investigation for publications that may undermine national unity, insult the president, and expose lives to danger by inciting a gathering during the lockdown period.

NGOs reported during the year that following suppression of public activities in years past, they no longer hold events outside of private locations. They also report that owners of public gathering spaces have been told not to rent their locations to certain NGOs.

Freedom of Press and Media, Including Online Media: The National Agency for Publishing and Advertising (ANEP) controls public advertising for print media. According to the NGO Reporters without Borders, private advertising existed but

ALGERIA

frequently came from businesses with close links to the ruling political party. ANEP CEO Larbi Ounoughi stated in August that the agency represented 60 percent of the total advertising market. Nongovernmental sources assessed most daily newspapers depended on ANEP-authorized advertising to finance their operations. ANEP added it wished to preserve a pluralistic press and freedom of information and noted that it funded opposition newspapers.

In August, Ammar Belhimer, Minister of Communication and government spokesperson, stated ANEP's public advertising constituted a form of indirect aid to the press that if liberalized, could lead to the collapse of media outlets who would lose their funding. The government's lack of transparency over its use of state-funded advertising, however, permitted it to exert undue influence over print media.

On April 2, parliament adopted amendments to the penal code that criminalized breaking the government-imposed COVID-19 lockdown rules and spreading "false news" that harms national unity. Penalties for convictions under the bill, which does not distinguish between news reports, social media, or other media, entail prison terms of two to five years and fines.

On April 27, police arrested activist Walid Kechida in Setif for posting memes on Facebook. Authorities accused him of "insulting the president," "insulting police officers during the performance of their duties," and carrying out an "attack on religion." His case is pending trial and he is in pretrial detention.

Many civil society organizations, government opponents, and political parties had access to independent print and broadcast media and used them to express their views. Opposition parties also disseminated information via the internet and published communiques but stated they did not have access to the national television and radio. Journalists from independent print and broadcast media expressed frustration over the difficulty of receiving information from public officials. Except for several daily newspapers, the majority of print media outlets relied on the government for physical printing materials and operations.

Organizations wishing to initiate regular publications must obtain authorization from the government. The law requires the director of the publication to hold

ALGERIA

Algerian citizenship. The law additionally prohibits local periodicals from receiving direct or indirect material support from foreign sources.

The ministry's Media Directorate is responsible for issuing and renewing accreditations to foreign media outlets operating in the country. Although this accreditation is required to operate legally, most foreign media were not accredited. Regulations require the shareholders and managers of any radio or television channel to be citizens and prohibit them from broadcasting content that offends "values anchored in Algerian society."

The law mandates that online news outlets must inform the government of their activities but does not require them to request authorization to operate.

Violence and Harassment: Authorities subjected some journalists to harassment and intimidation. Journalists reported that selective prosecutions served as a mechanism for intimidation. According to Reporters without Borders, the government intimidated activists and journalists. The government's actions included harassment of some critics, arbitrary enforcement of vaguely worded laws, and informal pressure on publishers, editors, advertisers, and journalists.

On August 19, authorities arrested France 24 correspondent Moncef Ait Kaci and cameraman Ramdane Rahmouni. The gendarmerie had summoned Ait Kaci in November 2019 and in February. Ait Kaci did not provide reasons for the arrests or the summons, but denied they were related to his articles.

Censorship or Content Restrictions: Some major news outlets faced direct and indirect retaliation for criticism of the government. Press outlets report taking extra caution before publishing articles critical of the government or government officials due to fear of losing revenue from ANEP.

On May 12, authorities blocked the news website *Le Matin d'Algerie*. On May 12, authorities blocked the news website *l'Avant-Garde Algerie*. No reason was cited to explain the blocks.

On April 9, authorities blocked internet access to *Maghreb Emergent* and *Radio M*, news sites belonging to the Interface Media Group. Kadi Ihsan, *Maghreb Emergent* editor-in-chief, reported the government denied authorization for his

ALGERIA

journalists to move in Algiers after curfew unlike some other journalists. Minister of Communication and government spokesperson Ammar Belhimer stated the sites received foreign financing through crowdsourcing, and concluded the sites were funded through “foreign soft power.”

In September an *El Watan* article detailing large-scale alleged corruption by the sons of the late army chief of staff, Ahmed Gaid Salah, prompted the government to suspend *El Watan*’s advertising revenue. The newspaper responded by emphasizing its support for the army.

Libel/Slander Laws: NGOs and observers criticized the law on defamation as vaguely drafted and stated the definitions in the law failed to comport with 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 be made with malicious intent to damage another individual’s reputation. Defamation is not a crime but carries a fine. The Ministry of Justice did not provide information on the percentage of defamation claims that originated from private citizens, as opposed to government officials. Defamation laws specify that former members of the military who make statements deemed to have damaged the image of the military or to have “harmed the honor and respect due to state institutions” may face prosecution.

The law criminalizes statements denigrating Islam or insulting the Prophet Muhammed or “messengers of God.”

Internet Freedom

The government monitored certain email and social media sites.

Internet users regularly exercised their right to free expression and association online, including through online forums, social media, and email. Activists reported that some postings on social media could result in arrest and questioning; observers widely understood that the intelligence services closely monitored the activities of political and human rights activists on social media sites, including

ALGERIA

Facebook.

Police arrested Abdelkarim Zeghileche, director of the independent radio station *Radio Sarbacane*, on June 23 and placed him in pretrial detention. On August 24, the Constantine court convicted and sentenced Zeghileche to two years in prison for “offense to the president of the Republic” and sharing social media posts “undermining national unity.”

There was some disruption of communication prior to planned antigovernment demonstrations during the year, namely internet shutdowns, the blocking of access to certain online news sites and social media platforms, and the restricting or censorship of content. In March parts of the country continued to experience internet outages during hirak protests.

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

By law ISPs face criminal penalties for the material and websites they host, especially if subject matters are “incompatible with morality or public opinion.” The Ministries of Justice, Interior, and Post, Information Technology, and Communication have oversight responsibilities. The law provides sentences of six months to five years in prison and fines for users who do not comply with the law, including the obligation to cooperate with law enforcement authorities against cybercrime.

For a fourth year, the government blocked access to social media sites, including Facebook and Twitter, for several days during nationwide high school examinations. The decision was in response to previous leaks of examination materials, which were posted on social media.

Academic Freedom and Cultural Events

Academic seminars generally occurred with limited governmental interference. The Ministry of Culture reviewed the content of films before they could be shown,

ALGERIA

as well as books before importation. The Ministry of Religious Affairs did the same for all religious publications. The law gives authorities broad power to ban books that run counter to the constitution, “the Muslim religion and other religions, national sovereignty and unity, the national identity and cultural values of society, national security and defense concerns, public order concerns, and the dignity of the human being and individual and collective rights.” It further prohibits books that “make apology for colonialism, terrorism, crime, and racism.”

Importers must submit to the ministry the title, author’s name, editor’s name, edition, year, International Standard Book Number, and number of copies to be imported. Importers of books covering the “national movement and the Algerian Revolution” must submit the entire text of the books for review, including a secondary review by the Ministry of the *Moudjahidine* (veterans of the revolution). The Ministry of Culture can also require a full content review of books on other topics if it chooses. The ministry has 30 days to review the importation application; in the absence of a response after 30 days, the importer may proceed with distribution of the publication. After deciding, the ministry notifies the customs service of the decision to allow or ban the importation of the publication. Appeals may be made to the ministry, with no independent or judicial review provided for in the decree.

