



TRAFFICKING IN PERSONS REPORT 20TH EDITION

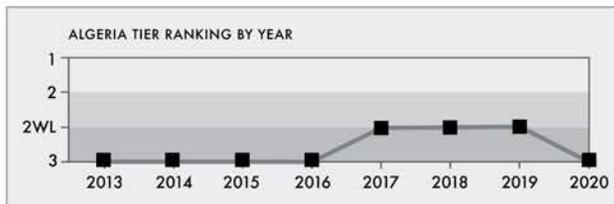


JUNE 2020



ALGERIA: TIER 3

The Government of Algeria does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Algeria was downgraded to Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including prosecuting some traffickers, identifying some victims, and continuing to implement its 2019-2021 national anti-trafficking action plan. The government also cooperated with an international organization to develop a draft anti-trafficking law and a draft national victim referral mechanism. However, the government prosecuted and convicted fewer traffickers and identified fewer victims in comparison to last year. The government remained without effective procedures and mechanisms to appropriately and proactively screen for, identify, and refer potential victims to protection services. Due to the government's ineffective screening measures for trafficking victims among vulnerable populations, such as African migrants, refugees, asylum-seekers, and individuals in commercial sex, authorities continued to punish some victims for unlawful acts traffickers compelled them to commit. The government's ongoing measures to deport undocumented migrants deterred some victims among this population from reporting trafficking crimes to the police or seeking much-needed assistance. Furthermore, the government did not provide protection services appropriate for the needs of trafficking victims, and it did not report how many victims received assistance.



PRIORITIZED RECOMMENDATIONS:

Increase investigations, prosecutions, and convictions of sex and labor trafficking offenders and punish them with adequate penalties, which should involve significant prison terms. • Amend the trafficking provision of the penal code to remove the requirement of a demonstration of force, fraud, or coercion for child sex trafficking offenses. • Finalize and implement standardized procedures for victim identification and screening for use by border, security, and law enforcement officials who come in contact with vulnerable populations, such as undocumented foreign migrants, asylum-seekers, refugees, and persons in commercial sex. • Finalize and implement a formal national victim referral mechanism to refer victims to appropriate care. • Train law enforcement, judicial, labor inspectorate, health care officials, and social workers on victim identification and referral procedures. • Create a mechanism to identify trafficking victims among vulnerable populations for unlawful acts traffickers compelled them to commit before arresting, prosecuting, deporting, or otherwise punishing them. • Ensure victims of all forms of trafficking are referred to and receive protection services, including shelter appropriate for the needs of trafficking victims, adequate medical and psycho-social care, legal aid, and repatriation assistance. • Ensure the safe and voluntary repatriation of foreign victims, including through collaboration with relevant organizations and source country embassies, and provide foreign victims with legal alternatives to their removal to countries where they may face retribution or hardship. • Continue efforts to raise public awareness on the indicators and risks of trafficking. • Dedicate sufficient resources to and carry out implementation of the national anti-trafficking action plan.

PROSECUTION

The government prosecuted and convicted fewer traffickers compared to the previous year. Algeria criminalized most forms of sex trafficking and all forms of labor trafficking under Section 5 of its penal code and prescribed penalties of three to 10 years' imprisonment and fines of 300,000 to one million Algerian dinar (\$2,530-\$8,420). These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, Section 5 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. Article 143 of Law 12-15 stated that crimes committed against children, including those involving sexual exploitation, would be vigorously penalized; it generally referenced other penal code provisions that could potentially be applied to child sex trafficking offenses that did not involve force, fraud, or coercion. Law No.14-01, which criminalized the buying and selling of children younger than the age of 18, prescribed penalties of three to 20 years' imprisonment for individuals and groups convicted of committing or attempting to commit this crime; however, this law could be interpreted to include such non-trafficking crimes as migrant smuggling or illegal adoption.

The General Directorate of National Security (DGSN) maintained ten police brigades to combat human trafficking and illegal immigration. The DGSN and Gendarmerie also maintained special brigades dedicated to managing children's issues, including child trafficking. In 2019, the Gendarmerie and the DGSN dismantled more than 100 human smuggling groups and networks, but the ministries reported there were no incidents of human trafficking crimes allegedly committed by these groups. Furthermore, the government did not report how many alleged trafficking cases it investigated during the reporting period. In 2019, the government reported it prosecuted three cases involving 13 alleged traffickers; of these cases, two involved sexual exploitation and one involved both sexual exploitation and forced labor. The government did not convict any traffickers. This represented a decrease in comparison to 2018 when the government investigated and prosecuted 16 alleged perpetrators and convicted two traffickers. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses during this reporting period. The government maintained four courts—based in Algiers, Constantine, Oran, and Ouargla—dedicated to cases involving transnational organized crime, under which trafficking was classified within the Algerian judicial system; however, the government did not report if any trafficking cases were tried in these courts during the reporting period. Government officials acknowledged that the biggest challenges for investigators and prosecutors were lack of highly qualified and well-trained investigators; difficulty understanding and identifying a trafficking crime; and inability to obtain victim statements, especially among African migrants.

