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<u>Algeria</u>

This report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions of the Office of the High Commissioner for Human Rights (OHCHR). It follows the structure of the general guidelines adopted by the Human Rights Council. Information included therein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being of four years, most documents are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have also been taken into consideration, unless outdated. Since this report only compiles official United Nations documents, lack of information or focus on specific issues may be due to non ratification of a treaty, and / or to a low level of interaction or cooperation with international human rights mechanisms.

BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

Core universal hum rights treaties	an Date of ratification	Declarations/ Reservations	Recognition of specific competences of Treaty bodies
ICERD ²	14/02/1972	No	Individual complaints (art. 14): Yes
ICESCR ³	12/09/1989	Yes	-
		(Art.1,8,13,14,23)	
ICCPR ⁴	12/09/1989	Yes (Art.2)	Inter-state complaints (art. 41): Yes
ICCPR-OP1 ⁵	12/09/1989	No	-
CEDAW ⁶	22/05/1996	Yes (Art.	-
		2,9,15,16,29)	
CAT ⁷	12/09/1989	No	Inter-state complaints (art. 21): Yes
			Individual complaints (art. 22): Yes
			Inquiry procedure (art. 28): Yes
CRC ⁸	16/04/1993	Yes(13,14,16,17)	-
CRC-OP-SC ⁹	27/12/2006	No	
ICRMW ¹⁰	21/04/2005	Yes (Art.92)	Individual complaints (art.77): No
			Inter-state complaints (Art.92): No
Core treaties to whi	ich Algeria is not a party:	CCPR-OP2 ¹¹ , CAT-0	OP^{12} , CEDAW- OP^{13} , CRC- OP - AC^{14} ,
CPD ¹⁵ (signature, 2	2007), CPD-OP ¹⁶ (signature	e, 2007), CED ¹⁷ (sign	nature, 2007).
Other relevant main	ı international instruments		Ratification, accession or succession
Convention on the l	Prevention and Punishment	of the Crime of	
Genocide			Yes
Rome Statute of the International Criminal Court			No
The Palermo Protocol ¹⁸			Yes
Refugees and Stateless Persons ¹⁹			Yes, except Convention on the
			Reduction of Statelessness
	s and their Protocols ²⁰		Yes, except Protocol III ²¹
	Conventions: No 29, 105, 8	7, 98, 100, 111,	
138, 182 ²²		Yes	
UNESCO Convention against Discrimination in Education			Yes

- 1. CEDAW encouraged the State to ratify CEDAW-OP²³; CRC recommended that the State ratify CRC-OP-SC and CRC-OP-AC²⁴; and the HR Committee requested it to ratify CCPR-OP2. CEDAW²⁶ reiterated its concern that Algeria has maintained several reservations and noted that reservations to articles 2 and 16 are contrary to the object and purpose of the Convention, and urged the State party to expedite legislative reform, especially of the Family Code. CRC reiterated its previous recommendation that the State should carry out the review with a view to withdrawing its interpretative declarations.
- 2. While noting the State's assertion that the state of emergency does not entail any restriction on most rights and freedoms, the HR Committee was nevertheless concerned that the state of emergency proclaimed on 13 February 1992 has remained in force to date. The Committee recommended that the State undertake to review the need for maintaining the state of emergency in accordance with the criteria laid down in article 4 of the Covenant and ensure that its application does not lead to violations of the Covenant.²⁹

B. Constitutional and legislative framework

3. The HR Committee noted that the Covenant has primacy over national law and that it may be invoked in the State's courts. It regrets, however, that the rights protected by the Covenant have not been fully incorporated into domestic legislation, and that the Covenant

has not been disseminated widely enough for it to be regularly invoked before the courts and the administrative authorities. The Committee recommended that the State adopt measures in this regard.³⁰

C. Institutional and human rights structure

- 4. The Commission Consultative de promotion et de protection des droits de l'homme (CCPPDH) was accredited with "A" status in 2003.³¹ The HR Committee noted, with concern, the lack of information on the outcome of the Commission's work, due, inter alia, to the non-publication of its annual reports. It also regretted the lack of information on the Commission's national action plan on human rights.³²
- 5. CRC noted with appreciation the establishment of new institutions aimed at protecting and promoting the rights of the child, such as: the Office of the Head of Government's Deputy Minister for the Family and the Status of Women in 2002; and the National Commission to Combat Child Labour, in 2003. While taking note of the establishment of the CCPPDH in 2001, CRC regretted the absence of an independent and child-sensitive monitoring structure with a mandate that includes the power to receive and address individual complaints related to the rights of the child. CRC, and also UNICEF, recommended that the State establish such a body. 34

D. Policy measures

- 6. The Special Rapporteur on Violence against women, and also UNICEF, welcomed the National Strategy to Combat Violence against Women, which has been prepared by the Minister-Delegate for Family and the Status of Women in consultation with other stakeholders.³⁵
- 7. CRC expressed its concern at the lack of a comprehensive national plan of action and recommended that the State strengthen coordination with a view to developing and adopting a comprehensive national plan of action for the implementation of the Convention.³⁶

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with Treaty Bodies

Treaty Body	Latest report submitted and considered	Latest concluding observations	Follow-up response	Reporting status
CERD ³⁷	2000	March 2001	-	15 th and 16 th periodic reports overdue since 2003, 17 th since
CESCR ³⁸	2000	November 2001		2005, and 18 th since 2007 3 rd periodic report overdue since
CLSCK	2000	November 2001	_	2006
HR	2006	November 2007	Due in	4 th periodic report due in 2011
Committee ³⁹			November 2008	
CEDAW ⁴⁰	2003	January 2005	-	Combined 3 rd and 4 th periodic
				report due in 2009
CAT ⁴¹	1996	November 1996	-	3 rd periodic report due since 1998,
				submitted in 2006 and scheduled
				for consideration in 2008