A 2017 decree covering religious texts other than the Quran stated, “The content of religious books for import, regardless of format, must not undermine the religious unity of society, the national religious reference, public order, good morals, fundamental rights and liberties, or the law.” The importer must submit the text and other information, and the ministry must respond within 30 days. A nonresponse after this period is considered a rejection. Religious texts distributed without authorization may be seized and destroyed.

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

The constitution provides for the right of peaceful assembly, but the government

ALGERIA

curtailed this right. A ban on demonstrations in Algiers remained in effect. Authorities utilized the ban to prohibit assembly within the city limits. Nationwide, the government required citizens and organizations to obtain permits from the national government-appointed local governor before holding public meetings or demonstrations. The government restricted licenses to political parties, NGOs, and other groups to hold indoor rallies or delayed permission until the eve of the event, thereby impeding organizers' publicity and outreach efforts. The DGSN reported it arrested 3,017 protesters this year.

The Hirak protest movement, which began in February 2019, consisted of mass, peaceful protest marches taking place every Tuesday and Friday in many locations throughout the country. The protests stopped with the onset of COVID-19 but slowly resumed later in the year. Prior to COVID-19, hundreds of thousands of individuals marched peacefully demanding political reforms. The marches occurred mostly without incident, although police at times used tear gas and water cannons as methods of crowd control.

Hotels in Algiers and other major cities continued their practice of refusing to sign rental contracts for meeting spaces with political parties, NGOs, and civil associations without a copy of written authorization from the Ministry of Interior for the proposed gathering. NGOs reported instances of not receiving the written authorization in time to hold planned meetings. NGOs reported that the government threatened hotel and restaurant owners with penalties if they rented rooms to NGOs without official authorization. In most cases the NGOs continued to hold their meetings and police came to the hotels to end the gatherings.

Throughout the year police dispersed unauthorized gatherings or prevented marching groups of protesters from demonstrating. Police typically dispersed protesters shortly after a protest began and arrested and detained organizers for a few hours. Human Rights Watch, Amnesty International, and other NGOs criticized the government's use of the law to restrict peaceful assembly.

On the day of the presidential election in December 2019, protests occurred at numerous polling stations throughout the country. Security forces fired rubber bullets at antielection demonstrators in Algiers, Bejaia, Tizi-Ouzou, and Bouira. In Bouira protesters started a fire at the ANIE office. Authorities arrested protesters

ALGERIA

in those cities, as well as in Mostaganem and Setif. Thousands protested in central Algiers, prompting police forces to deploy water cannons and helicopters.

On March 17, President Tebboune banned gatherings in response to the COVID-19 pandemic. In June, Hirak protests resumed in the Kabylie cities of Tizi Ouzou, Bejaia, and Bouira. Protesters and police reportedly clashed during the Bejaia protests.

On June 15, protesters in Tin Zaoutine protested a security barrier preventing access to the town's water supply. One person was killed and four injured during the protest. Prompted by this event, protesters in Tamanrasset and Bordj Badji Mokhtar gathered to denounce the south's marginalization in general, and the incident in Tin Zaoutine specifically.

On August 30, police arrested 40 demonstrators who attempted to resume Hirak demonstrations across nearly 30 wilayas (provinces), according to the CNLD. While authorities released most of the protesters late in the night, approximately 40 others remained in custody in jurisdictions across the country. In total, the arrests occurred in 28 wilayas.

According to the Algerian League for the Defense of Human Rights, authorities arrested about 200 persons linked to the protests since the coronavirus restrictions came into effect. On June 19, the league reported 500 persons connected to the Hirak movement were arrested in 23 different wilayas. Authorities later released some of the protesters.

Freedom of Association

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

The law's extensive requirements and uneven enforcement served as major impediments to the development of civil society. The law grants the government wide-ranging oversight of and influence in the day-to-day activities of civil society organizations. It requires national-level civil organizations to apply to the Ministry of Interior for permission to operate. Once registered organizations must inform the government of their activities, funding sources, and personnel, including

ALGERIA

notification of 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 and up to six months' imprisonment.

According to the law, associations that apply for accreditation are entitled to receive a response within two months for national organizations, 45 days for interregional-level associations, 40 days for province-level associations, and 30 days for communal organizations. While the Ministry of Interior oversees the accreditation process for most associations, the president of a local assembly approves applications for communal associations. Although the Ministry of Interior is responsible for authorizing associations, the government stated COVID-19 spurred the ministry to relax registration rules, specifically for health-care charities operating on the local level, as these organizations were better positioned to assist during the pandemic.

The Ministry of Interior may deny a license to or dissolve any group regarded as a threat to the government's authority or to public order, and on several occasions failed to grant, in an expeditious fashion, official recognition to NGOs, associations, religious groups, and political parties. According to the ministry, organizations receive a receipt after submitting their application for accreditation, and after the time periods listed above, this slip is legally sufficient for them to begin operating, to open a bank account, and to rent office or event space. The law does not explicitly include this provision. If the application is approved, the ministry issues a final accreditation document.

Many organizations reported that they never received a deposit slip and that even with the receipt, it was difficult to conduct necessary administrative tasks without formal accreditation. Other organizations reported they never received any written response to their application request even after calling the ministry and trying to register at local police stations. The ministry maintained that organizations that were refused accreditation or that did not receive a response within the specified time period could appeal to the State Council, the administrative court responsible

ALGERIA

for cases involving the government.

The ministry did not renew the accreditations of the NGOs SOS Disparus (SOS Disappeared), Djazairouna, the Algerian League for the Defense of Human Rights (LADHD), the National Association for the Fight against Corruption, and the Youth Action Movement, all of which submitted their renewal applications in prior years.

The government issued licenses and subsidies to domestic associations, especially youth, medical, and neighborhood associations. According to the Ministry of Interior, there were 132,426 local and 1,734 national associations registered as of September, including 39,437 new local associations and 80 new national associations registered since January. Unlicensed NGOs remained active, but rarely received government assistance, and citizens at times hesitated to associate with these organizations.

According to the Ministry of Interior, during the COVID-19 pandemic the government significantly eased local association requirements, giving local organizations the space to operate. The government determined local civil society organizations, specifically health-care-related charities, were better positioned to assist locally than the federal government. The Ministry of Interior relaxed its registration rules, allowing local governments to authorize local associations, resulting in more than 1,000 new local charity associations. National associations must still submit their applications to the Ministry of Interior for authorization.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government restricted the exercise of these rights.

The government generally cooperated with the UN High Commissioner for

ALGERIA

Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

In-country Movement: The constitution provides citizens “the right to freely choose their place of residence and to move throughout the national territory.” The government requires that foreign diplomats and private sector personnel have armed security escorts from the government if they travel outside of Algiers wilaya, El-Oued, and Illizi, near hydrocarbon industry installations, and the Libyan border. Citing the threat of terrorism, the government also prevented overland tourist travel between the southern cities of Tamanrasset, Djanet, and Illizi. Newspapers reported that the government restricted foreign tourists from traveling through trails in Tassili and Hoggar, as well as certain areas in and around Tamanrasset, due to security concerns.

