

**Fondation Scelles**







Connaître, Comprendre, Combattre  
l'Exploitation Sexuelle

**Excerpt from the book:**

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# ALGERIA

	<b>POPULATION</b> 41,3 million		<b>GDP PER CAPITA</b> 4,123.4 USD
	<b>POLITICAL SYSTEM</b> Presidential Regime		<b>HUMAN DEVELOPMENT INDEX</b> 83 <sup>th</sup> rank among 187 countries
	<b>GENDER INEQUALITY INDEX</b> 94 <sup>th</sup> rank among 147 countries		<b>CORRUPTION PERCEPTIONS INDEX</b> 112 <sup>th</sup> rank among 180 countries

In parallel to the independence of Algeria came the illegality of prostitution, which had previously been regulated and legitimized by French colonial authorities from 1830-1962 (Fondation Scelles, 2013). Prostituted persons were required to register with a *Mezouar* (a high-ranking police officer), and the police or army were responsible for brothels. As part of Algeria's desire to break with its colonial past, the 1966 Penal Code criminalized prostitution. Since gaining independence, Algeria's policies have been the result of various influences and concession between opposing forces, notably between traditional Islamist movements and Arab socialist movements stemming from Ba'athism. This helps to explain the legislation on the status of women or prostituted persons, torn between two conceptions of Algerian society.

For several years, Algeria has been a country of transit for Sub-Saharan migrants, who cross through its borders to seek a better life in Europe. Faced with

difficulties crossing the Mediterranean, as well as the hardening conditions of reception in Europe, these migrants find themselves stranded in Algeria, where they are then subjected to forced labor and sexual exploitation for the purpose of prostitution. Due to the weak progress in the fight against human trafficking, the 2018 US Department of State report on Trafficking in Persons classified Algeria in Tier 2 Watch List (US Department of State, June 2018).

### Overview of Prostitution

Although the Algerian Penal Code made prostitution illegal in 1966, in 2011 there were still 19 established brothels remaining out of the 171 that were dispersed throughout the country during the colonial era. Instead of being entirely banned by the Algerian government, these 19 regulated brothels were simply placed under supervision (Agoravox, July 4, 2011). These brothels are strictly regulated by the

police; women are required to apply through their neighborhood police station and cannot leave the establishment without being accompanied by someone and informing the police. The women are even asked to hand over their passports when entering the brothel, so they cannot escape (*El-Watan Weekend/Afrik.com*, December 17, 2010).

Due to the lack of government transparency, it is often difficult to obtain comprehensive data on prostitution in Algeria. Prostitution is present in most major cities in Algerian, including the main cities of Oran, Algiers, Béjaïa, Annaba, Tlemcen, Detif, Tizi-Ouzou, Sidi-Bel-Abbes, and Bordj Bourraredj (*Algeria Network*, June 8, 2014). Sex tourism is also present in Algeria's beach towns such as Tichy, a small beach town located in the province of Béjaïa. Tichy is highly popular among sex tourists, and about 1,500 prostituted people were reported there in 2011 (*Liberté Algérie*, June 25, 2011). As a result of the decrease of tourists during the off-season, hotels will go as far as to bring in prostituted persons to their establishments in an attempt to attract sex buyers. In 2018, the persistence of the phenomenon, associated with a large drug trafficking ring in the region, led citizens to meet in order to alert city authorities of the scale and impact of the phenomenon on the population (*Tamurt*, October 14, 2018). A number of activist organizations for human rights, including the *Algerian League for the Defense of Human Rights* (LADDH), participate in the fight against human trafficking. Several other organizations also fight for women's rights in Algeria, such as *CIDDEF*, *SOS Women in Distress*, *AFEPEC*, and *FEC*. However, due to the heavy regulations set by the Ministry of the Interior and the lack of state funding, many associations find it difficult to make significant changes in regard to human

trafficking (*Amnesty International*, February 22, 2017). Thus, civil society actors such as NGOs are very limited in their abilities to implement significant change in Algeria.