The government reported it conducted two anti-trafficking trainings for judicial officials during the reporting period. Government officials also participated in several international and multilateral training sessions on human trafficking. The government continued to contribute to INTERPOL's databases on organized crime and human trafficking. The government also reportedly prioritized building police-to-police cooperation with other countries in Africa, including through AFRIPOL, to combat all crimes including human trafficking.

PROTECTION

The government identified fewer trafficking victims. Authorities continued to penalize unidentified victims and protection services specifically catered to the needs of trafficking victims remained lacking. Government officials and civil society partners acknowledged that authorities' lack of understanding about the crime of trafficking continued to be a challenge for victim identification efforts throughout the reporting period. Authorities did not consistently distinguish trafficking victims from irregular

cohesive migrant communities. While NGOs and international organizations reported identifying several potential trafficking victims during the reporting period, the government did not report proactively identifying any victims other than those involved in active court cases. Fourteen victims were involved in cases in 2019, including one Algerian and three foreign children, and two Algerian and six foreign adults, compared with 34 victims the government identified in 2018. Likewise, the government did not report systematically screening for trafficking among vulnerable migrants, including those that it deported throughout the year, nor among individuals in commercial sex, refugees, or asylum-seekers—populations highly vulnerable to trafficking. The government did not have standard operating procedures (SOPs) or a formal mechanism to identify and refer victims to protection services. The government reported that judicial police, ministries, and local governors used an informal referral system to ensure victims received access to medical and psychological services and shelter; however, the government did not report how often relevant authorities used this system during the reporting period. Recognizing this deficiency, the government cooperated with an international organization to develop a formal national victim referral mechanism and, in June 2019, created an inter-ministerial working group dedicated to creating this mechanism. Separately, the DGSN reported that it drafted victim identification and referral SOPs for police officers. The government did not finalize the referral mechanism or the SOPs at the end of the reporting period.

Unidentified victims continued to face punishment—such as arrest, detention, prosecution, and deportation—for illegal migration, prostitution, and other unlawful acts traffickers compelled them to commit. For example, border and other security authorities continued to regularly deport African migrants—a highly vulnerable population to trafficking—and they lacked the manpower and capability to systematically screen each migrant for trafficking indicators. According to an international organization, authorities also deported some refugees and asylum-seekers, some of whom were trafficking victims, due to a lack of effective screening measures. Officials continued to rely on victims to report abuses to authorities, yet civil society groups observed that most trafficking victims in Algeria were undocumented migrants who typically did not report trafficking crimes to the police or file lawsuits against their traffickers. Although public services, such as healthcare and education, were available and free for foreigners in Algeria, many undocumented migrants avoided seeking public services out of fear of deportation. The government's deportation operations further discouraged foreign trafficking victims from making their presence known to authorities.

Victim protection services remained inadequate. The government did not provide shelter or other protection services specifically tailored to the needs of trafficking victims, nor did it track the specific resources it allocated to protection services during the reporting period. However, the government continued to report the Ministries of Health and Solidarity, as well as other ministries, could provide foreign and domestic trafficking victims with free services as needed, to include shelter, food, medical services, interpretation services, legal consultations, psychological counseling, and repatriation assistance. The government did not report how many victims received these services, nor did it report if any of the 14 identified victims, who were involved in court cases during the year, received services. The government reported it allowed relief from deportation for identified trafficking victims for an indefinite period of time and allowed all foreign victims to stay in Algeria temporarily; however, it did not grant work permits to trafficking victims while under temporary residency status. The government did not report encouraging victims to participate in the investigation and prosecution of traffickers; however, it

reported it could provide victims with access to a lawyer, police protection, and video testimony during trial. Trafficking victims were legally entitled to file civil suits against their offenders, but the government did not report cases in which victims did so during the reporting period. The government reported it would provide restitution to victims if the courts found the perpetrator guilty, but it did not provide an instance in which this occurred during the reporting period. The government did not report providing foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship during the reporting period.