Foreign Travel: The constitution states that citizens have the right to enter and exit the country. The law does not permit those younger than 18 to travel abroad without a guardian’s permission. Married women younger than 18 may not travel abroad without permission from their husbands, but married women older than 18 may do so. The government did not permit young men eligible for the draft who had not completed their military service to leave the country without special authorization. The government granted such authorization to students and persons with special family circumstances.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

From October 2019 to January, the NGO Alarme Phone Sahara (APS) reported the government deported 4,722 individuals, including 2,582 Nigeriens, from Algeria to Niger. APS reported two types of deportation convoys from Algeria to Niger. Authorities, in coordination with the Nigerian government and pursuant to a bilateral agreement, transfer Nigeriens directly to Nigerien security forces at the Assamaka, Niger, border post. Convoys also leave citizens of various nationalities near Assamaka where they must walk the last 10 to 15 miles into Nigerien

ALGERIA

territory. APS reported the International Organization on Migration (IOM), Doctors without Borders (MSF), and Nigerien security forces look for deportees lost in the desert. According to APS, deportees include nationals from Mali, Guinea, Gambia, Burkina Faso, Benin, Nigeria, Sierra Leone, Ivory Coast, Senegal, Cameroon, Sudan, Somalia, Bangladesh, and Syria.

On October 9, Human Rights Watch reported that the country expelled more than 3,400 migrants of at least 20 nationalities to Niger, including 430 children and 240 women. Security personnel separated children from their families during the arrests, stripped migrants and asylum seekers of their belongings, and failed to allow them to challenge their removal or screen them for refugee status. Numerous asylum seekers registered with the UNHCR were among those arrested and expelled.

According to UNHCR's March 2019 report on Sahrawi refugees in Tindouf, the government protected a significant number of refugees in five large refugee camps in Tindouf and ran two other smaller camps near Tindouf, one surrounding a women's boarding school, and another used for administrative purposes. UNHCR reported many Sahrawi refugees lost their jobs and other sources of income due to COVID-19. Simultaneously, a pulmonary livestock epidemic killed over 1,700 sheep and goats in the camps this year. Sahrawi refugees rely on these animals to supplement their diets and incomes.

In 2019 the government protected a smaller urban refugee population, primarily in Algiers. The report noted the refugee population included predominantly Syrians (an estimated 85 percent), as well as Yemenis, Congolese, Ivoirians, Palestinians, Malians, Central Africans, and other nationalities. UNHCR, the World Food Program (WFP), UNICEF, the Algerian Red Crescent, the Sahrawi Red Crescent, and other organizations assisted Sahrawi refugees.

IOM estimates 90,000 migrants enter the country every year. Authorities typically expel irregular migrants through the border with Niger. Nigerien nationals are brought to Assamaka via official convoys, based on an agreement between Algeria and Niger. They are then transported to Agadez, where IOM Niger provides humanitarian assistance. Authorities accompany third-country nationals (TCNs) of mixed nationalities (mainly from West Africa) to the border at Point Zero, a nine-

ALGERIA

mile desert location between Ain-Guezzam, Algeria, and Assamaka, Niger. IOM Niger provides assistance through humanitarian rescue operations. No publicly available data on the number of migrants the government expelled from Algeria through these operations. The government suspended expulsions when COVID-19 necessitated border closures. As of July, IOM Niger assisted 6,546 migrants in Assamaka (19 percent Nigeriens, 81 percent TCNs).

In September, IOM organized a voluntary return flight for 114 migrants from Cote d'Ivoire, Guinea, and Liberia who were stranded in the country amid the COVID-19 pandemic. IOM reported Algerian authorities facilitated their efforts.

In July, IOM organized a voluntary return for 84 Malian migrants from Algiers to Bamako, Mali. IOM reported this operation was possible thanks to an agreement between Algerian and Malian authorities to temporarily lift travel restrictions and enable IOM to facilitate the safe return of stranded migrants. Migrants residing outside of Algiers received inland transportation assistance; the inland movement was closely coordinated with and supported by relevant Algerian authorities.

Abuse of Migrants, Refugees, and Stateless Persons: There were reports that during government roundup operations of suspected migrants, some of those detained were raped, suffered sexual harassment, or both and that unaccompanied minors were sometimes rounded up and taken to the border for expulsion.

UNHCR reported refugees and migrants traversing land routes to and through the country continue to risk death, kidnapping, sexual- and gender-based violence physical abuse, and other violence.

Refoulement: 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. Since the outbreak of violence in northern Mali in 2012, international observers reported an influx of individuals into the country across the Malian border inconsistent with traditional migratory movements.

In 2019 the CNDH stated the government had dedicated \$12 million to ensure the human rights of migrants during repatriation operations (to include accommodation, food, clothing, health care, medicines, and transportation).

ALGERIA

Authorities conducted repatriations in coordination with consular officials from the migrants' countries of origin, but the migrants were not permitted to challenge their removal. The government stated that it maintained a policy of not removing migrants registered with UNHCR, and that in a few cases it worked with UNHCR to return registered refugees who were mistakenly removed. Air Algerie signed an agreement with the IOM agreeing to provide charter flights for humanitarian supplies and migrants returning voluntarily.

Access to Asylum: While the law generally provides for asylum or refugee status, the government has not established a formal system through which refugees can request asylum. There were no reports that the government granted refugee status and asylum to new refugee applicants during the year. According to UNHCR, the government did not accept UNHCR-determined refugee status for individuals. In 2019, UNHCR offices in Algiers reported an estimated 200 to 300 asylum requests per month, mostly from Syrian, Palestinian, and sub-Saharan African individuals coming from Mali, Guinea, Central African Republic, Cote d'Ivoire, and the Democratic Republic of the Congo (DRC). Those determined by UNHCR to have valid refugee claims were primarily from the DRC, Cote d'Ivoire, Iraq, and the Central African Republic. There was no evidence of any pattern of discrimination toward asylum applicants, but the lack of a formal asylum system made this difficult to assess.

In 2019 UNHCR registered more than 10,000 Syrians, but fewer than 7,000 remained registered with UNHCR as of September 2019. The Algerian Red Crescent, which is subordinate to the Ministry of Solidarity, maintained "welcome facilities" that provided food and shelter for those Syrians without means to support themselves. The facilities were in Sidi Fredj. The government did not grant UNHCR access to these reception centers but reported that by 2016 most Syrians no longer used the centers.

Employment: The government does not formally allow refugee employment; however, many worked in the informal market and were at risk of labor exploitation due to their lack of legal status in the country. Other migrants, asylum seekers, and Malians and Syrians who had a "special status" with the government, relied largely on remittances from family, the support of local family and acquaintances, and assistance from the Algerian Red Crescent and international aid

ALGERIA

organizations.

Access to Basic Services: UNHCR provided registered refugees with modest food assistance and lodging support. Sahrawi refugees lived predominantly in five Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro (Polisario)-administered camps near the city of Tindouf. The Polisario (through the Sahrawi Red Crescent Society), UNHCR, WFP, UNICEF, and partner NGOs provided basic services including food aid, primary health care, and primary and secondary education. The government invested heavily in developing the camps' infrastructure and also provided free secondary and university educations, as well as advanced hospital care, to Sahrawi refugees. The remote location of the camps and lack of government presence resulted in a lack of access by police and courts. Other refugees, asylum seekers, and migrants had access to free public hospitals, but independent NGOs reported instances of migrants being turned away.

