

## HUMAN TRAFFICKING AND ITS COMBAT IN ALGERIA IN LIGHT OF LAW 23-04: A LEGAL AND POLITICAL APPROACH TO REGIONAL AND INTERNATIONAL CONTEXTS

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### Abstract

This study aims to analyze the crime of human trafficking and the reporting of its victims in Algeria, in light of the provisions of Law No. 23-04 of May 7, 2023, on the prevention and combating of human trafficking. The study examines the legal concept of this crime and its various forms, as well as the preventive mechanisms established to counter it. It also explores the regional conditions that fuel this phenomenon particularly those linked to the Sahel and Sub-Saharan Africa considering them as primary sources for the expansion of human trafficking networks and other forms of organized crime along Algeria's borders.

Furthermore, the study reviews the international perspective on this phenomenon through reports issued by relevant United Nations agencies and the annual U.S. Department of State Trafficking in Persons Reports regarding Algeria. It also highlights Algeria's efforts to prevent and combat this crime, while assessing the effectiveness of these measures in order to provide recommendations for strengthening them.

**Keywords:** Human trafficking, Law No. 23-04 of May 7, 2023, regional dimensions of the crime, international actors' perceptions.

### INTRODUCTION

The concept of security has undergone various developments, in which security threats are no longer confined to traditional forms associated with external military threats from one state to another. New types of security threats have emerged, broadening the very notion of security. These include terrorism, irregular migration, and transnational organized crime phenomena that have taken on complex and interconnected forms.<sup>1</sup> Among these manifestations is the crime of human trafficking, which directly affects individuals through multiple forms. In response, states have acted collectively and nationally to criminalize, prevent, and combat this phenomenon by establishing specialized institutions for that purpose.

Algeria is among the states that have criminalized human trafficking through the ratification of international conventions and United Nations protocols on the subject most notably by acceding to and ratifying (with reservations) in 2003 the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, as well as the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the same Convention.<sup>2</sup> Furthermore, Algeria has enacted national legal provisions that criminalize the phenomenon and aim to prevent and combat it, particularly through Law No. 23-04 concerning the prevention and combating of human trafficking.

<sup>1</sup> B. Buzan, O. Waever and J. de Wilde, *Security: A New Framework for Analysis* (Lynne Rienner: Boulder, 1998) 23

<sup>2</sup> People's Democratic Republic of Algeria, Presidential Decree No. 03-417 of 9 November 2003 ratifying, with reservation, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, *Journal Officiel de la République Algérienne*, No. 69 (12 November 2003), p. 3. Available at: <https://www.joradp.dz/FTP/JO-FRANCAIS/2003/F2003069.pdf>

This study carries great significance for several reasons. First, Algeria has ratified international instruments related to combating human trafficking and has harmonized its national legislation with international norms in this regard,<sup>1</sup> recognizing the serious security implications of this crime, which directly affect the core of Algerian national security at both national and regional levels. The crime is closely linked to other security threats such as irregular migration, organized crime, terrorism, and money laundering.

Second, Algeria has made considerable efforts to combat and prevent this phenomenon. However, these efforts have been underappreciated in some annual reports issued by the United States Department of State, particularly in its 2025 Trafficking in Persons Report, which deemed Algeria's efforts insufficient.<sup>2</sup>

Accordingly, how is the crime of human trafficking addressed in Algeria? What are the perceptions of international actors regarding Algeria's efforts to combat this crime, and on what basis are these perceptions formed?

The answer to this main question will be developed through the following axes:

### **First: The Concept of Human Trafficking (in Persons)**

Armed conflicts, climate change, and situations of instability contribute to increasing the vulnerability of communities and individuals particularly when these conditions are accompanied by migration and mass displacement in search of a better life than the one they currently endure. The movement of individuals from one region to another often exposes them to various forms of exploitation by smugglers, leading ultimately to the crime of human trafficking.

Historical evidence from the Western Balkans between 1992 and 1998 demonstrates that the armed conflict prevailing at that time resulted in record levels of human trafficking, which was even regarded as a thriving industry for profit. This reality consequently drew the attention of policymakers and states toward the criminalization and combating of this phenomenon.<sup>3</sup>

In this context, the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, defines the crime of trafficking in persons as follow:

« The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation ».<sup>4</sup>

This definition provides a characterization of the crime of human trafficking based on a threefold approach that combines the means, the act, and the purpose. It is regarded as the first internationally adopted comprehensive definition of the crime, serving as a reference framework for states in their efforts to combat it.