Treaty Body	Latest report submitted and	Latest concluding	Follow-up	
	considered	observations	response	Reporting status
CRC ⁴²	2003	September 2005	-	3 rd and 4 th periodic reports due in
		-		2010
CMW ⁴³	-	-		Initial report overdue since 2006

- 8. The CEDAW and the CRC noted with appreciation the written replies to the lists of issues, while the CCPR and the CRC expressed their gratitude to Algeria for the additional documents with which they were provided. The CCPR was gratified by the opportunity to resume the dialogue with the State and the CEDAW appreciated the constructive dialogue held with the delegation. 44
- 9. The CRC noted with satisfaction that several of its concerns expressed and recommendations made in its previous Concluding observations have been addressed. Nevertheless, both the CEDAW and the CRC were concerned that some of their concerns and recommendations have not been sufficiently addressed by the State. They urged Algeria to address and implement those recommendations.⁴⁵
- 10. On 19 November 2007, Algeria provided comments to the HR Committee, in which it expressed its surprise about the content of the Concluding observations. The latter, in Algeria's views, did not accurately reflect the content of the discussions. 46

2. Cooperation with Special Procedures

Standing invitation	No	
Latest visits or mission reports	Special Rapporteur on Violence against women, its causes and consequences, 21-31 January 2007, see Press Release issued on 1 February 2007 ⁴⁷ . Special Rapporteur on freedom of religion and belief visited Algeria from 16 to 26 September 2002 ⁴⁸	
Visits agreed upon in principle	Special Rapporteur on the right to freedom of opinion and expression (December 2005 -postponed)	
Visits requested and not yet agreed upon	 Special Rapporteur on Torture (2007); Special Rapporteur on Extrajudicial, summary or arbitrary execution (5/02/07) Working Group on enforced or involuntary disappearances (25/08/00); Special Rapporteur on the promotion and protection of human rights while countering terrorism (1/06/06). 	
Facilitation / Cooperation during missions	The Special Rapporteur on Violence against women, its causes and consequences thanked the Government of Algeria for its invitation and excellent support throughout the conduct of her mission.	
Follow-up to visits	-	
Responses to letters of allegation and urgent appeals	Between 01 January 2004 and 31 December 2007, a total of 42 communications were sent to the Government of Algeria. In addition to communications sent for particular groups, 100 individuals, including 5 women, were covered by these communications. Between 01 January 2004 and 3 December 2007, the Government replied to 28 communications, which represents replies to 66% of communications sent.	
Responses to questionnaires on thematic issues ⁴⁹	Out of 12 questionnaires sent by the Special Procedures mandate holders ⁵⁰ between 01 January 2004 and 31 December 2007, the Government of Algeria has responded to two questionnaires within the deadlines. ⁵¹	

3. Cooperation with OHCHR

11. In recent years, Algeria has regularly provided financial contributions to OHCHR, as well as to the Voluntary Fund for Victims of Torture, the Voluntary Fund for Indigenous Populations and the Voluntary Fund for the Decade of the World's Indigenous People.

B. Implementation of international human rights obligations

1. Equality and non-discrimination

- 12. In 2005, CEDAW was concerned that the State's legislation does not contain a definition of discrimination in accordance with article 1 of the Convention, nor provisions on equal rights of women in line with article 2 (a) of the Convention. The Committee recommended that such a definition of discrimination, as well as such provisions on the equal rights of women, be included in the Constitution or in other appropriate legislation.⁵²
- A 2006 UNDP report noted that there were positive signs in the 2005 modifications to 13. the 1984 Family Law, establishing the principle of equality between women and men with regard to marriage of foreigners of other religions. 53 In 2007, the Special Rapporteur on violence against women, its causes and consequences noted that, despite the newly established provision on equality of men and women under the Nationality Code and the significant reforms of the Family Code of 1984, women still face discrimination in family matters and access to property.⁵⁴ The HR Committee noted the State's desire to amend its laws and engage in reflection on the status of women in Algeria. Nevertheless, it was concerned, together with CEDAW, at the persistence of discrimination against women both in law and in practice. Both Committees recommended that the State expedite the process of bringing its laws into line with CEDAW and ICCPR and that it strengthen its efforts to increase awareness of the rights of women among the Algerian population.⁵⁵ Algeria, in its comments to the HR Committee, pointed out that it had formulated interpretative declarations, particularly with respect to the sphere of personal status in accordance with the Vienna Convention on the Law of Treaties.⁵⁶
- 14. In 2005, CRC was concerned that the existing domestic laws and policies do not adequately preserve and promote the Amazigh identity of children, including their right to use their own language. The Committee recommended that the State continue and strengthen its efforts to protect and promote the identity and the rights of the Amazigh children.⁵⁷
- 15. CRC recommended, as also highlighted by UNHCR,⁵⁸ that the State take all feasible measures to ensure full protection and care, as well as access to health and social services and to education, of Western Saharan refugee children living in refugee camps in Algeria.⁵⁹

2. Right to life, liberty and security of the person

16. The Working Group on Enforced or Involuntary Disappearances reported that at the end of 2006, there were 1622 outstanding cases, and that in 2006, there had been 31 newly reported cases of disappearances, which occurred in the 1990s. New cases arising from the 1990s continue to be received by the Working Group and are being transmitted to the Government. The Working Group recommended that the Government allow NGOs to undertake their work freely and without impediment, that families of victims of disappearances be left free to organise without bureaucratic restrictions or legislative impediment, and that witnesses be protected. The Working Group recommendation of the second restrictions or legislative impediment, and that witnesses be protected.