School administrators must allow migrant and refugee children to enroll in primary school through high school and require only that they present their passport and documentation showing their level of schooling from their home country.

International organizations reported some children had trouble integrating into the educational system but that migrants' access to education was improving, particularly in the north of the country. These organizations reported that migrant parents were often reluctant to enroll their children in Algerian schools due to language barriers or cultural differences. NGOs also indicated that some migrants were denied treatment at health-care facilities.

Durable Solutions: The government did not accept refugees from foreign countries for resettlement. The Sahrawi refugees have not sought local integration or naturalization during their 40-year stay in the refugee camps near Tindouf, and the Polisario Front continued to call for a referendum on independence in Western Sahara. The IOM leads an "Assisted Voluntary Return and Reintegration" program to help migrants return to their homes willingly with economic and social support, including personalized professional training and other socioeconomic assistance. Although the government is not a financial donor to the initiative, they do cooperate.

Temporary Protection: The law does not address formal temporary protection,

ALGERIA

but authorities provided informal, temporary protection to groups such as Syrians, 7,000 of whom were registered as of September 2019, and Malians.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

The existing law states that members of local, provincial, and national assemblies are elected for five-year terms and that presidential elections occur in the 30 days prior to the expiration of the presidential term. If Algerians adopt the new constitution, the next legislative elections would be held in accordance with new electoral laws. Presidential term limits, which were eliminated in 2008, were reintroduced in a 2016 revision of the constitution and limit the president to two five-year terms. The new constitution maintains term limits. The ANIE, established in 2019 to replace the High Independent Election Monitoring Body, is responsible for organizing the election and voting processes, monitoring elections, and investigating allegations of irregularities.

Recent Elections: On November 1, the country held a constitutional referendum. Official government statements say the new constitution intends to strengthen political freedoms, although the government did not release the text until September 17, after parliament finalized the draft. Restrictions on freedom of assembly and association as well as restrictions on political party activities inhibited the activity of opposition groups. The referendum passed with 66.8-percent support and 23.7-percent turnout, according to ANIE President Mohamed Charfi's announcement on November 2.

The country last held presidential elections in December 2019 after two failed attempts earlier in the year. Voters elected former prime minister Abdelmadjid Tebboune president with 58 percent of the vote, meeting the majority needed to avoid holding a second round. Tebboune was sworn in as president on December 19. Restrictions on freedom of expression and assembly inhibited participation in

ALGERIA

the process. There were no international observers.

Political Parties and Political Participation: The Ministry of Interior must approve political parties before they may operate legally.

The government increased undue media influence and opposition political parties claimed they did not have access to public television and radio. Sometimes security forces dispersed political opposition rallies and interfered with the right to organize. During popular protests against the government, security forces sometimes dispersed demonstrations when protesters came near to government buildings. Since taking office in December 2019, Tebboune's government has blocked foreign funding and pressured media to limit government criticism. The government used COVID-19 restrictions to prevent political opposition meetings; however, the FLN and the Democratic National Rally continued to meet despite restrictions.

Pursuant to the constitution, all parties must have a "national base." Electoral law requires parties to have received 4 percent of the vote in the preceding election or to collect 250 signatures in the electoral district in order to appear on the ballot, although electoral laws would change if citizens adopt the new constitution. Opposition parties from across the political spectrum criticized the law for creating a more complex process for qualifying for the ballot, as well as for establishing an electoral monitoring body whose members would be appointed by the president and parliament, which is controlled by a coalition headed by the president's party.

The law prohibits parties based on religion, ethnicity, gender, language, or region, but there were various political parties commonly known to be Islamist, notably members of the Green Alliance. According to the Ministry of Interior, in September there were 71 registered political parties, one more than in 2019. During the year the ministry authorized 13 parties to hold organizational sessions known as party congresses. Parties must hold a party congress to elect a party leader and confirm membership before the Ministry of Interior counts them as a registered party. The ministry reported they approved the Union Democratique et Sociale (UDS) party, but that the UDS did not hold its party congress. In July the

ALGERIA

government released UDS leader Karim Tabbou from prison.

The law does not place significant restrictions on voter registration.

Membership in the Islamic Salvation Front, 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. By law political parties may not receive direct or indirect financial or material support from any foreign parties. The law also stipulates resources from party members' domestic contributions, donations, and revenue from party activities, in addition to possible state funding, must be reported to the Ministry of Interior. According to Tebboune's public statements, his administration is revising political funding laws and the new constitution would change campaign finance and funding laws.

Opposition party leaders complained that the government did not provide timely authorizations to hold rallies or party congresses. In January the government refused the Pact of the Democratic Alternative's request to assemble for a meeting.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minorities in the political process, and women and minorities did participate. The law requires parties to ensure that at least 30 percent of the candidates on their electoral lists are women.

At least 33 percent of seats in elected assemblies are reserved for women. Due to this law after the legislative elections of 2012, the proportion of women in the National People's Assembly (APN) increased from 8 percent to 32 percent of seats (146 out of 462).

Section 4. Corruption and Lack of Transparency in Government

Authorities continued their anticorruption campaign against political, military, and security officials, as well as prominent business leaders from the Bouteflika era.

The law provides for criminal penalties of two to 10 years in prison for official corruption, but the government did not fully implement the law. Although Tebboune's administration has emphasized rooting out corruption, it remained a

ALGERIA

problem, and officials sometimes engaged in corrupt practices with impunity.

Corruption: The government amended and repealed several articles in the Criminal Procedure Code to toughen anticorruption legislation. In December 2019 the government adopted new amendments aimed at protecting public funds through criminal proceedings and removing constraints on judicial police.

The government repealed the criminal code section stipulating that only the board of directors of the institution concerned may initiate charges related to theft, embezzlement, or loss of public and private funds against senior, public sector “economic managers.”

The government repealed four articles regulating criminal proceedings related to crimes involving public funds, and the role of the Military Security Service and Judicial Police in these investigations.

The government amended laws to clarify oversight of the Judicial Police. The previous language limited the Judicial Police’s ability effectively to investigate corruption cases and other criminal offenses. The law stipulates the legal protection, and therefore impunity, of leaders of economic enterprises.

On July 1, the Sidi M’Hamed court sentenced former prime ministers Ahmed Ouyahia and Abdelmalek Sellal to 12 years in prison after their convictions on corruption charges. Their cases involved illegal campaign financing during Bouteflika’s presidential campaigns. In the same proceedings, the court convicted eight additional former Bouteflika-era ministers and sentenced them to prison terms ranging from two to 20 years.

On July 1, businessman Ali Haddad received an 18-year sentence for “privileges, advantages and public contracts” and squandering public funds. The court confiscated Haddad’s assets and sentenced four of his brothers to four years in jail each. On November 3, an Algiers appellate court reduced Haddad’s prison sentence to 12 years, released a portion of his previously seized assets, and overturned the convictions of Haddad’s four brothers.

In April courts sentenced former police Director General Abdelghani Hamel, detained since July 2019, to 15 years in prison on corruption charges. Hamel used

ALGERIA

his position to obtain land and real estate for himself and his family in Tlemcen, Oran, Tipaza, and Algiers.

Financial Disclosure: The law stipulates that all elected government officials and those appointed by presidential decree must declare their assets the month they commence their jobs, if there is substantial change in their wealth while they are in office, and at the end of their term. Few government officials made their personal wealth public, and there was no known enforcement of the law.