### **Laws on Prostitution and Human Trafficking: What does the law say?**

The primary legal document prohibiting prostitution in Algeria is the Penal Code of 1966. The Penal Code defines human trafficking and provides convictions for those who engage or are associated with human trafficking or prostitution. The Penal Code was revised in 2015 in regard to prostitution, principally allowing for an increase in fines for those who engage or are associated with prostitution. The punishment for any form of human trafficking range from 3-10 years in prison and a fine of 300,000-1,000,000 Algerian dollars (DZD) (USD 2,520-8,400) to 10-20 years in prison and a fine of DZD 1,000,000-2,000,000 (USD 8,400-16,800) if certain circumstances are combined (Articles 303 bis 4 and 303 bis 5 of Penal Code). Anyone who incites, encourages, or promotes deviant behavior towards those under 18 years of age is punishable by a prison sentence of 5-10 years and fines of DZD 20,000-100,000 (USD 168-840) (Article 342 of the Penal Code). One major modification to this law was the change in the age of legal majority, from 18 to 19 years of age, and the quadrupling of the fine. Moreover, the Penal Code also condemns any type of business that tolerates prostitution activities or solicitation, with a punishment of 2-5 years of imprisonment and a fine of DZD 10,000-100,000 (USD 84-840). The establishment's license is withdrawn and the institution is closed for a minimum of one year following the judgement (Article 346 of the Penal Code).

Lastly, "anyone who tolerates the habitual and clandestine practice of

debauchery by persons engaged in prostitution in premises or sites not used by the public, in their possession” is punishable by a 2-5 year prison sentence and a fine of DZD 500-2,000 (USD 4.2-16.8).

In the Algerian Penal Code, prostitution is described in the section entitled “*Excitation de mineurs à la débauche et prostitution*,” (Incitement to debauchery and prostitution of minors) which describes the appropriate sentences for the different forms and practices of prostitution. Trafficking is defined and described in the section “*Traite des personnes*” (Human trafficking). The Penal Code is the only document that deals with and condemns prostitution in Algeria. Despite the legislation, there was only one documented case in 2014: a male Algerian citizen was interrogated, prosecuted, and sentenced for human trafficking (UNODC, December 2016).

### **The Lack of Protection for Victims**

Despite efforts to classify different types of participation in prostitution and “debauchery,” Algeria still does not protect the victims of prostitution. In the Penal Code, any person who, in one way or another, contributes to prostitution is condemned. As a consequence, although they are victims and likely unable to afford the financial penalties, prostituted persons are fined a ticket and imprisoned. This penalization does not help efforts to eliminate prostitution. On the contrary, it contributes to the phenomenon. As victims of prostitution are condemned more and more often, their social and financial hardships worsen, ultimately giving more power and influence to those who have control over them. Moreover, the police are entrusted with the implementation of laws that protect victims of prostitution, even though police officers are directly linked to the establishment of prostitution in Algeria.

Furthermore, most Algerian businesses and households believe that corruption is widespread amongst the police. The reliability of the police is therefore in question when it comes to protecting victims or arresting human traffickers.

### **Root Causes of Prostitution: The Social Situation**

Human rights abuses are often caused by societal gender inequalities. Algerian women face discrimination both socially and legally, thus making them especially vulnerable to trafficking and other human rights abuses. Women rarely report sexual abuse, out of shame and fear of social repercussions or bringing dishonor upon their families. However, these are not the only reasons. According to a 2015 study of more than 30,000 Algerian women between the ages of 15 and 49, 59% believed that “a husband has a right to strike or beat his wife for various reasons” (*HuffPostAlgerie*, June 11, 2015). 75% of cases of violence against women were committed by their husbands (*Middle East Eye*, October 9, 2015). Therefore, women are socially stigmatized and seen as inferior to their husbands and other male figures, which contributes to the culture of sexual exploitation.

In 2015, a law amended the Penal Code in order to criminalize conjugal violence with sentences of 1-3 years imprisonment or even life sentences (*Journal Officiel*, December 30, 2015). However, the amendments still allow spouses to escape prosecution if pardoned by the victim, or to reduce the sentence from 10-20 years to 5-10 years in case of permanent disability (*Journal Officiel*, December 30, 2015). This amendment is therefore ineffective as it allows offenders to put pressure on victims to withdraw their complaints to escape prosecution. The crime of rape is still not explicitly defined. The

French translation of the Code uses the word “viol,” meaning “rape,” while the Arabic version uses the expression “hatk al-’ardh,” which means “infringement of honor,” rather than the more explicit Arabic word for rape, “ightisab.” This choice of vocabulary changes the characterization of the crime of serious sexual offense against an individual (usually a woman) to an offense that essentially affects the honor of the family. As a consequence, marital rape is not taken into account by the law. This displays the goals and priorities of the Algerian government. Algerian laws criminalize violence against women in vain by focusing primarily on morality rather than the bodily integrity and protection of women.