- 17. While noting the assurances given by the State's delegation on the periodic and unannounced prison inspections, the HR Committee was concerned about the numerous non-governmental reports of the existence of secret detention centres. The Committee recommended that Algeria ensure that all places of detention are under the control of the prison authorities and the prosecutor's office, and that it establishes a national register of detention centres and persons detained. ⁶² The State categorically refuted the allegations with regard to alleged places of detention that lie outside the reach of the law, and stated that these allegations could never be substantiated by documentary evidence. It reaffirmed that it exercises its authority over all places of detention under its jurisdiction. ⁶³
- 18. The HR Committee also recommended that the State ensure that persons held in secret detention is placed under the protection of the law, and that their right to be brought before a judge in the shortest possible time is duly respected. In the case of deceased persons, the Committee requested the State to take all necessary measures to elucidate the place and cause of their death, and also their place of burial, and undertake to deliver their bodies to their families. Finally, the HR Committee recommended that the State undertake to convey all information and findings to the families of disappeared persons, and in particular to publish the final report of the ad hoc National Commission on Disappearances. ⁶⁴
- 19. A 2006 UNDP report noted that although Algeria introduced into its penal code a provision that explicitly outlaws the torture of detainees, in some instances it has taken no action to enforce this prohibition nor has it investigated allegations of torture. ⁶⁵ Both CRC and the HR Committee noted with concern the information regarding cases of torture and cruel, inhuman or degrading treatment committed in the territory of the State, for which the Intelligence and Security Department reportedly has responsibility. They recommended that the State guarantee that all allegations of torture and cruel, inhuman or degrading treatment are investigated by an independent authority and that those responsible for such acts are consistently prosecuted and punished. ⁶⁶ The Government replied that torture was prohibited in all places and in all circumstances and that the perpetrators of ill-treatment faced criminal prosecution. ⁶⁷
- A number of communications from special procedures relate to alleged torture and ill-20. treatment of individuals while in detention. ⁶⁸ A number of communications refer to alleged incommunicado detention, sometimes up to six months. ⁶⁹ Other cases refer to conditions of detention⁷⁰, including issues related to solitary confinement.⁷¹ In its replies, the Government has often highlighted that the individuals in question are alleged terrorists, or have been arrested in the context of counter-terrorism operations⁷², according to national law. The Government has also stated that the issue of impunity did not arise, either because cases were investigated⁷³ or because the individuals in question had not filed a complaint relating to their alleged ill-treatment. Regarding a number of individual communications, the HR Committee concluded that there had been a violation of article 9 (arbitrary detention, incommunicado detention, house arrest, pre-trial detention, disappearance) ⁷⁵, and/or article 10 (inhumane detention conditions)⁷⁶ and/or 7 (torture and cruel, inhuman and degrading treatment, disappearance)⁷⁷ of the Covenant and urged the State to provide effective remedies to those violations. Furthermore, the Committee urged the State to provide the authors and/or the victim with appropriate reparation, including compensation, and to take measures to prevent similar violations in the future.⁷⁸
- 21. The Working Group on Arbitrary Detention issued an opinion in 2005 regarding the case of an individual who was arrested at his home, without a warrant or other court order

being. The Working Group noted that the Government had not offered any convincing argument to refute the allegation that the individual had spent four years in pre-trial detention without any decision as to his guilt. The Working Group concluded that the individual did not receive a fair hearing and that his detention was arbitrary.⁷⁹

- 22. CEDAW and the HR Committee recommended that the State implement measures to prevent all forms of violence against women through education campaigns, and that it introduces measures to provide medical, psychological and legal assistance to victims of violence.⁸⁰
- 23. The Special Rapporteur on violence against women, its causes and consequences noted that the Government has recently criminalized certain forms of sexual harassment, which he considered as a positive first step towards addressing this problem. According to his findings, women still suffer from the legacy of the Black Decade of violence, which has seen systematic and widespread rape, and sexual enslavement of women. ⁸¹
- 24. CRC noted with concern that corporal punishment is widely accepted in society as a form of discipline. The Committee urged Algeria to adopt legislation explicitly prohibiting corporal punishment and to conduct public education campaigns promoting children's right to protection from all forms of violence as well as alternative, participatory, non-violent forms of discipline. 82
- 25. CRC urged the State to ensure that all children who have been directly or indirectly involved in armed conflict are protected, and to provide children involved in and traumatized by armed conflict with adequate assistance and counseling for their rehabilitation, physical and psychological recovery and social reintegration. UNICEF also expressed concern at the impact of violence in the 1990s which has affected children physically as well as mentally. 84
- 26. A 2006 UNFPA report noted that some women along the border are vulnerable to sexual exploitation by smugglers and traffickers. Sexual exploitation by smugglers and traffickers. CRC noted with concern reports of trafficking in children and that Algeria is becoming a place of transit for trafficking between Africa and Western Europe. The Committee recommended that measures be taken, on an urgent basis, to provide a specific legal framework to prevent and protect children from trafficking for sexual and other exploitative purposes and define "trafficking" as a special criminal offence under domestic law.

3. Administration of justice and the rule of law

- 27. Following the announcement, in early 2005, of a referendum on a proposal of general amnesty applicable to individuals responsible for human rights violations committed since 1992, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on independence of judges and lawyers and the Working Group on involuntary or enforced disappearances raised concerns regarding three sets of envisaged measures: (a) the exemption of members of armed groups, of State-armed militias and of security forces from criminal liability, (b) compensation for the families of victims, but alleged absence of recourse to the judiciary and, (c) exemption from criminal liability of the superiors of the State agents who are reportedly responsible for an alleged 6146 cases of disappearances. ⁸⁷
- 28. The HR Committee noted, with concern, that many serious violations of human rights have reportedly been committed with complete impunity, including by public officials, and continue to be committed. It also noted that Algeria has provided few examples of serious

crimes that have been prosecuted and punished, for example in connection with cases of "disappearance". 88