On July 29, Tebboune dismissed the Minister of Labor Ahmed Chawki Fouad Acheuk Youcef. Although Tebboune did not state the reason for Acheuk Youcef's dismissal, press reports alleged that he failed to declare overseas property.

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

A variety of domestic human rights groups operated with varying degrees of government restriction and cooperation. The law requires all civil associations to apply for operating permission, and at year's end several major civil associations remained unrecognized but tolerated.

Amnesty International maintained an office and actively reported on human rights matters, but it did not receive official authorization to operate from the Ministry of Interior. Amnesty International has received authorization to open a bank account, although the organization awaits final documentation from the government to open the account.

Although the government did not renew the accreditation of the Algerian League for the Defense of Human Rights, the organization had members countrywide, received independent funding, and was one of the most active independent human rights groups. The Algerian League for Human Rights, a separate but licensed organization based in Constantine, had members throughout the country monitoring individual cases.

The United Nations or Other International Bodies: The government extended

ALGERIA

an invitation to the UN Working Group on Enforced or Involuntary Disappearances in 2014 and again in 2015, but no visit occurred.

In 2013 government representatives attended a session with the UN Working Group on Enforced or Involuntary Disappearances. The government officially recorded 3,200 forced disappearances during the 1990s and noted families remain unsatisfied with the government's official response surrounding the disappearances of their family members. The government reported the working group was tasked with addressing questions posed by the families of "the disappeared." The MFA stated the working group took on the role of a UN investigative body, which was outside its mandate and ran contrary to the country's constitution. The MFA further added that they extended invitations to the working group in 2014 and again in 2015, but UN financial and scheduling constraints delayed their visit. The MFA claimed that the UN would not be able to visit until at least 2023 due to continued financial and scheduling issues.

The country joined the Human Rights Council in 2014 but continued to deny requests for visits from the UN special rapporteurs on extrajudicial executions (pending since 1998) and counterterrorism and human rights (pending since 2006), the UN Working Group on arbitrary detention (pending since 2009), and the UN Security Council Mali Panel of Experts on Sanctions (since 2016). The MFA stated that even during the 1990s, the country did not record many extrajudicial executions, but the perception caused numerous human rights groups to request special rapporteurs.

The MFA said it cooperates with the UN and the EU on human rights matters and reports. The MFA reported that during its last Universal Periodic Review in 2017, the country accepted 179 of the 218 UN recommendations.

Government Human Rights Bodies: The National Human Rights Council (CNDH) has budget autonomy and the constitutional responsibility to investigate alleged human rights abuses, officially comment on laws the government proposes, and publish an annual report that is submitted to the president, the prime minister, and the two speakers of parliament. CNDH releases the report to the public. The CNDH reported representation in 1,548 communes and five regional delegations

ALGERIA

located in Chlef, Biskra, Setif, Bechar, and Bejaia.

The CNDH reported COVID-19 hampered its activities. Nevertheless, the CNDH noted that during the year it had: assessed children's right to education; inquired into teachers' salary demands; conducted webinars with the Arab and African Human Rights Networks; conducted prison visits; and worked on migrant topics related to health and sanitation in a pandemic. Between January 1 and August 31, the CNDH reported receiving 380 complaints, down from 687 in 2019, but did not specify how many it investigated. A CNDH representative reported the organization's focus during the year was on prison conditions (particularly in the context of COVID-19), vulnerable populations (specifically migrants and the elderly), day laborers, and constitutional proposals.

The government also maintained cooperation with the Algerian Red Crescent Society, a local humanitarian volunteer organization officially recognized by the International Red Cross and Red Crescent Movement. The local group collaborates with the Ministry of Health, providing medical assistance and analyses to vulnerable groups, including refugees and migrants. The Algerian Red Crescent also promotes tolerance via cultural events supporting migrants, such as Christmas-related events, work to protect vulnerable children, and distribution of food and supplies for education and sanitation.

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

Women

Rape and Domestic Violence: The law criminalizes rape but does not specifically address spousal rape. Prison sentences for rape range from five to 10 years and, although sex crimes are rarely reported due to cultural norms, authorities generally enforced the law. A provision of the penal code allows an adult accused of "corruption of a minor" to avoid prosecution if the accused subsequently marries his or her victim and if the crime did not involve violence, threats, or fraud. The law stipulates sentences of one year to life imprisonment for "anyone who voluntarily causes injury or blows to his or her spouse." It also introduced penalties for verbal and psychological violence, sexual assault, harassment, and

ALGERIA

indecent assault.

Domestic violence remains a society-wide problem. The law states that a person claiming domestic abuse must visit a “forensic physician” for an examination to document injuries and that the physician must determine the injuries suffered “incapacitated” the victim for 15 days. The law prescribes up to a 20-year imprisonment for the accused, depending on the severity of injuries. If domestic violence results in death, a judge may impose a life sentence.

For the first quarter of the year, the Ministry for National Solidarity, Family, and Women reported that there were 260 logged cases of violence against women, down from 1,734 cases in 2019. The Minister of Solidarity provides psychological care, guidance, and administrative and legal support through their Social Action and Solidarity Departments (DASS) teams, which are in all the country’s provinces. The National Security General Directorate (DGSN) reported there were 6,121 complaints related to violence against women.

According to statistics from women’s advocacy groups published in the local press, between 100 and 200 women die each year from domestic violence. The government maintained two regional women’s shelters and finished building a third shelter in Annaba, which the government said will be operational by the end of the year. These shelters assisted with 300 cases of violence against women during 2019. The Information and Documentation Center on the Rights of Children and Women, a network of local organizations that promoted the rights of women, managed call centers in 15 provinces.

Femicides Algeria, an advocacy group which tracks and publicizes femicides, reported 38 women have been killed because of their gender in the country since the start of the year.

In April media reported several femicides. In Bouzareah a police officer shot and killed his wife in front of their four children. In Zahana a man threw his wife from the window of their second-floor apartment. In Relizane a 25-year-old man stabbed his mother. The women died in these three cases and police arrested the

ALGERIA

perpetrators. Their cases are still pending.

In October a 19-year-old woman, Chaima Sadou, was kidnapped, raped, and murdered. Authorities arrested a suspect, who confessed to killing Sadou. The suspect previously served three years in prison after authorities convicted him for sexually assaulting and stalking Sadou when she was 15 years old. Sadou's remains were burned beyond recognition.

During the year a women's advocacy group, the Wassila Network, received 200 cases of domestic violence. The Wassila Network stated information on domestic violence remains sparse and public authorities have not provided exact statistics on violence against women since 2012. The Wassila Network noted this number is a fraction of actual cases since victims of domestic violence rarely report the abuse to authorities and because of a forgiveness clause provided in the legal code. The clause stipulates that, if the victim forgives his or her aggressor, legal action ceases. The Wassila Network described situations in which a victim goes to police to report a domestic violence incident and family members convince the victim to forgive the aggressor, resulting in no charges.

The Wassila Network reported 16 femicides during the COVID-19 lockdown. According to the NGO, the figure is likely much higher, since many cases are not reported. Women's groups expressed concerns about the consequences of the lockdown. NGO Femmes Algeriennes vers un Changement pour l'Egalite (FACE) issued a statement highlighting the increase of violence against women within the home. FACE called for authorities to implement emergency measures to protect women from violence.