### **Efforts to Change**

In 2015, the Prime Minister formed the Inter-Ministerial Committee, which is made up of 14 ministries and government agencies that coordinate the government’s anti-trafficking activities. In this framework, a National Action Plan was established in December 2015 and a committee was established by presidential decree in September 2016 (*US Department of State*, June 2018). The Minister for Foreign Affairs explained the objectives of the Committee as follows: “Monitoring the implementation of international and national legal instruments [...] and the exchange of information on prostitution and human trafficking between national and international bodies.” However, it appears that the committee is also in charge of monitoring itself, which may pose a problem in the implementation of the anti-trafficking plan due to corruption. In order to best carry out these actions, an independent body must be set up to monitor the Inter-Ministerial committee as objectively as possible.

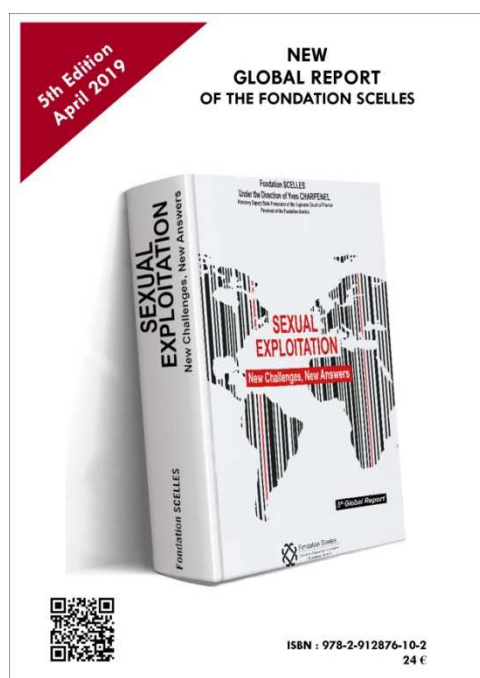
Another proposition made by the Algerian government is the creation of six operational police brigades specializing in law enforcement relating to human trafficking violations. These brigades received 15 days of specialized training in the fight against illegal immigration and human trafficking. The government has partnered with an international organization to provide human trafficking expertise not only to law enforcement, but also to prosecutors and judges (*US Department of State*, June 2016). It is unlikely, however, that 15 days of training will allow staff to tackle issues as large and complex as illegal immigration and human trafficking. Once again, Algeria is demonstrating its efforts to prevent and combat sex trafficking, but the country still lacks the necessary resources to implement and apply these initiatives.

In conclusion, despite the social stigma attached to all forms of sexuality, Algeria has a long history of prostitution. Prostitution is still an important issue in the country because of the inadequacy of government actions towards sex trafficking and sexual exploitation, as well as the traditional attitude of society towards women and sexuality. In recent years, Algeria has passed laws and carried out actions to prevent and reduce prostitution, but still fails to effectively protect and assist victims of prostitution. Algerian legislation also remains insufficient in regard to protecting victims of sexual violence. In order to strengthen the protection and assistance of victims of prostitution, significant changes in the stigmatization of sexual violence, whether domestic or related to sexual harassment of any nature, should be made to Algerian legislation. If Algeria really wants to improve this situation and start protecting victims of prostitution, the government must

begin to convict, prosecute, and register cases of human trafficking. The decree establishing the Inter-Ministerial Committee must be implemented in an effective manner in order to carry out effective action (US Department of State, June 2018). Finally, there needs to be established procedures to identify victims and refer them to health centers when necessary. In addition, victims should not be faced with arrests, transfers, or any other punishments for actions directly resulting from their trafficking.

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The **Global Report** is produced by the **International Observatory on Sexual Exploitation**, in collaboration with internal and external experts (magistrates, lawyers, social workers, NGO leaders...), and the support of local NGO correspondents or international researchers.



The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The **International Observatory on Sexual Exploitation** (Observatoire international de l'exploitation sexuelle) is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the **International Observatory on Sexual Exploitation** are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

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