PREVENTION

The government maintained efforts to prevent human trafficking. Popular protests that began in February 2019 and lasted throughout the reporting period stalled government progress on a range of governance initiatives, including anti-trafficking efforts. Nevertheless, the government continued to implement its national anti-trafficking action plan for 2019-2021, but it did not provide a breakdown of resource allocation for implementation of the plan. Since 2018, and throughout this reporting period, the national inter-ministerial anti-trafficking committee cooperated with an international organization to develop a stand-alone anti-trafficking law; however, the draft legislation was not finalized by the end of the reporting period. The presidential decree that formally institutionalized the committee required it to submit a report to the president on the situation of trafficking in Algeria; however, it did not provide a report in 2019. Throughout the reporting period, the government initiated several awareness-raising initiatives, and the anti-trafficking committee launched a website dedicated to human trafficking issues in July 2019. The National Council on Human Rights, which monitored and evaluated human rights issues in Algeria, continued to lead a sub-committee dedicated to human trafficking issues. The government continued to operate three hotlines, which were operational 24 hours a day, and a public website to report abuse and other crimes, including potential trafficking crimes; none of the hotlines reported receiving trafficking allegations in 2019. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Algeria. Undocumented sub-Saharan migrants, primarily from Mali, Niger, Burkina Faso, Cameroon, Guinea, Liberia, and Nigeria are most vulnerable to labor and sex trafficking in Algeria, mainly due to their irregular migration status, poverty, and in some cases language barriers. Unaccompanied women and women traveling with children are also particularly vulnerable to sex trafficking and forced domestic work. Refugees and asylum-seekers are also vulnerable to trafficking either before or during their migration to Algeria. In some instances, traffickers use false promises of work, such as that in a beauty salon or restaurant, to recruit migrants to Algeria where they ultimately exploit them in sex trafficking or forced labor. More often, Sub-Saharan African men and women, often en route to Europe or in search of employment, enter Algeria voluntarily but illegally, frequently with the assistance of smugglers or criminal networks. Many migrants, impeded in their initial attempts to reach Europe, remain in Algeria until they can continue their journey and work in Algeria's informal job market. While facing limited opportunities in Algeria, many migrants illegally work in construction and some engage in commercial sex acts to earn money to pay for their onward journey to Europe, which puts them at high risk of sex trafficking and debt bondage. Traffickers often use restaurants, houses, or informal worksites to exploit victims, making it difficult for authorities to locate traffickers and their victims. Some migrants become indebted to smugglers, who subsequently exploit them in forced labor and sex trafficking upon arrival in Algeria. For example, some employers reportedly force adult male and child migrants to work in the construction sector to pay for smuggling fees for onward migration, where employers restrict migrants' movement and withhold their salaries; some migrants on these construction sites report being afraid to seek medical assistance for fear of arrest by Algerian authorities. Female migrants in the southern city of Tamanrasset—the main transit point into Algeria for migrants—are exploited in debt bondage as they work to repay smuggling debts through domestic servitude, forced begging, and sex trafficking. Some migrants also fall into debt to fellow nationals who control segregated ethnic neighborhoods in Tamanrasset; these individuals pay migrants' debts to smugglers and then force the migrants into bonded labor or commercial sex. Tuareg and Maure smugglers and traffickers in northern Mali and southern Algeria force or coerce men to work as masons or mechanics; women to wash dishes, clothes, and cars; and children to draw water from wells in southern Algeria. Victims also report experiencing physical and sexual abuse at the hands of smugglers and traffickers. Civil society and international organizations reported in 2019 that migrant women pay smuggling networks to transport them internally within the country from Tamanrasset to Algiers where they sometimes experience sexual violence during the journey; in some cases, once arriving in Algiers, the networks force the women into domestic servitude or commercial sex in informal brothels in order to pay the smuggling fees.

Foreign women and girls, primarily sub-Saharan African migrants, are exploited in sex trafficking in bars and informal brothels, typically by members of their own communities nationwide, including in cities such as Tamanrasset and Algiers. In 2019, civil society organizations reported anecdotal reports that criminal networks exploit young adult women from sub-Saharan Africa, aged 18-19, in sex trafficking in Algeria. Many sub-Saharan migrant women in southern Algeria willingly enter into relationships with migrant men to provide basic shelter, food, income, and safety, in return for sex, cooking, and cleaning. While many of these relationships are purportedly consensual, these women are at risk of trafficking, and migrants in Tamanrasset reported instances of women prevented from leaving the home and raped by their "partner." In 2019, an NGO reported that Algerian women and girls are also vulnerable to sex trafficking rings, often as a result of financial difficulties or after running away from their homes; these incidents are reportedly clandestine in nature and therefore difficult for authorities and civil society actors to identify.

Criminal begging rings are common and were reportedly increasing in Algeria over the past several years. Media sources suggest leaders of begging networks coerce or force Sub-Saharan African migrant children to beg through the use of punishment. Local leaders suggest migrant children may also be coerced into work by their parents as a result of extreme economic pressures. According to credible sources in 2017, Nigerien female migrants begging in Algeria, who often carry children—sometimes rented from their mothers in Niger—may be forced labor victims. Furthermore, according to observers in 2017, Nigerien children, ranging from four- to eight-years-old, are brought to Algeria by trafficking networks with the consent of their parents and forced to beg for several months in Algeria before being returned to their families in Niger.



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