Two women's rights activists, Wiam Arras and Narimene Mouaci, launched a Facebook initiative called "Femicides Algerie" to track femicide in the country. As of August 18, they documented 36 cases of femicide. The initiative's goal is to publicize the extent of violence against women, specifically violence resulting in death. They began their publicity initiative in 2019, after seeing the discrepancy between official statistics and NGO statistics, the latter of which were almost double that of the authorities.

Women's rights NGOs maintained call centers and counseling sessions throughout

ALGERIA

the COVID-19 lockdown. The Wassila Network, which usually averages between 20 calls a week, received an average of 70 calls per week since the COVID-19 lockdown began in March.

The law provides for sentences of one to 20 years' imprisonment for domestic violence and six months to two years' incarceration for men who withhold property or financial resources from their spouses.

In 2018 the Ministry for National Solidarity, Family, and Women and UN Women launched an administrative database, named AMANE, to collect information on violence against women. UN Women is using the information collected to assist the government in developing targeted programs to support and protect women in vulnerable situations, including violence, as part of one of its programs funded by the Belgian government. The government reported it uses the data to identify patterns of violence against women, specifically collecting data on family situations, types of violence, and relationship to the perpetrators. The 2019 AMANE data showed women aged 36-50 represent 47 percent of reported cases; women aged 19-35 represent 30 percent of cases; and the most frequent perpetrators are women's husbands.

Female Genital Mutilation and Cutting (FGM/C): This was not generally practiced in the country but was widely present among immigrant communities in southern sectors, particularly among Sub-Saharan African migrant groups. While this abuse is considered a criminal offense punishable by up to 25 years in prison, there were no reports of any related convictions, nor any official pronouncements by religious or secular leaders proscribing the practice.

Sexual Harassment: The punishment for sexual harassment is one to two years' imprisonment and a fine; the punishment doubles for a second offense. Women's groups said that most reported cases of harassment occurred in the workplace.

Reproductive Rights: Couples and individuals have the right to decide the number, timing, and spacing of their children; have the right to manage their reproductive health; and had access to the information and means to do so. Societal and family pressure restricted women from making independent decisions

ALGERIA

about their health and reproductive rights.

Conservative elements of society challenged the government's family planning program, including the provision of free contraception. A 2018 Oran hospital survey showed that a husband's prohibition or religious disapproval influenced women's contraceptive practices. Married and unmarried women had access to contraceptives, although some clinics required a prescription before dispensing birth control pills to unmarried women. A doctor in Oran said anecdotally that her colleagues more frequently questioned young women's motives for seeking birth control, compared to past practice. Women did not need permission to obtain birth control pills, but doctors required permission of the partner for women who sought tubal ligation.

Civil society organizations such as the Wassila Network coordinated medical, psychological, and legal support to victims of sexual violence.

According to World Health Organization (WHO) data, the maternal mortality rate gradually dropped from 179 deaths per 100,000 live births in 1998 to 112 deaths per 100,000 live births in 2017 (the most recent available annual data). The WHO attributed the decline to increased medical training, investments in health care, and specific government initiatives aimed at reducing maternal deaths. A 2018 study by a prominent women's group found that 75 percent of women who used nonbarrier birth control opted for the birth control pill, while 11 percent opted for an intrauterine device. These figures coincided with the United Nations Population Fund's most recent data.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: Although the constitution provides for gender equality, aspects of the law and traditional social practices discriminated against women. In addition some religious elements advocated restrictions on women's behavior, including freedom of movement. The law prohibits Muslim women from marrying non-Muslims, although authorities did not always enforce this provision.

Women may seek divorce for irreconcilable differences and violation of a prenuptial agreement. In a divorce the law provides for the wife to retain the

ALGERIA

family's home until the children reach age 18. Authorities normally awarded custody of children to the mother, but she may not make decisions about education or take the children out of the country without the father's authorization. The government provided a subsidy for divorced women whose former husbands failed to make child support payments.

The law affirms the religiously based practice of allowing a man to marry as many as four wives. The law permits polygamy only upon the agreement of the previous and future wife, and the determination of a judge as to the husband's financial ability to support an additional wife. It was unclear whether authorities followed the law in all cases since local authorities had significant discretion and the government did not maintain nationwide statistics.

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. Women did not often have exclusive control over assets that they brought to a marriage or that they earned.

Women may own businesses, enter into contracts, and pursue careers similar to those of men. Women enjoyed rights equal to those of men concerning property ownership, and property titles listed female landowners' names.

Children

Birth registration: The mother or father may transmit citizenship and nationality. By law children born to a Muslim father are Muslim, regardless of the mother's religion. The law does not differentiate between girls and boys in registration of birth.

On August 8, the prime minister changed the procedure for recognizing children born to an unknown father. The decree stipulates requests must be made through the Ministry of Justice. The decree also states that a "person who has legally fostered a child born to an unknown father, may submit a request, on behalf and for the benefit of this child, to the public prosecutor in order to change the patronymic name of the child and make it match his own." If the child's mother is known and alive, her consent is required to change the name. Those born abroad can file a

ALGERIA

request at the diplomatic or consular center of their place of residence.

Child Abuse: Child abuse is illegal but continues to be a problem. The government devoted increasing resources and attention to it. A national committee is responsible for monitoring and publishing an annual report on the rights of children. The government supported the Qatari NGO Network for the Defense of Children's Rights. For the first quarter of the year, the Ministry for National Solidarity, Family, and the Status of Women reported that the government intervened in 887 child endangerment cases.

Laws prohibiting parental abduction do not penalize mothers and fathers differently, and the punishment for convicted kidnappers includes the death penalty.

In August, Meriem Chorfi, president of the National Body of the Protection and Promotion of Children (ONPPE), stated her organization's toll free telephone number received 1,480 reports related to children's rights abuses. She added that 500 calls occurred during the mandatory COVID-19 curfew period. Chorfi estimated the ONPPE hotline receives 10,000 calls per day, mostly to request information or clarification on specific topics related to child abuse.

Child, Early, and Forced Marriage: The legal minimum age of marriage is 19 for both men and women, but minors may marry with parental consent, regardless of gender. The law forbids legal guardians from forcing minors under their care to marry against the minor's will. The Ministry of Religious Affairs required that couples present a government-issued marriage certificate before permitting imams to conduct religious marriage ceremonies.

Sexual Exploitation of Children: The law prohibits solicitation for prostitution and stipulates prison sentences of between 10 and 20 years when the offense is committed against a minor younger than 18. By law the age for consensual sex is 16. The law stipulates a prison sentence of between 10 and 20 years for rape when the victim is a minor. The DGSN reported there were 1,443 victims of child sexual abuse.

The law established a national council to address children's matters, which gives judges authority to remove children from an abusive home, and allows sexually

ALGERIA

abused children to provide testimony on video rather than in court.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The country's Jewish population numbered fewer than 200 persons.

Religious and civil society leaders reported that the Jewish community faced unofficial, religion-based obstacles to government employment and administrative difficulties when working with government bureaucracy.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, although the government did not always effectively enforce these provisions (see also section 7, Worker Rights).

The Ministry of National Solidarity, Family, and the Status of Women provided some financial support to health-care-oriented NGOs, but for many NGOs, such financial support represented a small fraction of their budgets. The government provided disability benefits to persons with disabilities who registered.