- 29. While noting the work of the ad hoc National Commission on Disappearances and the establishment of offices responsible for recording complaints of disappearance, the HR Committee noted, with concern, that the authorities have not to date undertaken any public, exhaustive and independent assessment of the serious human rights violations perpetrated in Algeria. It also noted with concern the almost total absence of information on the work and results obtained by the ad hoc Commission, whose report has still not been made public. The Committee recommended that the State conducts a comprehensive and independent investigation into all allegations of disappearance, in order to identify, prosecute and punish the culprits and that it undertakes to ensure that disappeared persons and/or their families have an effective remedy. ⁸⁹ The Government replied that it is for the ad hoc Commission to decide on the publication of the report, and stressed that many of its recommendations were addressed by the Charter for Peace and National Reconciliation. ⁹⁰
- 30. In relation to Ordinance No. 60-01 in application of the Charter for Peace and National Reconciliation, the Special Rapporteur on extrajudicial, summary or arbitrary execution and the Working Group on enforced or involuntary disappearances raised three sets of concerns: first, that the ordinance project appeared to provide impunity for crimes committed during the civil war. Secondly, that the ordinance project provides the extinction of judicial proceedings for individuals who presented themselves to the authorities in a large period of time. Third, notwithstanding the positive step towards the provision of compensation, concern was raised that families of victims of enforced disappearances would benefit from compensation in exchange of death certificates, without having the possibility of commencing judicial proceedings. 91 In its response, the Government recalled that its position was based on the will of the sovereign people, resulting from a democratic process. The Government stated that all the victims of the national tragedy would be taken into account. 92 The HR committee expressed similar concerns and recommended that the State ensure that Ordinance No. 60-01 does not impede enjoyment of the right to an effective remedy in conformity with article 2 of the Covenant and that it does not apply to crimes such as torture, murder and abduction. 93 In 2005, the HR Committee member acting as Special Rapporteur on new communications and interim measures requested Algeria not to invoke, against individuals who had submitted or might submit communications to the Committee, the provisions of the draft amnesty law (Projet de Charte pour la Paix et la Réconciliation Nationale). 94 Algeria replied that neither the Ordinance nor the implementing text of the Charter favour impunity or amnesty. 95
- 31. In the framework of the HR Committee's follow-up procedure on individual communications, Algeria has failed to provide information on measures taken to give effect to the Committee's views ⁹⁶ and did not reply to the request for interim measures formulated in some views. ⁹⁷ In its recent concluding observations the HR Committee requested Algeria to take the necessary measures to give effect to the Committee's views, so as to guarantee the right to an effective remedy. ⁹⁸ With regard to the cases referred to the Committee under the Optional Protocol, the Algerian Government informed the Committee that it cooperated with it in good faith in this regard. The Government pointed out that the facts were not always presented or interpreted faithfully by the source, and in some cases were entirely distorted by political considerations. ⁹⁹
- 32. CRC welcomed the revised provisions of the Act on the system of penal institutions and the social reinsertion of detainees, which improve the status of children within the juvenile justice system. However, it noted with deep concern that a child as young as 13

years old can be sentenced to prison from 10 to 20 years. Furthermore, the lack of specialized juvenile judges and systematic training of professionals, the limited capacity and the poor condition of the detention facilities for juveniles, the limited access to the complaint mechanisms while in detention, to recovery and social reintegration services upon release, gave rise to concern. ¹⁰¹

4. Right to Privacy, marriage and family life

- 33. The HR Committee and CRC recommended that Algeria expedite the process of bringing the laws governing the family and personal status into line with the ICCPR and the CRC, particularly with regard to the institution of the *wali* and the rules relating to marriage, divorce and decisions concerning the custody of children. In addition, the HR Committee recommended that the State abolish polygamy. ¹⁰²
 - 5. Freedom of religion and belief, expression, association and peaceful assembly
- 34. The Special Rapporteur on freedom of religion or belief raised concerns regarding an Ordinance adopted as law in April 2006, which fixed the conditions and rules of exercise of religions other than Islam. She reported that this text regulates the location where other religions may be practiced. It also criminalises attempts at converting individuals of the Muslim faith to another religion as well as creating, storing or distributing documents aiming at "ébranler la foi d'un musulman" and preaching in religious buildings without the authorisation of both the religious and national authorities. The Government informed that freedom of conscience was guaranteed by the Constitution and that while the ordinance itself specifies that the State religion is Islam, free exercise of religion is guaranteed insofar as laws and regulations, public order and fundamental rights and freedoms of others are respected. 104
- 35. The Special Rapporteur on Freedom of opinion and expression sent numerous communications regarding alleged limitations brought to freedom of expression, in particular cases of journalists allegedly sentenced, charged or threatened to be charged for defamation of false news of false news of false news to the Head of State of false, or for using the wounds of the national tragedy to harm the institutions, weaken the State, damage the honour of its agents or tarnish the image of the State. Also the Special Representative of the Secretary General on human rights defenders expressed similar concerns. While noting the pardon granted to a number of journalists in July 2006, the HR Committee of noted with concern that many journalists have been and continue to be subjected to pressure and intimidation, or even measures of deprivation of liberty, by the authorities of the State party, and recommended that Algeria guarantee the exercise of freedom of the press and the protection of journalists and that it amend its legislation in order to decriminalize defamation. The Government replied that any restrictions are in line with the Covenant.
- 36. Other communications from special procedures refer to alleged excessive use of force by law enforcement officials in the context of peaceful demonstrations. These cases include the demonstrations held regularly by the Association of families of individuals who have disappeared in the city of Constantine. The Special Rapporteur on torture expressed concern that arrests and excessive force had been used to disperse peaceful demonstrations. 114
- 37. The Special Representative on human rights defenders noted that family members of individuals, including human rights defenders, who have allegedly disappeared during the conflict, had allegedly been harassed and some even assaulted by members of the security forces. Moreover, she remained concerned by the reports of restrictions to freedom of

assembly¹¹⁶, by the 2001 prohibition to demonstrate in the capital city, which according to reports was still in force in December 2005¹¹⁷, and by the provisions of the criminal code, which make gatherings (*attroupement*) punishable.¹¹⁸ The HR Committee expressed similar concerns about human rights defenders and peaceful assembly.¹¹⁹