<sup>1</sup> United Nations, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution A/RES/55/25 of 15 November 2000, ratified by Algeria in March 2004. Algeria's reservations and declarations upon ratification are available at:

[https://treaties.un.org/Pages/ViewDetails.aspx?chapter=18&mtdsg\\_no=XVIII-12-a&src=IND](https://treaties.un.org/Pages/ViewDetails.aspx?chapter=18&mtdsg_no=XVIII-12-a&src=IND)

<sup>2</sup> U.S. Dep't of State, Trafficking in Persons Report: Algeria (2025),

<https://www.state.gov/reports/2025-trafficking-in-persons-report/algeria>

<sup>3</sup> International Organization for Migration (IOM). Addressing Human Trafficking and Exploitation in Times of Crisis: Evidence and Recommendations for Further Action to Protect Vulnerable and Mobile Populations. 2015. PDF

[https://publications.iom.int/system/files/pdf/addressing\\_human\\_trafficking\\_dec2015.pdf](https://publications.iom.int/system/files/pdf/addressing_human_trafficking_dec2015.pdf)

<sup>4</sup> United Nations. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. New York: United Nations, 2000, Article 3, p. 3. Available at:

<https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>

Algeria has not deviated from this characterization, as it defines the crime of human trafficking (in persons) in Law No. 23-04 of May 7, 2023, concerning the prevention of the crime of human trafficking, as follows:

« The recruitment, transportation, transfer, harbouring, or reception of one or more persons by means of the threat or use of force, or by other forms of coercion or abduction, or by fraud or deception, or by the abuse of power, position, or function, or by exploiting a state of vulnerability, or by giving or receiving sums of money or benefits to obtain the consent of a person having authority over another person, for the purpose of exploitation ».<sup>1</sup>

Thus, it becomes clear that Algeria's definition of this crime aligns closely with United Nations standards in addressing human trafficking. It is observed that the United Nations uses the term "trafficking in persons," while Algeria employs the term "trafficking in human beings." Moreover, the Algerian legislator added the element of "abuse of power or position," whereas the UN Protocol refers only to "abuse of power."

The distinction between the crime of migrant smuggling and that of human trafficking lies in the nature and duration of the relationship between the perpetrator and the victim. In cases of migrant smuggling, the relationship between the migrant and the smuggler ends once the smuggling operation is completed in exchange for payment, without any prior intent to exploit the migrant. In contrast, in human trafficking, the relationship between the trafficker and the migrant continues beyond the transportation process and arrival at the destination country, as the exploitation of the trafficked person persists in various ways for the purpose of generating additional profit.

The concept of exploitation refers to the exploitation of the prostitution of others or other forms of sexual exploitation, as well as forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs. It is also considered human trafficking when money or benefits are given or received for the sale, transfer, or acquisition of a child, regardless of the purpose or form. Thus, the crime is deemed to have been committed once the intent to exploit is established.

## **Second: The Forms, Manifestations, and Parties Involved in the Crime of Human Trafficking under Law No. 23-04**

Law No. 23-04 represents an important milestone in Algeria's efforts to combat the crime of human trafficking. This legislation provides a comprehensive definition of the crime, enumerates its various forms and manifestations, and addresses all related or similar activities, while also establishing strict penalties for its perpetrators.

The law identifies victims of human trafficking as any natural person who suffers material, physical, or moral harm as a result of any form of trafficking, regardless of gender, race, color, lineage, religion, language, nationality, or origin, among other factors.

It also introduces the concept of a "state of vulnerability," referring to situations in which an individual becomes susceptible to exploitation due to factors such as age, disability, or poverty, among others.<sup>2</sup>

According to this legal text, the crime of human trafficking is often associated with other related offenses, such as sexual exploitation, forced labor, slavery, practices similar to slavery, forced marriage, and debt bondage.

Sexual exploitation is defined as obtaining benefits from the use of a person in prostitution or pornographic activities, while forced labor refers to compelling individuals to perform work through the use of force or threats.

<sup>1</sup> People's Democratic Republic of Algeria, Law No. 23-04 of 7 May 2023 on the Prevention and Fight against Trafficking in Persons, *Journal Officiel de la République Algérienne*, No. 32 (9 May 2023), pp. 4-12. Available at: <https://www.joradp.dz/FTP/JO-FRANCAIS/2023/F2023032.pdf>

<sup>2</sup> *Ibid*, p.5.