The Ministry of National Solidarity, Family, and Women reported that in 2019 it ran 238 centers throughout the country that provided support for persons with intellectual, auditory, vision, and physical disabilities.

Many persons with disabilities struggled to acquire assistive devices and noted the National Office of Apparatus and Accessories for the Handicapped did not have a

ALGERIA

presence in all provinces.

The ministry stated that it worked with the Ministry of Education to integrate children with disabilities into public schools to promote inclusion. The majority of the ministry's programs for children with disabilities remained in social centers for children with disabilities rather than in formal educational institutions. Advocacy groups reported that children with disabilities rarely attended school past the secondary level. Many schools lacked teachers trained to work with children with disabilities, threatening the viability of efforts to mainstream children with disabilities into public schools. For the 2020-21 school year, the government reported it created 1,722 positions to assist children with disabilities, including 940 master teachers', 400 teachers', and 382 school assistants' positions. The government also reported it limited class sizes for children with auditory, visual, and mental disabilities.

Many persons with disabilities faced challenges casting ballots due to voting centers that lacked accessible features.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law criminalizes public indecency and consensual same-sex sexual relations between adult men or women, with penalties that include imprisonment of six months to three years and a fine. The law also stipulates penalties that include imprisonment of two months to two years and fines for anyone convicted of having committed a "homosexual act." If a minor is involved, the adult may face up to three years' imprisonment and a fine. LGBTI activists reported that the vague wording of laws criminalizing "homosexual acts" and "acts against nature" permitted sweeping accusations that resulted in multiple arrests for consensual same-sex sexual relations, but no known prosecutions during the year.

LGBTI status is not, in itself, criminalized; however, LGBTI persons may face criminal prosecution under legal provisions concerning prostitution, public indecency, and associating with bad characters. NGOs reported that judges gave harsher sentences to LGBTI persons for the above crimes compared to non-LGBTI persons. An NGO reported that LGBTI men were targeted more often than

ALGERIA

women.

The law does not extend antidiscrimination protections to LGBTI persons based on sexual orientation, gender identity or expression, or sex characteristics. Officials asserted that the law covers LGBTI individuals through general civil and human rights legislation. Government officials did not take measures specifically to prevent discrimination against LGBTI persons. LGBTI persons faced discrimination in accessing health services such as longer wait times, refusal of treatment, and shaming. Some organizations maintained a list of “LGBTI-friendly” hospitals, and several NGOs operated mobile clinics specifically for vulnerable communities. NGOs reported that employers refused jobs to LGBTI persons, particularly men perceived as effeminate. Community members reported obtaining legal assistance was also a challenge due to similar discrimination.

On July 24, Constantine’s national gendarmerie arrested 44 individuals for supporting a same-sex marriage. On September 3, authorities convicted 44 individuals of same-sex sexual relations, public indecency, and subjecting others to harm by breaking COVID-19-related quarantine measures. Two men received three years in prison and a fine, and the others received a one-year suspended sentence.

In February, two men shared their wedding ceremony on social media. Following the post, Tebessa security authorities arrested the two men, charging them with “displaying shameful images to the public, committing an act of homosexuality in public, and possession of drugs.”

During the year LGBTI NGOs organized virtual meetings. The NGOs reported government harassment, including threats of imprisonment.

HIV and AIDS Social Stigma

Strong social stigma towards the vulnerable groups in which HIV/AIDS was most concentrated--commercial sex workers, men who have sexual relations with men, and drug users--deterred testing of these groups. The government reported it did not take measures to specifically prevent and treat HIV/AIDS in the LGBTI community. Members of the country’s LGBTI community reported pre-exposure

ALGERIA

prophylaxis (PrEP) is not available.

According to UNAIDS the country was close to achieving the UNAIDS' 90-percent target, with 84 percent of persons living with HIV knowing their status. Civil society organizations are integral to the region's HIV response, and advocate for HIV prevention, treatment, and funding. Many civil society organizations include individuals affected by HIV, helping these organizations reach key populations.

The government's National AIDS Committee met during the year. The committee brought together various government and civil society actors to discuss implementation of the national strategy to combat HIV/AIDS.

During the COVID-19 pandemic, a professor at El-Hadi Flici Hospital, Algiers' primary hospital for infectious diseases, stated ambulances were delivering AIDS patients' medicines to reduce their susceptibility to COVID-19.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution allows workers to join and form unions of their choice, provided they are citizens. The country has ratified the International Labor Organization's (ILO) conventions on freedom of association and collective bargaining but failed to enact legislation needed to implement these conventions fully.

The law requires that workers obtain government approval to form a union, and the Ministry of Labor must approve or disapprove a union application within 30 days. To form a union, an applicant must be Algerian by birth or have held Algerian nationality for 10 years. The law also provides for the creation of independent unions, although the union's membership must account for at least 20 percent of an enterprise's workforce. Unions have the right to form and join federations or confederations, and the government recognized four confederations. Unions may recruit members at the workplace. The law prohibits discrimination by employers against union members and organizers and provides mechanisms for resolving

ALGERIA

trade union complaints of employers' antiunion practices.

The law permits unions to affiliate with international labor bodies and develop relations with foreign labor groups. For example the General Union of Algerian Workers (UGTA), which represented most public-sector workers, is an affiliate of the International Trade Union Confederation. Nevertheless, the law prohibits unions from associating with political parties and receiving funds from foreign sources. The courts are empowered to dissolve unions that engage in illegal activities. The government may invalidate a union's legal status if authorities perceive its objectives to be contrary to the established institutional system, public order, good morals, law, or regulations in force.

The law provides for collective bargaining by all unions, and the government permitted the exercise of this right for authorized unions. Nevertheless, the UGTA remained the only union authorized to negotiate collective bargaining agreements during the annual tripartite meeting. Other authorized unions can bargain with specific ministries but are excluded from the tripartite meeting.

The law provides for the right to conduct legal strikes, and workers exercised this right, subject to conditions. Striking requires a secret ballot of the whole workforce. The decision to strike must be approved by majority vote of workers at a general meeting. The government may restrict strikes on a number of grounds, including economic crisis, obstruction of public services, or the possibility of subversive actions. Furthermore all public demonstrations, including protests and strikes, must receive prior government authorization. By law workers may strike only after 14 days of mandatory conciliation or mediation. The government occasionally offered to mediate disputes. The law states that decisions reached in mediation are binding on both parties. If mediation does not lead to an agreement, 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, and the government has broad legal authority to requisition public employees. The list of essential services included banking, radio, and television. Penalties for unlawful work stoppages range from eight days to two months' imprisonment. The law protects union members from discrimination or dismissal based on their union activities. Penalties for abusing union members' rights are not sufficient to deter abuses. The law says any firing

ALGERIA

or other employment action based on discrimination against union members is invalid. The government did not effectively enforce these laws.

The government affirmed there were 91 registered trade unions and 47 employers' organizations, the same number as reported in 2019. The government registered 11 new trade unions between January and September. Many trade unions remained unrecognized by the government; they identified delayed processing and administrative hurdles as the primary obstacles to establishing legal status. The ILO Committee of Experts on the Application of Conventions and Recommendations reiterated in 2017 that the lengthy registration process seriously impedes the establishment of new unions.