6. Right to work and to just and favourable conditions of work

38. CRC recommended that the State continue to take effective measures to prohibit the economic exploitation of children, in particular in the informal sector, and to strengthen the labour inspectorate to monitor the extent of child labour. ¹²⁰

7. Right to social security and to an adequate standard of living

- 39. UNICEF informed that the poverty ratio was reduced by half since 2000, and that extreme poverty remains marginal and that its total eradication is possible. ¹²¹ In 2005, the Government presented a report on its progress implementation of the Millennium Development Goals, which indicated that the poverty rate had decreased from 12.1 % in 2000 to 6.8 per cent in 2004. ¹²² A 2006 UNDP report noted the linkages between water and poverty, and mentioned that 85 per cent of the population in 2004 had sustainable access to an improved water source. ¹²³
- 40. CEDAW appreciated the progress achieved in the area of women's health, including the decrease in maternal and infant mortality and the increase in women's life expectancy. While welcoming the adoption, in April 2005, of the *Programme national de périnatalité* 2005-2008 with the aim of reducing newborn and maternal mortality rates by 50 per cent, CRC expresses its grave concern at the high rates of infant and maternal mortality. 125

8. Right to education

UNICEF informed that the high level of enrolment (97 %) is maintained and the projection that universal enrolment will be reached in the very short term, while slightly later for girls. A 2006 UNDP report noted discrepancies throughout the education system, and that while the enrolment rate in pre-school education for girls in Algeria was less than 5 per cent most data show that equality between sexes in higher education has been achieved.

9. Human Rights and Counter Terrorism

42. The Special Rapporteur on the promotion and protection of human rights while countering terrorism noted that the Criminal Code contained an overly broad and general definition of terrorist or subversive acts. This concern was echoed by the HR Committee. ¹²⁸ In addition, he noted that in the case of alleged terrorism-related charges, the period of precharge detention can be up to 12 days and the period of pre-trial detention may be renewed up to five times. ¹²⁹ The Government replied that the definitions were precise, and the prolonged periods of detention were necessary to deal with this type of crime. ¹³⁰

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

43. The HR Committee welcomed the moratorium on the death penalty in effect since 1993, and the fact that the State considers itself to be a "de facto" abolitionist State. ¹³¹

- 44. The Special Rapporteur on Violence against women noted Algeria has distinguished itself by realizing the equal access of boys and girls to all levels of education in little more than one generation. In addition, educated urban women have also achieved impressive levels of representation in key areas of the public sector, especially among judges, medical doctors and teachers. CEDAW noted with satisfaction the increase in women's enrolment in institutions of higher learning and the fact that girls now comprise 57.53 per cent of students in secondary education. 133
- 45. CRC welcomed the fact that all children aged 6 to 16 years are entitled to compulsory and free education without any discrimination. ¹³⁴
- 46. CRC acknowledged that natural catastrophes, such as the floods in 2001 and the earthquake in 2003, have given rise to a growing number of economic and social difficulties. The Committee acknowledges that the State party has experienced an exceptional cycle of political violence, including terrorism. ¹³⁵

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

A. Pledges by the State

47. Algeria submitted on 23 March 2006 its Voluntary Pledge in support of its candidacy to membership of the Human Rights Council. 136

B. Specific recommendations for follow-up

- 48. The HR Committee, in the frame of its follow-up procedure, requested the State to submit information within one year on the follow-up given to the Committee's recommendations related ¹³⁷ to alleged secret detention centres, disappearances, torture and cruel, inhuman or degrading treatment. ¹³⁸
- 49. The Special Rapporteur on freedom of expression drew the attention of the Government to the principle of proportionality of sentences and stated that criminal sanctions, in particular imprisonment for defamation, does not appear to be a correct application of this principle ¹³⁹.

V. CAPACITY BUILDING AND TECHNICAL ASSISTANCE

50. In the UNDAF of 2002-2006 four strategic objectives and possible actions by UN agencies, funds and programmes were identified: (a) Advancement of human development, (b) advancement of economic and governance reforms, (c) protection of the environment and natural resources, (iv) reduction of poverty and improvement of social protection systems. In the UNDAF of 2007-2011, the main domains of cooperation identified by the UNCT in line with the objectives of the Government are the following: (a) human development, (b) environment and sustainable development, (c) governance, and (d) gender, notably the participation of women in general, and rural women in particular, in public, economic and social life. 141

¹ Unless indicated otherwise, the status of ratifications of instruments listed below may be found in Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006, ST/LEG/SER.E.25; complemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs, http://untreaty.un.org/

² International Covenant on the Elimination of All Forms of Racial Discrimination.

³ International Covenant on Economic, Social and Cultural Rights.

⁴ International Covenant on Civil and Political Rights.

⁵ Optional Protocol to the International Covenant on Civil and Political Rights.

⁶ Convention on the Elimination of All Forms of Discrimination Against Women.

⁷ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

⁸ Convention on the Rights of the Child.

⁹ Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

¹⁰ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

¹¹ Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of Death Penalty.

¹² Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

¹³ Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women.

¹⁴ Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in armed conflict.

¹⁵ Convention on the Rights of Persons with Disabilities.

¹⁶ Optional Protocol to the Convention on the Rights of Persons with Disabilities.

¹⁷ International Convention for the Protection of All Persons from Enforced Disappearances.

¹⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

¹⁹ Include Convention relating to the Status of Refugees and its Protocol, the Conventions relating to the status of Stateless Persons and Convention on the Reduction of Statelessness.

²⁰ These Conventions and Protocols are: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; Convention (III) relative to the Treatment of Prisoners of War; Convention (IV) relative to the Protection of Civilian Persons in Time of War; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). Source: Switzerland, Federal department of foreign affairs,

http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

²¹ Protocol III, additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem, adopted on 8 December 2005.