Slavery is understood as forcing a person to work without the freedom to change his or her status, and the law also criminalizes forced marriage, in which women are married off without their consent for the purpose of obtaining financial or material gain.<sup>1</sup>

Through this legal text, Algeria has affirmed its commitment to implementing international standards for the criminalization and combating of human trafficking. The law adopts a comprehensive approach based on the protection of victims and the safeguarding of their rights.

Article 51 establishes the principle of non-punishment of victims for acts committed as a direct result of their exploitation, such as prostitution. Articles 13 to 17 provide for protective measures for victims, including medical and psychological care, legal assistance, and safe shelter.

Article 26 stipulates the creation of a special fund for the compensation and assistance of victims, while Article 30 emphasizes the reintegration of foreign victims in cooperation with international organizations and non-governmental bodies.

With regard to penalties, the law prescribes severe sanctions, ranging from five to fifteen years of imprisonment, and up to life imprisonment in aggravated cases such as torture or the death of the victim.<sup>2</sup>

### **Third: Victims of Human Trafficking: At the National, Regional, and Global Levels**

The year 2024 witnessed a 25% global increase in the number of human trafficking victims compared to 2019. This rise indicates both the growing impact of economic and climate crises and the related humanitarian emergencies that fuel this crime, as well as an improvement in states' capacities to detect and report human trafficking cases.

As a result, between 2020 and 2023, a total of 202,478 victims of human trafficking were identified worldwide.

Women and girls represented the largest proportion of victims during this period (2020-2023), accounting for 61% of all cases, while children constituted around 38%, a worrying indicator of the growing vulnerability of minors.

In terms of forms of exploitation, 42% of victims were trafficked for forced labor, 36% for sexual exploitation, while the remaining cases were distributed among criminal exploitation, forced marriage, and begging.

Furthermore, 70% of convicted traffickers were men, and 74% of them were found to operate within organized criminal networks or front companies, reinforcing the strong connection between human trafficking and transnational organized crime<sup>3</sup>.

African nationals accounted for one-third of global human trafficking flows, indicating that Africa is among the regions most affected by this crime.<sup>4</sup> With a population of 1.4 billion people, approximately 990 million of whom are under the age of thirty, the continent faces a demographic explosion accompanied by slow economic growth, high unemployment rates, prolonged armed conflicts, and environmental and climatic challenges.

These factors have led to migration and displacement, creating fertile conditions for the spread of human trafficking networks. In 2024, North Africa recorded 772 victims of human trafficking for forced labor,

<sup>1</sup> Ibid, p.6

<sup>2</sup> Boulaâres Mokhtar, Kamel Kihel, Algeria's Legal Response to Human Trafficking: From Normative Alignment to Implementation Challenges in Light of International and Comparative Standards, Russian Law Journal, Vol. 13, No. 1 (2025), available at: <https://www.russianlawjournal.org/index.php/journal/article/view/5081>

<sup>3</sup> United Nations Office on Drugs and Crime (UNODC), Global Report on Trafficking in Persons 2024, Vienna: United Nations, 2024, Statistical Annex, pp. 10-15. Available at: <https://www.unodc.org/unodc/en/data-and-analysis/glotip.html>

<sup>4</sup> U.S. Department of State, 2025 Trafficking in Persons Report: Algeria (Washington, D.C.: U.S. Department of State, June 2025), available at: <https://www.state.gov/reports/2025-trafficking-in-persons-report/algeria>

the majority of whom originated from Sub-Saharan Africa, in addition to 186 victims trafficked for the purpose of forced begging.

In this context, Algeria serves as both a transit point and, at times, a destination for victims of human trafficking, particularly those originating from West, Central, and East African countries, who transit through the Sahel region and North Africa on their way toward Europe.

In 2024, Algeria recorded 139 victims of human trafficking, including 100 victims trafficked for forced labor, 33 victims for sexual exploitation, and 6 victims of various other forms. Among the total number of recorded victims, 126 were of foreign nationalities.<sup>1</sup>

The increase in human trafficking cases in Algeria is largely attributed to the security instability in Libya since 2016, which has prompted smugglers to concentrate their activities along the 950-kilometer border strip extending from In Guezzam to Tinzouatine.