Attempts by new unions to form federations or confederations suffered similar challenges. Representatives of the National Autonomous Union for Public Administration Personnel (SNAPAP) stated that the union continued to function without official status.

The government continued to deny recognition to the General Autonomous Confederation of Workers in Algeria (CGATA), an independent trade union confederation that includes public and economic sector unions and committees. CGATA membership included workers from unions representing government administrators, diplomatic personnel, state electricity and gas employees, university professors, public transport and postal workers, and lawyers. The confederation also included migrants working in the country. In December 2019 authorities shut down CGATA's offices and authorities arrested and jailed an executive member of CGATA, Kaddour Chouicha. The International Trade Union Confederation (ITUC) called for Chouicha's immediate release, and described his arrest as "a flagrant violation of Algeria's obligations to respect freedom of association," and "a deeply troubling indictment of those in power."

SNAPAP and other independent unions faced government interference throughout the year, including official obstruction of general assembly meetings and police harassment during sit-in protests. Furthermore, the government restricted union activities and the formation of independent unions in certain critical public services sectors, such as oil and gas and telecommunications. The International Trade Union Confederation reported that judicial abuse of trade union leaders had

ALGERIA

intensified.

On August 11, Numilog company, a subsidiary of Cevital, laid off 196 workers at its facility in Bejaia. The workers were the target of dismissal decisions following a series of cyclical three-day strikes during which they demanded the right to join a trade union.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. NGOs reported that irregular migrants sometimes worked in forced labor and that their lack of work permits made them more vulnerable to exploitation. For example, female migrants were subjected to debt bondage as they worked to repay smuggling debts through domestic servitude, forced begging, and forced prostitution. Designated penalties under this statute were not commensurate with penalties for kidnapping. Construction workers and domestic workers were reportedly vulnerable. The government did not effectively enforce the law.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employment by minors in dangerous, unhealthy, or harmful work or in work considered inappropriate because of social and religious considerations, yet the country has not determined by national law or regulation the types of work that are hazardous for children. The country does not bar all of the worst forms of child labor. Under the law there is no legislative provision prohibiting the use, procuring, or offering of a child under 18 years of age for the production and trafficking of drugs. The minimum legal age for employment is 16, but younger children may work as apprentices with permission from their parents or legal guardian. The law prohibits workers younger than 19 from working at night. The ILO noted, however, that the country's standard of "night" for children is only eight hours, less than the 11 hours recommended by the ILO.

Although specific data was unavailable, children reportedly worked mostly in the informal sales market, often in family businesses. There were isolated reports that

ALGERIA

children were subjected to commercial sexual exploitation.

The Ministry of Labor is responsible for enforcing child labor laws and refers violators to the Ministry of Justice for prosecution. There is no single office charged with this task, but all labor inspectors are responsible for enforcing laws regarding child labor. The Ministry of Labor conducted inspections and, in some cases, investigated companies suspected of hiring underage workers. The ministry's Labor Inspector Service in 2019 conducted 124,698 inspections and reported 10 children were found working illegally. The Ministry of Labor attributed the low figure to the fact that most children work in the informal economy, and inspections are limited to registered businesses. The law for the protection of the child criminalizes anyone who economically exploits a child, but the penalties are neither sufficiently stringent nor commensurate with those prescribed for other serious crimes. Monitoring and enforcement practices for child labor were ineffective and hampered by an insufficient number of inspectors to examine the formal and informal economy.

The Ministry of National Solidarity, Family, and Women leads a national committee composed of 12 ministries and NGOs that meets yearly to discuss child labor issues. The committee was empowered to propose measures and laws to address child labor as well as conduct awareness campaigns.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment, salary, and work environment based on age, gender, social and marital status, family links, political conviction, disability, national origin, and affiliation with a union. The law restricts women from working during certain hours of the day, and does not permit women to work in jobs deemed arduous. In addition to the legislative provisions in force, employers must ensure that the work entrusted to women, minors, and persons with disabilities does not "require an effort exceeding their strength."

Women reported facing employment discrimination with job offers being extended to less qualified male applicants. Although the law states women should receive a salary equal to men, leaders of women's organizations reported that discrimination was common, and women were less likely to receive equal pay for equal work or

ALGERIA

promotions, particularly in the private sector.

Few businesses abided by the law requiring that they reserve 1 percent of jobs for persons with disabilities. NGOs reported that the government did not enforce payment of fines for failing to abide by the law. The government usually highlights its efforts in March to coincide with the National Day of the Disabled. The ministry, however, reported it had increased efforts to enforce the 1-percent quota during the year. From January 2019 to September 2019, the Ministry of Labor audited 160,218 organizations and found that 2,389 companies did not respect the 1-percent quota.

The law does not explicitly prohibit discrimination with respect to employment based on sexual orientation, HIV-positive status, or religion. The government did not adequately enforce the law, since discrimination reportedly existed, specifically against migrant workers in the informal economy who lacked a legal means to address unfair working conditions. Particularly vulnerable were women, girls, and young men from sub-Saharan Africa who were lured into the country to accept jobs in restaurants and hair salons, but were forced to work in prostitution or engage in other forced labor conditions. The recent roundups and expulsions mark the sharpest spike in these operations since the start of the pandemic in March.

On August 9, President Tebboune directed authorities to monitor and assess foreign traders and their activities, specifically targeting refugees' activities.

Men held a large percentage of positions of authority in government and the private sector. NGOs reported instances in which unaccompanied migrant female youth were exploited as domestic workers and were known to be loaned out to families for extended periods to work in homes or exploited as prostitutes.

e. Acceptable Conditions of Work

A tripartite social pact among business, government, and the official union established a national, monthly minimum wage which is above the poverty income level. In June President Tebboune directed the Ministry of Labor to increase minimum wage from 18,000 to 20,000 Algerian dinars (\$140-\$155) per month. He

ALGERIA

also eliminated tax obligations for low-income workers.

The standard workweek was 40 hours, including one hour for lunch per day. Half of the lunch hour is considered compensated working time. 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 occurred on a normal workday, a weekend, or a holiday.

The law contains occupational health and safety standards that were not fully enforced. There were no known reports of workers dismissed for removing themselves from hazardous working conditions. If workers face such conditions, they may 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. Labor standards do not formally allow refugee employment or adequately cover migrant laborers; therefore, many economic migrants from sub-Saharan Africa and elsewhere who worked in the informal sector, primarily in construction and as domestic workers, were at risk of labor exploitation due to their lack of legal status.

The government requires employers to declare their employees to the Ministry of Labor and to pay social security benefits. Penalties for noncompliance are insufficient to deter abuses. The government allowed undeclared workers to gain credit for social security and retirement benefits for time spent in the informal economy if they repay any taxes owed after registering. The government did not effectively enforce the law. The Labor Ministry did not employ sufficient inspectors to deter abuses.

On March 22, the government placed 50 percent of its civil servants and private workers on mandatory leave, with full compensation, in accordance with COVID-19 lockdown measures.

The government prioritized pregnant women and women raising children, as well as individuals with chronic illnesses and those with health vulnerabilities, for exceptional leave. On March 24, authorities extended exceptional leave to the private sector.

On August 2, the government enacted a law intended to protect health-care

ALGERIA

workers following an increase in “physical and verbal attacks” during the COVID-19 pandemic. The law also sanctions acts of violence against public assets and medical equipment, with the maximum penalty of life imprisonment.