²² International Labour Organization Convention No. 29 Concerning Forced or Compulsory Labour and Convention; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for

Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

- ²³ CEDAW Committee, op.cit., § 163.
- ²⁴ CRC Committee, op.cit., § 85.
- ²⁵ CCPR Committee, Concluding observations, CCPR/C/DZA/CO/3/CRP.1, 1 November 2007, § 16.
- ²⁶ See also comments made by the Government of the People's Democratic Republic of Algeria to the concluding observations of the Human Rights Committee, op.cit, point 6.
- ²⁷ CEDAW Committee, Concluding observations, CEDAW/C/DZA/CC/2, 15 February 2005, § 141 and 142.
- ²⁸ CRC Committee, Concluding observations, CRC/C/15/Add.269, 12 October 2005, § 10 and 11.
- ²⁹ CCPR Committee, op.cit., § 14.
- ³⁰ CCPR Committee, op.cit., § 6.
- ³¹A list of national human rights institutions (NHRIs) with accreditation status granted by the International Coordination Committee of NHRIs (ICC), is included as an annex in the forthcoming report of the Secretary general on national institutions for the promotion and protection of human rights (A/HRC/7/69) and the report of the Secretary general on the process currently utilized by the ICC to accredit NHRIs in compliance with the Paris Principles and ensure that the process is strengthened with appropriate periodic review and on ways and means of enhancing participation of NHRIs in the work of the Human Rights Council (A/HRC/7/70).
- ³² HR Committee, op. cit. § 10.
- ³³ CRC Committee, op.cit., § 5.
- ³⁴ CRC Committee, op.cit., § 16 and 17. UNICEF submission to the UPR, p. 2.
- ³⁵ Special Rapporteur on Violence against women, its causes and consequences, Press release, "UN Special Rapporteur on Violence Against Women Concludes Mission to Algeria", 1 February 2007. UNICEF submission to the UPR, p. 4.
- ³⁶ CRC Committee, op.cit., § 14 and 15.
- ³⁷ Committee on the Elimination of Racial Discrimination.
- ³⁸ Committee on Economic, Social and Cultural Rights.
- ³⁹ Human Rights Committee.
- ⁴⁰ Committee on the Elimination of Discrimination Against Women.
- ⁴¹ Committee against Torture.
- ⁴² Committee on the Rights of the Child.
- ⁴³ Committee on Migrant Workers.
- ⁴⁴ CEDAW Committee, op.cit., § 129 and 130, CRC Committee, op.cit., § 2, and CCPR Committee, op.cit., § 2.
- ⁴⁵ CEDAW Committee, op.cit., § 137 and 138 and CRC Committee, op.cit., § 8 and 9.
- ⁴⁶ Comments by the Government of the People's Democratic Republic of Algeria to the concluding observations of the Human Rights Committee, CCPR/C/DZA/CO/3/Add.1, 7 November 2007
- ⁴⁷ See Special Rapporteur on violence against women concludes visit to Algeria, 1 February 2007.
- ⁴⁸ Report, E/CN.4/2003/66/Add.1.
- ⁴⁹ The questionnaires included in this section are those which have been reflected in a report by a Special Procedure mandate holder.
- ⁵⁰ Special Rapporteur on the right to education (A/HRC/4/29): Questionnaire on the right to education of persons with disabilities Report of the Special Rapporteur on the right to education, the right to education of persons with disabilities sent in 2006)
- Special Rapporteur on the human rights of migrants (A/HRC/4/24): Questionnaire on the human rights of migrants on border control and measures to reduce/address irregular migration; expulsion; conditions for admission/stay; rights of migrants; and the protection of migrants sent on 8 and 9 September 2006

- Special Rapporteur on trafficking in persons, especially in women and children (A/HRC/4/23): Questionnaire on Forced marriages in the context of trafficking in persons, especially women and children Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children sent on 26 July 2006.
- Special Representative on human rights defenders (E/CN.4/2006/95/Add.5): Questionnaire aimed at identifying the main areas of progress and the remaining challenges that need to be addressed in relation to the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms sent in June 2005.
- Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15): Questionnaire on the human rights of indigenous peoples sent in August 2007
- Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67): Joint questionnaire on demand for commercial sexual exploitation and trafficking and demand for sexual services deriving from exploitation sent on 25 and 26 July 2005.
- Special Rapporteur on the right to education (E/CN.4/2006/45): Questionnaire on girl's right to education sent in 2005.
- Working Group on the use of mercenaries as a means of violating human rights (A/61/341): Questionnaire on Mercenaries sent in mid-November 2005.
- -Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31): Questionnaire on the Sale of Children's organs sent on July 2006.
- Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78): Questionnaire on Child pornography on the Internet sent on 30 July 2004.
- Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9): Questionnaire on the Prevention of child sexual exploitation sent on 29 July 2003.
- -Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprise (A/HRC/4/35/Add.3): Questionnaire to identify policies and practices by which states regulate, adjudicate and otherwise influence corporate actions.
- ⁵¹ Questionnaire on the human rights of migrants on border control and measures to reduce/address irregular migration; expulsion; conditions for admission/stay; rights of migrants; and the protection of migrants: Report of the Special Rapporteur on the human rights of migrants, A/HRC/4/24, 14 February 2007. Questionnaire on Forced marriages in the context of trafficking in persons, especially women and children, Report of the Special Rapporteur on trafficking in persons, especially women and children, A/HRC/4/23, 24 January 2007.
- ⁵² CEDAW Committee, op.cit., § 139 and 140.

⁵³ The UNDP Arab Human Development Report 2005, pp. 12 and 139.

⁵⁴ Special Rapporteur on Violence against women, its causes and consequences, Press release, "UN Special Rapporteur on Violence Against Women Concludes Mission to Algeria", 1 February 2007.