As a result, the regions of Timiaouine, Bordj Badji Mokhtar, and especially Tamanrasset have become temporary reception centers for migrants before their movement toward Ghardaïa, and subsequently to Algiers, which serves as a transit point toward Europe.

In the province of Tamanrasset alone, there are between 20,000 and 25,000 African migrants, the majority of whom come from Mali and Niger.<sup>2</sup>

These migration flows of African nationals toward Algeria often lead to their exploitation by human trafficking networks that facilitate their smuggling. Women are exploited for sexual purposes, while children and adults are subjected to forced labor in order to repay the debts incurred from their smuggling journey.<sup>3</sup>

In addition to being a transit country for human trafficking, Algeria also faces the exploitation of Algerian children who reach Europe, where they fall victim to trafficking networks involved in theft, drug smuggling, and prostitution.<sup>4</sup>

Algeria has adopted a national strategy to combat human trafficking based on a comprehensive approach that addresses all dimensions of this crime. This strategy is rooted in the concepts and frameworks established by the United Nations and is implemented through a national legal instrument, namely Law No. 23-04 on the Prevention and Combating of Human Trafficking, which includes both preventive and repressive components.<sup>5</sup>

The preventive measures outlined in the law emphasize the involvement of the state, local authorities, and public institutions in developing a national strategy for the prevention of human trafficking, as well as the formulation of local action plans by regional authorities. The law also stresses the participation of civil society in awareness-raising, contributing to the development of the strategy, and proposing necessary measures.

In this regard, Algeria established a National Committee for the Prevention and Combating of Human Trafficking, responsible for designing the national strategy, coordinating consultation and information exchange, and preparing annual reports on the state of human trafficking in the country.

<sup>1</sup> Ibid.

<sup>2</sup> Raouf Farrah, *Algeria's Migration Dilemma: Migration and Human Smuggling in Southern Algeria* (Global Initiative Against Transnational Organized Crime, Geneva, 2020), available at: <https://globalinitiative.net/wp-content/uploads/2020/12/Algerias-migration-dilemma-Migration-and-human-smuggling-in-southern-Algeria.pdf>

<sup>3</sup> United Nations Office on Drugs and Crime (UNODC), *Smuggling of Migrants in the Sahel*, Vienna: UNODC, 2023, p. 15. [https://www.unodc.org/documents/data-and-analysis/tocta\\_sahel/TOCTA\\_Sahel\\_som\\_2023.pdf](https://www.unodc.org/documents/data-and-analysis/tocta_sahel/TOCTA_Sahel_som_2023.pdf)

<sup>4</sup> U.S. Department of State, op.cit.

<sup>5</sup> H. Samati, *Protection of victims of trafficking in human beings in light of developments in Law 23/04*, *Annales de l'université d'Alger*, vol. 38, no. 1 (2024), pp. 88-104. available at: <https://asjp.cerist.dz/en/article/243610>



Algeria has also given priority to the protection and assistance of victims, ensuring appropriate reception facilities and conditions aimed at facilitating their social reintegration. To this end, a special fund was created to provide support and care for trafficking victims.

Conversely, the Algerian legislator imposed severe penalties on perpetrators of human trafficking for the purpose of exploitation.

Despite these efforts, Algeria's performance was undervalued in the 2025 U.S. Department of State Trafficking in Persons Report, which placed the country on the Tier 2 Watch List, on the grounds that Algeria does not fully meet the minimum standards for the elimination of human trafficking.

## CONCLUSION


It is clearly evident from this study that human trafficking, in its modern conception, takes on multiple and complex forms with blurred boundaries that facilitate the entrapment of victims. In this regard, the United Nations has provided a precise and comprehensive definition, which has served as a national reference framework for many countries in their efforts to combat this crime. Algeria, in turn, has adopted an approach consistent with the UN's definition of human trafficking.

Algeria's approach to combating human trafficking and its related forms, as reflected in Law No. 23-04 of 2023, is based primarily on prevention before repression. To this end, Algeria established the National Committee for the Prevention and Combating of Trafficking in Persons, tasked with monitoring and addressing this phenomenon.

Continuous awareness-raising about the nature and manifestations of human trafficking constitutes one of the key preventive tools to avoid falling victim to this evolving crime particularly in border regions, which serve as transit zones for criminal networks operating toward Europe. In this context, the media and civil society play a crucial role in raising public awareness of the seriousness and dangers of this crime.

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