⁵⁵ CCPR Committee, op.cit., § 20, CEDAW Committee, op.cit., § 139, 140, 151, 152, 153 and 154.

⁵⁶ See also comments made by the Government of the People's Democratic Republic of Algeria to the concluding observations of the Human Rights Committee, op.cit, point 6.

⁵⁷ CRC Committee, op.cit., § 83 and 84.

⁵⁸ UNHCR submission, p. 1, citing CRC/C/15/Add. 269 para. 73.

⁵⁹ CRC Committee, op.cit., § 72 and 73.

⁶⁰ A/HRC/4/41, para. 68.

⁶¹ A/HRC/4/41, para. 69.

⁶² CCPR Committee, op.cit., § 11.

⁶³ Comments made by the Government of the People's Democratic Republic of Algeria to the concluding observations of the Human Rights Committee, op.cit, point 2.

⁶⁴ CCPR Committee, op.cit., § 12.

⁶⁵ The UNDP Arab Human Development Report 2005, p. 41.

⁶⁶ CRC Committee, op.cit., § 39 and 40 and CCPR Committee, op.cit., § 15.

⁶⁷ See also comments made by the Government of the People's Democratic Republic of Algeria to the concluding observations of the Human Rights Committee, op.cit, point 4.

⁶⁸ E/CN.4/2005/62/Add.1, paras. 9-17, 19, 25, E/CN.4/2004/56/Add.1, para.21, 23, 25.

⁶⁹ A/HRC/4/29, para.1, 3.

⁷⁰ E/CN.4/2005/62/Add.1, para. 18.

⁷¹ E/CN.4/2004/56/Add.1, para. 30

⁷² A/HRC/4/33/Add.1, para. 3, E/CN.4/2004/56/Add.1 para. 26, 31.

⁷³ E/CN.4/2005/62/Add.1 para. 24.

⁷⁴ E/CN.4/2005/62/Add.1 para. 26, 27, E/CN.4/2004/56/Add.1 para. 22, 26, 28.

CCPR Committee, Communication No. 1173/2003, op.cit., § 8.4. Communication No. 1327/2004, op.cit., § 7.5. Communication No. 1439/2005, op.cit., § 7.5 and 7.6. Communication No. 1172/2003, CCPR/C/89/D/1172/2003, 28 March 2007, § 8.3. Communication No. 1328/2004, op.cit., § 7.5. Communication No. 1297/2004, op.cit., § 8.5, § 8.6. Communication No. 992/2001, op.cit., § 9.5, 9.6, 9.7. Communication No. 1085/2002, CCPR/C/86/D/1085/2002, 15 March 2006, § 8.2 8.3 and 8.4. Communication No. 1196/2003, op.cit., § 9.5.

 $^{^{76}}$ The CCPR Committee concluded that article 10 ICCPR had been violated in Communication No. 1173/2003, CCPR/C/90/D/1173/2003, views adopted on 20 July 2007 and No. 1439/2005, CCPR/C/90/D/1439/2005, views adopted on 13 July 2007.

Article 7 ICCPR had been violated in: Communication No. 1439/2005, op.cit, § 7.3 and 7.4. Communication No. 1173/2003, op.cit., views adopted on 26 September 2007. Communication No. 1327/2004, CCPR/C/90/D/1327/2004, 10 July 2007, § 7.6. Communication No. 1328/2004, CCPR/C/90/D/1328/2004, views adopted on 10 July 2007, § 7.6. Communication No. 1297/2004, CCPR/C/87/D/1297/2004, views adopted on 14 July 2006, § 8.4. Communication No. 1196/2003, CCPR/C/86/D/1196/2003, views adopted on 30 March 2006, § 9.6 and 9.7. Communication No. 992/2001, op.cit., § 9.8.

⁷⁸ CCPR Committee, Communication No. 1173/2003, op.cit., §10 and 11, Communication No. 1327/2004, §9 and 10, Communication No. 1439/2005, op.cit., §9 and 10, Communication No. 1328/2004, § 9 and 10, Communication No. 1297/2004, op.cit., § 10 and 11, Communication No. 1196/2003, op.cit., §11 and 12, Communication No. 992/2001, op.cit., § 11 and 12.

⁷⁹ Opinions of the Working Group on Arbitrary Detention, E/CN.4/2005/6/Add.1, page 11.

⁸⁰ CCPR Committee, op.cit., § 21 and CEDAW Committee, op.cit., § 149 and 150.

⁸¹ Special Rapporteur on Violence against women, its causes and consequences, Press release, "UN Special Rapporteur on Violence Against Women Concludes Mission to Algeria", 1 February 2007.

⁸² CRC Committee, op.cit., § 41 and 42.

⁸³ CRC Committee, op.cit., § 70 and 71.

⁸⁴ UNICEF submission to the UPR, p. 2.

⁸⁵ The UNFPA State of the World Population 2006, p. 32.

⁸⁶ CRC Committee, op.cit., § 78 and 79.

⁸⁷ Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.1, pages 25-26. These concerns were reiterated in a Press Release issued on 19 September 2005 by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Working Group on involuntary or enforced disappearances.

⁸⁸ CCPR Committee, op.cit., § 7.

⁸⁹ CCPR Committee, op.cit., § 12.

 $^{^{90}}$ Comments made by the Government of the People's Democratic Republic of Algeria to the concluding observations of the Human Rights Committee, op.cit, point 3.

⁹¹ Special Rapporteur on extrajudicial, summary or arbitrary executions, A/HRC/4/20/Add.1, pages 28-30. This concern was echoed by the Special Rapporteur on the Promotion and protection of human rights while countering terrorism Special Rapporteur on the promotion and protection of human rights while countering terrorism, A/HRC/4/26/Add.1, para. 8.

⁹² A/HRC/4/41, para. 56.

⁹³ CCPR Committee, op. cit., § 7.

⁹⁴ CCPR Communication No. 1196/2003, op.cit., §1.2, Communication No. 1327/2004, op.cit., §1.3 and Communication No. 1328/2004, op.cit., §1.3. See also CCPR/C/DZA/CO/3, para.7

⁹⁵ Comments made by the Government of the People's Democratic Republic of Algeria to the concluding observations of the Human Rights Committee, op.cit, point 1.

⁹⁶ Follow-up of the HR Committee on individual communications under the optional protocol to the International Covenant on Civil and Political Rights, A/61/40, vol.I (2006), chap.VI (for communication No. 1196/2003); and A/62/40, vol.I (2007), chap.VI (for communications 1327/2004 and 1328/2004).

⁹⁷ Interim measures have been requested in cases no. 1196/2003, 1327/2004 and 1328/2004.

⁹⁸ CCPR Committee, op. cit., § 9.

⁹⁹ Comments made by the Government of the People's Democratic Republic of Algeria to the concluding observations of the Human Rights Committee, op.cit, point 7.

¹⁰⁰ CRC Committee, op.cit., §3.

¹⁰¹ CRC Committee, op.cit., § 80 and 81.

¹⁰² CRC Committee, op.cit., §3, 43 and 44 and CCPR Committee, op.cit., § 3 and 20.

¹⁰³ Special Rapporteur on freedom of religion or belief, A/HRC/4/21/Add.1, paras 10-12.

¹⁰⁴ A/HRC/4/21/Add.1, paras. 13-15.

¹⁰⁵ Special Rapporteur on freedom of expression and opinion, A/HRC/4/27/Add.1, para. 12, 13, E/CN.4/2006/55/Add.1, para. 11, E/CN.4/2005/64/Add.1, para. 13, 19, E/CN.4/2004/62/Add.1, para. 14, 15.

¹⁰⁶ A/HRC/4/27/Add.1, para.18.

¹⁰⁷ E/CN.4/2006/55/Add.1, para. 10, E/CN.4/2004/62/Add.1, para. 16.

¹⁰⁸ A/HRC/4/27/Add.1, para. 14.

¹⁰⁹ Special Representative of the Secretary General on human rights defenders, E/CN.4/2006/95/Add.5, para. 55.

¹¹⁰ Comments made by the Government of the People's Democratic Republic of Algeria to the concluding observations of the Human Rights Committee, op.cit, point 5.

¹¹¹ CCPR Committee, op.cit., § 24.

¹¹² Comments made by the Government of the People's Democratic Republic of Algeria to the concluding observations of the Human Rights Committee, op.cit, point 5.

¹¹³ E/CN.4/2006/6/Add.1, para. 2, E/CN.4/2005/62/Add.1 para. 20, E/CN.4/2004/56/Add.1 para. 20.

¹¹⁴ E/CN.4/2005/62/Add.1, para 22.

¹¹⁵ E/CN.4/2006/95/Add.5, para. 53.

¹¹⁶ E/CN.4/2006/95/Add.5, para. 54.

¹¹⁷ E/CN.4/2006/95/Add.5, para. 54.

¹¹⁸ E/CN.4/2005/101/Add.1, para. 20.

¹¹⁹ CCPR Committee, op.cit., § 25. See also comments made by the Government of the People's Democratic Republic of Algeria to the concluding observations of the Human Rights Committee, op.cit, point 5.

¹²⁰ CRC Committee, op.cit., § 74 and 75.

¹²¹ UNICEF submission to the UPR, p. 3.

¹²² See Algeria 2005 MDG Report, accessible at http://www.undg.org/archive_docs/6564-Algeria_Rapport_National_sur_les_Objectifs_du_Mill_naire_pour_le_D_veloppement.pdf.

¹²³ UNDP Human Development Report 2006, New York, 2006, pp. 145 and 306.

¹²⁴ CEDAW Committee, op.cit., § 131, CRC Committee, op.cit., § 56 and 57.

¹²⁵ CRC Committee, op.cit., § 56 and 57.

¹²⁶ UNICEF submission to the UPR, p. 4.

¹²⁷ The UNDP Arab Human Development Report 2005, New York, 2006, pp. 74 and 78.

¹²⁸ HR Committee, op. cit. § 17.

¹²⁹ A/HRC/4/26/Add.1, para. 8.

¹³⁰ A/HRC/4/26/Add.1, para. 10.

¹³¹ CCPR Committee, op.cit., § 5.

¹³² Special Rapporteur on Violence against women, its causes and consequences, Press release, "UN Special Rapporteur on Violence Against Women Concludes Mission to Algeria", 1 February 2007.

¹³³ CEDAW Committee, op.cit., § 132. The CRC Committee also noted with appreciation the increasing rate of enrolment in secondary education, CRC Committee, op.cit., § 64.

¹³⁴ CRC Committee, op.cit., § 62.

¹³⁵ CRC Committee, op.cit., § 6 and 7.

¹³⁶ See http://www.un.org/ga/60/elect/hrc/algeria.pdf.

¹³⁷ The CCPR Committee referred to its recommendations mentioned in § 11, 12 and 15.

¹³⁸ CCPR Committee, op.cit., § 28.

¹³⁹ E/CN.4/2006/55/Add.1, para. 17, E/CN.4/2004/62/Add.1, para. 17.

¹⁴⁰ See UNDAF in Algeria, 2002-2006, May 2002, accessible at http://www.undg.org/archive_docs/1553-Algeria_UNDAF__2002-2006__-_Algeria_2002-2006.pdf.

¹⁴¹ See UNDAF in Algeria, 2007-2011, June 2006, accessible at http://www.undg.org/archive_docs/8523-Algeria_UNDAF.pdf. The UN agencies, funds and programmes which signed this UNDAF were: UNDP, UNFPA, UNICEF, WFP, FAO, ILO, WHO, UNIDO, UNAIDS, UNHCR.